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Friday
March 18, 1983

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Federal Deposit Insurance Corporation

Air Pollution Control
Environmental Protection Agency

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

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Internal Revenue Service

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Justice Department

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Housing and Urban Development Department

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Mine Safety and Health Administration

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Appeals Arbitration

AGENCY: Merit Systems Protection Board.

ACTION: Interim rules; request for comments.

SUMMARY: The Merit Systems Protection Board is adopting a new appeals arbitration procedure for resolving matters subject to the appellate jurisdiction of the Board. It is being conducted on a pilot basis in four regional offices (San Francisco, Chicago, Seattle and Denver) and will be carefully evaluated in approximately one year to determine if it should be extended. The functions of the new rules are to provide an alternative procedure that will offer employees and agencies a faster, less costly means of resolving routine actions while also affording an impartial forum. The appellant may request that his or her petition be processed under appeals arbitration. The agency will be given the opportunity to concur in or decline the use of appeals arbitration. However, the Regional Director or designee retains final authority to grant or deny the request to use appeals arbitration. If granted, the regional director will appoint an arbitrator on a rotating basis from a panel of presiding officials who are designated for the new procedures; these officials will receive special training. The procedure will be informal with no discovery and will not be precedential. Settlement will be explored by the arbitrator with the parties. A decision will be issued within 30 days from the due date or receipt of the parties' joint arbitration record, whichever is earlier. The arbitrator's award will include a summary of the issues presented, findings of fact and conclusions of law, and decision on the merits. The award is final except a limited right is provided to petition the Board for review for demonstrated harmful procedural irregularity in the proceeding or a clear error of law. The board will issue a final decision within 15 days after the close of the published briefing schedule.

EFFECTIVE DATE: March 18, 1983.

ADDRESS: Comments should be submitted on or before July 1, 1983 to: Paul E. Trayers, Labor Counsel, Office of the General Counsel, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: Paul E. Trayers, Labor Counsel, (202) 653-7171.

SUPPLEMENTARY INFORMATION:

Background

The Civil Service Reform Act of 1978 authorized the Board to establish regulations for the purpose of adjudicating employee appeals. The legislative history of the Act discloses Congress' major interest in expediting the resolution of personnel actions subject to the Board's appellate jurisdiction. Illustrative of this is commentary which urges the Board to develop efficient and effective alternative methods for resolving appealable matters by adoption of "suitable forms of conciliation, mediation, arbitration, and other methods mutually agreeable to the parties." (S. Rep. No. 969, 95th Cong. 2d Sess., 61 (1978)).

In accordance with 5 U.S.C. 7701(j), the Merit Systems Protection Board is establishing an appeals arbitration procedure as an alternative to the more formalized procedure now governing appeals before the Board. The Board's basic objectives are to establish a simplified system which will provide the parties with a faster, less costly process to resolve routine, non-precedential actions, and to preserve an impartial forum with full concern for fairness to the parties and the public.

In formulating the appeals arbitration procedure, the Board sought a system which will achieve the following goals:

—It will encourage the informal resolution of disputes in the proceeding, including settlement by agreement between the parties.

—It will cover as many kinds of appealable matters as are feasible for resolution through the more informal process.

—It will improve the timeliness and cost-effectiveness of the process leading to the resolution of disputed personnel actions.

—It will exclude sensitive cases requiring more intense adjudicative proceedings, based on the nature, gravity and complexity of the issues involved.

—It will preserve the parties' rights to limited Board review of major procedural and legal errors in the arbitration award.

After broad consultation and advice, the Board designed the procedures described below and detailed in the accompanying regulations to achieve these goals. The procedures are based on the arbitration process that is used in the private sector and increasingly in the public sector to resolve disputes. While the procedures are not exactly the same as other forms of arbitration, the essential elements are adapted for the administrative setting in which they will operate. Thus, the procedures draw from several aspects of administrative practice as well as traditional arbitration concepts to provide a practical alternative in the resolution of routine appeals.

Appeals Arbitration Procedure

By offering the benefits of reduced costs and an expedited time for the resolution of an appeal, the appeals arbitration procedure should present an attractive alternative to both appellants and agency management. As a primary characteristic, its goal will be the issuance of an arbitration award within 60 days from the appellant's election of appeals arbitration. The program is being conducted on a pilot basis in the San Francisco, Chicago, Denver and Seattle regional offices. The experience under the new procedure will be carefully evaluated during the year to determine whether it should be modified, terminated, or extended to other regions.

Filing requirements with respect to timeliness and content of the appeal are

the same as those provided by § 1201.22(b) of the Board's appellate regulations. In addition, the filing will include a statement by the appellant or representative specifically requesting that the matter be processed under appeals arbitration. The appeal and election will be filed with the appropriate regional office of the Merit Systems Protection Board. The appellant may, however, elect to use the appeals arbitration procedure anytime within 10 days of the date of the Board's order of acknowledgement.

The agency will have 15 days from the date of Board's order of acknowledgement to file its designation of representative and consent form or decline to utilize the appeals arbitration procedures. Included in the consent form will be a summary of the facts and legal issues. Following receipt of the designation of representative form, the regional director will then decide whether to accede to the request to use the appeals arbitration procedure. While the parties' request will be given great weight, factors influencing the decision are whether it appears likely that discovery will be needed for a fair resolution of the appeal, whether the petition presents novel questions of law, whether the issues are overly complex or whether the region's caseload and staffing prohibit further processing of cases under the expedited arbitration system. The regional director or his designee may at any time prior to the issuance of the arbitration award convert the appeal to the formal MSPB appeal process.

If the agency consents to use appeals arbitration, the parties will jointly prepare the arbitration record including, but not limited to, statements of issues, statements of positions with respect to those issues limited to three pages, requests for hearing, witness lists, the agency file required by § 1201.25 and two dates mutually agreed upon for the hearing. This record will be filed with the regional office within 30 days from the date of the Board's order of acknowledgement.

If the case is accepted for the appeals arbitration procedure, specially trained presiding officials from the Regional Office will be selected on a rotating basis. The hearing, if requested by the appellant, will be held at the employment site and be scheduled within a 15-day period following expiration of the time limit for the filing of the joint arbitration record; otherwise the record will close on a date specified by the arbitrator. In any event, the record will close within 15 days from expiration of the time limit for the filing of the Joint Arbitration Record.

The Director of the Office of Personnel Management and the Special Counsel may intervene as a matter of right in those appeals that meet the criteria of 5 U.S.C. 7701(d) and 1206(i), respectively.

Although formal rules of procedure may be used as a guide, formal rules as to admissibility of evidence, motions, filings of briefs, etc., will not apply to appeals arbitration. Rules of procedure are to be liberally construed to promote the ultimate goal of an expedited final resolution of the appeal with full disclosure of pertinent information by both parties in the presentation of their respective sides of the appealed action. While the burden of proof will remain with the agency, determinations as to relevance, reliability, and fairness shall be the primary consideration for admission of evidence. While discovery is not available under this procedure, the parties have the duty to include all known relevant materials with their submissions. Every Federal agency is obligated to make its employees available on official duty status to furnish sworn statements or to appear as witnesses when requested to do so. The arbitrator may request the production of additional information or witnesses if he or she has a reasonable basis to believe it will aid in the resolution of the matter. In the event a party fails to cooperate, the arbitrator may impose appropriate sanctions.

Appeals arbitration is intended to foster an environment conducive to the informal settlement of disputes prior to the issuance of an arbitrator's award. The arbitrator is authorized and expected to explore the possibility of a settlement agreement at any time up to the actual hearing. If a hearing is conducted, it will be informal in nature.

If a settlement agreement has been achieved, the parties may enter such agreement into the arbitration record, which will stand as the authoritative and binding resolution of the appeal. The Board will retain jurisdiction to ensure compliance. If the parties choose not to enter the settlement into the record, the Board does not have jurisdiction to enforce the settlement. The arbitrator will issue an order dismissing the appeal with prejudice when settlement occurs. If settlement is not achieved, the arbitrator will adjudicate the appeal and issue a final decision that summarizes the basic issues, findings of fact and conclusions of law, and upholds, sets aside, or modifies the appealed action. These decisions will be based on authoritative legal precedents, including Board decisions, but will not be precedential in and of themselves and, therefore, may not be cited as authority in subsequent cases.

The decision of the arbitrator is subject to limited review by the Board. The standards of review are demonstrated harmful procedural irregularity in the proceedings before the arbitrator or a clear error of law. Any party to the proceeding may file a petition for review under these standards. The petition for review must be filed and received by the Board within 35 days of the arbitrator's award and a supporting brief limited to no more than 15 pages must accompany the petition. Opposition briefs of no more than 10 pages may be filed within 15 days of the Board's forwarding of the petition for review. The Board will issue a final decision 15 days from the close of the briefing schedule.

The appellant retains the right of filing an appeal from the Board's decision in the Court of Appeals for the Federal Circuit.

The Board has found that good cause exists for publication of these regulations for interim effect in view of the public interest served by the immediate availability of an alternative appeals arbitration procedure. The Board invites public comments on these regulations through July 1, 1983.

Regulatory Flexibility Act

The Chairman, Merit Systems Protection Board, certifies that the Board is not required to prepare initial or final regulatory analysis of this proposed rule, pursuant to section 603 or 604 of the Regulatory Flexibility Act, because of his determination that this rule would not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

List of Subjects in 5 CFR Part 1201

Government employees.

Accordingly, the Merit Systems Protection Board proposes to amend 5 CFR Part 1201 as follows:

Subpart B—[Amended]

Petitions for Review of Agency Action. Pleadings

1. Section 1201.21 is amended by adding paragraph (e) to read as follows:

§ 1201.21 Notice of Appeal rights.

* * * * *

(e) In regions offering the use of appeals arbitration, notice of the

opportunity to request such procedure set forth at § 1201.200 *et seq.*, including a description of the procedure.

2. Section 1201.24 is amended by adding paragraph (a)(10), and revising (b) and (c) to read as follows:

§ 1201.24 Content of petition for appeal, right to hearing.

(a) * * *

* * * * *

(10) A request that the matter be processed under the appeals arbitration procedure set forth at § 1201.200 *et seq.*, if such procedure is available.

(b) *Use of the form.* Completion of the form in Appendix I shall constitute compliance with paragraph (a) of this section and § 1201.31 if a representative is designated in the form. In regions allowing the use of appeals arbitration, the amended form in Appendix I–A containing an entry for the election of voluntary arbitration and an explanation thereof will be used.

(c) *Right to hearing.* Under 5 U.S.C. 7701, an appellant has a right to a hearing. Alternatively, the appellant may choose to have the determination based on the record. If the parties choose to utilize appeals arbitration, the procedures for a hearing shall be in accordance with § 1201.205.

3. In § 1201.25, paragraphs (a)(6) and (7) are revised to read as follows:

§ 1201.25 Content of agency response, request for hearing.

(a) * * *

* * * * *

(6) A declination by the agency, if appeals arbitration has been requested by the appellant and the agency declines to use the process;

(7) Designation of and signature by the authorized agency representative.

* * * * *

4. 5 CFR Part 1201 is amended by adding Subpart G, to read as follows:

Subpart G—Appeals Arbitration

General

Sec.
1201.200 Scope and policy.

Election of and Filing for Appeals Arbitration

1201.201 Election of appeals arbitration.
1201.202 Filing of request for appeals arbitration; contents; time limits.
1201.203 Procedures for cases involving allegations of discrimination.

Arbitrator and Hearing

1201.204 Selection and authority of arbitrator.
1201.205 Hearing.

Parties and Witnesses

1201.206 Witnesses.
1201.207 Intervenors.

Evidence

Sec.
1201.208 Service of documents.
1201.209 Admissibility.
1201.210 Production of evidence or witnesses by request of arbitrator.
1201.211 Stipulations.
1201.212 Official notice.

Sanctions

1201.213 Sanctions.

Hearing Procedure; Settlement; Arbitration Award

1201.214 Burden of proof.
1201.215 Closing the record.
1201.216 Settlement.
1201.217 Arbitration award.

Petitions for Review

1201.218 Petitions for review.
1201.219 Standard of review.
1201.220 Final decision.
1201.221 Judicial review.

Authority: 5 U.S.C. 7701(j).

Subpart G—Appeals Arbitration

§ 1201.200 Scope and policy.

(a) The rules in this subpart apply to appeals arbitration procedures of the Board. It is the objective of the Board to establish a simplified alternative dispute resolution procedure which will provide employees and agencies with a faster, less costly process than Subpart B procedures to resolve appealed actions, while also assuring an impartial third-party forum with full concern for fairness and the rights of all parties.

(b) This pilot program will be conducted for one year and be available in four regional offices—San Francisco, Chicago, Denver and Seattle.

Election of and Filing for Appeals Arbitration

§ 1201.201 Election of appeals arbitration.

(a) The appellant may request appeals arbitration at the time of filing a petition for appeal. In the event the appellant has not elected appeals arbitration at the time of filing, appellant will be allowed 10 days from the date of the Board's order of acknowledgement to elect appeals arbitration. Such election must be in writing. The date of filing shall be determined by the date of mailing indicated by the postmark date.

(b) Notice of election of appeals arbitration will be served on the agency in the Board's order of acknowledgement. Within 15 days from the date of the Board's order, the agency will file either a consent to use the appeals arbitration process and a designation of representative form or a declination to use appeals arbitration. Included in the consent will be a summary of facts and legal issues raised in the appeal. In the event the agency declines to use appeals arbitration, it must timely file its response to the petition for appeal in accordance with § 1201.25 and note its declination of the process.

(c) The regional director or designee of the MSPB office having jurisdiction over the appeal retains final discretion to process the case under appeals arbitration or the formal MSPB procedure. Such decision will be made after receipt of the agency's consent and summary of the case. The regional director or designee also retains the right to convert the case to adjudication under Subpart B procedures in the event circumstances warrant, such as whenever it appears that discovery is required, novel questions of law are raised at the hearing or in briefs, or issues arise that do not lend themselves to resolution in appeals arbitration.

§ 1201.202 Filing of request for appeals arbitration; contents; time limits.

(a) The filing, time limits and content requirements of the petition for appeal processed under this subpart shall comply with the provisions of §§ 1201.22–1201.26 of Subpart B, unless these regulations expressly provide otherwise.

(b) Within 15 days from the date of the Board's order of acknowledgement, the agency will file a designation of representative and consent form, including a summary of facts and legal issues raised in the case or decline to use the process.

(c) Within 30 days from the date of the Board's order of acknowledgement, the parties will file a Joint Arbitration Record including, but not limited to:

(1) Statements of issues;

(2) Statements of position with respect to those issues limited to three pages;

(3) Request for hearing;

(4) Witness lists;

(5) The agency file required by § 1201.25; and

(6) Two dates, mutually agreed upon by the parties for the hearing, no later than 15 days beyond the day the Joint Arbitration Record is to be received by the Regional Office.

§ 1201.203 Procedures for cases involving allegations of discrimination.

The provisions for the processing of cases involving discrimination are not abridged by the use of the appeals arbitration procedure. Section 1201.152, however, does not apply to the adjudication of cases involving allegations of discrimination if they are processed under appeals arbitration.

Arbitrator and Hearing

§ 1201.204 Selection and authority of arbitrator.

(a) The regional director will appoint the arbitrator on a rotating basis, taking due account of scheduling difficulties, workload requirements or conflicts of interest.

(b) The arbitrator shall have the authority to rule on parties' procedural requests. However, the arbitrator shall issue the award no later than 30 days from the date the Joint Arbitration Record is received by the Board.

(c) The arbitrator shall have the authority to take all necessary action to avoid delay in the disposition of the proceeding and to conduct a fair and impartial hearing including the authority to regulate the hearing, maintain decorum and exclude from the hearing any disruptive person.

(d) Unless these regulations expressly provide otherwise, the arbitrator will follow the regulations under 5 CFR Part 1201, Subpart B.

§ 1201.205 Hearing.

(a) Either party may request a hearing. The arbitrator will determine in accordance with § 1201.24(c) and § 1201.25(b) whether a hearing is appropriate. The hearing will be scheduled within 15 days following the due date or receipt of the Joint Arbitration Record, whichever is earlier.

(b) The hearing will be informal. Election of appeals arbitration constitutes a waiver by the parties of a verbatim record.

(c) The hearing will be held at the employment site.

Parties and Witnesses

§ 1201.206 Witnesses.

(a) Every Federal agency will make its employees available to furnish sworn statements or to appear as witnesses at the hearing when requested by the arbitrator. Witnesses are on official duty status when providing such statements or testimony.

(b) The parties will exchange witness lists within the 30 day time limit for preparation of the Joint Arbitration Record. The parties will accompany each request with a statement of the anticipated testimony of the witness.

(c) Parties may object by oral motion at the hearing regarding the relevancy or availability of witnesses. However, the parties are requested to make every reasonable effort to make witnesses available. The arbitrator will rule on the objections at the hearing.

§ 1201.207 Intervenors.

(a) The Director of the Office of Personnel Management may intervene as a matter of right pursuant to 5 U.S.C. 7701(d)(1). Such intervention shall be made at the earliest practicable time.

(b) The Special Counsel may intervene as a matter of right pursuant to 5 U.S.C. 1206(i). Such intervention shall be made at the earliest practicable time.

Evidence

§ 1201.208 Service of documents.

Any documents submitted to the arbitrator shall be served upon all parties to the proceeding.

§ 1201.209 Admissibility.

Formal rules as to admissibility of evidence will not be applied although they will be used as guidance for the conduct of the proceeding. Rules of procedure shall be liberally construed to facilitate full and frank disclosure by both parties. Parties have the duty of including all known relevant materials in their submissions.

§ 1201.210 Production of evidence or witnesses by request of arbitrator.

The arbitrator may request the production of information or witnesses if he or she has a reasonable basis to believe that it will be germane to the case.

§ 1201.211 Stipulations.

The parties may stipulate to any matter of fact.

§ 1201.212 Official notice.

The arbitrator, on his or her own motion or on motion of a party, may take official notice of matters of common knowledge or matters that can be verified. Official notice taken of any fact satisfies a party's burden of proving the fact noticed.

Sanctions

§ 1201.213 Sanctions.

The arbitrator may impose sanctions upon the parties as necessary to serve the ends of justice, including but not limited to the instances set forth in paragraphs (a), (b), and (c) of this section.

(a) *Failure to comply with a request.* If a party fails to comply with an arbitrator's request for information or witnesses within the party's control which the arbitrator believes to be necessary to resolve the issues, or a party fails to cooperate or act in good faith, the arbitrator may:

(1) Draw an inference in favor of the requesting party with regard to the information sought;

(2) Prohibit the party failing to comply with such request from introducing evidence concerning or otherwise relying upon testimony relating to the information sought;

(3) Permit the requesting party to introduce secondary evidence concerning the information sought; or

(4) Strike any part of the submissions of the party failing to comply with such request dealing with the subject matter of the request.

(b) *Failure to prosecute or defend.* If a party fails to prosecute or defend an appeal, the arbitrator may dismiss the action with prejudice or rule for the appellant.

(c) *Failure to make timely filing.* The arbitrator may refuse to consider any information which is not filed in a timely fashion in compliance with this subpart or with the arbitrator's request.

Hearing Procedure; Settlement; Arbitration Award

§ 1201.214 Burden of Proof.

Section 1201.56 of Subpart B applies.

§ 1201.215 Closing the record.

(a) When a hearing is convened, the record will close at the conclusion of the hearing unless otherwise specified by the arbitrator.

(b) When a hearing is not convened, the record will close on the date set by the arbitrator as the final date for the receipt of submissions of the parties.

(c) In any event, the record will be closed no later than 15 days from the due date of the joint arbitration record.

(d) Once the record is closed, no additional evidence or argument will be accepted unless, in the arbitrator's discretion, he or she determines that the party seeking such admission has shown that new and material evidence has become available which was not readily available prior to the closing of the record.

§ 1201.216 Settlement.

(a) *Settlement discussion.* Informal settlement of the dispute will be explored by the arbitrator with the parties prior to the arbitration hearing or, if no hearing is requested, within 15 days after the filing of the Joint Arbitration Record. Prohibitions against ex parte communications during settlement discussions will be waived by the parties. If the matter cannot be settled informally the arbitrator will proceed with the hearing if one has been requested. At any time until the issuance of an arbitration award the parties may enter into a settlement agreement.

(b) *Agreement.* If the parties agree to resolve the dispute without an arbitration award, the settlement agreement will be the final and binding resolution of the appeal and the arbitrator will dismiss the appeal with prejudice.

(1) The terms of the settlement agreement may be recorded by the arbitrator, signed by both parties and made a part of the arbitration record, in which case the Board will retain jurisdiction to ensure compliance with the settlement agreement;

(2) If the agreement is not entered into the arbitration record, the Board will not retain jurisdiction to ensure compliance.

§ 1201.217 Arbitration award.

If settlement is not reached, the arbitrator will adjudicate the appeal and issue a written decision within 15 days after the record is closed. The award is binding on the parties. The decision will include a summary of the basic issues, findings of fact and conclusions of law, a holding affirming, reversing or modifying the appealed action and order appropriate relief.

Appeals arbitration decisions are not precedential.

The award will become final after 35 days if no petition for review is filed.

Petitions for review

§ 1201.218 Petitions for review.

(a) Any party may file a petition for review with the Board of the arbitrator's award.

(b) Petitions for review must be filed within 35 days from the date of the arbitration award. Supportive briefs must accompany the petitions for review and be limited to 15 pages. Opposition briefs must be received by the Board within 15 days from the date of the Board's forwarding of a copy of the petition for review to the opposing party and be limited to 10 pages.

§ 1201.219 Standard of review.

The Board will grant a petition for review which establishes:

(a) Demonstrated harmful procedural irregularity in the proceedings before the arbitrator, or

(b) Clear error of law.

§ 1201.220 Final Decision.

The Board will issue a final decision no later than 15 days from the close of the respondent's filing deadline.

§ 1201.221 Judicial review.

Any employee or applicant for employment adversely affected by a final order or decision of the Board may obtain judicial review under the provisions of 5 U.S.C. 7703.

Dated: March 10, 1983.

For the Board.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 83-6973 Filed 3-17-83; 8:45 am]

BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Parts 1b and 1c

National Environmental Policy Act (NEPA) Policies and Procedures

AGENCY: Agriculture Department.

ACTION: Final rule.

SUMMARY: This rule prescribes the Department of Agriculture (USDA) policies and procedures for compliance with the National Environmental Policy Act (NEPA), as amended, and the Council on Environmental Quality (CEQ) implementing regulations (40 CFR Parts 1500–1508). It has been determined that effective NEPA implementation can best be achieved by reliance on individual USDA agency NEPA regulations for detailed implementation procedures. It has been further determined that a Departmental statement of policy regarding NEPA is an effective means of assisting agency implementation. This regulation sets forth this policy.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Peter F. Smith, Executive Secretary of the Environmental Issues Working Group, Room 6154 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447–5166.

SUPPLEMENTARY INFORMATION: On September 27, 1982, (47 FR 42364) the USDA proposed rules setting forth policies and procedures for compliance with NEPA and the CEQ implementing regulations (40 CFR Parts 1500–1508). This action constitutes final rulemaking stemming from that proposed rule. The final rule provides a USDA policy statement regarding NEPA and environmental matters, including responsibilities for environmental effects abroad; a list of USDA actions categorically excluded from the preparation of environmental assessments and environmental impact statements; and a list of USDA agencies which have been excluded from the requirements to prepare implementing procedures.

The final rule repeals and replaces the previous regulation, eliminating certain procedural requirements which were formerly performed by the Office of Environmental Quality.

This final rule has been reviewed under procedures established in Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified as nonmajor. The rule will not have—

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

(b) Any increased costs or prices to consumers; individual industries; Federal, State, or local government agencies; or geographic regions; or

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

This action will not have a significant economic impact on a substantial number of small entities because it imposes no direct or indirect costs on small entities, it requires no paperwork or recordkeeping, it does not affect the competitive position of small entities in relation to large entities, it does not affect the cash flow or liquidity of small entities, it does not affect the ability of a small entity to stay in the market, and it does not require that small entities obtain professional assistance to meet regulatory requirements.

During the 60-day comment period, one comment was received; and it was considered in developing the final rule. The principal point raised in the comment was the suggestion that a distinction be made between compliance policies for NEPA and Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions." This comment has been incorporated by establishing a new subsection to discuss separate policies for Executive Order 12114 compliance.

List of Subjects in 7 CFR Parts 1b and 1c

Environmental policy statements, Historic preservation, Foreign relations.

Accordingly, Title 7 of the Code of Federal Regulations, is amended as follows:

1. A new Part 1b, Subtitle A, is added to read as follows:

PART 1b—NATIONAL ENVIRONMENTAL POLICY ACT

Sec.

1b.1 Purpose.
1b.2 Policy.
1b.3 Categorical exclusions.
1b.4 Exclusion of agencies.

Authority. National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321 et seq.; E.O. 11514, 34 FR 4247, as amended by

E.O. 11991, 42 FR 26927; E.O. 12114, 44 FR 1957; 5 U.S.C. 301; 40 CFR 1507.3.

§ 1b.1 Purpose.

(a) This subpart supplements the regulations for implementation of the National Environmental Policy Act (NEPA), for which regulations were published by the Council of Environmental Quality (CEQ) in 40 CFR Parts 1500 through 1508. The subpart incorporates and adopts those regulations.

(b) This subpart sets forth Departmental policy concerning NEPA, establishes categorical exclusions of actions carried out by the Department and its agencies, and sets forth those USDA agencies which are excluded from the requirement to prepare procedures implementing NEPA.

§ 1b.2 Policy.

(a) USDA agencies carry out programs for the purpose of encouraging sufficient and efficient production of food, fiber, and forest products; proper management and conservation of the Nation's natural resources; and the protection of consumers through inspection services. Programs to meet this mission are carried out through research; education; technical and financial assistance to landowners and operators, producers, and consumers; and management of the National Forest System.

(b) All policies and programs of the various USDA agencies shall be planned, developed, and implemented so as to achieve the goals and to follow the procedures declared by NEPA in order to assure responsible stewardship of the environment for present and future generations.

(c) Each USDA agency is responsible for compliance with the provisions of this subpart, the regulations of CEQ, and the provisions of NEPA. Compliance will include the preparation and implementation of specific procedures and processes relating to the programs and activities of the individual agency, as necessary.

(d) The Assistant Secretary, Natural Resources and Environment (NR&E), is responsible for ensuring that agency implementing procedures are consistent with CEQ's NEPA regulations and for coordinating NEPA compliance for the Department (7 CFR 2.19(b)). The Assistant Secretary, through the USDA Natural Resources and Environment Committee, will develop the necessary processes to be used by the Office of the Secretary in reviewing, implementing, and planning its NEPA activities, determinations, and policies.

(e) In connection with the policies and requirements set forth in this subpart, all USDA agencies are responsible for compliance with Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions." Compliance will include the preparation and implementation of specific procedures and processes relative to the programs and activities of the individual agencies, as necessary. Agencies shall consult with the Department of State; the Council on Environmental Quality; and the Assistant Secretary, NR&E, prior to placing procedures and processes in effect.

§ 1b.3 Categorical exclusions.

(a) The following are categories of activities which have been determined not to have a significant individual or cumulative effect on the human environment and are excluded from the preparation of environmental assessment (EA's) or environmental impact statement (EIS's), unless individual agency procedures prescribed otherwise.

(1) Policy development, planning and implementation which relate to routine activities, such as personnel, organizational changes, or similar administrative functions;

(2) Activities which deal solely with the funding of programs, such as program budget proposals, disbursements, and transfer or reprogramming of funds;

(3) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;

(4) Educational and informational programs and activities;

(5) Civil and criminal law enforcement and investigative activities;

(6) Activities which are advisory and consultative to other agencies and public and private entities, such as legal counselling and representation;

(7) Activities related to trade representation and market development activities abroad.

(b) Agencies will identify in their own procedures the activities which normally would not require an environmental assessment or environmental impact statement.

(c) Notwithstanding the exclusions listed above and in 1b.4, or identified in agency procedures, agency heads may determine that circumstances dictate the need for preparation of an EA or EIS for a particular action. Agencies shall continue to scrutinize their activities to determine continued eligibility for categorical exclusion.

§ 1b.4 Exclusions of agencies.

(a) The USDA agencies listed below carry out programs and activities which have been found to have no individual or cumulative effect on the human environment. These agencies are excluded from the requirements to prepare implementing procedures. Actions of these agencies are categorically excluded from the preparation of an EA or EIS unless the agency head determines that an action may have a significant environmental effect.

(1) Agricultural Cooperative Service,
(2) Agricultural Marketing Service,
(3) Extension Service,
(4) Economic Research Service,
(5) Federal Crop Insurance Corporation,
(6) Federal Grain Inspection Service,
(7) Food and Nutrition Service,
(8) Food Safety and Inspection Service,
(9) Foreign Agricultural Service,
(10) Office of Transportation,
(11) Packers and Stockyards Administration,
(12) Statistical Reporting Service,
(13) Office of General Counsel,
(14) Office of Inspector General,
(15) National Agricultural Library.

2. A new Part 1c, Subtitle A, is added and reserved to read as follows:

PART 1c—CULTURAL RESOURCES [RESERVED]

Subparts A and B—[Removed]

3. Subpart A—[Reserved] and Subpart B—National Environmental Policy Act of Part 3100, Subtitle B are revoked and removed.

John B. Crowel, Jr.,

Assistant Secretary, Natural Resources and Environment.

March 14, 1983.

[FR Doc. 83-7203 Filed 3-17-83; 8:45 am]

BILLING CODE 3410-01-M

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7 CFR Part 10

Classification, Declassification, and Safeguarding of Classified Information

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: These regulations implement the provisions of Executive Order 12356 (April 6, 1982, 47 FR 14874) and the Information Security Oversight Office Directive (47 FR 27836, June 25, 1982) relating to national security information. The Executive Order prescribes a uniform information security system and establishes a monitoring system to

enhance its effectiveness. The Order also provides protection against unauthorized disclosure of information which requires protection in the interests of national security.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: William R. Nolan, Jr., Assistant Chief for Security, Office of Personnel, Department of Agriculture, Washington, D.C. 20250, (202) 447-7654.

SUPPLEMENTARY INFORMATION: Since this rule relates to internal agency management, in accordance with section 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. This final rule is issued in conformance with Executive Order 12291 and has been determined not to be a "major rule." This action will not have a significant economic impact on a substantial number of small entities. These regulations have been submitted to the Information Security Oversight Office.

List of Subjects in 7 CFR Part 10

Administrative practice and procedure, Classified information.

Accordingly, 7 CFR Part 10 is revised to read as follows:

PART 10—CLASSIFICATION, DECLASSIFICATION, AND SAFEGUARDING OF CLASSIFIED INFORMATION

Sec.

10.1 Definitions.
10.2 Implementation, oversight, and safeguard responsibilities concerning classified information.
10.3 Classification levels.
10.4 Authority to classify.
10.5 Derivative classification.
10.6 Declassification.
10.7 Systematic review for declassification.
10.8 Mandatory review for USDA originally classified documents.
10.9 Mandatory review for derivatively classified documents.
10.10 Appeals.

Authority: Executive Order 12356 (47 FR 14874, April 2, 1982) as implemented by Information Security Oversight Office Directive No. 1 (47 FR 27836, June 25, 1982).

§ 10.1 Definitions

(a) "Order" means Executive Order 12356.

(b) "USDA Agency" means a major line or program unit of the Department headed by an Administrator or equivalent who reports to the Secretary, Deputy Secretary, Under Secretary, or Assistant Secretary.

(c) "Agency" includes any executive department, military department, intelligence Agency, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory Agency.

(d) "USDA Agency Head" means the Administrator or the Chief Executive Officer of a USDA Agency in the Department.

(e) "Original Classification" means the initial determination by a United States Government employee who has or had original classification authority pursuant to the Order or predecessor Orders, that information owned by, produced for or by, or under the control of the United States Government requires protection against unauthorized disclosure and is so designated.

(f) "Classification guide" means a document issued by an authorized original classifier that prescribes the level of classification and appropriate declassification instructions for specified information to be classified on a derivative basis.

(g) "Derivative classification" means that information used in a new document is in substance the same information currently classified in a source document. The extracted information used in the new doucment must be classified at the same level as in the source document.

(h) "Multiple sources" means the term used to indicate that a document is derivatively classified when it contains classified information derived from more than one source.

(i) "Intelligence activity" means an activity that an Agency within the Intelligence Community is authorized to conduct pursuant to Executive Order 12333.

(j) "Unauthorized disclosure" means a communication or physical transfer of classified information to an unauthorized recipient.

§ 10.2 Implementation, oversight, and safeguard responsibilities concerning classified information.

(a) *Department Responsibility.*—(1) The Order requires that each Agency originating or handling classified information shall designate a senior official to direct and administer its information security program. Within the Department, the Assistant Secretary for Administration has the responsibility for the information security program. As such, the Assistant Secretary for Administration has delegated primary responsibility for providing guidance, oversight, and developing procedures governing the Department information security program to the Department Security Officer.

(i) *Assistant Secretary for Administration.*—He/She has the following responsibilities:

(A) Establish and monitor policies and procedures within the Department to prevent unauthorized classification, as well as under derivative classification, to protect against unnauthorized disclosure of properly classified information, and to ensure timely declassification of Department documents which no longer require protection, in accordance with the provisions of the Order.

(B) Oversee that a security education program for employees handling classified information is implemented and maintained.

(C) Provide to the Secretary of Agriculture any necessary guidelines concerning derivative classification, originated information that may warrant classification, and declassification.

(D) Chair the Department Review Committee which shall have authority to act on all suggestions and complaints with respect to the Department's administration of the Order.

(ii) *Department Review Committee.*—(A) The Department Review Committee is responsible for the following functions:

(*1*) Provide assistance and advice to the Assistant Secretary for Administration in carrying out his/her responsibilities concerning implementation and administration of the Order, Information Security Oversight Office Directives.

(*2*) Review all appeals of requests for records under the provisions of Mandatory Review for Declassification (Section 3.4 of the Order) when the proposed denial is based on their continued classification under the Order.

(*3*) Recommend to the Secretary of Agriculture appropriate administrative sanctions to correct abuse or violation of any provision of the Order, Information Security Oversight Office Directives, or this regulation.

(B) Members of the Department Review Committee shall consist of:

(*1*) Assistant Secretary for Administration (chairperson)

(*2*) Director of Personnel

(*3*) Department Security Officer

(*4*) Appropriate USDA Agency Head having jurisdiction over the subject matter of the document

(*5*) Head of the unit subordinate to the USDA Agency Head, who has a working

knowledge of the subject matter or information under consideration.

§ 10.3 Classification levels.

(a) Only three (3) levels of classification are authorized: "Top Secret," "Secret," and "Confidential."

(1) *Top Secret.* Information may be classified "Top Secret" if its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security.

(2) *Secret.* Information may be classified "Secret" if its unauthorized disclosure could reasonably be expected to cause serious damage to the national security.

(3) *Confidential.* Information may be classified "Confidential" if its unauthorized disclosure could reasonably be expected to cause damage to the national security.

§ 10.4 Authority to classify.

(a) USDA officials do not have original classification authority for information or material that is created within the Department.

(b) When a USDA employee originates information and has a reasonable doubt about the need to classify the information, the information shall be safeguarded as if it were "Confidential" pending a determination about its classification by an original classification authority. When there is reasonable doubt about the appropriate classification level, the information shall be safeguarded at the higher level pending determination of its classification level. In either case, the information shall be released to the Department Security Officer who shall transmit the document to the Agency which has appropriate subject matter interest and original classification authority. The Order provides that the Agency having original classification authority shall decide within thirty (30) days whether to classify the information. When it is unclear which Agency should receive the information, it shall be sent to the Director of the Information Security Oversight Office. The Director shall determine the Agency having primary subject matter interest and forward the information, with appropriate recommendations, to that Agency for a classification determination.

§ 10.5 Derivative classification.

(a) *Responsibility.*—(1) Derivative application of classification markings is the responsibility of those USDA employees who incorporate, paraphrase, restate, or generate in new form, information which is already classified or those who apply markings in accordance with guidance from an authorized classifier. If an employee who applies derivative classification markings believes that the paraphrasing, restating or summarizing of classified information has removed the basis for classification, the employee must consult an appropriate official of the originating Agency who has the authority to upgrade, downgrade or declassify the information for a determination. A sample marking of a derivatively classified document appears in the appendix section of these regulations.

(2) Employees who apply derivative classification markings shall:

(i) Respect original classification decisions;

(ii) Carry forward to any newly created documents the assigned dates or events for declassification or review and any additional authorized markings.

(b) *Marking derivatively classified documents.*—(1) Paper copies of derivatively classified documents shall be marked at the time of preparation as follows:

(i) *Overall marking.* The highest level of classification of information in a document shall be marked in such a way as to distinguish it clearly from the informational text. These markings shall appear at the top and bottom of the outside of the front cover (if any), on the title page (if any), on the first page, and on the outside of the back cover (if any).

(ii) *Page marking.* Each interior page of a derivatively classified document shall be marked at the top and bottom according to the highest classification of the content of the page, including the designation "unclassified" when applicable, or with the highest overall classification of the document.

(iii) *Portion marking.* Each portion of a document, including subjects and titles, shall be marked by placing a parenthetical designation immediately preceding or following the text to which it applies. The symbols "(TS)" for Top Secret "(S)" for Secret, "(C)" for Confidential and "(U)" for Unclassified shall be used for this purpose. If the application of parenthetical designations is not practicable, the document shall contain a statement sufficient to identify the information that is classified and the level of such classification, as well as the information that is not classified. If all portions of a document are classified at the same level, this fact may be indicated by a statement to that effect.

(iv) *Classification authority.* The authority for classification shall be shown on the bottom of the first page of the derivatively classified document as follows:

Derivatively Classified by (name of USDA employee)
USDA Agency _____
Derived from (Insert identity of original classification)
Declassify on (Date listed on source document)

If a document is classified on the basis of more than one source document or classification guide, the authority for classification shall be shown on the "derived from" line as "classified from multiple sources." In these cases, the derivative classifier shall maintain the identification of each source with the file or record copy of the derivatively classified document. A document derivatively classified on the bases of a source document that is marked "classified by multiple sources" shall cite the source document on its "derived from" line.

(v) *Declassification and downgrading instructions.* Dates or events for automatic downgrading or declassification, or the notation "originating Agency review required" to indicate that the document is not to be downgraded or declassified automatically, shall be carried forward from the source document, or as directed by a classification guide, and shown on the "declassify on" or an additional line "downgrade to".

(c) *Special markings.*—(1) Transmittal documents. A transmittal document shall indicate on its face the highest classification of any information transmitted by it. It shall also include the following instruction:

For an unclassified transmittal document, the marking "unclassified when classified enclosure is removed" shall be used on the bottom of the last page.

(2) Information marked "Restricted Data" or "Formerly Restricted Data" in accordance with regulations issued under the Atomic Energy Act of 1954, as amended, shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended.

(3) Derivatively classified documents that contain information from a source document relating to intelligence sources or methods shall include the marking "warning notice—intelligence sources or methods involved" on the bottom of the first and last pages unless otherwise prescribed by the Director of Central Intelligence.

(4) Foreign government information. Documents that contain foreign government information shall include the marking "foreign government

information" on the bottom of the first and last pages of the documents. If the fact that information is foreign government information must be concealed, the marking shall not be used and the derivatively classified document shall be marked as if it were wholly of U.S. origin.

(5) Information classified under predecessor Orders on source documents shall be considered as classified at that level of classification despite the omission of other required markings. The same classification shall be applied to the derivatively classified document.

(6) Change in classification marking. When the original classifier of a source document notifies the appropriate USDA employee, as the holder of a copy of the source document, that a change in the duration of the classified information and/or a change in the level of classification is being made, the USDA employee shall line through the old markings to conform to the change. The authority for the action and date shall be conspicuously marked on the bottom of the first page of the document to indicate the change.

(d) *Prohibitive markings or classification.* Markings such as "For Official Use Only" or "Limited Official Use" shall not be used to identify national security information. No other term or phrase shall be used in conjunction with these designations, such as "Secret Sensitive" or "Agency Confidential" to identify national security information.

§ 10.6 Declassification.

(a) Information shall remain classified for as long as is required by national security considerations. When it can be determined, a specific date or event for declassification shall be set by the original classification authority at the time the information is originally classified.

(b) Information classified under predecessor Orders that is not subject to automatic declassification or that is marked for review before declassification shall remain classified until reviewed for declassification.

(c) Automatic declassification determinations under predecessor Orders shall remain valid unless the classification is extended by an authorized official of the originating Agency. Authority to extend the classification of information subject to automatic declassification under predecessor Orders is limited to those officials who have original classification authority at the level of the information to remain classified or by the Director of the Information Security Oversight Office.

(d) Whenever the appropriate USDA employee is notified by an authorized official from the Agency with original classification authority that change has been made in the original classification or in the dates of downgrading or declassification of any classified information, the USDA employee shall promptly and conspicuously mark both the copy of the source document and any derivatively classified documents to reflect the change, the authority for the action, the date of the action, and the identity of the employee taking the action.

(e) Authority to declassify and downgrade. The authority to downgrade and declassify national security information originally classified within USDA shall be exercised as follows:

(1) By the Secretary of Agriculture; Deputy Secretary; Under Secretary for International Affairs and Commodity Programs; Under Secretary for Small Community and Rural Development; each Assistant Secretary; each Deputy Under Secretary; or each Deputy Assistant Secretary, with respect to all information over which their respective offices exercise jurisdiction.

(2) By the USDA official who authorized the original classification if that official is still serving in the same position, by a successor, or by a designated supervisory official of either.

(3) By the Department Security Officer or an official at the division chief level as a result of his/her professional knowledge of the subject matter as it relates to the national security.

§ 10.7 Systematic review for declassification.

(a) *Classified permanent records.* Systematic review is applicable only to those classified records and presidential papers or records that the Archivist of the United States, acting under the Paperwork Reduction Act of 1980, has determined to be of sufficient historical or other value to warrant permanent retention. Such records shall be reviewed for declassification as they become thirty (30) years old by the Archivist of the United States with the assistance of USDA personnel designated for the purpose.

(b) *Non-permanent classified records.* Non-permanent classified records shall be disposed of in accordance with schedules approved by the Administrator of General Services under the Records Disposal Act. Such records shall be retained during an ongoing mandatory review request or Freedom of Information Act request.

§ 10.8 Mandatory review for USDA originally classified documents.

(a) *Policy.*—(1) Except as provided by section 3.4(b) of the Order, all information originally classified by USDA under predecessor Orders shall be subject to declassification review by the Department Security Officer and the USDA Agency responsible for the original classification provided that (i) the requester is a United States citizen, permanent resident alien, a Federal Agency, or a state or local government; (ii) the request describes the information with sufficient specificity to enable the Department to locate it with a reasonable amount of effort.

(2) USDA Agencies shall process mandatory declassification review requests for classified records in accordance with § 10.8(c).

(3) In response to a request for information under the Freedom of Information Act, the Privacy Act of 1974, or the mandatory review provisions of the Order, USDA Agencies shall refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classifiable under the Order.

(4) When a USDA Agency receives a request for declassification of information in its custody which was originated by another Agency, the USDA Agency shall refer the request to the classifying Agency together with a copy of the document containing the information requested when practicable, and shall notify the requester of the referral and that a response will be sent to the requester by the Agency which was sent the referral.

(5) Information requested shall be declassified if it no longer requires protection under the provisions of the Order. The information will then be released to the requester unless withholding is otherwise authorized under applicable law, such as the Freedom of Information or Privacy Act. If the information requested cannot be declassified in its entirety, the USDA Agency will make reasonable efforts to release those declassified portions that are reasonably segregable. Upon denial of an initial request, the Department Security Officer shall inform the requester as to the reasons for the denial and a notice of the right to appeal the determination to the Department Review Committee. Such an appeal must be submitted in writing within sixty (60) days.

(6) If no determination has been made at the end of sixty (60) days from receipt of the initial request for review, the requester may appeal to the Assistant

Secretary for Administration for a determination.

(b) *Processing requirements.*—(1) Requests for mandatory declassification review may be directed to the Department Security Officer, Office of Personnel, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. The Security Officer shall, in turn, refer the request to the appropriate USDA Agency Head for action.

(2) A valid request must be in writing and reasonably describe the information sought to enable the USDA Agency to identify it.

(3) The USDA Agency shall notify the requester if the request does not identify sufficiently the information sought. The requester shall then be given an opportunity to provide additional information to describe the information with particularity enabling identification of the requested material.

(4) If within thirty (30) days after the notification is mailed the requester does not describe the information sought with sufficient particularity, the USDA Agency shall notify the requester why no action will be taken on the request.

(5) Search and duplication fees will be charged pursuant to the provisions of the Department's Fee Schedule, Appendix A, to Part 1 of this Title. The requester shall be notified of the approximate cost of the search and duplication costs before the search is conducted.

(c) *Processing requests.* Requests that meet the foregoing requirements for processing shall be processed as follows:

(1) The USDA Agency shall immediately acknowledge receipt of the request in writing.

(2) The USDA Agency shall make a determination within ten (10) working days or shall explain to the requester why additional time is necessary. In no case shall the response time for a final determination exceed one (1) year from the date of receipt of the initial request.

(3) When another Agency forwards to the Department Security Officer a request for information in that Agency's custody that has been classified by USDA, the Department Security Officer shall process the request in accordance with the requirements of this section, respond directly to the requester and, if so requested, shall notify the referring Agency of the determination made on the request.

(4) Requests for classified information containing foreign government information may necessitate consultations with other agencies and/or with the foreign originator of the information prior to final action of the request.

§ 10.9 Mandatory review for derivatively classified documents.

(a) Requests for mandatory review for USDA derivatively classified documents shall be processed by the Department Security Officer under the following procedures:

(1) The Department Security Officer shall contact the Agency responsible for orginally classifying the source document for a declassification determination.

(2) If the Agency determines that the originally classified document has been declassified, the Department Security Officer shall so mark the USDA derivatively classified document and release it to the requester.

(3) If the originally classified document has not been declassified, the Department Security Officer shall so notify the requester.

§ 10.10 Appeals.

(a) Appeals from denial of declassification and release of information shall be directed to the Department Review Committee, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Appeals shall be reviewed and decided within thirty (30) working days of their receipt as follows:

(1) If the documents are declassified in their entirety, the Department Security Office shall forward the documents to the requester.

(2)(i) If the documents are not declassified and released in their entirety, the chairman, Department Review Committee, shall forward a letter of denial to the requester notifying the requester of the decision and a statement of justification for the denial.

(ii) If the decision of the committee is to declassify or release a portion of the documents, the chairman of the committee shall forward a letter of partial denial to the requester. The letter shall include a statement of justification for the partial denial. Those portions of the documents which have been declassified shall be forwarded to the requester.

Dated: March 14, 1983.

John R. Block,

Secretary of Agriculture.

[FR Doc. 83-7113 Filed 3-17-83; 8:45 am]

BILLING CODE 3410-01-M

Federal Crop Insurance Corporation

7 CFR Part 424

[Amendment No. 3]

Rice Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Rice Crop Insurance Regulations (7 CFR Part 424), effective with the 1983 and succeeding crop years, by amending the provisions of the policy to provide (1) That insurance attaches to rice seeded on a continuous yearly basis in California only, (2) a clarification as to which "second crop" insurance will not attach, (3) a clarification of the quality adjustment provisions for rough rice, (4) a provision prescribing interest to be charged when premium payments are not made within a certain time, (5) for the addition of a provision to require the insured to file a notice of probable loss when the crop is damaged to the extent that a loss is probable and leave intact a representative sample of the unharvested crop, (6) for the addition of a provision to prescribe FCIC's liability in cases of loss by fire when the insured has other insurance against fire losses, (7) for the replacement of the present single-crop application by a multi-crop application to reduce the time and paperwork demands on the applicant, and (8) minor technical changes to language and format. The intended effect of this amendment is to restore a provision in the regulations regarding losses from fire, improve the debt management practices of FCIC, and revise the system of reporting damage or loss to crops to make the administration of the program more effective.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981).

Information collection requirements contained in these regulations (7 CFR Part 424) have been approved by the Office of Management and Budget

(OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003, and 0563–0007.

Merritt W. Sprague, Manager, FCIC, has determined that: (1) This action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, or other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Programs to which this amendment applies are: Title-Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982), was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has also been determined that this action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). The sunset review date established for these regulations is October 15, 1987.

On Tuesday, August 17, 1982, FCIC published a notice of proposed rulemaking in the **Federal Register** (47 FR 35770) to amend the Rice Crop Insurance Regulations for the 1983 and succeeding crop years. The principal changes addressed in the notice were as follows:

1. The replacement of the single-crop application by a multi-crop application to reduce papework on the part of the applicant.

2. The addition of a provision that unpaid premium balances will bear interest at the rate of one and a half percent simple interest per calendar month or any part thereof starting on the first day of the month following the first premium billing date.

3. The addition of a provision to require the insured to give at least 15 days notice of loss if damage to the crop appears probable, and to leave a representative sample of the unharvested crop intact for 15 days after the date of the notice.

4. The addition of a provision to allow insurance to attach to rice seeded in three or more consecutive years in California only.

5. The addition of a provision to clarify the meaning of a subsequent crop on which insurance will not attach (i.e., a second rice crop following a rice crop harvested in the same calendar year).

6. The addition of a provision to clarify the quality adjustment provision relative to rough rice.

7. The addition of a provision to prescribe FCIC's liability in cases of loss by fire when the insured has other insurance against fire losses.

In addition of these changes, FCIC made minor changes to language and format to include correction of the table of contents, correction of the Appendix—Additional Terms and Conditions, to indicate the party responsible for securing the rights of the Corporation relative to subrogation, and redesignating Appendix B as Appendix A to list counties where rice crop insurance is otherwise authorized to be offered.

The public was given 60 days in which to submit written comments on the proposed rule, but none were received. Therefore, with the exception of minor corrections, the Amendment No. 3 to the Rice Crop Insurance Regulations is hereby published a final rule.

List of Subjects in 7 CFR Part 424

Crop insurance, Rice.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Rice Crop Insurance Regulations, effective with the 1983 and succeeding crop years, in the following instances:

PART 424—[AMENDED]

1. The authority citation for 7 CFR Part 424 reads as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)

2. The Table of Contents is revised to read as follows:

Secs.
424.1 Availability of rice crop insurance.
424.2 Premium rates, production guarantees, coverage levels and prices at which indemnities shall be computed.
424.3 Reserved.
424.4 Creditors.
424.5 Good faith reliance on misrepresentation.
424.6 The contract.
424.7 The application and policy.

Appendix A, Counties designated for Rice Crop Insurance.

§ 424.7 [Amended]

3. 7 CFR 424.7(d) is amended by removing the introductory paragraph and the application that follows, and substituting the following:

* * * * *

(d) The application for the 1983 and succeeding crop years is found at Subpart D of Part 400–General Administrative Regulations (7 CFR 400.37; 400.38, first published at 48 FR 1023, January 10, 1983) and may be amended from time to time for subsequent crop years. The provisions of the Rice Insurance Policy are as follows:

* * * * *

4. Section 2(b) (2) and (5) of the Terms and Conditions section of the policy in paragraph (d) of § 424.7 are revised to read as follows:

§ 424.7 The application and policy.

* * * * *

(d)* * *

Rice Crop Insurance Policy

Terms and Conditions

* * * * *

2. * * *

(b) * * *

(2) seeded to rice for the two preceding crop years, except in California.

* * * * *

(5) of a rice crop following a rice crop harvested in the same calendar year.

* * * * *

5. Section 5(d) of the Terms and Conditions section of the policy as found in 7 CFR 424.7(d) is revised to read as follows:

§ 424.7 The application and policy.

* * * * *

(d) * * *

Rice Crop Insurance Policy

Terms and Conditions

* * * * *

5. * * *

(d) Interest will accrue at the rate of one and a half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

* * * * *

6. Section 7 of the Terms and Conditions section of the policy as found in 7 CFR 424.7(d) is amended by revising item 7(c), redesignating 7 (d) and (e) as 7 (e) and (f) respectively, and adding a new 7(d) as follows:

§ 424.7 The application and policy.

* * * * *

(d) * * *

Terms and Conditions

* * * * *

7. *Notice of damage or loss.* * * *

(c) Written notice shall be given at least 15 days prior to the beginning of harvest if the rice on any unit is damaged to the extent that a loss is probable. If probable loss is not determined until less than 15 days prior to the beginning of harvest on a unit, notice shall be given immediately and a representative sample of the unharvested rice (at least 10 feet wide and the entire length of the field) shall remain intact for a period of 15 days from the date of the notice, unless the Corporation gives written consent to the insured to harvest the representative sample.

(d) In addition to the notices required in paragraphs (b) and (c) of this section, if a loss is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the service office for the county no later than *30 Days* after the earliest of: (1) The date the harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire rice crop on the unit is destroyed, as determined by the Corporation.

* * * * *

7. Section 8(c)(1) of the Terms and Conditions section of the policy as found in 7 CFR 424.7(d) is revised to read as follows:

§ 424.7 The application and policy.

* * * * *

(d) * * *

Terms and Conditions

* * * * *

8. Claim for Indemnity.

* * * * *

(c) * * *

(1) Mature production quantity which grades No. 3 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 14.0 percent and if, due to insurable causes, the value per pound of rough rice, as determined by the Corporation, is less than the market price for the same variety of rough rice grading U.S. No. 3 (determined in accordance with the Offical U.S. Grain Standards) with a milling yield per cwt. of 55 pounds of heads for the short and medium grain varieties and 48 pounds of heads for long grain varieties (whole kernels) and 68 pounds total milling yield (heads, second heads, screenings, and brewers), the number of pounds of such rice to be counted shall be adjusted by (i) dividing the value per pound of the damaged rice (as determined by the Corporation) by the market price per pound at the nearest mill center for the same variety of rough rice grading U.S. No. 3 with the milling yields as stated above, and (ii) multiplying the result thus obtained by the number of pounds of production of such damaged rice. The applicable price for No. 3 rice with the stated milling yields shall be the nearest mill center price on the earlier of the day the loss is adjusted or the date the damaged rice was sold.

* * * * *

8. The Appendix to the Rice Crop Insurance Policy (Additional Terms and Conditions) as found in 7 CFR 424.7(d), is amended by revising section 1.(g) in its entirety to read as follows:

§ 424.7 The application and policy.

* * * * *

(d) * * *

Appendix to the Rice Crop Insurance Policy (Additional Terms and Conditions)

* * *

1. Meaning of Terms. For the purposes of rice crop insurance:

* * * * *

(g) "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may, be selected by you or designated by us.

9. The Appendix to the Rice Crop Insurance Policy (Additional Terms and Conditions) as found in the appendix to 7 CFR 424.7(d) is amended by revising section 6 in its entirety to read as follows:

§ 424.7 The application and policy.

* * * * *

(d) * * *

Appendix to the Rice Crop Insurance Policy (Additional Terms and Conditions)

* * * * *

6. *Subrogation.* You assign to us all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by us. You shall execute all required documents and take appropriate action as may be necessary to secure such rights.

10. The Appendix to the Rice Crop Insurance Policy (Additional Terms and Conditions) as found in 7 CFR 424(d), is amended by adding a Section 11 to read as follows:

§ 424.7 The application and policy.

* * * * *

(d) * * *

Appendix to the Rice Crop Insurance Policy (Additional Terms and Conditions)

* * * * *

11. *Other Insurance Against Fire.* If the insured has other insurance against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of: (a) The amount of indemnity determined by the Corporation under the policy with the Corporation, or (b) the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation.

Appendix B—[Redesignated as Appendix A]

12. Appendix B to 7 CFR Part 424 is redesignated as Appendix A.

Done in Washington, D.C., on March 9, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: March 9, 1983.

Approved by:

Robert H. Sindt,

Acting Manager.

[FR Doc. 83-7155 Filed 3-17-83; 8:45 am]

BILLING CODE 3410-08-M

Food Safety and Inspection Service

9 CFR Parts 306, 317, and 381

[Docket No. 81-038F]

Prior Labeling Approval System

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal meat inspection regulations and the poultry products inspection regulations by expanding the authority of inspectors-in-charge (IIC's) of official establishments to approve certain labeling and by establishing limited types of generically approved labeling. The types of labels or other labeling which may be approved by the IIC include: (1) All final labeling having a sketch approval from the Standards and Labeling Division (SLD) in Washington when the final labeling is consistent with the approved sketch; (2) certain labeling not previously approved by SLD; and (3) certain modifications of previously approved labeling. The types of generically approved labeling include certain modifications of previously approved labeling. The specific types of labeling or labeling modifications included for IIC approval and generic approval, both on a voluntary basis, have been expanded and modified in this final rule reflecting the Department's analysis of the issues raised in the public comments.

Under the final rule, temporary approvals for the use of labeling that may be deficient in some manner may be granted only by SLD for a period not to exceed 180 days, provided certain specified criteria are met. Use of the procedures established by this final rule will provide a more rapid turnaround for labeling approvals and will make more efficient use of Department resources.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Joan Moyer Schwing, Deputy Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and

Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-4293.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Department has determined that the final rule is not a major rule under Executive Order 12291. The rule would provide greater flexibility to meat and poultry processors in obtaining label approvals. It would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect of Small Entities

The Administrator has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because this rule will impose no new requirements on industry. The implementation of this rule will provide establishments the option to use all, some, or none of the labeling approval authority delegated to the IIC or to use generic approval of certain types of labeling. Further, any application receiving a negative determination by an IIC may be resubmitted directly to SLD for a new review. Thus, each establishment will have the ability to obtain approvals for certain prescribed labeling changes at the plant or through prescribed regulations only to the extent these procedures provide benefits to that plant. As a result, the Department believes that the regulated industry will be provided greater flexibility, faster label review and processing, and consequently, a saving of time and money. Moreover, a labeling consulting firm which was generally critical of the document submitted information which indicates that this rule will not result in a significant economic impact to those firms which service the regulated industry by expediting label approvals in Washington, DC.

Background

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) direct the Secretary of Agriculture to maintain meat and poultry inspection programs designed to assure consumers that meat and poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Consistent with this authority, regulations have been promulgated which provide that no labeling shall be used on any product bearing any official inspection mark until it has been approved in its final form by the Administrator (9 CFR 317.4 and 9 CFR 381.132). In order to assure that meat and poultry products are in compliance with the Acts and the regulations promulgated thereunder, the Food Safety and Inspection Service (FSIS) presently conducts a prior approval program as specified in 9 CFR 317.4, 317.5, 381.132, and 381.134 for labels and other labeling to be used on federally inspected meat and poultry products. This program is administered in Washington, DC, by the Standards and Labeling Division (SLD). Currently, the IIC also has the authority to approve labeling modifications under relatively limited circumstances as specified in the meat and poultry products inspection regulations (9 CFR 317.4(c), 317.4(d), 317.5, 381.134, and 381.135).

In an effort to streamline the label approval process, the Department decided in 1980 to explore the feasibility of delegating certain additional labeling approval authority to field personnel. A FSIS Task Force was organized to review the overall concept of field delegation, identify the various options available, explore the ramifications of such delegation of authority, and estimate its potential effect upon the truthfulness and accuracy of labeling. A pilot program was initiated upon the recommendation of this Task Force to test the feasibility and effectiveness of delegating limited labeling approval authority to the IIC. The IIC is the Federal meat and poultry inspection program employee in charge at an official establishment. The success of the pilot program demonstrated that an appropriate level of uniformity and regulatory control can be maintained in the labeling area by delegating limited labeling approval authority to the IIC.

Over the past few years, the current labeling approval program has been the subject of considerable analysis and discussion, both within and outside the Department. The Department has received a number of industry petitions requesting specific changes in or the elimination of the prior label approval program in order to improve its efficiency and reduce costs associated with its operation. These petitions from the American Meat Institute, the National Association of Margarine Manufacturers, the National Food Processors Association, and James V. Hurson Associates, Inc., were discussed in some detail in the May 21, 1982, proposal (47 FR 22101).

The Proposal

After careful consideration of the Task Force recommendations, as well as the comments and industry petitions received, the Department published a proposal in the **Federal Register** of May 21, 1982 (47 FR 22101) to expand the authority of the IIC of official establishments to approve certain labeling and labeling modifications and to establish limited categories of generically approved labeling. More specifically, the proposal would have created three categories of labeling. The first category—labeling which would have required SLD approval—would have been reserved for labeling involving complex issues or issues where consistency is both important to maintain and difficult to achieve if delegated to the local level. The second category—labeling which the IIC could have approved with a later audit by SLD—would have involved labeling or labeling modifications, which the IIC is fully capable of approving, but because of the nature of the change would have needed to be rechecked to detect possible errors, to assure that the Department policy is consistently applied, and to maintain a central labeling approval file. The third category—generic labeling approvals which the IIC simply could have kept on file for his or her records—would have involved labeling or labeling modifications for which prior approval by SLD or the IIC is believed to be unnecessary and/or labeling for which SLD is not in a position to audit meaningfully. Such generically approved labeling would not have been included as part of the central labeling file; however, the establishment would have been required to provide a copy of the labeling to the IIC prior to use.

The use of the IIC to approve labels or other labeling and the use of generically approved labeling, as proposed, would have been voluntary. Official establishments would have had the option of submitting applications for any and all labeling to SLD. Written authorization from the Department would have been required as a precondition to the use of any labeling except for generic approvals submitted to the IIC. Denial of a labeling application by the IIC would have precluded use of the labeling unless and until authorization had been obtained from SLD. Temporary approvals for the use of labeling that would have been deficient in some manner could have

been granted by SLD for a period not to exceed 180 days, provided certain specified criteria had been met.

Comments

In response to the proposed rule, the Department received 89 comments that were postmarked on or before August 19, 1982, the close of the comment period.

Eighty-one of these comments were submitted by meat and poultry industry members and groups including slaughterers, packers, processors, distributors, and their trade associations and representatives; ten of these comments endorsed the comments of several trade associations. The remaining eight comments were submitted by individuals, a State government official and agency, an ex-food inspector, and a labeling consulting firm. While the positions taken in the comments varied, almost all commmenters supported modifying the current labeling approval process. The issues raised by the commenters and the Department's response to each issue are as follows:

1. *IIC approved labeling.* Forty-eight comments addressed the provision to delegate limited labeling approval authority to the IIC. Almost all of these comments were submitted by industry members and trade associations. Three individuals also commented on this aspect of the proposal, as did a labeling consulting firm.

Numerous industry members and trade associations specifically supported the purpose and intent of the proposal; i.e., to streamline and simplify the labeling approval process. As such, the proposal was lauded as "a step in the right direction." Savings of time and money were cited as support for this position. Delegating labeling approval authority to the IIC was specifically commended for increasing efficiency and decreasing the time and expense involved in getting labeling approvals. A number of industry members noted their favorable experience with the pilot program as support for field delegation. In addition, one industry member supported the proposal for attempting to create greater uniformity between the meat and poultry regulations.

A number of commenters criticized the proposal as complicated, costly, unnecessary, unreasonable, and/or harmful to small businesses. Commenters argued that the proposal failed to address many of the concerns about and criticisms of the current system, with two trade associations who had petitioned the Department for specific changes in the current labeling approval system continuing to advocate their positions. These commenters suggested that the IIC's authority should be limited to monitoring products and product labeling to ensure compliance with USDA requirements, rather than involving the IIC in the approval process. Moreover, several trade associations and industry members suggested that eventually prior labeling approval should be abolished and/or replaced by a system which more closely resembles the approach taken by the Food and Drug Administration.

A number of commenters specifically took issue with the idea of decentralizing labeling approval authority and suggested that the Department abandon its plan to have the IIC review labeling. They argued that the current system basically was working well. These commenters, who mostly characterized themselves as small businesses, contended that decentralizing the labeling approval system would result in inconsistent labeling decisions which, in turn, would create unfair competitive advantages. A system which allows unequal treatment, it was further argued, encourages corruption. Several commenters also questioned the IIC's ability to assume additional responsibilities because of inexperience and time constraints. Field delegation was further criticized as more complicated than the present system, advantageous to establishments having resident IIC's, costly to implement, and inefficient.

One trade association stated that, in general, IIC review of labeling would be more expeditious than SLD review and felt that it would be preferable to current procedures for that reason. However, it contended that expansion of the IIC's role in this manner would create its own set of problems including a lack of uniformity and consistency in labeling decisions, the need for substantial financial resources to train the IIC's, and an increased workload for the IIC.

Th Administrator recognizes the concerns raised by those commenters who conceptually supported the proposal yet felt that the Department did not go far enough in its attempt to eliminate what were characterized as many other problems inherent in the current labeling approval system. Many of these commenters commended the Department for its proposal to eliminate SLD involvement in all labeling decisionmaking and further advocated either expanding the generic labeling category or abandoning the entire system. The Department also acknowledges the concerns voiced by that segment of the industry, particularly small businesses, who expressed serious reservations about changing a system which provides services to all users, regardless of size, in an equitable manner. A number of these commenters believe that a strong central labeling approval authority is needed. The Department believes that this final rule represents a reasonable balance of these two positions. In conjunction with the sentiments expresed by numerous commenters, the Department also sees this initiative as a progressive step towards simplifying and streamlining the labeling approval process while maintaining the high level of protection consumers have come to expect from the Department in this area.

Specifically, the types of labeling which the IIC could approve were selectively chosen because they are sufficiently simple or involve changes so minor that they present little risk of misbranding. Moreover, the Department believes that uniformity and consistency can be further controlled by having the IIC-approved labeling submitted to SLD for auditing. The review and analysis of the pilot program demonstrated the competence of the IIC to assume limited labeling approval authority without jeopardizing uniformity or regulatory control in the labeling area. Moreover, the pilot program analysis revealed that labeling was acted upon and returned to plant management in a shorter period of time when handled through the IIC and that there was little impact upon the IIC's workload as a result of the new responsibilities.

Some commenters argued that the IIC's authority should be limited only to monitoring products and product labeling rather than approving and/or withholding the use of labeling. The Department believes that this would represent an inefficient use of Department personnel and more importantly, would contradict the language and intent of both the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*). Section 7(e) of the FMIA (21 U.S.C. 607(e)) and section 8(d) of the PPIA (21 U.S.C. 457(d)) provide the Secretary with the authority to withhold the use of any marking, labeling, or container in use or proposed for use with respect to any article subject to the Acts if there is reason to believe that the marking or labeling or size or form of the container is false or misleading in any particular. Products which are misbranded may not be marked as "inspected and passed." Furthermore, such product may not be removed from an official establishment, sold, or otherwise distributed. It is the responsibility of the IIC to assure

compliance with these requirements. Moreover, the IIC is in the unique position of actually having the opportunity to review the product itself in order to ensure that the product and its labeling are in compliance. The SLD staff does not ordinarily have this opportunity. The Administrator, therefore, agrees with those commenters who stated that this delegation of authority would result in increased efficiency for FSIS and thus has concluded that the IIC should have the opportunity to approve labeling and labeling modifications that are sufficiently simple that the accuracy of labeling and the uniformity of labeling decisions would not be adversely affected.

To further allay some of the concerns of smaller firms, the Department wishes to emphasize the voluntary nature of this program. Establishments will continue to retain the option of submitting any and all labeling to SLD. Thus, the Department expects only benefits to accrue to those establishments using the new system. These benefits include a faster turnaround time for approval of labeling, less burdensome paperwork, and hopefully, a better understanding by plant management of labeling decisions.

The need for IIC training, as well as prompt and continuous updating of information, was noted in the comments submitted by a few industry members and a trade association. In addition, a number of commenters emphasized the importance of equitable and prudent labeling determinations. The Department recognizes the importance of IIC training to assure that equitable and prudent labeling decisions are made and that generic labeling is in compliance with the regulations. In this regard, the Department has developed a comprehensive training guide and has undertaken the responsibility of providing extensive training for all IICs with labeling responsibilities.

The Administrator disagrees with those commenters who criticized this program as potentially costly to implement. The Department believes that the cost of implementation would not be excessive. The most significant cost to the Department would be that of training the approximately 3,200 IICs, and this cost would be required whether the IIC is approving or simply monitoring product labeling. After the initial one time cost of IIC training, labeling approval would be incorporated into future IIC training and refresher courses. Moreover, the Department believes that the benefits to both the government and industry from operating a more streamlined and efficient labeling approval system far outweigh the costs involved in implementation.

One industry member who had participated in the pilot program expressed some concern about identifying IIC approvals. A system had been developed for the pilot program which identified each label by a specific number and provided for inclusion of each approved label in the SLD central labeling file. This numbering system has been revised to accommodate any problems encountered in the pilot program. The new numbering system has been highlighted in both the training guide and training sessions in an effort to eliminate any further confusion or difficulty in this area.

One processor suggested expanding the proposed IIC labeling approval authority to include labeling modifications reflecting a change in the quantity of an ingredient shown in the formula with a concurrent change in the order of predominance shown on the label. As discussed, the items proposed for inclusion in this category of labeling were considered sufficiently minor or simple that the application for label approval in question would present little opportunity for misbranding. This is not believed to be the case with a labeling modification reflecting a change in the quantity of an ingredient shown in the formula with a concurrent change in the order of predominance listed in the ingredient statement shown on the label. This type of labeling modification has the potential to mislead consumers if the necessary labeling changes are not made or are made incorrectly.

Changing the quantity of an ingredient in a formulation could create a variant from a product standard which often specifies the kind and minimum amount of meat and/or poultry, the maximum amount of nonmeat ingredients, and any other ingredients allowed or expected in the final product. For example, the standard of composition for "Chicken a la King" requires that, if a product bears this name on its label, at least 20 percent cooked poultry meat must be used in the recipe (9 CFR 381.167). With less than 20 percent cooked poultry meat in the formula, this product would no longer comply with the regulations. As a result of the potential problems associated with this type of modification, this suggestion has not been adopted.

Another industry member urged the Department to closely monitor the field delegation program during its initial critical stages to assure a smooth transition and resolve any potential problems. This commenter specifically suggested that SLD audit most of the initial labeling forwarded to it by the IIC, with a tapering off of the auditing procedures when appropriate. The Department appreciates the concern expressed by this commenter. The field delegation program represents a dramatic departure from current labeling approval practices and, as such, the Department also recognizes the value in closely monitoring this program, especially during the early stages of its implementation. In this way, the Department hopes to achieve the same success nationally that it achieved on a more limited scale during the pilot program.

2. *Generically approved labeling.* In response to some of the criticisms of the current label approval program and in an effort to lessen the regulatory burden on industry without compromising the truthfulness and accuracy of meat and poultry labeling, the Department proposed a category of labeling that would not require the formal prior approval of SLD or the IIC. Instead a copy of these generically approved labels would simply be submitted to the IIC prior to use. This category is comprised of labeling in final form which has been previously approved by SLD or the IIC and which is being submitted to the IIC with a minor modification. Since the IIC would not be formally approving such labeling prior to its use, the primary responsibility for ensuring that the labeling is in compliance with the regulations would rest with the establishment. As proposed, generic labeling would not be included in the SLD central labeling file, nor would SLD conduct an audit on such labeling.

Thirty-four comments specifically addressed the provision to establish a category of generically approved labeling. These comments were submitted by industry members, trade associations, and a labeling consulting firm.

All but one of the commenters supported the concept of generic labeling approvals. This commenter, a labeling consulting firm, questioned the legality of this approach arguing that the law seems to clearly state that the Secretary or his designee must actually approve all labeling. This issue has been carefully reviewed by the Department's Office of General Counsel (OGC), which disagrees with this commenter's interpretation of the FMIA and the PPIA. While the Acts do require the Department to approve labeling prior to use, they do not dictate the system or procedures by which such approvals are granted. Thus, this Department has concluded that certain broad classes of

labeling which meet certain specified criteria could be granted "generic" approval through the development of specific regulations. Accordingly, this aspect of the proposal is being retained.

Numerous commenters commended the Department for recognizing that many labels and labeling modifications do not need formal approval. Others cited savings in time and/or money as reasons for their support. Many industry members and trade associations, however, stated that this category of labeling, as proposed, was too narrowly defined. A number of commenters suggested expanding this category to include those labels and labeling modifications proposed for IIC approval. Many of these commenters argued that generic approval would be appropriate for this category of labeling because the items included for IIC approval present little risk of misbranding.

The Department is pleased with the strong endorsement given to the concept of generic labeling approvals. As stated in the proposal, this labeling category is expected to reduce paperwork and provide for a more meaningful utilization of auditing resources. While the Department acknowledges industry's desire to expand this category of labeling through this rulemaking, it is important to again emphasize the experimental nature of the procedure. Given the Department's responsibilities to assure that meat and poultry products are properly marked, labeled, and packaged, the Department is reluctant to expand the generic labeling category until it can be demonstrated that this procedure will continue to provide the public with labeling that is accurate and not misleading. Instead, the Department believes it best to proceed cautiously until a body of data has been gathered which can be analyzed in order to assess the validity of further change in this direction. This belief has been reinforced by those commenters who expressed concern over the elimination of a centralized labeling approval system which, they contended, would result in unfair and inconsistent labeling decisions.

In light of these concerns, the Department is reluctant at this time to expand generically approved labeling. The Department continues to subscribe to its position that this category of labeling should initially be narrowly defined. However, the Department hopes this labeling category can be expanded if it is proven successful and, as suggested by one trade association, will continue to review the approval program and provide for additional simplification wherever possible. In its continuing review of this issue, the Department is considering the possibility of proposing to expand the class of generic labels for those plants which have demonstrated the technological and managerial capacity to ensure misbranding does not occur. The Administrator has concluded that this issue should be addressed separately as a potential future amendment to its regulations. At the present time, the Department is encouraging suggestions along these lines which will lead to the development of such a proposal.

In addition to the changes suggested above, several additional labels and labeling changes not addressed in the proposal were also suggested for inclusion in the generic labeling category by a number of commenters or, according to one trade association, at least for IIC approval. These labels and labeling changes had been recommended by the American Meat Institute (AMI) in its August 1981 petition to be included within the generic labeling category and include the following:

1. The addition, deletion, increase or decrease of a permitted ingredient in a standardized product provided the product continues to comply with the established standard.

2. The addition, deletion, increase or decrease of a permitted ingredient present at less than or equal to 5 percent in a non-standardized product.

3. Labels of products shipped between plants of the same company.

4. Labels of products shipped to food service establishments without quality claims, nutritional claims, or geographical claims.

5. A change in a package vignette not effecting mandatory information.

6. The addition or deletion of open dating information. After careful examination of these items and the petitioner's rationale for including them in the generic labeling category, the Administrator has concluded that the first two suggestions, i.e., the addition, deletion, increase or decrease of a permitted ingredient in a standardized product provided the product continues to comply with the established standard and the addition, deletion, increase or decrease of a permitted ingredient present at less than or equal to 5 percent in a non-standardized product, represent modifications that have significant potential for misleading consumers if the necessary labeling changes are not made or are made incorrectly. Furthermore, such changes could frequently involve complex labeling issues. For example, the Department recently published a final rule modifying the standard, labeling requirements, and permitted uses for mechanically separated (species) (MS(S)). The promulgation of this final rule has elicited a variety of complicated questions regarding the use of MS(S) in standardized products which the Department has been responding to on a case-by-case basis. Moreover, the charts of approved substances contained in the regulations (§ 318.7 and § 381.147) list a variety of chemical substances along with their general classification, their function, the categories of products in which they may be used, and the permitted usage levels. The use of these so-called restricted ingredients is carefully limited by regulation, and excessive usage may raise potential health and safety issues. For these reasons, the changes suggested above are believed to fall outside of the scope of "minor modifications" which, in general, present little or no possibility of misbranding. Moreover, these types of changes would consume considerably more time for the IIC to approve than other changes included in this category. Accordingly, these changes have not been adopted.

The third and fourth suggestions, i.e., labels of products shipped between plants of the same company and labels of products shipped to food service establishments without quality, nutritional, or geographical claims, represent items which may reach consumers with the labeling applied by the establishment. This possibility creates the potential for misbranded product to reach the consumer because the Department has no comprehensive means of monitoring where product goes after inspection. The statutes do not distinguish between retail and wholesale product labeling. The Administrator has, therefore, concluded that these items should not be included in the generic labeling category.

The fifth suggestion, i.e., a change in a package vignette not affecting mandatory information, is one which clearly may present the potential for misleading consumers. It has long been recognized that a product vignette is a powerful marketing tool in that many purchasing decisions are made on the basis of its appeal. The Department also recognizes, however, that this is an area of labeling approval where SLD is severely limited in its ability to assure accurate and non-misleading information. It is the IIC who is actually in the best position to assure that the picture on the label accurately represents the contents of the package because it is only the IIC who has the

opportunity to review both the product and its labeling. Based on this recognition, the Department is amending the final rule to include this item as a minor modification which may be approved by the IIC.

The last suggestion, i.e., the addition or deletion of open dating information, relates to an area over which SLD and the IIC have little, if any, control since their knowledge of the handling and storage conditions of products once they leave the establishment is extremely limited. As a result, the Department believes this is a change which can be generically approved without diminishing the quality of the labeling. Thus the final rule is being amended to include this item among the minor modifications which can be generically approved, provided the open dating information is in compliance with the regulations (9 CFR § 317.8(b)(32) and § 381.129(c)) and the addition of such information does not crowd or obscure mandatory labeling information.

One meat processor also recommended that the generic labeling category should include changes in the type of packaging material used, for example, film versus casing, provided no change in the labeling is made. The Department believes that this change can be generically approved. Such changes have little potential for misleading the consumer because the original labeling has been reviewed and approved by SLD or the IIC. Changing the packaging material should have no effect on the approved labeling. The "false or misleading" provisions of the regulations will further assure that all mandatory labeling information appears as required and is sufficiently prominent. This modification is expected to give industry greater flexibility without altering the quality of the labeling. As with other generic approvals, a copy of the labeling will have to be submitted to the IIC for filing prior to use.

The proposed provisions permitting generic approval for a change in the arrangement of directions pertaining to the opening of cans or the serving of a product represents a labeling modification which the IIC can currently approve. In fact, the wording of these proposed provisions remains essentially unchanged from the current wording contained in the regulations. In reviewing these provisions, however, the Department realized that they are narrower in scope than was intended. The Department believes that changes in both the language and arrangement of directions could be generically approved without affecting the accuracy of the labeling or the uniformity of labeling decisions, provided the addition or amendment of such information does not crowd or obscure the mandatory labeling information. Accordingly, these provisions are being amended in the final rule to reflect this expanded responsibility.

In discussing the role of the IIC, a few commenters expressed concern over the IIC's authority to withhold use of generically approved labeling if it is believed to be "false or misleading." One company suggested establishing a time limit after which the IIC may not withhold the labeling or a temporary approval would be granted. A trade association suggested that the IIC should notify the establishment of any labeling problem and bring it to the attention of SLD for appropriate action. Noting the importance of holding the IIC accountable for withholding product, another trade association recommended that the IIC should identify the potential serious violation on a copy of the transmittal form and provide a copy to the establishment.

In analyzing these comments, it is useful to review the Department's statutory responsibilities in this area. As noted earlier, the FMIA and the PPIA are quite specific in regard to the use of labeling which is false or misleading. Section 7(d) of the FMIA (21 U.S.C. 607(d)) and section 8(c) of the PPIA (21 U.S.C. 457(c)) prohibit the distribution of any article under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but permits the use of established trade names and other marking or labeling and containers which are not false or misleading and which are approved by the Secretary. Additionally, section 7(e) of the FMIA (21 U.S.C. 607(e) and section 8(d) of the PPIA (21 U.S.C. 457(d)) provide the Secretary with the authority to withhold the use of any marking, labeling, or container in use or proposed for use with respect to any article subject to the Acts if there is reason to believe that the marking or labeling or size or form of the container is false or misleading in any particular.

As discussed in the proposals the Administrator continues to believe that the IIC, acting as the Department's representative, should continue to have the authority and responsibility to withhold the use of any labeling which is contrary to the requirements of the FMIA and the PPIA. Thus, the provision confirming such authority is being retained. Questions regarding any labeling which is being withheld by an IIC could be immediately presented by the establishment to SLD for review.

3. *Appeals of Labeling Decisions.* Nineteen comments addressed the issue of labeling appeals. More than half of these comments were submitted by industry members. The remainder were submitted by trade associations.

Almost all of the commenters advocated the development of a formal or informal procedure to expeditiously appeal labeling decisions to the Administrator. Several commenters noted the importance of establishing a timetable for resolving labeling disputes. One week was suggested by a few commenters as a reasonable time period for decisionmaking.

The Administrator continues to believe that neither the Department nor the public will be better served by the establishment of a rigid appeals system which imposes strict time limits on decisionmaking. Particularly at this time when technological innovations in food processing and increased public concern about the presence of various substances in foods generate complex issues for SLD and the Department, a requirement of decisionmaking within a specifically limited period of time may prove to be unrealistic in a number of specific cases. In fact, if the Department were to be forced to make labeling determinations within a specified time period, the Administrator would be likely to err on the side of conservatism if he has only limited information which suggests that a label might be false or misleading. This could result in a greater number of labeling denials than would otherwise be the case. Accordingly, no regulatory changes are being made regarding a formal appeals process.

It is apparent from a review of the comments to this issue that there was some confusion regarding the proposed changes in the area of labeling appeals. As indicated in the proposal, appeals of informal decisionmaking within the Department are presently controlled by § 306.5 of the meat inspection regulations and § 381.35 of the poultry products inspection regulations. The provision in the meat inspection regulations is general in scope and establishes a chain-of-command procedure for appealing decisions of any Department employee. This regulation states that any appeal from a decision of any program employee shall be made to the immediate supervisor having jurisdiction over the subject matter of the appeal, except as otherwise provided by the applicable rules of practice. This section is intended to apply to most decisions made within the Department. In light of this existing

provision, the Administrator believes it should be expressly provided that denial of a labeling application by the IIC would not be appropriately appealed to the IIC's field supervisor. Rather, an establishment would simply submit a labeling application which has been denied by the IIC directly to SLD for review.

While the appeals provision in the meat inspection regulations encompasses all types of decisionmaking, the poultry products inspection regulation is narrower in scope. This provision is specific to inspection decisions such as the decision to retain product for further examination or the decision to condemn poultry. With these types of decisions, timing becomes a critical factor. This regulation includes a 48-hour time limit within which an appeal must be filed. No change was proposed for this regulation other than, for the sake of consistency between the meat and poultry products inspection regulations, clarifying that the denial of a labeling application by the IIC would not constitute a basis for an appeal. The proposed clarification to the appeals provisions in both the meat and poultry regulations is being adopted in the final rule. The 48-hour time limit does not apply to labeling appeals.

In regard to labeling applications submitted to both the IIC and SLD, one trade association suggested a "fast track" review in Washington if an IIC rejects a label. The types of labeling which can be approved by the IIC, i.e., final labeling having SLD sketch approval and "simple" labeling are, by design, routine and noncontroversial. Thus, the Administrator has concluded that there is no need to establish a special mechanism to process these applications in Washington. Establishments have always been able to receive priority consideration from the system if time is a critical factor, and this will continue to be the case. Accordingly, this suggestion is not being adopted.

One industry member suggested including a question on the application form to identify labeling that has been submitted to the IIC. While the Department believes this information may be useful, it also realizes that this may represent an unnecessary requirement. As is presently the case, inconsistent labeling decisions can be identified through the usual auditing procedures.

4. *Temporary approvals.* Twenty-eight comments addressed the issue of temporary approvals. All of these comments were submitted by industry members and trade associations.

Most commenters supported the provision to formalize the temporary approval process. Moreover, there was no opposition to the proposed criteria for granting such approvals. These criteria include a demonstration by the applicant that: (1) The proposed labeling would not misrepresent the product; (2) use of the labeling would not present any potential health, safety, or dietary problems to the consumer; (3) denial of the request would create undue economic hardship; and (4) an unfair competitive advantage would not result from the granting of the temporary approval.

While the attempt to codify the practice of granting temporary approvals was welcomed, the 180-day limit proposed for such approvals was criticized as inadequate, unrealistic, inflexible, and/or arbitrary. Most commenters indicated that extensions for temporary approvals should be permitted on a discretionary basis, with some suggesting that temporary approvals should remain in effect until new labeling is printed. A few commenters also suggested that temporary approvals for labeling containing the word "new" should become effective on the date of use rather than on the approval date. The Department carefully considered the comments on this issue and found many of the arguments to be persuasive. In general, the Department continues to believe that 180 days provides sufficient time for applicants to correct labeling that is deficient in some respect. This time limit is generally consistent with past and present approval practices. The Department recognizes, however, that there may, on rare occasions, be extenuating circumstances beyond the control of the applicant which would require an extension of the 180 day limit. Thus, the Department is retaining the 180 day limitation on temporary approvals provided all four of the criteria are met. In response to those commenters who criticized this time limit as inflexible, the Department will consider extending a temporary approval beyond the 180 day limit if it can be shown that new circumstances, also meeting the established criteria, have developed since the original temporary approval was granted which make it impossible to correct the labeling deficiencies in the time allotted.

In regard to labeling containing the word "new," the Administrator acknowledges the concerns of those commenters addressing this issue and believes that the expiration date for "new" labeling can also be based on the date the product is introduced into the market in addition to the traditional method of establishing the expiration date on the basis of the date the labeling is approved. Accordingly, this suggestion is being adopted as an alternative to the traditional method. Information regarding the product introduction date should be submitted to SLD at the time of label approval if this alternative is selected. It is important to note that the approval for labeling containing "new" terminology is not in actuality a temporary approval as defined in this section because the label which is initially approved is not deficient in any manner; however, use of such labeling for an indefinite period of time would mislead consumers. Thus, in the interest of truthful labeling, its use has been limited to six months. Historically, six months has been considered a reasonable and adequate period of time to introduce new products into the marketplace; however, the Department will consider extending this approval if information, such as documented proof of a delay in marketing, is submitted which justifies such an extension.

A number of commenters also criticized this aspect of the proposal for limiting the IIC's authority to grant temporary approvals. Some argued that the IIC should have the authority to grant temporary approval of labeling that he or she has the authority to approve in final form. However, the Administrator continues to believe that temporary approvals by their nature represent complex labeling decisions which, for the sake of consistency, uniformity, and control, need to be submitted to SLD for approval.

Commenters further criticized the Department for suggesting that temporary approvals would generally not be granted for generically approved labeling which was subsequently found to be deficient. Several commenters indicated that this would act as a disincentive for establishments to use generically approved labeling.

The Department has reviewed this concern and realizes that generically approved labeling can present two general types of errors. The first type of error involves labeling that is submitted to the IIC for filing prior to use which contains some minor modification to previously approved labeling. This labeling, by definition, qualifies for generic approval. If, upon review by the IIC, a deficiency is discovered in such labeling, application may be made to SLD for temporary approval. In such a case, a temporary approval may be granted for 180 days if the applicant can demonstrate that the four established criteria are met.

The second type of error involves labeling that is submitted to the IIC for filing prior to use which does not qualify for generic approval. If, upon review by the IIC, a deficiency of any magnitude is discovered in such labeling, it is improbable that a temporary approval will be granted. If the Department were to literally grant temporary approvals for this type of error, widespread abuse of the concept of generic labeling could result because the Department would be condoning a system where some establishments could intentionally print erroneous labels in expectation of such an approval. Therefore, the Department is reluctant to grant temporary approvals for labeling which has this second type of error.

5. *"Sketch" labeling.* Twenty-three commenters addressed the proposed definition of "sketch" labeling. Almost all of these comments were submitted by industry members. Several trade associations and a labeling consulting firm also commented on this issue. All of the commenters objected to requiring a printer's proof to be submitted for sketch approval. This requirement was criticized as expensive, impractical, burdensome, time consuming, and/or discriminatory to small businesses. These commenters argued that hand-drawn sketches should be sufficient for IIC approval. A number of commenters suggested or endorsed the idea of recognizing two different types of "sketch" labeling, one which would be considered equivalent to a printer's proof and thus, subject to approval, and second which would be considered a rough draft submitted only for review and comment.

The Department did not intend its definition of "sketch" labeling to impose an unnecessary or unfair burden on industry. However, there was some concern raised in the comments to the pilot program which indicated that if sketch labeling is too vague the IIC may have difficulty comparing it with final labeling. As a result, the Department was interested in establishing guidelines for sketch submissions to assure that they are sufficiently representative of the final labeling. Thus, the proposed definition was intended to assist the IICs in their labeling approval responsibilities and hopefully, avoid any problems in this area. In view of the comments on this issue, the Department is amending the definition of sketch labeling to clarify that any type of copy which clearly shows all labeling material, size, location and an indication of final color, can be submitted for sketch approval in lieu of a printer's proof. Although a printer's proof is most desirable, a carefully hand-drawn sketch which indicates letter size and location, layout, and colors appearing on the final labeling is acceptable. The Department does not see merit in the suggestion that the sketch labeling be delimited to two specific types. This would only serve to complicate the labeling approval process. Thus, this suggestion is not being adopted in the final rule. SLD will continue to review and comment on rough drafts of sketches. These rough drafts cannot, however, be submitted for sketch approval.

6. *Voluntary provision.* Seven commenters, six industry members and a trade association, supported the voluntary nature of the proposed IIC/generic labeling approval system. Several of these commenters stressed the importance of retaining the option to submit applications to SLD if preferred and/or if the IIC denies an application. The Department agrees with these commenters and continues to regard the voluntary nature of the IIC/generic approval program appropriate and important to its success. Thus, the use of the IIC to approve labeling and the use of generically approved labeling will be optional. Establishments may continue to submit any and all applications for labeling to SLD.

7. *Multi-plant corporations.* Seven commenters, five industry members and two trade associations, criticized the proposal for providing insufficient relief for multi-plant operations. Many of these commenters suggested that IIC or generic labeling approval granted at one establishment should serve as an approval at all other establishments within the same company.

The Department disagrees with those commenters who contended that the proposed rule would help mostly those manufacturers with single establishments. All labeling which falls within the generic labeling category is, by definition, automatically approved. The establishment simply has to submit a copy of such labeling to the IIC prior to use. This is a dramatic departure from present practices and as noted in the proposal and most of the comments, this change is expected to save both time and money for those firms using this new system.

The Department continues to regard its decision to allow each IIC to approve labeling only for use in his or her particular plant as necessary. An IIC in one plant would have no way of quickly determining whether a label presented from another plant within the same company is actually in use as it is presented to the IIC. In order to avoid any problems in this regard, the Department is adopting, as proposed, the limited provision to permit on previously approved labeling only modifications of newly assigned or revised establishment numbers for that particular establishment. A multi-plant corporation seeking one labeling approval for use in several plants should submit its labeling application to SLD. The application should indicate all establishments which will be producing the product. Copies of the SLD-approved labeling will then be sent to the IIC at each establishment.

8. *Miscellaneous.* Three commenters, two industry members and a trade association, expressed concern over the language of § 381.132(a) of the poultry products inspection regulations. These commenters contended there is an inconsistency between this proposed section and the existing § 381.115. The former provision refers to the use of labeling "on any product" while the latter provision refers to labeling on any product "at the time it leaves the official establishment."

After carefully examining the language of these two provisions, the Administrator has concluded that § 381.132(a) needs to be further amended to clarify that it, too, refers to labeling on any product leaving the establishment. The apparent inconsistency in the language of the two provisions cited above was unintentional. The final rule will be amended accordingly.

One commenter asked for clarification regarding the operation of the labeling approval system in approved foreign establishments exporting product to the United States. This regulation expands the authority of the IIC of official establishments to approve certain labeling and labeling modifications and establishes limited categories of generically approved labeling. The effectiveness of all inspection programs in countries which export product into the United States is monitored by FSIS personnel, but the in-plant inspectors are obviously employees of the foreign governments. Since there is no IIC in a foreign establishment, there will be no change in the labeling approval system for such an establishment wishing to export product to the U.S. Labeling for export to the U.S. will continue to be submitted to SLD in the usual manner.

In reviewing the proposed provisions permitting the IIC to add, delete, or substitute the official USDA grade shield, the Department has realized that, unlike the official poultry grade shield which is applied to poultry product labeling, the official grade mark for meat

is applied only to carcasses or wholesale cuts of meat. As such, changing the official meat grade is not a labeling modification. Accordingly, this provision is being deleted from the IIC-approved labeling category of the meat inspection regulations. Many applicants, however, submit labeling which includes grading terminology. This information falls into the category of a quality claim. Labeling bearing such information, therefore, must be submitted to SLD for review.

Although there is no official meat shield for retail labeling, the use of grading terminology on labeling has increased in recent years as a competitive marketing tool. Such terminology appears in different forms on product labeling, for example, "Our Prime Selection" or "Choice of the East" and as such, it falls into the category of a quality claim because it implies that the product is of a certain quality. Moreover, it is not used in conjunction with an official shield and often is not preceded by "U.S." or "USDA." This is not the case with poultry labeling where the poultry grade can appear only in conjunction with the official poultry grade shield. To further complicate the meat grading issue, attempts have been made to use terminology alluding to Federal grades on labeling when the product itself has not been federally graded. Use of such terminology in this manner is clearly misleading and thus, contrary to the FMIA. In light of this problem, the Administrator has concluded that meat grading terminology falls outside the scope of simple labeling which may be approved by the IIC. Labeling bearing such terminology should be submitted to SLD for approval to assure that such claims are accurately and appropriately used.

As a note of clarification, this final rule deletes, as proposed, a provision currently contained in the meat inspection regulations (§ 317.4(d)) which allows the IIC to approve stencils, labels, box dies, and brands used on shipping containers and on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers. Historically this provision was intended to accommodate the obvious practical problems associated with a centralized review of such materials and was designed to cover very simple labeling where there was little chance for error and no possibility of misleading the public. In recent years, however, some questions have been raised regarding the scope of this provision. In fact, some applicants have submitted relatively complex labeling for large institutional packages to the IIC for approval under this authority. Consistent with the intent of the original provision, more general provisions allowing the IIC to approve single ingredient labeling and labels for shipping containers have been included in the amended meat and poultry products inspection regulations. Thus, the labeling falling within the intended scope of the existing § 317.4(d) will be encompassed by the new § 317.4(e)(3)(ii), 317.4(e)(3)(v), 381.132(c)(3)(ii), and 318.132(c)(3)(v).

List of Subjects

9 CFR Part 306

Appeals, Meat inspection.

9 CFR Part 317

Food labeling, Meat inspection.

9 CFR Part 381

Appeals, Food labeling, Poultry inspection.

This final rule promulgates the provisions of the proposal as modified and described in the preamble. Accordingly, the Federal meat and poultry products inspection regulations (9 CFR Parts 306, 317, and 381) are amended as follows:

1. The authority citation for Parts 306 and 317 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1171(b), unless otherwise noted.

PART 306—[AMENDED]

2. The text of § 306.5 (9 CFR 306.5) is revised as follows:

§ 306.5 Appeals.

Any appeal from a decision of any Program employee shall be made to his/her immediate supervisor having jurisdiction over the subject matter of the appeal, except as otherwise provided in the applicable rules of practice. Denial of a labeling application by the inspector-in-charge shall not constitute a basis for an appeal under this section.

PART 317—[AMENDED]

3. The section title and paragraphs (a) and (d) of § 317.4 (9 CFR 317.4 (a) and (d)) are revised and paragraph (e) is added as follows:

§ 317.4 Labeling to be approved by the Administrator.

(a) No labeling shall be used on any product until it has been approved in its final form by the Administrator. For the convenience of the establishment, sketches or proofs of new labeling may be submitted in triplicate to the Standards and Labeling Division, Meat and Poultry Inspection Technical Services, in Washington, D.C., for approval, and the preparation of final labeling deferred until such approval is obtained. "Sketch" labeling is a printer's proof or other copy which clearly shows all labeling material, size, location, and an indication of final color. All final labeling shall be submitted in triplicate to the Standards and Labeling Division for approval, except where such approval may be obtained from the inspector-in-charge as specified in this section or where generic approval is granted as specified in § 317.5. Any establishment that wishes to submit any labeling to the Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Washington, D.C., for approval may do so.

* * * * *

(d) Application may be made, consistent with the requirements of this section, for a temporary approval for the use of a label or other labeling that may otherwise by deemed deficient in some particular. Temporary approvals may be granted by the Standards and Labeling Division for a period not to exceed 180 calendar days. Such an approval may be granted if (1) the proposed labeling would not misrepresent the product; (2) use of the labeling would not present any potential health, safety, or dietary problems to the consumer; (3) denial of the request would create undue economic hardship; and (4) an unfair competitive advantage would not result from the granting of the temporary approval. Temporary approvals may not be extended unless the applicant demonstrates that new circumstances, meeting the above criteria, have developed since the original temporary approval was granted.

(e) Inspector-in-charge may approve labeling in certain cases. (1) At the request of the official establishment, the inspector-in-charge may approve labeling, listed in paragraph (e)(3) of this section, which has not been submitted to the Standards and Labeling Division: *Provided,* That the labeling is so used as not to be false or misleading, and that all approvals are issued in writing in response to formal applications, and that copies of the approved applications are forwarded by the inspector-in-charge for filing and possible audit to the Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(2) Denial of a labeling application by the inspector-in-charge precludes use of the labeling unless and until

authorization is obtained under paragraph (a) of this section.

(3) The inspector-in-charge may approve: (i) Final labeling of labeling already approved in sketch or proof form by the Standards and Labeling Division and the final labeling is prepared without modification or with only minor modification as described in paragraph (e)(3)(iii) of this section or as described in § 317.5;

(ii) Labeling for single ingredient products (such as steak or lamb chops) which do not contain quality claims (such as "blue ribbon" or "choice"), negative claims (such as "no sugar added"), geographical claims, nutritional claims, guarantees, or foreign language;

(iii) Any label or other labeling which has already been approved but which contains one or more minor modifications, as set forth in this subparagraph: *Provided,* That in the opinion of the inspector-in-charge, all mandatory information remains sufficiently prominent and the labeling as modified is so used as not to be false or misleading:

(A) Brand name changes: *Provided,* That there are no design changes, the brand name does not use a term that connotes quality or other product characteristics, the brand name has no geographic significance and the brand name does not affect the name of the product;

(B) The deletion of the word "new" on new product labeling;

(C) The addition, deletion, or amendment of handling instructions: *Provided,* That the change is consistent with § 317.2 of this subchapter;

(D) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label: *Provided,* That the change in quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in Parts 318 and 319 of this subchapter;

(E) Changes in the color of the labeling: *Provided,* That the inspector-in-charge is satisfied that sufficient contrast and legibility remain; or

(F) A change in the product vignette: *Provided,* That the change does not affect mandatory labeling information;

(iv) Labeling for containers of meat and meat food products sold under contract specifications to Federal Government agencies, when such product is not offered for sale to the general public: *Provided,* That the contract specifications include specific requirements with respect to labeling, and are made available to the inspector-in-charge;

(v) Labels for shipping containers which contain fully labeled immediate containers;

(vi) Labeling for products not intended for human food: *Provided,* That they comply with Part 325 of this subchapter;

(vii) Meat inspection legends, which comply with Parts 312 and 316 of this subchapter; and

(viii) Meat carcass ink brands, and meat food product ink and burning brands, which comply with Parts 312 and 316 of this subchapter.

4. The title and contents of § 317.5 (9 CFR 317.5) are revised to read as follows:

§ 317.5 Generically approved labeling.

(a) Labeling which is generically approved under paragraph (b) of this section is approved for use without additional authorization, provided the labeling shows all mandatory information in a sufficiently prominent manner and is not otherwise false or misleading in any particular. Any determination by the inspector-in-charge that labeling being used in accordance with paragraph (b) of this section is false or misleading or that labeling alleged by an establishment to be approved under paragraph (b) of this section which the inspector-in-charge determines is not so approved, shall preclude the use of the labeling and said determination shall remain in effect unless and until an alternative decision is made by the Standards and Labeling Division. A copy of any labeling to be used in accordance with paragraph (b) of this section shall be supplied to the inspector-in-charge prior to its use.

(b) Labeling which has previously been approved but which contains the following modifications is generically approved and may be used in conformity with the requirements of paragraph (a) of this section:

(1) All features of the labeling are proportionately enlarged or reduced: *Provided,* That all minimum size requirements specified in applicable regulations are met and the labeling is legible;

(2) There is substitution of such abbreviations as "lb." for "pound," or "oz." for "ounce," or the word "pound" or "ounce" is substituted for the abbreviation;

(3) A master or stock label has been approved from which the name and address of the distributor are omitted and such name and address are applied before being used (in such case, the word "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval);

(4) During holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations or rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labeling (the use of such designs will not make necessary the application of labeling not otherwise required);

(5) There is a change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;

(6) The addition, deletion, or amendment of a coupon, a cents-off statement, cooking instructions, packer product code information, or UPC product code information.

(7) Any change in the name or address of the packer, manufacturer, or distributor that appears in the signature line;

(8) Any change in the net weight: *Provided,* That the size of the net weight statement complies with § 317.2 of this subchapter;

(9) The addition, deletion, or amendment of recipe suggestions for the product;

(10) Any change in punctuation;

(11) Newly assigned or revised establishment numbers for a particular establishment for which use of the labeling has been approved by the Standards and Labeling Division or the inspector-in-charge assigned to that establishment;

(12) The addition or deletion of open dating information; or

(13) A change in the type of packaging material on which the label is printed.

PART 381—[AMENDED]

5. The authority citation for Part 381 reads as follows:

Authority: Sec. 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); the Talmadge-Aiken Act of September 28, 1962, (7 U.S.C. 450); and subsection 21(b) of the Federal Water Pollution Control Act, as amended by Pub. L. 91–224 and by other laws (33 U.S.C. 1171(b)) unless otherwise noted.

6. The text of § 381.35 (9 CFR 381.35) is revised as follows:

§ 381.35 Appeal inspections; how made.

Any person receiving inspection service may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision: *Provided,* That such appeal is filed within 48 hours from the time the decision was made. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal, and such superior shall

determine whether the inspector's decision was correct. Review of such appeal determination, when requested, shall be made by the immediate superior of the employee of the Department making the appeal determination. The cost of any such appeal shall be borne by the appellant if the Administrator determines that the appeal is frivolous. The charges for such frivolous appeal shall be at the rate of $9.28 per hour for the time required to make the appeal inspection. The poultry or poultry products involved in any appeal shall be identified by U.S. retained tags and segregated in a manner approved by the inspector pending completion of an appeal inspection: *Provided*, further, That denial of a labeling application by the inspector-in-charge shall not constitute a basis for an appeal under this section.

7. The section title and the text of § 381.132 (9 CFR 381.132) are revised as follows:

§ 381.132 Labeling to be approved by the Administrator.

(a) No labeling shall be used on any product leaving the establishment until it has been approved in its final form by the Administrator. For the convenience of the establishment, sketches or proofs of new labeling may be submitted in triplicate to the Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Washington, D.C., for approval, and the preparation of final labeling deferred until such approval is obtained. "Sketch" labeling is a printer's proof or other copy which clearly shows all labeling material, size, location, and an indication of final color. All final labeling shall be submitted in triplicate to the Standards and Labeling Division for approval, except where such approval may be obtained from the inspector-in-charge as specified in this section or where generic approval is granted as specified in § 381.134 of this subchapter. Any establishment that wishes to submit any labeling to the Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Washington, D.C., for approval may do so.

(b) Application may be made, consistent with the requirements of this section, for a temporary approval for the use of a label or other labeling that may otherwise be deemed deficient in some particular. Temporary approvals may be granted for a period not to exceed 180 calendar days. Such an approval may be granted if (1) the proposed labeling would not misrepresent the product; (2) use of the labeling would not present any potential health, safety, or dietary problems to the consumer; (3) denial of the request would create undue economic hardship; and (4) an unfair competitive advantage would not result from the granting of the temporary approval. Temporary approvals may not be extended unless the applicant demonstrates that new circumstances, meeting the above criteria, have developed since the original temporary approval was granted.

(c) Inspector-in-charge may approve labeling in certain cases.

(1) At the request of the official establishment, the inspector-in-charge may approve labeling, listed in paragraph (c)(3) of this section, which has not been submitted to the Standards and Labeling Division: *Provided*, That the labeling is so used as not to be false or misleading, and that all approvals are issued in writing in response to formal applications, and that copies of the approved applications are forwarded by the inspector-in-charge for filing and possible audit to the Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(2) Denial of a labeling application by the inspector-in-charge precludes use of the labeling unless and until authorization is obtained under paragraph (a) of this section.

(3) The inspector-in-charge may approve:

(i) Final labeling of labeling already approved in sketch or proof form by the Standards and Labeling Division and the final labeling is prepared without modification or with only minor modification as described in paragraph (c)(3)(iii) of this section or as described in § 381.134 of this subpart;

(ii) Labeling for single ingredient products (such as chicken or turkey thighs) which do not contain quality claims (such as "blue ribbon" or "choice"), negative claims (such as "no sugar added"), geographical claims, nutritional claims, guarantees, or foreign language;

(iii) Any label or other labeling which has already been approved but which contains one or more minor modifications, as described below: *Provided*, That in the opinion of the inspector-in-charge, all mandatory information remains sufficiently prominent and the labeling as modified is so used as not to be false or misleading:

(A) Brand name changes: *Provided*, That there are no design changes, the brand name does not use a term that connotes quality or other product characteristics, the brand name has no geographic significance, and the brand name does not affect the name of the product;

(B) The deletion of the word "new" on new product labeling;

(C) The addition, deletion, or amendment of handling instructions: *Provided*, That the change is consistent with § 381.125 of this subchapter; or

(D) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label: *Provided*, That the change in quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in § 381.147;

(E) Changes in the color of the labeling: *Provided*, That the inspector-in-charge is satisfied that sufficient contrast and legibility remain;

(F) The addition, deletion, or substitution of the official USDA grade shield;

(G) A change in the product vignette: *Provided*, That the change does not affect mandatory labeling information.

(iv) Labeling for containers of poultry products sold under contract specifications to Federal governmental agencies when such product is not offered for sale to the general public: *Provided*, That the contract specifications include specific requirements with respect to labeling, and are made available to the inspector-in-charge;

(v) Labels for shipping containers which contain fully labeled immediate containers. Such labels shall comply with § 381.127;

(vi) Labeling for products of poultry not intended for human food if they comply with § 381.152(c), and labels for poultry heads and feet for export for processing as human food if they comply with § 381.190(b);

(vii) Poultry inspection legends, if they comply with Subpart M of this part;

(viii) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers, and coverings of product provided such devices contain no reference to product and bear no misleading feature;

(8) The title and contents of § 381.134 (9 CFR 381.134) are revised to read as follows:

§ 381.134 Generically approved labeling.

(a) Labeling which is generically approved under paragraph (b) of this section is approved for use without additional authorization, provided the labeling shows all mandatory information in a sufficiently prominent manner and is not otherwise false or

misleading in any particular. Any determination by the inspector-in-charge that labeling being used in accordance with paragraph (b) of this section is false or misleading or that labeling alleged by an establishment to be approved under paragraph (b) of this section which the inspector-in-charge determines is not so approved, shall preclude the use of the labeling and said determination shall remain in effect unless and until an alternative decision is made by the Standards and Labeling Division. A copy of any labeling to be used in accordance with paragraph (b) of this section shall be supplied to the inspector-in-charge prior to its use.

(b) Labeling which has previously been approved but which contains the following modifications is generically approved and may be used in conformity with the requirements of paragraph (a) of this section:

(1) All features of the label are proportionately enlarged or reduced: *Provided*, That all minimum size requirements specified in applicable regulations are met and the labeling is legible;

(2) There is substitution of such abbreviations as "lb." for "pound," or "oz." for "ounce," or the word "pound" or "ounce" is substituted for the abbreviation;

(3) A master or stock label has been approved from which the name and address of the distributor are omitted and such name and address are applied before being used (in such case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval);

(4) During holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labeling (the use of such design will not make necessary the application of labeling not otherwise required);

(5) There is a change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;

(6) The addition, deletion, or amendment of a coupon, a cents-off statement, cooking instructions, packer product code information, or UPC product code information;

(7) Any change in the name or address of the packer, manufacturer, or distributor that appears in the signature line;

(8) Any change in the net weight: *Provided*, That the size of the net weight statement complies with § 381.121 of this subchapter;

(9) The addition, deletion, or amendment of recipe suggestions for the product;

(10) Any changes in punctuation;

(11) Newly assigned or revised establishment numbers for a particular establishment for which use of the labeling has been approved by the Standards and Labeling Division or the inspector-in-charge assigned to that establishment;

(12) The addition or deletion of open dating information; or

(13) A change in the type of packaging material on which the label is printed.

§ 381.135 [Reserved]

9. Section 381.135 (9 CFR 381.135) is removed and the section number is reserved.

Information collection requirements contained in this regulation (§§ 306.5, 317.4, 317.5, 381.35, 381.132, and 381.134) have been approved by the Office of the Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0583-0015.

Done at Washington, D.C., on February 24, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-7204 Filed 3-17-83; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 308

Hearing

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is amending § 308.61 of its regulations (12 CFR 308.61) to delegate to the Executive Secretary the authority to (1) designate presiding officers for hearings under § 308.59 of its regulations (12 CFR 308.59) and (2) set a later hearing date.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Margaret M. Olsen, Assistant Executive Secretary, 550 17th Street, NW., Washington, D.C. 20429, telephone (202) 389-4446.

SUPPLEMENTARY INFORMATION: Section 308.59 of FDIC's regulations provides that an individual subject to suspension and removal proceedings under section 8(g) of the Federal Deposit Insurance Act ("FDI Act," 12 U.S.C. 1818(g)) or, in the case of a petition for reconsideration of a denial of an application under section 19 of the FDI Act (12 U.S.C. 1829), the bank or the affected individual, may request a hearing. Under section 308.61 of FDIC's regulations, the Board of Directors designates the presiding officer for any such hearing and may order a later hearing date upon petition. (The Executive Secretary sets the original hearing date.) For reasons of administrative ease and efficiency, the Board is delegating authority to the Executive Secretary to designate the presiding officers and to set a later hearing date.

These amendments relate solely to internal agency practices and procedures and, therefore, the notice, public comment and delayed effective date requirements of 5 U.S.C. 553 are not applicable. The amendments also would not have a significant economic impact on a substantial number of small entities and would not impose any recordkeeping or reporting requirements on any person. Thus, under FDIC's policy statement on drafting regulations entitled, "Development and Review of FDIC Rules and Regulations," a cost-benefit analysis is not required.

List of Subjects in 12 CFR Part 308

Administrative practice and procedure, Claims, Courts, Equal access to justice, Lawyers, Penalties.

PART 308—[AMENDED]

Accordingly, the Board of Directors amends Part 308 as set forth below.

1. The authority citation for Part 308 reads as follows:

Authority: Sec. 2(9), Pub. L. 797, 64 Stat. 881 (12 U.S.C. 1819); sec. 18, Pub. L. 94-29, 89 Stat. 155 (15 U.S.C. 78w); sec. 801, Pub. L. 95-630, 92 Stat. 3641 (12 U.S.C. 1972); sec. 203, Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504).

2. Paragraph (a) of § 308.61 is revised to read as follows:

§ 308.61 Hearing.

(a) The Executive Secretary shall order a hearing to commence within 30 days after receipt of a request for hearing pursuant to § 308.59, except in the case of a petition for reconsideration of denial of a section 19 application, for which the time periods set forth in § 303.10(d) shall apply. The hearing shall be held in Washington, D.C., or at another designated place, before a presiding officer designated by the Executive Secretary. The Executive Secretary may order a later hearing date upon petition of the individual or, in the case of a section 19 denial, the affected individual or the bank afforded the hearing.

* * * * *

By order of the Board of Directors, this 14th day of March, 1983.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-7167 Filed 3-17-83; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 572

[No. 83-143]

Net Worth Certificates

March 7, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") has extended until April 1, 1983, the initial filing date for a qualified institution to apply for the Federal Savings and Loan Insurance Corporation ("FSLIC") to purchase net worth certificates ("MWCs") in accordance with Title II of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, 96 Stat. 1469 (October 15, 1982). This extension will allow additional time for the dissemination of information regarding the Board's NWC program and for institutions to apply under that program.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Robert J. Moore, Deputy Director, Policy and Programs (202-377-6480) or James A. Kristufek, Capital Assistance Program Administrator (202-377-6363), Office of Examinations and Supervision, or Thomas J. Haggerty, Senior Attorney, Division of Securities and Corporate Analysis, Office of General Counsel (202-377-6911), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: In order to allow additional time for the dissemination of information regarding the Board's NWC program, 12 CFR Part 572, and to allow qualified institutions to complete their application to the FSLIC to purchase NWCs in accordance with that Program, the Board has amended § 572.3(c) of the Rules and Regulations for the Federal Savings and Loan Insurance Corporation (12 CFR 572.3) to provide that any application for capital assistance based on operating losses for an applicable-six-month fiscal-year period which has closed may be made until April 1, 1983. Previously, § 572.3(c), as amended, had specified a March 1, 1983, date. Section 572.3(c) continues to require that after the April 1, 1983, date applications must be filed within 30 days after the close of an applicable period.

List of Subjects in 12 CFR Part 572

Savings and loan associations.

The Board finds that observance of the notice and comment period pursuant to 5 U.S.C. 553(b) and 12 CFR 508.12, and delay of the effective date pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14, are unnecessary because this amendment constitutes a benefit to applicants by extending the initial application due date. The Board had retained authority to waive that due date in any event.

Accordingly, the Board hereby amends Part 572 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 572—NET WORTH CERTIFICATES

§ 572.3 [Amended]

Amend paragraph (c) of § 572.3 by inserting the word "April" in place of the word "March" in that paragraph.

(Secs. 401, 402, 403, 405, 406, and 407, 48 Stat. 1255, 1256, 1257, 1259, and 1260, as amended (12 U.S.C. 1724, 1725, 1726, 1728, 1729, and 1780); Reorg. Plan No. 3 of 1947, 3 CFR, 1943-48 Comp. p. 1071)

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.

Acting Secretary.

[FR Doc. 83-7126 Filed 3-17-83; 8:45 am]

BILLING CODE 6720-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 389

Filing-Fee Requirements; Waiver

AGENCY: Civil Aeronautics Board.

ACTION: Waiver of Filing-Fee Requirements Under 14 CFR Part 389.

SUMMARY: Following requests on behalf of certain foreign carriers, the Board's Managing Director, acting under delegated authority, has waived the requirements of Part 389 of the Board's Organization Regulations to the extent necessary to relieve the carriers of France (by letter dated March 9, 1983) and Canada (by letter dated March 9, 1983), from paying the filing fees set forth in § 389.25. Both actions were effective immediately on March 9, 1983, and the filing of a petition for review will not alter the effectiveness.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Allen Brown, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5878.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-7140 Filed 3-17-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 162

[T.D. 83-72]

Summary Forfeiture and Disposition of Controlled Substances

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide that: (1) Certain controlled substances which are imported into the United States without proper entry documentation may be seized and summarily forfeited to the United States; and (2) certain notice procedures are inapplicable to the disposition of such controlled substances.

These amendments are being made to eliminate the unnecessary and costly storage of large quantities of controlled substances.

EFFECTIVE DATE: March 18, 1983. These amendments were previously published as interim regulations, effective on May 11, 1982.

FOR FURTHER INFORMATION CONTACT: Steven L. Basha, Office of the Chief Counsel, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202-566-2482); or David Goldfarb, Assistant Regional Counsel, U.S. Customs Service, 99 S.E. 5th Street, Miami, Florida 33131, (305-350-4321).

SUPPLEMENTARY INFORMATION:

Background

During the last few years, Customs has found it increasingly difficult to store and safeguard controlled substances that have been seized for violation of drug and/or customs laws. Accordingly, by T.D. 82-89, published in the **Federal Register** on May 14, 1982 (47 FR 20753), Customs issued interim regulations to provide that: (1) Certain controlled substances which are imported into the United States without proper entry documentation may be seized and summarily forfeited to the United States; and (2) certain notice procedures are inapplicable to the disposition of such controlled

substances. Prior to the interim regulations, § 162.45, Customs Regulations (19 CFR 162.45), required Customs to retain seized controlled substances for at least three weeks, during which time notice of their impending forfeiture was given. The three week retention necessitated the storage of the controlled substances in secure areas because of their illicit value and dangerous propensities. The problem of storage and security of seized drugs has become acute in Customs regions that have large scale drug smuggling activity. For example, the Miami, Florida, Customs Region (Southeast Region) seized over 3,400,000 pounds of marihuana in fiscal year 1981. The cost to the Government in providing secure storage for such large quantities of drugs has become excessive. Additionally, the storage of large quantities of these items often interferes with the efficient operation of other Customs business.

The Controlled Substances Act (21 U.S.C. 801, *et seq.*) and the Controlled Substances Import and Export Act (21 U.S.C. 951, *et seq.*) deem illegally imported Schedule I controlled substances (as defined in 21 U.S.C. 802(6) and 812) to be contraband that is summarily forfeited to the United States (21 U.S.C. 881(f) and 965). The Supreme Court has held that contraband is not required to be returned to the person from whom it is seized. *Trupiano v. United States*, 334 U.S. 699, 710 (1948); *United States v. Jeffers*, 342 U.S. 48, 54 (1951).

Accordingly, because illegally imported Schedule I substances are summarily forfeited to the United States upon seizure, there is no purpose served in storing such substances, or notifying the public of Customs intention to dispose of such substances. The public notice provision of § 162.45 is included in the regulations for the benefit of those parties who might have a legitimate interest in seized property, and who might wish to file a claim for such property pursuant to § 162.47, Customs Regulations (19 CFR 162.47). The fact that seized Schedule I controlled substances are deemed contraband and are summarily forfeited to the Government precludes any claim under § 162.47.

Comments

Although T.D. 82-89 specifically invited written comments on the interim regulations, none were received.

Changes to Interim Regulations

Customs has determined to adopt the interim regulations as permanent rules with the only substantive change being the addition of a sentence at the end of § 162.45a, Customs Regulations (19 CFR 162.45a). That sentence provides that when seized controlled substances are required as evidence in a court proceeding they shall be preserved to the extent and in the quantities necessary for that purpose.

Inapplicability of Delayed Effective Date Provisions

T.D. 82-89 stated that, because of the acute storage problem associated with large quantity seizures of controlled substances, and because 21 U.S.C. 881 (f) and 965 deem illegally imported Schedule I controlled substances to be contraband that is summarily forfeited to the United States, Pursuant to 5 U.S.C. 553(b)(B), notice and public procedure were impracticable, unnecessary, and contrary to the public interest. T.D. 82-89 further stated that, pursuant to 5 U.S.C. 553(d)(3), good cause existed for dispensing with a delayed effective date. For the same reasons, and for the reason that the interim regulations have been in effect since May 11, 1982, good cause exists for dispensing with a delayed effective date for the final rule.

Executive Order 12291

This amendment is not a "major rule" as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Analysis

T.D. 82-89 contained a certification pursuant to the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that these regulations will not have a significant economic impact on a substantial number of small entities. The same certification is applicable to this document. Accordingly, regulatory flexibility analyses are not required.

Drafting Information

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

List of Subjects in 19 CFR Part 162

Administrative practice and procedure, Law enforcement, Penalties, Search warrants, Seizures and forfeitures, Imports, Customs duties and inspection.

Amendments to the Regulations

Part 162, Customs Regulations (19 CFR Part 162), is amended as set forth below

William von Raab,

Commissioner of Customs.

Approved: **John M. Walker, Jr.,**

Assistant Secretary of the Treasury.

March 3, 1983.

PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

1. The section heading and paragraph (b) of § 162.45, Customs Regulations (19 CFR 162.45(b)), are revised to read as follows:

§ 162.45 Summary forfeiture where value not over $10,000: Property other than Schedule I controlled substances. Notice of seizure and sale.

* * * * *

(b) *Publication.* (1) If the appraised value of any property in one seizure from one person other than Schedule I controlled substances (as defined in 21 U.S.C. 802(6) and 812) exceeds $250, the notice shall be published in a newspaper of general circulation in the Customs district and the judicial district in which the property was seized for at least three successive weeks.

(2) In all other cases, except for Schedule I controlled substances (see § 162.45a), the notice shall be published by posting in a conspicious place accessible to the public in the customhouse nearest the place of seizure and in the customhouse at the headquarters port for the Customs district, with the date of posting noted thereon, and shall be kept posted for at last three successive weeks. Articles of small value of the same class or kind included in two or more seizures shall be advertised as one unit.

* * * * *

2. Part 162, Customs Regulation (19 CFR Part 162), is amended by adding a new § 162.45a, to read as follows:

§ 162.45a Summary forfeiture of Schedule I controlled substances.

The Controlled Substances Act (84 Stat. 1242, 21 U.S.C. 801) provides that all controlled substances in Schedule I (as defined in 21 U.S.C. 802(6) and 812) that are possessed, transferred, sold or offered for sale in violation of the Act shall be deemed contraband and seized and summarily forfeited to the United States (21 U.S.C. 881(f)). By reference, the Controlled Substances Import and Export Act (21 U.S.C. 951) incorporates this contraband forfeiture provision. See 21 U.S.C. 965. Accordingly, in the case of a seizure of Schedule I controlled substances, the appropriate Regional

Commissioner of Customs or his designee shall contact the appropriate Drug Enforcement Administration official responsible for issuing permits authorizing the importation of such substances (see 21 CFR 1312). If upon inquiry the Regional Commissioner or his designee is notified that no permit for lawful importation has been issued, he shall declare the seized substances contraband and forfeited pursuant to 21 U.S.C. 881(f). Inasmuch as such substances are Schedule I controlled substances, the notice procedures set forth in section 162.45 are inapplicable. When seized controlled substances are required as evidence in a court proceeding, they shall be preserved to the extent and in the quantities necessary for that purpose.

3. Section 162.63, Customs Regulations (19 CFR 162.63), is amended to read as follows:

§ 162.63 Arrests and seizures.

Arrests and seizures under the Controlled Substances Act (84 Stat. 1242, 21 U.S.C. 801), and the Controlled Substances Import and Export Act (84 Stat. 1285, 21 U.S.C. 951), shall be handled in the same manner as other Customs arrests and seizures. However, Schedule I controlled substances (as defined in 21 U.S.C. 802(6) and 812) imported contrary to law shall be seized and forfeited in the manner provided in the Controlled Substances Act (21 U.S.C. 881(f)). See § 162.45a.

(Sec. 511(d), 1016, 84 Stat. 1276 as amended, 1291; 21 U.S.C. 881(d), 966)

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[FR Doc. 83-7152 Filed 3-17-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Commissioner of Food and Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority that contain the delegations of authority to the Commissioner of Food and Drugs to incorporate a revised delegation to the Commissioner to accept gifts under section 501 of the Public Health Service Act (PHS Act).

EFFECTIVE DATE: March 18, 1983.

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

SUPPLEMENTARY INFORMATION: On February 25, 1983, the Assistant Secretary for Health issued a memorandum delgating to the Commissioner the authority under section 501 of the PHS Act, as amended, to accept offers of gifts, excluding the acceptance of gifts of real property. Only the authority to accept unconditional gifts of personal property valued at $5,000 or less can be redelegated. The delegation superseded the previous delegation of this authority by the Director, Office of Management, PHS, dated August 20, 1979.

In § 5.10 (21 CFR 5.10), new paragrpah (a)(20) is being added to reflect the revised delegation and paragraph (e) is being deleted to remove the superseded delegation.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a) 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended in § 5.10 by adding new paragraph (a)(20) and by removing paragraph (e) as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.10 Delegations from the Secretary, the Assistant Secretary for Health, and Public Health Service Officials.

(a) * * *

(20) Functions vested in the Secretary under section 501 of the Public Health Service Act (42 U.S.C. 219) as amended, to accept offers of gifts, excluding the acceptance of gifts of real property. Only the authority to accept unconditional gifts of personal property valued at $5,000 or less may be redelegated.

* * * * *

Effective date. This regulation shall be effective March 18, 1983.

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

Dated: March 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7107 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 5

Delegations of Authority and Organization; Revised Organization

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revising the regulations setting forth its organization structure. Several reorganizations have occurred since the structure was last issued. These revised regulations will present FDA's latest structure.

EFFECTIVE DATE: March 18, 1983.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 5

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended by revising § 5.100 to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.100 Headquarters.

The central organization of the Food and Drug Administration consists of the following:

Office of the Commissioner [1]

Commissioner of Food and Drugs.
Deputy Commissioner.
Office of Regulatory Affairs.
Office of Health Affairs.
Office of Management and Operations.
Office of Planning and Evaluation.
Office of Legislation and Information.
Office of Consumer Affairs.

Bureau of Foods [2]

Office of the Director.

[1] Mailing address: 5600 Fishers Lane, Rockville, MD 20857.

[2] Mailing address: 200 C St. SW., Washington, DC 20204.

Associate Director for Planning and Operations.
Associate Director for Compliance.
Division of Compliance and Industry Programs.
Division of Food and Color Additives.
Division of Regulatory Guidance.
Division of Cooperative Programs.
Associate Director for Nutrition and Food Sciences.
Division of Consumer Studies.
Division of Nutrition.
Division of Microbiology.
Associate Director for Toxicological Sciences.
Division of Mathematics.
Division of Pathology.
Division of Toxicology.
Associate Director for Physical Sciences.
Division of Chemical Technology.
Division of Color Technology.
Division of Cosmetics Technology.
Division of Chemistry and Physics.
Division of Food Technology.

Bureau of Veterinary Medicine [1]

Office of the Director.
Associate Director for Voluntary Compliance and Operations.
Associate Director for Human Food Safety.
Associate Director for Research.
Division of Veterinary Medical Research.
Associate Director for Scientific Evaluation.
Division of Biometrics and Production Drugs.
Division of Drug Manufacturing and Controls.
Division of Therapeutic Drugs for Food Animals.
Division of Therapeutic Drugs for Non-Food Animals.
Associate Director for Surveillance and Compliance.
Division of Compliance.
Division of Surveillance.
Division of Animal Feeds.

Executive Director of Regional Operations [1]

Office of the Executive Director.
Associate Director for Administration.
Associate Director for Field Support.
Office of Resource Planning and Management.
Division of Field Science.
Division of Field Investigations.
Division of Field Regulatory Guidance.
Associate Director for Federal-State Relations.
Division of Federal-State Relations.

National Center for Devices and Radiological Health [1]

Office of the Director.
Office of Management and Systems.
Office of Health Physics.

Office of Radiological Health

Office of the Director.
Associate Director for Health Affairs.
Division of Electronic Products.
Division of Risk Assessment.
Division of Compliance.
Division of Training and Medical Applications.

Office of Medical Devices [3]

Office of the Director.
Office of Small Manufacturers Assistance.
Associate Director for Health Affairs.
Associate Director for Device Evaluation.
Division of Cardiovascular Devices.
Division of Gastroenterology/Urology and General Use Devices.
Division of Anesthesiology and Neurology Devices.
Division of Obstetrics/Gynecology Devices.
Division of Surgical and Rehabilitation Devices.
Division of Clinical Laboratory Devices.
Division of Ophthalmic, Ear, Nose, and Throat, and Dental Devices.
Associate Director for Standards.
Division of In Vitro Diagnostic Device Standards.
Division of General Medical Device Standards.
Associate Director for Compliance.
Division of Compliance Programs.
Division of Compliance Operations.
Division of Product Surveillance.

National Center for Drugs and Biologics [1]

Office of the Director.
Office of Scientific Advisors and Consultants.
Office of Management.
Division of Planning and Evaluation.
Division of Administrative Management.

Office of New Drug Evaluation

Office of the Director.
Division of Anti-Infective Drug Products.
Division of Cardio-Renal Drug Products.
Division of Surgical-Dental Drug Products.
Division of Metabolism and Endocrine Drug Products.
Division of Neuropharmacological Drug Products.
Division of Oncology and Radiopharmaceutical Drug Products.

Office of Drugs

Office of the Director.
Division of Drug Advertising and Labeling.
Division of Scientific Investigations.
Associate Director for Compliance.
Division of Drug Quality Evaluation.
Division of Drug Labeling Compliance.
Division of Drug Compliance.
Associate Director for Information Systems.
Division of Drug Information Resources.
Division of Information Systems Design.
Medical Library.
Associate Director for Biometrics and Epidemiology.
Division of Biometrics.
Division of Drug Experience.
Associate Director for Drug Monographs.
Division of OTC Drug Evaluation.
Division of Biopharmaceutics.
Division of Generic Drug Monographs.
Associate Director for Pharmaceutical Research and Testing.
Division of Drug Biology.
Division of Drug Chemistry.
National Center for Drug Analysis.

Office of Biologics [4]

Office of the Director.
Division of Blood and Blood Products.
Division of Virology.
Division of Bacterial Products.
Division of Biochemistry and Biophysics.
Division of Product Quality Control.
Associate Director of Compliance.
Division of Compliance (Biologics).
Division of Biologics Evaluation.

National Center for Toxicological Research [5]

Office of the Director.
Office of Scientific Intelligence.
Associate Director for Research Operations and Planning.
Office of Management.
Division of Management Services.
Division of Toxicological Data Management Systems.
Division of Facilities Engineering and Maintenance.
Associate Director for Research.
Division of Teratogenesis Research.
Division of Mutagenesis Research.
Division of Carcinogenesis Research.
Division of Molecular Biology.
Division of Biometry.
Division of Chemistry.
Associate Director of Chemical Evaluation.
Division of Chemical Toxicology.
Division of Pathology.
Division of Animal Husbandry.
Division of Microbiological Services.

Effective date: This regulation shall be effective March 18, 1983.

[3] Mailing address: 8757 Georgia Ave., Silver Spring, MD 20910.

[4] Mailing address: 8800 Rockville Pike, Bethesda, MD 20205.

[5] Mailing address: Jefferson, AR 72079.

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

Dated: March 10, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6732 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 5, 211, and 250

Editorial Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is editorially amending sections of the regulations to update various references.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Malcolm B. Reddoch, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: The changes below update various references in the regulations and are nonsubstantive.

List of Subjects

21 CFR Part 5

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

21 CFR Part 211

Drugs, manufacturing, Labeling, Laboratories, Packaging and containers, Warehouses.

21 CFR Part 250

Drugs.

Therefore, under section 701(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Chapter I of 21 CFR is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.10 [Amended]

1. In § 5.10 *Delegations from the Secretary, the Assistant Secretary of Health, and Public Health Service Officials*, in paragraph (a)(4) change "(except in interstate transportation of etiological agents under 42 CFR 72.25)" to "(except in interstate transportation of etiologic agents under 42 CFR Part 72)."

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

§ 211.48 [Amended]

2. In § 211.48 *Plumbing*, in paragraph (a) by revising the second sentence to read as follows: "Potable water shall meet the standards prescribed in the Environmental Protection Agency's Primary Drinking Water Regulations set forth in 40 CFR Part 141."

PART 250—SPECIAL REQUIREMENTS FOR SPECIFIC HUMAN DRUGS

§ 250.203 [Amended]

3. In § 250.203 *Status of fluoridated water and foods prepared with fluoridated water*, in paragraph (a) by inserting "(Centers for Disease Control)" immediately following "through the Public Health Service"; and in paragraph (c) by changing "Public Health Service" to "Environmental Protection Agency".

Effective date. March 18, 1983.

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

Dated: March 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7216 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 133

[Docket No. 77N-0331]

Nine Natural Cheeses; Revision Based on International Standards of Identity; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration is correcting a final rule that amended its regulations on cheese and related cheese products.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: In FR Doc. 83-1842 appearing at page 2736 in the **Federal Register** of Friday, January 21, 1983, the following corrections are made:

1. On page 2737, second column, in the second paragraph of comment 6 the fifth sentence is changed to read "The regulations set forth below provide for the use of 'safe and suitable' ingredients consistent with this policy."

2. On page 2738, third column, in the second paragraph of comment 15 the following changes are made:

a. In the second sentence, "standard" is changed to read "standards".

b. In the third sentence, "standard" is changed to read "standards".

c. In the fourth sentence, "That standard permits" is changed to read "Those standards permit".

3. On page 2742 in § 133.3 *Definitions* in paragraph (d), the following changes are made:

a. In the first line of the table, "90 min." is changed to read "30 min.".

b. In the second line of the footnote to the table, "increased by 6° F" is changed to read "increased by 5° F".

4. On page 2742 in § 133.5 *Methods of analysis* in paragraph (b), "Milk fat" is changed to read "Milkfat".

5. On page 2743 in § 133.113 *Cheddar cheese* in paragraph (a), the following changes are made:

a. In the first sentence, the reference "paragraph (a)(4)" is changed to read "paragraph (a)(3)".

b. In the second sentence, the number "31" is changed to read "50".

6. On page 2743 in § 133.138 *Edam cheese* in paragraph (a), the following changes are made:

a. The second sentence is changed to read "The minimum milkfat content is 40 percent by weight of the solids and the maximum moisture content is 45 percent by weight, as determined by the methods described in § 133.5."

b. The last sentence is changed to read "If the dairy ingredients used are not pasteurized, the cheese is cured at a temperature of not less than 35° F for at least 60 days."

7. On page 2744 in § 133.149 *Gruyere cheese*, the following changes are made:

a. In paragraph (a)(1), the third sentence is changed to read "The minimum milkfat content is 45 percent by weight of the solids and the maximum moisture content is 39 percent by weight, as determined by the methods described in § 133.5."

b. In paragraph (b)(3)(i), "0.002 percent" is changed to read "0.02 percent".

c. In paragraph (d), "part 101" is changed to read "Part 101".

8. On page 2744 in § 133.152 *Limburger cheese* in paragraph (a)(1), the last sentence is changed to read "If the dairy ingredients used are not pasteurized, the cheese is cured at a temperature of not less than 35° F for at least 60 days."

9. On page 2745 in § 133.185 *Samsoe cheese* in the last sentence of paragraph (a)(1), the word "cheese" is added after "Samsoe".

10. On page 2746 in § 133.195 *Swiss and emmentaler cheese* in paragraph (d) in the introductory text, "part 101" is changed to read "Part 101".

Dated: March 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7112 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 211, 314, and 700

[Docket No. 82N-0330]

Tamper-Resistant Packaging Requirements for Certain Over-the-Counter Human Drug and Cosmetic Products

Correction

In FR Doc. 82-30645 beginning on Page 50442 in the issue of Friday, November 5, 1982, make the following corrections.

1. On page 50448, first column, first line, "alternating" should read "alerting".

2. On page 50451, second column, paragraph "(el)" of § 700.25 should read "(e)".

3. On page 50451, third column, twentieth line from the bottom of the last paragraph, "700.25(c)" should read "700.25(e)".

BILLING CODE 1505-01-M

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21 CFR Part 314

New Drug Applications; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is issuing a correction to the final rule that amended the new drug regulations.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Marilyn L. Watson, National Center for Drugs and Biologics (HFN-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301-443-3640.

SUPPLEMENTARY INFORMATION: FDA is correcting a document published in the Federal Register of Friday, January 21, 1983, to include a cross reference change in § 314.1(c)(2) that was inadvertently omitted. Therefore, in FR Doc. 83-1647 at page 2755 in the Federal Register of Friday, January 21, 1983, the following correction is made in the center column: Amendment 2.a. is corrected to read "a. In § 314.1 by removing paragraph (f), by revising the first sentence of paragraph (a)(1) to read as follows, and by changing in paragraph (c)(2), form FD-356H, the reference '§ 314.1(f)' to '§ 314.2:' "

Dated: March 15, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7246 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 436, 442, and 450

Drugs for Human Use; Antibiotics; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction

SUMMARY: The Food and Drug Administration is correcting errors in certain antibiotic regulations that published in the Federal Register in May and September of 1974 during the recodificaton of Subchapter D—Drugs for Human Use—of Title 21 of the Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, National Center for Drugs and Biologics (HFN-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: The following corrections are made:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

§ 436.311 [Corrected]

1. In § 436.311 *Thin layer chromatography identity test for amoxacillin* in paragraph (d), the seventh sentence reading "Pour developing solvent into the glass trough" is removed. (The error first appeared in FR Doc. 74-21842 at page 34032 in the Federal Register of Monday, September 23, 1974.)

PART 442—CEPHA ANTIBIOTIC DRUGS

§ 442.25a [Corrected]

2. In § 442.25a *Sterile cephalothin sodium* in paragraph (a)(4)(i), the first six words "Results of tests and assays of" are changed to read "Results of test and assay on." (The error first appeared in FR Doc. 74-12338 at page 19042 in the Federal Register of Thursday, May 30, 1974.)

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

§ 450.240 [Corrected]

3. In § 450.240 *Mithramycin for injection* in paragraph (b)(3), the reference "§ 436.32" is changed to "§ 436.32(b)." (The error first appeared in FR Doc. 74-12338 at page 19148 in the Federal Register of Thursday, May 30, 1974.)

Dated: March 9, 1983.

James C. Morrison,

Assistant Director for Regulatory Affairs.

[FR Doc. 83-6734 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 510

New Animal Drugs; Change of Sponsor Name

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor name for a new animal drug application (NADA) from Endo Laboratories, Inc., to DuPont Pharmaceuticals. DuPont Pharmaceuticals submitted a supplemental NADA advising the agency of the change.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Bureau of Veterinary Medicine (HFV-145), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: DuPont Pharmaceuticals, One Rodney Square, Wilmington, DE 19898, has revised NADA 30-525 (oxymorphone hydrochloride injection) to reflect a change of sponsor name from Endo Laboratories, Inc., to DuPont Pharmaceuticals. This intracorporate transfer of sponsorship does not involve any changes in manufacturing facilities, equipment, procedures, or production personnel. The regulations are amended to reflect the name change.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Reporting requirements.

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 510 is amended in § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* in paragraph (c)(1) for the entry "Endo Laboratories, Inc." by revising the firm name to read

"DuPont Pharmaceuticals"; and in paragraph (c)(2) for the entry "000056" by revising "Endo Laboratories, Inc." to read DuPont Pharmaceuticals."

Effective date. March 18, 1983.

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

Dated: March 9, 1983.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-7110 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 510

New Animal Drugs; Change of Sponsor Name

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor name for a new animal drug application (NADA) from Endo Pharmaceuticals, Inc., to DuPont Pharmaceuticals, Inc. DuPont Pharmaceuticals, Inc., submitted a supplemental NADA advising the agency of the change.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Bureau of Veterinary Medicine (HFV-145), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: DuPont Pharmaceuticals, Inc., P.O. Box 363, Manati, Puerto Rico 00701, has revised NADA 35-825 (naloxone hydrochloride injection) to reflect a change of sponsor name from Endo Pharmaceuticals, Inc., to DuPont Pharmaceuticals, Inc. This intracorporate transfer of sponsorship does not involve any changes in manufacturing facilities, equipment, procedures, or production personnel. The regulations are amended to reflect the name change.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Reporting requirements.

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 510 is amended in § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* in paragraph (c)(1) for the entry "Endo Pharmaceuticals, Inc.," by changing the firm name to "DuPont Pharmaceuticals, Inc." and placing it in the proper alphabetical sequence; and in paragraph (c)(2) for the entry "000590" by changing the firm name "Endo Pharmaceuticals, Inc." to "DuPont Pharmaceuticals, Inc."

Effective date. March 18, 1983.

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

Dated: March 9, 1983.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-7108 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 510

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for several new animal drug applications (NADA's) from Hart-Delta, Inc., to AMI, Inc. Supplements to the affected NADA's provide for this change.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: AMI, Inc., 5055 Choctaw Drive, Baton Rouge, LA 70805, filed supplements to several NADA's providing for a change of sponsor from Hart-Delta, Inc., to AMI, Division of Med-Tech Veterinarian Products, Inc. (AMI, Inc.). By letters, Hart-Delta, Inc, and AMI, Inc., confirmed the change of sponsor. Those NADA's affected are: NADA 92-481, n-Butyl Chloride capsules; NADA 92-837, D.E.C. soluble syrup; NADA 102-020, Tri-Plex worm capsules; and NADA 111-349, Selenium Disulfide shampoo.

This action, the change of sponsor for several NADA's, does not involve changes in manufacturing facilities, equipment, procedures, or personnel. The list of sponsor names and addresses in 21 CFR 510.600(c) is amended to reflect the change of sponsors.

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

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 510.600 is amended in paragraph (c)(1) by removing the entry for "Hart-Delta, Inc.," and by alphabetically adding a new sponsor entry for "AMI, Inc.", and in paragraph (c)(2) in the entry for "015563" by removing the sponsor name "Hart-Delta, Inc.," and inserting in its place "AMI, Inc.," to read as follows:

PART 510—NEW ANIMAL DRUGS

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
AMI, Inc., 5055 Choctaw Drive, Baton Rouge, LA 70805	015563
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
015563	AMI, Inc., 5055 Choctaw Drive, Baton Rouge, LA 70805
* * * * *	

* * * * *

Effective date. March 18, 1983.

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

Dated: March 9, 1983.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-7109 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Levamisole Gel

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the correct dosage form of a previously approved new animal drug application (NADA) sponsored by Cyanamid Agricultural de Puerto Rico, Inc. The NADA provides for use of a levamisole hydrochloride gel to treat cattle for certain nematode infections.

EFFECTIVE DATE: May 25, 1982.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Bureau of Veterinary Medicine (HFV–145), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3442.

SUPPLEMENTARY INFORMATION: Cyanamid Agricultural de Puerto Rico, Inc. (CAPRI), Manati, PR 00701, is sponsor of NADA 126–237 which provides for use of a 11.5 percent levamisole gel for oral treatment of cattle for stomach, intestinal, and lung worm infections.

Approval of NADA was published in the **Federal Register** of May 25, 1982 (47 FR 22516). The approval identified the product as a paste rather than a gel. This document amends the regulations to reflect the correct dosage form.

List of Subjects in 21 CFR Part 520

Animal drugs, oral use.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.1242f [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1242f by revising the section heading to read "§ 520.1242f *Levamisole hydrochloride gel*" and in paragraph (a) of that section by removing the word "paste" and inserting in its place the word "gel."

Effective date. May 25, 1982.

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

Dated: March 11, 1983.

Robert A Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-6880 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Chlortetracycline

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by American Cyanamid Co. providing for revised labeling for a chlortetracycline (CTC) premix. The regulations are also amended to allow an additional use of the premix in making finished feeds to be used for treating psittacine birds known or suspected of being infected with psittacosis. This approval will allow use of CTC premixes in making pelleted feed for treating psittacosis, in addition to the currently approved mash ration.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV–133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., Berdan Ave., Wayne, NJ 07470, filed supplemental NADA 48–761 which provides for addition of a psittacosis claim to the labeling of its Aureomycin 50 Medicated Premix (CTC). The additional claim will allow the premix to be used in manufacturing finished feeds for use in treating psittacine birds (parrots, macaws, and cockatoos) suspected or known to be infected with psittacosis caused by *Chlamydia psittaci* sensitive to 10 milligrams of CTC per gram of feed, continuously fed for 45 days. The supplemental NADA is approved and the regulations are amended accordingly.

This action, approval of a supplemental NADA providing for addition of the psittacosis claim to the Aureomycin 50 Medicated Premix label, does not alter usage of the drug because the same conditions of use are currently approved for a similar American Cyanamid CTC product—S.F. Mix 66 Premix (NADA 55–040; approved December 28, 1967). Therefore, in accordance with the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this supplement does not require reevaluation of the safety and effectiveness data in the parent application.

The agency is amending 21 CFR 558.128(e)(1) to allow use of CTC premixes in making pelleted feed ration in addition to making cooked grain mash for treating psittacine birds for psittacosis. American Cyanamid's previously approved S.F. Mix 66 Premix is intended for use in making cooked grain mash, its Aueromycin 50 Medicated Premix is intended for use in making pelletized feeds. This action is consistent with the action of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture (APHIS/USDA) in amending 9 CFR 92.11 *Quarantine requirements* (July 13, 1982; 47 FR 30230). That amendment approved use of pelleted, CTC-containing feed ration as an alternative method of controlling psittacosis in quarantined psittacine birds. The approval was based on USDA-generated research results demonstrating that the CTC-containing pellets are equally, if not more, effective than the cooked grain mash in treating and controlling the disease. These data support approval by FDA of this supplement.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.128 is amended by revising paragraph (e)(1) (i), (ii), and (iii) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.128 Chlortetracycline.

* * * * *

(e) * * *

(1) * * *

(i) *Amount.* 10 milligrams per gram of finished feed.

(ii) *Indications for use.* Treatment of psittacine birds (cockatoos, macaws, and parrots) suspected or known to be infected with psittacosis caused by

Chlamydia psittaci sensitive to chlortetracycline.

(iii) *Limitations.* Feed continuously for 45 days. As chlortetracycline calcium complex equivalent to chlortetracycline hydrochloride. Each bird should consume daily an amount of medicated feed equal to one fifth of its body weight. *Warning:* "Psittacosis, avian chlamydiosis, or ornithosis is a reportable communicable disease, transmissible between wild and domestic birds, other animals, and man. Contact appropriate public health and regulatory officials."

* * * * *

Effective date: March 18, 1983.

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

Dated: March 8, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-6879 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Zip Feed Mills, Inc., providing for safe and effective use of 2-gram-per-pound and 10-gram-per-pound tylosin premixes for making complete swine feeds.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Zip Feed Mills, Inc., P.O. Box 500, 304 E. Eighth St., Sioux Falls, SD 57101, is the sponsor of supplemental NADA 97-259 submitted on its behalf by Elanco Products Co. The supplement provides for making 2-gram-per-pound and 10-gram-per-pound tylosin premixes. The premixes are used to make complete swine feeds for use as provided for in 21 CFR 558.625(f)(1)(vi) (*a*), (*b*), (*c*), and (*d*). The firm currently holds approval for making 0.4, 4, and 10-gram-per-pound tylosin premixes for swine feeds for use as provided for in 21 CFR 558.625(f)(1)(vi) (*a*).

Approval of this supplement relies upon safety and effectiveness data contained in Elanco's approved NADA 12-491. Elanco authorizes use of the data in NADA 12-491 to support this supplement. This approval does not change the approved use of the drug. Consequently, approval poses no increased human risk of exposure to residues of the animal drug nor does it change the conditions of the drug's safe use in the target animal species.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in NADA 12-491.

This supplement is approved and the regulations in 21 CFR 558.625 are amended accordingly.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(18) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

* * * * *

(b) * * *

(18) To 017434: 0.4 and 4 grams per pound, paragraph (f)(1)(iv) (*a*) of this section; 2 and 10 grams per pound, paragraph (f)(1)(vi) (*a*) through (*d*) of this section.

* * * * *

Effective date: March 18, 1983

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

Dated: March 11, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-6881 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 620

[Docket No. 78N-0425]

Typhoid Vaccine; Additional Standards; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting paragraph references that appeared in a final rule amending the biologics regulations to revise the additional standards for typhoid vaccine.

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

SUPPLEMENTARY INFORMATION: In FR Doc. 83-4196 at page 7165 in the Federal Register of Friday, February 18, 1983, the following corrections are made: At page 7168 in the first column in amendment "5." to § 620.14 *General requirements*, the reference to "paragraph (c)(1)" is changed to "paragraph (c)(2)"; and the reference to "paragraph (b)(2)" is changed to "paragraph (c)(3)."

Dated: March 9, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6733 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 1003

[Docket No. 78N-0400]

Protection of Human Subjects; Informed Consent; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration is correcting an error in the conforming amendment on protection of human subject; informal consent which published in the Federal Register on January 27, 1981).

FOR FURTHER INFORMATION CONTACT: Melvyn R. Altman, National Center for Devices and Radiological Health (HFX-460), 12720 Twinbrook Parkway, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-2687 at page 8942 in the Federal

Register of Tuesday, January 27, 1981, the following correction is made on page 8957: In § 1003.31 *Granting the exemption* in paragraph (b) in the first sentence, the phrase "significant risk to injury, including generic injury," is changed to "significant risk of injury, including genetic injury,".

Dated: March 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7217 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 1240 and 1250

Control of Communicable Diseases; Interstate Conveyance Sanitation; Editorial Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending editorially various sections of the regulations on control of communicable diseases and the regulations on interstate conveyance sanitation in Parts 1240 and 1250 (21 CFR Parts 1240 and 1250) to correct recodification errors and update references.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Malcolm B. Reddoch, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202-245-3092.

SUPPLEMENTARY INFORMATION: In FR Doc. 75-3395 in the **Federal Register** of Thursday, February 6, 1975 (40 FR 5620), 21 CFR Parts 1240 and 1250 were added as recodified from 42 CFR Part 72. Various nomenclature changes, cross-references, updates, and authority citations were omitted. This document makes the necessary changes. The changes are nonsubstantive.

List of Subjects

21 CFR Part 1240

Administrative practice and procedure, Communicable diseases, Foreign quarantine, Interstate conveyance sanitation, Shellfish, Water, potable.

21 CFR Part 1250

Administrative practice and procedure, Foreign quarantine, Interstate conveyance sanitation, Water, potable.

Therefore, under the Public Health Service Act (Sec. 361, 58 Stat. 703, as amended (42 U.S.C. 264)), the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 1240 and 1250 are amended as follows:

PART 1240—CONTROL OF COMMUNICABLE DISEASES

1. The authority citation for Part 1240 is revised to read as follows:

Authority: Secs. 215, 311, 361, 368, 58 Stat. 690, 693, 703, as amended, 706 (42 U.S.C. 216, 243, 264, 271).

2. A cross-reference section is added below the "source" citation to Part 1240, as follows:

Cross-References: For Department of Health and Human Services regulations relating to foreign quarantine, sanitation measures, and control of communicable diseases, see Centers for Disease Control's requirements as set forth in 42 CFR Parts 71 and 72; and within that Part 71 under § 71.602, the standards and source approval requirements cited under Part 72 are no longer codified thereunder as the applicable requirements of 42 CFR Part 72 having been recodified to 21 CFR Parts 1240 and 1250 in FR Doc. 75-3395 in the **Federal Register** of February 6, 1975 (40 FR 5620). Additionally, Food and Drug Administration regulations relating to interstate conveyance sanitation are prescribed in Part 1250 of this chapter.

§ 1240.3 [Amended]

3. In § 1240.3 *General definitions.* in paragraph (k), by changing "Public Health Service Drinking Water Standards as set forth in 42 CFR 72.201 through 72.207" to "Environmental Protection Agency's Primary Drinking Water Regulations as set forth in 40 CFR Part 141 and the Food and Drug Administration's sanitation requirements as set forth in this Part and Part 1250 of this chapter."

§ 1240.20 [Amended]

4. In § 1240.20 *Issuance and posting of certificates following inspections.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1240.30 [Amended]

5. In § 1240.30 *Measures in the event of inadequate local control.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1240.62 [Amended]

6. In § 1240.62:

a. By revising the section heading to read *"Turtles, intrastate and interstate requirements."* (This change is also to be made in the table of contents to Part 1240.)

b. In paragraph (c)(1)(ii), at the end of the first sentence, after "Food and Drug Administration," by adding "200 C St. SW., Washington, DC 20204."

c. By removing the authority citation "(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))" at the end of the section.

§ 1240.80 [Amended]

7. In § 1240.80 *General requirements for water for drinking and culinary purposes.*, by changing "Surgeon General" to "Commissioner of Food and Drugs" in the two places it appears.

§ 1240.83 [Amended]

8. In § 1240.83 *Approval of watering points.:*

a. In paragraph (a), by revising the introductory text and (a)(1) to read "(a) The Commissioner of Food and Drugs shall approve any watering point if (1) the water supply threat meets the standards prescribed in the Environmental Protection Agency's Primary Drinking Water Regulations as set forth in 40 CFR Part 141, and".

b. In paragraph (b), by changing "Surgeon General" to "Commissioner of Food and Drugs."

c. In paragraph (c), by changing "Surgeon General" to "Commissioner of Food and Drugs."

d. In paragraph (d), by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1240.90 [Amended]

9. In § 1240.90 *Approval of treatment aboard conveyances.:*

a. In paragraph (a), by changing "Surgeon General" to "Commissioner of Food and Drugs."

b. In paragraph (b), by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1240.95 [Amended]

10. In § 1240.95 *Sanitation of water boats.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

PART 1250—INTERSTATE CONVEYANCE SANITATION

11. The authority citation for Part 1250 is revised to read as follows:

Authority: Secs. 215, 311, 361, 368, 58 Stat. 690, 693, 703, as amended, 706 (42 U.S.C. 216, 243, 264, 271).

12. A cross-reference section is added below the "source" citation to Part 1250, to read as follows:

Cross-References: For Department of Health and Human Services regulations relating to foreign quarantine and control of communicable diseases, see Centers for Disease Control's requirements as set forth in 42 CFR Parts 71 and 72; and within that Part 71 under § 71.602, the standards and source approval requirements cited under Part 72 are no longer codified thereunder as the applicable requirements of 42 CFR Part 72

having been recodified to 21 CFR Parts 1240 and 1250 in FR Doc. 75-3395 in the Federal Register of February 6, 1975 (40 FR 5620). Additionally, Food and Drug Administration regulations relating to interstate conveyance sanitation are prescribed in Part 1250 of this chapter.

§ 1250.3 [Amended]

13. In § 1250.3 *Definitions.*, in paragraph (j) by changing "Public Health Service Drinking Water Standards as set forth in 42 CFR 72.201 through 72.207" to "Environmental Protection Agency's Primary Drinking Water Regulations as set forth in 40 CFR Part 141 and the Food and Drug Administration's sanitation regulations as set forth in this Part and Part 1240 of this chapter."

§ 1250.21 [Amended]

14. In § 1250.21 *Inspection.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.25 [Amended]

15. In § 1250.25 *Source identification and inspection of food and drink.:*

a. In paragraph (a), by changing "Surgeon General" to "Commissioner of Food and Drugs."

b. In paragraph (b), by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.26 [Amended]

16. In § 1250.26 *Special food requirements.*, in paragraph (a) by changing "Surgeon General" to "Commissioner of Food and Drugs" in the three places it appears.

§ 1250.41 [Amended]

17. In § 1250.41 *Submittal of construction plans.*, by changing "Surgeon General" to "Commissioner of Food and Drugs" in the two places it appears.

§ 1250.51 [Amended]

18. In § 1250.51 *Railroad conveyances; discharge of wastes.:*

a. In paragraph (d) in the first sentence by inserting "Sub-Program Manager" after "Bureau of Foods," by removing "Branch"; and by changing "HFF-324" to "HFF-312."

b. In paragraph (f)(3) in the first sentence by inserting "Sub-Program Managers," after "Bureau of Foods"; by removing "Branch"; and by changing "HFF-324" to "HFF-312."

c. By removing the authority citation, "(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))" at the end of the section.

d. By adding the following cross-reference at the end of the section:

Cross-Reference: For statutory exemptions for "intercity rail passenger service," see section 306(i) of 45 U.S.C. 546(i).

§ 1250.52 [Amended]

19. In § 1250.52 *Discharge of wastes on highway conveyances.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.53 [Amended]

20. In § 1250.53 *Discharge of wastes on air conveyances.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.60 [Amended]

21. In § 1250.60 *Applicability.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.61 [Amended]

22. In § 1250.61 *Inspection and approval.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.62 [Amended]

23. In § 1250.62 *Submittal of construction plans.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.81 [Amended]

24. In § 1250.81 *Inspection.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.82 [Amended]

25. In § 1250.82 *Potable water systems.*, in paragraph (f) by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.93 [Amended]

26. In § 1250.93 *Discharge of wastes:*

a. By changing "Surgeon General" to "Commissioner of Food and Drugs."

b. By adding the following cross-reference at the end of the section:

Cross-Reference: For Environmental Protection Agency's regulations for vessel sanitary discharges as related to authority under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1314 et seq.), see 40 CFR Part 140.

Effective date: March 18, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)); sec. 361, 58 Stat. 703, as amended (42 U.S.C. 264))

Dated: March 15, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7245 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 885

[Docket No. R-82-982]

Housing for the Elderly or Handicapped; Amendment To implement Cost Savings Procedures

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

ACTION: Final rule.

SUMMARY: This final rule revises 24 CFR Part 885, Loans for Housing for the Elderly or Handicapped, to adopt the cost limits from the Section 221(d)(3) mortgage insurance program for Section 202 projects, to require competitive bidding on construction contracts except in certain specified instances, and to simplify cost certification procedures.

EFFECTIVE DATE: May 2, 1983, except the information collection requirements of § 885.415, which are under review at OMB. The effective date for these information requirements will be announced by separate notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Robert W. Wilden, Director, Elderly Cooperative, Congregate and Health Facilities Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW. Washington, D.C. 20410, (202) 426-8730. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background of Rule

On May 11, 1982, HUD published an interim rule to implement cost savings procedures in the development of multifamily dwellings for the elderly under Section 202 of the Housing Act of 1959. It involved four issues: (1) Competitive bidding for all Section 202 construction contracts exceeding $100,000; (2) simplified cost certification by borrowers in small projects; (3) increased minimum capital investment from one-half of one percent of the mortgage amount, not to exceed $10,000, to 1 percent of the mortgage amount, not to exceed $25,000; and (4) amendment to the per unit cost limits to conform them to those used for nonprofit borrowers in the Section 221(d)(3) mortgage insurance program.

On June 2, 1982, the Banking, Finance and Urban Affairs Committee of the House of Representatives, pursuant to

Section 7(o) of the Department of Housing and Urban Development Act, reported out a resolution disapproving the interim rule, thus purporting to defer its effectiveness by 90 days, until August 24. HUD published a notice in the Federal Register on July 16, 1982 (47 FR 30970) that the Department was delaying the effective date until such time, not earlier than September 1, 1982, as might be specified by further notice in the Federal Register.

The Department published notice on October 6, 1982 (47 FR 44116 and 47 FR 44122) to the effect that the interim rule would be treated as a proposed rule, and that public comment would be considered before issuance of a final rule. The previously published interim rule will thus be referred to as the "proposed rule" in this preamble.

Response to Public Comments

Competitive Bidding

The requirement in § 885.415(m) of the proposed rule that construction contracts for more than $100,000 be competitively bid on a fixed price basis drew negative public comment from general contractors and nonprofit sponsors, and from trade associations for general contractors and nonprofit sponsors. However, several trade associations representing many construction industry practices, including design, construction, material supply and equipment manufacture, commented in support of competitive bidding as the preferred method of constructive procurement.

Those opposing competitive bidding argued, first, that there is no need to add new cost containment measures, since costs are already limited by competition among sponsors for fund reservations, competitive bidding by subcontractors, narrow profit margins of general contractors in a period of decreased construction activity, and cost certification. Second, they argued that the new system would have disadvantages over the current one: (a) Abandonment of the development team approach would add an expense for an architectural fee early in the process—from a non-profit sponsor's limited resources—since the absence of a specific, reputable general contractor identified with the project at the outset would discourage architects from working on a contingent fee basis; (b) competitive bidding would omit the quality control and assurance of completion which selection of a general contractor based on experience and reputation provides; (c) small contractors could not cope with government bidding requirements; (d) it would preclude the use of unique construction methods, which might not be responsive to standard design, and would preclude inclusion of units for the elderly in a mixed-use development controlled by one contractor; (e) the absence of a general contractor at the design stage would result in redesign problems, with associated rebidding and delays; and (f) it would be time-consuming, and contractors might be unwilling to hold bids firm for the 90–120 day period required by HUD processing. In addition, two groups criticized the failure of HUD to provide data supporting the assumption that competitive bidding would be more cost effective than the negotiated award system now in use.

First, we believe that additional cost containment measures in the construction of federally-subsidized dwellings are justified despite the existence of other such measures, if they produce lower cost to taxpayers without sacrificing needed quality in construction. Second, we have revised the rule, minimizing the disadvantages of the competitive bidding requirement alleged by commenters.

The revisions include a new § 885.416 to describe the procedures for awarding construction contracts. This section expands the category of projects that are exempt from competitive bidding from those with a maximum $100,000 construction contract, as stated in the proposed rule, to those either: (a) With a mortgage amount of less than $1 million, or (b) with the Borrower's commitment—at the fund reservation stage—to contain rents within the FMRs applicable to projects for the elderly or handicapped then published and in effect. If HUD determines during later processing that the $1 million mortgage limit or the FMR limit is no longer feasible, competitive bidding will be required. One additional restriction will be imposed on projects that are not competitively bid to hold down their cost: no proceeds from the HUD loan can be used to pay for costs arising from any inadequacies in the plans and specifications.

In response to the alleged disadvantages, the Department notes that non-profit sponsors are eligible for interest-free loans from HUD under Section 106(b) of the Housing and Urban Development Act of 1968 to cover a portion of such costs as architectural fees.

The final rule (as did the proposed rule) provides for assurance of completion and quality control in competitive bidding by requiring contractors who submit bids to provide a guarantee of their ability to furnish a payment-performance bond. In addition, § 885.416 provides that contracts be awarded only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed construction contract. In determining responsibility, consideration is to be given such matters as integrity, compliance with public policy, record of past performance, and financial and technical resources.

The expansion in the final rule of the category of projects that may award contracts noncompetitively should permit participation by small contractors and by those using unique construction methods. On the other hand, the prohibition against payment of costs resulting from any inadequacies in plans and specifications on negotiated noncompetitive contract award projects will assure that sponsors obtain the design advantages and savings claimed for the negotiated noncompetitive award method.

The proposed rule did not provide a compilation of data on the cost-effectiveness of competitive bidding in the Section 202 program because there is insufficient data available from which to draw valid conclusions. To evaluate the effectiveness of competitive bidding techniques, one must have information on comparable projects that used different contractor selection techniques. In the case of Section 202 projects, competitive bidding was a program requirement before 1968, but there were no comparable projects using noncompetitive bidding during that period. The program was inactive from 1968 until 1976. Since 1976, only a very few projects have been competitively bid, and there is an insufficient number of Section 202 projects, constructed under negotiated noncompetitive contracts in the same or comparable areas to those built under competitive bidding during that time period, to make a valid comparison.

However, the overall Federal procurement policy is that competitive bids produce the best value at the lowest cost. That policy requires competitive bidding in most Federal construction purchases unless a convincing justification is provided that such a procedure would not satisfy other important objectives. In this case, it is our conclusion that competitive bidding is most likely to be effective in producing cost savings in large projects where bulk purchasing can be used. Consequently, in this final rule we have permitted negotiated noncompetitive awards to be made on smaller projects,

i.e., those with mortgages of under $1 million.

Simplified Cost Certification

There was no public comment opposition to the simplified cost certification for small-sized projects with mortgages of $500,000 or less. This provision, § 885.425, is being retained without substantive change from the proposed rule.

Increased Minimum Capital Investment

Comments were almost uniformly opposed to the increase. The reasons given for opposition were that: (1) It was not warranted because the escrowed funds are used only infrequently; (2) it would foreclose participation by many smaller nonprofit sponsors, reducing availability of Section 202 housing in some rural areas and areas of minority concentration; and (3) the increase is greater than one reflecting only the rate of inflation and is not warranted in today's economic conditions.

We have decided not to implement the proposed increase in the minimum capital investment, so this final rule includes no change to the language of § 885.410(j) currently in effect.

Per Unit Cost Limits

Arguments by one commenter against the use of cost limits borrowed from a mortgage insurance program, such as the 221(d)(3) program, were anticipated in the preamble to the proposed rule. These arguments assert that the cost limits chosen contravene Congressional intent, as evidenced by Congress' rejection of Section 231 limits for the Section 202 program, and that the rule improperly applies limits appropriate for profit-motivated sponsors (with their ability to attract capital) to nonprofit sponsors whose costs are higher. We reaffirm the discussion in the preamble to the proposed rule, which stated:

> The major vehicle used by limited dividend borrowers for financing Section 8 projects is the Section 221 program. The Section 221(d)(3) per unit limits for nonprofit borrowers are proportionally higher than the per unit limits for limited dividend borrowers, in order to reflect the fact that nonprofit borrowers are eligible for mortgages up to 100 percent of replacement cost, whereas limited dividend borrowers are restricted to mortgages up to 90 percent of replacement cost. The Section 221 limits, while generally lower than the Section 202 limits, have been adequate to generate the construction of a significant number of Section 8 projects both for the elderly and for families. The Department does not believe that imposing the Section 221(d)(3) limits for nonprofit borrowers on the Section 202 program violates the requirement of Section 202(d) of the Housing Act of 1959, as amended in 1977, because Section 202(d) states that Section 202 limits "shall be determined without regard to mortgage limits applicable to housing projects subject to mortgages insured under Section 231 of the National Housing Act." The Section 221(d)(3) per unit limits for nonprofit borrowers are unrelated to the Section 231 limits, and in fact the Section 221(d)(3) limits are significantly higher than the Section 231 limits * * *. The Department believes that the use of the Section 221(d)(3) per unit limits for nonprofit borrowers in the Section 202 program will carry out the intent of the 1977 Senate Committee Report, which states, "Section 202 loans should be made only to those projects which the Secretary determines will be constructed 'in an economical manner' and which 'will not be of elaborate or extravagant design or materials.'"

One commenter stated that the revised cost limits do not reflect the cost of safety and security features needed by the elderly, and that HUD policy has recently decreased the percentage of costs not attributable to dwelling units, reflecting amenities, from 15% to 10%. The cost of such safety and security features as grab bars and wide doors is not significant when designed as part of original construction. The 10% limit on costs not attributable to swelling units restricts amenities such as dining facilities—rather than safety features—and this limit is not contained in the rule being amended in this proceeding.

Other commenters objected to the revised cost limits: (1) Because the Section 221(d)(3) limits fail to reflect the increase in costs since they were established in 1978, and (2) because these lower limits will render the program infeasible in high-cost urban areas. Although the 221(d)(3) per unit limits have not been revised since 1978, we believe that units of modest design and materials can be built within them in areas other than high cost areas. In high cost areas, increases in the limits by up to 75 percent are permitted under § 885.410(f). High cost limits are frequently revised to account for increases in construction costs. If documentation is provided that, in an individual case, development of a project is infeasible because costs in the area exceed the high cost limit, the Assistant Secretary would consider a waiver, pursuant to Section 899.101, of that limit. These procedures should provide adequate flexibility to permit construction of Section 202 projects in high cost urban areas.

Detailed Description of Changes

A detailed description of changes from the Part 885 now in effect follows:

(1) Section 885.410 (b) and (c) are amended to provide dollar cost limits which conform to the per unit cost limits for nonprofit sponsors for the Section 221(d)(3) mortgage insurance program.

(2) Section 885.415(m) is amended to require competitive bidding on construction contracts unless: (a) The borrower agrees at the fund reservation stage to keep rents within the Fair Market Rents then in effect, or (b) the mortgage is less than $1,000,000. Where a contract is awarded noncompetitively, no use of Section 202 loan proceeds for costs arising from any inadequacies in the plans and specifications will be permitted.

(3) Section 885.425, Completion of Construction of Substantial Rehabilitation, Execution of HAP Contract, and Cost Certification and Approvals by HUD, is amended as follows:

(a) Subparagraph (c)(1) is amended to delete reference to the "cost-plus" construction contract, since fixed-price construction contracts will be used for all projects subject to competitive bidding.

(b) Subparagraph (c)(3) is amended so as to cover only projects not subject to competitive bidding. In cases where the contract is awarded through competitive bidding procedures, contractors will not be required to certify cost.

(c) Subparagraphs (d), (e) and (f) are added to permit simplified cost certification procedures for small projects and to assure that contract rents are reduced to reflect an reduction in the Section 202 loan amount.

This final rule will apply to Section 202 borrowers receiving fund reservations for new projects subsequent to the effective date of the rule. It will not affect projects which received fund reservations in Fiscal Year 1982 or prior years. The Department has determined that these changes are necessary to bring about significant cost savings under the Section 202 program. These saving will be in the form of reduced per unit costs and rents, which will allow more units to be developed with the appropriated Section 202 loan authority and Section 8 subsidy, thereby extending the program resources to serve more elderly and handicapped households.

Findings and Certifications

A Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations in 24 CFR Part 50 that implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at 451

Seventh Street, SW., Washington, D.C. 20410, Room 10278.

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

Pursuant to 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, because it has little impact on small projects, i.e., projects whose mortgages are less than $1,000,000. In fact, for projects with mortgages of $500,000 or less, it permits a simplified cost certification procedure to be used instead of a more complex form.

This rule was listed as item H-10-82 in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.157, Housing for the Elderly or Handicapped (202).

Certain information collection requirements contained in this regulation (Sections 885.425 (c)(1), (c)(3), and (d)) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2502-0044. The remaining information collection requirements included in this rule (Sections 885.415 and 885.416) will be submitted for approval to OMB and are not effective until OMB approval has been obtained and the public notified to that effect through a technical amendment to this rule.

List of subjects in 24 CFR Part 885

Aged, Grant programs—housing and community development, Handicapped, Loan programs—housing and community development, Low and moderate income housing.

PART 885—LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

Accordingly, Part 885 is amended as follows:

1. The authority citation for Part 885 is revised to read as follows:

Authority: Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q) and Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

2. § 885.410 (b) and (c) are revised to read as follows:

§ 885.410 Amount and terms of financing.

* * * * *

(b) For such part of the property or project attributable to dwelling use (excluding exterior land improvements as defined by the Assistant Secretary) the maximum loan amount, depending on the number of bedrooms shall be:

(1) $21,563 per family unit without a bedroom.

(2) $24,862 per family unit with one bedroom.

(3) $29,984 per family unit with two bedrooms.

(4) $38,379 per family unit with three bedrooms, restricted to nonelderly handicapped families.

(5) $42,756 per family unit with four or more bedrooms, restricted to nonelderly handicapped families.

(c) In order to compensate for the higher costs incident to construction of elevator type structures of sound standards of construction and design, the field office may increase the dollar limitations per family unit as provided in paragraph (b) of this section, not to exceed:

(1) $22,692 per family unit without a bedroom.

(2) $26,012 per family unit with one bedroom.

(3) $31,631 per family unit with two bedrooms.

(4) $40,919 per family unit with three bedrooms, restricted to nonelderly handicapped families.

(5) $44,917 per family unit with four or more bedrooms, restricted to nonelderly handicapped families.

* * * * *

3. Section 885.415(m) is revised to read as set forth below. For the convenience of the reader, the introductory paragraph is reprinted without change:

§ 885.415 Requirements prior to initial loan closing.

Before the initial loan closing, the Borrower shall furnish such executed documents on HUD-approved forms as the field office may require, including the following:

* * * * *

(m) Construction or Substantial Rehabilitation Contract between the Borrower and the General Contractor. See § 885.416 for contract award requirements.

* * * * *

4. A new § 885.416 is added, to read as follows:

§ 885.416 Requirements for awarding construction contracts.

(a) Awards shall be made only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed construction contract. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(b) Each Borrower is required to use competitive bidding (formal advertising) in selecting a construction contractor unless the project qualifies for the negotiated noncompetitive method of contract award under paragraph (c) of this section. In competitive bidding, sealed bids are publicly solicited and a firm, fixed-price contract is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price.

(1) Bids shall be solicited from an adequate number of known contractors a reasonable time prior to the date set forth for opening of bids. In addition, the invitation shall be publicly advertised.

(2) the invitation for bids shall specify:

(i) The name of the Borrower;

(ii) A brief description of the proposed project and the proposed construction contract;

(iii) A preliminary estimate of cost;

(iv) That bids will be received at a specified place until a specified time at which time and place all bids will be publicly opened;

(v) The location where the proposed forms of contract and bid documents, including plans and specifications, are on file and may be obtained on payment of a specified returnable deposit;

(vi) That a certified check or bank draft or satisfactory bid bond in the amount of 5 percent of the bid shall be submitted with the bid;

(vii) That the successful bidder will be required to provide assurance of completion in the form of a performance and payment bond or cash escrow, as required under § 885.415(n); and

(viii) that the Borrower reserves the right to reject any or all bids and to waive any informality.

(3) The bid form, which must be submitted by all bidders, must specify:

(i) The name of the project;
(ii) the name and address of the bidder;
(iii) that the bidder proposes to furnish all labor, materials, equipment and services required to construct and complete the project, as described in the invitation for bids (including the contents of all documents on file), for a specified lump-sum price;
(iv) That the security specified in paragraph (b)(2)(vi) above accompanies the bid;
(v) The period after the bid opening, during which the bid shall not be withdrawn without the consent of the Borrower.
(vi) That the bidder will, if notified of acceptance of such bid within a specified period after the opening, execute and deliver a contract in the prescribed form and furnish the required bond, as described in § 885.415(n), within ten days thereafter;
(vii) That the bidder acknowledges any amendments to the invitation for bids; and
(viii) That the bidder certifies that the bid is in strict accordance with all terms of the invitation for bids (including the contents of all documents on file) and that the bid is signed by a person authorized to bind the bidder.
(4) Bidding shall be open to all general contractors who furnish the security guaranteeing their bid, as described in paragraph (b)(2)(vi) of this section.
(5) All bids shall be opened publicly at the time and place stated in the invitation for bids, in the presence of the HUD Regional Administrator or his designee.
(6) A firm, fixed-price contract award shall be made by written notice to the responsible bidder whose bid, conforming to the invitation for bids, is lowest. The contract may provide for an incentive payment to the Contractor for an early completion.
(c) A Borrower may award a negotiated noncompetitive construction contract only if (1) the Borrower agrees at the fund reservation stage to enter into a Section 8 HAP Contract providing for contract rents not exceeding the Fair Market Rents applicable to projects for the elderly or handicapped published and in effect at the time the fund reservation is made, or (2) the mortgage amount is less than $1,000,000. Where the conditions of paragraphs (c) (1) or (2) of this section are met at the initial reservation stage, competitive bidding will be required if HUD determines at any stage before start of construction that such condition can no longer be met. Under this paragraph, the contract shall be a cost reimbursement contract with a ceiling price and may provide for an incentive payment to the Contractor for early completion. For negotiated noncompetitive construction contracts, no change orders will be approved and no proceeds of the HUD loan may be used to pay for costs arising from any inadequacies in the plans and specifications.

5. In § 885.425, paragraphs (c)(1) and (c)(3) are revised, and new paragraphs (d), (e), and (f) are added, to read as follows:

§ 885.425 Completion of construction or substantial rehabilitation, execution of HAP contract, and cost certification and approvals by HUD.

* * * * *

(c) The Borrower shall submit to the field office all documentation required for final disbursement of the loan, including:
(1) A Borrower's/Mortgagor's Certificate of Actual Cost, showing the actual cost to the mortgagor of the construction contract, architectural, legal, organizational, offsite costs, and all other items of eligible expense. The certificate shall not include as actual cost any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor or to any of its officers, directors, or members. (Approved by the Office of Management and Budget under OMB control number 2502-0044).
* * * * *
(3) In the case of projects not subject to competitive bidding, a certification of the general contractor (and of such subcontractors, material suppliers, and equipment lessors as the Assistant Secretary or field office may require), on a form prescribed by the Assistant Secretary, as to all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor, or any of its officers, directors, stockholders, partners, or members. (Approved by the Office of Management and Budget under OMB contol number 2502-0044).
(d) In lieu of the requirements set forth in subparagraphs (c) (1) and (3) of this section, a simplified form of cost certification prescribed by the Secretary may be completed and submitted by the Borrower for projects with mortgages of $500,000 or less. (Approved by the Office of Management and Budget under OMB control number 2502-0044).
(e) If the Borrower's certified costs provided in accordance with paragraph (c) or (d) of this section and as approved by HUD are less than the loan amount established pursuant to § 885.405, the contract rents will be reduced accordingly.
(f) If the contract rents are reduced pursuant to paragraph (e) of this section, the maximum annual HAP Contract commitment will be reduced. If contract rents are reduced based on cost certification after HAP Contract execution, any overpayment after the effective date of the Contract will be recovered from the Borrower by HUD.

Dated: March 14, 1983.

Philip Abrams,
Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 83-7090 Filed 3-17-83; 8:45 am]
BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7877]

Income Tax; Taxable Years Beginning After December 31, 1953; Filing of Life-Nonlife Consolidated Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the filing of a consolidated return by an affiliated group of corporations composed of at least one life or mutual insurance company and one or more different companies. The Tax Reform Act of 1976 provided new rules permitting this type of a consolidated return. The regulations would provide guidance to the public and Internal Revenue Service personnel. This document leaves in proposed form portions of the notice of proposed rulemaking that relate to computing the income of more than one life insurance company.

DATE: The regulations are effective for taxable years for which the due date (without extensions) for filing returns is after March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Donald K. Duffy of the Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, or call 202-566-9050.

SUPPLEMENTARY INFORMATION:

Background

On June 8, 1982, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal

Revenue Code of 1954 (47 FR 24737). These amendments were proposed to conform the regulations to section 1507 of the Tax Reform Act of 1976 (90 Stat. 1739). A public hearing was held on November 1, 1982. After consideration of all comments from interested persons regarding the proposed regulations, they are adopted as revised by this Treasury decision which is issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 367, 917; 26 U.S.C. 1502, 7805). The information below supplements the information contained in the "Supplementary Information" section of the preamble to the notice of proposed rulemaking.

General Explanation

This document contains final regulations relating to the filing of a consolidated return by an affiliated group which has as members at least one mutual casualty or life insurance company and one other different corporation (referred to as life-nonlife consolidation). Section 1507 of the Tax Reform Act of 1976 (the 1976 Act) added section 1504 (c) (2) to the Internal Revenue Code of 1954 to permit such a filing at the election of the group. In the event of such an election, the 1976 Act also added section 1503 (c) to the Code to provide certain limitations in determining the electing group's consolidated taxable income.

Section 1501 gives an affiliated group of corporations the privilege of making a consolidated return, in lieu of separate returns, to determine the income tax imposed by chapter 1 of the Internal Revenue Code of 1954. Section 1502 delegates authority to the Secretary of the Treasury to prescribe regulations that clearly reflect the income tax liability of an affiliated group of corporations making a consolidated return and of each corporation in that group both during and after the period of affiliation. The existence of an affiliated group and the identification of its members are therefore important.

Section 1504 establishes the existence of an affiliated group and the composition of its membership. An affiliated group is one or more chains of "includible" corporations connected with each other and with a common parent corporation through a certain percentage of stock ownership. The common parent is the includible corporation that owns the requisite stock percentage of at least one of the other includible corporations but whose stock is not owned in the requisite percentage by another includible corporation.

Not every corporation is an "includible corporation". Insurance companies subject to taxation under section 802 (referred to as life companies) or under section 821 (referred to as mutual casualty companies) are not, as a general rule, includible corporations. See section 1504 (b) (2). Prior to the 1976 Act, these companies were prohibited from filing a consolidated return with other corporations, including a stock casualty company taxed under section 831, even if the requisite stock ownership existed. Historic reasons motivated this prohibition because life insurance and mutual casualty companies determined their taxable incomes under statutory schemes that were quite different from the rules that applied to other corporations. See *S. Rep. No. 94–938*, 94th Cong. 2d Sess. 454 (1976).

On the other hand, a stock casualty company is an "includible corporation" under section 1504 (b). Therefore, a stock casualty company could file a consolidated return with noninsurance companies and use casualty company losses against noninsurance income.

The 1976 Act permits life-nonlife consolidation for the stated reason (*S. Rep. No. 94–938, supra*, at 454) that the previous ban was a hardship on stock casualty companies (taxed under section 831) that were affiliated with life companies because the casualty losses could not be offset against life income. By permitting life-nonlife consolidation, the tax savings from the current use of the casualty losses against life income could be taken into account sooner in computing the casualty company's statutory surplus, which would increase the casualty company's ability to write insurance.

There are some limitations associated with the elimination of the ban on life-nonlife consolidation. Under section 1504 (c) (2) as added by the 1976 Act, a particular life or mutual company will not be treated as an includible corporation along with other types of includible corporations in the affiliated group unless it has been a *member* of the group (defined without the exclusion of life and mutual casualty companies under section 1504 (b)(2)) for the preceding five taxable years. There is a complementary "five-year rule" in section 1503 (c) (2), as added by the 1976 Act, which provides that the losses of a nonlife company may not reduce the income of a life company if the nonlife loss is sustained before the companies have been *members* of the same group for five taxable years.

The five-year rules were a product of the Conference Committee and the reasons for them went unstated (*H.R. Rep. No. 94–1515* (Conf. Rep.), 94th Cong., 2d Sess. 511 (1976)). The elimination of the ban on life-nonlife consolidation originated in the Senate but there were objections on the Senate floor. It seems reasonable to assume that the Conference Committee considered these objections. The Treasury Department believes that the final regulations relating to the five-year rules, discussed below, represent a fair reading of the various Senate floor objections (See 122 Cong. Rec. S24680–89 (July 30, 1976)).

There is one final limitation on life-nonlife consolidation. Under section 1503(c)(1) as added by the 1976 Act, a "consolidated net operating loss" of the nonlife members that cannot be carried back against nonlife taxable income can reduce life income but only *in part* in any one year. The nonlife loss that may be used is a percentage (generally 35 percent) of the *lesser* of the nonlife consolidated net operating loss (including carryovers of prior unused nonlife losses) or the taxable income of the life members. The stated reason (*S. Rep. No. 94–938, supra*) for the percentage limitation was to preserve the notion that life companies pay some tax on amounts approximating taxable investment income. When there are nonlife losses but life income, the group will pay a tax even though in a true sense it may not have net income. Furthermore, a nonlife loss may never be carried back under section 1503(c)(1) for use against life income.

Five-Year Rules

The proposed regulation (§ 1.1502–47(d)(12)) provides that, for purposes of sections 1504(c)(2) and 1503(c)(2), a corporation (whether a life or nonlife company) will be recognized as a "member" of the group only if the corporation throughout the five-year base period—

(1) Is in existence,

(2) Conducts substantial business activities, and

(3) Does not undergo a substantial increase in size or change in the character of its trade or business, which is attributable to an acquisition of assets from outside the group in transactions not conducted in the ordinary course of its trade or business. Whether there is a substantial increase in size depends on the facts and circumstances. Generally, a substantial increase in size occurs if the acquiring company more than doubles its size during the five-year base period. Regardless of a change in size, an acquiring corporation cannot be taxed as a particular type of company

(insurance or noninsurance) before an asset acquisition and a different type of company after the acquisition.

While the rules in (2) and (3), above, use a substance-over-form approach where the result is a failure to meet the five-year rules, the rule in (1), above, uses a form-over-substance approach where the result is the same. Thus, if a life company which met the five-year rule split into two life companies (intragroup transfer), one or both would not qualify. There were three reasons for this approach.

First, a taxpayer is usually bound by the form of the transaction.

Second, there was some concern about the ability of one member to split-up into a life company and a casualty (or noninsurance) company.

Finally, there was a concern that allowing a split-up of an existing five-year member could facilitate an asset acquisition from outside the group which, for business reasons, could not have been accomplished prior to the split-up. Limitations on the application of the substance rules in (2) and (3), above, in the many conceivable acquisition patterns that could arise increased this concern.

The preamble to the proposed regulations invited public comment on intragroup transactions to provide workable rules that would assure not only the integrity of the anti-acquisition rules but also that the privilege, or a change in the manner, of using nonlife losses against life income was not a reason in whole or in part for an intragroup shuffling (47 FR 24739). Recognizing that either a form or a substance rule would apply, some taxpayers supported the substance rules while others in different situations opposed them.

The final regulations retain the substance-over-form approach of the proposed regulations. Moreover, the approach will apply not only in the context of intergroup acquisitions but also to certain intragroup transfers.

The Treasury Department believes that the substance-over-form approach in defining the term "member" is consistent with the purposes of sections 1504(c)(2) and 1503(c)(2). The normal meaning of the term "member" under section 1504 does not seem particularly relevant or legally binding in light of the legislative intent underlying sections 1504(c)(2) and 1503(c)(2). The Treasury Department is reluctant to interpret the term "member" in a way that would deprive sections 1504(c)(2) and 1503(c)(2) of their purpose. A reliance on form would produce that result.

The five-year rules are also properly promulgated under the authority contained in section 1502. It would be unusual to say, on the one hand, that the Secretary has the authority under section 1502 to define the group's income tax base but to say, on the other hand, that he has no authority under the same section to define the group's composition, especially in view of the legislative intent behind the novel approach in sections 1504(c)(2) and 1503(c)(2). Section 1502 gives the Secretary not only the authority to prescribe legislative regulations to reflect clearly a group's income tax liability but also the authority to prescribe those regulations to reflect the tax liability of each corporation in that group, both during and after the period of affiliation, and to prevent the avoidance of that tax liability.

In any event, section 1503(c)(2) relates, not to includibility *per se*, but to a determination of a group's income base. Furthermore, the five-year rules have some precedence under the existing consolidated return regulations. See § 1.1502–75(d)(3) (relating to reverse acquisitions) which may even occur in years when consolidated returns are not filed.

Changes in Five-Year Rules

The final regulations make numerous changes in the substance-over-form approach of the proposed regulations.

If a corporation (new corporation) in form is new but is deemed derived from another corporation (old corporation), the new corporation will in essence have the "age" of the old corporation (*i.e.*, will be a member of the group engaged in an active business for the period the old corporation was a member so engaged). This "tacking rule" generally applies only in the following circumstances:

1. Eighty percent of the new corporation's assets (fair market value) are acquired from the old corporation in one or more transactions described in section 351(a) or 381(a).

2. The assets which qualify must not have been acquired by the old corporation (from outside the group) within 5 calendar years from the date of their transfer to the new corporation.

3. At the end of the taxable year in which the 80 percent test in (1) above is satisfied, the new and old corporations both have the same tax character, *i.e.*, they would both be subject to taxation under the same section of the Internal Revenue Code of 1954 (section 11, 802(a), 821(a), or 831(a)) if they were to file separate returns. A split-up of, for example, a life company into a life and casualty company is not a mere change in form.

4. If the new and old corporations are life companies, the split-up cannot result in the separation of profitable and loss activities. In this situation, the Treasury Department does not believe that it is a mere change in form when the tax results may differ dramatically from the results that would apply if the split-up never occurred. Compare section 818(f)(2) with section 809(d)(4).

The final regulations also clarify the substantial-change-in-size rules. The final regulations no longer focus on an increase in size but look at various factors (such as a corporation's assets, reserves, or premiums) at the end of the five-year base period. If the factors are disproportionately attributable to an asset acquisition (or a series of asset acquisitions) from outside the group during the five-year base period, the corporation will be considered a "new" member of the group at the beginning of the taxable year immediately following the base period. Generally, if less than 75 percent of each factor of a corporation are attributable to asset acquisitions, the corporation will not be considered a new member. These changes are designed to increase the certainty of the rules.

The final regulations clarify when a corporation undergoes a change in tax character that is attributable to asset acquisitions. They also require a corporation to be engaged in the active conduct of a trade or business rather than "substantial business activities."

The final regulations do apply stricter rules to "new corporations" that rely on the tacking rules discussed above. For example, a new corporation that changes its tax character as a result of an intragroup transfer will be considered to be a new member of the group. These stricter standards prevent any abuses and in essence represent a regulatory approach to the step-transaction doctrine. The standards are consistent with the purpose of sections 1504(c)(2) and 1503(c)(2) and protect the regulations' rules on substance-over-form for intragroup transfers.

The regulations also clarify the five-year rules in situations where a new common parent is created under circumstances where a preexisting affiliated group remains in existence (§ 1.1502–75(d)).

The final regulations also retain the rule in the proposed regulations which measures the five-year base period by reference to the common parent's taxable years and not the taxable years of the individual company. This rule is consistent with the fact that the consolidated return is filed on the basis of the common parent's taxable year

and section 1504(c)(2) specifically refers to the taxable years preceding the taxable year for which the consolidated return is filed. Thus, section 1504(c)(2) implies that the taxable years of the common parent are the relevant years.

The Treasury Department believes the five-year rule in section 1503(c)(2) should track the rule in section 1504(c)(2) even though a mere stock acquisition of a nonlife company during the year by a calendar year group would create a short taxable year for the acquired company under § 1.1502-76(b)(2). Section 1503(c)(2) focuses, not only on the period of a nonlife company's membership, but also on that of the life companies. Moreover, it would be inconsistent with the purpose of section 1503(c)(2) to discourage acquisitions) to count the short taxable year of the acquired member, when the short taxable year arises under § 1.1502-76(b)(2) only because of the acquisition from outside the group.

Method of Consolidation

The proposed regulations provided what has been referred to as a subgroup method for computing a life-nonlife group's consolidated taxable income. The final regulations retain that method. To a large extent, the nonlife members and the life members are treated as if they were two separate groups with certain exceptions (*e.g.*, intercompany transactions). The subgroup method operates as follows:

(1) The nonlife subgroup computes nonlife consolidated taxable income and the life subgroup computes consolidated partial life insurance company taxable income (without regard to section 802(b)(3)). Each subgroup computes its own net operating loss and net capital loss.

(2) Section 1503(c)(1) uses the term nonlife "consolidated net operating loss" and requires that the amount thereof be first carried back against nonlife income and then limits the use of any balance of the loss against current life income. Thus, nonlife loss is computed by taking into account any net-long term capital gain of the nonlife subgroup. An identical rule applies to the life subgroup.

(3) Current subgroup losses are first carried back against income of the same subgroup and, to the extent they cannot be used as a carryback, the losses can then be applied against current income of the second subgroup (subject to the percentage limitation in section 1503(c)(1) on the use of nonlife net operating losses against life income). Moreover, the current subgroup loss is so carried back even if in the carryback year the income of the subgroup has been offset by a loss of the second subgroup. The loss of the second subgroup is displaced or "bumped" and converted into an unused loss carryforward. This rule is designed to match life and nonlife income with the respective life and nonlife deductions.

(4) A loss (whether capital or operating) generated by one subgroup can never be carried back against the income of the second subgroup (cross-subgroup carryback). The rule applies to both life and nonlife losses.

(5) A subgroup loss that is carried forward must be used initially against the income of that subgroup before it offsets income of the second subgroup.

(6) In computing the part of a consolidated net operating loss attributable to nonlife companies that are not five-year members (not eligible for use against life income under section 1503(c)(2)), the nonlife consolidated net operating loss is computed without regard to the net operating losses of "new" members.

Some taxpayers objected to this method of consolidation under the rules above. However, other taxpayers supported the vast majority of those rules. For the reasons explained below, the final regulations retain all of these rules.

Some taxpayers object to the subgroup method because, they argue, it is unnecessary to the purpose of section 1503(c)(1) and inconsistent with the useual method of consolidation.

Normally, the members of the group are treated as one entity in computing the group's taxable income and tax liability. See §§ 1.1502-2 and 1.1502-11. If the group has a net operating loss, no tax is imposed under section 11. The loss can be carried back and then carried over as a net operating loss deduction (section 172) as if the various members of the group were one taxpayer. It is a basic principle of consolidation that the members of the group are treated as one tax-computing entity. Those principles have as their very foundation the notion that one member's loss may be used *currently* against another member's income. Thus, consolidation is timing the use of a loss that could not be used currently on a separate return.

The consolidated return regulations adopt certain techniques or methods to compute a group's consolidated income. The particular method is a combination of an aggregation of a part of each member's separate taxable income (§ 1.1502-11) and a consolidation of the remaining income and deduction items not taken into account in the aggregation of separate taxable incomes. Taxpayers are really arguing that the subgroup method is inconsistent with the usual method of consolidation. But it is section 1503(c)(1) which is inconsistent with the *basic principle* of consolidation and, therefore, the *usual method* of consolidation is not really relevant.

Since section 1503(c)(1) may result in a life-nonlife group paying a tax when it has no net income, however computed, it goes to the very heart of consolidation. Section 1503(c)(1) also prohibits the carryback of a nonlife net operating loss against life income. It is a provision without precedent in the history of consolidated returns and a very significant departure for traditional principles of consolidation. In this context, the Treasury Department does not view the usual *method* of consolidation in existing regulations as binding on the Secretary's authority under section 1502 to promulgate the initial regulations for a new type of consolidation. The subgroup method is a reasonable reflection of section 1503(c).

The subgroup method is not inconsistent with section 1503(c)(1). Moreover, it is also consistent with the general purpose for the elimination of the ban on life-nonlife consolidation, *i.e.*, that the tax savings from the use of stock casualty company losses (that could not otherwise be used) against life company income will increase the casualty company's capacity to write insurance.

Furthermore, the subgroup method, which is designed to match life income against life deductions and nonlife income against nonlife deductions, is consistent not only with section 1503(c)(1) but also with other sections of the Internal Revenue Code of 1954. For example, see section 844 which limits the amount of operating loss carryovers when a single company changes its insurance company tax status (*e.g.*, from a life company to a casualty company).

Some taxpayers maintain that the proposed regulations impose a "penalty" on net capital gain. For example, assume that a nonlife subgroup has $100 in ordinary net operating losses and $20 of net capital gain. Under section 1503(c)(1), literally, there is a "consolidated net operating loss" of $80, *i.e.*, the ordinary net operating loss of $100 is reduced by the $20 net capital gain. If the life subgroup did not have net capital gain, the life-nonlife group would not have net capital gain subject under section 1201(a) to the alternative tax of 28 percent. This result, coupled with the fact that the nonlife net capital gain reduces the portion of the nonlife ordinary net operating loss available for offset against life income, leads to what

taxpayers claim is an effective tax on net capital gain at a 46 percent rate.

Taxpayers' arguments beg the question. Net capital gain always results in reducing ordinary net operating losses in computing a net operating loss that may be carried to other years. The real issue is whether life-nonlife consolidation somehow changes this result in light of section 1503(c)(1). It does not. The statute cannot be read otherwise.

Finally, some taxpayers maintain that the subgroup method is unnecessarily complex. However, its complexity is minimal when compared with the intracacies that would arise if the Treasury Department were to integrate the usual method of consolidation with section 1503(c)(1) and the scheme for taxing life insurance companies.

Prohibition on Cross-Subgroup Carrybacks

The proposed regulations prohibit the carryback of one subgroup's losses, whether capital or operating, for use against the income of the other subgroup. This is referred to as a prohibition on cross-subgroup carrybacks.

All taxpayers agree that section 1503(c)(1) prohibits the cross-subgroup carryback of nonlife consolidated net operating losses for use against life income. However, they argue for life loss from operations and net capital loss (whether life or nonlife) cross-subgroup carrybacks. The discussion is better broken into two categories—life losses from operations and net capital losses.

The Tax Court held that a single life company may not carry its loss from operations back for use against its own taxable income in years in which it did not qualify as a life company (*Inter-American Life Ins. Co.*, 56 T.C. 497 (1971), *aff'd*, 469 F.2d 697 (9th Cir. 1972)). The court based its conclusion on the Internal Revenue Code. See sections 812 and 809(d)(4). Furthermore, section 844 only deals with carryovers.

In view of these carryback prohibitions that apply to a single life company that files a separate return, the final regulations continue to prohibit the cross-subgroup carryback of a life loss from operations for use against another company's nonlife taxable income, especially since section 1503(c)(1) prohibits the carryback of a nonlife consolidated net operating loss for use against another company's life taxable income.

The final regulations also prohibit the cross-subgroup carryback of capital losses. The prohibition is consistent with the overall pattern of consolidation suggested by section 1503(c)(1), and by other provisions Internal Revenue Code of 1954, such as sections 804(b)(2) and 818(f)(1).

Method of Consolidating Life Income Reserved But Still Proposed

The proposed regulations would have adopted a modified "phase-by-phase" method to determine consolidated partial life insurance company taxable income. Under this method, a particular life member would have underwriting gain only if the life subgroup as a whole had underwriting gain. Some taxpayers preferred a "bottom-line" method which would determine the existence of a particular life member's underwriting gain on a separate company basis. See sections 809(f)(1), 809(d)(4), and 802(b)(2). This document and the final regulations reserve at this time the proposed rules to determine consolidated partial life insurance company taxable income. This document does not withdraw these proposed rules (including those in proposed § 1.1502-47 (k)(7)-(8) and (l)(5)-(10)).

Section 1503(c)(2)

Some taxpayers objected to the rule in the proposed regulation (§ 1.1502-47(m)(3)(vi)) that determines the portion of a nonlife consolidated net operating loss which is attributable to those nonlife members that have not been members for five years (ineligible members). Under section 1503(c)(2), this portion may not reduce life income. The proposed regulations determine the portion by disregarding the separate net operating loss (§ 1.1502-79(a)(3)) of the ineligible nonlife member. Furthermore, when a nonlife consolidated net operating loss is carried over for use against nonlife income, before it is used against life income, the losses of five-year members (eligible members) are used under the proposed regulations against nonlife income before the losses of ineligible members.

Taxpayers argue that the rules above are inconsistent with the usual rules in the existing consolidated return regulations (§§ 1.1502-21(b)(3) and 1.1502-79(a)(3)) which provide that losses of the various members are absorbed or used on a *pro rata* basis.

The final regulations essentially retain the rules in the proposed regulations. However, the final regulations do modify the absorption rules to permit a nonlife operating loss attributable to an ineligible member that is carried over against nonlife income to be used as a carryover against nonlife income of the same member first.

The retained rules are consistent with the specific requirement in section 1503(c)(2) which provides that a "net operating loss for a taxable year of a member of the group not taxed under section 802 shall not be taken into account in determining the taxable income of a member taxed under section 802 (either for the taxable year or as a carryover or carryback) if such taxable year precedes the sixth taxable year such members have been members of the same affiliated group. * * *" The Treasury Department believes the language should generally be read literally.

For example, assume that an eligible nonlife member has $100 of income, another eligible member has a $100 loss, and a third ineligible member has a $100 loss. There is a nonlife consolidated net operating loss of $100. Section 1503(c)(2) literally requires one to disregard the $100 net operating loss of the ineligible member. Thus, no portion of the nonlife loss reduces life income. In the example above, the nonlife subgroup would not have a consolidated loss if the ineligible member were not acquired. An interpretation which would permit some portion of that nonlife consolidated loss to reduce life income indirectly would deprive section 1503(c)(2) of its purpose.

For another example, assume that an eligible nonlife member has a loss of $100 and an ineligible member has income of $100. There is no nonlife consolidated loss to be used against life income. If, however, the group acquires an ineligible member which then has a loss of $100, the result is the same because the rationale is what would be the result if the ineligible loss member had not been acquired. Nevertheless, as previously indicated, if the ineligible member's loss is carried to a year when that member has income, the final regulations, consistent with the above retionale, offset that member's income by that loss.

Finally, the Treasury Department will study further whether it is appropriate to aggregate the income and losses of ineligible members in certain cases. For instance, notwithstanding the ordinary reading of section 1503(c)(2), it may be consistent with the intent of section 1503(c)(2), or correct as a matter of policy, to aggregate the income and losses of ineligible members that filed a consolidated return prior to their acquisition by (and includibility in) another group that files a consolidated return.

Other Matters

The final regulations provide that the usual deferred intercompany transaction rules apply to the members (life and nonlife) of a life-nonlife group. It is not

inconsistent with section 1503(c)(1) to apply those rules.

In response to various comments, the final regulations make numerous technical changes and clarify certain procedural aspects of the proposed regulations.

Election Out

The final regulations also allow groups that made the election under section 1504(c)(2) to file a life-nonlife consolidated return to discontinue such a filing for the first taxable year for which these regulations are first effective. If such a group continues filing, the group will be considered to have consented to the final regulations.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Pursuant to 5 U.S.C. 605(b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this Treasury decision as it will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Analysis is not required.

Drafting Information

The principal author of this final regulation is Donald K. Duffy of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.1501-1-1.1564-1

Income taxes, Controlled group of corporations, Consolidated returns.

Amendments to the Regulations

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Accordingly, the following amendment is made to Part 1 of Title 26.

A new § 1.1502-47 is added in the appropriate place to read as set forth below.

§ 1.1502-47 Consolidated returns by life-nonlife groups.

(a) *Scope.*—(1) *In general.* Under section 1504(b)(2), insurance companies that are taxed under section 802 or 821 (relating respectively to life insurance companies and to certain mutual insurance companies) are not treated as includible corporations for purposes of determining under section 1504(a) the existence of an affiliated group and the composition of its membership. Section 1504(c)(2) provides an election whereby certain life insurance companies and mutual insurance companies may be treated as includible corporations, and thus members, of a group composed of other includible corporations. This section provides regulations for the making of this election and for the determination of an electing group's composition and its consolidated tax liability.

(2) *General method of consolidation.*—(i) *Subgroup method.* The regulations adopt a subgroup method to determine consolidated taxable income. One subgroup is the group's nonlife companies (including those taxable under section 821). The other subgroup is the group's life insurance companies. Initially, the nonlife subgroup computes nonlife consolidated taxable income and the life subgroup computes consolidated partial life insurance company taxable income. A subgroup's income may in effect be reduced by a loss of the other subgroup. The life subgroup losses consist of consolidated loss from operations and life consolidated net capital loss. The nonlife subgroup losses consist of nonlife consolidated net operating loss and nonlife consolidated net capital loss. Consolidated taxable income is therefore defined in pertinent part as the sum of nonlife consolidated taxable income and consolidated partial life insurance company taxable income reduced by life subgroup losses or nonlife subgroup losses.

(ii) *Subgroup loss.* A subgroup loss does not actually affect the computation of nonlife consolidated taxable income or consolidated partial life insurance company taxable income. It merely constitutes a bottom-line adjustment in reaching consolidated taxable income. Furthermore, one subgroup's loss must first be carried back against income of the same subgroup before it may be used as a setoff against the second subgroup income in the taxable year the loss arose. (See section 1503(c)(1)). The carryback of the losses from one subgroup may not be used to offset income of the other subgroup in the year to which the loss is to be carried. This carryback of the first subgroup's loss may "bump" the second subgroup's loss that in effect previously reduced the income of the first subgroup. The second subgroup's loss that is bumped in appropriate cases may in effect reduce a succeeding year's income of the second or first subgroup. This approach gives the group the tax savings of the use of losses but the bumping rule assures that insofar as possible life deductions will be matched against life income and nonlife deductions against nonlife income.

(iii) *Carryover of subgroup loss.* A subgroup's loss may be used in a succeeding year, but in any particular succeeding year the loss must be used to reduce the income of the same subgroup before it may be used as a setoff against the other subgroup's income.

(3) *Authority.* This section is prescribed under the authority of sections 1502, 1503(c), 1504(c)(2), and 7805(b).

(4) *Other provisions.* The provisions of §§ 1.1502-1 through 1.1502-80 apply unless this section provides otherwise. Further, unless otherwise indicated in this section, a term used in this section has the same meaning as in sections 801-844.

(b) *Effective date.* This section is effective for taxable years for which the due date (without extensions) for filing returns is after March 14, 1983.

(c) *Cross references.* The following table provides cross references for some of the definitions and operating rules that are relevant in making the election and determining the group's composition and its tax liability:

Item and Paragraph
—General definitions (d)
—Eligible corporation (Five-year rules) (d)(12)
—Election (e)
—Consolidated taxable income (g)
—Nonlife consolidated taxable income (h)
—Consolidated partial life insurance company taxable income (j)
—Nonlife subgroup losses (m)
—Life subgroup losses (n)
—Alternative tax (o)

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

(1) *Life insurance company.* The term "life company" means a life insurance company as defined in section 801. Section 801 applies to each company separately.

(2) *Mutual insurance company.* The term "mutual company" means a mutual insurance company taxable under section 821(a)(1).

(3) *Life insurance company taxable income.* The term "life insurance company taxable income" is referred to as LICTI. The terms "TII", "GO", and "LO" refer, respectively, to taxable investment income (section 804), gain from operations (section 809), and loss from operations (section 812). The term

"consolidated partial LICTI" refers to consolidated LICTI without section 802(b)(3).

(4) *Group.* The term "group" means an affiliated group of corporations (as defined in section 1504(a)). Unless otherwise indicated in this section, a group's composition is determined without section 1504(b)(2).

(5) *Member.* The term "member" means a corporation (including the common parent) that is an includible corporation in the group. A life company or mutual company is tentatively treated as a member for any taxable year for purposes of determining if it is an eligible corporation under paragraph (d)(12) of this section and therefore if it is an includible corporation under section 1504(c)(2). If such a company is eligible and includible (under section 1504(c)(2)), it will actually be treated as a member of the group.

(6) *Life member.* A life member is a member of the group that is a life company.

(7) *Nonlife member.* A nonlife member is a member of the group that is not a life company.

(8) *Life subgroup.* A life subgroup is composed of those members that are life members. If the group has only one life member, it constitutes a life subgroup.

(9) *Nonlife subgroup.* A nonlife subgroup is composed of those members that are nonlife members. If the group has only one nonlife member, it constitutes a nonlife subgroup.

(10) *Separate return year.* The term "separate return year" means a taxable year of a corporation for which it files a separate return or for which it joins in the filing of a consolidated return by another group. For purposes of this subparagraph (10), the term "group" is defined with regard to section 1504(b)(2) for years in which an election under section 1504(c)(2) is not in effect. Thus, a separate return year includes a taxable year for which that election is not in effect.

(11) *Separate return limitation year.* Section 1.1502–1(f)(2) provides exceptions to the definition of the term "separate return limitation year". For purposes of applying those exceptions to this section, for taxable years ending after December 31, 1980, the term "group" is defined without regard to section 1504(b)(2) and the definition in this subparagraph (11) applies separately to the nonlife subgroup in determining nonlife consolidated taxable income under paragraph (h) of this section and to the life subgroup in determining consolidated partial LICTI under paragraph (j) of this section. Paragraph (m)(3)(ix) of this section defines the term "separate return limitation year" for purposes of determining whether the losses of one subgroup may be used against the income of the other subgroup.

(12) *Eligible corporations*—(i) *In general.* A corporation is an eligible corporation for a taxable year of a group only if, throughout every day of the base period the corporation—

(A) Was in existence and a member of the group determined without the exclusions in section 1504(b)(2) (see paragraphs (d)(12) (iii)–(vi) of this section),

(B) Was engaged in the active conduct of a trade or business ("active business"),

(C) Did not experience a change in tax character (see paragraph (d)(12)(vii) of this section), and

(D) Did not undergo disproportionate asset acquisitions (see paragraph (d)(12)(viii) of this section).

(ii) *Base period.* The base period consists of the common parent's five taxable years immediately preceding the group's taxable year for which the consolidated return and the determination of eligibility are made. Eligibility is determined for each consolidated return year beginning with the first year for which the election under section 1504(c)(2) is effective.

(iii) *In existence.* Except as provided in paragraph (d)(12) (v) and (vi) of this section, a corporation organized after the base period begins is not eligible even though it is a member of the group immediately after its organization. For purposes of this subdivision (iii), a corporation that was a party to a reorganization described in section 368(a)(1)(F) shall be treated as the same entity both before and after the reorganization.

(iv) *Membership period.* Except as provided in paragraph (d)(12) (v) and (vi) of this section, a corporation must have been a member of the group throughout the base period to be eligible. Thus, an ineligible corporation includes one whose stock was acquired from outside the group at any time during the base period or one which was a member of a different group (whether by application of reverse acquistion rules in § 1.1502–75(d)(3) or otherwise) at any time during the base period. For purposes of this subdivision (iv), the common parent of a group is treated as constituting a group (and hence is a member) during any period when it was not a member of an affiliated group within the meaning of section 1504(a) (applied without section 1504(b)(2)).

(v) *Tacking rule.* The period during which an "old" corporation is in existence and a member of the group engaged in active business is included in (or "tacks" onto) the period for the "new" corporation if the following five conditions listed in this subdivision (v) are met. For purposes of this subparagraph (12), a "new" corporation is a corporation (whether or not newly organized) during the period its eligibility depends upon the tacking rule. The five conditions are as follows:

(A) The first condition is that, at any time, 80 percent or more of the new corporation's assets it acquired (other than in the ordinary course of its trade or business) where acquired from the old corporation in one or more transactions described in section 351(a) or 381(a). This asset test is applied by using the fair market values of assets on the date they were acquired and without regard to liabilities. Assets acquired in the ordinary course of business are excluded. In addition, assets that the old corporation acquired from outside the group in transactions not conducted in the ordinary course of its trade or business are not included in the 80 percent (but are included in total assets) if the old corporation acquired those assets within five calendar years before the date of their transfer to the new corporation.

(B) The second condition is that at the end of the taxable year during which the first condition is first met, the old corporation and the new corporation must both have the same tax character. For purposes of this paragraph (d)(12), a corporation's tax character is the section under which it would be taxed (*i.e.*, sections 11, 802, 821, or 831) if it filed a separate return. If the old corporation is not in existence (or adopts a plan of complete liquidation) at the end of that taxable year, this subdivision (v)(B) will apply to the old corporation's taxable year immediately preceding the beginning of the taxable year during which the first condition is first met.

(C) The third condition is that, if the old and new corporation are life insurance companies, the transfer (or transfers) is not reasonably expected (at the time of the transfer) to result in the separation of profitable activities from loss activities.

(D) The fourth condition is that, at the end of the taxable year during which the first condition is first met, the new corporation does not undergo a disproportionate asset acquisition under paragraph (d)(12)(viii) of this section.

(E) The fifth condition is that, if there is more than one old corporation, the first three conditions apply to all of the corporations. Thus, the second condition (tax character) must be met by all of the old corporations transferring assets

taken into account in meeting the test in paragraph (d)(12)(v)(A) of this section.

(vi) *Old group remaining in existence.* If the common parent of a group (or a new common parent) became the common parent in a transaction described in § 1.1502-75 (d)(2) or (3) where a group remained in existence, then paragraph (d)(12) (ii)–(iv) of this section apply by treating that common parent as if it were also the previous common parent of the group that remains in existence. If this subdivision (vi) applies to a transaction, the tacking rule in paragraph (d)(12)(v) of this section does not apply to the transaction.

(vii) *Change in tax character.* A corporation must not experience during the base period a change in tax character (as defined in paragraph (d)(12)(v)(B) of this section) if the change is attributable to an acquisition of assets from outside the group in transactions not conducted in the ordinary course of its trade or business. However, if a new corporation relies on the tacking rules in paragraph (d)(12)(v) of this section, this subdivision (vii) shall apply during the base period and the current consolidated return year and even if the change in tax character is attributable to an asset acquisition from within the group.

(vii) *Disproportionate asset acquisition.* To be eligible, a corporation must not undergo during the base period disproportionate asset acquisitions which are attributable to an acquisition (or a series of acquisitions) of assets from outside the group in transactions not conducted in the ordinary course of its trade or business (special acquisition). Whether special acquisitions are disproportionate is determined at the end of each base period. Whether an acquisition results in a disproportionate asset acquisition depends on all of the facts and circumstances including the following factors and rules:

(A) One factor is the portion of the insurance reserves (*i.e.*, total reserves in section 801 (c)) of the acquiring company at the end of the base period which is attributable to special acquisitions.

(B) A second factor is the portion of the fair market value of the assets (without reduction for liabilities) of the acquiring company at the end of the base period that is attributable to special acquisitions.

(C) A third factor is the portion of the premiums generated during the last taxable year of the base period which are attributable to special acquisitions.

(D) A corporation will not experience a disproportionate asset acquisition unless 75 percent of one factor (whether or not listed in this subdivision (viii)) is attributable to special acquisitions.

(E) Money or other property contributed to a corporation by a shareholder that is not a member of the group (without section 1504(b)(2)) is not a special acquisition.

(F) If a new corporation relies on the tacking rules in paragraph (d)(12)(v) of this section, this subdivision (viii) applies to that corporation during a consolidated return year. Thus, if at any time during a consolidated return year, a new corporation undergoes a disproportionate asset acquisition, the corporation becomes ineligible at that time.

(13) *Ineligible corporation.* A corporation that is not an eligible corporation is ineligible. If a life company or mutual company is ineligible, it is not treated under section 1504(c)(2) as an includible corporation. Losses of a nonlife member arising in years when it is ineligible may not be used under section 1503(c)(2) and paragraph (m) of this section to set off the income of a life member. If a life or mutual company is ineligible and is the common parent of the group (without section 1504(b)(2)), the election under section 1504(c)(2) may not be made.

(14) *Illustrations.* The following examples illustrate this paragraph (d). In each example, L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example (1). P has owned all of the stock of S since 1913. On January 1, 1980, P purchased all of the stock of L_1 which owns all of the stock of L_2 and S_2. L_1 and L_2 are treated as members for purposes of determining if they are eligible for 1982. However, for 1982, L_1, L_2, and S_2 are ineligible because none of them has been a member of the group for P's five taxable years preceding 1982. For 1982, L_2 and L_2 may elect to file a consolidated return because they constitute an affiliated group under section 1504(c)(1), and P and S may file a consolidated return.

Example (2). Since 1974, P has been a mutual insurance company owning all the stock of L_1. In 1980, P transfers assets to S_1, a new stock casualty company subject to taxation under section 831(a). For 1982, only P and L_1 are eligible corporations. The tacking rule in paragraph (d)(12)(v) of this section does not apply in 1982 because the old corporation (P) and the new corporation (S_1) do do not have the same tax character. The result would be the same if P were a life company.

Example (3). Since 1974, L has owned all the stock of L_1 which has owned all the stock of S_1, a stock casualty company. L_1 writes some accident and health insurance business. In 1980, L_1 transfers this business, and S_1 transfers some of its business, to a new stock casualty company, S_2, in a transaction described in section 351 (a). The property transferred to S_2 by L_1 had a fair market value of $50 million. The property transferred by S_1 had a fair market value of $40 million. S_2 is ineligible for 1982 because the tacking rule in paragraph (d)(12)(v) of this section does not apply. The old corporations (L_1 and S_1) and the new corporation (S_2) do not all have the same tax character. See subparagraph (d)(12)(v)(B) and (E) of this section. The result would be the same if L_1 transferred other property (*e.g.*, stock and securities) with the same value, rather than accident and health insurance contracts, to S_2.

Example (4). Since 1974, P has owned all the stock of S and L_1. L_1 is a large life company engaged in active business since 1974. On January 1, 1982, L_1 transfers in a section 351 (a) transaction assets (not acquired from outside the group) to a new life company, L_2. For 1982, L_2 is eligible because under paragraph (d)(12)(v) of this section, L_2 is considered to have been in existence and a member of the group engaged in the active business since 1974 which is the period L_1, the old corporation, was in existence and a member of the group so engaged.

Example (5). The facts are the same as in example (4). Assume that the fair market value of the assets L_1 transferred to L_2 was $10 million on January 1, 1982 and that L_2 acquired no other assets prior to June 30, 1983. Assume further that on January 1, 1983, L_1 acquires (other than in the ordinary course of its trade or business) assets having a fair market value of $40 million from L_3, an unrelated life company. On June 30, 1983, L_1 transfers those assets to L_2. L_2 becomes ineligible on June 30, 1983. Since by fair market values, 80 percent (*i.e.*, 40/50) of L_2's assets are attributable to special acquisitions, L_2 has undergone a disproportionate asset acquisition at that time. See paragraph (d)(12)(viii)(B), (D), and (F) of this section.

Example (6). The facts are the same as in example (5) except that L_1 transfers assets (other than life insurance contracts) having a fair market value of $40 million to L_2 and L_2 purchases the assets of L_3 on June 30, 1983. the result of the 1983 acquisition is the same as in example (5).

Example (7). The facts are the same as in example (5) except the acquired assets acquired by L_2 in 1983 from L_1 have a fair market value of $20 million. In 1983, L_2 had $1 million of premiums on its pre-existing contracts but premiums generated by the acquired business for the entire year would have been $2 million. L_2 is eligible in 1983 because it did not experience a disproportionate asset acquisition on June 30, 1983.

Example (8). Since 1974, L, a State A corporation, has owned all of the stock of L_1 and S_1. On January 1, 1982, L merges into L_2, a smaller State B corporation, which owns the stock of S_2. The transaction is a reverse acquisition described in § 1.1502-75(d)(3) and the group of which L was the common parent remains in existence. Under paragraph (d)(12)(vi) of this section, L_2 is eligible for 1982. However, S_2 is ineligible in 1982 under paragraph (d)(12)(iv) of this section.

Example (9). The facts are the same as in example (8) except that L acquires the stock of L_3. L_3 and S_2 are both ineligible for 1982. On January 1, 1983, the fair market value of L_3's assets are $5 million (without liabilities) and on that date L transfers assets (not acquired from outside the group) having a fair market value of $95 million (without liabilities) to L_3. L and L_3 are life companies at the end of 1983. L_3 is eligible in 1983 under the tacking rule in paragraph (d)(12)(v) of this section. S_2 is ineligible in that year. The result would be the same if L_3 was not a life company prior to January 1, 1983. See paragraph (d)(12)(v)(B) of this section.

Example (10). Since 1974, P has owned all of the stock of S_1 and L_1. On January 1, 1982, L_1 incorporates L_2 and transfers cash and securities to L_2. L_2 begins writing a new line of specialty life insurance products and it qualifies as a life company for calendar year 1982. L_2 generates a loss from operations (section 812) attributable to its writing of new business. For 1982, L_2 is ineligible under paragraph (d)(12)(v)(C) of this section.

Example (11). The facts are the same as in example (10) except that L_1 transfers to L_2 a block of insurance contracts that generated losses for L_1 and continued to generate losses for L_2, producing a loss from operations. L_2 is ineligible in 1982 under paragraph (d)(12)(v)(C) of this section.

Example (12). Since 1974, X, a foreign corporation, has owned all the stock of S_2 and S_1, and S_1 has owned all of the stock of L_1. On January 1, 1982, X incorporates a new U.S. company P, and transfers the stock of S_1 and S_2 to P. Assume that under § 1.1502-75(d)(3) (relating to reverse acquisitions), the S_1-L_1 affiliated group remains in existence. Under paragraph (d)(12)(vi) of this section, P, S_1, and L_1 are eligible but S_2 is ineligible. The result would be the same if X were an individual.

Example (13). The facts are the same as in example (12) except that X owns all of the stock of S_1, L_1, and S_2. In addition, on January 1, 1982, X transfers the stock of S_1 and S_2 to L_1. L_1 is eligible in 1982 under paragraph (d)(12)(iv) of this section. L_1 would still be eligible even if it owned a subsidiary during the base period but sold the subsidiary prior to January 1, 1982. S_1 and S_2 are ineligible in 1982.

Example (14). Since 1974, S_1 has owned all of the stock of L_1. S_2, an unrelated company, has owned all of the stock of L_2 and S_3 for 10 years. S_1 and S_2 are active stock casualty companies and not holding companies. On January 1, 1982, S_1 and S_2 merge into a new casualty company, S, in a transaction described in § 1.1502-75(d)(3) so that the group of which S_1 was the common parent remains in existence. S and L_1 are eligible in 1982 under paragraph (d)(12)(vi) of this section. L_2 and S_3 are ineligible.

Example (15). The facts are the same as in example (14) except that S_2 (the first corporation in § 1.1502-75(d)(3)) acquires the stock of S_1 in exchange for the stock of S_2. The result is that only S_2, S_3, and L_1 are eligible in 1982.

Example (16). Since 1974, S had owned all of the stock of L_1. L_1 is a large life company. On January 1, 1982, L_1 incorporates L_2 and transfers $40 million in cash and securities to L_2 in a transaction described in section 351(a). On March 1, 1982, L_2 purchases the assets of L_3, an unrelated life company. The purchased assets have a fair market value (without liabilities) of $30 million on March 1, 1982. L_2 is ineligible for 1982 because the tacking rule in paragraph (d)(12)(v) of this section does not apply. L_2 experienced a disproportionate asset acquisition in 1982. See paragraph (d)(12)((v)(D) of this section.

(e) *Election*—(1) *In general.* The election under section 1504(c)(2) may not be made if the group's common parent is an ineligible life company or an ineligible mutual company. The election under section 1504(c)(2) may only be made by the common parent of the group (as defined in section 1504(c)(2) without the exclusions in section 1504(b)(2)). For example, assume that P owns all of the stock of L_1, an eligible life company, which owns the stock of S_1. Assume further that P also owns the stock of L_2, an ineligible life member, which (for more than five years) has owned the stock of a nonlife company, S_2. Only P may make the election and, if it does so, P, L_1, and S_1 may file a consolidated return under this section. L_2 may not make the election under section 1504(c)(2) and may not file a consolidated return with S_2.

(2) *How election is made*—(i) *General rule.* The election under section 1504(c)(2) is generally made by the group's common parent in the same manner (and it has the same effect) as the election to file a consolidated return is made under § 1.1502-75 (a) and (b) for a group which did not file a consolidated return for the immediately preceding taxable year. The procedure for making the election under section 1504(c)(2) is the same whether or not a consolidated return was filed by the life members or the nonlife members for the immediately preceding taxable year.

(ii) *Special rule.* Notwithstanding the general rule, however, if the nonlife members in the group filed a consolidated return for the immediately preceding taxable year and had executed and filed a Form 1122 that is effective for the preceding year, then such members will be treated as if they filed a Form 1122 when they join in the filing of a consolidated return under section 1504(c)(2) and they will be deemed to consent to the regulations under this section. However, an affiliation schedule (Form 851) must be filed by the group and the life members must execute a Form 1122 in the manner prescribed in § 1.1502-75(h)(2).

(3) *Irrevocability.* Except as provided in § 1.1502-75(c) and paragraph (e)(4) of this section, the election under section 1504(c)(2) is irrevocable.

(4) *Permission to discontinue.* A group (as defined in section 1504(c)(2)) with a common parent that has made the election under section 1504(c)(2) may discontinue filing a consolidated return under § 1.1502-75(c)(2)(ii) for the group's first taxable year for which the regulations under this section are first effective.

(5) *Consent to regulations.* If a group does not discontinue filing a consolidated return under paragraph (e)(4) of this section but continues to file a consolidated return for the group's first taxable year for which the regulations under this section are first effective, the members of the group will be deemed to have consented to the regulations under this section.

(6) *Cross reference.* If an election is made under section 1504(c)(2), see § 1.1502-75 (e) and (f) for rules that apply for not including (or including) a member or a nonmember in the consolidated return.

(f) *Effect of election.* If the common parent makes the election under section 1504(c)(2), the following rules apply:

(1) *Termination of group.* A mere election under section 1504(c)(2) will not cause the creation of a new group or the termination of an affiliated group that files a consolidated return in the immediately preceding taxable year.

(2) *Effect of eligibility.*

If a life member is eligible after an election under section 1504(c)(2), it may not be included as a member of an affiliated group as defined in section 1504(c)(1).

(3) *Eligible and ineligible life companies.* If any life company was a member of an affiliated group of life companies (as defined in section 1504(c)(1)) but is ineligible for a taxable year for which the election under section 1504(c)(2) is effective, that year is not a separate return year merely by reason of the election under section 1504(c)(2) in applying §§ 1.1502-13, 1.1502-14, 1.1502-18, and 1.1502-19 to transactions occurring in prior consolidated return years of that affiliated group. In addition, if more than one ineligible life member of the group (as defined in section 1504(c)(1)) joined in the filing of a consolidated return in the taxable year immediately preceding the year for which the election under section 1504(c)(2) is effective and, solely as a result of the election, one of the ineligible life members becomes the common parent of such a group (section 1504(c)(1)), the group must continue to file a consolidated return. For example, assume that L_1 owns all of the stock of S_1 and all of the stock of L_2. L_2 owns the stock of L_3. L_1, L_2, and L_3 are life companies and S_1 is a nonlife company. Assume further that in 1981, L_1, L_2, and

L_2 file a consolidated return but L_1 makes the election under section 1504(c)(2) for 1982 and L_2 and L_3 are ineligible. L_2 and L_3 must continue to file a consolidated return in 1982. Moreover, L_2 could elect in 1982 to file a consolidated return (section 1504(c)(1)) with L_3 even if they did not file a consolidated return in 1981 with L_1.

(4) *Inclusion of life company.* If a life company is ineligible in the consolidated return year for which the election is effective, it will be treated as an includible corporation for the common parent's first taxable year in which the company becomes eligible.

(5) *Dividends received deduction.* Section 243(b)(5) defines the term affiliated group for purposes of the election to deduct 100 percent of the qualifying dividends received by a member from another member of the group. Section 246(b)(6) limits certain multiple tax benefits and the deduction itself. Section 243(b) (5) and (6) do not apply to the mutual companies and life companies that are eligible corporations. See section 1504(c)(2)(B)(i). Thus, the common parent of the group may elect to deduct 100 percent of the qualifying dividends received from an ineligible life company.

(6) *Controlled group.* Sections 1563 (a)(4), (b)(2)(D), and (b)(3)(C) (insofar as it applies to corporations described in section 1563(b)(2)(D)) do not apply to any eligible or ineligible life company that is a member of the group for a taxable year during which the election is effective. See paragraph (d)(4) of this section for the definition of group.

(7) *Consolidated tax.* The tax liability of a group for a consolidated return year (before application of credits against that tax) is computed on a consolidated basis by adding together the following taxes:

(i) The tax imposed under section 11 on consolidated taxable income (as determined under paragraph (g) of this section). The taxes imposed under sections 802(a), 821(a), and 831(a) will each be treated as a tax imposed under section 11.

(ii) The tax imposed by section 1201 on consolidated net capital gain (as determined under paragraph (o) of this section) in lieu of the tax imposed under paragraph (f)(7)(i) of this section on that gain.

(iii) Any taxes described in § 1.1502–2 (other than by paragraphs (a), (f), and (h) thereof).

(g) *Consolidated taxable income.* The consolidated taxable income is the sum of the following three amounts:

(1) *Nonlife consolidated taxable income.* The nonlife consolidated taxable income (as defined in paragraph (h) of this section) of the nonlife subgroup, as set off by the life subgroup losses as provided in paragraph (n) of this section. The amount in this paragraph (g)(1) may not be less than zero.

(2) *Consolidated partial LICTI.* The consolidated partial LICTI (as defined in paragraph (j) of this section) of the life subgroup, as set off by the nonlife subgroup losses as provided in paragraph (m) of this section. The amount in this paragraph (g)(2) may not be less than zero.

(3) *Surplus accounts.* The sum of the amounts subtracted under section 815 from the policyholders' surplus accounts of the life members.

(h) *Nonlife consolidated taxable income.*—(1) *In general.* Nonlife consolidated taxable income is the consolidated taxable income of the nonlife subgroup, computed under § 1.1502–11 as modified by this paragraph (h). For this purpose, separate taxable income of a member includes separate mutual insurance company taxable income (as defined in section 821(b)) and insurance company taxable income (as defined in section 832).

(2) *Nonlife consolidated net operating loss deduction.*—(i) *In general.* In applying § 1.1502–21, the rules in this subparagraph (2) apply in determining for the nonlife subgroup the nonlife net operating loss and the portion of the nonlife net operating loss carryovers and carrybacks to the taxable year.

(ii) *Nonlife CNOL.* The nonlife consolidated net operating loss is determined under § 1.1502–21(f) by treating the nonlife subgroup as the group.

(iii) *Carryback.* The nonlife consolidated net operating loss for the nonlife subgroup is carried back under § 1.1502–21 to the appropriate years (whether consolidated or separate) before the loss may be used as a nonlife subgroup loss under paragraphs (g)(2) and (m) of this section to set off consolidated partial LICTI in the year the loss arose. The election under section 172(b)(3)(C) to relinquish the entire carryback period for the net operating loss of the nonlife subgroup may be made by the common parent of the group. Furthermore, the election may be made even though the election under section 812(b)(3) and paragraph (l)(3)(iii) of this section is not made.

(iv) *Subgroup rule.* In determining the portion of the nonlife consolidated net operating loss that is absorbed when the loss is carried back to a consolidated return year beginning after December 31, 1981, § 1.1502–21 is applied by treating the nonlife subgroup as the group. Therefore, the absorption is determined without taking into account any life subgroup losses that were previously reported on a consolidated return as setting off nonlife consolidated taxable income for the year to which the nonlife loss is carried back.

(v) *Carryover.* The portion of the nonlife consolidated net operating loss that is not absorbed in a prior year as a carryback, or as a nonlife subgroup loss that set off consolidated partial LICTI for the year the loss arose, constitutes a nonlife carryover under this subparagraph (2) to reduce nonlife consolidated taxable income before that portion may constitute a nonlife subgroup loss that sets off consolidated partial LICTI for a particular year.

(vi) *Transitional rules.* The nonlife consolidated net operating loss deduction is subject to a transitional rule limitation in paragraph (h)(3) of this section.

(vii) *Example.* The following example illustrates this paragraph (h)(2). In the example, L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example. P owns all of the stock of S and L_1. L_1 owns all of the stock of L_2. For 1982, the group first files a consolidated return for which the election under section 1504(c)(2) is effective. P and S filed consolidated returns for 1979 through 1981. In 1982, the P–S group sustains a nonlife consolidated net operating loss. The loss is carried back to the consolidated return years 1979, 1980, and 1981 of P and S by using the principles of §§ 1.1502–21 and 1.1502–79 and, because the election in 1982 under section 1504(c)(2) does not result under paragraph (f)(1) of this section in the creation of a new group or the termination of the P–S nonlife group, the loss is absorbed on the consolidated return in those years without regard to whether the loss in 1982 is attributable to P or S and without regard to their contribution to consolidated taxable income in 1979, 1980, or 1981. The portion of the loss not absorbed in 1979, 1980, and 1981 may serve as a nonlife subgroup loss in 1982 that may set off the consolidated partial LICTI of L_1 and L_2 under paragraphs (g)(2) and (m) of this section.

(3) *Transitional rule.*—(i) *In general.* The portion of the nonlife consolidated net operating loss deduction in a consolidated return year beginning after December 31, 1980 (referred to as "post-1980 year") attributable to net operating losses sustained in separate return years ending before January 1, 1981 (referred to as "pre-1981 year"), is subject to the rules and limitations in this subparagraph (3).

(ii) *Separate nonlife groups.* To determine the limitation, first, identify for the post-1980 year one or more separate affiliated groups of nonlife

companies (as defined in section 1504 without section 1504(c)(2)). For this purpose, a single nonlife company may constitute a separate affiliated group if (A) it is not otherwise a member of a separate group or (B) it has a net operating loss sustained in the pre-1981 year that may be carried over and that year is a separate return limitation year (determined under § 1.1502-1(f) without paragraph (d)(11) of this section).

(iii) *Carryover.* Second, identify the pre-1981 year net operating losses that may be carried over and that are attributable to each separate affiliated group of nonlife companies. The separate return limitation year rules in § 1.1502-21(c) do not apply to any of these carryovers.

(iv) *Limitation.* Third, treat the last taxable year ending before January 1, 1981, as if in that year there was a consolidated return change of ownership of each such separate affiliated group of nonlife companies and apply the consolidated return change of ownership limitation in § 1.1502-21(d) to the losses of each group by treating the members of each separate group as old members.

(v) *Examples.* The following examples illustrate this paragraph (h)(3). In the examples L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example (1). Throughout all of 1982, P owns all of the stock of S and L_1 and L_1 owns all of the stock of L_2 which in turn owns all of the stock of S_1. Thus, for 1982, there are two nonlife subgroups under this subparagraph (3), P-S and S_1. For 1981, P and S did not file a consolidated return and for 1980 P has a net operating loss of $200,000. Assume that P had no income in 1981. For 1982, the group makes an election under section 1504(c)(2) to file a consolidated return and all corporations are eligible corporations. The consolidated taxable income for the nonlife subgroup for 1982 (determined without the consolidated net operating loss deduction) recomputed by including only items of income and deduction of P and S is $120,000. If $120,000 is the § 1.1502-21(d)(2) amount for P and S, then the amount of P's net operating loss for 1980 that may be carried over to P and S for 1982 cannot exceed $120,000.

Example (2). (a) P owns all of the stock of S_1. On January 1, 1979, P purchased all of the stock of L_1 which owns all of the stock of L_2 and S_2. Prior to 1984, all of the corporations filed separate returns. For 1984, the group makes an election under section 1504(c)(2) to file a consolidated return.

(b) 1981, 1982, and 1983 are not treated under paragraph (d)(11) of this section as separate return limitation years of the P, S_1, and S_2 nonlife subgroup. However, P and S_1 will be treated as old members under paragraph (h)(3)(iv) of this section and under § 1.1502-21(d) with respect to their losses in 1979 and 1980 (whether a consolidated return was filed or separate returns were filed) so that the portion of nonlife consolidated taxable income attributable to S_2 may not absorb the losses of P or S_1. The rules that apply to the P-S_1 nonlife subgroup for 1979 and 1980 apply in an identical way to S_2 by treating S_2 as a subgroup separate from the P-S_1 nonlife subgroup. See section 1507(c)(2)(A) of the Tax Reform Act of 1976.

(c) Similarly, L_1 and L_2 are treated as old members under paragraphs (l)(3) and (h)(3)(iv) of this section for losses arising in 1979 and 1980. However, since the L_1—L_2 subgroup is also the life subgroup under paragraph (d)(8) of this section, the limitation in paragraph (h)(3)(iv) of this section does not affect the computation of consolidated partial LICTI for the life subgroup.

(4) *Nonlife consolidated capital gain net income or loss.*—(i) *In general.* In applying § 1.1502-22, the rules in this subparagraph (4) apply in determining for the nonlife subgroup the nonlife consolidated capital gain net income or loss and the portion of the nonlife net capital loss carryovers and carrybacks to the taxable year. In particular, the nonlife consolidated capital gain net income and nonlife consolidated net capital loss are determined under the principles of § 1.1502-22(a) by treating the nonlife subgroup as the group.

(ii) *Additional principles.* In applying § 1.1502-22 to nonlife consolidated net capital loss carryovers and carrybacks, the principles set forth in paragraph (h)(2) (iii) through (v) for applying § 1.1502-21 to nonlife consolidated net operating loss carryovers and carrybacks shall also apply. Further, the portion of nonlife consolidated net capital loss carryovers attributable to losses sustained in taxable years ending before January 1, 1981, is subject to the limitations in paragraph (h)(3) of this section applied by substituting "net capital loss" for the term "net operating loss" and "§ 1.1502-22(d)" for "§ 1.1502-21(d)".

(iii) *Special rules.* The nonlife consolidated net capital loss is reduced, for purposes of determining the carryovers and carrybacks under § 1.1502-22(b)(1) by the lesser of—

(A) The aggregate of the additional capital loss deductions allowed under section 822(c)(6) or section 832(c)(5), or

(B) The nonlife consolidated taxable income computed without capital gains and losses.

(i) [Reserved]

(j) *Consolidated partial LICTI.* [Reserved]

(k) *Consolidated TII.*—(1) *General rule.* [Reserved]

(2) *Separate TII.* [Reserved]

(3) *Company's share of investment yield.* [Reserved]

(4) *Life consolidated capital gain net income.* [Reserved]

(5) *Life consolidated net capital loss carryovers and carrybacks.* The life consolidated net capital loss carryovers and carrybacks for the life subgroup are determined by applying the principles of § 1.1502-22 as modified by the following rules in this subparagraph (5):

(i) Life consolidated net capital loss is first carried back (or apportioned to the life members for separate return years) to be absorbed by life consolidated capital gain net income without regard to any nonlife subgroup capital losses and before the life consolidated net capital loss may serve as a life subgroup capital loss that sets off nonlife consolidated capital gain net income in the year the life consolidated net capital loss arose.

(ii) If a life consolidated net capital loss is not carried back or is not a life subgroup loss that sets off nonlife consolidated capital gain net income in the year the life consolidated net capital loss arose, then it is carried over to the particular year under this paragraph (k)(5) first against life consolidated capital gain net income before it may serve as a life subgroup capital loss that sets off nonlife consolidated capital gain net income in that particular year.

(iii) *Section 818(f).* Capital losses may not be deducted more than once and capital gain will not be included more than once. See section 818(e) and also section 818(f).

(iv) Capital loss carryovers are subject to the transitional rule in paragraph (k)(6) of this section.

(6) *Transitional rule.* The portion of the life consolidated capital loss carryovers attributable to the net capital losses of the life members sustained in separate return years ending before January 1, 1981, is subject to the same limitations as the capital losses of nonlife members in paragraph (h)(4)(iii) of this section by applying the principles of paragraph (h)(3) of this section to each separate affiliated group of life companies.

(l) *Consolidated GO or LO.*—(1) *General rule.* [Reserved]

(2) *Separate GO.* [Reserved]

(3) *Consolidated operations loss deduction.*—(i) *General rule.* The consolidated operations loss deduction is an amount equal to the consolidated operations loss carryovers and carrybacks to the taxable year. The provisions of § 1.1502-21 and section 812 apply to the extent not inconsistent with this paragraph (l)(3).

(ii) *Consolidated offset.* For purposes of applying section 812 (b) and (d), the term "consolidated offset" means the increase in the consolidated operations loss deduction which reduces

consolidated partial LICTI to zero. For setoff of consolidated LO against nonlife consolidated taxable income, see paragraph (n)(2) of this section.

(iii) *Carrybacks.* A consolidated LO is first carried back to be absorbed by GO of a life member under section 809(d)(4) or consolidated partial LICTI (as the case may be under section 818(f)(2)) for prior consolidated return years (or apportioned to the life members for prior separate return years) without regard to any nonlife subgroup losses that were set off against consolidated partial LICTI and before the consolidated LO may serve as a life subgroup loss to be set off against nonlife consolidated taxable income in the year the consolidated LO arose. The election to relinquish the entire carryback period for the consolidated LO of the life subgroup may be made by the common parent of the group. See section 812(b)(3). Furthermore, the election may be made even though the election under section 172(b)(3)(C) and paragraph (h)(2)(iii) of this section is not made.

(iv) *Carryovers.* If a consolidated LO is not carried back or is not applied as a life subgroup loss that set off nonlife consolidated taxable income in the year the consolidated LO arose, then it is carried over to a particular year under this paragraph (l)(3) first against the GO of a life member under section 809(d)(4) or consolidated partial LICTI (as the case may be under section 818(f)(2)) before it may serve as a life subgroup loss that may be set off against nonlife consolidated taxable income for that particular year.

(v) *Transitional rule.* The portion of a consolidated operations loss deduction that is attributable to LOs sustained in separate return years ending before January 1, 1981, is subject to the same rules and limitations that the nonlife consolidated net operating loss deduction is subject to in paragraph (h)(3) of this section as applied by identifying separate affiliated groups of life companies.

(4) *Life consolidated capital gain net income or loss.* Life consolidated capital gain net income or loss is determined in the same manner as under paragraph (k)(4) of this section. However, a life member's company share is determined under section 809 (a) and (b)(3).

(m) *Consolidated partial LICTI setoff by nonlife subgroup losses.*—(1) *In general.* The nonlife subgroup losses consist of the nonlife consolidated net operating loss and the nonlife consolidated net capital loss. Under paragraph (g)(2) of this section, consolidated partial LICTI is set off by the amounts of these two consolidated losses specified in paragraph (m)(2) of this section. The setoff is subject to the rules and limitations in paragraph (m)(3) of this section.

(2) *Amount of setoff.*—(i) *Current year.* Consolidated partial LICTI for the current taxable year is set off by the portion of the nonlife consolidated net operating loss and nonlife consolidated net capital loss arising in that year that cannot be carried back under paragraph (h) of this section to prior taxable years (whether consolidated or separate return years) of the nonlife subgroup.

(ii) *Carryovers.* The portion of the offsettable nonlife consolidated net operating loss or nonlife consolidated net capital loss that has not been used as a nonlife subgroup loss setoff against consolidated partial LICTI in the year it arose may be carried over to succeeding taxable years under the principles of §§ 1.1502–21 (relating to net operating loss deduction) or § 1.1502–22 (relating to net capital loss carryovers). However, in any particular succeeding year, the losses will be used under paragraph (h) of this section in computing nonlife consolidated taxable income before being used in that year as a nonlife subgroup loss that sets off consolidated partial LICTI.

(3) *Nonlife subgroup loss rules and limitations.* The nonlife subgroup losses are subject to the following operating rules and limitations:

(i) *Separate return years.* The carryovers in paragraph (m)(2)(ii) of this section may include net operating losses and net capital losses of the nonlife members arising in separate return years ending after December 31, 1980, that may be carried over to a succeeding year under the principles (including limitations) of §§ 1.1502–21 and 1.1502–22. But see subdivision (ix) of this paragraph (m)(3).

(ii) *Capital loss.* Nonlife consolidated net capital loss sets off consolidated partial LICTI only to the extent of life consolidated capital gain net income (as determined under paragraph (l)(4) of this section) and this setoff applies before any nonlife consolidated net operating loss sets off consolidated partial LICTI.

(iii) *Capital gain.* Life consolidated capital gain net income is zero in any taxable year in which the life subgroup has a consolidated LO and, in any taxable year, it may not exceed consolidated partial LICTI.

(iv) *Ordering rule.* Consolidated partial LICTI for a consolidated return year is set off by nonlife subgroup losses for that year before being set off (under paragraph (m)(2)(ii) of this section) by a carryover of a nonlife subgroup loss to that year.

(v) *Setoff at bottom line.* The setoff of nonlife subgroup losses against consolidated partial LICTI does not affect life member deductions that depend in whole or in part on GO or TII. Thus, the setoff does not affect the amount of consolidated partial LICTI (as determined under paragraph (j) of this section) for any taxable year but it merely constitutes an adjustment in arriving at the group's consolidated taxable income under paragraph (g) of this section.

(vi) *Ineligible nonlife member.* (A) The offsetable nonlife consolidated net operating loss that arises in any consolidated return year (that may be set off against consolidated partial LICTI in the current taxable year or in a succeeding taxable year) is the amount computed under paragraph (h)(2)(ii) of this section reduced by the ineligible NOL. For purposes of this subparagraph (3), the "ineligible NOL" is in the year the loss arose the amount of the separate net operating loss (determined under § 1.1502–79(a)(3)) of any nonlife member that is ineligible in that year (and not the portion of the nonlife consolidated net operating loss attributable under § 1.1502–79(a)(3) to such a member). (B) The carryovers of offsetable nonlife net operating losses under paragraph (m)(2)(ii) of this section do not include an ineligible NOL arising in a consolidated return year or a loss attributable to an ineligible member arising in a separate return year. See section 1503(c)(2). (C) For absorption within the nonlife subgroup of an ineligible NOL arising in a consolidated return year or a loss of an ineligible member arising in a separate return year which is not a separate return limitation year under paragraph (m)(3)(ix) of this section, see paragraph (m)(3)(vii) of this section.

(vii) *Absorption of ineligible NOL.* (A) If all or a portion of a nonlife member's ineligible NOL (determined under paragraph (m)(3)(vi)(A) of this section) may be carried back or carried over under paragraph (h)(2) of this section to a particular consolidated return year of the nonlife subgroup (absorption year), then notwithstanding § 1.1502–21(b)(3)(ii), the amount carried to the absorption year will be absorbed by that member's contribution (to the extent thereof) to nonlife consolidated taxable income for that year.

(B) For purposes of (A) of this subdivision (vii), a member's contribution to nonlife consolidated taxable income for an absorption year is the amount of such income (computed without the portion of the nonlife consolidated net operating loss deduction attributable to taxable years subsequent to the year the loss arose),

minus such consolidated taxable income recomputed by excluding both that member's items of income and deductions for the absorption year. The deductions of the member include the prior application of this paragraph (m)(3)(vii) to the absorption of the nonlife consolidated net operating loss deduction for losses arising in taxable years prior to the particular loss year.

(viii) *Election to relinquish carryback.* The offsetable nonlife consolidated net operating loss does not include the amount that could be carried back under paragraph (h) (2) of this section but for the common parent's election under section 172(b)(3)(C) to relinquish the carryback. See section 1503(c)(1).

(ix) *Separate return limitation year.* The offsetable nonlife consolidated net operating and capital loss carryovers do not include any losses attributable to a nonlife member that were sustained (A) in a separate return limitation year (determined without section 1504(b)(2)) of that member (or a predecessor), or (B) in a separate return year ending after December 31, 1980, in which an election was in effect under neither section 1504(c)(2) nor section 243(b)(2). For purposes of this paragraph (m), a separate return limitation year includes a taxable year ending before January 1, 1981. See section 1507(c)(2)(A) of the Tax Reform Act of 1976 and § 1.1502–15 (including the exceptions in paragraph (a)(4) thereof).

(x) *Percentage limitation.* The offsetable nonlife consolidated net operating losses that may be set off against consolidated partial LICTI in a particular year may not exceed a percentage limitation. This limitation is the applicable percentage in section 1503(c)(1) of the lesser of two amounts. The first amount is the sum of the offsetable nonlife consolidated net operating losses under paragraph (m)(2) of this section that may serve in the particular year (determined without this limitation) as a setoff against consolidated partial LICTI. The second amount is consolidated partial LICTI (as defined in paragraph (j) of this section) in the particular year reduced by any nonlife consolidated net capital loss that sets off consolidated partial LICTI in that year.

(xi) *Further limitation.* Any offsetable nonlife consolidated net operating loss remaining after applying the percentage limitation that is carried over to a succeeding taxable year may not be set off against the consolidated partial LICTI attributable to a life member that was not an eligible life member in the year the loss arose. See section 1503(c)(2).

(xii) *Restoration rule.* The carryback of a consolidated LO or life consolidated net capital loss under paragraph (l) of this section that reduces consolidated partial LICTI (or life consolidated capital gain net income) for a prior year may reduce the amount of nonlife subgroup losses that would offset consolidated partial LICTI in that prior year. Thus, that amount may be carried over under paragraph (h) (2) or (4) of this section from that prior year in determining nonlife consolidated taxable income in a succeeding year or serve as offsetable nonlife subgroup losses in a succeeding year.

(4) *Acquired groups.* [Reserved]

(5) *Illustrations.* The following examples illustrates this paragraph (m). In the examples, L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example (1). P owns all of the stock of L and S. S owns all of the stock of I, a nonlife member that is an ineligible corporation for 1982 under paragraph (d)(13) of this section. For 1982, the group elects under section 1504(c)(2) to file a consolidated return. For 1982, assume that any nonlife consolidated net operating loss may not be carried back to a prior taxable year. Other facts are summarized in the following table.

	Separate taxable income (loss)
P	$100
S	(100)
I	(100)
Nonlife consolidated net operating loss	(100)

Under paragraph (m)(3)(vi) of this section, P's separate income is considered to absorb the loss of S, an eligible member, first and the offsetable nonlife consolidated net operating loss is zero, *i.e.*, the consolidated net operating loss ($100) reduced by I's loss ($100). The consolidated net operating loss ($100) may be carried over, but since it is entirely attributable to I (an ineligible member) its use is subject to the restrictions in paragraph (m)(3)(vi) of this section. The result would be the same if the group contained two additional members, S_1, an eligible member, and I_1, an ineligible member, where S_1 had a loss of ($100) and I_1 had income of $100.

Example (2). The facts are the same as in example (1) except that for 1982 S's separate net operating loss is $200. Assume further that L's consolidated partial LICTI is $200. Under paragraph (m)(3)(vi) of this section, the offsetable nonlife consolidated net operating loss is $100, *i.e.*, the nonlife consolidated net operating loss computed under paragraph (h)(2)(ii) of this section ($200), reduced by the separate net operating loss of I ($100). The offsetable nonlife consolidated net operating loss that may be set off against consolidated partial LICTI in 1982 is $30, *i.e.*, 30 percent of the lesser of the offsetable $100 or consolidated partial LICTI of $200. See paragraph (m)(3)(x) of this section. The nonlife subgroup may carry $170 to 1983 under paragraph (h)(2) of this section against nonlife consolidated taxable income, *i.e.*, consolidated net operating loss ($200) less amount used in 1982 ($30). Under paragraph (m)(2)(ii) of this section, the offsetable nonlife consolidated net operating loss that may be carried to 1983 is $70, *i.e.*, $100 minus $30. The facts and results are summarized in the table below.

	(Dollars omitted)			
	Facts	Offsetable	Limit	Unused loss
	(a)	(b)	(c)	(d)
1. P	100			
2. S	(200)	(100)		(70)
3. I	(100)			(100)
4. Nonlife subgroup	(200)	(100)	(100)	(170)
5. L	200		200	
6. 30% of lower of line 4(c) or 5(c)			30	
7. Unused offsetable loss				(70)

Accordingly, under paragrah (g) of this section (assuming no amount is withdrawn from L's surplus accounts), consolidated taxable income is $170, *i.e.*, line 5 (a) minus line 6(c)).

Example (3). The facts are the same as in example (2) with the following additions for 1983. The nonlife subgroup has nonlife consolidated taxable income of $50 (all of which is attributable to I) before the nonlife consolidated net operating loss deduction under paragraph (h)(2) of this section. Consolidated partial LICTI is $100. Under paragraph (h)(2) of this section, $50 of the nonlife consolidated net operating loss carryover ($170) is used in 1983 and, under paragraph (m)(3) (vi) and (vii) of this section, the portion used in 1982 is attributable to I, the ineligible nonlife member. Accordingly, the offsetable nonlife consolidated net operating loss from 1982 under paragraph (m)(3)(ii) of this section is $70, *i.e.*, the unused loss from 1982. The offsetable nonlife consolidated net operating loss in 1983 is $24.50, *i.e.*, 35 percent of the lesser of the offsetable loss of $70 or consolidated partial

LICTI of $100. Accordingly, under paragraph (g) of this section (assuming no amount is withdrawn from L's surplus accounts), consolidated taxable income is $75.50, *i.e.*, consolidated partial LICTI of $100 minus the offsetable loss of $24.50.

Example (4). P owns all of the stock of S and L. For 1982, all corporations are eligible corporations, and the group elects under section 1504(c)(2) to file a consolidated return, the nonlife consolidated net operating loss is $100, and the nonlife consolidated net capital loss is $50. Assume that the losses may not be carried back and the capital losses are not attributable to built-in deductions under paragraph (m)(3)(ix) of this section or under § 1.1502-15. Other facts and the results are set forth in the following table:

	P-S	L
1. Nonlife consolidated net operating loss	($100)	———
2. Nonlife consolidated capital loss	(50)	———
3. Consolidated partial LICTI		$100
4. Life consolidated capital gain net income included in line 3	———	50
5. Offsetable:		
(a) 30% of lower of line (1) or line (3)–(4)	(15)	———
(b) Line 2	(50)	———
(c) Total	(65)	———
6. Unused losses available to be carried over:		
(a) From line 1 (line 1 minus line 5 (a))	(85)	———
(b) From line 2 (line 2 minus line 5 (b))	0	———

Accordingly, under paragraph (g) of this section consolidated taxable income is $35, *i.e.*, line 3 minus line 5(c).

Example (5). The facts are the same as in example (4). Assume further that for 1983 L has an LO that is carried back to 1982 and the LO is large enough to reduce consolidated partial LICTI for 1982 to zero as determined before any setoff for nonlife losses. Under paragraph (m)(3)(xii) of this section, the nonlife consolidated net operating loss of $15 and the nonlife consolidated net capital loss of $50 that were set off in 1982 respectively against consolidated partial LICTI and life consolidated capital gain net income are restored. These restored amounts may consititute part of the nonlife consolidated net operating loss carryover to 1983 under paragraph (h)(2) of this section or part of the nonlife net capital loss carryover to 1983 under paragraph (h)(4) of this section.

Example (6). The facts are the same as in example (5) except that L's LO for 1983 as carried back reduces consolidated partial LICTI in 1982 from $100 to $25. Since consolidated partial LICTI of $100 in 1982 (before the carryback) included life consolidated capital gain net income of $50, under paragraph (m)(3)(iii) of this section, the life consolidated capital gain net income is $25, *i.e.*, $50 but not more than $25. Therefore, under paragraph (m)(3)(ii) of this section, the offsetable nonlife capital loss in 1982 is $25 and, under paragraph (m) (3)(xii) of this section, $25 of the $50 nonlife consolidated net capital loss in 1982 may be carried under paragraph (h)(4) of this section to 1983. No nonlife consolidated net operating loss is used as a setoff against consolidated partial LICTI in 1982 under paragraph (m)(3)(xii) of this section by reason of the carryback of the consolidated LO from 1983 to 1982.

(n) *Nonlife consolidated taxable income set off by life subgroup losses.*— (1) In *general.* The life subgroup losses consist of the consolidated LO and the life consolidated net capital loss (as determined under paragraph (l)(4) of this section). Under paragraph (g)(1) of this section, nonlife consolidated taxable income is set off by the amounts of these two consolidated losses specified in paragraph (n)(2) of this section.

(2) *Amount of setoff.* The portion of the consolidated LO or life consolidated net capital loss that may be set off against nonlife consolidated taxable income (determined under paragraph (h) of this section) is determined by applying the rules prescribed in paragraph (m) (2) and (3) of this section in the following manner:

(i) Substitute the term "life" for "nonlife", and vice versa.

(ii) Substitute the term "nonlife consolidated taxable income" for "consolidated partial LICTI", and vice versa.

(iii) Substitute the term "consolidated LO" for "non-life consolidated net operating loss", "paragraph (l)" or "paragraph (j)" for "paragraph (h)", and "section 812(b)(3)" for "section 172(b)(3)(C)".

(iv) Paragraphs (m)(3)(vi), (vii), (x), and (xi) of this section do not apply to a consolidated LO.

(v) Capital losses may not be deducted more than once. See section 818(e) and also the requirements in section 818(f).

(vi) The setoff of life subgroup losses against nonlife consolidated taxable income does not affect nonlife member deductions that depend in whole or in part on taxable income.

(3) *Illustrations.* The following examples illustrate this paragraph (n). In the examples, L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example (1). P, S, L_1 and L_2 constitute a group that elects under section 1504(c)(2) to file a consolidated return for 1982. In 1982, the nonlife subgroup consolidated taxable income is $100 and there is $20 of nonlife consolidated net capital loss that cannot be carried back under paragraph (h) of this section to taxable years (whether consolidated or separate) preceding 1982. The nonlife subgroup has no carryover from years prior to 1982. Consolidated LO is $150 which under paragraph (l) of this section includes life consolidated capital gain net income of $25. The $150 LO is carried back under paragraph (l)(3) of this section to taxable years (whether consolidated or separate) preceding 1982 before it may offset in 1982 nonlife consolidated taxable income. Since life consolidated capital gain net income is zero for 1982, the nonlife capital loss offset is zero.

Example (2). The facts are the same as in example (1). Assume further that no part of the $150 consolidated LO for 1982 can be used by L_1 and L_2 in years prior to 1982. For 1982, $100 of consolidated LO sets off the $100 nonlife consolidated taxable income. The life subgroup carries under paragraph (l)(3) of this section to 1983 $50 of the consolidated LO ($150 minus $100). See paragraph (l)(3)(ii) of this section. The $50 carryover will be used in 1983 against life subgroup income before it may be used in 1983 to setoff nonlife consolidated taxable income.

Example (3). (a) The facts are the same as in example (1), except that for 1982 the nonlife consolidated taxable income is $150 and includes nonlife consolidated capital gain net income of $50, consolidated partial LICTI is $200, and a life consolidated net capital loss is $50. Assume that the $50 life consolidated net capital loss sets off the $50 nonlife consolidated capital gain net income. Consolidated taxable income under paragraph (g) of this section is $300, *i.e.*, nonlife consolidated taxable income ($150) minus the setoff of the life consolidated net capital loss ($50), plus consolidated partial LICTI ($200).

(b) Assume that for 1983 the nonlife consolidated net operating loss is $150. Under paragraph (h)(2) of this section, the loss may be carried back to 1982 against nonlife consolidated taxable income. If P, the common parent, does not elect to relinquish the carryback under section 172(b)(3)(C), the entire $150 must be carried back reducing 1982 nonlife consolidated taxable income to zero and nonlife consolidated capital gain net income to zero. Under paragraph (m)(3)(xii) of this section, the setoff in 1982 of the nonlife consolidated capital gain net income ($50) by the life consolidated net capital loss ($50) is restored. Accordingly, the 1982 life consolidated net capital loss may be carried over by the life subgroup to 1983. Under paragraph (g) of this section, after the carryback consolidated taxable income for 1982 is $200, *i.e.*, nonlife consolidated taxable income ($0) plus consolidated partial LICTI ($200).

Example (4). The facts are the same as in example (3), except that P elects under section 172 (b)(3)(C) to relinquish the carryback of $150 arising in 1983. The setoff in part (a) of example (3) is not restored. However, the offsetable nonlife consolidated net operating loss for 1983 (or that may be carried forward from 1983) is zero. See paragraph (m)(3)(viii) of this section. Nevertheless, the $150 nonlife consolidated net operating loss may be carried forward to be used by the nonlife group.

Example (5). P owns all of the stock of S_1 and of L_1. On January 1, 1978, L_1 purchases all of the stock of L_2. For 1982, the group elects under section 1504(c)(2) to file a consolidated return. For 1982, L_1 is an eligible corporation under paragraph (d)(12) of this section but L_2 is ineligible. Thus, L_1 but not L_2 is a member for 1982. For 1982, L_2 sustains an LO that

cannot be carried back. For 1982, L_3 is treated under paragraph (f)(6) of this section as a member of a controlled group of corporations under section 1563 with P, S, and L_1. For 1983, L_3 is eligible and is included on the group's consolidated return. L_3's LO for 1982 that may be carried to 1983 is not treated under paragraph (d)(11) of this section as having been sustained in a separate return limitation year for purposes of computing consolidated partial LICTI of the L_1–L_3 life subgroup for 1983. Furthermore, the portion of L_3's LO not used under paragraph (l)(3) of this section against life subgroup income in 1983 may be included in offsetable consolidated operations loss under paragraph (n)(2) and (m)(3)(i) of this section that reduces in 1983 nonlife consolidated taxable income because L_3's loss in 1982 was not sustained in a separate return limitation year under paragraph (n)(2) and (m)(3)(ix)(A) of this section or in a separate return year (1982) when an election was in effect neither under section 1504(c)(2) nor section 243(b)(2).

(o) *Alternative tax.*—(1) *In general.* For purposes of the alternative tax under paragraph (f)(7)(ii) of this section, consolidated net capital gain is the sum of the following two amounts:

(i) The nonlife consolidated net capital gain reduced by any setoff of a life consolidated net capital loss.

(ii) The life consolidated net capital gain reduced by any setoff of a nonlife consolidated net capital loss.

(2) *Net capital gain.* For purposes of this paragraph (o)—

(i) Nonlife consolidated net capital gain is computed under § 1.1502–41 except that it may not exceed nonlife consolidated taxable income (computed under paragraph (h) of this section).

(ii) Life consolidated net capital gain is computed under § 1.1502–41, applied in a manner consistent with paragraph (l)(4) of this section, except that it may not exceed consolidated partial LICTI (as determined under paragraph (j) of this section).

(iii) *Setoffs.* Setoffs are determined under paragraphs (m) or (n) of this section (as the case may be).

(p) *Transitional rule for credit carryovers.* For limitations on credits arising in taxable years ending before January 1, 1981, that may be carried over to taxable years beginning on or after that date, section 1507(c)(2)(A) of the Tax Reform Act of 1976 and the principles in paragraph (h)(3) of this section (relating to limitations on loss carryovers) apply.

(q) *Preemption.* The rules in this section preempt any inconsistent rules in other sections (§ 1.1502–1 through 1.1502–80) of the consolidated return regulations. For example, the rules in paragraph (m)(3)(vi) apply notwithstanding § 1.1502–21(b)(3) and § 1.1502–79(a)(3).

(r) *Other consolidation principles.* The fact that this section treats the life and nonlife members as separate groups in computing, respectively, consolidated partial LICTI (or LO) and nonlife consolidated taxable income (or loss) does not affect the usual rules in §§ 1.1502–0—1.1502–80 unless this section provides otherwise. Thus, the usual rules in § 1.1502–13 (relating to deferred intercompany transactions) apply to both the life and nonlife members by treating them as members of one affiliated group.

(s) *Filing requirements.* Nonlife consolidated taxable income or loss under paragraph (h) of this section shall be determined on a separate Form 1120 or 1120 M and consolidated partial LICTI under paragraph (j) of this section shall be determined on a separate Form 1120 L. The consolidated return shall be made on a separate Form 1120, 1120 M, or 1120 L by the common parent (if the group includes a life company), which shows the set-offs under paragraphs (g), (m), and (n) of this section and clearly indicates by notation on the face of the return that it is a life-nonlife consolidated return (if the group includes a life company). See also § 1.1502–75(j), relating to statements and schedules for subsidiaries.

(This Treasury decision is issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 637, 917; 26 U.S.C. 1502, 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 10, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-6975 Filed 3-17-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 60

[Order No. 1005-83]

Redesignation of the Defense Criminal Investigative Service as the Office of Assistant Inspector General for Investigations

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule makes a technical amendment to 28 CFR 60.3 by replacing the name, "Defense Criminal Investigative Service," with the new name of this office, "Office of Assistant Inspector General for Investigations." Section 60.3 lists government organizations with employees authorized by the Attorney General to seek the issuance of search warrants. This list does not itself authorize these employees to seek search warrants, but rather provides public notice that these offices have employees who are authorized under a separate regulation—28 CFR 60.2—to seek the issuance of search warrants.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Michael A. Fitts, Attorney-Adviser, Office of Legal Counsel, Department of Justice, Washington, D.C. 20530. Tel. (202) 633–4089.

SUPPLEMENTARY INFORMATION: This action is not a rule within the meaning of Executive Order No. 12291 or the Regulatory Flexibility Act, 6 U.S.C. 601 *et. seq.*

List of Subjects in 28 CFR Part 60

Law enforcement officers, Search warrants.

PART 60—[AMENDED]

Accordingly, by virtue of the authority vested in me as Attorney General by Rule 41(h) of the Federal Rules of Criminal Procedure, § 60.3(a)(2) of Title 28, Code of Federal Regulations, is revised to read as follows:

§ 60.3 Agencies with authorized personnel

* * * * *

(a) * * *

(2) Department of Defense:

Defense Investigative Service Criminal Investigation Command, United States Army

Naval Investigative Service, United States Navy

Office of Assistant Inspector General for Investigations, Office of Defense Inspector General

Office of Special Investigation, United States Air Force

* * * * *

Dated: March 7, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-4701 Filed 3-17-83; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 430 and 431

[WH-FRL 2326-4]

Availability of the Final Development Document for Effluent Limitations Guidelines and Standards for the Pulp, Paper, and Paperboard and the Builders' Paper and Board Mills Point Source Categories

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: EPA promulgated final rules for effluent limitations and standards for the pulp, paper, and paperboard and the builders' paper and board mills point source categories on November 18, 1982 (47 FR 52006; 40 CFR Part 430, Subparts A-Z and 40 CFR Part 431, Subpart A). These regulations are required by the Clean Water Act of 1977. This notice announces the availability of the Development Document which presents the findings of the technical studies that support the final regulations.

ADDRESSES: Copies of the Development Document may be obtained by contacting the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; (703) 487-4600. Refer to accession number PB83-163949. The cost is $47.00 for a paper copy or $4.50 for a microfiche copy.

FOR FURTHER INFORMATION CONTACT: Robert W. Dellinger or Wendy D. Smith at 202-382-7137.

Dated: March 9, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrotor for Water.

[FR Doc. 83-7083 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temporary Regulation E-80]

Acquisition of Leased Vehicles

AGENCY: General Services Administration.

ACTION: Temporary regulations.

SUMMARY: This regulation requires civilian executive agencies who are granted authority to lease motor vehicles to use the GSA leasing schedule for those vehicle types covered by the schedule. This regulation is promulgated to achieve economies by eliminating the need for agencies to contract for leased vehicles separately.

DATES: Effective date: October 1, 1982.

Expiration date: September 30, 1983.

FOR FURTHER INFORMATION CONTACT: Les Gray, Federal Fleet Division (703-557-1288).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291, dated February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequence of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the Appendix at the end of Subchapter E to read as follows:

Federal Property Management Regulations, Temporary Regulation E-80

January 13, 1983.

To: Heads of Federal agencies

Subject: Acquisition of leased vehicles

1. *Purpose.* This regulation prescribes procedures relating to the acquisition of leased motor vehicles exceeding the maximum order limitation of Federal Supply Schedule Industrial Group 751-Motor Vehicle Rental Without Driver.

2. *Effective date.* This regulation is effective October 1, 1982.

3. *Expiration date.* This regulation expires on September 30, 1983, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all civilian executive agencies of the Federal Government.

5. *Background.* a. Section 101-39.601 (41 CFR 101-39.601) outlines procedures to be followed by agencies with new requirements for leased motor vehicles. Agencies must first submit their requirements to the General Services Administration (GSA) for a determination of whether they can be satisfied from the GSA Interagency Motor Pool System. When vehicles are not available, GSA may advise agencies to proceed with leasing action.

b. Due to limited funding for vehicle purchases in some instances, and additional factors, such as the short-term nature of certain agency requirements, the number of vehicles leased by Federal agencies has risen. In fiscal year 1982, GSA granted lease authorizations for approximately 3,500 vehicles that could not be obtained through the GSA Interagency Motor Pool System.

c. During fiscal year 1982, GSA made available an optional leasing schedule for compact and subcompact sedans and station wagons and certain pickups and vans. Schedule prices for these vehicles were generally below lease prices for comparable vehicles obtained through independent Federal agency leasing action. Due to this experience, and to achieve additional economies by eliminating the need for agencies to contract for leased vehicles separately, GSA has determined that the lease schedule established by GSA should be mandatory for civilian executive agencies.

6. *Requests for lease authorization.* Requests for lease authorization will continue to be sumitted in accordance with § 101-39.601.

7. *Agency action subsequent to lease authorization.* a. Civilian executive agencies who are granted leasing authority are required to use the GSA leasing schedule for those vehicle types covered by the schedule.

b. Military departments and agencies who are granted leasing authority will have the option of using the GSA leasing schedule or acquiring leased vehicles through their internally established channels.

8. *Vehicle types covered.* a. Vehicle types covered by the GSA leasing schedule (along with the appropriate Federal Standard item numbers) are as follows:

Sedans: Subcompact (Item 8b) Compact (Item 9b)

Station Wagons: Compact (Item 14b)

b. Vehicle types (vans, pickups, utilities) may be added to the GSA leasing schedule upon the award of additional contracts.

9. *Exceptions.* Leasing requirements in excess of the maximum order limitation of the GSA leasing schedule (a single order of more than 500 vehicles of the same vehicle type) will be the responsibility of the requiring agency.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-7145 Filed 3-17-83; 8:45 am]

BILLING CODE 6820-AM-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-713; RM-4191]

Radio Broadcast Services; FM Broadcast Station in Bakersfield, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 296A to Bakersfield, California, in response to a petition filed by Kern Communications Company. The assigned channel could provide a sixth local FM service to Bakersfield.

EFFECTIVE DATE: May 9, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Bakersfield, California); BC Docket No. 82-713, RM-4191.

Adopted: February 23, 1983.

Released: March 8, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 47892, published October 28, 1982, proposing the assignment of Channel 296A to Bakersfield, California, as that community's sixth FM assignment,[1] in response to a petition filed by Kern Communications Company ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed its interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements. No oppositions to the proposal were received.

2. The Commission has determined that the public interest would be served by assigning Channel 296A to Bakersfield, California, since it could provide a sixth local FM service to that community.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.281 and 0.204(b) of the Commission's Rules, it is ordered, That effective May 9, 1983, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with respect to the following community:

City	Channel No.
Bakersfield, California	221A, 231, 243, 268, 296A, and 300.

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

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

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

[FR Doc. 83-7115 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

[1] Channel 221A was recently assigned to Bakersfield, by *Report and Order* in BC Docket No. 82-623, adopted January 26, 1983.

47 CFR Part 73

[BC Docket No. 82-480; RM-4131; RM-4203]

FM Broadcast Stations in Duluth, Minnesota, and Ashland and Superior, Wisconsin; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 239 to Duluth, Minnesota, as requested by Duchossois Enterprises, Inc., and dismisses a counterproposal by Harold A. Jahnke to assign Channel 239 to Superior, Wisconsin. The license of Station WATW-FM, Ashland, Wisconsin, is modified to specify operation on Channel 244A instead of Channel 240A.

EFFECTIVE DATE: May 9, 1983.

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

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Mass Media Bureau, (202) 632-5414.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the Matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Duluth, Minnesota, and Ashland and Superior, Wisconsin [2]); BC Docket No. 82-480, RM-4131, RM-4203.

Adopted: February 28, 1983.

Released: March 10, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making and Order to Show Cause* in this proceeding, published in the **Federal Register** on August 10, 1982 (47 FR 34594). The *Notice*, issued in response to a petition by Duchossois Enterprises, Inc. ("petitioner"), licensee of AM Station KDAL, Duluth, Minnesota, proposed to assign FM Channel 239 to Duluth and to substitute Channel 244A for Channel 240A at Ashland, Wisconsin. Ashland Broadcasting Corporation was ordered to show cause why its license for Station WATW-FM should not be modified to specify operation on Channel 244A in lieu of Channel 240A.

2. Petitioner filed comments reiterating its intention to apply for operation on the proposed Duluth channel if it is so assigned and its willingness to reimburse the licensee of Station WATW-FM to the extent required by Commission policy for expenses incurred in the change of its facilities.

3. Harold A. Jahnke ("Jahnke") filed comments in which he made a counterproposal to assign Channel 239 to Superior, Wisconsin. It would also require Station WATW-FM to change channels from 240A to 244A.[2] Jahnke contends that his proposal would provide a more fair and equitable distribution of broadcast facilities because Superior has no FM assignments [3] whereas Duluth has six, as well as AM stations and TV channels. Jahnke stated his intention to apply for operation on the channel if it is assigned to Superior. Jahnke, however, contends that no condition of reimbursement to the licensee of Station WATW-FM should be "attached to any benefitting party on Channel 239." Jahnke argues that Section 403 of the Communications Act of 1934, as amended, precludes the Commission from "creating any obligation for reimbursement" and that "[t]herefore, any condition requiring reimbursement is illegal."

4. In reply comments, petitioner states that Jahnke's counterproposal must be denied because he objects to the reimbursement required under these

[1] The latter community has been added to the caption.

[2] Public Notice of the counterproposal was given on October 6, 1982, Report No. 1378.

[3] Superior has one local FM station (KZIO) on Channel 273 which is assigned to Duluth and used at Superior under the 15 mile rule (§ 73.203(b)).

circumstances, citing *Monterey, Byrdstown and Lebanon, Tennessee, Report and Order*, released August 26, 1982 (BC Mimeo 31981); and *Ellsworth, Maine, et al.*, 52 R.R. 2d 1429 (Broadcast Bureau, 1982).

5. The only other pleading filed was a letter from The Great Duluth Broadcasting Co., Inc. [4], opposing the assignment of Channel 239 to Duluth on economic grounds. In response, petitioner contended that the objection is premature. Petitioner argued that this issue can only be properly raised and considered at the application stage of a proceeding, citing *Billings, Montana*, 51 R.R. 2d 259 (Broadcast Bureau, 1982); *Woodstock, Virginia*, 50 R.R. 2d 1211 (Broadcast Bureau, 1982); and *North Mankato, Minnesota*, 49 R.R. 2d 1188 (Broadcast Bureau, 1981).

6. Jahnke contends that the Commission does not have authority to impose a condition for reimbursement. Jahnke also made the contention in a previous case before the Commission. The Commission rejected the contention and the decision was affirmed in a *per curiam* judgment on appeal, *Jahnke* v. *F.C.C.*, 675 F. 2d 1340 (D.C. Cir. 1982). The reasons set forth in the Court's memorandum were that, while the Commission had no authority to create or enforce any legal obligation of Jahnke to reimburse the station there involved, the Commission did have the power to determine that issuance of a license or permit to Jahnke without his having reimbursed the station would adversely affect the public interest. In the case now before us, we again reject Jahnke's contention that the Commission does not have authority to impose a condition for reimbursement.

7. We believe that the private losses to Station WATW–FM in bearing the costs of such a change of channels imposed upon it would adversely affect its ability to serve the public interest. As a matter of fairness, we required that the party benefitting from the change of an existing station's frequency is obligated to reimburse. Certainly, the existing station obtains no benefit and has not sought such a change. Otherwise, the costs, without reimbursement, would reduce the amount of funds available to it for developing, structuring and broadcasting programs to meet the needs of the public which it is licensed, and charged, to serve.

8. Absent a commitment by Jahnke to reimburse Station WATW–FM in the event that Channel 239 was assigned to Superior and he was the successful applicant for operation on the channel, his petition must be dismissed. See also *Ellsworth, Maine, et al., supra; Monterey, Byrdstown and Lebanon, Tennessee, supra.*

9. We agree with petitioner that the opposition of The Great Duluth Broadcasting Co., Inc. to the assignment of Channel 239 to Duluth on economic grounds is premature and is more properly raised for consideration at the application stage of the proceeding. We have so held in previous cases. See, *e.g., Grand Junction, Colorado*, 26 R.R 2d 513 (1973).

10. The required concurrence from the Canadian government for the assignment of Channel 239 to Duluth, Minnesota, and the substitution of Channel 244A for 240A at Ashland, Wisconsin, has been obtained.

11. Ashland Broadcasting Corporation filed no response to our *Order to Show Cause* why the license of Station WATW–FM should not be modified to specify operation on Channel 244A instead of Channel 240A. Accordingly, pursuant to § 1.87(e) of our Rules, Ashland Broadcasting Corporation is deemed to have consented to the proposed modification.

12. We believe that the public interest would be served by the assignment of Channel 239 to Duluth, Minnesota. An interest has been shown for its use, and such an assignment would provide Duluth with its sixth FM outlet. Finally, we shall reassign Channel 273 to Superior, Wisconsin, where it is presently in use by Station KZIO–FM. See fn. 3, *supra*. This reassignment is consistent with out practice in recent years to reassign channels so as to reflect their actual use. The Public Notice of the Superior counterproposal serves as sufficient notice to effect channel reassignments to Superior.

13. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.283 and 0.204(b) of the Commission's Rules, it is ordered, That effective May 9, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with regard to the following communities:

City	Channel No.
Duluth, Minnesota	225, 235, 239, 255, 277, and 296.
Ashland, Wisconsin	244A.
Superior, Wisconsin	273.

14. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Ashland Broadcasting Corporation for Station WATW–FM, Ashland, Wisconsin, is modified effective May 9, 1983, to specify operation on Channel 244A in lieu of Channel 240A, with the condition that it will be reimbursed for the reasonable cost incurred in switching frequencies from the ultimate permittee of Channel 239, Duluth. The license modification for Station WATW–FM is subject to the following:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

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

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

15. It is further ordered, That the Secretary shall send a copy of this *Order* by certified mail, return receipt requested, to: Ashland Broadcasting Corporation, P.O. Box 627, Ashland, Wisconsin 54806.

16. It is further ordered, That the counterproposal of Harold A. Jahnke for the assignment of Channel 239 to Superior, Wisconsin, is dismissed.

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

18. For further information concerning the above, contact Philip S. Cross, Mass Media Bureau, (202) 632–5414.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-7117 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket 82–484; RM–4132; RM–4133]

FM Broadcast Station in Oxford, Mississippi; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 296A to Oxford, Mississippi, instead of Channel 221A, as proposed in BC Docket 82–484. This substitution is desired by the Mississippi Authority for Educational Television, in order to avoid a conflict with the proposal to utilize

[4] Licensee of Station KQDS(FM), Duluth, Minnesota.

Channel 218A at Oxford, as a part of its statewide public radio plan.

EFFECTIVE DATE: Effective: May 9, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Oxford, Mississippi); BC Docket 82–484, RM–4132, RM–4133.

Adopted: February 28, 1983.

Released: March 8, 1983.

By the Chief, Policy and Rules Division.

1. A *Notice of Proposed Rule Making* was issued (47 FR 34601, published August 10, 1982), in response to petitions filed by Rebel Broadcasting Company of Mississippi and by North Mississippi Broadcasters (petitioners), requesting the assignment of Channel 221A to Oxford, Mississippi, as a second FM service. The petitioners did not respond to the *Notice*. David C. Hooper filed comments in support of the proposal, stating his intention to apply for the channel, if assigned. The Mississippi Authority for Educational Television (MAET) submitted an opposition to the proposal. No party responded to the opposition.

2. In its opposing comments, MAET asserts that the proposal to assign Channel 221A to Oxford would preclude the use of the only remaining available noncommercial educational channel there (Channel 218). MAET states that it is empowered as the official state agency to control and supervise the use and development of public radio (and television) for the State of Mississippi. In this capacity, it filed with the Commission on April 6, 1981, its Statewide Noncommercial Educational FM Radio Frequency Plan which contemplates the use of Channel 218 at Oxford. We are told by MAET that 296A is alternatively available for commercial use at Oxford, with a site restriction. MAET submitted a detailed engineering study in an effort to substantiate its claim. According to MAET, it has no desire to delay an early and favorable disposition of the proposal for a second commercial FM channel at Oxford. However, in view of its reasonable alternative proposal herein which would provide for both commercial and public FM assignments at Oxford, it urges the Commission to give favorable consideration to the assignment of Channel 296A to Oxford rather than Channel 221A.

3. Since we are concerned with the efficiency of allocations, we believe that MAET's alternate proposal to assign Channel 296A to Oxford for commercial use and reserving Channel 218A for noncommercial educational use, warrants consideration. Based on the availability of this alternate channel which would serve the need for a commercial station at Oxford, we shall assign that channel to Oxford. We believe the interest of David Hooper for an Oxford assignment is sufficient to support the assignment. A Channel 296A assignment to Oxford will require a site restriction of 4.1 miles south of the city.

4. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended and sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered that the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended effective May 9, 1983, with regard to the following community:

City	Channel No.
Oxford, Mississippi	248, 296A

5. It is further ordered that this proceeding IS TERMINATED.

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

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-7118 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82–666; RM–4174]

Radio Broadcast Services; FM Broadcast Station in Marlow, Oklahoma; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 221A to Marlow, Oklahoma, as that community's first FM assignment, in response to a petition filed by Gary Wafford.

EFFECTIVE DATE: May 9, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of an amendment of § 73.202(b), Table of Assignments, (FM Broadcast Stations) (Marlow, Oklahoma); BC Docket No. 82–666, RM–4174.

Adopted: February 23, 1983.

Released: March 8, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 47 FR 43744, published October 4, 1982, proposing the assignment of Channel 221A to Marlow, Oklahoma, as that community's first FM assignment, in response to a petition filed by Gary Wafford ("petitioner"). Petitioner filed comments in support of the proposal and restated his continuing interest in this assignment. A site restriction of approximately 6.7 miles northwest of Marlow is required due to Station KELS (Channel 221A) in Ardmore, Oklahoma.

2. The Commission has determined that the public interest would be served by assigning Channel 221A to Marlow, Oklahoma, since it could provide a first local FM service to that community.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective May 9, 1983, § 73.202(b) of the Commission's Rules IS AMENDED with respect to the following community.

City	Channel No.
Marlow, Oklahoma	221A

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

5. For further information contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.
Roderick K. Porter,
Chief, Policy and Rules Division, Mass Media Bureau.
[FR Doc. 83-7114 Filed 3-17-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-640; RM-4148]

Radio Broadcast Service; FM Broadcast Station in Prineville, Oregon; Change Made on Table of Assignments

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Channel 236 for Channel 237A at Prineville, Oregon, and modifies the license for Station KIJK (FM) (Channel 237A) to specify operation on Channel 236 in response to a petition filed by High Lakes Broadcasting Company.

EFFECTIVE DATE: May 9, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Prineville, Oregon); BC Docket No. 82-640, RM-4148.
Adopted: February 23, 1983.
Released: March 8, 1983.
By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 43410, published October 1, 1982, proposing the substitution of Class C FM Channel 236 for Channel 237A at Prineville, Oregon, in response to a petition filed by High Lakes Broadcasting Company ("petitioner"), licensee of Station KIJK (FM). The *Notice* also proposed to modify the license of Station KIJK (FM) (Channel 237A) to specify operation on Channel 236. Petitioner has submitted comments in support of the proposal and reaffirmed its interest in the Class C channel, if assigned. No oppositions were received.

2. The Commission believes that the public interest would be served by the substitution of channels at Prineville inasmuch as it would provide the community with a wide-coverage area station. In addition, we have authorized, in paragraph 4 herein, a modification of petitioner's license for Station KIJK (FM) to specify operation on Channel 236, since there has been no other expressions of interest in the Class C channel. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). In order to comply with the minimum mileage separation requirements of § 73.207, a site restriction of 6.6 miles southeast of Prineville, Oregon, is required for Channel 236.

3. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective May 9, 1983, the FM Table of Assignments, § 73.202(b) of the Rules IS AMENDED with respect to the following community:

City	Channel No.
Prineville, Oregon	236

4. IT IS FURTHER ORDERED, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by High Lakes Broadcasting Company for Station KIJK (FM), Prineville, Oregon, IS MODIFIED, effective May 9, 1983, to specify operation on channel 236 instead of Channel 237A. Station KIJK (FM) may continue to operate on Channel 237A for one year from the effective date of this action or until it is ready to operate on Channel 236, whichever is earlier, unless the Commission sooner directs, subject to the following:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301) specifying the new facilities.

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

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

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.
Roderick K. Porter,
Chief, Policy and Rules Division, Mass Media Bureau.
[FR Doc. 83-7120 Filed 3-17-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-597; RM-4150]

Radio Broadcast Services; TV Broadcast Station in Lake Worth, Florida; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns a first UHF television channel to Lake Worth, Florida, in response to a petition filed by Christian Television/Palm Beach County.

EFFECTIVE DATE: May 9, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Lake Worth, Florida); BC Docket 82-597, RM-4150.
Adopted: February 28, 1983.
Released: March 10, 1983.
By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 40455, published September 14, 1982, proposing the assignment of UHF Television Channel 67 to Lake Worth, Florida, as its first commercial television assignment. Comments were filed by the Association of Maximum Service Telecasters, Inc. (MST), and by the petitioner.

2. Lake Worth (population 27,048) in Palm Beach County (population 573,115),[1] is located on the east coast of Florida, approximately 95 kilometers (59 miles) north of Miami. It is without local television service.

3. In comments to the proposal, petitioner restated that it, or a group formed by it for such purpose, will apply for use of Channel 67, if assigned to Lake Worth. MST's comments merely

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

inform the Commission that it is not opposed to the assignment, provided an appropriate site restriction is imposed which would avoid short-spacing to a (proposed) Channel 63 assignment at Boca Raton, Florida.

4. We believe that the public interest would be served by assigning Channel 67 to Lake Worth, Florida. The petitioner has adequately demonstrated the need for a first television allocation to that community. The transmitter site is restricted to 1.7 miles north of the city.

5. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective May 9, 1983, § 73.606(b) of the Commission's Rules is amended with respect to the following community.

City	Channel No.
Lake Worth, Florida	67

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

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

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-7116 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-700; RM4177]

Radio Broadcast Services; TV Broadcast Station Baton Rouge, Louisiana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF Television Channel 44 to Baton Rouge, Louisiana, as its fifth television assignment, in response to a petition filed by Sterling Communications, Inc., as consultant to Samuel R. Levatino ("petitioner").

EFFECTIVE DATE: May 9, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the Matter of an amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Baton Rouge, Louisiana); BC Docket No. 82-700, RM-4177.

Adopted: February 28, 1983.
Released: March 8, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 47 FR 45058, published October 13, 1982, which invited comments on a proposal to assign UHF Television Channel 44 to Baton Rouge, Louisiana, in response to a petition filed by Sterling Communications, Inc., consultant to Samuel R. Levatino ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed his interest in applying for the channel, if assigned. No opposing comments were received.

2. We believe that the petitioner has adequately demonstrated the need for a fifth television assignment to Baton Rouge, Louisiana, and that the public interest would be served by assigning UHF commercial television Channel 44 to that community.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective May 9, 1983, the Television Table of Assignments, § 73.606(b) of the Rules, IS AMENDED, with respect to the community listed below:

City	Channel No.
Baton Rouge, Louisiana	2, 9-, *27 +, 33-, and 44 +.

4. It is further ordered, That this proceeding IS TERMINATED.

5. For further information contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-7119 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

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

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 134

Marking Requirements for Imported Semiconductor Devices, Including Transistors, Diodes, and Integrated Circuits

AGENCY: Customs Service, Treasury.

ACTION: Withdrawal of notice of proposed change of position.

SUMMARY: Under certain circumstances imported articles may be exempted from the requirement that they be marked to indicate the country of origin of the articles to ultimate purchasers. The Customs Service has reviewed a uniform and established position under which semiconductor devices, including transistors, diodes, and integrated circuits, imported from various foreign countries during the testing phase, are permitted to be commingled and then repackaged for sale to ultimate purchasers in the United States in containers marked to indicate that the devices were made in one or more of the countries listed on the containers.

This document withdraws a notice which proposed to require those devices to be marked individually with their country of origin. However, if the devices were imported in containers that were legibly and conspicuously marked to indicate the country of origin, and the markings of the container reasonably indicated the articles' country of origin to the ultimate purchasers, the devices would have been excepted from the individual country of origin marking requirement.

After analysis of the comments received in response to the proposal and further review of the matter, Customs has determined that the proposal should not be adopted.

FOR FURTHER INFORMATION CONTACT: Samuel Orandle, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5765).

SUPPLEMENTARY INFORMATION:

Background

Section 304(a), Tariff Act of 1930, as amended (19 U.S.C. 1304(a)), provides that every imported article of foreign origin, or its container, shall be legibly and conspicuously marked to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. That section also authorizes the Secretary of the Treasury to require specific methods of marking articles.

Part 134, Customs Regulations (19 CFR Part 134), sets forth the regulations implementing the country of origin marking requirements of 19 U.S.C. 1304(a), together with certain marking provisions of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). Section 134.42, Customs Regulations (19 CFR 134.42), provides that specific methods of marking merchandise with its country of origin may be required by the Commissioner of Customs in accordance with 19 U.S.C. 1304(a), and that notices of such rulings shall be published in the **Federal Register** and the Customs Bulletin.

Customs has previously ruled that if articles are large enough to be marked to indicate certain technical and commercial characteristics, they are large enough to be marked to indicate the country of origin. If the articles are not large enough to bear both markings, the requirement for country of origin marking must prevail.

Articles may be excepted from individual marking to indicate their country of origin pursuant to 19 U.S.C. 1304(a)(3)(D) and § 134.32(d), Customs Regulations (19 CFR 134.32(d)), if the marking of their containers will reasonably indicate the country of origin to ultimate purchasers in the United States.

Customs also has ruled that semiconductor devices may be excepted from individual marking in appropriate cases under the provisions of § 134.34, Customs Regulations (19 CFR 134.34), if the devices are imported in bulk, and repackaged in containers in the United States that are marked to indicate the country of origin to an ultimate purchaser. In some cases, these devices are imported in bulk for the purpose of further testing in the United States, and appropriate symbolization marking depending on the results of the test. The devices are then repackaged in marked containers for resale to ultimate purchasers. Accordingly, if the devices were imported in containers that were legibly and conspicuously marked to indicate the country of origin, and the Customs officers at the port of entry were satisfied that the devices would reach the ultimate purchasers in the marked containers, the devices could be excepted from individual marking to indicate the country of origin, notwithstanding they are marked with technical and commercial characteristics. The ultimate purchaser of the devices within the meaning of 19 U.S.C. 1304(a), may be a manufacturer who uses the devices in the manufacture of new and different articles such as television sets, radios, or other electronic equipment, or a hobbyist, experimenter, or repairman, who purchases the devices in their original imported condition for use in his hobby or profession.

The previous Customs ruling, permitting the country of origin marking to appear on the containers in which the devices are repackaged in the United States, was conditioned on a requirement that the correct country of origin of each of the transistors must appear on the package. Experience demonstrated that this was a difficult requirement for Customs to enforce, since it was frequently common for manufacturers to commingle many devices of the same type from different countries during the testing and symbolization marking process. To comply with this ruling, manufacturers were required to attempt to keep transistors made in different countries segregated during this process so that they could be packaged in properly marked containers, or to identify the particular country of origin of the various devices by a color code or other means so that they could be placed in properly marked packages.

By T.D. 51100(4), dated July 18, 1944, Customs ruled that when the country of origin of an imported article is not known, but it is known that it was produced in one of several countries, the article (or its container) shall be marked to show all the countries in which it may have originated but that the exact country of origin is unknown.

By T.D. 75–187, published in the Federal Register on July 29, 1975 (40 FR 31816), Customs further ruled that when semiconductor devices made in a number of different foreign countries are commingled for a bona fide reason, and subsequently repackaged for sale to the ultimate purchaser, the marking requirements of 19 U.S.C. 1304 will be met if the containers are legibly and conspicuously marked to indicate that the devices were made in one or more of the countries listed on the container. This ruling applied only where all of the commingled devices were made in foreign countries. It did not apply if foreign devices were commingled with domestically-manufactured devices.

This ruling, permitting a multiple listing of countries of origin, applied equally to devices that are repackaged in large containers for sale to ultimate purchasers who are manufacturers, or in smaller packages containing one or several items for sale at the retail level to hobbyists, experimenters, and similar purchasers.

In order for the repackaging procedure to be acceptable, it was necessary for the importing company to make satisfactory arrangements with the district director of Customs at the port of entry to ensure that the importing company repackaged the devices in containers marked to indicate the country or countries of origin of the devices, or that the devices would be sold by the importer to a company known and designated to Customs at the time of importation and that company would repackage them in marked retail containers under a procedure approved by the district director at the port of entry. In the event the original containers were opened and several devices removed in order to ship fewer than the total number in that container, it was not acceptable for the importer to merely instruct his distributors to inform their customers of the foreign origin of the semiconductors at the time of sale.

After review of the repackaging procedure, Customs published a notice in the Federal Register on April 5, 1982 (47 FR 14493), proposing to require that semiconductor devices, including transistors, diodes, and integrated circuits, be individually marked with their country of origin. However, if the devices were imported in containers that were marked in a conspicuous place in a legible, indelible, and permanent fashion so as to indicate the country of origin, and the markings of the container reasonably indicated the articles' country of origin to the ultimate purchasers, the devices would have been excepted from the individual country of origin marking requirement.

Interested parties were given until June 4, 1982, to submit written comments concerning the proposal. The time period for submission of comments was extended until July 6, 1982, by a notice published in the Federal Register on June 4, 1982 (47 FR 24344). As discussed below, a majority of the comments received opposed the proposal.

Discussion of Comments

Comments were received from twenty-five business firms or associations. A number of commenters assert that the proposed marking requirement for individual semiconductor devices is difficult, and in some cases impossible, unnecessary, impractical, and inefficient due to the extensive costs involved. They contend that the size, use or configuration of several semiconductor devices renders marking immensely difficult and, in the case of devices such as "chips" and "micro packages", physically impossible. They note that as device size decreases, the technology required to mark the product becomes more complex, hence increasing marking costs for very inexpensive smaller devices to the point of becoming economically prohibitive of their importation.

These commenters further suggest that for Customs to declare that country of origin marking must supersede commercial marking on articles not large enough to bear both is impractical and unrealistic in a business sense, and impairs a company's efficiency by causing undue hardship and increasing paperwork. They maintain that contractual quality obligations would not be met unless each article is marked with its technical specifications, which are used by consumers to inventory these products, and that the devices would be unsaleable and almost worthless without markings to indicate these technical characteristics. They claim that when the article is so small that technical markings must necessarily be applied with small letters or numbers in an abbreviated form, there cannot be a reasonable presumption that the article is also capable of being marked in a legible and conspicuous manner to indicate the country of origin. These commenters also note that some transistors would be physically or functionally destroyed by country of origin markings because certain devices such as light emitting diodes or optical switches are made of a a substance which is not amenable to marking.

Other commenters contend that Customs current position as set forth in T.D. 51100(4) and T.D. 75–187 on marking containers of commingled electronic devices which are repackaged in the United States to indicate countries of origin is a practical and satisfactory solution to the problem and should not be changed. They maintain that a continuation of this marking procedure will prevent these operations from being performed by offshore facilities to the detriment of domestic economic interests. They claim that 19 U.S.C. 1340(a) and Part 134, Customs Regulations, sufficiently protect the ultimate purchaser with regard to awareness of the country of origin as distributors are ofter required by contract to mark country of origin on containers of repackaged components. These commenters further contend that no customers will be adversely misled as to country of origin because a country of origin certificate is provided to customers upon request, so that they can claim drawback of the original duties paid when they export their products containing the imported semiconductors.

These commenters also assert that more than 99% of the imports are substantially transformed in the United States by assembly and that of the remaining 1% which are sold to distributors, 90% of these resales are made to original equipment manufacturers in the original containers. Therefore, they note that the volume of semiconductors which could reach a hobbyist or other purchaser at retail after repackaging would be minimal. Thus, they conclude that the proposed change would impose a burden disproportionate to the potential risk to anyone who may purchase the devices at the retail level and increase costs which would be passed on at each step of the distribution chain to the ultimate consumer.

Some other commenters suggest that semiconductor devices should be included on the full list of articles exempted from marking requirements under 19 U.S.C. 1304(a)(3)(J) as set forth in § 134.33, Customs Regulations (19 CFR 134.33), referred to as the "J-list". They maintain that had semiconductors been in existence when the statute was enacted, these devices would have been included on that list since they are similar to many items on it, such as nails, screws, buttons, beads, and rivets, all of which are small, inexpensive, manufactured and sold by the billions and used to manufacture other articles.

Other commenters' observations include: use of abbreviations should be

permitted to identify country of origin on small semiconductor devices; the language "conspicuously marked" should be defined to include affixation of the country of origin on the exterior surface of the semiconductor's base; Customs should require a public hearing or undertake a detailed study before revising current practices; and, if the change of position is adopted, it should be effective not less than six months after the date of publication in the Federal Register, or some other phase-in period should be established.

Others believe that since other countries do not require such marking, the proposed rule could become a non-tariff trade barrier and a barrier to the standardization of trade agreements and instead, creativity is necessary to solve repackaging problems.

Although these comments are not entirely on point, Customs believes that certain concerns are valid and that some of the problems which could arise as a result of adoption of the proposal are real. Other observations are speculative or do not provide Customs with sufficient information to address the issues presented. Some have no basis in law, and others are contrary to the purpose of the country of origin marking requirements.

Because of its decision in this matter, Customs does not believe it is necessary to address each of these comments.

Action—Withdrawal of Proposal

In view of the foregoing, Customs has determined that the proposed change should not be adopted. Accordingly, the notice published in the Federal Register on April 5, 1982 (47 FR 14493), proposing to require semiconductor devices, including transistors, diodes, and integrated circuits, to be individually marked with their country of origin, is withdrawn.

Drafting Information

The principal author of this document was James S. Demb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William von Raab,

Commissioner.

Approved:

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

March 3, 1983.

[FR Doc. 83-7153 Filed 3-17-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 170, 172, 181, and 573

[Docket No. 77N-0222]

Use of Sodium Nitrite, Sodium Nitrate, Potassium Nitrite, and Potassium Nitrate; Withdrawal of Proposed Rule and Proposed Declaration That No Prior Sanction Exists

Correction

In FR Doc. 83-5478 beginning on page 9299 in the issue of Friday, March 4, 1983, make the following correction on page 9300, the first column:

In the second complete paragraph, the ninth line from the bottom of that paragraph, the phrase "(20 sodium nitrate" should read "(2) sodium nitrate".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 163

General Forest Regulations

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is publishing a proposed rule which updates the General Forest Regulations to include new provisions for revocable road use permits for removal of commercial forest products, insect and disease control, and forest development. Also included are substantive changes within existing text, general administrative changes and correction of gender specific terms.

DATE: Comments must be received on or before May 17, 1983.

ADDRESS: Written comments should be directed to the Chief, Division of Forestry, Code 230, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Fred G. Malroy, Division of Forestry, Code 230, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone number (202) 343-6067.

SUPPLEMENTARY INFORMATION: This proposed rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. The Bureau of Indian Affairs published a redesignation table on March 30, 1982 (47 FR 13326) which renumbered Part 141, General forest regulations as Part 163. Therefore all references in this document are made to Part 163.

Five to 23 years have elapsed since the last revision and publication of the forestry regulations. During the interim there have been changes in technology, economic conditions and national Indian policy. This action is required to align this rule with these changes. The proposed rule is intended to simplify program accomplishment and ease burdens on small Indian and non-Indian logging contractors.

Substantive changes proposed by this document are as follows:

Section 163.1, Definitions is revised by rearranging all definitions alphabetically and by adding new definitions for forest products, forest protection, commercial forest land, sustained yield, and approval.

Section 163.2, Scope is revised by adding information collection requirements in connection with 44 U.S.C. 3501 *et seq.*

Section 163.3, Objectives is revised to include terminology changes, additions to reflect changes in the forestry process and emphasize national policy of Indian self-determination. Certain paragraphs were deleted which addressed managing allotted Indian lands since the same objectives were covered under "Indian forest lands."

Section 163.5, Cutting restrictions is revised to clarify language to require planning for natural and/or artificial forestation in conjunction with planning for timber harvest.

Section 163.7, Timber sales from unallotted and allotted lands is revised to conform with a newly established $10,000 permit cutting authority.

Section 163.8, Advertisement of sales is revised to include word changes to adjust form and period of advertisement to contemporary range of stumpage prices.

Section 163.10, Deposit with bid is revised to include use of irrevocable letters-of-credit as a bid deposit and other administrative changes.

Section 163.12, Contracts required is revised to conform with newly established $10,000 permit cutting authority.

Section 163.14, Bonds required is revised to authorize use of irrevocable letters-of-credit for securing performance bonds and other administrative changes.

Section 163.18, Deductions for administrative expenses is unchanged. However, the question of the utilization, expenditure, and size of such deductions was the subject of a May 5, 1982,

opinion of the Solicitor of the Department of the Interior, addressed to the Department's Inspector General. This opinion has been the subject of a great deal of discussion among Indian tribes and other members of the public. The Solicitor's opinion will not be implemented during Fiscal Year 1983, while the Department studies a possible legislative resolution of the issues raised by the opinion. The republication of the existing regulation in this proposal does not reflect any decision by the Department with respect to those issues.

Section 163.19, Timber cutting permits is revised to increase authority from $2,500 to $10,000 for cutting forest products under permits.

Section 163.20, Free-use cutting without permits is revised to delete language which provides automatic and open-ended authority for Indian allottees to cut timber on their own allotments for their own use without permit.

Section 163.21, Fire management measures is revised to specify that the Secretary will conduct a wildfire prevention program, is authorized to expend funds for emergency rehabilitation of Indian lands damaged by wildfire, and may use fire as a management tool on Indian reservations.

Section 163.23, Revocable road use permits for removal of commercial forest products is added to specify the use of subject permits in conjunction with timber harvest programs.

Section 163.24, Insect and disease control is added to specify the authority that the Secretary holds to protect Indian forests from insects and disease.

Section 163.25, Forest development is added to define and formalize intensive forest management activities conducted on Indian forests.

All other changes are organizational clarification, editing, gender specific corrections and general administrative changes.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed rule.

The primary author of this document is Fred G. Malroy, Forester, Central Office, Bureau of Indian Affairs, telephone number (202) 343-6067.

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act. The rationale for this conclusion is that the proposed rule is designed to relax certain of the existing rules and provide more flexibility for resource managers to work with "small" contract loggers. Perhaps 20 to 40 very small business entities will be potentially impacted favorably. Their magnitude of economic activity resulting from these rules will have inconsequential impact on even regional or area economies.

The information collection requirements contained in Sections 163.6(a), 163.7(2), 163.8(a), 163.9(a), 163.10(d), 163.14, 163.19(a), 163.19(d) and 163.23 will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 *et seq.* The collection of this information will not be required until it has been approved by the Office of Management and Budget.

List of Subjects in 25 CFR Part 163

Forests and forest products, and Indians—lands.

It is proposed to revise Part 163 of Subchapter H of Chapter I of Title 25 of the Code of Federal Regulations to read as follows:

PART 163—GENERAL FOREST REGULATIONS

Sec.

163.1 Definitions.
163.2 Scope and information collection.
163.3 Objectives.
163.4 Sustained yield management.
163.5 Cutting restrictions.
163.6 Indian operations.
163.7 Timber sales from unallotted and allotted lands.
163.8 Advertisement of sales.
163.9 Timber sales without advertisement.
163.10 Deposit with bid.
163.11 Acceptance and rejection of bids.
163.12 Contracts required.
163.13 Execution and approval of contracts.
163.14 Bonds required.
163.15 Payment for timber.
163.16 Advance payment for allotment timber.
163.17 Time for cutting timber.
163.18 Deductions for administrative expenses.
163.19 Timber cutting permits.
163.20 Free-use cutting without permits.
163.21 Fire management measures.
163.22 Trespass.
163.23 Revocable road use permits for removal of commercial forest products.
163.24 Insect and disease control.
163.25 Forest development.
163.26 Appeals under timber contracts and permits.

Authority: Secs. 7, 8, 36 Stat. 857, 25 U.S.C. 406, 407; and sec. 6, 48 Stat. 986, 25 U.S.C. 466; 47 Stat. 1417, 25 U.S.C. 413. Section 141.23 issued under 5 U.S.C. 301, 25 U.S.C. 2, unless otherwise noted.

§ 163.1 Definitions.

"Approval" means authorization by the Secretary, Area Director, Superintendent, tribe or individual Indians in accordance with appropriate delegations of authority.

"Commercial forest land" means Indian forest land capable of bearing merchantable forest products, currently accessible, and not withdrawn from such use.

"Forest products" includes major forest resources such as lumber, lath, crating, ties, bolts, logs, bark, pulpwood, fuelwood, posts, Christmas trees, split products or other marketable materials authorized for removal.

"Forest protection" includes the protection of Indian forest resources from damages and losses by disease, insects, fire and trespass. It also includes protection of other wildlands from fire.

"Indian forest lands" means lands held in trust by the United States for Indian tribes, individual Indians, or Alaskan Natives or lands which are owned by such tribes and individuals subject to restrictions against alienation. Such lands are considered chiefly valuable for the production of forest products or to maintain watershed or other land values enhanced by a forest cover. A formal inspection and land classification action is not required before applying the provisions of this part to the management of any particular tract of land.

"Secretary" means the Secretary of the Interior or his/her authorized representative.

"Stumpage rate" means the stumpage value per thousand board feet or other unit of measure.

"Stumpage value" means the value of uncut timber as it stands in the woods.

"Sustained yield" means the yield that a forest can produce continuously at a given intensity of management.

§ 163.2 Scope and information collection.

(a) The regulations in this part are applicable to all Indian forest lands except as this part may be superseded by special legislation.

(b) Information collection (reserved).

§ 163.3 Objectives.

The following objectives apply to the management of Indian forest lands.

(a) The development, maintenance and enhancement of commercial forest lands in a perpetually productive state by providing effective management and protection through the application of sound silvicultural and economic principles to the reforestation, growth and harvesting of timber and other

forest products. This includes making adequate provision for new forest growth as the timber is removed.

(b) Regulation of the forest resources through the establishment and development of a timber sales program that is supported by written tribal objectives, and a long-range multiple use plan (as included in a forest management plan) that requires sound forest management practices.

(c) The regulation of the commercial forest in a manner which will insure method and order in harvesting the tree capital, so as to make possible continuous production and a perpetual forest business.

(d) The development of Indian forests by Indian people to promote self-sustaining communities, so that Indians may receive from their own property not only the stumpage value, but also the benefit of whatever labor and profit it is capable of yielding.

(e) The sale of Indian timber on the open market, when the volume available and/or utilized for harvest is in excess of that which is being developed by the local Indian forest enterprise(s).

(f) The preservation of the forest in its natural state whenever the authorized Indian representatives determine that the recreational, cultural, aesthetic, or traditional values of the forest represent the highest and best use of the land to the Indians.

(g) The management and protection of forest resources to retain the beneficial effects of regulating water runoff and minimizing soil erosion.

(h) The management and protection of forest lands to maintain or improve timber production, grazing, wildlife, fisheries, recreation, aesthetic, cultural, and other traditional values of the forest to the extent that such action is in the best interest of the Indians.

§ 163.4 Sustained yield management.

To further the objectives enumerated in § 163.3, the timber harvest from Indian forest lands will not be authorized until practical methods of harvest, based on sound economic, silvicultural and other forest management principles, have been prescribed. Harvest schedules shall be directed toward achieving an approximate balance at the earliest practical time, between maximum net growth and harvest, and shall salvage timber that is deteriorating from fire damage, insect infestation, disease, overmaturity or other causes. On all Indian reservations with a commercial forest resource, appropriate management plans shall be prepared and revised as needed. Such documents will contain a statement of the manner in which the policies of the tribe and the Secretary will be applied to the forest, with a definite plan of silvicultural management, analysis of the short- and long-term effects of the plan, and a program of action, including a harvest schedule, for a specified period in the future.

§ 163.5 Cutting restrictions.

(a) Harvesting Indian timber will not be permitted unless provisions for natural and/or artificial forestation are included in planning the harvest.

(b) Clearing of large contiguous areas will be permitted only on lands that, when cleared, will be devoted to a more beneficial use than growing timber crops. This restriction shall not prohibit clearcutting when it is silviculturally good practice to harvest a particular stand of timber by such methods and conforms with § 163.3.

§ 163.6 Indian operations.

Indian tribal forest enterprises may be initiated and organized with consent of the authorized tribal representatives. Such enterprises may contract for the purchase of non-Indian owned forest products. Subject to approval by the Secretary the following actions may be taken:

(a) Authorized tribal enterprises may enter into formal agreements with tribal representatives for the use of tribal forest products, and with individual Indian owners for allotted forest products.

(b) Authorized officials of tribal enterprises, operating under approved agreements for the use of tribal or allotted forest products pursuant to this section, may sell the forest products produced according to generally accepted trade practices without compliance with § 3709 of the Revised Statutes.

(c) With the consent of the Indian owners, such enterprises may, without advertisement, contract for the purchase of forest products on Indian lands at stumpage rates authorized by the Secretary.

(d) Determination of and payment for stumpage and/or products utilized by such enterprises will be authorized in accordance with § 163.15. However, the Secretary may issue special instructions for payment by methods other than those in § 163.15.

(e) Performance bonds may or may not be required in connection with operations on trust lands by such enterprises as determined by the Secretary.

§ 163.7 Timber sale from unallotted and allotted lands.

(a) If the volume of timber available for harvest on a reservation exceeds that being developed and/or utilized by local Indian forest enterprise(s) or individual Indians, open market sales of Indian timber may be authorized. This provision requires consent of the authorized representatives of the tribe for tribal timber, and the owners of a majority Indian interest in trust or restricted timber on allotted lands. Consent of the Secretary is required in all cases.

(b) On any Indian forest lands not formally designated for retention in its natural state by authorized Indian representatives, the Secretary may sell the timber from lands held under a trust or other patent containing restrictions on alienations without the consent of the owners when in his/her judgment such action is necessary to prevent loss of values resulting from fire, insects, diseases, windthrow or other catastrophes.

(c) Unless otherwise authorized by the Secretary, sales of timber from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding $10,000 will not be approved until:

(1) An examination of the timber to be sold has been made by a forest officer, and

(2) A report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 163.13. In all such sales the timber shall be appraised and sold at stumpage rates not less that those established by the Secretary.

§ 163.8 Advertisement of sales.

Except as provided in §§ 163.6, 163.7, 163.9 and 163.19 sales of timber shall be made only after advertising.

(a) The advertisement shall be approved by the officer who will approve the contract. Advertised sales shall be made under sealed bids, or at public auction, or under a combination thereof. The advertisement may limit sales of Indian timber to Indian forest enterprises, members of the tribe, or may grant to Indian forest enterprises and/or members of the tribe who submitted bids the right to meet the higher bid of a nonmember. If the estimated stumpage value of the timber offered does not exceed $10,000, the advertisement may be made by posters and circular letters. If the estimated stumpage value exceeds $10,000, the advertisement shall also be made in at least one edition of a newspaper of general circulation in the locality where

the timber is situated. If the estimated stumpage value does not exceed $50,000, the advertisement shall be made for not less than 15 days; if the estimated stumpage value exceeds $50,000 but not $200,000, for not less than 30 days; and if the estimated stumpage value exceeds $200,000, for not less that 60 days.

(b) The approving officer may reduce the advertising period because of emergencies such as fire, insect attack, blowdown, limitation of time, or when there would be no practical advantage in advertising for the prescribed periods.

(c) If no contract is executed after such advertisement, the approving officer may, within one year from the last day on which bids were to be received as defined in the advertisement, permit the sale of such timber in the open market. The sale will be made upon the terms and conditions in the advertisement and at not less that the advertised value or the appraised value at the time of sale, whichever is greater.

§ 163.9 Timber sales without advertisement.

(a) Sales of timber may be made without advertisement to Indians or non-Indians with the consent of the authorized representatives of the tribe for tribal timber or with the consent of the owners of a majority Indian interest in trust or restricted timber on alloted lands, and the approval of the Secretary when:

(1) The timber is to be cut in conjunction with the granting of a right-of-way;

(2) Granting an authorized occupancy;

(3) It must be cut to protect the forest from injury;

(4) It is impractical to secure competition by formal advertising procedures; or

(5) Otherwise specifically authorized by statutes or regulations.

(b) The approving officer shall establish a documented record of each negotiated transaction. This will include:

(1) A written determination and finding that the transaction is of a type or class allowing the negotiation procedures or warranting departure from the procedures provided in § 163.8;

(2) The extent of solicitation and competition, or a statement of the facts upon which a finding of impracticability of securing competition is based; and

(3) A statement of the factors on which the award is based, including a determination as to the reasonability of the price accepted.

(c) This section shall not serve to impede the use of § 163.6 as approved by the Secretary.

§ 163.10 Deposit with bid.

(a) A deposit shall be made with each proposal for the purchase of either alloted or unallotted Indian timber. Such deposits shall be at least:

(1) Ten (10) percent if the appraised stumpage value is less than $100,000 and in any event not less than $1,000;

(2) Five (5) percent if the appraised stumpage value is $100,000 to $250,000 but in any event not less than $10,000.

(3) Three (3) percent if the appraised stumpage value exceeds $250,000 but in any event not less that $12,500.

(b) Deposits shall be in the form of either a certified check, cashier's check, bank draft, postal money order, or irrevocable letter-of-credit, drawn payable to the order of the Bureau of Indian Affairs, or in cash.

(c) The deposit of the apparent high bidder, and of others who submit written request to have their bids considered for acceptance will be retained pending acceptance or rejection of the bids. All other deposits will be returned following the opening and posting of bids.

(d) The deposit of the successful bidder will be retained as payment for total or partial liquidated damages if the bidder does not:

(1) Furnish the performance bond required by § 163.14 within the time stipulated in the advertisement of timber sale,

(2) Execute the contract, or

(3) Perform the contract.

(e) This section does not limit or waive any further legal damages which may be available.

§ 163.11 Acceptance and rejection of bids.

(a) Applicants or bidders may be Indian forest enterprises, members of the tribe, individuals, associations of individuals, partnerships, or corporations. The high bid received in accordance with any advertisement issued under authority of this part shall be accepted, except that the approving officer, having set forth the reason(s) in writing, shall have the right to reject the high bid if:

(1) The high bidder is considered unqualified to fulfill the contractual requirement of the advertisement, or

(2) There are reasonable grounds to consider it in the interest of the Indians to reject the high bid.

(b) If the high bid is rejected, the approving officer may authorize:

(1) Rejection of all bids, or

(2) Acceptance of the offer of another bidder who, at bid opening, makes written request that their bid and bid deposit be held pending a bid acceptance.

(c) The officer authorized to accept the bid shall have the discretion to waive minor technical defects in advertisement and proposals.

§ 163.12 Contracts required.

Except as provided in § 163.19, in sales of timber with an appraised stumpage value exceeding $10,000, the contract forms approved by the Secretary must be used unless a special form for a particular sale or class of sales is approved by the Secretary. Essential departures from the fundamental requirements of standard and approved contract forms shall be made only with the approval of the Secretary. Unless otherwise directed, the contracts shall require that the proceeds be paid by remittance drawn to the Bureau of Indian Affairs and transmitted to the Superintendent. By mutual agreement, contracts may be extended, modified, or assigned subject to approval of the approving officer, and may be terminated by the approving officer upon completion or by mutual agreement.

§ 163.13 Execution and approval of contracts.

(a) All contracts for the sale of tribal timber shall be executed by the authorized tribal representative(s). Contracts must be approved by the Secretary to be valid. There shall be included with the contract an affidavit executed by the appropriate tribal representative(s) setting forth the resolution or other authority of the governing body of the tribe authorizing the sale.

(b) Contracts for the sale of allotted timber shall be executed by the Indian owners or the Secretary acting pursuant to a power of attorney from the Indian owner, subject to conditions set forth in §§ 163.7 and 163.12(b) (1), (2), and (3). Contracts must be approved by the Secretary to be valid.

(1) The Secretary may, after consultation with any legally appointed guardian, execute contracts on behalf of minors and Indian owners who are non compos mentis.

(2) The Secretary may execute contracts for those persons whose ownership in a decedent's estate has not been determined or for those persons who cannot be located after a reasonable and diligent search and the giving of notice by publication.

(3) Upon the request of the owner of an undivided but unrestricted interest in land in which there are trust or

restricted Indian interests, the Secretary may include such unrestricted interest in a sale of the trust or restricted interests in the timber, pursuant to this part, and perform any functions required of him/her by the contract of sale for both the restricted and the unrestricted interests, including the collection and disbursement of payments for timber and the deductions as service fees from such payments of sums in lieu of administrative expenses.

§ 163.14 Bonds required.

Performance bonds will be required in connection with all sales of Indian timber, except they may or may not be required, as determined by the approving officer, in connection with the use of timber by tribal enterprises pursuant to § 163.6 or in timber cutting permits issued pursuant to § 163.19. In sales in which the estimated stumpage value, calculated at the appraised stumpage rates, does not exceed $10,000, the bond shall be at least 20 percent of the estimated stumpage value. In sales in which the estimated stumpage value exceeds $10,000 but is not over $100,000, the bond shall be at least 15 percent of the estimated stumpage value but not less than $2,000; in sales in which the estimated stumpage value exceeds $100,000 but is not over $250,000, the bond shall be at least 10 percent of the estimated stumpage value but not less than $15,000; and in sales in which the estimated stumpage value exceeds $250,000, the bond shall be at last 5 percent of the estimated stumpage value but not less than $25,000. Bonds shall be in a form acceptable to the approving officer and may include a corporate surety bond by an acceptable surety company; or cash bond designating the approving officer to act under a power of attorney; or negotiable United States Government securities supported by appropriate power of attorney; or an irrevocable letter-of-credit.

§ 163.15 Payment for timber.

(a) The basis of volume determination for timber sold shall be the Scribner Decimal C log rule, cubic volume, lineal measurement, piece count, weight, or such other form of measurement as the Secretary may authorize for use. With the exception of tribal enterprises pursuant to § 163.6, payment for timber will be required in advance of cutting.

(b) Methods of payment include advance payments, installment payments and advance deposits as specified in timber contract documents. Each advance deposit shall be at least 10 percent of the value of the minimum volume of timber required to be cut annually, figured at the appraised stumpage rates: *Provided,* That the approving officer may reduce the size of the last advance deposit before the completion of the sale or before periods of approximately three months or longer during which no timber cutting is anticipated. If a contract stipulates no minimum annual cutting requirements the amount of each advance deposit shall be determined by the approving officer. The advance payments that may be required in the sale of trust timber, pursuant to § 163.16, shall not operate to reduce the size of advance deposits required by this section.

§ 163.16 Advance payment of allotment timber.

(a) Unless otherwise authorized by the Secretary, and except in the case of lump sum (predetermined volume) sales, contracts for the sale of timber from Indian forest lands shall provide for the payment of up to 25 percent of the stumpage value, calculated at the bid price, within 30 days from the date of approval and before cutting begins. Additional advance payments may be specified in contracts that are more than three years in duration. However, no advance payment will be required that would make the sum of such payment and of advance deposits and advance payments previously applied against timber cut from each appropriate ownership exceed 50 percent of the bid stumpage value. For each appropriate ownership, advance payments shall be credited against the timber as it is cut and scaled at the stumpage rates governing at the time of scaling.

(b) Terms and conditions for payment of timber under lump sum sales shall be specified in timber contract documents. Advance payments are not refundable.

§ 163.17 Time for cutting timber.

Unless otherwise authorized by the Secretary, the maximum period which shall be allowed, after the effective date of a timber contract, for harvesting the estimated volume of timber purchased shall be five years.

§ 163.18 Deductions for administrative expenses.

In sales of forest products from Indian forest lands, a reasonable deduction shall be made from the gross proceeds to cover in whole or in part the cost of managing and protecting the forest lands. Such costs will include the cost of sale administration, and forest regeneration. However, such deduction will not cover the costs that are paid from funds appropriated specifically for fire suppression of forest pest control. Unless special instructions have been given by the Secretary as to the amount of the deduction, or the manner in which it is to be made, the deduction shall be 10% of the gross amount received for timber sold. Service fees in lieu of administrative deductions shall be determined in a similar manner.

§ 163.19 Timber cutting permits.

(a) Except as provided in §§ 163.6 and 163.20, all cutting of forest products that is not done under format contract, pursuant to § 163.12, shall be done under timber cutting permit forms approved by the Secretary. Permits will be issued only with the written consent of the Indian owner(s) or the Secretary, for allotted lands, as authorized in § 163.13. To be valid, permits must be approved by the Secretary. Such consents to the issuance of cutting permits shall stipulate the minimum product rate at which timber may be sold under permit. Payment and bonding requirements will be stipulated in the permit document as appropriate.

(b) Free-use cutting permits may be issued for specified species and types of forest products. Timber cut under this authority may be limited as to sale or exchange for other goods or services. The stumpage value which may be cut in a fiscal year by any individual under this authority shall not exceed $2,500.

(c) Permits subject to deductions for administrative expenses, as provided in § 163.18, may be issued. Unless otherwise authorized by the Secretary, the stumpage value which may be cut under paid permits in a fiscal year by any individual under this authority shall not exceed $10,000. This paragraph (c) does not apply to special allotment timber cutting permits.

(d) An Indian having sole beneficial interest in an allotment may be issued an approved form of special permit to cut and sell designated timber from such allotment. The special permit shall include provision for payment by the Indian of administrative expenses pursuant to § 163.18. Unless waived by the Secretary, the permit shall also require the Indian to make a deposit with the Secretary to be returned to the Indian upon satisfactory completion of the permit or to be used by the Secretary in his/her discretion for planting or other work to offset damage to the land or the timber caused by failure to comply with the provisions of the permit. As a condition to granting a special permit under authority of this paragraph, the Indian may be required to provide evidence acceptable to the Secretary that he/she has arranged a bona fide sale of the timber to be cut, on terms that will protect the Indian's interest.

§ 163.20 Free-use cutting without permits.

With the consent of the Indian owners and the Secretary, Indians may cut disignated types of forest products from Indian forest lands without a permit or contract, and without charge. Timber cut under this authority shall be for the Indian's personal use, and shall not be sold or exchanged for other goods or services.

§ 163.21 Fire management measures.

(a) The Secretary is authorized to maintained facilities and staff, hire temporary labor, rent fire fighting equipment, purchase tools and supplies, and pay for their transportation as needed to maintain an adequate level of readiness to meet normal wildfire protection needs and extinguish forest or range fires on Indian reservations or other Indian trust lands. No expenses for fighting a fire outside a reservation may be incurred unless the fire threatens the reservation or other Indian trust lands or unless such expenses are incurred pursuant to an approved cooperative agreement with another protection agency. The rates of pay for fire fighters and for equipment rental shall be the rates for such fire fighting services that are currently in use by public and private wildfire protection agencies adjacent to Indian reservations on which a fire occurs, unless there are in effect at the time different rates that have been approved by the Secretary. The Secretary may also enter into reciprocal agreements with any fire organization maintaining protection facilities in the vicinity of Indian reservations or other Indian trust lands for mutual aid in wildfire protection. This section does not apply to the rendering of emergency aid, or agreements for mutual aid in fire protection pursuant to the Act of May 27, 1955 (69 Stat. 66).

(b) The Secretary will conduct a wildfire prevention program to reduce the number of person-caused fires on Indian reservations or other Indian trust lands.

(c) The Secretary is authorized to expend funds for emergency rehabilitation measures needed to stabilize soil and watershed on Indian reservations or other Indian trust lands damaged by wildfire.

(d) Upon consultation with the Indian landowners the Secretary may use fire as a management tool on Indian reservations to achieve land or resource management objectives.

§ 163.22 Trespass.

(a) In addition to liability for trespass on Indian lands, as indicated in this part, persons responsible for such trespass may be prosecuted criminally under any applicable federal law. Penalties are prescribed by the following statutes:

(1) Timber trespass (18 U.S.C. 1853).

(2) Fire trespass (18 U.S.C. 1855, 1856). Tribal ordinances may apply where appropriate.

(b) The extraction, severance, injury or removal of forest products from Indian lands under the jurisdiction of the Department of the Interior, except when authorized by law and the regulations of the Department, is an act of trespass. Trespassers will be liable in damages to the United States and the Indian owners, and will be subject to prosecution for such unlawful acts.

(c) The rule of damages to be applied in cases of timber and other trespass will be the measure of damages prescribed by the laws of the State in which the trespass is committed, unless by federal law a different rule is prescribed or authorized.

(d) The Secretary may identify and forbid the removal of forest products from restricted or trust Indian lands or direct their removal to a point of safekeeping when there is reason to believe that such products were unlawfully cut. Any such forest products that can be positively identified as Indian trust property should be sold to prevent their deterioration. When any forest products cut in trespass are found to be removed to land not under Government supervision, the owner of the land should be notified that such products are Indian trust property and any further action should be upon advice of the Office of the Solicitor of the Department of the Interior. Any forest products sold under this § 163.22 may be disposed of under the provisions of this part insofar as they are applicable. The Secretary may accept payment of damages in full in the settlement of civil trespass cases without resort to court action. The Secretary may also accept a recommended settlement per Solicitor's Regulations Manual I.4.1 when exercised in accordance with Departmental procedures contained in 344 DM 3. All other matters relating to the collection of debts under this section will be in accordance with Departmental Manual, Part 344.

(e) The Secretary will provide for timely action on any reports of trespass on Indian trust lands including pending Native allotments (25 U.S.C. 9).

§ 163.23 Revocable road use permits for removal of commercial forest products.

(a) The Secretary may request tribes and/or all other trust landowners to sign landowners revocable permits designating the Secretary as Agent for the landowner and empowering him/her to issue revocable road use permits to users for the purpose of removing commercial forest products.

(b) When a majority of trust interest in a tract has consented, the Secretary may issue revocable road use and construction permits for removal of commercial forest products over and across individually owned lands. In addition the Secretary may act for individual owners when:

(1) The individual owner of the land or of an interest therein is a minor or a person non compos mentis, and the Secretary finds that such grant, in total or for an interest therein, will cause no substantial injury to the land or the owner, which cannot be adequately compensated for by monetary damages;

(2) The whereabouts of the owner of the land or an interest therein are unknown, and the owners or owner of any interests therein whose whereabouts are known or majority thereof, consent to the grant;

(3) The heirs or devisees of a deceased owner of the land or interest therein have not been determined, and the Secretary finds the grant will cause no substantial injury to the land or any owner thereof, provided that once the heirs of devisees of the deceased owner are determined, their consent is obtained.

(c) Nothing in this section shall preclude acquisition of rights-of-way for roads, Subchapter H, Part 169, 25 CFR, or conflict with provisions of that part.

§ 163.24 Insect and disease control.

(a) The Secretary is authorized to protect and preserve from disease, or the ravages of beetles, or other insects, timber on Indian reservations or other Indian lands under the jurisdiction of the Department of the Interior. (Sept. 20, 1922, Ch. 349, 42 Stat. 857). The Secretary shall consult with authorized tribal representatives or owners of other Indian lands concerning control actions.

(b) The Secretary is responsible to control and mitigate harmful effects of insects and diseases on Indian forest lands. The Secretary will coordinate this control with the Secretary of Agriculture in accordance with Section 5, Pub. L. 95-313, July 1, 1978, 92 Stat. 336.

§ 163.25 Forest development.

This section pertains to that segment of the forestry program which addresses the improvement of timber resources. The program shall consist of forestation, timber stand improvement work, and related investments that enhance productivity. It shall be conducted with emphasis on on-site activites. Forest development funds will be used to establish, re-establish, maintain, and/or improve growth of desirable commercial timber species and stocking level. Forest development activities will be planned and executed using cost/benefit analyses as one of the determinants in establishing priorities.

§ 163.26 Appeals under timber contracts and permits.

Any action taken by an approving officer exercising delegated authority from the Secretary of the Interior or by a subordinate official of the Department of the Interior exercising an authority by the terms of the contract may be appealed. Such appeal shall not stay any action under the contract unless otherwise directed by the Secretary of the Interior. Such appeals shall be filed in accordance with the provision of 25 CFR Part 2, Appeals from Administrative Actions, or any other applicable general regulations covering appeals. Appropriate Indian representative shall be notified upon receipt of an appeal initiated by the purchaser. Likewise, the purchaser shall be notified upon receipt of an appeal initiated by the seller.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 83-6631 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 4a

[LR-296-82]

Source of Interest and Dividends; Public Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations with respect to the source of interest derived from resident alien individuals and domestic corporations and the source of dividends derived from domestic corporations.

DATES: The public hearing will be held on May 24, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by May 10, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The request to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-296-82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 861 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Wednesday, December 29, 1982 (47 FR 57972).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than May 10, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-7009 Filed 3-17-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Procedures for the Public Comment Period on a Proposed Amendment to the Oklahoma State Regulatory Program

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

ACTION: Proposed rule

SUMMARY: OSM is announcing procedures for the public comment period on the substantive adequacy of a program amendment to Oklahoma's program to control surface coal mining and reclamation operations. The proposed amendment consists of changes to the State's rules regarding efficent limitations for surface and underground coal mining activities and is intended to meet the requirements of similar revisions that were made by OSM to the Federal rule.

This document sets forth the time and locations that the Oklahoma program and proposed amendment are available for public inspection and the comment period during which interested persons may submit written comments on the proposed amendment (OK-451).

DATE: Written comments relating to Oklahoma's proposed modification of its program not received on or before 4:00 p.m. on April 4, 1983, will not necessarily be considered on whether the proposed amendment meets the Federal requirements.

ADDRESSES: Written comments should be mailed or hand-delivered to Mr. Robert L. Markey, Director, Tulsa Field Office, Office of Surface Mining, 333 W. Fourth Street, Room 3432, Tulsa, Oklahoma 74103; Telephone: (918) 581-7927.

FOR FURTHER INFORMATION CONTACT: Robert L. Markey, (918) 581-7927.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Oklahoma program, the proposed amendement, and all written comments received in response to this notice will be available for review at the OSM offices and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Suface Mining Reclamation and Enforcement, Room 5315, 1100 L Street, NW., Washington, D.C. 20240.

Office of Surface Mining, Tulsa Field Office, 333 W. Fourth Street, Room 3432, Tulsa, Oklahoma 73105.
Oklahoma Department of Mines, Suite 107, 4040 N. Lincoln, Oklahoma City, Oklahoma 73105.

Written Comments

Written comments should be specific, pertain only to the issues proposed in the rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATE" or at locations other than Tulsa, Oklahoma, will not necessarily be considered and included in the Administrative Record for the final rulemaking.

The comment period being announced today will extend for 15 days. Under 30 CFR 732.17(h), a 15 day comment period is allowed in cases where a state has submitted an amendment that is analogous to a change made to the Surface Mining Control and Reclamation Act of 1977 or the Federal implementing regulations. Such is the case of the Oklahoma amendment.

Background on the Oklahoma State Program

Information regarding the general background on the Oklahoma State program can be found at 46 FR 4910 (January 19, 1981), 47 FR 14152 (April 2, 1982), and 47 FR 37080 (August 25, 1982).

Discussion of the Proposed Amendment

On October 21, 1982, OSM promuglated changes to 30 CFR 816.42(a)(7) and (b), and 817.42(a)(7) and (b), the Federal provisions governing water discharge standards (See 47 FR 47216 for further information on the changes made to those Federal rules). Under the revised Federal rules, discharges of water from areas disturbed by surface or underground mining activities shall be made in compliance with all applicable State and Federal water quality laws and regulations and with the effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR Part 434. Further, the original provisions of 30 CFR 816.42(b) and 817.42(b) which set forth the conditions when a discharge from the disturbed area would not be subject to the effluent limitations were removed.

On February 22, 1983, OSM received a proposed program amendment from the Oklahoma Department of Mines intended to modify the State's rules to reflect the changes made to 30 CFR 816.42(a)(7) and (b), and 817.42(a)(7) and (b). See OK–451. The Department of Mines indicated in its transmittal letter that it had adopted the new water discharge standards by emergency declaration and that it was presently proceeding to promulgate these changes on a permanent basis through the State's formal rulemaking process.

The full text of Oklahoma's proposed amendment to its regulations is as follows:

Section 816.42(a)(7) is hereby repealed.
Section 816.42(b) is hereby repealed, and the following substituted:

Discharges of water from areas disturbed by surface mining activities shall be made in compliance with all applicable State and Federal water quality laws and regulations and with the effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR Part 434.

Section 817.42(a)(7) is hereby repealed.
Section 817.42(b) is hereby repealed, and the following substituted:

Discharges of water from areas disturbed by underground mining activities shall be made in compliance with all applicable State and Federal water quality laws and regulations and with the effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR Part 434.

OSM requests comments on the substantive adequacy of the proposed amendment (OK–451) to meet the revised Federal requirements of 30 CFR 816.42(b) and 817.42(b).

Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibililty Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

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

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

List of Subjects in 30 CFR Part 936

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

Dated: March 10, 1983.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-7023 Filed 3-17-83; 8:45 am]
BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2131-4]

Approval and Promulgation of Implementation Plans; Washoe County District Health Department Air Pollution Control Regulations; State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: Part C of the Clean Air Act requires states to revise their State Implementation Plan (SIP) to include an acceptable program for pre-construction review of new and modified major stationary sources in attainment areas. The Washoe County District Health Department (WCDHD) adopted Prevention of Significant Deterioration (PSD) regulations to satisfy these requirements on November 25, 1981 and May 26, 1982. These regulations were officially submitted as a SIP revision on June 21, 1982. In this notice, EPA is proposing to approve these revised regulations.

The EPA invites public coments on whether these regulations should be approved, disapproved, or conditionally approved, especially with respect to the requirements of Part C and Section 110 of the Clean Air Act.

DATES: Comments may be submitted up to April 18, 1983.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air Management Division, Air Operations Branch, New Source Section, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the revisions and EPA's associated evaluation report are available for public inspection during normal business hours at the EPA

Region 9 office at the above address and at the following locations:

Department of Conservation and Natural Resources, 201 S. Fall Street, Carson City, NV 89710

Washoe County District Health Department, Wells Avenue at Ninth, Reno, NV 89520

FOR FURTHER INFORMATION CONTACT:

Julie A. Rose, New Source Section, Air Operations Branch, Air Management Division, Environmental Protection Agency, Region 9, (415) 974–8236.

SUPPLEMENTARY INFORMATION:

Background

PSD—Part C (Sections 160 to 169) of the Clean Air Act contains requirements for the Prevention of Significant Deterioration (PSD) in areas which are designated either attainment or unclassified for the criteria (Section 109) pollutants. The PSD requirements apply to these attainment pollutants as well as the non-criteria pollutants (regulated under Sections 111 and 112 of the Act). Truckee Meadows is currently designated as attainment for ozone, sulfur dioxide, and nitrogen oxides while the Washoe County portion of the Lake Tahoe Basin is attainment for these pollutants and particulate matter (the remainder of Washoe County is attainment or unclassified for *all* the criteria pollutants). Part C also contains a classification system for designating areas as either Class I, II, or III. The class of an area determines what incremental increases in ambient pollutant concentrations are allowed for the area.

Preconstruction requirements for new or modified major stationary sources locating in attainment or unclassified areas are all outlined in Part C.

The detailed requirements for a PSD program are contained in 40 CFR 51.24, "Prevention of Significant Deterioration of Air Quality." Presently, EPA is administering the PSD program in Washoe County under the federal regulation 40 CFR 52.21, "Prevention of Significant Deterioration of Air Quality." When PSD regulations for Washoe County are approved, the federal regulation 40 CFR 52.21 will be rescinded as applicable for new sources constructing in Washoe County after the date of SIP approval and the PSD program will be administered by the WCDHD.

The primary requirements for a PSD program include: (1) The application of "Best Available Control Technology" (BACT) to new or modified major stationary sources; (2) A requirement that the applicant demonstrate that the increased emissions in the area affected by the new or modified source will not violate any National Ambient Air Quality Standard (NAAQS) or the applicable air quality increment; (3) Administrative procedures to handle sources impacting Class I areas; and (4) Procedures for redesignating the PSD classification of an area.

Description of Regulations

In response to the PSD requirements, the WCDHD adopted revisions to their air quality regulations on November 25, 1981 and May 26, 1982. These revisions were submitted to EPA by the Governor as official SIP revisions on June 21, 1982.

Included in the changes to the WCDHD's regulations to meet PSD requirements are revisions, additions, and deletions to the following sections of their definitions and permitting regulations:

Section 010—Definitions: 010.002 (added), 010.012 (added), 010.013 (added), 010.015 (added), 010.017, 010.018, 010.019 (added), 010.020, 010.021 (added), 010.023 (added), 010.024 (added), 010.039 (added), 010.046 (added), 010.067 (added), 010.068 (added), 010.070, 010.071, 010.072, 010.073 (added), 010.074 (added), 010.083 (added), 010.103 (added), 010.107, 010.108, 010.109 (added), 010.113 (added), 010.138 (added), 010.151 (deleted), 010.152 (added), 010.166, 010.168 (added), 010.1752, 010.1755 (added), and 010.197.

Section 030—Source Registration and Operation: 030.015, 030.020, 030.025, 030.030, 030.035, 030.110, 030.115 (deleted), and 030.120–030.1204 renumbered as 030.140–030.1404, respectively.

Section 030.600— Prevention of Significant Deterioration (PSD): 030.600–030.602 (added), 030.6021–030.6026 (added), 030.603–030.614 (added), 030.620 (added), 030.625 (added, Appendage 1 (added), Appendage 3, and Appendage 4 (added).

EPA is also considering today the following routine permit rule revisions to Sections 010, 020, 030, and 040 submitted on July 7, 1975 and July 24, 1979.

Section 010: 010.016, 010.047, 010.080, 010.105, 010.1753, 010.1754, and 010.200.

Section 020: 020.010, 020.020, 020.0251, 020.0253, 010.0254, 020.030, 020.035 (deleted), 020.040, 020.050, 020.055, and 020.065.

Section 030: 030.000, 030.100, 030.105, 030.200, 030.220, 030.225, 030.230, 030.235, 030.240, 030.255, 030.260, and 030.3051.

Section 040: 040.040 and 040.046.

Evaluation

EPA has evaluated the PSD regulations listed above to determine whether they satisfy all of the criteria for an acceptable PSD permitting program. EPA believes that the WCDHD regulations will: (1) require the necessary preconstruction review of sources which would be subject to the federal guidelines, and (2) require BACT, and air quality protection in a manner consistent with EPA's PSD criteria (40 CFR 51.24). In addition, the WCDHD revisions to routine permitting regulations have been evaluated and found to be in accordance with Section 110 of the Act. A detailed discussion and evaluation of the WCDHD regulations is contained in EPA's Evaluation Report (available at the locations listed in the ADDRESSES section of this notice).

The definitions of Stationary Source contained in WCDHD regulation 010 apply under County law to both Washoe County's PSD program and Washoe County's new source review program for non-attainment areas. EPA is proposing to approve regulation 010 only under Part C of the Clean Air Act as providing adequate definitions for an acceptable PSD plan. EPA is proposing to take no action on the definitions under Part D of the Act. Although regulation 010 will be applicable to Washoe County's non-attainment new source review program under county law, the definitions will not be approved by EPA as satisfying the requirements of Part D of the Act. EPA is proposing to take no action at this time on any of the recent amendments to Washoe County's non-attainment program. The new source review regulations approved by EPA on April 14, 1981 will continue to be the approved Part D SIP for Washoe County.

Proposed Action

EPA proposes to approve under Section 110 and Part C of the Clean Air Act, the WCDHD rules which were submitted on July 7, 1975, July 24, 1979, and June 21, 1982. EPA believes that the regulations are consistent with Sections 110 and 160 to 169 of the Clean Air Act, and 40 CFR 51.24 and should therefore be approved for inclusion in the SIP. In addition, EPA proposes to rescind 40 CFR 52.1485, "Significant deterioration of air quality", as it applies to new sources constructing in Washoe County after the date of SIP approval, which incorporated the Federal PSD regulations, 40 CFR 52.21, into the applicable SIP for the State of Nevada.

Under Executive Order 12291, today's action is not major. It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any EPA response are available for public

inspection at the locations listed in the Addresses section of this notice. Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

List of Subjects in 40 CFR Part 52

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

Authority: Sections 110, 129, 160 to 169, and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410, 7429, 7470 to 7479, and 7601(a)).

Dated: March 1, 1983.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 83-7076 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 123

[W-2-FRL 2310-6]

Virgin Islands Department of Conservation and Cultural Affairs; Underground Injection Control Primacy Application

Correction

In FR Doc. 83-4511, appearing on page 7478, in the issue of Tuesday, February 22, 1983, make the following corrections:

1. In the first column, in the eighth line in the summary paragraph "not" should read "now".

2. In the third column, "Dates: February 16, 1983." should read "Dated: February 16, 1983."

BILLING CODE 1505-01-M

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40 CFR Part 123

[W-1-FRL 2326-7]

Maine Department of Environmental Protection Underground Injection Control; Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Comment Period and of Public Hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the State of Maine requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the application is now available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part and disapprove in part the application of the Maine Department of Environmental Protection to regulate Classes I, II, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by April 18, 1983. The Public Hearing will be held on April 25, 1983, at 10:00 a.m. Written comments must be received by April 28, 1983. Should EPA not receive sufficient public comment of requests to present oral testimony by April 18, 1983, the Agency reserves the right to cancel the Public Hearing.

ADDRESSES: Comments and requests to testify should be mailed to Carol M. Wood, Water Supply Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203. Copies of the application and pertinent material are available between 9:00 a.m. and 5:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region I, Library, 21st Floor, JFK Federal Building, Boston, Massachusetts 02203, Ph: (617) 223-5791

Maine Department of Environmental Protection, Ray Building, Augusta Mental Health Institute Complex, Augusta, Maine 04333, Ph: (207) 289-3901

The hearings will be held in the Ray Building, Conference Room, Augusta Mental Health Institute Complex, Augusta, Maine.

FOR FURTHER INFORMATION CONTACT: Carol M. Wood, Water Supply Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203. PH: (617) 723-6486. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: This application from the Maine Department of Environmental Protection is for the regulation of all Class I, II, III, IV, and V injection wells in the State. The Underground Injection Control (UIC) program seeks to protect as "underground sources of drinking water" (USDWs) all aquifers capable of yielding a significant amount of water containing less than 10,000 mg/l of total dissolved solids. At present, the State of Maine has no known Class I, II, III, or IV injection wells. The latest inventory identified 18 Class V wells contained in ten sites. Class V wells will be studied to assess whether further regulatory measures are required. In the meantime, Class V wells will be regulated under an existing State licensing program. The State of Maine does not intend to exempt any aquifers at this time.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 123, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting and recordkeeping, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

This application from the Maine Department of Environmental Protection is for the regulation of all injection wells in the State. The application includes a description of the State Underground Injection Control Program, copies of all applicable statutes and rules, a statement of legal authority and a proposed memorandum of agreement between the Maine Department of Environmental Protection and Region I office of the Environmental Protection Agency.

Dated: March 14, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator

[FR Doc. 83-7081 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6499]

National Flood Insurance Program; Proposed Flood Elevation Determinations

Correction

In FR Doc. 83-6428, beginning on page 10877, in the issue of Tuesday, March 15, 1983, on page 10887, after the printed material, the following should appear:

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: February 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6428 Filed 3-14-83; 8:45 am]

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-157; RM-4317]

FM Broadcast Station in Appalachicola, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Class C FM Channel 290 to Appalachicola, Florida, in response to a petition filed by Richard L. Plessinger. The assignment could provide the community with its first local aural service.

DATES: Comments must be filed on or before April 25, 1983, and reply comments must be filed on or before May 10, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Appalachicola, Florida) MM Docket No. 83-157, RM-4317.

Adopted: February 28, 1983.
Released: March 10, 1983.

1. Before the Commission is a petition for rule making filed by Richard L. Plessinger ("Petitioner"), proposing the assignment of Class C FM Channel 290 to Appalachicola, Florida, as that community's first FM assignment. Petitioner failed to state that he would apply for the channel, if assigned, and is requested to do so in comments to this proposal.

2. Although petitioner submitted community data, that information is not required to support the requested assignment in light of the Commission's action in BC Docket No. 80-130, *Revisions of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

3. In order to accommodate this proposal, the transmitter site is confined to an area along the Gulf of Mexico, approximately 23.7 miles northeast of Appalachicola, to avoid short-spacing to second adjacent Channels 292A in Panama City and 288A in Perry, Florida.

4. Because of the mandatory site restriction, and the community's close proximity to the Gulf, petitioner may wish to explore an alternate proposal. For example, a community close to this site location like Carrabelle, Florida (2.1 miles southwest), could be specified. Petitioner, or any other interested party, may consider this option and express the requisite interest in commments herein.

5. In view of the fact that the proposal could provide a first local broadcast service to Appalachicola, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, as it relates to that community as follows:

City	Channel No.	
	Present	Proposed
Appalachicola, Florida		290

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 25, 1983, and reply comments on or before May 10, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b) 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes and ex parte presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix follows:

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix follows: Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in

connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix follows. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Rooms at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-7121 Filed 3-17-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-156; RM-4325]

FM Broadcast Station in Woodville, Mississippi; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 240A to Woodville, Mississippi, in response to a petition filed by Wilkinson Broadcasting Company of Mississippi. The proposed assignment could provide a first FM service to that community.

DATES: Comments must be filed on or before April 25, 1983, and reply comments on or before May 10, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Woodville, Mississippi) MM Docket No. 83-156, RM-4325.

Adopted: February 28, 1983.
Released: March 10, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 7, 1983, by Wilkinson Broadcasting Company of Mississippi ("petitioner") proposing the assignment of Channel 240A to Woodville, Mississippi, as its first FM assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a first local FM service to Woodville, Mississippi, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community.

City	Channel No.	
	Present	Proposed
Woodville, Miss.		240A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before April 25, 1983, and reply comments on or before May 10, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix follows. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that

parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix follows. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-7124 Filed 3-17-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-153; RM-4219]

FM Broadcast Station in Cuba, New Mexico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Class C Channel 274 to Cuba, New Mexico, in response to a petition filed by Ovie Cowles. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before April 25, 1983, and reply comments must be filed on or before May 10, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Station (Cuba, New Mexico); MM Docket No. 83-153, RM-4219.

Adopted: February 23, 1983.

Released: March 10, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed October 13, 1982, by Ovie Cowles, ("petitioner"), seeking the assignment of Class C FM Channel 294 to Cuba, New Mexico, as its first FM assignment. Petitioner expressed an interest in applying for the channel if assigned. This proposal is mutually exclusive with the proposal to add Channel 296A to Los Alamos, New Mexico. A staff study indicates that Class C Channel 274 is alternately available for assignment at Cuba, New Mexico. A site restriction of 4.7 miles west of the city is required due to Station KEVR in Espanola, New Mexico, and a Channel 277 assignment at Albuquerque, New Mexico.

2. In view of the fact that the proposed assignment could provide a first broadcast service to Cuba, New Mexico, the Commission believes it is appropriate to propose amending to FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Cuba, New Mexico		274

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before April 25, 1983, and reply comments on or before May 10, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to

which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 83-7128 Filed 3-17-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-155; RM-4287]

FM Broadcast Station in Benton, Pennsylvania; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 240A to Benton, Pennsylvania, in response to a petition filed by Lynn A. Deppen. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before April 25, 1983, and reply comments on or before May 10, 1983.

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

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

List of Subject in 47 CFR Part 73

Radio broadcasting.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Benton, Pennsylvania); MM Docket No. 83-155, RM-4287.

Adopted: February 20, 1983
Released: March 10, 1983

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed December 22, 1982, by Lynn A. Deppen ("petitioner") seeking the assignment of Channel 240A to Benton, Pennsylvania, as it first FM assignment. Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Since the proposed assignment of Channel 240A to Benton, Pennsylvania, is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence must obtained.

3. In view of the fact that the assignment could provide a first FM service to Benton, Pennsylvania, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Benton, Penn		240A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before April 25, 1983, and reply comments on or before May 10, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rule making to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix follows. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.402(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix follows. All submission by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.430 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-7123 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-122; RM-4277]

FM Broadcast Station in Elkton, Virginia; Proposed Changes in Table of Assigments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Channel 252A to Elkton, Virginia, as its first FM assignment, in response to a petition filed by Robert J. Lacey.

DATES: Comments must be filed on or before April 18, 1983, and reply comments on or before May 3, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Elkton, Virginia); MM Docket No. 83-122; RM-4277.

Adopted: February 10, 1983.
Released: March 4, 1983.

By the Chief, Policy and Rules Division.

1. Before the Commission is a petition for rule making filed by Robert J. Lacey ("petitioner") proposing the assignment of FM Channel 252A to Elkton, Virginia, as that community's first FM assignment. The channel can be assigned consistent with the minimum distance separation requirements of § 73.207(a) of the Commission's Rules. Petitioner, however, has failed to state in its proposal that it will apply for the channel, if assigned, and it is required that it make a commitment to that effect in its comments.

2. Elkton, Virginia, is within the "quiet zone" established in Docket 16991, 6 F.C.C. 2d 793 (1967), to provide protection from interference to the National Radio Astronomy Observatory ("NRAO") at Green Bank, West Virginia, and the Naval Research Laboratory ("NRL") at Sugar Grove, West Virginia. Both of these facilities have the right to object to any new FM assignments in the "quiet zone" and any applicant for a station must coordinate with the NRAO and NRL with respect to the proposed facilities pursuant to § 73.1030 of the Commission's Rules.

3. In view of the fact that the proposed assignment could provide a first FM service to Elkton, Virginia, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Elkton, Virginia		252A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before April 18, 1983 and reply comments on or before May 3, 1983 and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix follows. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix follows. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all coments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-7154 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-154; RM-4268]

TV Broadcast Station in Spokane, Washington; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 34 to Spokane, Washington, as its seventh television assignment in response to a petition filed by William V. Johnson.

DATE: Comments must be filed on or before April 25, 1983 and reply comments on or before May 10, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Spokane, Washington); MM Docket No. 83–154, RM–4278.

Adopted: February 28, 1983.
Released: March 10, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed December 29, 1982, by William V. Johnson ("petitioner") seeking the assignment of UHF Television Channel 34 to Spokane, Washington. Petitioner expressed his interest in applying for the channel, if assigned.

2. Spokane (population 171,300),[1] seat of Spokane County (population 351,835), is located in eastern Washington, approximately 370 kilometers (230 miles) east of Seattle.

3. Petitioner has submitted information in support of his request in order to demonstrate the need for a seventh local television channel for Spokane. The channel can be assigned in compliance with the minimum distance separation requirements.

4. Since the proposed channel assignment in Spokane is within 400 kilometers (250 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

5. In view of the fact that Spokane could receive its seventh local television service, we shall seek comments on the proposal to amend the television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the city of Spokane, Washington, as follows:

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

City	Channel Nos.	
	Present	Proposed
Spokane, Wash.	2−, 4−, 6−, *7+, 22, and 28.	2−, 4−, 6−, *7+, 22, 28, and 34.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 25, 1983, and reply comments on or before May 10, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended and §§.0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rule and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix follows. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With repect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix follows. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleading, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 83-7122 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 54
Friday, March 18, 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

Agricultural Marketing Service

List fo Warehouses and Availability of List of Cancellations and/or Terminations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Publication of List of Warehouses Licensed Under the U.S. Warehouse Act and Availablility of List of Cancellations and/or Terminations Occurring During Calendar Year 1982.

Notice is hereby given that the Agricultural Marketing Service has published a list of warehouses licensed under the U.S. Warehouse Act (7 U.S.C. 241 *et. seq.*) as of December 31, 1982, as required by section 26 of that Act. Also available is a list of cancellations and/or terminations that occurred during calendar year 1982. A copy of the list of warehouses as of December 31, 1982, will be distributed to all licensed warehousemen. Other interested parties may obtain a copy of either list from: Mrs. Judy Fry, Warehouse Service Branch, Warehouse Division-AMS, U.S. Department of Agriculture, Room 2720–South Agriculture Bldg., Washington, D.C. 20250, PH: 202–447–3821.

Done at Washington, D.C., March 14, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-7024 Filed 3-17-83; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

Cajun Electric Power Cooperative, Inc.; Baton Rouge, Louisiana, Proposed Loan Guarantee

AGENCY: Rural Electrification Administration (REA), USDA.

ACTION: Proposed Loan Guarantee.

SUMMARY: Under the authority of Public Law 93–32 (87 STAT. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $561,000,000 to Cajun Electric Power Cooperative, Inc. (Cajun), Baton Rouge, Louisiana. This loan guarantee will provide supplemental funds needed to complete the financing of Cajun's 30 percent undivided ownership in the River Bend Nuclear Power Station, Unit 1.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Smith, Executve Vice President and General Manager, Cajun Electric Power Cooperative, Inc., P.O. Box 15540, Baton Rouge, Louisiana 70895.

SUPPLEMENTARY INFORMATION: Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for advances to the borrower of the guaranteed loan funds from Mr. Smith at the address given above.

In order to be considered, proposals must be submitted April 18, 1983 to Mr. Smith. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Cajun and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Public Information Office, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850–Rural Electrification Loans and Loan Guarantees.

Dated: March 14, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-7146 Filed 3-17-83; 8:45 am]

BILLING CODE 3410-15-M

Colorado-Ute Electric Association, Inc.; Intent To Prepare Supplemental Draft Environmental Impact Statement

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA) intends to prepare a Supplemental Draft Environmental Impact Statement (SDEIS), in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), in connection with a request for financing assistance from Colorado-Ute Electric Association, Inc., (Colorado-Ute). Colorado-Ute, in conjunction with the Western Area Power Administration (Western) and Public Service Company of Colorado (PSCC), proposes to construct a single circuit 345 kV electric transmission line from Rifle, Colorado to the San Juan Generating Plant located near Farmington, New Mexico. Associated facilities would include expansion of existing substation facilities at Rifle, Grand Junction, Montrose, and Durango, Colorado and the San Juan Generating Plant in New Mexico. A new 345/115 kV substation near Durango (Long Hollow) and a 115 kV transmission line connecting the Durango and Long Hollow substations would also be constructed. In the future, a new substation may also be constructed in the Norwood, Colorado area. The facilities would be located in Garfield, Mesa, Delta, Montrose, Ouray, San Miguel, Dolores, Montezuma, and La Plata Counties, Colorado and San Juan County, New Mexico.

FOR FURTHER INFORMATION CONTACT: Mr. William E. Davis, Director, Western Area—Electric, Rural Electrification Administration, Room 3304, 14th & Independence Ave., Washington, D.C. 20250, telephone number: (202) 382–8848.

SUPPLEMENTARY INFORMATION: Colorado-Ute, in conjunction with Western, had previously proposed to

construct a double-circuit 345 kV transmission line from Rifle, Colorado to the San Juan Generating Plant in New Mexico. The transmission line in the northern section was routed via the North Fork Valley. REA held an interagency meeting on August 29, 1979, public scoping meetings in September 1979, and subsequently issued a Draft Environmental Impact Statement (DEIS) on July 10, 1981. REA then held public comment meetings on the DEIS in August 1981.

Independent of the NEPA process, Colorado-Ute filed an application for a Certificate of Public Convenience and Necessity for the double circuit 345 kV transmission line with the Colorado Public Utilities Commission (PUC) on October 10, 1980. The PUC later denied Colorado-Ute's application on February 5, 1982.

As a result of the PUC decision, Colorado-Ute and Western reevaluated the proposed double circuit project and developed a new single circuit 345 kV transmission line project from Rifle, Colorado to the San Juan Generating Plant via Grand Junction. The new proposal includes the participation of PSCC as was recommended in the PUC decision.

REA, in cooperation with the U.S. Forest Service, the Bureau of Land Management, and Western, intend to prepare a SDEIS addressing the revised proposal. The purpose and need for the revised project is fundamentally the same as the previous plan in that it will provide increased transmission capacity for service to southwestern Colorado loads and strengthen the interconnection with power systems in adjoining states. The project proponents indicate that the proposal will provide the bulk transmission capacity necessary (1) for Colorado-Ute to supply power to the loads of its member cooperatives, (2) for Western to transmit power within the Colorado River Storage Project (CRSP) marketing area and to provide for regional integrated system operation and (3) for PSCC to serve the loads of its customers in the Grand Junction area and along the Colorado River Valley between Rifle and Grand Junction.

Alternatives that have been identified and evaluated along with the original proposal included energy conservation, additional generation facilities, uprating of existing facilities, purchase of required power and installation of series compensation. Additional transmission line alternatives along with the current proposed project being evaluated include:

1. Rifle-Grand Junction, single circuit 345 kV transmission line; Grand Junction-Shiprock, single circuit 230 kV transmission line.

2. Rifle-Grand Junction, single circuit 345 kV transmission line; Grand Junction-Shiprock, double-circuit 230 kV transmission line.

3. Rifle-Shiprock, single circuit 230 kV transmission line.

4. Rifle-Shiprock, 2 single circuit 115 kV transmission line.

The area of study for the new project is the same as described in the DEIS. The new project involves the same counties and land management agencies as those affected by the earlier proposal. REA has not identified any new significant issues regarding the revised proposal that were not identified in the original DEIS.

The scoping process conducted pursuant to the original proposal as well as the comments on the DEIS have served to determine the scope and the significant issues to be analyzed in depth in the SDEIS. Consequently, no further scoping meetings will be held.

Information and comments received on the DEIS for the double circuit proposal will be considered and utilized in the preparation of the SDEIS. The new proposed project reflects comments received during the scoping process, the DEIS review period, the PUC decision and input from Federal, State and local planning agencies. The SDEIS will be published in May 1983, and a 45 day comment period will follow. Comments concerning the proposal will be solicited at that time. In addition, REA will hold a series of public meetings approximately 30 days after the Environmental Protection Agency notice of availability is published. The purpose of these meetings will be to receive comments concerning the SDEIS. The locations and times for these meetings will be published in the **Federal Register** and local newspapers at the time the availability of the SDEIS is announced.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: March 15, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-7147 Filed 3-17-83; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Spelltown Flood Prevention and Drainage RC&D Measure, South Carolina; Funding of No Significant 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; 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 Spelltown Flood Prevention and Drainage RC&D Measure, Colleton County, South Carolina.

FOR FURTHER INFORMATION CONTACT: George E. Huey, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Room 950, Columbia, South Carolina, 29201, telephone 803-765-5681.

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, George E. Huey, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns flood protection and improved drainage for the area in and around the community of Spelltown. The planned works of improvement include about two miles of stream channel work to increase flow capacity.

The Notice of a Finding of No Significant 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 George E. Huey.

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: March 8, 1983.

George E. Huey,

State Conservationist.

[FR Doc. 83-6766 Filed 3-17-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 83-3-71; Docket 41354]

Albany/Burlington-Montreal Service Case

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting Investigation: Order 83-3-71, Docket 41354.

SUMMARY: The Board is instituting the *Albany/Burlington-Montreal Service Case* to select primary and back-up carriers to provide scheduled service between Albany, New York, and Burlington, Vermont, on the one hand, and Montreal, Canada, on the other (Route A.5 of the United States-Canada Air Transport Services Agreement). The proceeding will also consider whether the certificate authority of U.S. Air, Inc., and Delta Airlines, Inc., for these routes should be deleted under section 401(g) of the Act. The complete text of Order 83-3-71 is available as noted below.

DATES: Applications, motions to consolidate applications conforming to the scope of this proceeding, petitions from interested persons, and petitions for reconsideration shall be filed by March 21, 1983. Answers shall be filed by March 28, 1983.

ADDRESSES: All pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 41354, *Albany/Burlington-Montreal Service Case.*

FOR FURTHER INFORMATION CONTACT: Joseph DiBella, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5035.

SUPPLEMENTARY INFORMATION: The Complete text of Order 83-3-71 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-3-71 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 11, 1983.

Phyllis T. Kaylor,

Secretary

[FR Doc. 83-7136 Filed 3-17-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83-3-67]

Alpine Aviation, Inc.; Commuter Air Carrier Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 83-3-67, Order to Show Cause.

SUMMARY: The Board is proposing to find that Alpine Aviation, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that the aircraft used in this service conform to applicable safety standards; and that the carrier is capable of providing reliable essential air service at Moab, Utah.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A to the order no later than March 29, 1983, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Service Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Appendix D of this order.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa A. Smith, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5405.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-3-67 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-3-67 to that address.

By the Civil Aeronautics Board: March 10, 1983.

Phyllis T. Kaylor,

Secretary

[FR Doc. 83-7138 Filed 3-17-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41346]

Frank E. Miskey, Mary E. Miskey, and F. N. Custom Travel, Inc.; Violations of Part 380—Enforcement Proceeding; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge Ronnie A. Yoder. Future communications should be addressed to him.

Dated at Washington, D.C., March 11, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-7137 Filed 3-17-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83-3-55; Docket 41139]

Order Implementing a Special Subsidy Program Established by Congress in Appropriating Funds for the CAB for Fiscal Year 1983

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 83-3-55, Docket 41149.

SUMMARY: The Board has adopted an order implementing a Congressional directive to continue subsidy payments during fiscal 1983 to certain air carriers under section 406 rate provisions in effect as of July 1, 1982. (Congress ended the Board's authority to pay subsidy under section 406 of the Federal Aviation Act for services provided after September 30, 1982). The payments are to continue only for service to points in the lower 48 states which were receiving service subsidized under section 406 as of September 30, 1982 and total payments in fiscal 1983 are limited to $13.5 million, about half of the amounts payable if 406 rates were paid in full. To meet this lower level, Congress specified that each eligible carrier's subsidy payments be reduced by the same percentage.

In order to stay within the $13.5 million ceiling the Board's order authorizes payment of 56.45 percent of the old 406 rate level monthly, with a final payment adjustment at the end of fiscal 1983 to correct for any underpayments. The new program applies to three carriers, Frontier Airlines, Piedmont Aviation and Republic Airlines, for services to 28 points.

DATES: The order is effective on the date of service.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson or James Craun, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5368.

The complete text of Order 83-3-55 is available from our distribution Section. Persons outside the metropolitan area may send a postcard request for the order to the Distribution Section, B-22b, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 9, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-7139 Filed 3-17-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Population Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee on Population Statistics will convene on April 8, 1983, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics advises the Director, Bureau of the Census, on current programs and on plans for the decennial census of population.

The Committee is composed of six members appointed by the Secretary of Commerce and nine members designated by the President of the Population Association of America from the membership of that Association.

The agenda for the meeting, which is scheduled to adjourn at 4:15 p.m., is: (1) introductory remarks by the Director of the Bureau of the Census, including program and budget developments; (2) 1980 census update; (3) overview of the 1980 Census Evaluation and Research Program; (4) experimental studies in administering the decennial census; (5) geographic planning for the 1990 census; (6) Survey of Income and Program Participation; (7) subnational population projections; (8) demographic chanes and family income statistics; (9) update on 1980 census income data and income imputation procedures; and (10) Committee recommendations and agenda for the next meeting.

The meeting will be open to the public, and a brief period will be set aside for public comments and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Dr. Camphell Gibson, Room 2266, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233. Telephone (301) 763-1408.

Dated: March 10, 1983.

Bruce Chapman,

Director, Bureau of the Census

[FR Doc. 83-6987 Filed 3-17-83; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

[Case No. 642]

Dr. Etang Chen et al.; Export Privileges

In the Matter of: Case No. 642; Dr. Etang Chen, Individually and doing business as Eaton and Kings Corporation, aka ENK Corporation, 167 Oak Street, Westwood, Massachusetts 02090; FAVAG S.A. Monruz 34, CH-2000 Neuchatel 8, Switzerland; P.A. Randin, Purchasing Manager, FAVAG S.A., Monruz 34, CH-2000 Neuchatel 8, Switzerland; Joseph Lousky, Individually and doing business as Eler Engineering S.A., 59 Mozart Avenue, 75016 Paris, France and Eler Engineering S.A. aka Eler S.A., P.O. Box 209, CH-1401 Yverdon, Switzerland and CH-1040 Echallens, Switzerland; Order temporarily denying export privileges.

The Department of Commerce (the "Department"), pursuant to the provisions of § 388.19 of the Export Administration Regulations (15 CFR Part 368, *et seq.* (1982)) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to Dr. Etang Chen, individually and doing business as Eaton and Kings Corporation, aka ENK Corporation, 167 Oak Street, Westwood, Massachusetts 02090; FAVAG S.A., Monruz 34, CH-2000 Neuchatel 8, Switzerland; P.A. Randin, Purchasing Manager, FAVAG S.A., Monruz 34, CH-2000 Neuchatel 8, Switzerland; Joseph Lousky, individually and doing business as Eler Engineering S.A., 59 Mozart Avenue, 75016 Paris, France; and Eler Engineering S.A., aka Eler S.A., P.O. Box 209, CH-1401 Yverdon, Switzerland, and CH-1040, Echallens, Switzerland (hereinafter collectively referred to as "respondents").

The Department states that the respondents are under investigation by the Department's Office of Export Enforcement and that its investigation gives it reason to believe: (i) That, in order to carry out certain transactions, the respondents conspired to obtain export licenses from the Department for the export of certain U.S.-origin integrated circuit manufacturing and testing equipment from the United States to Switzerland without identifying all parties of interest to the transactions which were the subject of the export license applications; (ii) that Dr. Chen failed to identify all parties of interest to certain export transactions on export license applications for the export of U.S.-origin integrated circuit manufacturing and testing equipment from the United States to Switzerland; (iii) that FAVAG presented export control documents to the Department in support of export license applications knowing, or having reason to know, that those export control documents contained false and misleading statements of material facts; (iv) that Mr. Randin made false and misleading statements of material facts to U.S. Embassy officials in connection with effecting an export from the United States; (v) that Mr. Randin and Mr. Lousky conspired to reexport U.S.-origin integrated circuit manufacturing and testing equipment to proscribed destinations without authorization from the Department; (vi) that Eler reexported U.S.-origin integrated circuit manufacturing and testing equipment to proscribed destinations without authorization from the Department; and (vii) that these respondents may attempt future exports contrary to the Regulations, either directly or through the known related party, unless appropriate action is taken to preclude such attempts.

Based upon the showing made by the Department, I find that an order temporarily denying all export privileges to Dr. Etang Chen, individually and doing business as Eaton and Kings Corporation, aka ENK Corporation; FAVAG S.A.; P.A. Randin; Joseph Lousky, individually and doing business as Eler Engineering S.A.; and Eler Engineering S.A., aka Eler S.A.; and to the hereinafter named related party, is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401, *et seq.* (Supp. IV 1980)), and the Regulations and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondents or any related party in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby Ordered:

I. All outstanding validated export licenses in which respondents or any related party appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successors. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which respondents are now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services. An individual now known to be affiliated with the named respondents, and who is accordingly subject to the provisions of this order, is: Susanna Maas, Manager, Eler Engineering S.A., P.O. Box 209, CH-1401 Yverdon, Switzerland.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for the respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondents or any related party may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 6716, 14th and Constitution Avenue NW., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceedings initiated against the respondents as a result of the ongoing investigation. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondents and the above-designated related party.

Dated: March 11, 1983.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 83-7015 Filed 3-17-83; 8:45 am]

BILLING CODE 3510-25-M

Leather Wearing Apparel From Argentina; Termination of Suspension Agreement and Issuance of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Termination of Suspension Agreement and Issuance of Countervailing Duty Order.

SUMMARY: On December 30, 1982, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review and proposed amendment to the agreement suspending the countervailing duty investigation on leather wearing apparel from Argentina.

On February 28, 1983, the Government of Argentina notified the Department of its decision to withdraw from the suspension agreement. Therefore, the Department is terminating the agreement and issuing a countervailing duty order with respect to this merchandise.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Larry Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 13, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 16697) a notice of suspension of countervailing duty investigation regarding leather wearing apparel from Argentina. The Government of Argentina requested that the investigation be continued, and on April 23, 1981, the Department published in the **Federal Register** (46 FR 23090) a notice of final affirmative countervailing duty investigation.

On December 30, 1982, the Department published in the **Federal Register** (46 FR 58333) the preliminary results of its administrative review and proposed amendment to the agreement suspending the investigation.

On February 28, 1983, the Government of Argentina notified the Department, in accordance with subparagraph C.1 of the agreement, of its decision to withdraw from the suspension agreement.

Scope of the Review

Imports covered by the review are currently classifiable under items 791.7620, 791.7640 and 791.7660 of the Tariff Schedules of the United States Annotated. These products include leather coats and jackets for men, boys, women, girls and infants, and other leather apparel products including leather vests, pants and shorts. Also included are outer leather shells and parts and pieces of leather wearing apparel.

Analysis of Comments Received

Interested parties were invited to comment on our preliminary results and proposed amendment. At the request of the Amalgamated Clothng and Textile Workers Union ("the union"), the

Department held a public hearing on January 28, 1983. We also received comments from Excelled Sheepskin and Leather Coat Corporation, an importer, and from Ralph Edwards Sportswear, the petitioner.

Comment 1

The union questions the Department's authority to renegotiate a suspension agreement under § 355.32(b) of the Commerce Regulations, since section 704(i)(1)(C) of the Tariff Act of 1930 ("the Tariff Act") requires the Department to issue a countervailing duty order whenever the Department determines such an agreement has been violated.

Department's Position

Because the Department, as a result of the withdrawal, is terminating the suspension agreement and issuing a countervailing duty order on this merchandise, the question of whether the Department has authority to renegotiate a suspension agreement is not longer an issue in this proceeding, and there is no implication one way or another whether the Argentine government breached or violated the agreement.

Comment 2

The union contends that the Department should verify the information submitted by the Argentine government in the administrative review. The verification should include a reexamination of the reembolso program to confirm that the program continues to meet the linkage test for the rebate of indirect taxes.

Department's Position

Neither section 751 of the Tariff Act nor the Commerce Regulations require verification of information submitted in the course of an administrative review. Verifications in section 751 administrative reviews is discretionary. *See, e.g.*, "Final Results of Administrative Review of Antidumping Finding" regarding stainless steel wire rod from France (*48* FR *2808*). The Department verified the reembolso program and found linkage for this product during the investigation in 1981. We used the same methodology during this administrative review of the agreement to analyze the information submitted. In the first administrative review of the order, we will verify the information recreived.

Comment 3

The union and the petitioner contend that, because the apparel manufacturers allegedly maintain a close relationship with Argentine tanners, the export tax on Argentine hides results in a possible bounty or grant to leather wearing apparel manufactures by creating an artificially low domestic price for hides and leather.

Department's Position

The Department will consider any possible bounties or grants to apparel manufacturers from an export tax on hides in the administrative review of the order.

Comment 4

Excelled Sheepskin and Leather Coat Corporation noted that, in calculating the benefit received under the preferential pre-export financing program, the Department could have justifiably chosen a lower commercial benchmark interest rate.

Department's Position

The Department selected as the benchmark rate the commercially available rate for time deposits indexed to inflation. We obtained these daily rates during our verification in another proceeding.

Determination

The Government of Argentina has notified the Department of its decision to withdraw from the suspension agreement. Therefore, the Department determines that the suspension agreement between the Department and the Government of Argentina with regard to leather wearing apparel exports to the United States is no longer in force. Since the Department issued a final affirmative countervailing duty determination, and since Argentina is not "a country under the Agreement" and therefore not eligible for an injury investigation by the International Trade Commission, the Department issues this countervailing duty order with regard to shipment of leather wearing apparel from Argentina, effective March 18, 1983.

The Department will instruct the Customs Service to suspend liquidation of shipments of Argentine leather wearing apparel entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

On December 24, 1981, the Government of Argentina lowered the reembolso payments below the level of indirect taxes; it further reduced the reembolso rate on July 6, 1982; and by issuing a Central Bank circular, effective November 23, 1982, it prohibited preferential pre-export financing on all shipments of leather wearing apparel to the United States. As a result, although programs potentially providing bounties or grants still exist, the Agrentine government is not at present providing a benefit on shipments of leather wearing apparel to the United States. Accordingly, the Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of zero percent on all shipments of the merchandise for which we are suspending liquidation. This deposit requirement shall remain in effect until publication of the final results of an administrative review of this order under section 751 of the Tariff Act. The Department intends to conduct a review by the 1984 anniversary date of publication of this notice.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This notice is published in accordance with sections 303 and 706 of the Tariff Act (19 U.S.C. 1303, 1671e) and section 355.36 of the Commerce Regulations (19 CFR 355.36).

Dated: March 14, 1983.

Gary N. Horlick

Deputy Assistant Secretary for Import Adminsitration.

[FR Doc. 83-7149 Filed 3-17-83; 8:45 am]

BILLING CODE 3510-25-M

Potassium Permanganate From Spain; Initiation of Antidumpting Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation, potassium permanganate from Spain.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether potassium permanganate from Spain is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that is may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before April 8, 1983, and we will make ours on or before August 1, 1983.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann of Mary Jenkins, Office

of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–4929 or 377–1756.

SUPPLEMENTARY INFORMATION:

The Petition

On February 22, 1983, we received a petition from counsel for Carus Chemical Company on behalf of the potassium permanganate industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Spain are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring a United States industry.

The allegation of sales at less than fair value is supported by comparisons of an average *ex factory* sale price of potassium permanganate in Spain to the average *ex factory* price of potassium permanganate imported into the United States from Spain. The *1ex factory* U.S. price was developed from FAS prices obtained by the petitoner from U.S. Deparatment of Commerce statistics.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition and have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether potassium permanganate from Spain is being, or is likely to be sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by August 1, 1983.

Scope of Investigation

The merchandise covered by this investigation is potassium permanganate, and inorganic chemical produced in free flowing, technical and pharmaceutical grades. Potassium permanganate is currently classifiable under item 420.2800 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by April 8, 1983, whether there is a reasonable indication that imports of potassium permanganate from Spain are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 14, 1983.

[FR Doc. 83-7105 Filed 3-17-83; 8:45 am]

BILLING CODE 3510-25-M

Potassium Permanganate form the People's Republic of of China; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation, potassium permanganate from the People's Republic of China (PRC).

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether potassium permanganate from the People's Republic China (PRC) is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before April 8, 1983, and we will make ours on or before August 1, 1983.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Mary Jenkins, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–4929 or 377–1756.

SUPPLEMENTARY INFORMATION:

The Petition

On February 22, 1983, we received a petition from counsel for Carus Chemical Company on behalf of the potassium permanganate industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the "Act"), and that these imports are materially injuring a United States industry.

The petition further alleges that the PRC is a state-controlled economy country within the meaning of the Act. They allege that sales of potassium permanganate in the PRC do not permit a determination of foreign market value and that the Department of Commerce must choose a non-state-controlled economy country to be used as a surrogate for the purposes of determining the foreign market value of this product.

The petitioner suggests India as a possible surrogate country and supports its allegation of sales at less than fair value by comparing an average *ex factory* sales price of potassium permanganate in India to the average *ex factory* price of potassium permanganate imported into the United States from the PRC. The *ex factory* U.S. price was developed from FAS prices obtained by the petitioner from U.S. Department of Commerce statistics.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition and have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether potassium permanganate from the PRC is being, or is likely to be sold at less than fair value in the United States. If our investigation

proceeds normally, we will make our preliminary determination by August 1, 1983.

Scope of Investigation

The merchandise covered by this investigation is potassium permanganate, an inorganic chemical produced in free flowing, technical, and pharmaceutical grades. Potassium permanganate is currently classifiable under item 420.2800 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by April 8, 1983, whether there is a reasonable indication that imports of potassium permanganate from the PRC are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

March 14, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-7006 Filed 3-17-83; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing. Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

George Kudravetz,

Acting Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

Department of Agriculture

SN 6-337, (4,3045,527) Radiation-Resistant Fluoroaromatic Cellulosic Ethers
SN 6-229,217 (4,365,464) Apparatus to Uniformly Control Wrapping a Filament Around the Surface of a Spun Core Yarn During Ring Spinning
SN 6-270,676 (4,365,504) Method and Apparatus for Field Testing of Anemometers
SN 6-302,008 (4,365, 966) Process for Modifying Cellulosic Fabrics for Improved Heat Transfer Printing
SN 6-326,996 (4,374,850) Method of Controlling Parasitic Ticks
SN 6-326,995 (4,374,851) Method of Controlling Parasitic Ticks

Department of the Air Force

SN 6-310,689 (4,362,570) Solvent Mixture for Removing Polysulfide and Silicone Rubber Coatings
SN 6-304,126 (4,365,034) Acetylene-Terminated Polyimide Compositions
SN 6-318,653 (4,365,109) Coaxial Cable Design
SN 6-256,881 (4,365,173) Phase Shifter Adjustment Apparatus
SN 6-343,000 (4,366,323) Polymerization of Arylene Bis-Silanols
SN 6-274,697 (4,374,715) Method for the Preparation of Poly (Carbonoyl Fluoride) Oligomers

Department of the Army

SN 6-235,060 (4,360,954) Method of Making Cast-in-Place Sabots
SN 6-300,533 (4,361,011) Cryogenic Cooling System
SN 6-216,416 (4,361,040) Integrating Angular Accelerometer
SN 6-213,522 (4,361,054) Hot-Wire Anemometer Gyro Pickoff
SN 6-189,980 (4,361,071) Fire Control Mechanism
SN 6-163,542 (4,361,384) High Luminance Minature Display
SN 6-272,859 (4,361,526) Thermoplastic Composite Rocket Propellant
SN 6-201,678 (4,361,760) Two-Degree-Of-Freedom Gyro with Radiant Energy Pickoffs
SN 6-174,293 (4,361,886) Satellite Communication System
SN 6-266,025 (4,361,911) Laser Retroreflector System for Identification of Friend or Foe
SN 6-154,557 (4,362,085) Flight Control System
SN 6-142,548 (4,362,106) Flow Deflector for Air Driven Power Supply
SN 6-230,922 (4,362,326) Disconnectable Coupling
SN 6-297,643 (4,362,588) Method of Fabricating a Ducted Blanket for a Rotor Spar
SN 6-206,913 (4,362,938) Infrared Viewing System
SN 6-220,321 (4,362,965) Composite/Laminated Window for Electron Beam Guns
SN 6-136,124 (4,364,300) Composite Cored Combat Vehicle Armor
SN 6-275,531 (4,364,775) Aqueous Oxidative Scrubber Systems for Removal of Mercury
SN 6-289,438 (4,365,059) Nitration of Cellulose
SN 6-174,093 (4,365,149) Mortar Fire Control System
SN 6-196,508 (4,365,182) Method of Fabricating Acceleration Resistant Crystal Resonators and Acceleration Resistant Crystal Resonators So Formed
SN 6-196,957 (4,365,481) Method and Apparatus for Removal of Sodium Carbonate from Cyanide Plating Baths
SN 6-194,314 (4,365,556) Method and System for Preventing Base Separation of Cast Explosives in Projectiles
SN 6-335,925 (4,365,982) Cryogenic Refrigerator
SN 6-318,766 (4,366,229) Method of Making Cold Shield for Infrared Detector Array

Department of Commerce

SN 6-293,783 (4,361,630) Ultra-Black Coating Due to Surface Morphology

Department of Health & Human Services

SN 6-329,590 (4,362,510) Cementitious Dental Compositions Which Do Not Inhibit Polymerization
SN 6-341,572 Ricin and Modeccin Reagents Effective as Tumor Suppressive Cytotoxic Reagents
SN 6-343,026 Heat Treatment of a Non-A, Non-B Hepatitis Agent to Prepare A Vaccine
SN 6-440,728 Process and Device for X-Ray System Quality Assurance
SN 6-446,408 Ultrasonic Therapy Applicator That Measures Dosage
SN 6-456,401 Improved Protocol for the Treatment of Graft Versus Host Disease
SN 6-458,312 Medication Compliance Monitoring Device
SN 6-459,251 Adaptable Blood Pressure Cuff for Humans and Animals
SN 6-461,954 Improved Helical Coil for Diathermy Apparatus

Department of the Interior

SN 6–258,075 (4,362,557) Purifying Titanium-Bearing Slag by Promoted Sulfation

SN 6–311,487 (4,362,615) Froth Flotation of Rutile.

[FR Doc. 83-7038 Filed 3-17-83; 8:45 am]
BILLING CODE 3510-04-M

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Cooper Diagnostics, Inc., having a place of business at Malvern, Pennsylvania, an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Monoclonal Antibodies Reactive with Human Breast Cancer," U.S. Patent Application 6–330–959 (dated December 15, 1981). Copies of the Patent Application may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: March 3, 1983.

George Kudravetz,

Acting Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

[FR Doc. 83-7037 Filed 3-17-83; 8:45 am]
BILLING CODE 3510-04-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983 Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: March 18, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On December 10, 1982, August 20, 1982, and July 23, 1982, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 55512, 47 FR 36468, and 47 FR 31915) of proposed additions to Procurement List 1983, November 18, 1982 (47 FR 52101).

After consideration of the revelant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.

c. The actions will result in authorizing small entities to produce or provide commodities and services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1983:

Class 7530

Paper Set, Manifold and Carbon, 7530–00–401–6910, 7530–01–072–2536, 7530–01–072–2537, 7530–01–072–2538, 7530–01–072–2539 (For GSA Regions 4 and 9).

SIC 7349

Janitorial/Custodial, Federal Building-U.S. Courthouse, 400 South Phillips Street, Sioux Falls, South Dakota.

SIC 7369

Commissary Shelf Stocking, Naval Support Activity, Sand Point, Seattle, Washington.

C. W. Fletcher,

Executive Director.

[FR Doc. 83-7130 Filed 3-17-83; 8:45 am]
BILLING CODE 6220-33-M

Procurement List 1983 Proposed Additions and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped

ACTION: Proposed Additions to and Deletions from Procurement List

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

DATES: Comments Must be received on or before April 20, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 7920

Cloth, Wiping, Lint Free, 15" x 15", 7920–00–LL–L03–6103 (Requirement for Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii only).

U.S. Postal Service Item

Strap, Mail Tray, P.S. Item No. 01067.

SIC 0782

Grounds maintenance, Federal Service Center, 4747 Eastern Avenue, Bell, California.

Grounds Maintenance Federal Building and Post Office 11000 Wilshire Boulevard Los Angeles, California.

SIC 7349

Janitorial/Custodial Services Yakima Firing Center Yakima, Washington

SIC 7699

Bicycle Maintenance and Repair Naval Air Station, Miramar San Diego, California.

Deletions

It is proposed to delete the following commodities from Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 8120

Cap, Compressed Gas Cylinder, 8120-00-178-9814, 8120-00-179-0076.

C. W. Fletcher,

Executive Director.

[FR Doc. 83-7131 Filed 3-17-83; 8:45 am.]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Kansas City Board of Trade; Proposed Amendments Relating to the Freight Billing Requirements for Futures Contracts in Hard Winter Wheat, Corn and Soybeans

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule change.

SUMMARY: The Kansas City Board of Trade ("KCBT" or "Exchange") has submitted a proposal to amend the freight billing requirements for its hard winter wheat, corn and soybean futures contracts. The Commodity Futures Trading Commission ("Commission") has determined that the proposal is of major economic significance and that, accordingly, publication of that proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments should be received on or before April 18, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the Kansas City Board of Trade Rules 1209 and 1249.

FOR FURTHER INFORMATION CONTACT: Fred Linse, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. (202) 254-6990.

SUPPLEMENTARY INFORMATION: The Kansas City Board of Trade (KCBT) is proposing to amend certain rules of its hard winter wheat, corn and soybean futures contracts concerning freight billing requirements. the KCBT proposes to delete the transit billing requirements and provisions requiring the protection of proportional railroad rate structures applicable to the shipment of hard winter wheat, corn and soybean deliveries from Kansas City. Under the proposed amendments, Kansas City warehousemen would not be required to furnish transit billing on these deliveries, and hard winter wheat, corn and soybeans shipped from Kansas City would be subject to flat rail rates.

The KCBT notes that, with the recent enactment of legislation deregulating railroad rates and rate-making procedures, the provisions of Rules 1209.00, 1209.01, and 1249.00 are becoming obsolete and are no longer applicable for most rail shipments from Kansas City. The Exchange submits that the new rail rate structure for shipments from Kansas City is primarily flat, based upon mileage for a point to point move via a single carrier with no transit privileges allowed. The KCBT indicates that the proposed changes in Rules 1209.00, 1209.01, and 1249.00 would conform with the newly enacted railroad rate-making procedures. The Exchange intends to make the amendments effective for all contract months shortly after Commission approval, which may affect the value of existing contracts.

In accordance with Section 5a(12) of the Commodity Exchange Act, 7 U.S.C. 7a(12) (Supp. V 1981), the Commission has determined that the proposal submitted by the KCBT concerning its freight billing requirements for hard winter wheat, corn and soybean futures contracts is of major economic significance. Accordingly, the KCBT's proposal will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the KCBT in support of the proposed rules may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Commission, 2033 K Street NW., Washington, D.C. 20581, by April 18, 1983. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on March 14, 1983.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 83-7046 Filed 3-17-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Army Corps of Engineers, Department of the Army

Intent To Prepare a Regulatory Action Draft Environmental Impact Statement (DEIS) For a Proposed Public Mooring Facility and Breakwater Project in Auke Bay, Alaska

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action contemplates issuance of a permit to the Alaska Department of Transportation (ADOT) for construction of a floating breakwater in Auke Bay, Alaska. The purpose of this project is to provide additional moorage for transient vessels north of Mendenhall Bar, a major navigational obstruction for Juneau boaters heading into the more favorable northern fishing areas. The proposed project is to install a 1000 foot long floating breakwater and two large float units to provide public moorage for transient vessels. The estimated average potential use is 260 boats. It is anticipated that double or triple berthing would probably occur during periods of high demand for space, potentially pushing capacity up to 400 boats during peak use periods. In addition to the breakwater and floats, electric utilities, access floats, a fire protection system, a water supply system, a harbormaster's building, and a sewage pumpout facility would also be provided. There is some

private construction anticipated following emplacement of the breakwater. An evaluation of effects stemming from anticipated secondary private construction will be included in the DEIS.

2. Viable project alternatives considered in addition to the proposed action include construction of a dry marina, construction of a harbor at other sites near Juneau, and no action. In addition, alternatives for selected project features such as parking and water supply will be assessed.

3. The scope of the draft DEIS will be determined by reviewing concerns raised in past public meetings, hearings, and workshops, and by encouraging and seeking the involvement of individuals, organized groups, local, State, and Federal agencies, and expert opinion from other sources. These and other interested parties are invited to actively participate in the scoping process by expressing ideas and concerns related to the proposed project.

Significant issues to be analyzed in the DEIS will be determined by the ongoing public involvement program being conducted by the applicant, and by local, State and Federal agency comments. To date, these include the immediate and secondary effects relating to water quality, impacts from the development of a harbor water supply on the water supply for the Auke Bay community, potential displacement of bird, fish and mammal habitat related to expected increases in boat and automobile traffic, other immediate and secondary effects related to increased automobile traffic such as the adequacy of existing or proposed parking, effects of potential increases in litter, and effects of additional construction of private marinas behind the breakwater.

4. A scoping meeting to provide opportunity for public involvement and airing of concerns that may not have been presented in previous public meetings will be held on 5 April, 1983 at the Auke Bay elementary School in the community of Auke Bay, Alaska. The time has not yet been established, but will occur in the evening. Written comments regarding the scope of the DEIS are welcomed.

5. Estimated date for availability of the DEIS is August, 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by: William D. Lloyd, Chief, Environmental Resources Section, U.S. Army Engineer District, Alaska, Pouch 898, Anchorage, Alaska 99506.

Dated: March 4, 1983.

Neil E. Saling,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-7036 Filed 3-17-83; 8:45 am]

BILLING CODE 3710-NL-M

Department of the Navy

Permanent Disposal of Decommissioned, Defueled Naval Submarine Reactor Plants; Extension of the Comment Period on Draft Environmental Impact Statement

On December 22, 1982, the Department of the Navy announced that a draft environmental impact statement (EIS) had been prepared to assess the environmental implications of alternatives that could be used to permanently dispose of decommissioned, defueled naval submarine reactor plants. The announcement stated that written comments on the draft EIS should be submitted on or before March 31, 1983, in order to be incorporated into the final EIS.

Since the original announcement, requests have been received to extend the March 31, 1983, date. Public hearings have revealed that some individuals and state agencies desire additional time to prepare comments. To accommodate these needs, the date for receipt of comments has been extended to June 30, 1983. It is requested, however, that comments be submitted as soon as possible to facilitate their evaluation by the Navy.

Interested agencies, organizations and members of the general public desiring to submit comments on the draft EIS are invited to do so. Comments on the draft EIS will be considered in preparing the final EIS.

Written comments on the draft EIS may be submitted to: Captain Edward F. Wagner, U.S. Navy, Office of the Chief of Naval Operations (OPNAV-22), Department of the Navy, Washington, D.C. 20350. Telephone (202) 697-1961.

Written comments should be received on or before June 30, 1983, in order to be incorporated into the final EIS. Responses to all substantive comments will be published in the final EIS.

Single copies of the draft EIS may be obtained by writing Captain Edward F. Wagner, U.S. Navy, at the address given above in this announcement. The draft EIS may also be reviewed at the locations identified in the December 22, 1982, **Federal Register** announcement (pages 57,086-57,087).

Dated: March 15, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83-7067 Filed 3-17-83; 8:45 am]

BILLING CODE 3810-AE-M

Intent To Hold Public Review Meeting for the Draft Environmental Impact Statement for Alternative Location of a Landing Craft Air Cushion (LCAC) Operational Complex on the East Coast of the United States

Basing options for siting the Department of the Navy's proposed Landing Craft Air Cushion (LCAC) operational complex on the east coast of the United States are discussed in a Draft Environmental Impact Statement (DEIS) that was made available to the public on March 11, 1983. The LCAC base is projected to provide support for 54 LCAC and associated functions. The DEIS discusses candidate sites within a 50-mile radius of the Naval Amphibious Base, Little Creek, Virginia, provides detailed comparison of four significant candidate sites, and describes potential project impacts, as well as the no-action alternative. Environmental consequences of the proposed action will primarily affect ambient noise levels and on-site vegetation and wildlife.

The LCAC complex will consist of an approximately 30-acre parking apron connected to the beach by an access ramp, a large hanger-type maintenance building, a control tower, and administrative and support offices. Also on the site will be a washdown facility to remove salt and sand from the LCAC, a fueling facility, a fire station, and an automobile parking area.

In accordance with Council of Environmental Quality regulations, a public review meeting will be held April 7, 1983, at 7:30 p.m. at the Thalia Elementary School, 421 Thalia Road, Virginia Beach, Virginia. The purpose of this meeting will be to present a summary of the DEIS and to receive oral and/or written comments from the public. It is requested that persons desiring to make oral comments submit their intentions either in writing or by telephone to the contact listed below. Oral statements will be limited to five minutes, and lengthy or technical statements are requested to be submitted in writing.

The DEIS is available for public review at the following locations: Norfolk Chamber of Commerce, Virginia Beach Chamber of Commerce, Southeastern Virginia Planning District

Commission, Accomack-Northhampton Planning District Commission, Norfolk Public Library, Virginia Beach Public Library.

The Hearing Officer will be Commander Bob Groncznack, CEC USN, telephone (804) 444–9603.

Please address any correspondence or inquiries concerning the public review meeting to the following contact: Mr. T. J. Peeling (Code 2023TP), Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, Virginia 22332. Telephone: (202) 325–7342/3.

Dated: March 15, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83-7088 Filed 3-17-83; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

April 11, 1983, Monday, USCENTCOM, MacDill AFB, Florida. The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on intelligence support to tactical commanders.

Dated: March 15, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-7071 Filed 3-17-83; Filed 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on International Industry-to-Industry Armaments Cooperation; Advisory Committee Meeting

The Defense Science Board Task Force on International Industry-to-Industry Armaments Cooperation will meet in closed session on April 12, 1983 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on April 12, 1983 the Defense Science Board Task Force on International Industry-to-Industry Armaments Cooperation will continue its review of the Defense Department's policies, plans and procedures which impede or might impede international arms cooperation and thereby have the potential for adversely impacting the collective security of the United States, its friends and Allies. In this context the Task Force will also analyze the effect current international cooperation policies have on the utility of the U.S., its friends and Allies to achieve in good order and sustain mobilization capacities.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly these meetings will be closed to the public.

Dated: March 15, 1980.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 83-7070 Filed 3-17-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Gear Petroleum Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration hereby gives notice of a Proposed Remedial Order which was issued to Gear Petroleum Company of Wichita, Kansas.

The Proposed Remedial Order charges this company with pricing violations in the amount of $369,485.87, plus accrued interest, in sales of crude oil during the period of June 1979 through October 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106–2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR § 205.193.

Issued in Kansas City, Missouri on the 7th day of March, 1983.

Robert J. Wehrle-Einhorn,

Program Manager, Kansas City Office, Office of Special Counsel, Economic Regulatory Administration.

[FR Doc. 83-7102 Filed 3-17-83; 8:45 am]

BILLING CODE 6450-01-M

Proposed Consent Order With Fletcher Oil and Refining Company, Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Consent Order and Opportunity for Public Comment.

SUMMARY: The Economic Regulatory Administration (ERA) hereby gives the notice required by 10 CFR 205.199J(c) that it has signed a Consent Order with Fletcher Oil and Refining Company, Inc. (Fletcher). The Consent Order resolves all issues of compliance with DOE's Mandatory Petroleum Price and Allocation Regulations, with the exceptions noted in the Consent Order, for the period August 19, 1973 through January 27, 1981, when crude oil and petroleum products were decontrolled by Executive Order 12287, 46 FR 9909 (January 30, 1981). Fletcher has agreed to pay the amount of $2,800,000.00, plus installment interest, over a five-year period commencing May 1, 1983.

As required by the regulation cited above, ERA will receive comments on the Consent Order for a period of not less than 30 days following publication of this notice. ERA will consider any comments received before determining whether to make the Consent Order final.

Comments: To be considered, comments must be received by 5:00 p.m. on the thirtieth day following publication of this notice. Address comments to: Fletcher Oil and Refining Company, Inc., Consent Order Comments, Economic Regulatory Administration, U.S. Department of Energy, 333 Market Street (6th Floor), San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: John M. Daley, Deputy Chief Counsel, Economic Regulatory Administration, U.S. Department of Energy, 333 Market Street (6th Floor), San Francisco, California 94105, (415) 974–7110.

Copies of the Consent Order may be received free of charge by request in person or by written request to: Fletcher Oil and Refining Company, Inc., Consent Order Request, Economic Regulatory Administration, U.S. Department of

Energy, 333 Market Street (6th Floor), San Francisco, California 94105.

SUPPLEMENTARY INFORMATION: Fletcher owned and operated a crude oil refinery in Carson, California, and sold refined petroleum products, principally in California, during the time period August 19, 1973 through January 27, 1981.

ERA conducted an audit of Fletcher's books and records relating to the firm's compliance with DOE's Mandatory Petroleum Price and Allocation Regulations. During the audit, several regulatory questions and issues were raised. Except for matters specifically excluded from the proposed Consent Order (such as obligations which may arise under the final "entitlements list" for January 1981), this Consent Order resolves all civil issues, whether or not previously raised in an enforcement proceeding, concerning the allocation and sale of crude oil or refined products by the firm.

Neither ERA nor Fletcher has retreated from the positions that they have taken previously on the issues addressed by this Consent Order, and each believes that its positions on these issues are meritorious. The parties desire, however, to resolve the issues raised without resort to complex, lengthy, and expensive compliance actions. ERA believes that the terms and conditions of this Consent Order provide a satisfactory resolution of disputed issues and an appropriate conclusion of its audit of Fletcher and that the Consent Order is in the public interest.

The Consent Order requires Fletcher to make payments to DOE totalling $2,800,000.00, plus installment interest, over a five-year period commencing May 1, 1983. DOE will separately determine how the funds will be distributed.

Upon becoming final after consideration of public comments, the Order will be a final order of DOE to which Fletcher has waived its right to an administrative or judicial appeal. The Consent Order does not constitute an admission by Fletcher nor a finding by ERA of a violation of any federal petroleum price and allocation statutes or regulations.

Submission of Written Comments

Interested persons are invited to submit written comments concerning this Consent Order to the address noted above. All comments received by 5:00 p.m. on the thirtieth day following publication of this notice will be considered by ERA before determining whether to adopt the Consent Order as a final order. Modifications of the Consent Order that, in the opinion of ERA, significantly change the terms or impact of the Consent Order will be published for comment. If, after considering the comments it has received, DOE determines to issue the Consent Order as a final order, the Consent Order will be made final and effective by notice to Fletcher. Pursuant to 10 CFR 205.199J(c), DOE will thereafter promptly publish in the **Federal Register** notice of the action taken on this Consent Order and an appropriate explanation of that action.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in San Francisco, California, this 4th day of March 1983.

Raymond G. Gong,

Chief Counsel, San Francisco Office, Economic Regulatory Administration.

[FR Doc. 83-7100 Filed 3-17-83; 8:45 am]

BILLING CODE 6450-01-M

Tesoro Petroleum Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Tesoro Petroleum Corporation (Tesoro). This Proposed Remedial Order charges Tesoro with entitlements violations in the amount of $2,869,779.00, plus interest, in connection with Tesoro's participation in the Entitlements Program during the reporting period October 1977 and November 1977.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Milton C. Lorenz, Special Counsel, ERA, Washington, D.C., (202) 633-8925. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C. on the 12th day of March 1983.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration, Washington, D.C.

[FR Doc. 83-7101 Filed 3-17-83; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CI81-507-002]

Amoco Production Co.; Petition To Amend Certificate of Public Convenience and Necessity

March 15, 1983.

Take notice that on December 27, 1982, Amoco Production Company (Amoco) of P.O. Box 50879, New Orleans, Louisiana 70150, filed a petition for an order amending the certificate of public convenience and necessity issued April 2, 1982 in Docket No. CI81-507-000, as amended by FERC Order issued September 15, 1982 in Docket No. CI81-507-001. In support of this petition, Amoco respectfully states as follows:

On September 24, 1981, Amoco filed an application in Docket No. CI81-507-000 for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline and related compression in Baldwin County, Alabama. The facilities were to be utilized to deliver gas in satisfaction of Amoco's warranty contract with Florida Power and Light Company. By order issued April 2, 1982, the requested authorization was granted.

On May 14, 1982, Amoco filed an amended application to amend its certificate in Docket No. CI81-507-001 to increase its facility capacity to 24,000 MCF per day. This increase was to be facilitated by the installation of two compressors totaling 1355 BHP and a glycol dehydration unit. Amoco also requested that it be granted the flexibility to use gas from Baldwin County, Alabama, for either of its warranty contracts. Said amendment was approved by order dated September 15, 1982.

Amoco hereby requests that it be granted the flexibility to increase the facility capacity to 24,000 MCF per day either by the installation of two compressors totaling 1355 BHP and a glycol dehydration unit, as approved in Docket No. CI81-507-001, or by increasing the pressure of the 6⅝" 32 mile pipeline from 1000 psig to 1360 psig. The pipeline has been hydrostatically pressure tested to 1500 psig.

In consideration of the foregoing, Amoco requests that the certificate previously granted and amended, be amended as set forth above.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 31, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest 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 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.

[FR Doc. 83-7187 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-377-000]

Arkansas Power & Light Co.; Filing

March 15, 1983.

The filing Company submits the following:

Take notice that on March 9, 1983, Arkansas Power & Light Company (Company) tendered for filing a proposed change in one of the Company's rate schedules:

Arkansas Power & Light Company Rate Schedule, FERC No. 98

According to the Company Rate Schedule FERC No. 98 is a contract between the Company and the Conway Corporation of Conway, Arkansas. The Company indicates that the change in FERC No. 98 includes the addition of one point of delivery and increased capacity at another existing point of delivery. The Company further indicates that the change in FERC No. 98 is proposed to take effect on or about March 1, 1983. For this reason, the Company requests waiver of the Commission's notice requirements.

The Company states that there will be no change in rates or provisions in the schedule other than those noted above.

According to the Company a copy of the filing has been mailed to the Conway Corporation.

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 March 31, 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. 83-7188 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6355-001]

Big Rivers Electric Corp.; Surrender of Preliminary Permit

March 14, 1983.

Take notice that Big Rivers Electric Corporation, Permittee for the proposed Uniontown Hydroelectric Project No. 6355, has requested that its preliminary permit be terminated. The permit was issued on August 11, 1982, and would have expired on July 31, 1984. The project would have been located on the Ohio River in Union County, Kentucky.

The Permittee filed its request on February 15, 1983, and the surrender of the preliminary permit for Project No. 6355 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7175 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER83-248-000, ER81-736-000, and ER83-192-000]

Central Illinois Public Service Co.; Order Accepting for Filing and Suspending Rates, Noting Intervention, Granting Late Intervention, Granting Waiver of Notice, Consolidating Dockets and Establishing Hearing Procedures

March 14, 1983.

On January 13, 1983, Central Illinois Public Service Company (CIPS) tendered for filing two separate rates for firm wheeling service supplied under the company's W-5 general transmission tariff.[1] As discussed below, the first rate ($1.93/kw/month) tracks a settlement offer in an earlier CIPS docket. The second rate ($2.02/kw/month) represents a proposed increase in the settlement rate level.[2]

The proposed step-one rate evolves from the company's original W-5 rate schedule filed in Docket No. ER81-736-000. In that docket, settlement negotiations produced a settlement W-5 rate schedule, which was certified to the Commission on June 30, 1982.[3] The settlement offer incorporated the $1.93/kw rate. Having determined that genuine issues of fact remained, the Commission remanded the settlement on December 5, 1982, and instructed CIPS to elect whether it would proceed to trial on its original or its settlement rate schedule.[4] CIPS elected the latter, and accordingly filed the settlement W-5 rate schedule, and the required supporting documentation, with the Commission on January 13, 1983, in Docket No. ER83-248-000. CIPS concurrently filed its step-two rate which represents an increase to $2.02/kw/month, and which would increase CIPS' revenues by approximately $25,000 (4.66%) for the twelve months ending December 31, 1983.

In a related matter (Docket No. ER83-192-000), on December 14, 1982, CIPS filed an unexecuted service agreement under its tariff to govern wheeling service by CIPS to Mt. Carmel Public Utility Company at the W-5 settlement rate, beginning on January 1, 1983. Mt. Carmel, the only wheeling customer, agreed to the proposed rate level and the requested effective date. On February 10, 1983, the Commission accepted CIPS' filing, suspended the rate, waived the notice requirements,

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[1] *See* Attachment A for rate schedule designations.

[2] For purposes of convenience, these rates will be referred to as CIPS' step-one and step-two rates, respectively.

[3] *See* 19 FERC ¶ 63,098 (1982).

[4] *See* 21 FERC ¶ 61,297 (1982).

granted the January 1, 1983 effective date, and consolidated the docket with Docket No. ER81-736-000 for purposes of hearing and decision.

With respect to its instant filing, CIPS also requests waiver of the notice requirements so that the step-one rate may be made effective as of January 1, 1983, consistent with the filing in Docket No. ER83-192-000. CIPS further requests that the step-two rate take effect after whatever suspension period the Commission deems appropriate. Finally, CIPS requests that the instant docket be consolidated with the pending proceedings in Docket Nos. ER81-736-000 and ER83-192-000.

Notice of the filing in Docket No. ER83-248-000 was published in the **Federal Register**, with responses due by February 7, 1983. A group of Illinois Cities (Cities) [5] filed a timely protest and motion to intervene. Cities' stated interest in this proceeding lies in their potential use of CIPS' transmission system to receive power supplied by alternate sources. Cities allege that CIPS has deliberately foreclosed their use of transmission service by means of unjustified costing and restrictive conditions of service, and claim that these alleged practices are discriminatory, anticompetitive, and unduly preferential. In addition, Cities claim that CIPS has failed to file its case-in-chief, and that CIPS must be so ordered in accordance with the Commission's December 15, 1982 remand order in Docket No. ER81-736-000. Finally, Cities state that they do not concur in CIPS' request for waiver of the notice requirements. Instead, Cities argue for a five-month suspension on the grounds that CIPS' filing is based on the cost support submitted with CIPS' wholesale rate increase request in Docket No. ER83-78-000, which was suspended by the Commission for five months.[6]

On February 18, 1983, CIPS filed an answer to the Cities' protest and motion to intervene. While not opposing the intervention, CIPS disputes the Cities' assertions that the company failed to file its case-in-chief, and that a five-month suspension is appropriate. CIPS notes that it filed its case-in-chief on February 4, 1983, in accordance with the procedural schedule set in Docket No. ER81-736-000.[7] With respect to the suspension period sought by Cities, CIPS notes that because the Cities are not and do not plan to become CIPS wheeling customers in the near future, they are unaffected by whatever suspension period the Commission orders in this docket. In contrast, CIPS notes that its sole wheeling customer, which clearly is affected by the length of suspension to be ordered, not only agreed to a nominal suspension of the settlement W-5 rate when proposed by CIPS in Docket No. ER83-192-000,[8] but also declined to protest the step-two rate increase and associated suspension period proposed by CIPS in the instant docket.

On February 28, 1983, Illinois Power Company (IP) filed a late motion to intervene. IP seeks intervention based on its participation in the proceedings pending in Docket Nos. ER81-736-000 and ER83-192-000, with which CIPS' instant filing requests consolidation.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the Cities' unopposed motion to intervene serves to make them parties to this proceeding. In addition, we find that good cause exists to permit IP to intervene out of time, inasmuch as IP is a party to the proceedings in Docket Nos. ER81-736-000 and ER83-192-000, no disruption to the proceeding will result from permitting the intervention, and no prejudice or additional burdens will be placed upon existing parties. Accordingly, we shall grant late intervention under Rule 214(d).

Our preliminary review indicates that CIPS' rates have not been shown to be just and reasonable and may be unjust, unreasonaable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶61,189 (1982), we explained that where our preliminary review indicates that proposed rates may be unjust or unreasonable, but may not be substantially excessive as described in *West Texas*, we will ordinarily suspend the rates for a nominal period. Our analysis of the instant filing suggests that CIPS's proposed rates may not produce excess revenues. Thus, a nominal suspension is appropriate as to both the step-one and step-two rates. With respect to the step-one rates, we find that good cause exists to grant CIPS's request for waiver of notice, despite the Cities' objection. As noted, the step-one rate was submitted as a result of the Commission's remand order in Docket No. ER81-736-000. Furthermore, a service agreement incorporating the same rate was previously allowed to take effect (following waiver of notice) as of January 1, 1983, given the support for this result by the only currently affected customer. Because no other customer will be affected by the tariff rates until it elects to take service under the tariff, no prejudice will result from the requested waiver.[9] Accordingly, we shall suspend CIPS's step-one rate to become effective, subject to refund, on January 1, 1983. We shall suspend CIPS's proposed step-two rate for one day from 60 days after filing, to become effective, subject to refund, on March 16, 1983.

As a final matter, we note that the issues presented by CIPS' instant filing are substantially identical to those already before the presiding administrative law judge in consolidated Docket Nos. ER81-736-000 and ER83-192-000. Given the existence of common questions of law and fact, we shall consolidate Docket Nos. ER83-248-000 with the pending proceedings for purposes of hearing and decision.

The Commission orders:

(A) CIPS' request for waiver of the notice requirements with respect to its step-one rate is hereby granted.

(B) CIPS' proposed step-one and step-two rates are hereby accepted for filing; the step-one rates are suspended to become effective, subject to refund, on January 1, 1983, and the step-two rates are suspended for one day from sixty days after filing, to become effective, subject to refund, on March 16, 1983.

(C) IP's untimely motion to intervene is hereby granted pursuant to Rule 214 of the Commission's Rules of Practice and Procedure.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regualtions under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning

[5] The Illinois Cities include Bethany, Bushnell, Cairo, Carmi, Casey, Flora, Greenup, Marshall, Metropolis, Newton, Rantoul, and Roodhouse, Illinois.

[6] *See* 21 FERC ¶ 61,388 (1982).

[7] As discussed *supra*, the instant wheeling tariff, though assigned Docket No. ER83-248-000, was filed pursuant to the Commission's December 15, 1982 remand order in Docket No. ER81-736-000, and is in fact the tariff being investigated pursuant to the procedural schedule established in that docket.

[8] *See*, n. 3, *supra*.

[9] In order to commence service to another customer under the tariff, it will be necessary for CIPS to tender an appropriate service agreement. At that time, the customer can presumably object to any requests for waiver or a proposed effective date.

the justness and reasonableness of CIPS' transmission rates.

(E) Docket Nos. ER83–248–000, ER83–192–000, and ER81–736–000 are hereby consolidated for purposes of hearing and decision.

(F) The presiding administrative law judge in Docket Nos. ER83–192–000 and ER81–736–000 shall convene a prehearing conference if necessary to establish any additional procedures or schedules which would facilitate consideration of these consolidated dockets.

(G) the Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Central Illinois Public Service Company, Docket No. ER83–248–000, Rate Schedule Designations

FERC Electric Tariff, Original Volume No. 5

Designation and Description

1st Revised Sheet No. 1 (Supersedes Original Sheets No. 1 and 7); Rate Schedule W–5 for Transmission Service ($1.93/kw/month)
2nd Revised Sheet No. 2 (Supersedes 1st Revised Sheet No. 2); Losses
1st Revised Sheet No. 3 (Supersedes Original Sheet No. 3); Additional Terms and Conditions
1st Revised Sheet No. 4 (Supersedes Original Sheet No. 4); Save Harmless Clause
1st Revised Sheet No. 5 (Supersedes Original Sheet No. 5); Schedule A—Form of Service Agreement
1st Revised Sheet No. 6 (Supersedes Original Sheet No. 6); Form of Service Agreement—Signature Page
2nd Revised Sheet No. 1 (Supersedes 1st Revised Sheet No. 1); Rate Schedule W–5 for Transmission Service ($2.02/kw/month)

[FR Doc. 83–7178 Filed 3–17–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP83–211–000]

Columbia Gulf Transmission Co.; Application

March 15, 1983.

Take notice that on March 1, 1983, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001 filed in Docket No. CP83–211–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas at the inlet of the Blue Water gas plant, Acadia Parish, Louisiana, for processing by Exxon Company, USA (Exxon) for the recovery of liquefiable hydrocarbons, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and deliver up to 170,000 Mcf per day of certain gas owned by Columbia Gas Transmission Corporation (Columbia) to Exxon through existing pipeline facilities pursuant to a gas processing agreement dated December 13, 1982, between Columbia and Exxon. It is asserted that the gas to be processed is part of the gas stream being transported through Applicant's available capacity in the Blue Water Project facilities and would be transported and delivered through Applicant's existing piping which connect the Blue Water facilities to the Blue Water gas plant. It is stated that in return for such service Exxon has agreed to reimburse Columbia on a thermal basis for the acquisition cost of the gas removed as shrinkage and used as fuel at the plant and has renegotiated certain of Columbia's take-or-pay obligations under gas purchase sales agreements. The proposed service is for a term of five years from the commencement of the processing operations at the plant, it is stated.

It is also asserted, that Exxon would have the right to select Columbia's sources for the plant volume reduction to the extent that such selections are available for delivery at the plant. Gas transported by Applicant for companies other than Columbia would not be available for selection by Exxon, it is stated. It is also asserted that Exxon under certain contractual provisions of the December 15, 1982, agreement may exert the right to furnish its own sources of gas to be processed through the plant. Upon execution of this option Exxon has agreed to reimburse to Columbia any cost, fee or charge borne by Columbia or Applicant which is allocable to the transportation of Exxon's plant volume reduction quantities, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 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. 83–7189 Filed 3–17–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER83–375–000]

Consumers Power Co.; Cancellation

March 15, 1983.

The filing Company submits the following:

Take notice that on March 7, 1983, Consumers Power Company (Consumers) tendered for filing a Notice of Cancellation of the Contract for Wholesale Electric Service with the City of Coldwater, Michigan, filed with the Federal Energy Regulatory Commission by the Company and adopted by the Commission in FERC Docket No. ER83–228, is to be cancelled.

Consumers requests an effective date of December 3, 1982.

Copies of the filing were served on the City of Coldwater and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 31, 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. 83-7190 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-504-003]

Delmarva Power & Light Co.; Refund Report

March 15, 1983.

The filing Company submits the following:

Take notice that on March 2, 1983, Delmarva Power & Light Company submitted a refund report pursuant to the Commission's order of acceptance of settlement issued on January 21, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 1, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7191 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE82-27-000]

Public Utility District of Grant County; Application for Exemption

October 5, 1982.

Take notice that Public Utility District of Grant County (Grant County) filed an application on June 28, 1982 for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, and biennially thereafter, information on the costs of providing electic service as specified in Subparts B, C, D, and E.

In its application for exemption Grant county states that it should not be required to file the specified data for the following reasons in part:

(1) Gathering the required 133 cost of service information is costly and has no beneficial value.

(2) Grant County's rates are among the lowest in the Nation. The necessity of a rate increase is not anticipated before 1985 and possibly not before 1987.

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45 day period such person must also serve a copy of such comments on: Mr. Brendon T. Jose, Public Utility District of Grant County, P.O. Box 878, Ephrata, Washington 98823.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7193 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-38-000]

Great Lakes Gas Transmission Co.; Filing of Petition To Permit Waiver of Tariff Provisions

March 14, 1983.

Take notice that on December 29, 1982, Great Lakes Gas Transmission Company (Great Lakes) tendered for filing a petition that for the contract year ending October 31, 1982, the Commission authorized it to waive the minimum annual bill provision contained in Section 4.1(b) of Rate Schedule SQ to Great Lakes' FERC Gas Tariff, First Revised Volume No. 1.

Great Lakes' tariff for contract quantity (CQ) service provides for a minimum monthly bill in § 4.1(a) and for a minimum annual bill in § 4.1(b). This petition does not concern the minimum monthly bill set forth in § 4.1(a). It requests a waiver of the minimum annual bill to the limited extent set forth in the filing for the contract year ending October 31, 1982.

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, NE., Washington, D.C. 20426, in accordance with the 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 March 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7177 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP65-379-000]

Husky Pipeline Co.; Change in Operations

March 15, 1983.

Take notice that on February 18, 1983, Husky Pipeline Company (Applicant), P.O. Box 380, Cody, Wyoming 82414, filed in Docket No. CP65-379-000 a notice pursuant to § 152.5 of the Commission's Regulations under the Natural Gas Act (18 CFR 152.5) (NGA) of a change in operations making inapplicable its exemption from the provisions of the NGA and the regulations of the Commission thereunder pursuant to Section 1(c) of the NGA, all as more fully set forth in the notice which is on file with the Commission and open to public inspection.

It is submitted that by order of the Federal Power Commission issued July 28, 1965, in Docket No. CP65-379 (34 FPC 125), Applicant was declared exempt from the provisions of the NGA pursuant to Section 1(c) thereof and from the rules and regulations of the Commission issued thereunder.

It is explained that Applicant's service consisted of transporting natural gas for the account of Cody Gas Company (Cody) from the tailgate of Husky Oil Company's (Husky Oil) Ralston Plant in Park County, Wyoming. It is further explained that Applicant's facilities consisted of approximately 22 miles of 4½-inch O.D. transmission pipeline (Ralston Residue Gas Line) extending southwest from the tailgate of said plant to a point of connection with the facilities of Cody, asserted by Applicant to be a public utility transporting and selling natural gas within Park County, Wyoming, and subject to the regulatory jurisdiction of the Public Service Commission of Wyoming. It is further asserted the Ralston Residue Gas Line

was certificated by order of the Public Service Commission of Wyoming on August 5, 1964, in Docket No. 9456.

Applicant submits that Husky Oil's sales were certificated by order of the Federal Power Commission issued July 23, 1965, in Docket No. CI65-1249. Applicant further submits that abandonment of those sales was approved by order issued August 6, 1982, in Docket No. CI82-71-000.

It is asserted that by order of the Public Service Commission of Wyoming issued November 15, 1982, in Docket No. 9456, SUB 6, Applicant was granted authority to sell its Ralston Residue Gas Line to Cody, submitted by Applicant to have been executed and conveyed January 18, 1983.

Any person desiring to be heard or to make any protest with reference to said notice should on or before April 5, 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 at 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7193 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5414-001]

Jackson Water Development; Surrender of Preliminary Permit

March 14, 1983.

Take notice that Jackson Water Development, Permittee for the proposed Boulder Creek Hydroelectic Project No. 5414, has requested that its preliminary permit be terminated. The permit was issued on February 12, 1982, and would have expired July 31, 1983. The project would have been located on the Boulder Creek in Douglas County, Oregon.

The Permittee filed its request on February 7, 1983, and the surrender of the preliminary permit for Project No. 5414 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7179 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-371-000]

Kansas City Power & Light Co.; Filing

March 15, 1983.

The filing Company submits the following:

Take notice that the Kansas City Power & Light Company (KCPL) on March 7, 1983, tendered for filing Service Schedules for Transmission Service and for Transmission and Subtransmission Service under Agreements with the following customers in the State of Kansas:

Customer	Service schedule filed herewith	Superseding and replacing
Kansas Gas and Electric Company.	Service Schedule G.	New Schedule.
City of Ottawa, Kansas.	Service Schedule F-MPA-2.	Service Schedule F-MPA-1, Supplement No. 9 to KCPL's Rate Schedule FERC No. 90.
City of Baldwin City, Kansas.	Service Schedule F-MPA-1.	Service Schedule F-MPA, Supplement No. 6 to KCPL's Rate Schedule FERC No. 85.

KCPL states that the purpose of this filing is to establish rates for Transmission Service and for Transmission and Subtransmission Service applicable to power and energy received by KCPL from the Board of Public Utilities of Kansas City, Kansas, and transmitted to Kansas Gas and Electric Company and to the Cities of Ottawa and Baldwin City, Kansas, by KCPL through its existing transmission facilities.

KCPL requests an effective date of March 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before March 31, 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. 83-7194 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5726-001]

Modesto Irrigation District; Surrender of Preliminary Permit

March 14, 1983.

Take notice that Modesto Irrigation District, Permittee for the proposed Buchanan Dam Hydroelectric Project No. 5726, has requested that its preliminary permit be terminated. The permit was issued on February 17, 1982, and would have expired July 31, 1983. The project would have been located at the Corps of Engineers' Buchanan Dam on the Chowchilla River in Madera County, California.

The Permittee filed its request on February 7, 1983, and the surrender of the preliminary permit for Project No. 5726 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7176 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5727-001]

Modesto Irrigation District; Surrender of Preliminary Permit

March 14, 1983.

Take notice that Modesto Irrigation District, Permittee for the proposed Hidden Dam Hydroelectric Project No. 5727, has requested that its preliminary permit be terminated. The permit was issued on February 17, 1982, and would have expired July 31, 1983. The project would have been located on the Fresno River at the Corps of Engineers' Hidden Dam in Madera County, California.

The Permittee filed its request on February 7, 1983, and the surrender of the preliminary permit for Project No. 5727 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7180 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6565-001]

Modesto Irrigation District; Surrender of Preliminary Permit

March 14, 1983.

Take notice that Modesto Irrigation District (MID), Permittee for the Deep Hole Creek Project No. 6565, has requested that its preliminary permit be terminated. The permit was issued on November 26, 1982, and would have expired on May 31, 1984. The project would have been located on Deep Hole Creek in Mendocino County, California.

MID filed its request on February 7, 1983, and the surrender of the permit for Project No. 6565 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7181 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER81-70-002, and ER81-71-002]

New England Power Co.; Compliance Filing

March 15, 1983.

The filing Company submits the following:

Take notice that on March 2, 1983, New England Power Company submitted a compliance filing pursuant to the Commission's Opinion No. 158, issued on February 4, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 1, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7196 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-42-000]

Northwest Central Pipeline Corp.; Complaint of Midwest Gas Users Association Regarding NCP's Take-or-Pay Abuses and Petition for Consolidation

March 15, 1983.

Take notice that on January 24, 1983, Midwest Gas Users Association (Midwest), pursuant to the provisions of the Natural Gas Act (NGA) and Rules 206 and 207 of the Commission's Rules of Practice and Procedure, submitted for filing its Complaint against Northwest Central Pipeline Corporation (NCP) Oklahoma City, Oklahoma, formerly Cities Service Gas Company.

Midwest requests that the Commission institute a hearing under the provisions of Sections 5 and 14 of the NGA to determine the "propriety and reasonableness" of NCP's proposed inclusion of take-or-pay payments in its rate base and/or cost of service. Midwest states that NCP's take-or-pay obligations are clearly excessive, are the result of improvidently and recklessly negotiated contracts, and represent an abuse of NCP's public utility obligation and a violation of the NGA.

Any person desiring to be heard or to protest said complaint 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 the 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 March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7197 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-374-000]

Public Service Company of New Hampshire; Filing

March 15, 1983.

The filing Company submits the following:

Take notice that Public Service Company of New Hampshire (PSNH) on March 8, 1982, tendered for filing an initial rate for the exchange of excess capacity and associated energy from the PSNH system for an equal amount of capacity from certain Central Vermont Public Service units. The timing of the exchanges cannot be accurately predicted, but PSNH and Central Vermont Public Service will only enter into exchange when each will derive economic benefit therefrom.

Central Vermont Public Service will pay to PSNH an energy reservation charge which is the product of the capacity exchange amount, expressed in kilowatts, for each such exchange, and a rate which will be mutually agreed to by the parties hereto prior to the commencement of such exchange, which rate shall in no event exceed the cost justified rate of $0.00615 per kilowatt hour. Central Vermont Public Service will pay to PSNH an energy charge in an amount equal to the kilowatt hours provided by PSNH during such exchange times the energy charge rate. The energy charge rate is based on the heat rate and the New England Power Exchanges (NEPEX) Replacement Fuel Price of the generating unit(s) which PSNH determines to be available to provide system power at the time of each such exchange.

Copies of the filing were served upon Central Vermont Public Service, the New Hampshire Public Utilities Commission, and the Vermont Public Service Board.

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 or Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 31, 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. 83-7198 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4891-001]

Rust Hydro Generating Co.; Surrender of Preliminary Permit

March 14, 1983.

Take notice that Rust Hydro Generating Company, Permittee for the proposed Patterson Creek Project No. 4891, has requested that its preliminary permit be terminated. The permit was issued on April 29, 1982, and would have expired October 31, 1983. The project would have been located on the Patterson Creek in Siskiyou County, California.

The Permittee filed its request on February 14, 1983, and the surrender of the preliminary permit for Project No.

4891 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7182 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-376-000]

St. Joe Mineral Corp.; Filing

March 15, 1983.

The filing Company submits the following:

Take notice that on March 9, 1983, St. Joe Minerals Corporation (St. Joe) tendered for filing two contracts for wholesale service from the generating plant at St. Joe's zinc smelter at Monaca, Pennsylvania. The first contract, dated July 21, 1981, is with Duquesne Light Company (Duquesne), and the second, dated January 4, 1982, is with GPU Service Corporation (GPU) acting as agent for its operating affiliates, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company. In addition, St. Joe tendered for filing a contract with Duquesne dated January 21, 1982 providing for delivery of the power sold to GPU under the contract of January 4, 1982. St. Joe requests that each of the three contracts be permitted to become effective as a rate schedule under the Federal Power Act as of the date of its execution.

Copies of the filing have been served upon the two customers and the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 31, 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. 83-7199 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1923-000-002]

Lawrence H. Shay; Application

March 15, 1983.

The filing individual submits the following:

Take notice that on March 9, 1983, Lawrence H. Shay filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President Administrative Services—The Connecticut Light & Power Company

Senior Vice President Administrative Services—Western Massachussetts Electric Company Officer

Senior Vice President Administrative Services—Holyoke Water Power Company Officer

Senior Vice President Administrative Services—Holyoke Power and Electric Company.

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 Rule of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 31, 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. 83-7186 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-203-000]

Transcontinental Gas Pipe Line Corp.; Application

March 15, 1983.

Take notice that on February 22, 1983, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-203-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to acquire, by lease, compression facilities located at South Marsh Island Block 66, offshore Louisiana, previously installed and placed in service by Aminoil USA, Inc., Amerada Hess Corporation, the Louisiana Land & Exploration Co., and Union Texas Petroleum Corp., (producers) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that during the summer of 1980 preliminary discussions commenced between Applicant and the producers regarding the feasibility of Applicant's installing compression facilities at South Marsh Island Block 66. Applicant further states that pursuant to the terms of a letter agreement executed by the producers and Applicant dated July 14, 1981, Transco agreed to install or cause installation of compression facilities at South Marsh Island Block 66. It is asserted that due to a rapid delination in wellhead pressures, Aminoil USA, Inc., as operator, leased one Ingersall-Rand reciprocating 1050 horsepower compressor on August 7, 1980, and one Solar Saturn 1050 horseposer centrifigal compresson on October 22, 1980, prior to execution of the letter agreement but after a general consensus had be reached that Transco would provide the necessary compression facilities. It is further asserted that the Solar Saturn compressor would be replaced by a 930 horsepower Energy Industries compressor in early 1983 and that by December 31, 1983, the Intersall-Rand compressor would no longer be required.

Applicant states that Aminoil USA, Inc., seeks reimbursement for the lease cost related to such facilities and Applicant seeks to fulfill its obligation by acquisition of the lease on the subject compression facilities, the payment of such costs as well as costs related to installation, maintenance, operation and removal of such compression facilities. The estimated total cost for reimbursement of all compression costs through 1987 is $3,359,017, it is submitted. It is stated that the facilities proposed to be acquired would be financed initially through revolving credit arrangements, short-term loans, and funds on hand with permanent financing to be undertaken at a later date.

Applicant states that the subject facilities have been installed on the producers' platform and are used to increase gas deliverability and reserve recovery in the field dedicated to Applicant and that the use of such facilities would be unchanged after their acquisition by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 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. 83-7200 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-114-002]

Trunkline Gas Co.; Petition To Amend

March 15, 1983.

Take notice that on February 9, 1983, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-114-002, a petition to amend the order issued September 8, 1981, in Docket No. CP81-114-000 [1] pursuant to Section 7(c) of the Natural Gas Act so as to authorize a change in the transportation service that Trunkline is authorized to perform on behalf of Northern Natural Gas Company, Division of Internorth, Inc. (Northern), a change in transportation service that Trunkline is authorized to perform on behalf of Panhandle Eastern Pipe Line Company (Panhandle), and to modify a condition of the September 8, 1981 order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is asserted that the order of September 8, 1981, authorized Trunkline and Panhandle to transport and deliver Northern's gas to Longville, Louisiana, for further transportation by Trunkline and Panhandle and redelivery to Northern by Panhandle in Kiowa County, Kansas. Trunkline herein requests amendment of the order of September 8, 1981, pursuant to a June 18, 1982, amendment to the agreement between Trunkline, Panhandle, and Northern, so as to allow Trunkline to deliver Northern's gas to United Gas Pipe Line Company (United) for the account of Northern at existing points of interconnection between Trunkline's and United's facilities in Olla, Centerville, and Garden City, Louisiana, in lieu of delivery at Longville. Pursuant to the amended agreement, it is stated, Panhandle would no longer make ultimate redelivery to Northern in Kiowa County, Kansas. It is stated that Northern would pay Trunkline a monthly demand charge of $52,720 based on a firm transportation quantity of 8,000 Mcf per day.

Trunkline states that as partial consideration for the transportation service Northern agreed to sell to Panhandle up to 20 percent of the volumes received by Trunkline, the purchase price of which would be Northern's actual weighted average purchase price per Mcf for the respective month plus associated cost of service charges applicable to facilities Northern installs or causes to be installed to provide service to effect deliveries herein. Trunkline indicates that the June 18, 1982, amendment allowed Trunkline to be included in the option to purchase gas from Northern.

The order of September 8, 1981, also authorized Trunkline to transport the sales gas which Panhandle purchases from Northern and to redeliver such gas to Panhandle at an existing interconnection between the facilites of Trunkline and Panhandle in Douglas County, Illinois. It is stated that Trunkline and Panhandle have amended the transportation agreement so that Panhandle would pay Trunkline a firm monthly demand charge of $24,100 based upon a firm transportation quantity of 2,000 Mcf per day to be adjusted downward by a unit charge of 39.63 cents per Mcf of gas when Trunkline purchases under the option.

The order of September 8, 1981, included the following Ordering Paragraph (D):

(D) The issuance of the certificate in Docket No. CP81-114-000 and the approval of any initial rates are without prejudice to a determination of the proper apportionment of costs between the transportation and handling of liquids and liquefiable hydrocarbons or non-hydrocarbon constituents which are ultimately removed from the gas stream, and the transportation and handling of natural gas in any proceeding where Northern, Panhandle, or Trunkline files to include the costs associated with this transaction in its natural gas rates, or in any proceeding where the transportaton transaction is at issue. Trunkline shall separately state its charges for these two categories of service.

Trunkline requests that Ordering Paragraph (D) of the September 8, 1981, order be amended to permit the treatment of costs associated with liquids and liquefiables to be controlled by the appropriate resolution of these matters in the settlement offer Trunkline has submitted in Docket No. RP80-106.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 5, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7201 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[1] Panhandle and Trunkline jointly received authorization in the order issued September 8, 1981. However, the change in services contemplated herein involves only Trunkline.

[Docket Nos. RP71-29-000, et al. and RP71-120-001, et al. (Phase II)]

United Gas Pipe Line Co.; Informal Settlement Conference

March 15, 1983.

Take notice that in informal settlement conference of all interested parties to this proceeding will be held on March 31, 1983, at 10:00 a.m. at the offices of the Federal Energy Regulatory

Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

The informal conference is being held pursuant to Article VIII of the settlement agreement approved by the Commission in the above captioned dockets on October 8, 1982. Opinion No. 150, 21 FERC ¶ 61,016. Among other things, Article VIII requires that:

[n]o later than April 1, 1983, * * * United shall be required to submit to all parties a supply forecast for at least a three-year period subsequent to November 1, 1983, and to convene a settlement conference for the purpose of determining the most appropriate curtailment program for future implementation on United's system.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7184 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-373-000]

Utah Power & Light Co.; Filing

March 15, 1983.

The filing Company submits the following:

Take notice that on March 8, 1983, Utah Power & Light Company (Utah), tendered for filing a revised Appendix 1 as required by Exhibit C for retail sales in its Idaho jurisdiction, together with the Bonneville, Power Administration's Average System Cost Report in which Bonneville determined the Average System Cost for the Idaho residential jurisdiction in accordance with the provisions of the Residential Purchase and Sale Agreement (Agreement) between Utah and objections regarding certain adjustments made by BPA's Average System Cost determination.

Utah states that the Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, PL 96-501. The Agreement provides for the exchange of electric power from Utah and Bonneville for the benefit of the Company's Idaho jurisdictional residential and farm customers.

Utah proposes an effective date of October 1, 1982.

Copies of the filing were served upon Bonneville, the Idaho Public Utilities Commission, and upon all parties that made comment on Utah's Appendix 1 filing.

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 March 31, 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. 83-7185 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF80-5011-004]

Western Area Power Administration; Order Granting Motion and Extending Time Within Which To File Substitute Rates

March 15, 1983.

Before this Commission is a request by the Assistant Secretary of the U.S. Department of Energy to extend until May 31, 1983, the period within which the Assistant Secretary is to file substitute rates in this docket. By order issued May 4, 1982, the Commission disapproved interim rates submitted by the Assistant Secretary on behalf of the Western Area Power Administration (WAPA) for Commission confirmation and approval on a final basis.[1] The rate schedules, applicable to power generated from the Central Valley Project (CVP), were found to be deficient by about $4.5 million on an annual basis with respect to WAPA's long-term revenue requirements and were also found to result in a short-term revenue deficiency of an additional $6.6 million annually. In light of these deficiencies, the Comission found that the proposed rates did not meet the statutory standards of providing WAPA with sufficient revenues to recover CVP operating costs and to repay the federal investment within a reasonable time.[2] The Commission therefore disapproved and rejected the rates, and ordered WAPA to submit substitute rates within 120 days that would recover the above-noted deficiencies.

In response to our order, the Assistant Secretary, on June 3, 1982, filed a motion requesting that the Commission extend the 120-day period provided for the filing of substitute rates. In support of the motion, the Assistant Secretary maintained that WAPA could not, without considerable effort, time, and dedication of staff and computer resources, prepare the necessary Power Repayment Study (PRS) in order to file the ordered substitute rates within the 120-day time period. The Assistant Secretary therefore proposed that a new rate, which is currently being developed by WAPA for filing in May 1983 and which is expected to increase the CVP's rates by approximately 200% over the 1979 rate, be treated as the substitute rate required by our May 4, 1982 order.

The Commission, on July 2, 1983, rejected the Assistant Secretary's request for extension of the 120-day filing period.[3] The Commission noted in its order that an indefinite extension of time, as requested by the Assistant Secretary, would effectively cause the current interim rate to remain in effect as if it were the final confirmed and approved rate, thereby violating the statutory criteria enunciated in Section 9(c) of the Reclamation Act of 1939. The Commission therefore rejected the Assistant Secretary's request, without prejudice.

Subsequently, on August 9, 1982, the Assistant Secretary filed a renewed motion for extension of time within which to file substitute rates, which motion is presently before us. The Assistant Secretary's August 9, 1982 motion requests an extension for a specific period of time in order to comply with the Commission's May 4, 1982 order. The request, if granted, would extend the filing period beyond September 2, 1982, to May 31, 1983. The Assistant Secretary states that, because of changes made in the Bureau of Reclamation's computers and in the computer programs, and the fact that WAPA has now developed its own computer system, WAPA cannot recreate a PRS on the same basis as its original computer model, develop a substitute rate, and also allow for its requiried public comments in less than nine months.

The Assistant Secretary also maintains that all of WAPA's rate setting staff is presently dedicating its time to the current rate adjustment for the CVP which is expected to become effective on or before May 31, 1983. If the staff were to review the PRS which was the basis of the disapproved rates and develop a substitute rate on the basis of the study, the Assistant Secretary contends that they will not be able to work on the current rate adjustment. The Assistant Secretary points out that the current rate adjustment is important since, if the

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[1] "Order Disapproving Rate Schedules" Docket No. EF80-5011-000, 19 FERC ¶ 61, 112 (May 4, 1982), *rehearing denied*, 20 FERC ¶ 61,006 (July 2, 1982).

[2] *See* Section 9(c) of the Reclamation Act of 1939, 43 U.S.C. § 485h(c).

[3] "Order Denying Rehearing and Motion for Extension of Time." 20 FERC ¶ 61,008 (July 2, 1982).

CVP rate is not modified before May 1983, the contract of one of CVP's largest customers, the Sacramento Municipal Utility District (SMUD), may prevent a rate adjustment to SMUD for an additional five year period.

In further support of the requested extension, the Assistant Secretary asserts that the current rate proceedings will be specifically addressing each of the issues raised in the Commission's May 4, 1982 "Order Disapproving Rate Schedules." He further states that any deficiency resulting from the past rates will be recovered by these current proposed rates, should the Assistant Secretary's request be granted.

Since the filing of the Assistant Secretary's renewed request, the Commission has issued a series of limited extensions of time for filing substitute rates in order to consider what action should be taken in this proceeding.

Discussion

The Secretary of Energy's Delegation Order No. 0204–33 specifies that substitute rates should be filed within 120 days unless the Commission sets a different time. Nevertheless, our orders directing that substitute rates are to be filed within 120 days have been almost uniformly met with requests for extensions of time based on allegations that the Power Marketing Administrations cannot meet the 120-day deadline because of other requirements imposed by the Secretary of Energy.

For the past few months, members of the staff of this Commission, the Department of Energy, and the Power Marketing Administrations has been meeting to attempt to improve the overall procedures for processing federal rate cases. In order to further consider the merits of WAPA's request for an extension in the instant docket, in part because of this ongoing procedural review, we have granted several interim extensions of time to WAPA. As a practical matter, therefore, the originally requested extension has been largely granted already. Additionally, we expect that any agreement between the Commission and the Department of Energy on the federal ratemaking process will improve that process and reduce or eliminate procedural delays and frequent requests for extensions in the future. Under these circumstances, we will grant the Assistant Secretary's request to extend the present WAPA rates for the remaining period, until May 31, 1983. Furthermore, given the fact that our earlier order required WAPA to develop increased CVP rates in any event, we will also grant the request that WAPA be permitted to file its new CVP rate increase in lieu of filing separate substitute rates. However, in future cases we shall expect that the Commission's orders will be complied with in a timely fashion in the absence of extraordinary circumstances.

The Commission orders:

(A) The Assistant Secretary's request for an extension of time to file rates in this proceeding on or before May 31, 1983, is hereby granted.

(B) The Assistant Secretary's request to permit WAPA to develop and file a new CVP rate, to be filed in lieu of the substitute rate required by the Commission's May 4, 1982 order, is hereby granted.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7188 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS83-58-000, et al.]

Applications for "Small Producer" Certificates [1]

March 15, 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 March 31, 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 therin 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
CS83-58-000	2/22/83	F. C. Hixon Trust U/W S/O Elizabeth F. Hixon (3031799), Alamo National Bank Trust Department, P.O. Box 900, San Antonio, Tex. 78293.
CS83-59-000	2/22/83	Alamo National Bank, Trustee for Elizabeth F. Hixon Trust (3031705), Alamo National Bank Trust Department, P.O. Box 900, San Antonio, Tex. 78293.
CS83-60-000	2/18/83	Jan Christine Thompson, Trust No. 2, 4500 Republic Bank Tower, Dallas, Tex. 75201.
CS83-61-000	2/22/83	Frank Boyd, Box 2073, Midland, Tex. 79702.
CS83-62-000	2/22/83	Lois D. Cannady, P.O. Box 372, Cedar Hill, Tex. 75104.
CS83-63-000	2/25/83	Linda Beavers, 4500 Republic Bank Tower, Dallas, Tex. 25201.
CS83-64-000	2/28/83	Brock Petroleum Corp. 1300 Main St., 3rd Floor, Houston, Tex. 77002.
CS83-65-000	3/2/83	WTG Exploration, Inc., 211 N. Colorado, Midland, Tex. 79701.
CS83-66-000	3/1/83	Pontchartrain Oil & Gas Corp., 305 Baronne St., Suite 405, New Orleans, La. 70112.
CS83-67-000	3/7/83	Ruth Zimmerman, Trustee for Ruth Zimmerman Trust, P.O. Box 1904, Santa Fe, N. Mex. 87501.
CS83-68-000	3/7/83	TomKat, Ltd., Box 18122, Wichita, Kans. 67218.
CS83-69-000	3/7/83	Richard F. Clayton & Lavean M. Clayton, 2102 N. Lee Ave., Farmington, N. Mex.

[FR Doc. 83-7192 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

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

Office of Secretary

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Switzerland

Pursuant to section 131.a (2) (G) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended. Energy, as amended.

This subsequent arrangement would bive approval to the transfer within the European Community of 66.3 kilograms of fissile plutonium from the COGEMA reprocessing facility at La-Hague to either the COGEMA fuel fabrication facility at Cadarache and finally to Creys-Malville for loading into the Super Phenix Breeder reactor, or to the Belgonucleaire facility at Mol, Belgium and/or to the Alkem facility at Hanau, the Federal Republic of Germany, for use as fuel in the SNR-300 fast breeder reactor at Kalkar, the Federal Republic of Germany. The plutonium was recovered from spent nuclear power reactor fuel of U.S. origin transferred from Switzerland to France for reprocessing with U.S. approval in 1981. When we granted that approval, it was conditioned on the understanding with the Swiss Government that any subsequent transfer and/or use of the recovered plutonium would be subject to prior U.S. approval. The Swiss have now requested that we approve the use of the recovered plutonium as part of the fuel for the Super Phenix or for the SNR-300.

This transfer is designated as a "subsequent arrangement" under the Nuclear Non-Proliferation Act of 1978.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, after careful and comprehensive analysis, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take no sooner than fifteen days after the date of publication of this notice and after fifteen days of continuous sessions of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: Monday, March 14th, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-7109 Filed 3-17-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59119 BH-FRL 2324-7]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marking purposes under section 5(h) (1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h) (6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: April 4, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-59119]" and the specific TME number should be sent to:

Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), OPffice of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

TME 83-29

Close of Review Period. April 17, 1983.
Manufacturer. Confidential.
Chemical. (G) Etheric aromatic ester.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: Up to 3 workers, up to 60 hours total.
Environmental Release/Disposal. No information submitted.

TME 83-30

Close of Review Period. April 17, 1983.
Manufacturer. Confidential.
Chemical. (G) Organosiloxane copolymer.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. Confidential.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Dated: March 14, 1983.

Woodson W. Bercaw,

Acting Director, Management Support Divison.

[FR Doc. 83-7094 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51458; TSH-FRL 2324-8]

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 interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seventeen PMNs and provides a summary of each.

DATES: Close of Review Period:
PMN 83-533 and 83-534, June 1, 1983.
PMN 83-535, 83-536 and 83-537, June 4, 1983.
PMN 83-538, 83-539, 83-540, 83-541, and 83-542, June 5, 1983.
PMN 83-543, June 6, 1983.

PMN 83–544, 83–545, 83–546, 83–547, 83–548 and 83–549, June 7, 1983.

Written comments by:

PMN 83–533 and 83–534, May 2, 1983.

PMN 83–535, 83–536 and 83–537, May 5, 1983.

PMN 83–538, 83–539, 83–540, 83–541 and 83–542, May 6, 1983.

PMN 83–543, May 7, 1983.

PMN 83–544, 83–545, 83–546, 83–547, 83–548 and 83–549, May 8, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS–51458]" and the specific PMN number should be sent to: Document Control Officer (TS–793), 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: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460, (202–382–3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

PMN 83–533

Manufacturer. Confidential.

Chemical. (G) Alkaneamine, alkane acid epoxy propyl ester, alkane aldehyde polymer.

Use/Production. (G) Incorporated into a final product. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Less than 10 kg/yr released to land. Disposal by incineration and approved landfill.

PMN 83–534

Manufacturer. Confidential.

Chemical. (G) Etheric aromatic ester.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–535

Importer. Montedison USA, Inc.

Chemical. (S) N,N'-bis(2,2,6,6-tetramethyl-4-piperidyl) hexamethylenediamine polymer with ethane-1,2-dibromo.

Use/Import. Confidential. Import range: Confidential.

Toxicity Data. Acute oral: 1,500 mg/kg; Acute dermal: 5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Moderate; Ames Test: Non-mutagenic.

Exposure. Processing and disposal: dermal and inhalation, up to 4 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83–536

Manufacturer. Confidential.

Chemical. (S) Polymer of poly(oxytetramethylene)diol, toluene diisocyanate polymer, isocyanate terminated and benzenamine, 4,4'-methylenebis and 2-butanone oxime.

Use/Production. (G) Component of industrial and consumer article. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: a total of 7 workers, up to 8 hrs/da, up to 6 da/yr.

Environmental Release/Disposal. Disposal by incineration and landfill.

PMN 83–537

Manufacturer. Confidential.

Chemical. (G) Waterborne urethane-acrylic polymer.

Use/Production. (S) Industrial and commercial waterborne coating. Prod. range: 2,000–100,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted. Disposal by incineration and approved landfill.

PMN 83–538

Manufacturer. Confidential.

Chemical. (G) Polymer of diethylenetriamine and higher polyamine with dibasic esters.

Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 12 workers, up to 5 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. Less than 10–100 kg/yr released to water. Disposal by publicly owned treatment works (POTW).

PMN 83–539

Manufacturer. Confidential.

Chemical. (G) Substituted aralkylsilanes.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Acute oral: 8.00 ml/kg; Acute dermal: 16 ml/kg; Irritation: Skin—Non-irritant, Eye—Minimal; Ames Test: Non-mutagenic; LC_{50}: Low acute toxicity; BOD_{20}: 46%.

Exposure. Manufacture: dermal, inhalation and eye, a total of 20 workers, up to 25 hrs/da, up to 98 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83–540

Manufacturer. Confidential.

Chemical. (G) Polyamidoamine.

Use/Production. (S) site limited intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Very slight, Eye—Slight; Acute inhalation: No adverse effects; BOD_{10}: 17% total oxygen demand consumed; Bioconcentration: Not expected; 96 hr. LC_{50} (Pimephales promelas)—3.5 mg/L; 48 hr. LC_{50}: (Daphnia magna)—2.3 mg/L.

Exposure. Manufacture and use: dermal, a total of 12 workers, up to 1 hr/da, up to 300 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration and on-site waste treatment.

PMN 83–541

Manufacturer. Confidential.

Chemical. (G) Polymer of carbonic acid and mixed aromatic diols containing sulfone diol.

Use/Production. (G) Industrial and consumer engineering thermoplastic applications and articles. Prod. range: Confidential.

Toxicity Data. Acute oral: >10,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Slight.

Exposure. Manufacture and processing: dermal and inhalation, a total of 9 workers, up to 16 hrs/da, up to 110 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to air, with 100–1,000 kg/yr to water. Disposal by biological treatment system and incineration.

PMN 83–542

Manufacturer. Confidential.

Chemical. (G) Alkyl, alkylene maleate.

Use/Production. Confidential. Prod. range: 2,000–6,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker, up to 1 hr/da, up to 5 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to water. Disposal by approved landfill and POTW.

PMN 83–543

Manufacturer. Confidential.

Chemical. (G) Polymer of diethylenetriamine and higher

polyamines with dibasic esters, reacted with epichlorohydrin.

Use/Production. (G) Dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 4–6 workers, up to 24 hrs/da, up to 350 da/yr.

Environmental Release/Disposal. 10–10,000 kg/yr released to water. Disposal by POTW.

PMN 83–544

Manufacturer. Confidential.

Chemical. (G) Unsaturated polyester.

Use/Production. (S) Industrial reinforced plastic molding resin. Prod. range: 4,800,000–8,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing, use and disposal: dermal and inhalation, a total of 15 workers, up to 1 hr/da, up to 260 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by biological treatment system and incineration.

PMN 83–545

Importer. Confidential.

Chemical. (S) Benzene, 1-3-bis(isocyanatomethyl).

Use/Import. (G) Incorporated into a final product. Import range: Confidential.

Toxicity Data. Acute oral: 840 mg/kg; Irritation: Skin—Moderate, Eye—Severe; Inhalation LC_{50}: 181.8 mg/m^3/4 hr; Ames Mutagenicity: Negative; Skin Sensitization: Sensitizer.

Exposure. Confidential.

Environmental Release/Disposal. Less than 10 kg/yr released to land. Disposal by incineration or approved landfill.

PMN 83–546

Manufacturer. Confidential.

Chemical. (G) Substituted phenolazo, substituted purazolone.

Use/Production. (S) Dye intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and disposal: dermal, a total of 6 workers, up to 5 hrs/da, up to 2 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by POTW.

PMN 83–547

Manufacturer. Confidential.

Chemical. (G) Substituted phenolazo, substituted pyrazolone.

Use/Production. (S) Dye intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and disposal: dermal, a total of 6 workers, up to 5 hrs/da, up to 2 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by POTW.

PMN 83–548

Manufacturer. Emery Industries, Inc.

Chemical. (S) Carboxylic acids, C_6-C_{18} mono-and C_{6-18} di-, C_4–C_{11} di-, polymers with phthalic anhydride and propylene glycol.

Use/Production. (S) Industrial plasticizer for polyvinyl chloride resin. Prod. range: 0–73,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing, and disposal: dermal, a total of 6 workers, up to 2 hrs/da, up to 10–20 da/yr.

Environmental Release/Disposal. 100–1,000 kg/yr released to water and land. Disposal by incineration and approved landfill.

PMN 83–549

Manufacturer. Confidential.

Chemical. (G) Substituted acetamide.

Use/Production. (G) Incorporated as a minor constituent in an article for commercial use. Prod. range: 1–3 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: potential dermal and inhalation, minimal.

Environmental Release/Disposal. No release.

Dated: March 14, 1983.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 83-7065 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

[SA-FRL 2325-8]

Science Advisory Board, Laboratory Organization Review Group; Open Meeting

Under Pub. L. 92–463, notice is hereby given of a meeting of the Science Advisory Board's Office of Research and Development Laboratory Organization Review Group. The meeting will be held on April 7, 1983, starting at 9:15 a.m. in Room 3906–08, Waterside Mall, EPA Headquarters, 401 M Street, SW., Washington, D.C. 20460.

The purpose of this meeting will be to discuss the findings of the various laboratory review teams who have been conducting site visits since mid-February of this year. The team leaders will report their findings to the full Review Group, and the Review Group will discuss these findings among themselves and with officials of the Office of Research and Development. The six review teams are: The Health Effects Research Laboratory Review Team, including a review of the Office of Health and Environmental Assessment; the Environmental Engineering Research Laboratory Review Team; the Environmental Chemistry and Transport Research Laboratory Review Team; the Environmental Biology Research Laboratory Review Team; the Environmental Measurements Research Laboratory Review Team; and the Headquarters/Laboratory Review Team.

Plans will be made at this meeting for any necessary mid-course corrections needed in the Review Group's plans and for the writing of the Review Group's report, which will be transmitted to the Administrator of the Environmental Protection Agency upon its completion.

The meeting is open to the public. Any member of the public wishing to obtrain information should contact Dr. Terry F. Yosie, Staff Director, Science Advisory Board, (202) 382–4126 by the close of business April 1, 1983.

Dated: March 14, 1983.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 83-7066 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

[W-2-FRL 1978-3]

Sole or Principal Source Aquifer Petition; Griffithsville—Yawkey, West Virginia

AGENCY: Environmental Protection Agency.

ACTION: Notice of Determination.

SUMMARY: The Administrator of the Environmental Protection Agency (EPA), on April 6, 1979 was petitioned pursuant to Section 1424(a) of the Safe Drinking Act (SWDA), to designate an area in the vicinity of Griffithsville and Yawkey, West Virginia as one in which no new underground injection well may be operated prior to the date on which an underground injection control program takes effect, unless a permit has been issued for the well by EPA. After consideration of the Petition itself and other relevant information, the Administrator finds that the subject area does not meet the designation criteria of Section 1424(a). The Petition is therefore denies.

ADDRESSES: The data, reports and maps upon which the denial of the petition is based are available for public review during normal business hours at the EPA Region III Water Supply Branch, Curtis

Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

FOR FURTHER INFORMATION CONTACT:
S. Stephen Platt, Hydrogeologist, Environmental Protection Agency, Region III, 3WA32, Water Supply Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106. Telephone (215) 597-9017.

SUPPLEMENTARY INFORMATION:

Description of Section 1424(a)

The Safe Drinking Water Act was enacted on December 16, 1974. Section 1424(a)(1) of the Act provides that:

> Any person may petition the Administrator to have an area of a State (or States) designated as an area in which no new underground injection well may be operated during the period beginning on the date of the designation and ending on the date on which the applicable underground injection control program covering such are takes effect unless a permit for the operation of such well has been issued by the Administrator under subsection (b). The Administrator may so designate an area within a State if he finds that the area has one aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health.

This Section is an interim measure designed to protect certain important aquifers from contamination by new underground injection wells during the period between enactment of the SDWA and the date that a State UIC program takes effect under Section 1422. In order for an area to qualify for designation, the Administrator must make the findings specified in the Act:

1. that the area has one aquifer which is its sole or principal drinking water source, and;

2. that if the aquifer were contaminated, a significant hazard to public health would be created.

The burden of proving facts to support these findings rests on the party requesting designation. If either finding cannot be supported, the petition must be denied.

If a designation is made, no new underground injection wells may be operated in the area without a permit from the Administrator. Once a state's UIC program takes effect, the Administrator's authority to make designations, or to issue permits for wells covered by the program under Section 1424(a), terminates.

Background

On April 6, 1979, EPA received a petition from the Appalachian Research and Defense Fund, Inc. requesting designation pursuant to Section 1424(a) of "an area in the vicinity of Griffithsville—Yawkey, West Virginia." The boundary of the area was defined by reference to two oil fields comprising 1218 acres and 2750 acres known respectively as "Pennzoil Corporation Griffithsville Unit #1" and "Guyan Oil . . . Griffithsville Unit." the petitionrs cited enhanced oil recovery projects involving injection of brine and carbon dioxide into underground wells in these areas as contributing to contamination of household wells owned by local residents.

The petition itself did not provide any data on the existence of an aquifer or the extent of aquifer usage as a sole or principal drinking water source for the area. Nor did it provide any rationale for a finding that contamination of the aquifer would create a significant hazard to public health. Since the act requires specific findings on these issues, the EPA requested considerable additional information from the petitioneers on April 25, 1979.

In framing this request, the agency was guided by the criteria set out in proposed regulations for Section 1424(e) of the Act under 40 CFR 148.10, 42 FR 51622 (September 29, 1977). Designations made under Section 1424(e) require findings similar to those involved here, and the proposed regulations provide useful guidance to the type of information the Agency believes is required to support a designation petition under Section 1424(a). Relevant data on groundwater usage and population, geologic descriptions of the aquifer and the area requested for designation, as well as technical information associated with current injection well practices were all specified in the agency's request.

On June 28, 1979 the petitioners made a partial response to the request, and indicated that the West Virginia Department of Natural Resources (DNR) had agreed to supply EPA with much of the geologic and technical information. DNR submitted its report on November 21, 1979 and included a detailed geologic description of the area, water quality data on drinking wells drilled over several years, technical data on injection wells involved in the enhanced oil recovery projects and population and water usage data for the area. After an opportunity to study this lengthy submittal, EPA published the petition on February 5, 1981 in the **Federal Register** (46 FR 11027), and requested public comments.

Summary and Discussion of Public Comments

Public Participation

EPA received two comments in response to the F.R. notices. Both commenters asked that the petition be denied on the basis that the aquifer involved is not a sole or principal drinking water source for the area. Their conclusion, which is borne out in the data supplied by DNR, is based on evidence that the aquifer supplies only a small portion of the water used in the area, and that a readily available alternative drinking water source exists. EPA agrees with this conclusion.

Summary of Data

An aquifer may be defined as, "a water saturated geologic unit that will yield water to wells or springs at a sufficient rate so that the wells or springs can serve as practical sources of water supply." (E. E. Johnson Corp.), Ground Water and Wells, 1975. A similar definition is found in the technical UIC regulations at 40 CFR 146.03 stating that "[a]quifer means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring." 45 FR 42472 (June 24, 1980).

Geological studies of the area in question show that it contains several water-bearing formations which are folded and layered over one another. Although separate formations can sometimes be termed separate aquifers, these formations have such a high permeability due to fractures and jointing that it is impossible to separate them hydrologically. Data gathered by DNR indicated that wells drilled to various depths between 30 and 1000 feet, which end in different formations, yield such quantities of water that the existence of an aquifer is clear. The agency believes that this evidence is sufficient to meet the statutory criterion that the area contains one aquifer. Other data submitted by DNR and one commenter show that over 80 percent of the water supplied to the area comes from a surface supply source, however. In August of 1979 the Alum Creek Public Service District water system was completed which extends through Yawkey to Griffithsville and serves approximately 167 out of 200 homes in the area. Only one small section within the petitioned area, known as Bear Fork, is not on the public system. The 33 familes there rejected an offer of access to the system, although the EPA is advised that if the residents express sufficient interest, a spur line can be run to Bear Fork at a (1979) cost of approximately $151.00 per tap.

Basis for Determination

On the basis of the above information, the Administrator finds that the area in

question contains one acquifer, but that it is not a sole or principal drinking water source. Since only 33 out of about 200 homes in the area use groundwater, it is clear that the aquifer is not a major source of supply. In order to be a "sole or principal drinking water source" the Agency believes that an aquifer must supply a higher percentage of water to an area than the 20 percent involved here. The proposed Section 1424(e) regulations, cited above, define that statutory term to mean an aquifer which supplies 50 percent or more of the water to an area. While not directly applicable to Section 1424(a), the Agency believes that the 50 percent standard provides a reasonable guide to a "principal" source determination. Since the area involved in this petition does not even come close to supplying that percentage of water to the area, the petition must be denied.

Because of the finding that the aquifer is not a sole or principal drinking water source, it is unnecessary to determine whether a significant hazard to public health would be created if it were contaminated. Both statutory criteria must be met for a designation to be made, and failure to meet either of them will result in denial of a petition.

Under Executive Order 12291 EPA must judge whether a publication is "major" and therefore subject to the requirement of a regulatory impact analysis. This Notice is not major because the determination results in denial of a request to regulate a particular area. Thus there is no regulatory burden imposed on anyone. This Notice was submitted to the Office of Management and Budget for review as required by the Executive Order.

Because there are no regulatory burdens imposed by this action, I hereby certify pursuant to 5 U.S.C. 605(b), that this action will not have a significant economic impact to a substantial number of small entities.

Dated: March 15, 1983.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 83-7082 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2325-3]

Intent To Prepare an Environmental Impact Statement; Coal Ash Ocean Disposal Site

AGENCY: Environmental Protection Agency—Region II.

ACTION: Preparation of an Environmental Impact Statement on the Designation of a Coal Ash Ocean Disposal Site.

Purpose: In accordance with the Environmental Protection Agency's (EPA) Procedures for voluntary preparation of environmental impact statements (EISs) on significant regulatory actions (39 FR 37419, October 21, 1974), the EPA will prepare an EIS on the proposed designation of an ocean disposal site to receive coal ash. This Notice of Intent is issued pursuant to 40 CFR 1501.7, section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA) and 40 CFR Part 228 "Criteria For The Management of Disposal Sites for Ocean Dumping." The purpose of the EIS is to evaluate the beneficial and adverse environmental impacts associated with the ocean disposal of coal ash. Alternative ocean disposal sites will be examined (including the 106-Mile Site) to determine whether any site should be designated for the ocean disposal of coal ash generated by coal-fired utilities located in the New York/New Jersey metropolitan area.

FOR FURTHER INFORMATION CONTACT: Mr. Richard M. Walka, Environmental Impacts Branch, USEPA—Region II, 26 Federal Plaza, Room 400, New York, New York 10278. Telephone—FTS 264-1840, Commercial (212) 264-1840.

SUMMARY: EPA's decision to prepare a site designation EIS is based upon an application from the Consolidated Edison Company (Con Ed) for a Special Ocean Dumping Permit. As part of its oil-to-coal conversion program, Con Ed has submitted an application to the EPA to use the 106-Mile Ocean Disposal Site to dispose of coal ash on an interim basis (2 to 4 years) until a suitable land-based alternative is available.

As part of the EIS scoping process, we request that all interested parties submit comments on the proposed scope of the EIS within 45 days of the date of this notice. All comments should be addressed to Anne Norton Miller, Chief, Environmental Impacts Branch, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278.

Dated: March 15, 1983.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 83-7086 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2325-3]

Availability of Environmental Impact Statements Filed March 7 Through March 11, 1983 Pursuant To 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities General Information (202) 382-5075 or 382-5076.

Corps of Engineers:

EIS No. 830142, Final, COE OK, Fry Creeks Local Flood Protection, Tulsa County, due: Apr. 11, 1983

EIS No. 830143, Final COE TX, Texas City Channel Modification, Galveston County, due: Apr. 11, 1983

EIS No. 830141, FSuppl, COE FL, Dade County Beach Erosion Control and Hurricane Protection Study, due: Apr. 11, 1983

Department of Commerce:

EIS No. 830135, DSuppl, NOA, SEV, PAC, CA, WA, OR, 1984 Ocean Salmon Fisheries Framework Management Plan, due: May 9, 1983

Department of the Interior:

EIS No. 830137, Draft, BLM, NM, Las Cruces/Lordsburg Area Resource Management Plan, due: June 16, 1983

EIS No. 830139, Draft, IBR, OR, Galesville Water Resources Development, Douglas County, Due: May 7, 1983

Department of Transportation:

EIS No. 830144 DSuppl, UMT, TX, Houston Rail Rapid Transit Project, Harris County, due: May 2, 1983

EIS No. 830131, FSuppl, FHW, ND, US 2 Upgrading, Leeds to Devils Lake, Benson and Ramsey Counties, due: Apr. 18, 1983

Department of Housing and Urban Development:

EIS No. 830134, Draft, HUD, TX Houston Areawide Study, Fort Bend and Brazoria Counties, due: May 2, 1983

EIS No. 830136, Draft, CDB, NY, Syracuse University Inn and Conference Center, UDAG, Ononda County, due: May 2, 1983

Environmental Protection Agency:

EIS No. 830140, Final, EPA, FL, Tallahassee-Leon County Wastewater Management Plan, Grant, due: Apr. 18, 1983

Department of Agriculture:

EIS No. 830133, Draft, SCS, CA, Lower Silver Creek Watershed Flood Prevention Plan, Santa Clara County, due: May 2, 1983

EIS No. 830138, Draft, AFS, CA, Gasquet Mtn. Mining Project, Approval, Six Rivers NF, Del Norte County, due: May 2, 1983

Amended Notices:

EIS No. 830118, Draft, NOA, PR, La Parguera National Marine Sanctuary Designation and Management, Published FR March 4, 1983—Review extended, due: May 3, 1983

Dated: March 15, 1983.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 83-7085 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 83-187, et al.]

Florida Broadcasters et al.; Hearing

Adopted: March 2, 1983.
Released: March 10, 1983.

In re application of: George M. Arroyo, Tomas Carrasquillo, and Esperanza T. Arroyo d.b.a. Florida Broadcasters, Pine Hills, Florida, MM Docket No. 83-187, File No. BP-820611AG; Req: 1140 kHz, 1 kW, D; John T. Rutledge, Lockhart, Florida, MM Docket No. 83-188, File No. BP-820621AE; Req: 1140 kHz, 2.5 kW, D; Adib Eden, Sr., and Marcos P. Perez d.b.a. Spanish Family Radio of Central Florida, Ltd., Pine Hills, Florida, MM Docket No. 83-189, File No. BP-820916AC; Req: 1140 kHz, 1 kW, D; For Construction Permit; Designating Applications for Consolidated Hearing on Stated Issues.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau has under consideration the above-captioned mutually exclusive applications for new AM stations. In addition, it has before it a petition to dismiss the application of John T. Rutledge filed by Florida Broadcasters.

2. *John T. Rutledge.* The petition to dismiss filed by Florida Broadcasters asserts that John T. Rutledge is also an applicant for a new AM broadcast station in Oviedo, Florida. The two proposals have 1 mV/m contours which overlap. If both were granted, Rutledge would be in violation of Section 73.35(a) of the multiple ownership rules.[1] Florida Broadcasters requests that the Lockhart application be returned as unacceptable for filing. However, the Oviedo proposal is no longer before the Commission. That application was returned as unacceptable for filing by letter dated August 24, 1982 because it involved prohibited overlap with a co-pending application for a new station in Plant City, Florida and it was filed too late to compete with that application Therefore, we will dismiss the petition to dismiss of Florida Broadcasters as moot.

3. In response to Question 3(b) of Section II, FCC Form 301, which asks whether any funds, credits, etc., for construction, purchase, or operation of the station will be provided by aliens, foreign entities, domestic entities controlled by aliens and foreign governments, Mr. Rutledge answered in the affirmative, but failed to file the required exhibit. He answered "no" to Question 1 of Section VII, which asks for certification that he has or will comply with the public notice requirement of § 73.3580 of the Commission's Rules. Mr. Rutledge did not submit the required explanation; therefore, it appears that this may be an error. Amendments must be submitted within 30 days of the release of this Order, to correct the above omissions.

4. In addition, Mr. Rutledge has partially certified as to his financial qualifications. He failed to answer Question (2)(a), (b), and (c) of Section III of FCC Form 301. Accordingly, he will be given 30 days from the release of this Order to submit to the Administrative Law Judge the certification required by the Form or advise that he cannot make the required certification. In the latter event, the Administrative Law Judge shall specify an issue as may be appropriate.

5. *Spanish Family Radio of Central Florida, Ltd.* Spanish Family Radio failed to specify a ground system. An amendment must be submitted within 30 days of the release of this Order.

6. *Other matters.* All of the applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be set for hearing in a consolidated proceeding. Since the proposals are for different communities, an issue must be specified to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of them would better provide a fair, efficient, and equitable distribution of radio service. In the event it should be concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), a contingent comparative issue will be specified.

7. Accordingly, *It is ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

2. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would on a comparative basis better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. *It Is Further Ordered,* That the petition to dismiss filed by Florida Broadcasters is DISMISSED as moot.

9. *It Is Further Ordered,* That John T. Rutledge shall submit the amendments specified in paragraph 3 above, within 30 days of the release of this Order.

10. *It Is Further Ordered,* That John T. Rutledge shall submit the financial certification specified in paragraph 4 above, or advise the Administrative Law Judge that certification cannot be made, within 30 days of the release of this Order.

11. *It Is Further Ordered,* That Spanish Family Radio of Central Florida, Ltd., shall submit the amendment specified in paragraph 5 above within 30 days of the release of this Order.

12. *It Is Further Ordered,* That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

13. *It Is Further Ordered,* That pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in such rules, and shall addvise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-7030 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

[1] Section 73.35(a) requires in pertinent part that no license will be granted to any party if such party directly or indirectly owns, operates, or controls one or more AM stations, and the grant of such license will result in any overlap of the predicted or measured 1 mV/m groundwave contours of the existing and proposed stations.

[MM Docket No. 83-192, et al.]

Mobile Broadcast Service, Inc., et al.; Hearing

Adopted: March 9, 1983.

Released: March 14, 1983.

In re applications of Mobile Broadcast Service, Inc., Prichard, Alabama, Req: 960 kHz, 2.5. kW, D MM Docket No. 83-

192; File No. BP-20,613; MBB, Inc., Daphne, Alabama, Req: 960 kHz, 5 kW, DA-D, MM Docket No. 83-193, File No. BP-780728AH; Bay Broadcasting Corporation, WWAX, Chickasaw, Alabama, Has: 840 kHz, 1kW, D(Mobile), Req: 960 kHz, 500W, 2.5 kW-LS, DA-N, U, MM Docket No. 83-194, File No. BP-780728AQ; for construction permit; designating applications for consolidated hearing on stated issues.

By the Chief, Mass Media Bureau.

1. The Commission by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned mutually exclusive applications for AM broadcast stations.[1] In addition, we have before us a petition to deny the Mobile Broadcasting Service, Inc., proposal filed by WABB, Inc., licensee of station WABB, Mobile, Alabama.

2. *The Mobile Broadcast Service, Inc., Proposal.* Mobile Broadcast's 0.5 mV/m contour overlaps the 0.025 contour of co-channel station KROF, Abbeville, Louisiana, in violation of § 73.37(a) of our Rules. The transmitter sites of the two stations are 243 miles apart, though, and this overlap results exclusively from the extensive salt water paths provided by the Gulf of Mexico. We have waived Section 73.37(a) under similar circumstances in the past, *see, e.g., Larson-Irwin Enterprises (KOAG),* 6 FCC 2d 613 (1967), and we will do so here as well.

3. WABB's concerns of distortion of its nighttime signal are of a kind which would normally warrant a reradiation condition to any Mobile Broadcast grant. It appears from the pleadings before us, however, that WABB is no longer using the nighttime array it petitioned to protect. Rather, the licensee is now operating at night with its daytime array and is seeking to convert its special temporary authority to do so into a permanent authorization.[2] To require Mobile Broadcast to protect a nonexistent operation is clearly unfounded. Hence, we will withhold any reradiation condition until (and unless) WABB returns to its former nighttime site.

4. With respect to WABB's challenges to Mobile Broadcast's nontechnical qualifications to be a Commission licensee, we are persuaded that the applicant is financially qualified to construct and operate as proposed and that is has not, as petitioner claims, intentionally misled either the Commission or the public. Hence, we find in WABB's allegations of unreported changed circumstances and inaccurate coverage maps no basis for further inquiry.

5. *The MBB, Inc., Proposal.* By amendment of November 29, 1982, MBB reported a criminal indictment returned against its stockholder Lloyd E. Taylor. The applicant proposes to obtain and disclose the facts concerning this matter in an appropriate amendment, which submission will be evaluated by the presiding Administrative Law Judge as to its effects on the applicant's qualifications to be a Commission licensee.[3]

6. *The Bay Broadcasting Corporation Proposal.* While our records indicate no local public notice of the initial filing of Bay Broadcasting's proposal, the applicant's subsequent public notice of the filing of a major amendment (later withdrawn) includes all relevant information concerning the original submission as well. Substantial compliance with Section 73.3580 of our Rules has therefore been achieved.[4,5]

7. The applicants propose to serve different communities. Therefore, in addition to an issue to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

8. As indicated by the issues specified below, the applicants are qualified to construct and operate as proposed.[6] However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

9. Accordingly, *it is ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding,* at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

2. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it be concluded that a choice among the aplicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

10. *It is further ordered,* that the petition to deny filed by WABB, Inc., *is denied.*

11. *It is further ordered,* That MBB, Inc. and Bay Broadcasting Corporation *shall submit* the amendments specified in footnotes 3 and 5 of this Order, respectively, within 30 days of the release of this Order.

12. *It is further ordered,* That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate written appearances stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. *It is further ordered,* That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of designation for hearing as prescribed in the rule, and shall advise the Commission of the publication of their notices as required by § 73.3594(g) of the Rules.

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[1] A buy-out agreement between Mobile Broadcast and MBB has been rejected by the Commission, *Mobile Broadcasting Service, Inc.*, FCC 82-442, 52 RR 2d 670 (1982). An agreement between Mobile Broadcast and Bay Broadcasting has been withdrawn by the parties.

[2] WABB's original nighttime array was destroyed by a hurricane.

[3] MBB, Inc., has not submitted the site photographs required by our application form, an omission which must be corrected by appropriate amendment within 30 days of the release of this Order.

[4] The Applicant also complies substantially with the coverage requirements of § 73.24(j) of our Rules, making waiver of the provision unnecessary.

[5] Bay Broadcasting has not submitted the site photographs required by our application form and has submitted an erroneous standard horizontal-plane pattern as well. These matters must be corrected by appropriate amendment within 30 days of the release of this Order.

[6] Operation with the facilities specified herein is subject to modification, suspension or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements between the United States and other countries.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-7031 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-204, et al.]

Southern Broadcasting Co., Inc., et al; Hearing

Adopted: March 10, 1983.

Released: March 14, 1983.

In re applications of Southern Broadcasting Co., Inc., Natchez, Mississippi, MM Docket No. 83-204, file No. BPCT-820730KF; Signal America, Inc., Natchez, Mississippi, MM Docket No. 83-205, File No. BPCT-821007KF; MSLA Broadcasting, Inc., Natchez, Mississppi; MM Docket No. 83-206, File No. BPCT-821008KM; for construction permit; designating applications for consolidated hearing on stated issues.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television station on Channel 48, Natchez, Mississippi.

2. The effective radiated visual power, antenna height above average terrain and other technical data submitted by Southern indicate that there would be a significant difference in the size of the area and population that it proposes to serve and the size of the areas and populations that the other applicants propose to serve. Consequently, for the purposes of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B) contour, together with the availability of other television service of 64 dBu (Grade B) or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

Southern Broadcasting Co., Inc. (Southern)

3. Section 73.636(a)(1) states that no license for a television broadcast station shall be granted to any party if such party directly or indirectly controls one or more FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed television station encompassing the entire community of license of the FM broadcast station. Southern is the licensee of Station WTYJ(FM), Fayette, Mississippi. Fayette is entirely encompassed by Southern's proposed city grade contour; however, Southern has represented to the Commission that it will dispose of station WTYJ(FM), Fayette, Mississippi, prior to the commencement of operation on Channel 48, Natchez, Mississippi, if it is the successful applicant. Accordingly, any grant of a construction permit to Southern will be conditioned upon its divestiture of all interest in, and connection with, station WTYJ(FM), Fayette, Mississippi.

4. Section II, item 10, FCC Form 301, inquires whether documents, instruments, agreements or understandings for the pledge of stock of a corporate applicant, as security for loans or contractural performance, provide that (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of stockholder rights by the purchaser at such sale, the prior consent of the Commission (pursuant to 47 U.S.C. 310(d)) will be obtained. A negative response to this question requires a full explanation. Southern answered "no" to item 10; however, it did not submit the required explanation. Southern will be required to submit its explanation to the presiding Administrative Law Judge within 15 days after the date of the release of this Order.

Signal America, Inc. (Signal)

5. Signal proposes to mount its antenna on the existing WNAT(AM), Natchez, Mississippi, tower. Any grant of a construction permit to Signal will be conditioned to ensure that WNAT's radiation pattern is not adversely affected by the construction of the proposed station.

MSLA Broadcasting, Inc. (MSLA)

6. No determination has been made that the tower height and location proposed by MSLA would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.[1]

7. MSLA did not submit page 3, Section V-C, FCC Form 301. Applicant will be required to submit the requested information to the presiding Administrative Law Judge within 15 days after the release date of this Order.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, *it is ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding*, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to MSLA Broadcasting, Inc. whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. *It is further ordered*, That, in the event of a grant of Southern Boardcasting Co., Inc.'s application, it will be conditioned as follows:

Prior to the commencement of operation of the television station authorized herein, permittee shall certify to the Commission that it has divested itself of all interest in, and connection with, Station WTYJ(FM), Fayette, Mississippi.

11. *It is further ordered*, That Southern shall submit its explanation for answering "no" to Section II, item 10, FCC Form 301, January, 1982, to the presiding Administrative Law Judge within 15 days after the date of the release of this Order.

12. *It is further ordered*, That, in the event of a grant of Signal America, Inc.'s application, the construction permit shall be conditioned as follows:

During installation of the TV Antenna, AM station WNAT, Natchez, Mississippi, shall determine operating power by the indirect method. Upon completion of the installation, antenna impedance measurements of the AM antenna shall be made. The results shall be submitted to the Commission, along with a tower sketch of the installation, in an application for the AM station to return to the direct method of power determination. Thereafter, the TV station may commence *Limited Program Tests.*

13. *It is further ordered*, That the Federal Aviation Administration *is made a party respondent* to this proceeding with respect to issue 1.

14. *It is further ordered*, That MSLA Broadcasting, Inc. submit the

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[1] The Commission is not in receipt of the Federal Aviation Administration's study.

information requested in Section V–C, page 3, FCC Form 301 to the presiding Administrative Law Judge within 15 days after the release of this Order.

15. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

16. *It is further ordered,* That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Divisions, Mass Media Bureau.

[FR Doc. 83-7032 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-195, File No. BPH-810123AO, etc.]

First Capital Communications, Inc. et al.; Hearing

Hearing Designation Order

In re application of First Capital Communications, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 25 kW, 180 feet (H&V), MM Docket No. 83-195, File No. BPH-810123AO; Wilson Communications Corp., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 50 kW(H), 75 feet, MM Docket No. 83-196, File No. BPH-810702AB; Augusta County Broadcasting Corp., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 50 kW(H), 270 feet; MM Docket No. 83-197, File No. BPH-810818AN; Barlow Broadcasting Corporation, Staunton, Virginia, Req: 99.7 MHz, Channel 259, 1.86 kW (H&V), 2210 feet, MM Docket No. 83-198, File No. BPH-810819AH; Skyline Broadcasting, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 1.55 kW (H&V), 2260 feet, MM Docket No. 83-199, File No. BPH-810819AN; High Fidelity Music Show, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 1.66 kW (H&V), 2220 feet (H), 2210 feet (V), MM Docket No. 83-200, File No. BPH-810819AY; Stuarts Draft Broadcasting Corp., Stuarts Draft, Virginia, Req: 99.7 MHz, Channel 259, 50 kW 185 feet (H&V), MM Docket No. 83-201, File No. BPH-810819BA; Mid-Shenandoah Broadcasters, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 1.66 kW (H&V), 2217 feet (H&V), MM Docket No. 83-202, File No. BPH-810819BS; Shenandoah Valley Broadcasting Company, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 50 kW (H), 40.5 feet (H), MM Docket No. 83-203, File No. BPH-810819BU; for construction permit for a new FM station.

Adopted: March 9, 1983.

Released: March 14, 1983.

By The Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of First Capital Communications, Inc. (First Capital), Wilson Communications Corporation (Wilson), Augusta County Broadcasting (Augusta), Barlow Broadcasting Corporation (Barlow), Skyline Broadcasting, Inc. (Skyline), High Fidelity Music Show, Inc. (High Fidelity), Stuarts Draft Broadcasting Corporation (Stuarts Draft), Mid-Shenandoah Broadcasters, Inc. (Mid-Shenandoah), and Shenandoah Valley Broadcasting Company, Inc. (Shenandoah Valley).

2. *First Capital.* The principle source of funds for First Capital is a bank loan from the First Merchants Bank of Staunton, Virginia. However, the bank loan letter does not specify the terms of repayment. In addition, the loan requires the personal guarantees of the members of the corporation. However, the copy of the loan agreement provided does not indicate acceptance of these guarantees. Therefore, the material submitted by First Capital does not demonstrate the applicant's financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, First Capital will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. In First Capital cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.,* BC Docket No. 82-378.

3. *Wilson.* Wilson plans to finance construction and operation with a bank loan from the Hamilton Bank of York, Pennsylvania. The terms of the loan requires personal guarantees from the members of the corporation. However, the copy of the loan agreement provided does not indicate acceptance of these guarantees. Therefore, the material submitted by Wilson does not demonstrate the applicant's financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, Wilson will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If Wilson cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.,* BC Docket No. 82-378.

4. *Augusta.* The program narrative required by Section IV of FCC Form 301 and supplied by Augusta is merely a paraphrase of the information asked for by the form. Accordingly, we shall require Augusta to provide a more detailed program narrative with the presiding Administrative Law Judge.

5. Since no demonstration has been reached that the antenna proposed by Augusta would not constitute a menace to air navigation, an issue regarding this matter is required.

6. *Barlow.* The principal source of funds for Barlow is a bank letter from the First Virginia Bank of Augusta, Staunton, Virginia. However, the bank loan letter does not specify the terms of repayment.[1] Therefore, the material submitted by Barlow does not demonstrate the applicant's financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, Barlow will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If Barlow cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate

[1] On March 31, 1982, Barlow filed a petition for leave to amend. The amendment consisted of an updated letter of credit from the First Virginia Bank. However, this letter also failed to specify the terms of repayment. Accordingly, Barlow's petition will be denied.

issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82–378.

7. We note that on March 12, 1982, Barlow timely filed a minor amendment to its application wherein it proposed to locate a main studio in both Staunton, Virginia and Stuarts Draft, Virginia. Barlow stated that after a grant of its application it would request dual city identification for "Staunton-Stuarts Draft." Therefore, based on the foregoing, Barlow requested that it be given comparative consideration with Stuarts Draft Broadcasting Corporation's application for Stuarts Draft, Virginia under the reciprocal service doctrine enunciated in *Kent-Ravenna Broadcasting Co.*, 22 RR 605 (1961). On July 28, 1982, Stuarts Draft Broadcasting filed comments on Barlow's minor amendment, to which Barlow has filed a motion to strike. Stuarts Draft Broadcasting then opposed the motion to strike. Barlow's amendment is essentially a petition to specify a *Kent-Ravenna* issue. Since the Commission's *Report and Order in re Revised Procedures for the Processing of Contested Broadcast Applications; Amendments of Part 1 of the Commission's Rules*, 72 FCC 2d 202, 45 RR 2d 1220 (1979), directed the deletion of all issue pleadings in pending cases, the matters sought to be raised in the Barlow amendment as well as Stuarts Draft Broadcasting's comments have not been considered. Accordingly, an opportunity to raise them will be afforded the parties post-designation pursuant to § 1.229.

8. *Skyline.* Skyline plans to finance construction and operation by the sale of stock to the members of the corporation. However, analysis of the individual balance sheets of the members reveals that some of them lack sufficient funds to meet their obligated purchases of stock. Therefore, the material submitted by Skyline does not demonstrate the applicant's financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, Skyline will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If Skyline cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82–378.

9. *High Fidelity.* Two members of this corporation, Teresa Rogers and M. Robert Rogers own 49% and 51%, respectively, of WANV, Inc. (licensee of WANV, Waynesboro, Virginia) and of WREL, Inc. (licensee of WREL, Lexington, Virginia). Section 73.240(a)(2) of the Commission's Rules and Regulations prohibits the ownership of three broadcast stations in one or several services where any two are within 100 miles of the third if there is primary service contour overlap of any of the stations. WANV and WREL would be within 100 miles and their primary service contours would overlap that of the proposed Staunton Station. High Fidelity has stated its intention to divest itself of these stations, if awarded a construction permit, to comply with § 73.240(a)(2). An appropriate condition will be added.

10. *Mid-Shenandoah.* Mid-Shenandoah plans to finance construction and operation with a bank loan from the First and Merchants Bank of Radford, Viringia and by loans to the corporation by shareholders. However, the bank loan does not specify the terms of repayment. Furthermore, the applicant has not provided agreements or balance sheets of the shareholders to support their intention to provide loans. Therefore, the material submitted by Mid-Shenandoah does not demonstrate the applicant's financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, Mid-Shenandoah will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If Mid-Shenandoah cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82–378.

11. We note that on March 12, 1982, Mid-Shenandoah timely filed a minor amendment to its application wherein it stated it will provide reciporcal service to Stuarts Draft, Virginia, pursuant to *Kent-Ravenna Broadcasting Co., supra*, and requested comparative consideration with Stuarts Draft Broadcasting Corporation's application if Stuarts Draft is determined to be a preferred community under Section 307(b) of the Communications Act. On July 30, 1982, Stuarts Draft Broadcasting filed comments on Mid-Shenandoah's minor amendment. Mid-Shenandoah's amendment and the comments by Stuarts Draft Broadcasting involve the same matter raised by Barlow in its amendment and will be afforded the same treatment as set out in paragraph 7, *supra.*

12. *Shenandoah Valley.* Section 73.240(a)(1) of the Commission's Rules and Regulations prohibits a licensee of an FM station from owning another FM station if the 1mV/m contours of the two stations will overlap. Shenandoah Valley is the licensee of WSGM, a class A FM in Staunton, Virginia. It has stated its intention to divest itself of this station if it receives a construction permit for channel 259B. An appropriate condition will be added.

13. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

14. *Other matters:* All of the applicants in this proceeding propose to use a directional antenna to protect the Naval Radio Observatory in Sugar Grove, West Virginia. However, the engineering proposals of the applicants indicate that they will require waiver of § 73.213(c), to permit radiation greater than 2dB per 10 degrees of azimuth, and § 73.316(c) to permit radiation in the horizontal plane of more than 15dB. First Capital, Wilson, Barlow, High Fidelity, and Stuarts Draft have requested waivers of these Sections of the rules. Augusta, Skyline, Mid-Shenandoah and Shenandoah Valley have failed to request waivers for their proposals. Accordingly, an issue will be specified to determine whether waivers of §§ 73.213(c) and 73.316(c) of the rules are warranted and, if so, the applicants which have failed to request waivers will be required to file justification for such waivers with the presiding Administrative Law Judge.

15. Engineering review of the applications of Barlow and Mid-Shenandoah reveals that both applicants propose the same site and same antenna. However, the patterns provided for the antenna differ. Therefore, we will require these

applicants to present to the presiding Administrative Law Judge the correct pattern for the type of antenna they propose to use.

16. Section 73.316(a) of the Rules requires that with respect to directional antennas, the vertical polarized effective radiated power shall not exceed that of the horizontal ERP. The applications of Barlow, Skyline, High Fidelity, and Mid-Shenandoah do not indicate that vertical ERP will not exceed horizontal ERP and the application of Stuarts Draft appears to be in violation of this rule. Accordingly, an issue will be specified to determine if these applications violate § 73.316(a).

17. Engineering review of the applications of First Capital, Wilson, and Shenandoah Valley reveal that much of the City of Stanton will not receive line of sight coverage as required by § 73.315(b) of the rules. Therefore, an issue will be specified to determine if these applications are in violation of this rule.

18. The application of High Fidelity does not indicate that the Naval Radio Observatory in Sugar Grove, West Virginia has been notified by High Fidelity of its intent to construct or that any protection has been established for the Observatory. Stuarts Draft indicates that to protect the Observatory it may have a maximum of 78 watts ERP in the direction of the Observatory. However, engineering review of its application reveals that 141 watts ERP will actually be directed toward the Observatory. In addition, Shenandoah Valley does not show the maximum power it proposes to broadcast in the direction the Observatory. Accordingly an issue will be specified to determine if these applicants are providing adequate protection to the Naval Radio Observatory, Sugar Grove, West Virginia.

19. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

20. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applicants are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether waivers of §§ 73.213(c) and 73.316(c) of the Commission's Rules and Regulations are warranted.

2. To determine whether the applications of Barlow, Skyline, High Fidelity and Mid-Shenandoah violate § 73.316(a) of the Commission's Rules by having a vertical polarization greater than horizontal polarization when utilizing a directional antenna.

3. To determine whether the applications of First Capital, Wilson, and Shenandoah Valley violate § 73.315(b) of the rules by failing to provide line of sight coverage to their city of license.

4. To determine whether High Fidelity, Stuarts Draft, and Shenandoah Valley have provided adequate protection to the Naval Radio Observatory located at Sugar Grove, West Virginia.

5. To determine whether there is a reasonable possibility that the tower height and location proposed by Augusta would constitute a hazard to air navigation.

6. To determine the areas and populations which would receive primary aural service (1mV/m or greater in the case of FM) from the proposed operation of new applicants and the availibility of other primary service to such areas and populations.

7. To determine in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the event it is concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

9. To determine which of the proposals would, on a comparative basis, best serve the public interest.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

21. It is further ordered, That First Capital, Wilson, Barlow, Skyline, and Mid-Shenandoah shall submit financial certifications in the form required by Section III, F.C.C. Form 301, or advise the presiding Administrative Law Judge that the certification cannot be made, as may be appropriate, within 30 days of the release of this Order.

22. It is further ordered, That Augusta file a detailed programming narrative with the presiding Administrative Law Judge, within 30 days of the release of this Order.

23. It is further ordered, That the petition for leave to amend filed by Barlow is denied.

24. It is further ordered, That in the event a construction permit is awarded to High Fidelity as a result of this proceeding, program test authority will not be authorized until Teresa Rogers and Robert Rogers have provided documentation that they no longer have a financial interest in WANV, Waynesboro, Virginia and WREL, Lexington, Virginia.

25. It is further ordered, That in the event a construction permit is issued to Shenandoah Valley as a result of this proceeding, program test authority will not be authorized until Shenandoah Valley has provided documentation that it no longer has a financial interest in WSGM, Staunton, Virginia.

26. In the event that waivers of §§ 73.213(c) and 73.316(c) of the Commission's Rules are deemed appropriate, it is further ordered, That Augusta, Skyline, Mid-Shenandoah, and Shenandoah shall file justifications for such waivers with the presiding Administrative Law Judge.

27. It is further ordered, That Barlow and Mid-Shenandoah file the correct pattern for their proposed antenna with the presiding Administrative Law Judge, within 30 days of the release of this Order.

28. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding with respect to the air hazard issue only.

29. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commmission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

30. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-7033 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-228]

Commonwealth Federal Savings & Loan Association, Lowell, Mass.; Final Action Approval of Post-Approval Amendments to Mutual-To-Stock Conversion Application

Notice is hereby given that on March 4, 1983, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approvl Amendment No. 3 to the mutual-to-stock conversion application of Commonwealth Federal Savings and Loan Association, Lowell, Massachusetts ("Association"). The application had been approved by the Board by Resolution No. 81-420, dated July 27, 1981. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Boston, P.O. Box 2196, Boston, Massachusetts 02106.

Dated: March 14, 1983.

By the Federal Home Loan Bank Board

John M. Buckley, Jr.,

Acting Secretary.

[FR Dc. 83-7019 Filed 3-17-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-15]

American Coastal Line Joint Venture, Inc. v. United States Lines, Inc., et al.; Filing of Complaint and Assignment

Notice is given that a complaint filed by American Coastal Line Joint Venture, Inc. against United States Lines, Inc. and Sea-Land Service, Inc. was served March 10, 1983. Complainant alleges that respondents have filed rates on military cargo in the North Atlantic trades so unreasonably low as to be in violation of section 18(b)(5) of the Shipping Act, 1916 and that these rates were established in concert in violation of section 15 of the Act.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83-7104 Filed 3-17-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Texas Independent Bancshares, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Independent Bancshares, Inc.*, Hitchcock, Texas; to acquire 100 percent of the voting shares or assets of Bank of the West, Galveston, Texas. Comments on this application must be received not later than April 13, 1983.

Board of Governors of the Federal Reserve System, March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7135 Filed 3-17-83; 8:45 am]

BILLING CODE 6210-01-M

Cedaredge Financial Services, Inc.; Formation of Bank Holding Company

Cedaredge Financial Services, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Cedaredge, Cedaredge, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Cedaredge Financial Services, Inc., Denver, Colorado, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in the activities of a general insurance agency in a community having a population not exceeding 5,000. These activities would be performed from offices of Applicant in Cedaredge, Colorado, and the geographic area to be served is Delta County, Colorado. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, indentifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federl Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. not later than April 13, 1983.

Board of Governors of the Federal Reserve System, March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7132 Filed 3-17-83; 8:45 am]

BILLING CODE 6210-01-M

Citicorp; Correction

This document corrects a previous **Federal Register** document (FR Doc. 83-5562) published at page 9372 of the issue

for Friday, March 4, 1983. The proposed activities would be performed from offices of Citicorp Savings throughout the State of California, serving the State of California.

Board of Governors of the Federal Reserve System, March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7133 Filed 3-17-83; 8:45 am]

BILLING CODE 6210-01-M

Midlantic Banks, Inc. and Florida Coast Banks, Inc.; Proposed Acquisition of a de Novo Office of Florida Coast Midlantic Trust Company, N.A., Lighthouse Point, Florida

Midlantic Banks, Inc., Edison, New Jersey, and Florida Coast Banks, Inc., Pompano Beach, Florida, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire a *de novo* office of their existing joint venture trust company, Florida Coast Midlantic Trust Company, N.A., Lighthouse Point, Florida.

Applicant states that the proposed subsidiary would engage in the activities that may be performed or carried on by a trust company. These activities would be performed from a *de novo* office of Applicant's subsidiary in Boca Raton, Florida, and the geographic area to be served is southern Palm Beach County, Florida. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by apporval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Banks of New York and Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than April 13, 1983.

Board of Governors of the Federal Reserve System, March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7134 Filed 3-17-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies, Proposed de Novo Nonbank Activities; PNC Financial Corp., et al.

The Organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Clelveland, Ohio 44101:

1. *PNC Financial Corp*, Pittsburgh, Pennsylvania (finance activities; eastern states): To engage, through its subsidiary, Pittsburgh National Commercial Corporation, in making or acquiring, for its own account or for the accounts of others, loans and other extensions of credit. Such activities will be conducted at the Pittsburgh National Building, Pittsburgh, Pennsylvania. The area to be served will be all states east of the Mississippi and the State of Texas. Comments on this application must be received not later than April 12, 1983.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation*, Roanoke, Virginia (trust company activities; Virginia): To engage through its subsidiary, Dominion Trust Company, in performing or carrying on any one or more of the functions of activities that may be performed or carried on by a trust company. These activities would be performed from an office in Norfolk, Virginia, serving the Newport News-Hampton Standard Metropolitan Statistical Area, Norfolk-Virginia Beach-Portsmouth, Virginia—North Carolina Standard Metropolitan Statistical Area, and the counties of Isle of Wight and Southampton, in Virginia, and the City of Franklin, Virginia. Comments on this application must be received not later than April 13, 1983.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Barnett Banks of Florida, Inc.*, Jacksonville, Florida (trust activities; Florida): To engage through its subsidiary, Barnett Banks Trust Company, National Association, in functions and activities performed by a corporate fiduciary, including personal representative of estates, trustee of trust agreements and indentures, guardian of property, custodian, investment agent, stock transfer agent, registrar and all other duties commonly performed by a trust department of a bank or a trust company. The office is to be in Tampa, Florida and conducting business throughout the State of Florida. Comments on this application must be received not later than April 7, 1983.

Board of Governors of the Federal Reserves System, March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7156 Filed 3-17-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 78P-0419 et al.]

Availability of Approved Variances for Laser Light Shows

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that variances from the performance standard for laser products have been approved by the Office of Radiological Health (formerly the Bureau of Radiological Health) of FDA's National Center for Devices and Radiological Health, for certain laser light shows or laser light show projectors manufactured and produced by 29 organizations. The projector provides a laser display to produce a variety of special lighting effects principally to provide entertainment to general audiences.

DATES: The effective dates and termination dates of the variances are listed in the table under "Supplementary Information."

ADDRESS: The applications and all correspondence on the various applications have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Norbert P. Heib, National Center for Devices and Radiological Health (HFX-460), 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), each of the organizations listed in the table below has been granted a variance from § 1040.11(c) of the performance standard for laser products (21 CFR 1040.11(c)). Each variance permits the listed manufacturer to introduce into commerce a demonstration laser product which is the manufacturer's particular variety of laser light show, or laser light show projector or both, assembled and produced by it. All the laser products will have levels of accessible laser radiation in excess of the Class II levels permitted by § 1040.11(c) but not exceeding those required to perform the intended function of the product.

Suitable means of radiation protection will be provided by constraints on the physical and optical design of the products, by warnings in the user manual and on the products, and by procedures for personnel who will operate the products. Therefore, on the dates specified in the table below, FDA approved the requested variances by letter to each manufacturer from the Office of Radiological Health.

So that the product will bear evidence of the variance granted to the manufacturer of that product, each unit of the product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) the docket number and effective date of the variance as specified in the table below.

Docket No.	Organization granted the variance	Demonstration laser products	Effective date/ termination date
78P-0419	Blue Lightning, 2300 St. Francis Drive, Palo Alto, CA 94303	Laser Light Shows Incorporating Models HS-1, SFP-1, CH-1 and SS 4000 Projectors.	Aug. 7, 1980, Aug. 7, 1982.
79P-0236	Merlin/Viewsic Laser Visuals, 401 Campdell Street, Playa del Ray, CA 90291.	Laser Light Show Incorporating the Class III, Merlin Mark IIa Argon Laser Projector and/or Merlin Mark IIb Argon and Krypton Laser.	May 20, 1982, May 20, 1984.
79P-0257	Knott's Berry Farm 8039 Beach Blvd. Buena Park, CA 90620.	Laser Light Shows Incorporating a Class IV Laser Projection System	Oct. 6, 1982, Oct. 6, 1984.
79P-0418	Brevard Community College 1519 Clearlake Road, Cocoa, FL 32922.	Planetarium Laser Display Unit Model 1 Laser Projector and Laser Light Show.	Aug. 7, 1980, Aug. 7, 1982.
80P-0024	Brian B. O'Brien, 15 Country Drive, Weston, MA 02193	Laser Light Shows Incorporating the Model #100 Laser Projector	Aug. 14, 1980, Aug. 14, 1982.
80P-0026	Maximilian's, 8149 Mall Road, Florence, KY 41042	Laser Light Shows Incorporating the Model LP-4W-1A Laser Projector.	Jan. 23, 1981, Jan. 23, 1983.
80P-0157	Image Engineering Corp., 60 Aberdeen Avenue, Cambridge, MA 02138.	Laser Light Shows and Model Series 300 Laser Projector	June 10, 1980, June 10, 1982.
80P-0166	Consolidated Theatres, Inc., 3453 South West Temple, Salt Lake City, Utah 84115.	Laser Light Shows in the Consolidated Starship Theatre Utilizing the Laser System Development Corporation Model C-3(a) Laser Projection System.,	Jan. 23, 1981, Jan. 23, 1986.
80P-0174	Lumiere Laser Productions, 8705 W. Maple Street, West Allis, WI 52314.	Laser Light Shows Incorporated Model L-100 Laser Projector	Oct. 30, 1980, Oct. 30, 1982.
80P-0214	Laser Presentations, Inc., 1392 King Avenue, Columbus, OH 43212.	Laser Space Theatre Sky Beacon Display	Oct. 7, 1980, Oct. 7, 1982.
80P-0253	Lightform, 71 Harper Street, Rochester, NY 14607	Lightform Laser Projection System and Laser Light Show	Do.
80P-0270	Light & Sounds Images, Inc., 2832 Walnut Ave., Suite E, Tustin, CA 92680.	A Laser Display Device and Light Show	Feb. 12, 1981, Feb. 12, 1983.
80P-0350	Agence Publicitaire, Le P.G. De Granby, Inc., 89 Alexandra Street, Granby, P. Quebec, Canada J2G 2P4.	Super-Laser Light Show Incorporating a Science Fiction Corporation Model SFC-2000 Series Laser Projector.	Sept. 30, 1980, Sept. 30, 1982.
80P-0356	Rockne Krebs, 1426 U Street, NW., Washington, D.C. 20009	Rockne Krebs' Wright State University Campus Laser Light Show	Oct. 7, 1980, Oct. 7, 1982.
80P-0367	Laser Graphics, Inc., 433-D E. Edgewood Blvd., Lansing, MI 48910.	Discotheque Laser Light Show Incorporating Class III b He-NE and He-CD Laser Projector.	January 7, 1981, Jan. 7, 1983.
80P-0403	Interscope, Inc., 1170 Commonwealth Ave., Boston, MA 02134.	Laser Light Shows Incorporating the O'Brien Model 100-01 Argon, Krypton, and HeNe Laser Projectors.	Jan. 6, 1981, Jan. 6, 1983.
80P-0405	Illumina Productions, 3280 S. Miami, Miami, Fl 33129	Laser Light Show Incorporating the Krypton/Argon Laser System #1	Jan. 22, 1981, Jan. 22, 1983.
80P-0433	Halogensis, 47 Clintonwood Drive, Newburg, New York 12550.	Halogensis Laser Light Show and Laser Projector Incorporating a Metrologic Class III Helium-Neon Laser.	Aug. 5, 1981, Aug. 5, 1982.
80P-0460	Cumberland Museum and Science Center, 800 Ridley Avenue, Nashville, TN 37203.	Cumberland Planetarium Laser Light Show Incorporating a Laser Systems Development Corporation Model C-3(a) Laser Projector.	Jan. 6, 1981, Jan. 6, 1983.
80P-0470	LaserVision, 22100 Burbank Blvd., No. 227C, Woodland Hills, CA 91367.	Laser Light Show and Incorporated Projection System Containing Three Spectra Physics Ion Lasers.	Dec. 30, 1980, Dec. 30, 1982.
80P-0473	Creative Lighting, Inc., 11 Kensington Avenue, Springfield, MA 01108.	Laser Light Shows and the Incorporated Laser Displays Lasergraph Projector.	Feb. 4, 1981, Feb. 4, 1983.
80P-0483	Michael Mullin, 151-31 88th Street, Howard Beach, NY 11414.	MU Family of Laser Light Show Projectors	Jan. 23, 1981, Jan. 23, 1983.
80P-454	Magique Discotheque Corp., d.b.a. Magique, Ltd., 1100 First Ave., New York, NY 10022.	Laser Shows Assembled and Produced by Magique Discotheque Corp., d.b.a. Magique, Ltd., Incorporating a Michael Mullin Model Moon-Unit M-1 Laser Projector.	Jan. 23, 1981, Jan. 23, 1983.
81P-0169	Dalcor Amusement Corp., d.b.a. Funtown, USA, Saco, ME 04072.	Laser Light Show Incorporating a Class IV Spectra-Physics Argon Laser Model Stick -03.	May 29, 1981, May 29, 1983.

Docket No.	Organization granted the variance	Demonstration laser products	Effective date/ termination date
81P-0195	LaserDream Productions, 3316 Hancock Street, San Diego, CA 92110.	Laser Light Shows Incorporating Laser Projector Model 0002 and/or Electronic Counter Company Model 3600.	June 23, 1982, July 29, 1983.
81P-0276	Lightform Incorporated, Buffalo State College, 1300 Elmwood Avenue, Buffalo, NY 14222.	Laser Light Shows Incorporating the Lightform HeNe, AR-Kr, or HeCd Projectors With a Maximum of 20 Watts.	July 21, 1982, July 21, 1984.
82P-0117	Lime Light, 3330 Piedmont Rd. NE., Atlanta, GA 30305	Laser Light Shows Incorporating the Lime Light Model #1 Laser Projector.	June 8, 1982, June 8, 1984.
82P-0121	Film & Video Department, Whitney Museum of American Art, 945 Madison Avenue, New York, NY 10021.	Laser Light Shows Incorporating Two Class IV Ion Lasers and a Class IIIb Helium Neon Laser.	Apr. 30, 1982, Apr. 30, 1984.
82P-0135	Sales Director, LABOR-MIM, 1450 Budapest, P.O. Box 33, Hungary.	Laser Light shows Incorporating the LABOR-MIM Interference Mobile Laser Projector Containing a Class III HeNe Laser.	June 14, 1982, June 14, 1984.

In accordance with § 1010.4, the applications and all correspondence (including the written notices of approval) on the various applications have been placed on public display in the Dockets Management Branch (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 10, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6878 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0056]

Celanese Water Soluble Polymers; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Celanese Water Soluble Polymers has filed a petition proposing that the food additive regulations be amended by removing the upper viscosity limit in the current regulation for sodium carboxymethyl guar gum.

FOR FURTHER INFORMATION CONTACT: Clyde A Takeguchi, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3704) has been filed by Celanese Water Soluble Polymers, A Division of Celanese Corp., One Riverfront Plaza, Louisville, KY 40201, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended by removing the upper viscosity limit for sodium carboxymethyl guar gum.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: March 4, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-6877 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0043]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

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

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C 348(b)(5))), notice is given that a petition (FAP 3B3700) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that Part 176 (21 CFR Part 176) be amended to provide for the safe use of pentanoic acid, 4,4-bis[(*gamma-omega*-perfluoro-C_{8-20}-alkyl)thio] derivatives, compounds with diethanolamine (CAS Reg. No. 71608-61-2], as an oil and water repellent for paper and paperboard.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 4, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-6876 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0035]

Coca-Cola Co. and Torpicana Products, Inc.; Filing of Food Additive Petitions

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that both the Coca-Cola Co. and Tropicana Products, Inc., have filed petitions proposing that the food additive regulations be amended to provide for the safe use of aspartame as a sweetener in certain refrigerated noncarbonated beverages, frozen concentrates, and frozen fruit juice confections.

FOR FURTHER INFORMATION CONTACT: Anthony P. Brunetti, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3A3694) has been filed by the Coca-Cola Co., Division of Foods, P.O. Box 2079, Houston, TX 77001,

proposing that § 172.804 *Aspartame* (21 CFR 172.804) be amended to provide for the safe use of aspartame (1-methyl *N*-*L*-α-aspartyl-*L*-phenylala-nine) as a sweetener in frozen concentrated and single strength beverages, the latter being shipped, stored, and sold refrigerated.

Additional notice is given that a petition (FAP 3A3695) has been filed by Tropicana Products, Inc., P.O. Box 338, Bradenton, FL 33560, also proposing that § 172.804 *Aspartame* (21 CFR 172.804) be amended to provide for the safe use of aspartame as a sweetener in refrigerated single strength nonstandardized dilute fruit juice beverages, frozen concentrated nonstandardized fruit juice containing beverages, and frozen fruit juice containing confections.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 4, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-6674 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0029]

ICI Americas, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that ICI Americas, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of toluene diisocyanate as a modifier in the preparation of a polyester resin for use in the fabrication of articles intended for repeated use in contact with foods.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3306) has been filed by ICI Americas, Inc., Wilmington, DE 19897, proposing that § 177.2420 (21 CFR 177.2420) be amended to provide for the safe use of toluene diisocyanate as a condensate modifier in the preparation of a modified cross-linked polyester resin for use in the fabrication of articles intended for repeated use in contact with foods.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting the finding may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 4, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-6675 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Drug Abuse Advisory Committee

Date, time, and place. April 28 and 29, 9 a.m., conference Rm. G, Parklawn Bldg., 5600 Fishers Lane Rockville, MD.

Type of meeting and contact person. Open public hearing, April 28, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open committee discussion, April 29, 9 a.m. to 5 p.m.; Frederick J. Abramek, National Center for Drugs and Biologics (HFN-120), Food and Drug Administration, 5600 Fishers Lane Rockville, MD 20857, 301-443-3800.

General function of the committee. The committee advises the Commissioner of Food and Drugs regarding the scientific and medical evaluation of all information gathered by the Department of Health and Human Services and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs or other substances and recommends actions to be taken by the Department of Health and Human Services with regard to marketing, investigation, and control of such drugs or other substances.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss the following:

1. Nabilone (Cessamet®), NDA 18-677: A discussion of abuse potential.

2. Scheduling recommendations for specific mixed agonist-antagonist agents: Buprenorphine, Butorphanol, and Nalbuphine.

3. Quazepam, NDA 18-708: Recommendation for control.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meeting announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting

request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: March 9, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6729 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N-0276; DESI 7630]

Nandrolone Phenpropionate; Drugs for Human Use; Drug Efficacy Study Implementation; Revocation of Exemption; Announcement of Marketing Conditions; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice revokes the temporary exemption for nandrolone phenpropionate, which has allowed the drug product to remain on the market (with labeling that included a less-than-effective indication) beyond the time limit scheduled for implementation of the Drug Efficacy Study. FDA announces the conditions for marketing this product for the indication for which it is now regarded as effective, and offers an opportunity for a hearing concerning the indications reclassified to lacking substantial evidence of effectiveness. The drug is categorized as an anabolic steroid.

DATES: Requests for hearings are due on or before April 18, 1983; supplements to approved or conditionally approved new drug applications are due on or before May 17, 1983.

ADDRESSES: Communications in response to this notice should be identified with reference number DESI 7630, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Metabolism and Endocrine Drug Products (HFN-130), Rm. 14B-04, National Center for Drugs and Biologics.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFN-530), National Center for Drugs and Biologics.

Requests for hearing (identify with Docket number 80N-0276): Dockets Management Branch (HFA-305), Rm. 4-62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFN-310), National Center for Drugs and Biologics.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFN-501), National Center for Drugs and Biologics.

FOR FURTHER INFORMATION CONTACT: Nicholas Reuter, National Center for Drugs and Biologics (HFN-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 24, 1970 (35 FR 10327), FDA classified nandrolone phenpropionate as probably effective as adjunctive therapy in the treatment of senile and postmenopausal osteoporosis and in pituitary dwarfism, and lacking substantial evidence of effectiveness for certain ill-defined, vague, and general indications. All other labeled indications for nandrolone phenpropionate, which included the indication for the treatment of "inoperable mamary carcinoma," were classified as possibly effective.

Subsequently, in a notice published in the **Federal Register** of December 14, 1972 (37 FR 26626), FDA granted a temporary exemption from the time limits established for completing certain phases of the Drug Efficacy Study Implementation (DESI) program for anabolic steroids. That exemption, which included nandrolone phenpropionate, allowed the products to remain on the market while studies were undertaken to determine effectiveness. The exemption was granted because of the medical need for drugs effective for osteoporosis and pituitary dwarfism and the absence, at that time, of other drugs classified as effective for these conditions.

Recognizing the lack of general agreement on parameters to be measured and the techniques for measurement, FDA developed guidelines for the clincal study of drugs used to treat osteoporsis. The availability of these guidelines was announced in the **Federal Register** of June 20, 1980 (45 FR 41705).

In a subsequent **Federal Register** notice of October 31, 1980 (45 FR 72291), FDA amended the December 14, 1972 notice by establishing specific conditions, including a timetable, for the continued marketing and study of anabolic steroids for the treatment of osteoporosis. (Pituitary dwarfism was no longer appropriate because adequate amounts of growth hormone, effective for that condition had become available.) The notice also stated that the agency was evaluating data submitted in support of other "less-than-effective" indications and would announce its evaluation of these data in a future notice.

On the basis of additional data and information submitted and reviewed, the Director of the National Center for Drugs and Biologics has determined that nandrolone phenpropionate, as contained in the products covered by the following NDA and conditionally approved NADA's, is effective for the control of metastatic breast cancer. Because the Director is not aware of any ongoing study that complies with the October 1980 notice which would be applicable to nandrolone phenpropionate in the treatment of osteoporosis, he has further determined that the drug is no longer entitled to the temporary exemption and that osteoporosis and all other indications lack substantial evidence of effectiveness.

1. NDA 11-891; Duraboline Injection containing nandrolone phenpropionate in sesame oil, 25 or 50 mg/mL; Organon, Inc., 375 Mount Plesasant Ave., West Orange, NJ 07052.

2. ANDA 86-386; Nandrolone Phenpropionate, 25 mg/mL; Carter Glogau Laboratories Inc., 5160 West Bethany Home Rd., Glendale, AZ 85301.

3. ANDA 87-488; Nandrolone Phenpropionate, 50 mg/mL; Carter Glogau Laboratories, Inc.

The temporary exemption announced in the December 14, 1972 notice, as it pertains to any drug product that contains nandrolone phenpropionate, is hereby revoked. This drug is regarded as a new drug (21 U.S.C. 321 (p)) and an approved new drug application is required for marketing it. A supplemental new drug application is now required to revise the labeling and to update any previously approved new drug application or conditionally approved abbreviated new drug application providing for this drug.

In addition to the holders of the applications specifically named above, this notice applies to any person who manufactures or distributes a drug product that is not the subject of an approved new drug application and that is identical to a drug product named above. It may also be applicable, under 21 CFR 310.6, to a related or similar drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that nandrolone phenpropionate is effective for the indication in the labeling conditions below. The drug product lacks substantial evidence of effectiveness for other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications for products containing nandrolone phenpropionate for the indication now regarded as effective and a supplement to the previously approved new drug application and conditionally approved abbreviated new drug applications under the conditions described herein.

1. *Form of drug.* The drug is nandrolone phenpropionate, 25 or 50 mg/mL in sterile sesame oil solution, suitable for intra-muscular administration.

2. *Labeling conditions.* a. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows: "For the control of metastatic breast cancer."

3. *Marketing Status.* a. Marketing the drug product that is now the subject of an approved or effective new drug application or a conditionally approved abbreviated application may be continued provided that, on or before May 17, 1983, the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)).

b. Approval of an abbreviated new drug application (21 CFR 314.2) (previously (21 CFR 314.1(f); see 48 FR 2751, published in the **Federal Register** of January 21, 1983)) containing full information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) must be obtained before marketing such products. The requirements for bioavailability-bioequivalence testing (21 CFR 320.21) are waived for any product as described under 1. Form of Drug. Marketing drug products before approval of a new drug application will subject those products, and those persons who caused the products to be marketed, to regulatory action.

c. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the National Cener for Drugs and Biologics is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, that meets the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), and demonstrates the effectiveness of nandrolone phenpropionate in indications for prescription use not referred to in paragraph B.2.b., above.

Notice is given to the holders of the new drug applications and conditionally approved abbreviated new drug applications and to all other interested persons that the Director of the National Center for Drugs and Biologics proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval and conditional approval of the new drug applications and all amendments and supplements thereto providing for the indications lacking substantial evidence of effectiveness on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drug products will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. If no hearing is requested, and the applications are further supplemented in accord with this notice to delete the claims lacking substantial evidence of effectiveness, approval of the indications that lack evidence of effectiveness will be considered withdrawn, and no further order will issue.

This notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated under it (21 CFR Parts 310, 314), the applicant and all other persons who manufacture or distribute a drug product that is identical, related, or similar to a drug product named above (21 CFR 310.6) and not the subject of a new drug application, are hereby given an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn, and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug products named above and of all identical, related, or similar drug products not the subject of a new drug application.

The applicant or any other person subject to this notice under 21 CFR 310.6 who decides to seek a hearing, shall file (1) on or before April 18, 1983, a written notice of appearance and request for hearing, and (2) on or before May 17, 1983, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a granting or denial of a hearing, are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice under 21 CFR 310.6 to file a timely written notice of appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed and a waiver of any contentions

concerning the legal status of the relevant drug product. Any such drug product labeled for the indications referred to in this notice as lacking substantial evidence of effectiveness may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such a drug product from the market. Any new drug product marketed without an approved new drug application is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must present specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in their request for hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a requests for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice are to be filed in four copies. Except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, the submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C 352, 355)), and under the authority delegated to the Director of the National Center for Drugs and Biologics (21 CFR 5.70 and 5.82).

Dated: March 3, 1983.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 83-7111 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on March 11.

Public Health Service

Food and Drug Administration

Subject: Good Manufacturing Practices for Blood and Blood Components—Recordkeeping Requirements (0910–0116)—Extension/Adjustment to Burden Only

Respondents: Blood banks, plasmapheresis centers, and transfusion services

Subject: Good Laboratory Practices Regulations for Nonclinical Laboratory Studies (0910–0119)—Extension/Adjustment to Burden Only

Respondents: Manufacturers of drugs, food addititives, medical devices, colors, and radiation emitting products; and toxicology testing laboratories

Subject: Reporting Requirements Imposed by Temporary Marketing Permit Regulations (0910–0133)—Extension/No Change

Respondents: Food manufacturers

Subject: Reporting Requirements Applicable to Hepatitis Reactive Products (0910–0133)—Extension/No Change

Respondents: Blood banks, plasmapheresis centers, blood donor collecion centers and transfusion services

OMB Desk Officer: Richard Eisinger

Health Resources and Service Administration

Subject: Application Guidelines for Designation and Grant Award and Reporting System for State Health Planning and Development Agencies (0935–0059)—Reinstatement

Respondents: State health planning and development agencies

OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Annual Survey of Southeast Asian Refugees (ORR–9)—Reinstatement

Respondents: Southeast Asian Refugees

Subject: Chinese Custom Marriage Statement and Statement Regarding Chinese Custom Marriage (SA–1344/1345)—Revisions

OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

Joseph F. Costa, Acting HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524–F, Washington, D.C. 20201

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer)

Dated: March 11, 1983.

Dale W. Sopper,

Assistant Secretary for Managment and Budget.

[FR Doc. 83-7072 Filed 3-17-83; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 6894]

Arizona; Proposed Modification of Withdrawal and Opportunity for Public Hearing

March 10, 1983.

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, Proposes to modify Public Land Order 5409 of February 7, 1974, withdrawing the following described lands from operation of the public land laws including the Untied States mining laws, but not from leasing under the mineral leasing laws:

Gila and Salt River Meridian, Arizona

T. 7 S., R. 20 E.,

SEC. 18, Lots 1 and 2, E½NW¼.

The area described aggregates 159.49 acres in Graham County.

The purpose of the withdrawal is to protect the recreation values of the campground for the Aravaipa Canyon Primitive Area. The Bureau of Land Management proposes to modify the period of withdrawal from an indefinite period to a period of 20 years and to modify the segregative effect on the 109.49 acres of the above described lands by opening the lands to location and entry under the United States mining laws. The lands proposed to be open to location and entry under the mining laws are described as follows:

Gila and Salt River Meridian, Arizona

T. 7 S., R. 20 E.,

SEC. 18, N½ and SW¼ of Lot 1; S½NE¼, W½ and SE¼ all of Lot 2; and SE¼NE¼ NW¼, NE¼SE¼NW¼, S½NW¼SE¼NW¼, S½SE¼NW¼.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal modification. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before June 13, 1983. Upon determination by the State Director, Bureau for Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objection to the proposed withdrawal may be filed with the undersigned officer on or before June 13, 1983.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The authorized Officer will review the withdrawal rejustification to ensure that the modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent manageneent of the land and its resources. The authorized Officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the withdrawal will be modified and if so, for how long. The final determination of the modification of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed modification should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mildred C. Kozlow,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-7041 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-84-M

Butte District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Butte District Advisory Council will be held on Thursday and Friday, April 14 and 15, 1983.

The meeting will begin at 1:00 p.m. on April 14 in the conference room of the Butte District Office at 106 N. Parkmont (Industrial Park), Butte, Montana. The agenda will include: (1) A discussion of BLM's asset management program; (2) a report of the BLM/Minerals Management Service merger; and (3) committee reports.

The meeting is open to the public. Interested persons may make oral statements to the council or file written statements for the council's cosideration. Anyone wishing to make an oral statement should make advance arrangements with the District Manager.

Summary minutes of the meeting will be maintained in the district office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: March 9, 1983.

Jack A. McIntosh,

District Manager.

[FR Doc. 83-7044 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-84-M

Grand Junction District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Grand Junction District Advisory Council meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 that a meeting of the Grand Junction District Advisory Council will be held on Wednesday, April 20, 1983. The meeting will take place at the District office, 3rd floor conference room, 764 Horizon Drive, Grand Junction, Colorado and will begin at 9:30 a.m.

The agenda will include:

1. Introduction and discussion of Council responsibilities
2. Election of Officers
3. Overview of BLM in general, Grand Junction District in particular
4. Presentations by Grand Junction and Glenwood Springs Resource Area Managers about current status of resource management plans
5. Summary of merger between BLM and onshore offices of Minerals Management Service
6. Public statement period
7. Arrangements of next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 3-4 p.m., or may submit written statements for the Council's consideration. Send written statements to the attention of the Grand Junction District Manager, 764 Horizon Drive, Grand Junction, Colorado 81501, by April 15, 1983.

SUPPLEMENTAL INFORMATION: Summary minutes of the meeting will be available for public inspection and reproduction during regular business hours at the District office 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Cindy McKee, Public Affairs Specialist, (303) 243-6552.

David A. Jones,

District Manager.

[FR Doc. 83-7042 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-84-M

New Mexico and Colorado San Juan River Regional Coal Team; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Regional Coal Team meeting.

SUMMARY: In accordance with the responsibilities outlined in the Federal coal management regulations (43 CFR Part 3400), the Regional Coal Team for the San Juan River Federal Coal Production Region will hold a meeting: (1) To recap coal activity since the last RCT meeting on April 20-21, 1982; (2) to receive updates on the Bisti Coal Lease Exchange, the Santa Fe Railroad Exchange, the Star Lake Railroad and the modifications pertaining to 43 CFR 3400 coal management regulations; (3) to present results of the Bureau of Land Management—Mineral Management Service merger; (4) to hear a summary of public and agency comments on the proposed competitive lease tracts and the Draft San Juan River Regional Coal Environmental Impact Statement; (5) to hear presentations on specific coal lease tract factors which may cause a significant change to the tract; (6) public comments; and (7) other related matters, if any.

DATE: The Regional Coal Team meeting will be held on April 27, 1983, at 9:00 a.m.

ADDRESS: the Regional Coal Team will meet at the Albuquerque Convention Center—Ballroom A, 2nd Street and Marquette, Albuquerque, NM 87103.

FOR FURTHER INFORMATION CONTACT: Gene Day, Bureau of Land Management, New Mexico State Office, commercial phone (505) 988-6212, FTS 476-6212.

Charles W. Luscher,

State Director

[FR Doc. 83-7040 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-84-M

[NM 055653-WR]

New Mexico; Notice of Proposed Continuation of Withdrawal

Dated: March 7, 1983.

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Bureau of Land Management (BLM) is reviewing possible continuation of an existing withdrawal for research purposes in connection with Federal programs made by Public Land Order No. 2051 dated February 17, 1960. The following land is included in the proposed continuation:

New Mexico Principal Meridian

T. 23 S., R. 2 E.,
Sec. 22, lots 5, 6;
Sec. 23, lots 1 to 16, inclusive;
Sec. 26, lots 4, 5, 6, 7, E½;
Sec. 35, lots 6, 7, 8, 9, N½NE¼, SE¼NE¼.

The area described contains 1,393.19 acres in Dona Ana County.

The Bureau proposes continuation of the withdrawal in its entirety for a period of 20 years. The purpose of the withdrawal is for use of the New Mexico College of Agriculture (now New Mexico State University) for research purposes in connection with Federal programs. The withdrawal closed the described land to all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not the disposal of materials under the Act of July 31, 1947, as amended. No change in the segregative effect or use of the land would be effected by the continuation.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned within 30 days of the publication of this notice. Upon a determination by the State Director, BLM, that a public hearing should be held, a notice will be published in the Federal Register giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM within 30 days of the date of publication of this notice.

The authorized office of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,
Chief, Division of Operations.

[FR Doc. 83-7065 Filed 3-17-83; 8:45 am]
BILLING CODE 4310-84-M

[W-48649]

Wyoming; Notice of Realty Action Exchange of Public Lands for Private Lands in Sublette County

The surface estate of the following described public lands has been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976 (43 USC 1716):

Sixth Principal Meridian, Wyoming

T. 28 N., R. 112 W.,
Sec. 9, NE¼SE¼;
Sec. 10, S½ and S½N½;
Sec. 11, SW¼NW¼ and W½SW¼;
Sec. 14, NW¼NW¼ and SW¼NE¼ and SE¼;
Sec. 15, NE¼NW¼ and N½NE¼.

Containing 1,000.00 acres

In exchange for the above lands, the United States will acquire the surface estate of the following lands from Lillian Harrower:

Sixth Principal Meridian, Wyoming

T. 28 N., R. 114 W.,

Sec. 4, lots 6, 11, 14, and 19, W½ and W½E½.

Containing 456.63 acres.

The Bureau's purposes for the exchange are to acquire valuable stream frontage on South Beaver Creek, which affords valuable habitat for the sensitive Colorado River cutthroat trout. The entire area has high outdoor recreation values. The area is yearlong elk range and elk calving grounds. Other important resident wildlife include moose, mule deer and black bear. The public lands proposed for disposal are not essential for any Bureau resource management program.

The values of the lands to be exchanged are approximately equal. The acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal.

The affected lands and acquired lands are both within the same grazing allotment. The production on the lands is the same, so we will not make any adjustments in grazing preference.

All improvements on the public lands will be abandoned in place because of the great disparity in costs to remove or rehabilitate, and the low or nonexistent salvage value thereof.

Pursuant to 43 CFR 2201.1(b), the acquired lands will not be subject to appropriation under the public land laws, including the mining laws.

The proposed exchange is consistent with the requirements of Section 206 of the Federal Land Policy and Management Act of 1976, and with the land use planning requirements of Section 202 of that act. The authorized officer has determined that the public interest will be well served by making the exchange.

The Patent would contain the following Reservations to the United States.

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 USC 945;

2. All minerals owned by the United States shall be reserved to the United States concerning the lands being transferred out of Federal ownership;

3. Reservation of Right-of-way of Record W-73929 to the United States, pursuant to Section 507 of the Federal Land Policy and Management Act of 1976;

4. Reservation of Right-of-way of Record W-82499 to the United States pursuant to Section 507 of the Federal Land Policy and Management Act of 1976.

And will be subject to:

1. A reservation for highway purposes for existing U.S. Highway 189 pursuant to 43 CFR 2802.5(b). This right-of-way shall be limited to 75 feet on either side of centerline of the existing road.

2. All valid existing rights of record.

Detailed information concerning the exchange is available for review at the Pinedale Resource Area Headquarters, 431 West Pine Street, Pinedale, Wyoming 82941.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Rock Springs District Manager, P.O. Box 1869, Rock Springs, Wyoming 82901. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Informal inquiries concerning this action should be directed to the Pinedale Resource Area Headquarters.

Donald R. Sweep,

District Manager.

[FR Doc. 83-7043 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-84-M

[F-14830-A]

Alaska Native Claims Selection; Nerklikmute Native Corp.

On November 14, 1974, Nerklikmute Native Corporation, for the Native village of Andreafsey (Andreafsky) filed selection application F-14830-A under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (1976) (ANCSA) for the surface estate of certain lands in the vicinity of Andreafsky.

As to the lands described below, selection application F-14830-A, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, containing approximately 1,070 acres, is considered proper for acquisition by Nerklikmute Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 23 N., R. 76 W.

Sec. 28;
Sec. 33, excluding U.S. Survey No. 5507, Native allotment F-18502 Parcel C, and Andreafsky River.
Containing approximately 1,070 acres.

Within the above described lands, only the following inland water body is considered to be navigable: Andreafsky River.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for the following reasons: Lands are no longer under Federal jurisdiction or lands are under applications pending further adjudication. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement map attached to this document, a copy of which will be found in case file F-14830-EE, is reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for this type of easement. Any uses which are not specifically listed are prohibited.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

(EIN 4 C3, D1) An easement sixty (60) feet in width for an existing road from St. Mary's village in Sec. 26, T. 23 N., R 76 W., Seward Meridian, westerly to an existing road on State land in Sec. 30, T. 23 N., R. 76 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement. This easement is subject to the State of Alaska's claimed R.S. 2477 right-of-way, if valid.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lesseee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA) any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c) (Supp. IV, 1980)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

The village of Andreafsky (Andreafsky) is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 61,410 acres. The remaining entitlement of approximately 7,710 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA and Departmental regulation 43 CFR 2652.4, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Nerklikmute Native Corporation and shall be subject to the same conditions as the surface conveyance, except for those provisions under Sec. 14(c) of ANCSA; also the right to explore, develop or remove mineral materials from the subsurface estate in lands within the boundaries of the Native village shall be subject to the consent of Nerklikmute Native Corporation.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in THE TUNDRA DRUMS.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the

Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have thirty days from receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until April 18, 1983 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Nerklikmute Native Corporation, Andreafsky, Alaska 99658
Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501
State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7-005, Anchorage, Alaska 99510

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-7073 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Conoco Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0146, Block 58, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 10, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-7034 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Intention To Renew Concession Contract; Arizona River Runners, Inc.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Arizona River Runners, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Arizona River Runners, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Arizona River Runners, Inc. If Arizona River Runners, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Arizona River Runners, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7048 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention to Renew Concession Contract; Del E. Webb River Adventures, Inc.

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Del E. Webb River Adventures, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and

terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental doucment will be prepared.

The foregoing concessioner has preformed its obligations to the satisfaction of the Secretary under existing permits which expried by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Del E. Webb River Adventures, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Del E. Webb River Adventures, Inc. If Del E. Webb River Adventures, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Del E. Webb River Adventures, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7049 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract; Arizona Raft Adventures, Inc.

Pursuant to the provision of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Arizona Raft Adventures, Inc., authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona, and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants. Arizona Raft Adventures, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Arizona Raft Adventures, Inc. If Arizona Raft Adventures, Inc., amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Arizona Raft Adventures, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting regional Director, Western Region

[FR Doc. 83-7050 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract; Hatch River Expeditions, Inc.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Hatch River Expeditions, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Part, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Enviromental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Hatch River Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Hatch River Expeditions, Inc. If Hatch River Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Hatch River Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for

information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7061 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Wilderness World, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Wilderness World, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Wilderness World, Inc. If Wilderness World, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Wilderness World, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7062 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with White Water River Expeditions, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants White Water River Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by White Water River Expeditions, Inc. If White Water River Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, than the proposed new contract will be negotiated with White Water River Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Regional Director, Western Region.

[FR Doc. 83-7063 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Western River Expeditions, Inc. authorizing it to continue to provide either oar/powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This

provision, in effect, grants Western River Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Western River Expeditions, Inc. If Western River Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Western River Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7084 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiated a concession contract with (OARS, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants OARS, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by OARS, Inc. If OARS, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with OARS, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7055 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park service, proposes to negotiate a concession contract with Tour West, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at the designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be givern preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Tour West, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Tour West, Inc. If Tour West, Inc. amends it proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Tour West, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Regional Director, Western Region.

[FR Doc. 83-7056 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Outdoors Unlimited authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Less Ferry within Glen Canyon National Recreation Area, Arizona, and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points enroute for the public primarily within Grand Canyon National

Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Outdoors Unlimited the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Outdoors Unlimited. If Outdoors Unlimited amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Outdoors Unlimited.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7057 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Moki Mac River Expeditions, Inc., authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona, and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Moki Mac River Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Moki Mac River Expedition, Inc., If Moki Mac River Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Moki Mac River expeditions, Inc.

The Secreatry will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7058 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession with Cross Tours and Explorations, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing a Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provsions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Cross Tours and Explorations, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Cross Tours and Explorations, Inc. If Cross Tours and Explorations, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Cross Tours and Explorations, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or befoe the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7059 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Mark Sleight Expeditions, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Mark Sleight Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Mark Sleight Expeditions, Inc. If Mark Sleight Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Mark Sleight Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Regional Director, Western Region.

[FR Doc. 83-7060 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Grand Canyon Expeditions, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Grand Canyon Expeditions, Inc. the opportunity to meet the terms and conditions of any oher proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Grand Canyon Expeditions, Inc. If Grand Canyon Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Grand Canyon Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7061 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Grand Canyon Youth Expeditions, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado river commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years form January 1, 198 thorugh December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Grand Canyon Youth Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better

than the proposal submitted by Grand Canyon Youth Expeditions, Inc. If Grand Canyon Youth Expeditions, Inc. amends its proposal, and the amended proosal is substantially equal to the better offer, then the proposed new contract will be negotiated with Grand Canyon Youth Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Cayon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7062 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Grand Canyon Dories, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This Contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Grand Canyon Dories, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Grand Canyon Dories, Inc. If Grand Canyon Dories, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Grand Canyon Dories, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7063 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Georgie's Royal River Rats authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Georgie's Royal River Rats the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Georgie's Royal River Rats. If Georgie's Royal River Rats amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Georgie's Royal River Rats.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7064 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Colorado River and Trail Expeditions, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primary within Grand Canyon National Park,

Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Colorado River and Trail Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Colorado River and Trail Expeditions, Inc. If Colorado River and Trail Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Colorado River and Trail Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including, that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7065 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Canyoneers, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreaton Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Canyoneers, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Canyoneers, Inc. If Canyoneers, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Canyoneers, Inc.

The Secretrary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7066 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Diamond River Adventures, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Envrionmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Diamond River Adventures, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Diamond River Adventures, Inc. If Diamond River Adventures, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Diamond River Adventures, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7067 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Alaska Land Use Council; Work Program

As required by the operating procedures of the Alaska Land Use Council, which was established under the Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. 96-487, the Council shall issue a call for recommended items to be included in the work program for the coming year. Each item submitted for the work program must include a brief description of the work to be accomplished, the expected completion date, the anticipated product, the estimated cost, a public participation statement, and the nature of the Council's involvement. The CoChairman, after consultation with the Council's staff committee, will prepare a recommended work program considering the requirements of ANILCA, projected Council resources, special requests, and recommendations from the public and Council members. The proposed work program will be submitted in May to the Council for consideration and adoption. Any interested parties having a proposed work program item should submit the information to the CoChairman prior to April 15, 1983. Submittals should be sent to: Co-Chairman, Alaska Land Use Council, P.O. Box 100120, Anchorage, Alaska 99510.

Anyone having questions regarding the Council's work program may call the Council office at (907) 272-3422 or (907) 271-5485 (FTS)

Dated: March 11, 1983.

William P. Horn,

Deputy Under Secretary.

[FR Doc. 83-7065 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation: Getty Oil Company (Delaware), 3810 Wilshire Blvd., Los Angeles, California 90010.

2. Wholly-owned subsidiaries, their addresses, and States of incorporation:

(*I*) Getty Refining and Marketing Company (Delaware), 1437 South Boulder, Tulsa, Oklahoma 74119

(*II*) Arbuckle Pipe Line Company (Delaware), 1670 Broadway, Denver, Colorado 80202

(*III*) Hawkeye Chemical Company (Iowa), P.O. Box 899, Clinton, Iowa 52737

(*IV*) Getty Methanol Corporation (Delaware), 3810 Wilshire Blvd., Los Angeles, California 90010

(*V*) Chembond Corporation (Oregon), P.O. Box 270, Springfield, Oregon 97477

(*VI*) Getty N.G.L. Trading, Inc. (Oklahoma), 1670 Broadway, Denver, Colorado 80202

(*VII*) Wesco Pipe Line Company (Oklahoma), 1670 Broadway, Denver, Colorado 80202

(*VIII*) Getty Trading and Transportation Company (Delaware), 1670 Broadway, Denver, Colorado 80202

1. Parent Corporation—Household International, Inc., 2700 Sanders Road, Prospect Heights, IL 60070.

2. Wholly-owned subsidiaries of Household International, Inc. which will participate in the operations, and the addresses of their respective principal offices:

A. Household Finance Corporation, 2700 Sanders Road, Prospect Heights, Illinois 60070

B. Household Merchandising, Inc., 1700 South Wolf Road, Des Plaines, Illinois 60018

C. Coast-to-Coast Stores (Central Organization) Inc., 10801 Red Circle Drive, Minnetonka, Minnesota 55343

D. Huffman-Koos Co., Route 4 at Main Street, North Hackensack, New Jersey 07661

E. T.D.S. Transportation, Inc., 1700 South Wolf Road, Des Plaines, Illinois 60018

F. T. G. & Y. Stores Co., 3815 North Santa Fe, Oklahoma City, Oklahoma 73125

G. Central Fixture Manufacturing Co., 3409 South Broadway, Edmund, Oklahoma 73034

H. Central Sales Promotions, Inc., 130 N.E. 50th Street, Oklahoma City, Oklahoma 73125

I. Vons Grocery Co., 10150 Lower Azusa Road, El Monte, California 91731

J. Household Manufacturing, Inc., 2700 Sanders Road, Prospect Heights, Illinois 60070

K. Hydrometals, Inc., 2700 Sanders Road, Prospect Heights, Illinois 60070

L. Thorsen Tool Co., 2700 Sanders Road, Prospect Heights, Illinois 60070

M. Cameron Manufacturing Co., 2700 Sanders Road, Prospect Heights, Illinois 60070

N. Peru Mining Co., 2700 Sanders Road, Prospect Heights, Illinois 60070

O. Shannon Mining Co., 2700 Sanders Road, Prospect Heights, Illinois 60070

P. United States Brass, Corporation, 2700 Sanders Road, Prospect Heights, Illinois 60070

Q. King-Seeley Thermos Co., 2700 Sanders Road, Prospect Heights, Illinois 60070

R. National Car Rental Systems, Inc., 7700 France Avenue South, Minneapolis, Minnesota 55437

1. Parent corporation and address of principal office: Stone Container Corporation, 360 Container Corporation, Chicago, IL 60601.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Samson Paper Bag Co., Inc. (New York)

(ii) Samson-MidAmerica, Inc. (Indiana)

(iii) Samson-Midatlantic, Inc. (Maryland)

(iv) Cousins Leasing Corporation (New York)

(v) Stone Container Corporation (Illiinois)

(vi) Stone Container Corporation (Michigan)

(vii) Stone Container Corporation (Delaware)

(viii) Cameo Container Corporation (Illinois)

(ix) Stone Container Corporation (Pennsylvania)

(x) Stone Container Corporation (Georgia)

(xi) Stone Container Corporation (Missouri)

(xii) Gulf Container Corporation (Louisiana)

(xiii) Stone Packaging Systems, Inc. (Florida)

(xiv) Tarheel Container Corporation (North Carolina)

(xv) Stone Container Corporation (Arizona)

(xvi) Pomstone Corporation (Ohio)

(xvii) Redstone Corporation (Ohio)

(xviii) Stone Forest Products, Inc. (Delaware)

1. Parent corporation and address of principal office: Trinity Paper & Plastics Corporation, 529 5th Avenue, New York, NY 10017.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal office:

Terminal Paper Bag Co., Inc., P.O. Box 47, Yulee, FL 32097
Trinity Midwest Coporation, P.O. Box 301, Plainfield, IL 60544
Trinity Plastics Corporation, Route 655, New Junction Route 28 and U.S. Highway 29, Remington, VA 22734

1. Parent Corporation: VF Corporation, 1047 North Park Road, Wyomissing, Pennsylvania 19610

2. (a) Wholly-owned subsidiaries which will participate in the operations and their States of incorporation:

(i) The Lee Apparel Company, Inc., State of Incorporation—Pennsylvania
(ii) Vanity Fair Mills, Inc., State of Incorporation—Pennsylvania
(iii) Kay Windsor, Inc., State of Incorporation—Pennsylvania

(b) Parties subject to requirements: The Lee Apparel Company, Inc.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7028 Filed 3-17-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Please direct status inquiries to Team 4 at (202) 275-7669.

Volume No. OP4FC-152

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-79708, previously notices in the **Federal Register** issue of November 16, 1982. By decision of October 26, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to DUMONT TRUCKING, INC., of Oak Hill, OH, of a portion of Certificate No. MC-73937 as reinstated November 18, 1982, to MOUNTAIN STATE TRANSPORT, INC., of Huntington, WV. By decision of March 2, 1983, Review Board Number 3 permitted Y. G. Trucking Inc., of Oak Hill, OH, to be substituted as transferee in this proceeding. Petitions for reconsideration may be filed within 20 days of this publication.

Note.—The purpose of this republication is to give notice of the substitution of transferee.

Volume No. OP4FC-154

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-FC-81282, filed March 7, 1983. Previously noticed in the **Federal Register** issue of January 28, 1983. By decision of March 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to GENE LOMBARDO, CHARLES A. BOWMAN, JR., AND BENJAMIN F. BROGOITTI, d.b.a. PACIFIC TIMBER CARRIERS, of Fortuna, CA, of the authority issued to ROBERT OPPERMAN, of Fortuna, CA, in Certificate No. MC-148286 Sub 2, issued September 9, 1982, authorizing the transportation of lumber and wood products, and building materials, between points in AZ, CA, CO, ID, KS, MN, MT, NE, NV, ND, NM, OK, OR, SD, TX, UT, WA, and WY; and permits in MC-148286 Subs 1 and 3: Sub 1 issued June 24, 1981, authorizing the transportation of metal products, between points in the U.S., under continuing contract(s) with Chicago Metallic Corporation, of Vernon, CA; and Sub 3 issued July 6, 1982, authorizing the transportation of (1) wire retaining walls, and wire, in bales or rolls, between points in U.S., under continuing contract(s) with Hilfiker Pipe Co., of Eureka, CA. Representative: Fred R. Covington, 2110 Franklin St. 554, Oakland, CA, 94612, for both transferee and transferor.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7027 Filed 3-17-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be staisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries about the following to Team Three at (202) 275–5223.

Volume No. OP394 Decided: March 8, 1983

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 166274, filed February 16, 1983. Applicant: FANTASTIC SERVICES, INC., 233 West 35th ST., New York, NY 10001. Representative: Zoe Ann Pace, 387 Park Ave. South, New York, NY 10016 (212) 532–1800. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166394, filed February 23, 1983. Applicant: ANTHONY R. SILVA, d.b.a. A & G TRUCKING, 1425 S. 30th Ave., Yakima, WA 98902. Representative: (same as applicant) (509) 453–4005. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166294, filed February 15, 1983. Applicant: TRANSPORTATION SERVICES, INC., 436 Harleysville Pike, Franconia, PA 18924. Representative: Nicholas E. Chimicles, 110 Montgomery Ave., Philadelphia, PA 19004 (215) 667–1700. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP3–95

Decided: March 9, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. Member Fortier not participating.

MC 134044 (Sub-2), filed February 25, 1983. Applicant: SAM M. FUGATE, d.b.a. SAM'S VANS, 1948 Marina Blvd., San Leandro, CA 94577. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006 (202) 833–8884. Transporting *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 166474, filed February 28, 1983. Applicant: THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, One Park Central, 15th & Lawrence St., Denver, CO 80202. Representative: W. D. Braucher, P.O. Box 5482, Denver, CO 80217 (303) 595–2353.Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 166505, filed February 22, 1983. Applicant: TED L. RAUSCH CO., 62 Townsend St., San Francisco, CA 94107. Representative: Ted L. Rausch (same address as applicant), (415) 362–7721. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP3–100

Decided: March 10, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 130925 (Sub-1), filed February 28, 1983. Applicant: LANGLEY TRAFFIC SERVICES, INC., 2777 U.S. Route 1, Trevose, PA 19047. Representative: Francis W. Doyle, 323 Maple Avenue, Southampton, PA 18966, (215) 245–6700. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 151444 (Sub-4), filed February 24, 1983. Applicant: RAC TRANSPORT COMPANY, INC., 2794 Winters Ave., Grand Junction, CO 81501. Representative: Jack B. Wolfe, 601 E. 18th Ave., #107, Denver, CO 80203, (303) 861–8046. Transporting (1) for or on behalf of the U.S. Government, *general* commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI), and (3) *as a broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP3–102

Decided: March 2, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 138755 (Sub-3(b)), filed February 11, 1983. Applicant: WORTS TRANSIT CO., INC., 1315 N. North Dr., McHenry, IL 60050. Representative: Patrick H. Smyth, 105 W. Madison St., Suite 1008, Chicago, IL 60602, (312) 263–2397. (1) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI) and (2) as a *broker* of *general commodities* (except household goods) between points in the U.S. (except AK and HI).

Please direct status inquiries about the following to team 4 at (202) 275–7669.

Volume No. OP4–150

Decided: March 10, 1983.

By the Commission, Review Board No. 1 Members Parker, Chandler and Fortier.

MC 166587, filed February 28, 1983. Applicant: HAPPY TIME CHARTER COACHES, INC., 52 Hall Avenue, Box

#155, Eastchester, NY 10709. Representative: Gregory Iozzo (same address as applicant) (914) 779–6262. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166596, filed March 4, 1983. Applicant: RAYMOND B. COYNE, 41 Mooring Buoy, Hilton Head Island, SC 29928. Representative: Raymond V. Coyne (same address as applicant) (803) 785–3734. As a *broker of general commodities*, (except household goods) between points in the U.S. (except AK and HI.

MC 166617, filed March 7, 1983. Applicant: STURON INTERNATIONAL, INC. d.b.a. CO–ORDINATORS, 7331 Garden Grove Blvd., Garden Grove, CA 92641. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702 (714) 677–8107. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP4–155

Decided: March 14, 1983.

By the Commission, Review Board No. 3. Members Krock, Joyce and Dowell.

MC 76 (Sub-29), filed February 4, 1983, previously noticed in the **Federal Register** issue of February 22, 1983, and republished this issue.

Applicant: MAWSON & MAWSON, INC., P.O. Box 248 Langhorne, PA 19047. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222 (412) 471–3300. Transporting (1) *metal products*, (2) *building materials*, (3) *electrical equipment*, (4) *machinery*, (5) *lumber and wood products*, and (5) *clay, concrete, glass or stone products*, between points in AL, OK, AR, CT, DE, GA, FL, IA, IL, IN, KY, LA, MA, MD, ME, MI, MN, MS, MO, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, WI, WV, and DC.

Note.—The purpose of this republication is to include the state of NY, erroneouly omitted from the previous publication.

MC 111656 (Sub-21), filed February 4, 1983, previously noticed in the **Federal Register** of March 2, 1983, and republished this issue. Applicant: FRANK LAMBIE, INC., Pier 79 N. River, New York, NY 10018. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528 (914) 835–4411. Transporting (1) *paper and related products*,, between points in the U.S. under continuing contract(s) with Linweave, Inc., of Holyoke, MA, and (2) *automobile and truck parts*, between points in the U.S., under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

Note.—The purpose of this republication is to show the territorial area as between points in the U.S.

Please direct status inquiries about the following to Team 5 at (202) 275–7289.

Volume No. OP5–114

Decided: March 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166129 (Sub-1), filed February 11, 1983. Applicant: WTS, INC., P.O. Box 791, Fenton, MO 63026. Representative: Daniel C. Sullivan, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263–1600. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) submitted an affidavit indicating why such approval is unnecessary, to the Secretary's Office. In order to expedite issuance of any authority, please submit a copy of this filing to Team 5, Room 2414.

MC 166419, filed February 24, 1983. Applicant: SCHNADIG CORPORATION, 4820 W. Belmont Ave., Chicago, IL 60641. Representative: Larry M. Preston (same address as applicant) (312) 345–2300. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166438, filed February 23, 1983. Applicant: TRANSPORT NETWORK, INC., 4700 Fisher Rd., Columbus, OH 43228. Representative: Geoffrey Manack (same address as applicant) (614) 878–7227. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166439, filed February 24, 1983. Applicant: AQUILA, INC., d.b.a. AQUILA CHARTER SERVICE, P.O. Box 7528, 4801 Hall St., Amarillo, TX 79109. Representative: Kenneth Gann (same address as applicant), (806) 359–7583. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166469, filed February 24, 1983. Applicant: LYNCHBURG BUS SERVICE, INC., 121 Baldwin Circle, Lynchburg, VA 24502. Representative: Calvin F. Major, 200 West Grace Street, Suite 115, P.O. Box 5010, Richmond, VA 23220, (804) 649–7591. Transporting *passengers*, in charter and special operations between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

Volume No. OP5–119

Decided: March 14, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 152769 (Sub-2), filed February 28, 1983. Applicant: SCHOOL BUS SERVICE, INC., d.b.a. BURNETT TRAVEL TOURS, 825 Lyndon Lane, Louisville, KY 40222. Representative: Marvin L. Coan, Suite 601, Legal Arts Bldg., 200 South Seventh St., Louisville, KY 40202, 502–585–3084. Transporting *passengers*, in charter operations, beginning and ending at Louisville, and points in Jefferson County, KY, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 166168 (Sub-1), filed February 28, 1983. Applicant: JERRY CLARK, INC., d.b.a. INDUSTRY MOTOR XPRESS, 18145 E. Valley, La Puente, CA 91744. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, 805–872–1106. To operate as a *broker* of *general commodities* (except household goods) between points in the U.S. (except AK and HI).

MC 166478, filed February 28, 1983. Applicant: GLEN–CO UNLIMITED, INC., 2412 Monterrey, Brownwood, TX 76801. Representative: Barry Weintraub, Suite 403, 7700 Leesburg Pike, Falls Church, VA 22043, 703–442–8330. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166489, filed February 28, 1983. Applicant: J & S CHARTER SERVICE, INC., 1116 Graceland Drive, Newport, AR 72112. Representative: M. Douglas Wood, 201 W. Broadway, P.O. Box 5606, North Little Rock, AR 72119, 501–376–3700. Transporting *passengers*, in charter operations, beginning and ending at points in AR, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 166519, filed February 28, 1983. Applicant: TRANSROAD BROKERAGE, P.O. Box 265, Henegar, AL 35978. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401, (204) 578-3212. To operate as a *broker* of *general commodities* (except household goods) betwen points in the U.S. (except AK and HI).

MC 166528, filed February 28, 1983. Applicant: MEMPHIS TRANSPORTATION COMPANY, 704 Vance Avenue, Memphis, TN 38126. Representative: Lloyd Jowers (same address as applicant), 901-525-3535. (1) Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI). (2) Transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166579, filed February 28, 1983. Applicant: RICHARD E. CARLSON, d.b.a. CARLSON CHARTERS, P.O. Box 20214, Billings, MT 59104. Representative: Charles A. Murray, Jr., 2822 Third Avenue, N., Billings, MT 59101, 406-252-4165. Transporting *passengers*, in charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7025 Filed 3-17-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-90)]

Illinois Central Gulf Railroad Company; Abandonment; In Hardin, Johnson, and Pope Counties, IL; Findings

The Commission has issued a certificate authorizing the Illinois Central Gulf Railroad Company to abandon its line of railroad between milepost 138.77 at Reevesville, IL, and milepost 165.07 at Rosiclare, IL, a distance of 26.30 miles, in Hardin, Johnson and Pope Counties, IL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial 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 served concurrently on the appliant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7026 Filed 3-17-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 6-83]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to establish a new system of records to be maintained by the Immigration and Naturalization Service (INS).

The Bond Accounting and Control System (BACS), JUSTICE/INS-008 is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published in the **Federal Register.** The new record system will enable INS offices to better manage and control immigration bonds which have been posted as collateral for the admission of certain excludable aliens. The system will also expedite searches for information about posted bonds in response to inquiries.

The files will be indexed under the bond-receipt number and are retrievable by any field within the record containing unique identifiable information such as: alien file number, alien name, obligor's name, location and date bond was posted.

The Privacy Act of 1974 provides that the Congress and the Office of Management and Budget (OMB) be notified of proposed systems of records and that the public be given a 30-day period in which to comment on the routine uses of the system. In addition, OMB requires a 60-day period in which to review the system before it is implemented. Therefore, the Congress, the public, and OMB are invited to submit written comments on this system.

Comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

If no comments are received from either the public, OMB, or the Congress within 60 days from the date of publication in this notice, the system will be implemented without further notice in the **Federal Register.**

A report of the proposed system has been provided to the Director, OMB, to the President of the Senate, and to the Speaker of the House of Representatives.

Dated: March 8, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/INS-008

SYSTEM NAME:

Bond Accounting and Control System (BACS)

SYSTEM LOCATION:

Immigration and Naturalization Service regional offices: (1) Burlington, Vermont; (2) Fort Snelling, Twin Cities, Minnesota; (3) Dallas, Texas; and (4) San Pedro, California. Addresses of offices are listed in JUSTICE/INS-999 as published in the **Federal Register**, or in the telephone directories of the respective cities listed above under the heading "United States Government, Immigration and Naturalization Service."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have posted a bond with INS and the beneficiaries of posted bonds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information which allows identification of active bonds posted with INS such as: bond number, obligor's name and address, alien beneficiary's name and alien file number, type of bond, location and date bond was posted, and other data related to bonds.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 103 (8 U.S.C. 1103) in implementing the authorities set forth in Section 213 (8 U.S.C. 1183) and Section 293 (8 U.S.C. 1363) of the Immigration and Nationality Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system will be used by employees of INS to control and account for collateral received to support an immigration bond. The system will allow prompt location of related files and other records and will enable INS to make timely responses to inquiries about these records.

The information in the system can be used to generate various documents (such as voucher disbursements) required for normal accounting procedures and to generate statistical and historical reports pertaining to immigration bonds posted, cancelled or breached.

Release of information may be made to other Federal, state, or local law enforcement agencies for investigative purposes or collection of breached bonds.

Release of information to Members of Congress: Information contained in a system of records maintained by the Department of Justice required to be released pursuant to 5 U.S.C. 552, may be made available to a member of Congress or staff acting upon the member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored on magnetic disks.

RETRIEVABILITY:

Records may be retrieved by any of the following: alien's name, alien's file number, obligor's name, bond-receipt control number, breach control number, or location and date bond was posted.

SAFEGUARDS:

Records are safeguarded in accordance with Department of Justice rules and procedures. INS offices are located in buildings under security guard, and access to premises is by official identification. All records are stored in spaces which are locked outside of normal office hours. Access to this automated system is obtained through remote terminals which are located in secured areas and require the use of restricted passwords.

RETENTION AND DISPOSAL:

Records are deleted from magnetic disks one year (or earlier) after the bond is disbursed and the file closed.

SYSTEM MANAGER(S) AND ADDRESS:

The Associate Regional Commissioner, management, at the regional office having jurisdiction over the area in which the beneficiary alien resides. See the caption "System locations."

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager.

RECORD ACCESS PROCEDURES:

In all cases, requests for access to a record shall be in writing. Written requests may be submitted by mail or in person at an INS office. If a request for access is made by mail, the envelope and letter shall be clearly marked "Privacy Access Request." To idenfify a record relating to an individual, a requester should provide: the individual's full name, alien file number, and location and date bond was posted. The requester shall also provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Any individual desiring to contest or amend information maintained in the system should direct his request to the regional INS office in which he believes the record concerning him may exist. The request should state clearly what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Information contained in this system of records is supplied on INS forms by individuals who have posted a bond with the INS and by the beneficiaries of posted bonds.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-7088 Filed 3-17-83; 8:45 am]
BILLING CODE 4410-10-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-13, 579]

Clark Equipment Co., Jackson, Michigan; Affirmative Determination Regarding Application for Reconsideration

By an application dated February 17, 1983, an official of the company and union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of the workers and former workers of Clark Equipment Company's plant in Jackson, Michigan. The determination was published in the **Federal Register** on January 28, 1983 (48 FR 4061).

The application for reconsideration claims, among other things, that Clark's market share of internal combustion and electric forklifts has decreased while the market share for imported Japanese models has increased.

Conclusion

After review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 9th day of March 1983.

Harold A. Bratt,

Deputy Director, Office of Program Management Unemployment Insurance Service.

[FR Doc. 83-7159 Filed 3-17-83; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-13, 476]

Danielle Fashions, Hoboken, New Jersey; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 31, 1982 in response to a worker petition received on May 18, 1982 which was filed by the International Ladies' Garment Workers Union on May 13, 1982 on behalf of workers and former workers producing women's coats at Danielle Fashions, Hoboken, New Jersey.

The Department of Labor has received no correspondence from the ILGWU with respect to locating officials of

Danielle Fashions. The firm in question has gone out of business. It has not been possible to contact officials of the firm to gain access to any records, ledgers and or documents.

Therefore, the investigation has been terminated.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-7156 Filed 3-17-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221 (a) of the trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners on any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 28, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, office of Trade Adjustment Assistance, at the address shown below, not later than March 28, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washinton, D.C., this 14th day of March 1983.

Marvin M. Fooks,

Director, office of Trade Adjustment Assistance.

APPENDIX

Petitioner Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Arco Aluminum Co. (Aluminum Workers Trades Council)	Columbia, Falls, MT	3/4/83	2/27/83	TA-W-14,470	Aluminum reduction.
Bethleham Steel Corp. (USWA)	Sparrows, Point, MD	3/3/83	3/2/83	TA-W-14,471	Pipe mill.
Brown Shoe Co. (ACTWU)	Leachville, AR	3/4/83	3/2/83	TA-W-14,472	Shoes—children's.
Buffalo China, Inc. (company)	Buffalo, NY	3/9/83	2/8/83	TA-W-14,473	Chinaware—produce and sell.
Cedar Bluff Manufacturing, Inc. (ILGWU)	Cedar Bluff, AL	2/24/83	2/15/83	TA-W-14,474	Jeans—women's.
Hers Apparel, Inc., Harbour Road Div. (ILGWU)	Cartersville, GA	2/24/83	2/15/83	TA-W-14,475	Jeans—women's, sew, distribute.
Keystone Consolidated Industries, Inc., Keystone Group (Independent Steel works Alliance).	Peoria, IL	3/8/83	3/4/83	TA-W-14,476	Steel products and steel wire products.
Mainline Fashions (workers)	New York, NY	3/1/83	2/24/83	TA-W-14,477	Sportswear.
Niagara Lockport, Industries, New York Wire Mills Div. (USWA).	Tonawands, NY	3/8/83	3/2/83	TA-W-14,478	Wire and nails, ets.
Patapsco & Back Rivers Railroad Co. (UTU)	Sparrows Point, MD	2/24/83	2/17/83	TA-W-14,479	Railroad service.
U.S. Steel Corp., Fairfield Works (USWA)	Fairfield AL	3/8/83	3/4/83	TA-W-14,480	Basic steel, finished steel products.
Block Industries Downtown Plant (workers)	Benson NC	3/2/83	2/28/83	TA-W-14,481	Shirts and sportswear—men's.
Brunswick Manufacturing Co., Inc. (ILGWU)	Brunswick, GA	3/7/83	2/16/83	TA-W-14,482	Ladies' outerwear girls' outerwear.
Corning Glass Works, Electrical Products Div. (Amer. Flint Glass workers Union).	Bluffton IN	3/7/83	2/16/83	TA-W-14,483	TV bulbs.
Ellwood Steel Castings Corp. (USWA)	Ellwood City, PA	3/3/83	3/2/83	TA-W-14,484	Seamless tube mill tools.
Harsco Corp., Heckett Div. (USWA)	Fontana, CA	3/3/83	3/2/83	TA-W-14,485	Slag.
Kerr-McGee Nuclear Corp. (OCAW)	Grants, NM	3/4/83	3/1/83	TA-W-14,486	Uranium oxide.
Mason Bit & Tool Corp. (company)	Tuttle, OK	3/2/83	2/23/83	TA-W-14,487	Rebuild oil field drill bits.

[FR Doc. 83-7160 Filed 3-17-83; 8:45 am]

BILLING CODE 4510-31-M

Mine Safety and Health Administration

[Docket No. M-82-122-C]

Three L Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Three L Coal Company, R.D. 1, Box 227L, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its No. 2 Slope (I.D. No. 36-07262) located in Northumberland County, Pennsylvania. The petition is filed under section 101(c) for the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

2. Ignition, explosion and mine fire history are nonexistent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. As alternative method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open cross-cut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

8. Petitioner states that the alternative method proposed will at all times provide the same measure of protection for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 18, 1983. Copies of the petition are available for inspection at that address.

Dated: March 11, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-7164 Filed 3-17-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-38-M]

Weaver Construction Co.; Petition for Modification of Application of Mandatory Safety Standard

Weaver Construction Co., P.O. Box 550, Iowa Falls, Iowa 50126 has filed a petition to modify the application of 30 CFR 57.4-52 (underground use and storage of gasoline) to its Ft. Dodge Mine (I.D. No. 13-00032) located in Webster County, Iowa. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that gasoline may be used to power internal combustion engines only in nongassy underground mines with multiple roadways to the surface. The roadways must be large enough to accommodate vehicular traffic.

2. Petitioner's mine has only a single inclined roadway large enough for vehicular traffic. There are two other openings for ventillation and escape only. A switch has been installed for the reversal of air at the escape routes.

3. Petitioner seeks a modification of the standard to permit the operation of gasoline powered service vehicles owned by equipment service companies, electricians and explosive dealers to enter the mine on an occasional basis when their services are required. No gasoline will be carried into or stored in the mine, and the service trucks would enter and leave the mine with only the gasoline in their tanks. Gas caps will remain on the vehicles at all times.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 18, 1983. Copies of the petition are available for inspection at that address.

Dated: March 11, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-7163 Filed 3-17-83; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Oregon State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the **Federal Register** (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision.

The Oregon plan provides for the adoption of State standards which are at least as effective as those which are presently or will, in the future, be promulgated under section 6 of the Occupational Safety and Health Act of 1970.

By letter from Darrel D. Douglas, Administrator, to James W. Lake, Regional Administrator, the State submitted State-initiated standards which are incorporated into OAR 437 Chapter 11, Cranes, and OAR 437, Division 81, Construction. On March 5, 1981, the Notice of Proposed Amendments of Rules was mailed to interested parties on the Workers' Compensation Department mailing list established pursuant to OAR 436-90-505 and to those who subsequently appeared on the Department's distribution mailing list. No written comments or request for a public hearing regarding the filed Notice of Proposed Amendment of Rules were received. The identical rules on Wind Velocity Devices for Hammerhead Tower Cranes were adopted in both codes on April 15, 1981 with an effective date of June 1, 1981. Subsequently, by letter of September 3, 1982, in response to a request from the Regional Administrator, the State submitted adequate explanation of the rules' effect on interstate commerce, compelling local conditions, and burden on employers to support approval.

2. *Decision.* Having reviewed and analyzed the State submission, it has been determined that there is no conflict or adverse effect upon Federal standards. There is no comparable Federal standard; therefore, the State standard exceeds Federal requirements.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workers' Compensation Department, Labor and Industries Building, Salem, Oregon 97310; and the Office of State Programs, Room N-3700, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard is one for which there is no comparable Federal standard and therefore the State standard exceeds the Federal standards.

2. The standard was adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective March 18, 1983.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 18th day of February 1983.

James W. Lake,

Regional Administrator.

[FR Doc. 83-7162 Filed 3-17-83; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review: On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particuar revision they are interested in. Each entry will contain the followship information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial clasification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Reinstatement

Mine Safety and Health Administration, Fire Protection—Escape and Evacuation Plan MSHA 232R, On occasion, Businesses or other institutions; small business or organization, SIC: 111 and 121, 880 responses; 3,440 hours.

Requires operators of surface coal mines to establish and keep current a specific escape and evacuation plan to be followed in the event of a fire. Plans include the designation and proper maintenance of adequate means of exit from all areas where persons are required to work or travel, including buildings and equipment, and in areas where persons normally congregate during the work shift.

Signed at Washington, D.C. this 11th day of March, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83–4161 Filed 3–17–83; 8:45 am]

BILLING CODE 4510–43–M

Office of Pension and Welfare Benefits Programs

[Application No. D–3660]

Harcourt Brace Jovanovich, Inc. Pension Plan (the Plan) Located in New York, New York; Notice of Hearing

AGENCY: Office of Pension and Welfare Benefits Programs, Labor.

ACTION: Notice of hearing.

SUMMARY: this document contains a notice of public hearing with respect to an application filed on behalf of the Plan. The application is for an exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The public hearing will allow persons who would be affected by the proposed exemption to present oral comments to the Department of Labor (the Department).

DATES: The hearing will be held Friday, April 29, 1983 at 10 a.m. Persons who wish to present oral comments at the hearing shall submit a statement to that effect, which must be received by the Department on or before April 29, 1983.

ADDRESS: The hearing will be held in Rooms 3560 and 3595 at 1515 Broadway, New York, New York 10036.

Statements and any written comments on the proposed exemption should be sent to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Hearing for Applications No. D–3660. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Robert Sandler of the Department, (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held before the Department with respect to a proposed exemption from the restrictions of section 406(a), 406(b)(1) and (2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act, and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

The proposed exemption, if granted, would permit, effective October 15, 1982: (1) The purchase of a parcel of land (the Land) by the Plan from Sea World of Florida, Inc., a wholly-owned subsidiary of Harcourt Brace Jovanovich, Inc. (HBJ), the Plan sponsor; (2) the construction of a building on the Land (collectively, the Property), resulting in the use of Plan assets for the benefit of HBJ; (3) the lease of the Property by the Plan to HBJ; (4) the possible purchase of the Property by HBJ from the Plan; and (5) the indemnification of the Plan by HBJ in the event the Plan sells the Property for less than its original cost.

A Notice of Pendency of the proposed exemption was published in the **Federal Register** on Friday, December 10, 1982 (47 FR 55542). By means of the Notice of Pendency, interested persons were invited to submit written comments and requests for a public hearing with respect to the proposed exemption. Seven comments and two requests for a public hearing have been received by the Department. The commenters expressed concern with regard to the percentage of the Plan's assets (between 30% and 40%) that would be invested in the Property. They also expressed concern with regard to the prudence and quality of the investment in general, given the location of the Property and the fact that HBJ will be the sole tenant.

Based on the request, the Department, pursuant to the provisions of section 408(a) of the Act, has determined that a public hearing regarding the proposed exemption will be held on Friday, April 29, 1983 beginning at 10 a.m. in Rooms B 3560 and 3595 at 1515 Broadway, New York, New York 10036.

The issues to be addressed at the hearing are whether the proposed exemption, if granted, would be:

(1) Administratively feasible,

(2) In the interests of the Plan and of its participants and beneficiaries, and

(3) Protective of the rights of participants and beneficiaries of the Plan,

in view of the nature of the transactions, including the percentage of assets of the Plan that would be invested in the Property.

Any person who desires to present oral comments at the hearings and who wishes to be assured of being heard, shall submit a statement to that effect, indicating the amount of time he wishes to devote to his oral comments. Such statement and any written comments that such person wishes to be considered in conjunction with his presentation should be submitted to the address specified in "ADDRESS" above, within the time period set forth in "DATES" above.

An agenda will be prepared by the Department, containing the order of presentation of oral comments. Copies of the agenda will be available at the hearing. Information concerning contents of the agenda may be obtained on or after April 25, 1983 by telephoning the person whose name and number are shown above.

Ordinarily, ten minutes will be allowed each person for making an oral presentation. In addition, persons presenting such oral comments should be prepared to answer questions relating to the proposed exemption. At the conclusion of presentation of comments by persons listed on the agenda, other comments will be received to the extent time permits. The public hearing will be transcribed.

Notice to Interested Persons

HBJ has agreed that within ten days after the notice of hearing is published in the **Federal Register**, it will give notice to all Plan participants and beneficiaries by mail, personal delivery or posting such notices at locations where participants work which are customarily used for providing information to empolyees. The notice will include a copy of the notice of hearing as it appears in the **Federal Register**.

Signed at Washington, D.C. this 17th day of March 1983.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration.

[FR Doc. 83-7299 Filed 3-17-83; 10:20 am]

BILLING CODE 4510-29-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19599; File No. SR-MSRB-82-14]

Municipal Securities Rulemaking Board; Proposed Rule Change

March 14, 1983.

In the matter of: Municipal Securities Rulemaking Board, 1150 Connecticut Avenue NW., Washington, D.C. 20036, Order Approving Proposed Rule Change.

The Municipal Securities Rulemaking Board ("MSRB"), submitted copies of a proposed rule change on November 29, 1982, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), to amend MSRB Rule G–12, which prescribes uniform standards for clearance and settlement of municipal securities transactions, by deleting paragraph (d)(ix) which relieves municipal securities brokers of the obligation to send a corrected confirmation when there is a CUSIP number discrepancy on two compared transactions. Under the proposed rule change, the parties to a comparison of inter-dealer confirmations which reveals a discrepancy in the CUSIP numbers will be required to issue a corrected confirmation showing the correct CUSIP number. The MSRB believes that the industry's experience with using the CUSIP system has decreased the number of erroneous CUSIP number selections and that this requirement will not be unduly burdensome.

The proposal was adopted by the MSRB pursuant to Section 15B(b)(2)(c) of the Act as amended in order to increase the use of automated clearing systems in a manner consistent with Section 17A of the Act. The MSRB states that the proposal resulted from the recognition of the need for uniform and precise identification of securities through CUSIP numbers in order to employ more effectively automated technologies in the clearing process, which involves the comparison of CUSIP numbers; to augment yield disclosures on confirmations, which requires identification of call features for possible use in yield computations; and to identify credit distinctions between securities of the same issues, which entails reference to secondary features or sources of payment. The MSRB has found that the CUSIP number has become crucial to comparison; it is impossible to complete comparison solely by means of the other information provided on the inter-dealer confirmation.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19389, January 3, 1983) and by publication in the **Federal Register** (48 FR 1577, January 13, 1983). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Sections 15B and 17A of the Act and the rules and the regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30–3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7068 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19597; File No. SR-SCCP-83-3]

Filing and Immediate Effectiveness of Proposed Rule Change by Stock Clearing Corporation of Philadelphia ("SCCP")

March 14, 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 March 1, 1982, SCCP 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 make several enhancements to SCCP's OTC Equity Comparison System.[1]

[1] SCCP's OTC Comparison system is linked with the National Securities Clearing Corporation's OTC System. SCCP's proposed rule change, for the most part, reflects changes in NSCC's System and makes available to SCCP's participants comparison features previously approved by the Commission. *See* File Nos. SR-NSCC-81-9 and 83-1, Securities Exchange Act Release Nos. 18203 (October 23, 1981) 46 FR 53565 (October 29, 1981) and 19530 (February 23, 1983), 48 FR 8616 (March 1, 1983), respectively.

Specifically, the proposed rule change would add a Demand Withhold capability as well as make several minor enhancements to SCCP's current comparison processing systems.

Under SCCP's proposal, a buyer or seller that wishes to delete a previously compared OTC trade would submit a Demand Withhold form on two days after trade date ("T+2"). The Demand Withhold contains trade information that is processed against the prior day's compared trade file to identify the trade in question and thereby "validate" the Demand Withhold. If the Demand Withhold matches a *contra* Demand Withhold or a *contra* Regular Withhold, a compared Demand Withhold is generated which enters the clearing cycle in the same manner as a Regular Withhold and deletes the trade.

A Demand Withhold that does not match another Demand Withhold or a Regular Withhold generates a Demand Withhold Advisory that SCCP sends to the *contra* party. Upon receiving a Demand Withhold Advisory, the *contra* party may do one of three things: (i) accept the Demand Advisory and return the Demand Advisory to SCCP within two days. The accepted Demand Advisory enters the comparison cycle and deletes the trade; (ii) reject ("DK") the Demand Advisory and return the Demand Advisory to SCCP within two days. The DK'ed Demand Withhold Advisory causes the Demand Withhold to be dropped from the comparison system and leaves the matched trade intact for settlement on T+5; or (iii) ignore the Advisory. In that instance, the trade will be automatically deleted from the system.

SCCP stated that the Demand Withhold capability is being provided to allow participants to delete a trade that they mutually agreed to cancel, but which was nonetheless compared on T+1 because the respective firms' P&S departments were notified too late to stop the comparison of initial trade submission. In these situations, SCCP stated that its participants have expressed difficulties in using the normal Withhold process to delete the trade.[2]

In addition, the proposed rule change makes several minor changes to SCCP's comparison processing systems. Specifically, the proposed rule change would (i) modify Regular Advisory tickets to require full security descriptions, rather than only security symbols, (ii) permit clearing members to accept a Regular Advisory partially when the participant agrees with all details of the trade except the quantity (*i.e.*, security identification, market place of execution, trade date, *contra* broker, executing broker and price)[3] and (iii) establish a series of codes to replace the handwritten description of rejected Demand As Of Advisories.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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-SCCP-83-3.

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, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-7060 Filed 3-17-83; 8:45 am]
BILLING CODE 8010-01-M

[2] *See* SCCP/PHILADEP Member Bulletin No. 83-4 (January 26, 1983).

[3] Under the proposed rule change, any remaining uncompared quantity would be resolved as before by a close out transaction. For example, a participant that receives a Regular Advisory indicating a transaction for 300 shares may, if it agrees with the data contained in the Advisory but recognizes the quantity as 500 shares of the stated security, accept the Regular Advisory with respect to 300 shares and submit new trade data with respect to the remaining 20 shares.

[Release No. 22878; 70-6849]

Central and South West Corp.; Proposed Issuance and Sale of Common Stock

March 11, 1983.

Central and South West Corporation ("CSW"), 2700 One Main Place, Dallas, Texas 75202, a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

CSW proposes to issue and sell in one or more transactions by December 31, 1984, up to 10,000,000 shares of its common stock, par value $3.50 per share. The issuance and sale will be by competitive bidding, either through traditional bidding procedures pursuant to Rule 50 or through the procedures permitted by the modifications to Rule 50 contained in HCAR No. 22623 (September 2, 1982). The net proceeds from the sale of the stock, estimated at approximately $180 million, will be used to retire short-term debt incurred to finance capital contributions to CSW's wholly owned subsidiaries.

The 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 April 6, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-7166 Filed 3-17-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13093; 812-5351]

Central Securities Corp. and Jay Inglis; Filing of Application

March 11, 1983.

Notice is hereby given that Central Securities Corporation ("Central"), 375 Park Ave., Room 3404, New York, NY, 10022 a closed-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), and Mr. Jay Inglis ("Inglis") 475 Park Avenue South, New York, NY 10016 (together with Central hereinafter sometimes referred to as "Applicants"), a director and an "affiliated person" of Central within the meaning of Section 2(a)(3)(D) of the Act, filed an application on October 22, 1982, with an amendment thereto on January 28, 1983, requesting an order of the Commission, pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder, granting an exemption from the provisions of Section 17(d) of the Act and Rule 17d–1 thereunder in connection with a proposed investment by Central in a corporation of which Inglis is an officer. All interested persons are referred to the amended application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act and the Rules thereunder for the complete text of the provisions thereof from which an exemption is being sought.

According to the application, Central proposes to invest $250,000 in, and become a stockholder of, a corporation which on October 27, 1982 acquired, and became the holding company for, Federated Reinsurance Corporation, a New York insurance corporation incorporated in 1972 ("Federated"). Applicants state that Mr. J. William Holt ("Holt"), National Employers Mutual General Insurance Association Ltd., a British insurance company ("National"), Cival Reinsurance Co., Ltd., a Bermudian insurance company ("Cival"), National Underwriters (Reinsurance) Ltd., a Bermudian corporation, and one other individual investor have invested $2,000,000 (including expenses of approximately $120,000 Holt incurred in arranging the transaction), $2,500,000, $3,500,000, $1,000,000 and $750,000, respectively, in Holt Corporation ("HC"), a Delaware Corporation, which was organized in 1982 in order to effect the acquisition of Federated. Applicants assert that on October 27, 1982, HC used the invested funds, together with borrowed funds, to purchase all the issued and outstanding capital stock of Federated pursuant to a Stock Purchase Agreement dated as of January 1, 1982, between HC and Federated Development Company, a New York business trust which owned such stock. According to the application, the purchase price was approximately $12,500,000 in cash, of which $10,862,500 was contributed to the surplus of Federated. Applicants represent that HC has remained, and it is presently anticipated that HC will continue to remain, in existence as the holding company for Federated. Applicants state that the New York State Insurance Department approved the acquisition of control of Federated by HC on October 22, 1982.

According to the application, there are presently 9,750 shares of capital stock of HC issued and outstanding and, upon consummation of Central's proposed investment in HC, there will be 10,000 shares outstanding. Applicants assert that of such 10,000 shares, 2,000 shares are Common Stock, par value $1.00 per share ("Common Stock"), with full voting rights, and the remaining 8,000 shares are Non-Voting Preferred Stock, par value $1.00 per share ("Preferred Stock"). Applicants represent that Holt owns all 2,000 shares of Common Stock. Applicants further represent that the other parties to the transaction own an aggregate of 7,750 shares of Preferred Stock, with each share representing a $1,000 investment in HC. According to the application, Central's investment will provide it with 2½% ownership interest in HC, to be represented by 250 shares of Preferred Stock. Applicants assert that although holders of Preferred Stock do not have voting rights, they have certain other rights set forth in a Shareholders' Agreement dated as of October 22, 1982 (the "Shareholders' Agreement") among all the present HC stockholders. Applicants further assert that Central will enter into a supplement to the Shareholders' Agreement to obligate it to observe the terms thereof once it invests in and becomes a stockholder of HC.

Applicants state that Inglis, who is presently a director of Central, serves as Executive Vice President and Secretary of HC. According to the application, Inglis also serves as Executive Vice President of Federated and is a member of Federated's Board of Directors, which positions with Federated constitute his present principal business occupation. Applicants represent that, although Inglis receives no compensation as an officer of HC, he receives an annual salary as Executive Vice President of Federated which is represented to be commensurate with that paid to the other executive officers of Federated, and is not in any way based on or contingent upon the profitability of Federated.

Applicants note that Inglis, as a director of Central, is an "affiliated person" of Central as such term is defined in Section 2(a)(3)(D) of the Act. Applicants state that although Inglis will not be an investor in HC as will Central, his positions as an officer of HC and an officer and a director of Federated could be said to result in a "joint participation" in the acquisition and subsequent management of Federated, requiring an exemptive order of the Commission pursuant to Section 17(d) of the Act.

Applicants contend that the proposed transaction will not contravene the policy expressed in Section 1(b)(2) of the Act that investment companies not be operated and managed, and that their portfolio securities not be selected, in the interest of, among others, directors, officers or affiliated persons thereof. Applicants state that the proposed transaction merely affords an attractive investment opportunity to Central which, like any other investment opportunity, will be approved by Central's Board of Directors, including its disinterested directors. Applicants note that Central has in the past invested in companies engaged in the insurance business and therefore has a basis upon which to evaluate the merits of its proposed investment in HC. Although the opportunity to invest in HC was facilitated by Inglis because of his relationship to both Holt and Central, Applicants represent that it will be approved as an investment on its own merits, and Inglis will abstain from voting when the proposed transaction is acted upon by Central's Board of Directors. Applicants further represent that any interest Inglis may be said to have in the transaction because of the offices he has assumed is merely incidental and not a motivating factor for Central's proposed investment and that Central would invest in HC regardless of whether Inglis were elected an officer of HC or an officer or a director of Federated.

Furthermore, Applicants represent that the appointment of Inglis to positions with HC and Federated has not been conditioned upon Central's participation in the proposed transaction. Applicants state that Inglis will retain his positions as an officer of HC and a director and officer of Federated whether or not Central invests in HC. According to the application, the acquisition of Federated by HC, in fact, was consummated prior to Commission approval of the

application and any purchase of HC stock by Central.

Applicants contend that although Central's proposed participation in the transaction will be different from that of its affiliated participant Inglis in that only Central will be an investor, Central's participation is not "less advantageous" or founded on any comparable basis which could be said to be adverse to Central. Applicants further contend that because only Central, and not Inglis, will be an investor, a comparison of the terms of their respective participations is not meaningful and does not advance the inquiry alleged to be contemplated by Section 17(d), i.e., whether the investment company suffers a disadvantage because its participation in a "joint transaction" results from, or is on terms which primarily reflect, the self-interest of its joint participant rather than its own best interests and those of its stockholders.

Moreover, according to the application, even if one were to compare the participations of Central and the other outside investors (i.e., those other than Holt), Central's proposed participation in the investment would be on terms no less advantageous than, although not identical to, those enjoyed by such other investors considering their respective economic contributions. Applicants assert that Holt's participation is on terms somewhat different, although no more advantageous (given his greater commitment of time and effort), in that: (a) His purchase price of the 2,000 shares of Common Stock was reduced to reflect his expenses in arranging the transaction and (b) pursuant to the Shareholders' Agreement, Holt has been elected as Chairman and President of HC and Chairman and Chief Executive Officer of Federated. Applicants contend that the terms of the proposed transaction are reasonable and fair and reflect arms-length negotiation by parties all of whom are sophisticated investors, and that none of the parties has the economic power or other influence to overreach any of the other participants.

According to the application, Central will receive, and all investors other than Holt have received, non-voting Preferred Stock of HC to evidence their respective investments therein. Only Holt has received Common Stock with voting rights. Applicants contend that such disparity in the voting rights afforded to Holt versus all other investors will not result in any significant discrimination against Central or the other holders of Preferred Stock. Applicants state that dividend rights of both classes of HC stock are identical. Furthermore, according to the application, all the present investors, including Holt, have entered into the Shareholders' Agreement to guarantee to the holders of the non-voting stock certain rights and to mitigate Holt's power as the only stockholder with voting rights. For example, Applicants assert that it has been represented to Central that neither the stockholders or directors of HC nor the directors of Federated can take any of certain specific actions without the approval of the holders of 75% of all issued capital stock, both voting and non-voting, of HC. Applicants further state that the Shareholders' Agreement prohibits the disposition of HC Stock by the present HC stockholders except upon the terms set forth therein. According to the application, pursuant to such agreement, HC stockholders must provide other HC stockholders or their designees, on a pro rata basis, with the right of first refusal before disposing of any of their stock to third parties. Applicants assert, in addition, that pursuant to the Shareholders' Agreement, the Board of Directors of HC is to consist of three directors, one selected by each of the three major investors, Cival, National and Holt. The Shareholders' Agreement also gives four of the HC stockholders the right to select a specified number of members of the Board of Directors of Federated. Applicants submit that although Central will have no right to select any Federated Board members, such provision is not unreasonable given the relatively small investment Central proposes to make and the proportionate basis on which the stockholders are afforded rights to elect Federated directors.

For the reasons stated above, Applicants submit that Central's proposed participation in the transaction described in the application is consistent with the provisions, polices and purposes of the Act and with Central's fundamental investment policies. Applicants further submit that Central will not suffer any disadvantage at the hands of an affiliated person with a conflict of interest, and that Central's proposed participation in the transaction described in the application is on a basis not substantially different from, and no less advantageous than, that of the other investor participants. Applicants argue that to the extent that differences do exist in the relative rights and obligations of the investor participants, they represent an equitable allocation of the benefits and risks among the participants in light of their respective economic contributions, efforts and objectives.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 5, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. 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.

Georga A. Fitzsimmons,

Secretary.

[FR Doc. 83-7171 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13091; 812-5446]

Connecticut Mutual Life Insurance Co., et al.; Filing of Application

March 11, 1983.

Notice is hereby given that Connecticut Mutual Life Insurance Company ("Connecticut Mutual"), CML Variable Annuity Account A, CML Variable Annuity Account B, CML Accumulation Annuity Account E (referred to individually as "Account A," "Account B" and "Account E," and collectively as the "accounts" or the "managed accounts"), Connecticut Mutual Financial Services Series Fund I, Inc. ("Series Fund") and Connecticut Mutual Financial Services, Inc. ("Financial Services") (all to be hereinafter referred to as "Applicants"), 140 Garden Street, Hartford, Connecticut 06155, filed an application on February 3, 1983 and an amendment thereto on February 25, 1983 for an order of the Commission: (a) Pursuant to Section 17(b) of the Investment Company Act of 1940 (the "Act") exempting Applicants from the provisions of Section 17(a) of the Act to the extent necessary to permit the sale of Series Fund shares in exchange for the assets of the managed accounts; and (b) pursuant to Section 6(c) of the Act

exempting Connecticut Mutual from Sections 26(a), 26(a)(2)(C), 26(a)(2)(D), and 27(c)(2) to permit it to hold assets of the separate accounts without a bank custodian, to permit it to hold shares of the Series Fund under an open account arrangement without the use of stock certificates or the physical possession of the shares, and to permit payment of certain charges to Connecticut Mutual from the assets of the separate accounts. All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

The application states that Accounts A, B and E are each separate accounts of Connecticut Mutual registered as open-end management investment companies under the Act, and that each holds funds received under variable annuity contracts. Account A and Account E hold funds in connection with various tax-qualified pension plans; in addition, Account E and Account B hold funds from contracts sold in the non-qualified market. Applicants contemplate that, subject to approval by contractholders, each of the managed accounts will be converted into a unit investment trust investing exclusively in shares of the appropriate portfolio of the Series Fund that corresponds to the stated investment objective of each managed account.

Applicants state that the charges for investment advisory services and for Connecticut Mutual's assumption of mortality and expense risks are reflected in the contracts as a deduction which is applied in determining the net investment rate for a valuation period. These charges range from 1.022% on an annual basis in the case of Accounts A & B. As part of the proposed reorganization, Connecticut Mutal will agree to reduce these deductions by approximately 1% on an annual basis. Specifically, Applicants anticipate that the entire charge now assessed for investment advisory services will be waived, and a portion of the mortality and expense risks charge also will be waived. Applicants state that on an annual basis, the aggregate amount to be waived will be 1.00375% in the case of Accounts A and B and 1.0001% in the case of Account E.

Applicants state that the Series Fund is a Maryland corporation registered under the Act as an open-end, diversified, management investment company. Applicants state that shares of the Series Fund are currently sold only to Connecticut Mutual and its affiliates. The Series Fund currently has five investment divisions, each of which issues a series of stock representing a separate portfolio of investments; two of which correspond to the investment objectives of Accounts A, B and E. Financial Services, a subsidiary of Connecticut Mutual, performs sales and administrative functions and acts as the investment adviser to the Series Fund and the managed accounts.

Financial Services performs its investment advisory services for the managed accounts pursuant to written agreements with each of the accounts. For serving as adviser, Financial Services makes a daily deduction from the accounts equal to .4745% on an annual basis in the case of Accounts A and B, and .2555% on an annual basis in the case of Account E. Each of the agreements obligates Financial Services to pay all of the administrative expenses of the account.

Applicants state that as compensation for its investment advisory services to the Series Fund, Financial Services receives monthly compensation at the annual rate of 0.50% of the first $200 million of the aggregate average daily net assets of the Series Fund portfolios, 0.45% of the next $100 million of aggregate average daily net assets of the portfolios, and 0.40% of average aggregate daily net assets of the porfolios in excess of $300 million. The reductions in the rate of advisory fee are applicable to each portfolio regardless of size of a "uniform percentage" basis. The investment advisory agreement obligates Financial Services to provide investment advisory services and to pay all compensation of and furnish office space for officers and employees of the Series Fund connected with investment and economic research, trading and investment management of the Fund, as well as the fees of all directors of the Series Fund who are not affiliated persons of Connecticut Mutal or any of its subsidiaries. Each portfolio pays all other expenses incurred in its operations and a portion of the Series Fund's general administrative expenses allocated on the basis of the asset size of the respective portfolios. The investment advisory agreement provides that Financial Services will reimburse the Series Fund if in any year the aggregate ordinary operating expenses of any portfolio (including fees pursuant to the investment advisory agreement, but excluding interest, taxes, brokerage fees and commissions and extraordinary charges such as litigation costs) exceed 1.00% of the portfolio's average net assets.

Section 17 Relief

Pursuant to an Agreement and Plan of Reorganization ("Plan"), and subject to prior approval of the Plan by a majority vote of separate account contractholders, the boards of managers of Accounts A, B and E will take all action necessary to convert each of the managed accounts into a unit investment trust investing exclusively in the shares of the applicable series of the Series Fund that corresponds to the principal investment objective of each managed account. Thereafter, pursuant to the Plan, each of the managed accounts will, on a closing date to be determined separately for each of the accounts, transfer all of its assets to the applicable series in exchange for shares of benefical interest in such series.

Because the contracts do not specify the manner in which separate account assets are to be invested, the restructuring of the separate accounts and concomitant change in investment policies will not require the issuance of any new contracts. Each of the unit investment trusts will invest exclusively in the applicable series of the Series Fund, and contractholders will not have the right to direct that purchase payments be invested in any other series. Contractholders will retain their existing contracts. Connecticut Mutal will execute endorsements to the contracts irrevocably waiving a portion of the charges deducted from account assets as set forth above.

The Applicants submit that, for the reasons stated below, the terms of the proposed transaction are reasonable and fair and do not involve overreaching by any of the Applicants, and that the proposed transaction is consistent with the investment policies of each Applicant and with the purposes of the Act.

Applicants state that recent financial information with respect to the managed accounts shows that the number of existing contractholders and the dollar amount of additional purchase payments received under the contracts has remained relatively small. However, there have been significant contract surrenders. Applicants contend that, because of contract surrenders and the low level of additional purchase payments being made under the contracts, Connecticut Mutual and the boards of managers of Accounts A, B and E have concluded that it would be in the best interests of contractholders to reorganize the managed accounts.

Applicants assert that the proposed transaction is expected to result in economies of scale to contractholders

because the combination of the investment portfolio of each of the accounts with the portfolio of the applicable series will preserve the size of the assets under management, thereby facilitating investment management. Applicants also state that effectuation of the Plan will provide contractholders of the managed accounts with stability and the benefits of an expanding asset base.

Applicants also assert that, in time, the accounts may also benefit from economies of scale in the operation of the Series Fund. Although the investment advisory contract between the Series Fund and Financial Services provides for a somewhat larger advisory fee and requires Financial Services to bear fewer operating costs than do the advisory agreements currently in effect with each of the accounts, the former also obligates Financial Services to reimburse the Series Fund for any amount by which aggregate expenses of any portfolio of the Series Fund, including the advisory fee, exceed 1% of the average annual net asset value of the portfolio. In order to avoid increasing costs borne by the contractholders, Connecticut Mutual has agreed to waive contract charges aggregating approximately 1% of the average annual net asset value of each account. As a result, the total direct and indirect charges borne by contractholders will not be increased and, if total Series Fund expenses fall below 1% of net assets, relative expenses will actually be reduced. Applicants represent that the waiver of charges by Connecticut Mutual, coupled with Financial Services' contractual obligation to reimburse the Fund as outlined above, will more than adequately offset any possible increased cost to contractholders that might result from the differences in investment advisory arrangements.

Applicants also state that the boards of managers of the accounts have concluded that there would be no dilution of any contractholder's interest as a result of the reorganization. Specifically, Financial Services will pay all expenses of the reorganization. The boards of managers have determined that the portfolio of each managed account is compatible with the corresponding portfolio of the Series Fund. Therefore, no undue brokerage commissions or other costs will be incurred in liquidating assets of any of the managed accounts, and the only sales of account assets envisioned are those that may occur in the ordinary course of business.

Based on present federal income tax laws and regulations, Connecticut Mutual believes that the transfer of the Accounts' assets to the Series Fund will be a tax-free transaction. Thus, no gain or loss will be realized by either the accounts or the Series Fund. The Series Fund will treat the assets received as having the same aggregate adjusted basis for purposes of computing gain or loss on their disposition as such assets had immediately prior to the transfer. Similarly, the accounts will treat the Series Fund shares received in the exchange as having the same aggregate adjusted basis as the assets transferred to the Series Fund. Applicants state that any advantage or detriment resulting from the sharing of unrealized capital gains or losses arising from the carryover basis of assets transferred to the Series Fund would be both insignificant and speculative. Applicants state that Connecticut Mutual has not sought a ruling from the Internal Revenue Service or a formal opinion of counsel as to the tax-free nature of the transaction. However, the application describes considerations and undertakings with respect to each of the accounts that underlay their representation.

Applicants further submit that the proposed transaction does not present any of the eight specified situations described in Section 1(b) of the Act and therefore that it is consistent with the general purposes of the Act. Applicants therefore contend that the proposed transaction complies with all the provisions of Section 17(b) of the Act and request an order exempting the proposed transaction from the provisions of Section 17(a) of the Act.

Sections 26 and 27 Relief

Applicants propose that, after the proposed reorganizations, all assets of the separate accounts will be held by Connecticut Mutual in custody for safekeeping rather than by a custodian or under a safekeeping agreement with a bank. An exemption is requested from Sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit assets of the separate accounts to be held in the custody of Connecticut Mutual. Applicants also request an exemption from Section 26(a)(2)(D) of the Act to the extent necessary to permit shares of the Series Fund, the only assets in which the accounts will invest, to be held under an open account arrangement without the use of stock certificates or the physical possession of the shares by Connecticut Mutual. Applicants state that the proposed arrangement will in no way affect the safekeeping of the assets of the Series Fund, which are held by a qualified custodian.

Finally, Applicants request an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to permit the payment to Connecticut Mutual of the mortality and expense risk charge. As explained in the application, Connecticut Mutua and financial Services will waive portions of the asset charge and after the proposed reorganizations, Connecticut Mutual will deduct only the remaining amoung of the mortality and expense risk charges from the assets of the separate accounts. Applicants represents that the mortality and expense risk charge under the contracts is consistent with the protection of investors because it is a reasonable and proper insurance charge. Applicants state that the amount of the charge is considerably less than industry practice for similar policies. This representation is based on Connecticut Mutual's analysis of similar industry products, taking into account such factors as current charge levels, existence of charge level guarantees, and guaranteed annuity rates. Connecticut Mutual will maintain at its home office, available to the Commission, a memorandum setting forth in detail the products analyzed in the cource of, and the methodology and results of, the comparative survey. The mortality and expense risk charges are fully disclosed in the prospectuses for each of the contracts. Applicants believe, therefore, that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application may exempt any person from any provision of the Act or its Rules and Regulations, if and to the exent necessary or appropriate and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 4, 1893, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law, that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by

certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. 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. 83-7170 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22879; 70-6678]

National Fuel Gas Co.; Proposed Intra-System Borrowing Arrangements

March 11, 1983.

National Fuel Gas Company ("National"), Rockefeller Plaza, New York, NY 10112, a registered holding company, and National Fuel Gas Distribution Corporation ("Distribution"), National Fuel Gas Supply Corporation ("Supply") and Penn-York Energy Corporation ("Penn-York"), each a subsidiary of National (collectively referred to as the "System"), 10 Lafayette Square, Buffalo, New York 14203, have filed with this Commission a post-effective amendment to its application-declaration in this proceeding pursuant to Sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") and the applicable rules thereunder.

By order in this proceeding dated November 22, 1982 (HCAR No. 22722), National was authorized to issue and sell through December 31, 1983, up to $308,000,000 aggregate amount outstanding of commercial paper and short-term notes to banks pursuant to established external short-term lines of credit. The proceeds from such borrowings were to be loaned to System subsidiaries. Authorization was also given to institute a money pool arrangement among National, Distribution, Supply, and Penn-York. Each subsidiary was authorized to borrow from the money pool up to the following maximum aggregate principal amounts outstanding at any one time through December 31, 1983:

Distribution	$105,000,000
Supply	99,000,000
Penn-York	61,000,000

The maximum principal amount of unsecured debt, as defined in National's Certificate of Incorporation, 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 June 30, 1982, twenty-five percent of its consolidated capitalization equalled $122,440,250. Certain borrowings for use by Supply to finance its inventory of storage gas and accounts receivable loans are excluded from the definition of unsecured debt. This permits portions of the short-term debt of the System to fit within an exclusion and short-term borrowings in the aggregate to exceed the above debt limitations.

Authorization is now being sought to make borrowings through the money pool up to the following maximum aggregate principal amounts outstanding at any one time through December 31, 1983:

Distribution	$150,000,000
Supply	125,000,000
Penn-York	20,000,000

The level of such borrowings by a subsidiary may be limited to a lesser amount because of the restrictions in National's certificate discussed above.

Distribution would use the proceeds in connection with its construction program and the financing of deferred purchased gas costs. Supply would use the proceeds to purchase storage gas, to finance deferred purchased gas costs, and in financing of accounts receivable and for its construction program. Penn-York would use the proceeds in connection with the construction of underground storage facilities to serve non-affiliates.

Borrowings from and contributions to the money pool will be adequately documented and will be evidenced on the books of each participant who is borrowing or contributing surplus funds through the money pool. The interest rate applicable to all loans of surplus funds through the money pool will be the lower of the rate for commercial paper placed by A. G. Becker & Co., Incorporated, having the same rating as National and having a term most nearly equal to the particular money pool loan in question or the prime rate at The Chase Manhattan Bank, N.A.

Distribution proposes to repay borrowings from the money pool by recovery of deferred gas costs, liquidation of accounts receivable and the possible sale of long-term securities. Supply Corporation proposes to repay borrowings from the money pool from funds received when gas in storage is withdrawn and sold from other funds generated internally. Penn-York proposes to repay borrowings from the money pool with funds received from the possible sale of long-term securities.

In all other respects the terms of the money pool borrowings remain the same.

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 April 5, 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 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, 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. 83-7167 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19593; SR-NYSE-83-9]

New York Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

March 11, 1983.

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, submitted on March 4, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and rule 19b-4 thereunder, to extend the operation of the NYSE's Registered Representative Rapid Response Service ("R4") until May 1, 1983. R4 is currently a pilot program scheduled to terminate on March 14, 1983.[1] According to the Exchange, the purpose of the proposed rule change is to give the Commission time to consider the Exchange's recent proposal for a one-year extension of R4 and an expansion of its use. That rule filing has been published for public comment [2] and

[1] On September 14, 1982, the Commission approved R4 as a 6-month pilot program. Securities Exchange Act Release No. 19047, September 14, 1982; 47 FR 41898, September 22, 1982.

[2] Securities Exchange Act Release No. 19573, March 8, 1983.

currently is being reviewed by the Commission.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days from the date of publication of the submission 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 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-83-9.

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 communictions 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, 450 5th Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change, in light of its limited purpose and experimental nature, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder. In particular, the Commission believes it is appropriate to extend the R4 pilot program to afford the Commission an opportunity to consider fully the issues raised by NYSE's proposal to extend R4 for another year and to expand its use.[3]

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 NYSE R4 experiment is scheduled to expire on March 14, 1983, and an extension is necessary to allow the pilot to continue in its present form while the Commission considers the NYSE's proposal for a one-year extension and expansion of the system. The Commission expects to take action on that proposal before May 1, 1983. For this reason, the Commission believes it is appropriate to extend the R4 pilot program to May 1, 1983. In so finding, the Commission does not, however, reach any conclusion as to the consistency with the Act of a continuation of the R4 experiment beyond May 1, 1983.

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. 83-7165 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[3] For a complete descussion of these issues, see the release providing notice of File No. SR-NYSE-83-8, note 2, *supra*.

[Release No. 13092; 812-5471]

Northwestern National Life Insurance Co., et al.; Application

March 11, 1983.

Notice is hereby given that Northwestern National Life Insurance Company ("Company"), NWNL Select Variable Account ("Select"), a separate account of the Company registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and NWNL Management Corporation (collectively, "Applicants") 20 Washington Avenue South, Minneapolis, Minnesota 55440, filed an application pursuant to Section 11 of the Act on March 4, 1983 for an order of the Commission approving the terms of certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

Select was established for use in respect to individual variable and fixed annuity contracts ("Contracts"). Purchase payments may be allocated to Select in addition to or in lieu of the Fixed Account (which is the general account of the Company). Purchase payments allocated to Select by or on behalf of the owner of a Contract are invested in one or more subaccounts of Select. The assets of each subaccount are invested in shares (at net asset value) of different mutual funds. The funds currently offered are Select Cash Management Fund, Inc. ("SCM") and Select Capital Growth Fund, Inc. ("SCG"). In Investment Company Act Release No. 12807 (November 15, 1982), the Commission approved, pursuant to Section 11 of the Act, the terms of offers of exchange of contract values between the subaccount invested in shares of SCM and the subaccount invested in shares of SCG. Applicants now propose to add a subaccount investing in Select High Yield Fund, Inc. ("SHY").

Applicants propose to permit contractowners to request the transfer of all or part of the value of their Contract among the subaccounts invested in shares of SCM, SCG and SHY. There will be no charge for such transfer, other than those that may be made by SCM, SCG, or SHY (no such charges are currently imposed). Applicants request an order pursuant to Section 11 to the extent necessary to permit the proposed offer of transfer rights described above.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 5, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. 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. 83-7172 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 1952; File No. SR-OCC-83-5]

Options Clearing Corp.; Filing and Order Approving Proposed Rule Change

March 11, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") notice is hereby given that on March 8, 1983, The Options Clearing Corporation ("OCC") filed with the Commission a proposed rule change that would amend OCC's rules pertaining to exercise restrictions in a manner consistent with the unique characteristics of index options contracts.

Specifically, OCC's proposal would permit exercise restrictions imposed either by the Exchange or OCC to remain in effect with respect to an index option series until the last business day before expiration of any series.

Currently, OCC's rules provide that an exercise restriction can be imposed and continued with respect to any series of options until ten business days before expiration of the affected series ("ten-day rule"). In its filing, OCC explained the historical reason for this ten business day limitation on exercise restrictions. At the time the current rule was drafted OCC was concerned that exercise restrictions imposed through the expiration date of an options series could, by making it impossible for option holders to deliver or receive the underlying security, cause option contracts to be construed as inconsistent with state gambling and bucket shop laws. That concern was dispelled by a 1982 amendment to Section 28(a) of the Act which preempted state gambling and bucket shop laws with respect to options traded pursuant to the rules of self-regulatory organizations. Nevertheless, because OCC views the ten-day rule as innocuous with respect to most types of options it remains in effect despite the recent amendment to Section 28(a) of the Act. Indeed, OCC stated in its filing that it is not aware of any case in which exercise restrictions have been imposed. Further, OCC stated that its ability to postpone the exercise settlement date where appropriate [1] would appear to eliminate the need, in most circumstances, to restrict exercise of most types of options.

The proposed rule would differentiate index options contracts from other types of options contracts with respect to the permissible duration of restrictions imposed on holders' ability to exercise option contracts. This distinction is based on the unique market place characteristics of index options. Specifically, OCC notes that the dissemination of index options values ("current index level") can be subject to interruption due to mechanical problems or a trading halt in stock (s) that comprise a substantial portion of the value of the underlying index. The various Exchanges in consultation with the Commission staff have, as a matter of policy, determined that neither trading nor the exercise of index options should be permitted when current index levels are unavailable, or when the current index levels reflects a substantial amount of non-current price information. Therefore, in those circumstances in which the imposition of exercise restrictions are considered appropriate, OCC believes that such restrictions would be appropriate even during the ten business days before expiration. Accordingly, OCC proposes to eliminate the ten-day rule with respect to index option contracts.

The proposed rule change would allow exercise restrictions to be imposed and continued with respect to any series of index options until the last trading day before expiration. OCC stated that this one day exercise "window" was necessary, notwithstanding interruption in the dissemination of a current index value or other event warranting a trading halt, because precluding exercise through expiration would prevent holders from realizing any investment value on their options.

In addition, the proposed rule change would make minor amendments to OCC Rules 601 and 1806. The proposed rule change would correct typographical errors in the numbering of "interpretations and Policies" following Rule 601 and in the cross-reference to another Rule following Rule 1806.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-OCC-83-5.

Copies of the submission, with accompanying exhibits, and all written comments, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 522, will be available for public inspection at the Securities and Exchange Commission's Public reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agenices, and, in particular, the requirements of Section 17A of the Act. Specifically, the proposed rule change would protect investors and the public interest by extending the exercise restriction period thereby minimizing the possibility that exercises of index options might be settled on the basis of non-current index levels or index levels based on non-current price information with respect to stocks in the index group. Further, the Commission believes that OCC has, by leaving a one day exercise window, struck a reasonable balance between the policies underlying exercise restrictions of index option contracts in extraordinary circumstances and the right of index option holders to realize the value of their option contracts.

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. Trading of index options contracts is scheduled to begin on the Chicago Board Options Exchange on March 11, 1983. Because potential restrictions on exercise are a basic term of option contracts, such terms must be effective prior to the commencement of index options trading. Therefore, the Commission believes that it is in the interest of prompt and accurate clearance and settlement of index option contracts as well as the maintenance of fair and orderly markets to avoid any market confusion and uncertainty that might result if the rule change did not become effective until after the commencement of index options trading. In addition, the Commission has considered the substance of the proposed rule in connection with its review of the index options disclosure document pursuant to Rule 9b-1 of the Act. On the basis of consultation with the Commission, the index option disclosure document reflects this rule change. Accordingly, for all these reasons, OCC's amendments to its exercise restriction rules should be in place now.

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. 83-7166 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[1] *See* for example, OCC Rule 1405(b) relating to Treasury Securities Options. Rule 1405, among other things, allows OCC to extend or postpone the settlement date for Treasury options, whenever, in its opinion, such action is required to meet unusual market conditions.

[Release No. 19594; File Nos. SR-Phlx-83-2; SR-Phlx-83-3]

Philadelphia Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Changes

March 11, 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 March 9, 1983, the Philadelphia Stock Exchange, Inc. ("Phlx") 1900 Market Street, Philadelphia, PA 19103, filed with the Securities and Exchange Commission the proposed rule changes described herein. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

The Phlx proposes to extend temporary Rules 933 (SR-Phlx-83-2) and 941 (SR-Phlx-83-3) until May 14, 1983. Both these rules otherwise would terminate by their own terms on March 14, 1983.[1] Rule 933 requires Phlx members who lease their seats to execute a sale and subordination agreement under which the Exchange may sell the membership upon termination of the lease and apply the proceeds of such a sale to the satisfaction of the priority claims specified in Phlx By-law XV. Rule 941 requires Phlx member organizations and members who are parties to a-b-c agreements to execute a similar sale and subordination agreement. The Phlx states in its filings that the purpose of extending these two rules is to keep them effective until their principal provisions are incorporated in the Phlx rules on a permanent basis under a pending Phlx proposed rule change contained in File No. SR-Phlx-82-4.[2] The Phlx states that the statutory basis for the proposed rule changes is Sections 6(b)(1), 6(b)(5) and 6(c)(3)(A) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change 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 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File Nos. SR-Phlx-83-2 and SR-Phlx-83-3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes which are filed with the Commission and all written communications relating to the proposed rule changes 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, 450 5th Street, N.W., Washington, D.C. Copies of the filings and of any subsequent amendments also will be available for inspection and copying at the principal office to the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in paricular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof, in that the proposed rule changes would merely keep in effect two Phlx rules that currently are operative. Both rules terminate on March 14, 1982, and an extension is necessary in order to allow time for consideration of their proposed adoption as permanent rules as part of SR-Phlx-82-4. The Commission believes it is appropriate to extend the effectiveness of these rules for an additional two-month period pending final Commission action on SR-Phlx-82-4.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule changes referenced above be, and hereby are approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-7169 Filed 3-17-83; 8:45 am]
BILLING CODE 8010-01-M

[1] The Commission approved adoption of Rule 933 for a one year period on December 21, 1981 (Securities Exchange Act No. 18356, December 21, 1981; 46 FR 6343, December 31, 1981), and approved its extension through March 14, 1983 on December 14, 1982 (Securities Exchange Act Release No. 19334, December 14, 1982; 47 FR 51776, December 22, 1982). Commission initially approved the adoption of Rule 941 on October 21, 1982. (Secutities Exchange Act Release No 19335, October 21, 1982; 47 FR 49503, November 1, 1982); and approved its extension through March 14, 1983 on December 14, 1982 (Securities Exchange Act Release No. 19335, December 14, 1983; 47 FR 51776, December 22, 1982).

[2] Notice of SR-Phlx-82-4 has been given by Commission Release (Securities Exchange Act Release No. 19163, October 21, 1982); and by publication in the Federal Register (47 FR 49515, November 1, 1982). On March 3, 1983, Phlx granted an extension of time to May 14, 1983, for Commission action on this filing.

[Release No. 34-19582; Filed No. SR-CBOE-83-5]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Inc., Relating To Clerks on Trading Floor

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 March 4, 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

Additions are italicized; deletions are bracketed.

Admission To and Conduct On The Trading Floor

Rule 6.20.(a) Admission to Floor. Unless otherwise provided in the Rules, no one but a member or an order Book Official designated by the Exchange pursuant to Rule 7.3 shall make any transaction on the floor of the Exchange. Admission to the Floor shall be limited to members, employees of the Exchange, clerks [or messengers] employed by members and registered with the Exchange, and such other persons as may be provided by resolution of the Board.

(b) Conduct on the Floor. No change.

(c) Clerks of Members. While on the trading floor, clerks shall display at all times the badge(s) supplied to them by the Exchange. Any Market-Maker clerk who writes up an option or stock order must give his employer a copy of that order before it is delivered; the employer must retain the copy on his person until it is executed. A clerk receiving a phone order must initial, must mark as opening or closing, and must time-stamp the order. A clerk shall remain at a booth assigned to his employer or assigned to his employer's clearing firm unless he is: (1) Entering or leaving the trading floor, (2) transmitting or checking the status of an order or reporting a fill, (3) standing in the same crowd as his employer who is a Market-Maker or Floor Broker, (4) supervising his firm's clerks if he is a floor manager or (5) acting as a stock clerk. Only stock clerks and Market-Maker or Floor-Broker clerks may stand in or near a trading crowd; in the latter case, the Market-Maker or Floor Broker must be present in the same trading

crowd. Quote terminals on the trading floor (except those located in booths) may not be used by a clerk unless his employer is a Market-Maker or Floor Broker who is standing near the quote terminal.

* * * Interpretations and Policies:

.01 through .03 No change.

.04 The activities which may impair the maintenance of a fair and orderly market or impair public confidence in the operations of the Exchange, include but are not limited to the following:

(i) Effecting or attempting to effect a transaction with no public outcry in violation of Rule 6.43 or 6.74;

(ii) Failure of a Market-Maker to respond to a request for a market by an Order Book Official pursuant to rule 7.5;

(iii) Failure of a Market-Maker to bid or offer within the ranges specified by Rule 8.7(b);

(iv) Failure adequately to supervise an employee to insure his compliance with Exchange Rule 6.20(c).

[(iv)] *(v)* Failure to abide by a determination of Floor Officials; and

[(v)] *(vi)* Refusal to provide information requested by a Floor Official acting in his official capacity.

.05 No change.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below 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 this proposed rule change is to limit the permissible activities of clerks on the Exchange's trading floor. These restrictions will result in two benefits. First, they will alleviate congestion; and second, they will help to eliminate clerks, exercising discretion over a market maker's trading.

Unless a clerk is running a bona fide errand, he must be standing either at a firm booth or with his market-maker or floor-broker employer. He cannot roam the trading floor. In addition, the rule change limits market-maker and floor-broker clerks' access to quote terminals on the trading floor to times when their employer is standing nearby. Thus, the floor will be less congested, as will those areas of the floor near quote terminals.

Clerks are not Exchange members. Therefore, pursuant to Exchange rule 6.20(a), they cannot exercise discretion over a market maker's trading. While the Exchange does not believe that violations of this Rule are widespread, they are difficult to detect and to prove. Therefore, it is desirable to make such violations more difficult to accomplish.

The proposed rule change does this in several ways. It limits cherks' access to trading crowds. It requires a market-maker clerk to give a copy of an order that he has written for his employer to that market maker before the order is delivered. The market maker must retain a copy of the order on his person until it is executed. This procedure enables a Floor Official seeing a clerk delivering the order, to check with the market maker and to see the copy of the order that is retained by the market maker. This makes it less likely that the clerk exercised any discretion over the order.

Finally, Floor Officials may impose a fine of up to $1,000 on a member whose clerk has violated the proposed rule. If the violation involves a clerk's exercising discretion over a market maker's trading, the violation also may be referred to the Exchange's Business Conduct Committee for further disciplinary action.

It should be noted that the Exchange staff is working with the Floor Procedure and Membership Committees to revise the clerk registration process to help carry out the intent of this proposed rule change. New clerk badges will enable Floor Officials to more easily spot an out-of-place clerk, since the badge will show the function of the clerk wearing it and will show who his employer is. An example of an out-of-place clerk is a market-maker clerk standing in a trading crowd without his employer present. An increase in clerk fees will be requested in the fiscal 1984 budget to discourage the hiring of unnecessary clerks; if approved by the Board, such fees will be filed with the Commission as a rule change as usual.

The statutory basis for the proposed rule change is section 6(b)(5) of the Securities Exchange Act of 1934 (the Act), in that the change will promote just and equitable principles of trade in the manner described above.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed change imposes any burden on competition not necessary or appropriate under the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The proposed rule change was developoed by the Floor Procedure and Membership Committees, both of which are composed of members. Comments were solicited by means of the Exchange Bulletin, which is sent to all Exchange members. Five letters were received. The primary complaint in each letter was that market makers should not have to write every order and give it to a clerk, which was a requirement in an earlier draft of this rule change. This requirement has been omitted, so that a market maker may instruct his clerk to write an order but must be given a copy of the order before it is delivered and must retain the copy on his person until it is executed.

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, 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: March 10, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7174 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19593; File No. SR-NYSE-83-9]

Self-Regulatory Organizations; Proposed Rule Change By New York Stock Exchange, Inc., Relating To Extension of Experiment Testing the Operation of Registered Representative Rapid Response Service

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 March 4, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would extend the "sunset" date of the R4 experiment from March 14, 1983 to May 1, 1983.

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 purposes of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The purpose of the proposed rule change is to extend the effectiveness of the R4 experiment until May 1, 1983 in order that the experiment will not expire while the Commission is considering a proposal in File No. SR-NYSE-83-8, dated February 16, 1983, for a one year extension of R4 and an expansion of its use. In Filing 83-8, the Exchange had proposed to extend the R4 experiment until March 14, 1984 and to expand it to include additional member organizations, to add eligible stocks in stages up to approximately 200 stocks and to increase the size of eligible orders as the experiment progresses to up to 599 shares.

(2) *Statutory Basis.* The extension of the R4 experiment as proposed herein has the same statutory basis as stated in SR-NYSE-82-14 and SR-NYSE-83-8. Specifically, the R4 experiment is consistent with Sections 11A(a)(1) and 17A(a)(1) of the Securities Exchange Act of 1934 (the "Act") which encourage the use of new data processing and communications techniques and more efficient market operations. The R4 experiment also advances the prompt and accurate clearance and settlement of securities transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The R4 experiment provides an opportunity for the Exchange to compete more effectively for small order flow with other exchanges which utilize automatic execution systems. Thus, the Exchange does not believe the R4 experiment imposes any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission has found 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 NYSE R4 experiment is scheduled to expire on March 14, 1983, and an extension is necessary to allow the pilot to continue in its present form while the Commission considers the NYSE's proposal for a one-year extension and expansion of the system.

IV. Soliciation 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, 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, 450 5th Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 11, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7173 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/05-0086]

Market Capital Corp.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Market Capital Corporation (MCC), 1102 N. 28th Street, P.O. Box 22667, Tampa, Florida 33622, a Federal Licensee under the Small Business Investment Act of 1958 (Act), as amended, has filed an application with the Small Business Administration (SBA) pursuant to Section 312 of the Act and covered by Section 107.1004 of the SBA Rules and Regulations, governing small business investment companies (13 CFR 107.1004 (1983)) for approval of conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, MCC proposes to invest $30,000 in Futral Markets, Inc. (Futral), 205 North Scenic Highway, Frostproof, Florida 33843, to increase its working capital.

The proposed financing is bought within the purview of Section 107. 1004 of the SBA Regulations since Mr. Robert H. Futral is a member of the Board of

Directors of Affiliated of Florida, Inc., a retail cooperative, the membership of which are the stockholders of MCC. Accordingly, Mr. Futral is considered by SBA to be an Associate of MCC.

Notice is hereby given that any interested person may, not later than ten (10) days from the date of publication of this Notice, submit written comments on the proposed transaction to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 14, 1983.

Edwin T. Holloway,

Associate Administrator, for Finance and Investment.

[FR Doc. 83-7017 Filed 3-17-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5157]

Tennessee Equity Capital Corp; Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1983)), for transfer of control of Tennessee Equity Capital Corp. (TECC), 4515 Poplar Avenue, Memphis, Tennessee 38117, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 *et seq.*), and the Rules and Regulations.

TECC was licensed on January 19, 1979, and its present capitalization is $502,000.

The current officers, directors and stockholders are as follows:

Richard Kantor, President, Director and 50% Stockholder
Walter S. Cohen, Secretary-Treasurer, Director and 50% Stockholder
Stephen L. Parr, Director

Upon transfer of control, the officers, directors and stockholder will be as follows:

Richard Kantor, President, Director
Walter S. Cohen, Secretary-Treasurer, Director and 100% Stockholder
Stephen L. Parr, Director

The Licensee will also move its headquarters to 1102 Stonewall Jackson, Nashville, Tennessee 37220, and close its Memphis office.

The capital of TECC will remain at $502,000.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the Licensee under this management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than fifteen days from the date of publication of this notice, submit written comments on the proposed transfer of control to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Nashville, Tennessee.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 14, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-7018 Filed 3-17-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 855]

Conference on Ethical Issues and Moral Principles in U.S. Refugee Policy

The Office of the U.S. Coordinator for Refugee Affairs and the Religious Advisory Committee will cosponsor a conference to be held on Friday, March 25, 1983 from 8:15 a.m. to 5:30 p.m. at Meridian House International, 1630 Crescent Place, NW. Washington, D.C. 20009. Attendance at the conference will be open to the public.

The purpose of the conference will be: to review the external environment which creates refugee flows; to clarify the moral and ethical issues relating to refugee affairs; and, to provide an opportunity to build a new consensus on how to deal with refugee problems at home and abroad. The Conference will consist of three panel sessions that will address the following topics: Contemporary World Scene; Response of the World Community, and U.S. Refugee Policy. A conference report will be prepared which will be available to the public upon request.

Requests for further information on the conference or the conference report should be directed to Jane DeGraff, Office of the U.S. Coordinator for Refugee Affairs, Department of State, Washington, D.C. 20520. Telephone: (area code 202) 632-5203.

Limited seating will be available subject to the capacity of the meeting room. Accordingly, members of the public wishing to attend the conference should contact Mrs. DeGraff's Office in order to arrange for admission and seating.

The respective Moderators of the panels will, as time permits, entertain oral comments from members of the public attending the meeting. Members of the public attending the meeting may also submit written comments to the Conference reporter who, to the extent practicable, will reflect those views in the Conference report.

Dated: March 15, 1983.

Jane DeGraff,

Executive Assistant to Ambassador at Large.

[FR Doc. 83-7300 Filed 3-17-83; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Authority to Prescribe and Enforce Standards or Regulations Affecting the Occupational Safety and Health of Seamen Aboard Vessels Inspected and Certificated by the United States Coast Guard; Memorandum of Understanding

Note.—This document originally appeared in the Federal Register of Thursday, March 17, 1983. It is reprinted in this issue to meet requirements for publication on the Tuesday-Friday schedule assigned to the Department of Labor.

Purpose

It is the purpose of the purpose of this memorandum of understanding (MOU) to set forth clearly the boundaries of the authority of the United States Coast Guard (Coast Guard) of the U.S. Department of Transportation and the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor in prescribing and enforcing standards or regulations affecting the occupational safety and health of seamen aboard vessels inspected and certificated by the Coast Guard (hereinafter "inspected vessels"). This MOU is intended to eliminate confusion among members of the public

with regard to the relative authorities of the two agencies. Nothing in this MOU pertains to uninspected vessels. The Coast Guard and OSHA agree to work together to fulfill their respective authorities.

Authority of the Coast Guard

The Coast Guard is the dominant federal agency with the statutory authority to prescribe and enforce standards or regulations affecting the occupational safety and health of seamen aboard inspected vessels. Under the Vessel Inspection Laws of the United States, the Coast Guard has issued comprehensive standards and regulations concerning the working conditions of seamen aboard inspected vessels.

These comprehensive standards and regulations include extensive specific regulations governing the working conditions of seamen aboard inspected vessels as well as ample general authority regulations to cover these seamen with respect to all other working conditions that are not addressed by the specific regulations. These standards and regulations are generally set forth at 46 CFR Chapter I, and in the Coast Guard's Marine Safety Manual and its Navigation and Vessel Inspection Circulars.

Authority of OSHA

OSHA has a general statutory authority to assure safe and healthful working conditions for working men and women under the Occupational Safety and Health (OSH) Act of 1970. Section 4(b)(1) of the OSH Act defines the relationship between OSHA and the other federal agencies whose exercise of statutory responsibilities may affect occupational safety and health. Based on OSHA's interpretation of section 4(b)(1), and as a result of the Coast Guard's exercise of its authority, described above, OSHA has concluded that it may not enforce the OSH Act with respect to the working conditions of seamen aboard inspected vessels. Nonetheless, OSHA retains the following responsibilities.

OSHA retains its authority under section 11(c) of the OSH Act, which forbids discrimination in any manner against employees who have exercised any right afforded them under the OSH Act. Pursuant to this provision, OSHA has the authority to require vessel owners to post a notice that informs employees of their right to complain about working conditions to the Coast Guard, OSHA, or the employer and to be free from retaliatory discrimination. OSHA has concluded that its exercise of authority under section 11(c) is not precluded by the scope of section 4(b)(1) of the OSH Act.

OSHA agrees to refer to the Coast Guard, for its consideration, any complaints, other than section 11(c) discrimination complaints, OSHA receives from seamen working aboard inspected vessels. However, the Coast Guard, consistent with the statement of its authority above, has the sole discretion to determine, under its applicable standards and regulations, whether the events complained of constitute hazardous conditions and the extent of any remedy that may be required.

Recordkeeping

OSHA and the Coast Guard will continue to discuss the extent of their respective jurisdictions to require owners of inspected vessels to keep records concerning occupational injuries and illnesses. This MOU does not resolve any issues concerning recordkeeping obligations.

Effective Date and Publication

This MOU shall take effect upon signature by the parties. It shall be promptly published in the **Federal Register**.

Dated: March 8, 1983.

James S. Gracey,

Commandant, United States Coast Guard, U.S. Department of Transportation.

Dated: March 4, 1983.

Thorne G. Auchter,

Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor.

[FR Doc. 83-6792 Filed 3-16-83; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1982 Rev., Supp. No. 23]

Surety Companies Acceptable on Federal Bonds; Universal of Omaha Casualty Insurance Co.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 9304 to 9308 of Title 31 of the United States Code. An underwriting limitation of $104,000 has been established for the company.

Name of Company:

Universal of Omaha Casualty Insurance Company

Business Address:

365 North Saddle Creek Road, Omaha, Nebraska 68131

State of Incorporation:

Nebraska

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1982 Revision, at page 28884 to reflect this addition. Copies of the circular, when issued, may be obtained from the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: March 3, 1983.

W. E. Douglas,

Commissioner, Bureau of Governmental Financial Operations.

[FR Doc. 83-7150 Filed 3-17-83; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Master Plan; Veterans Administration Medical Center; Mountain Home, Tennessee; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the development of a master plan for new construction. The plan to be implemented is concept E as described below. The facility program would provide approximately 263,800 gross square feet for all VA services.

Several alternative plans involving different functional adjacencies and various locations within the medical center property have been examined along with the "No Action" alternative.

In concept A, the existing hospital would be expanded in phases to develop two new bed towers. A new 60 bed nursing home care unit would be located north of the hospital and a new 100 bed domiciliary is proposed north of the present intermediate care building. The remainder of the VA site is essentially unaltered except for those modifications required for additional parking and roadways adjacent to the improved hospital.

In concept B, the existing hospital will be expanded in phases to provide two

new bed towers. The domiciliaries are totally renovated to meet criteria. Two new 100 bed domiciliaries are proposed in this plan, north of the existing intermediate care building. The existing medical center site would be modified to meet program parking and parking spaces essentially needed on the overall site.

Concept C proposes a total replacement of the existing hospital structure at another location within the VAMC site. The current hospital and existing domiciliaries would be renovated for total domiciliary use. A new nursing home containing 60 beds is proposed north of the new hospital, as envisioned in this plan. Additional modifications to the site would occur to improve the pedestrian environment.

Concept D involves a hospital addition, renovation work and improvements to the Chiller Steam Plant. All other VA services and functions would remain as they are presently. Additional parking, necessary in those areas of the site where parking is essential, will include approximately 610 spaces.

Concept E requires a three level hospital addition. No site improvements would be necessary, except for an additional 450 parking spaces. All other VA functions and services would remain as they are except for intermediate beds in building no. 8. These intermediate beds will be relocated into the new hospital addition and the building renovated for 120 nursing home beds. Ultimately, domiciliary building nos. 2, 3, 5, 6, and 7 will be renovated.

The "No Action" alternative would maintain most facilities in their existing situation, with continual development of medical center facility plans on a five year planning basis. Most projects would include maintenance, and minor construction proposals to keep the existing facility on an accredited operational basis. However, many significant facility problems would not be addressed within this alternative schedule.

Development of the proposed master plan will have impacts on the human and natural environment affecting open space, soil erosion, and architectural historic attributes.

Short term effects of minor air degradation from construction activity and accompanying increases in noise levels during construction will also occur. In relation to both construction and operation, the project will be built in accordance with all applicable Federal, State and local air quality standards.

All environmental attributes analyzed would not be affected to the extent identified should the "No Action" alternative be selected. However, historic and architectural considerations would still remain a major element to address as required by the National Historic Preservation Act.

The following mitigative actions will occur during project development. To provide for erosion control and integral control of storm water drainage, on-site detention basins will be utilized to avoid downstream urban runoff impact. Noise control during construction and air quality control measures will be implemented and comply with all Federal, State and local codes. Parking needs will be met through implementation of the parking analysis results, meeting the policy criteria of VA planning. Project design should strive to implement public transportation and/or ride sharing wherever polssible. The selected plan will accommodate the historic nature of the site and will be submitted to the Advisory Council on Historic Preservation in consultation with the Tennessee State Historic Preservation Officer.

The significance of the identified impacts has been evaluated relative to considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs, (088C), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C. 20420, (202-389-3316). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: March 9, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 83-7029 Filed 3-17-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 54
Friday, March 18, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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	Items
Federal Home Loan Bank Board	1–3
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Synthetic Fuels Corporation	5

1

FEDERAL HOME LOAN BANK BOARD:

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 10793, Monday, March 14, 1983.

PLACE: Board room, sixth floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood, (202–377–6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the bank board meeting scheduled Thursday, March 17, 1983, at 10 a.m.

Charters and Bylaws Available to Federal Association and Savings Banks
Conversion from Mutual to Stock Form
Amendments Relating to Grandfathering of State Authority by Institutions converting to Federal Charters

[No. 23, March 16, 1983]

[S-381-83 Filed 3-16-83; 11:47 am]

BILLING CODE 6720-01-M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 10793, Monday, March 14, 1983.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

CHANGES IN THE MEETING: The Bank Board meeting previously scheduled for Thursday, March 17, 1983, at 10 a.m., has been changed to 11 a.m.

[No. 24, March 16, 1983]

[S-382-83 Filed 3-16-83; 11:47 am]

BILLING CODE 6720-01-M

3

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 10793, Monday, March 14, 1983.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled Thursday, March 17, 1983, at 11 p.m.:

FSLIC Insurance Premiums

[No. 25, March 16, 1983]

[S-383-83 Filed 3-16-83; 3:12 pm]

BILLING CODE 6720-01-M

4

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission held the following meetings on Tuesday, March 8, 1983, at 4:30 p.m. and on Monday, March 14, 1983, at 11:45 a.m. at 450 5th Street, NW., Washington, D.C., to consider the following items:

Regulatory matters bearing enforcement implications

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries attended the closed meetings. Certain staff members who are responsible for the calendared matters were present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items considered at the closed meetings was considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552(b)(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans and Treadway voted to consider the items listed for the closed meetings in closed session.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Steve Boehm at (202) 272–2467.

March 15, 1982.

[S-380-83 Filed 3-15-83; 4:23 pm]

BILLING CODE 8010-01-M

5

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

Summary: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held on the date and at the time and place specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on public access to Board Meetings. During the meeting, the Board of Directors will consider a resolution to close a portion of the meeting pursuant to Article II Section 4 of the Corporation's By-laws, Section 116(f) of the said Act and Sections 4 and 5 of said Policy.

Meeting Agenda:

Remarks by Chairman
Approval of Minutes
Report of President
Operations Report of the Executive Vice President
Report on Environmental Monitoring
Status Report on Comprehensive Strategy
First Coal Solicitation
Amendment No. 1 to Shale Solicitation
Compensation of Officers
Amend By-Law Article IV to Establish New Officer Position and Redefine Officer Responsibility for Matters involving External Relations

Closed Session:

Maturity Reviews of Pending Projects
Strength Reviews of Pending Projects
Status Report on Projects Under Negotiation
Consideration of a Second Coal Solicitation

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

DATE AND TIME: March 24, 1983 at 9 a.m.

PLACE: New York Hilton, 1335 Avenue of the Americas, New York City.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting , please contact Mr. Owen J. Malone, Office of General Counsel (202) 822–6336.

March 15, 1983.

United States Synthetic Fuels Corporation.

Jimmie R. Bowden,

Executive Vice President.

[S–379–83 Filed 3–15–83; 4:19 pm]

BILLING CODE 0000–00–M

federal register

Friday
March 18, 1983

Part II

Department of State

Gifts to Federal Employees From Foreign Governments Reported to Employing Agencies in Calendar Year 1982

DEPARTMENT OF STATE

[Public Notice 851]

Gifts to Federal Employees From Foreign Governments Reported to Employing Agencies in Calendar Year 1982

The Department of State submits the following comprehensive listing of the statements which, as required by law, Federal employees filed with their employing agencies during calendar year 1982 concerning gifts received from foreign government sources. The compilation includes reports of both tangible gifts and gifts of travel or travel expenses of more than minimal value, as defined by statute.

Publication of this listing in the **Federal Register** is required by section 7342(f) of Title 5, United States Code, as added by section 515(a)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Pub. L. 95–105, August 17, 1977, 91 Stat. 865).

Dated: March 8, 1983.

Jerome W. Van Gorkom,

Under Secretary for Management.

REPORT OF TANGIBLE GIFTS

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
	Agency: Executive Office of the President		
President	Book: "A Day in the Life of Australia," Photographed by 100 of the World's Leading Photojournalists, Inscribed by Prime Minister Fraser and Autographed by the Photojournalists. Recd: June 9, 1982. Est. Value: $180. Disp: Residence—Official Display.	Right Honorable John Malcolm Fraser, Prime Minister of Australia, Australia.	Non-acceptance would have caused the donor embarrassment.
Do	Book: "Antwerp: The Golden Age" (The Rise and Glory of the Metropolis in the Sixteenth Century), by Leon Voet. Recd: Feb. 23, 1982. Est. Value: $250. Disp: Archives.	His Exellency Wilfried Martens, Prime Minister of Belgium, Belgium.	Do.
Do	Photograph: Color, of Prime Minister Wilfried Martens, Inscribed Under Glass in Silver-Plated Frame; 10⅛" x 13" Recd: Feb. 23, 1982. Est. Value: $75. Disp: Residence—Official Display.	His Excellency Wilfried Martens, Prime Minister of Belgium, Belgium.	Do.
Do	Sculpture: Modern, Free Form of a Brass Form Mounted on Block of Marble: by Bruno Giorgi, Signed, 17" H. x 5" x 5". Recd: May 12, 1982. Est Value: $15,000. Disp: Archives.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative Republic of Brazil.	Do.
Do	Book: "Bruno Giorgi", Published by Art Editora Ltda, Sao Paulo, 1980. Recd: May 12, 1982. Est. Value: $85. Disp: Archives.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative Republic of Brazil.	Do.
Do	Photograph: Color, of President Figueiredo; Inscribed; Matted Under Glass in a Silver Frame W/Crest; 9⅛" x 12" Overall; Enclosed in Black Box W/Seal on Cover; Box is 14" x 11⅛". Recd: May 17, 1982. Est. Value: $180. Disp: Residence—Official Display.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative Republic of Brazil.	Do.
Do	Medallion: Silver (900), Depicting the Great Seal of the U.S. and "Visit of President Joao Figueiredo, Washington 1982" on One Side, and the Seal of Brazil on Reverse; 2" Diam.; Enclosed in Black Velvet Box W/Seal of Brazil in Lid; (Only Two of These Medalions Were Made; One for President Reagan And One for President Figueiredo). Recd: May 17, 1982. Est. Value: $200. Disp: Residence—Official Display.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative Republic of Brazil.	Do.
Do	Household: Goblet or Container for Mate (Herbal Tea Drink), of a Hardened Brown Material Encased in an Etched Silver Cover; Included is a Three-Footed Stand and a Silver Stirrer or Straw; Goblet is Marked "RR" and Silver is 800: Goblet on Stand is 9" H. When Assembled; Stirrer is 9⅛" Long; Enclosed in a Vinyl Covered Chest Market "Masson"; Chest is 12" x 10" x 5½". Recd: Dec. 15, 1982. Est. Value: $600. Disp: Archives.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative Republic of Brazil.	Do.
Do	Athletic Equipment: Spurs, Silver; Crafted by Eberle of Brazil; Marked 800/1000; Enclosed in Blue Fabric Covered Box; Box is 14⅛" x 11⅛" x 3". Recd: Dec. 15, 1982. Est. Value: $750. Disp: Archives.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative Republic of Brazil.	Do.
Do	Wallhanging: Tapestry, Entitled "Joyful Spring", Predominantly in Greens, of Wool With Pure Silk and Silk Thread, Burlap Backing, Depicting a Floral Design and Dove of Peace; by Concessa Colaco, Signed: 52" x 51". Recd: Dec. 10, 1982. Est. Value: $1,200. Disp: Archives.	The Honorable Jose Marie Marin, Governor of Sao Paulo, Brazil.	Do.
Do	Photograph: Photographic Print, Color, of President Ahmadou Ahidjo, Inscribed; Matted Under Glass in Distressed Gold Colored Wood Frame; 28⅛" × 22⅛". Recd: July 29, 1982. Est. Value: $175. Disp: Residence—Official Display.	His Excellency Ahmadou Ahidjo El Hadj; President of the United Republic of Cameroon, Camerroon.	Do.
Do	Coin: $100 22 KT. Gold Canadian 1979 Proof Coin; Contained in Vinyl Case Bearing Canadian Maple Lead Design; Coin is 1" Diam.; Case is 4⅜" × 3⅛" × ⅞". Recd: Jan. 20, 1982. Est. Value: $200. Disp: Archives.	The Honorable Edward M. Lawson, Intl. Dir. Canadien Teamsters, Canada.	Do.
Do	Painting: Watercolor of an Amerigan Bald Eagle on Paper, by Glen Loates, 1982, Signed; Double-Matted (White and Linen) Under Plexiglass in Dark Wood Frame; 63⅛" × 55" Overall. Recd: Dec. 27, 1982. Est. Value: $11,000. Disp: Archives.	Right Honorable Pierre Elliott Trudeau, C.P., M.P. Prime Minister of Canada, Canada.	Do.
Do	Figure: reproduction of PreColombian Artifact Entitled "Balsa Muisca", No. 1921; (Depicts Ancient Godlike Figures on a Raft); Displayed on Black plastic Base W/Engraved Presentation Plaque; 18 KT. Gold; (The Original Dates From 300 B. C. to 1500 A. D. and is in the Museo Del Oro); Contained in a Velveteen Covered Box W/Presentation Card in Lid, Enclosed With Certificate of Authentication; Figure is 10" × 8" × 7"; Box is 11" × 9" × 9". Recd: Dec. 10, 1982. Est. Value: $4,000. Disp: Archives.	His Excellency Belisario Betancur, President of the Republic of Colombia, Colombia.	Do.
Do	Figure: Reproduction of a Mythological God (Pre-Colombian) W/its Headdress as a Removable Spearlike Object; 24 KT. Goldplated; Mounted on Black Base W/engraved Plaques; (The original Figure was Made Between 200 B.C. And 1500 A.D. and is in the Museo Del Oro, Bogota); Displayed in a Velveteen Covered Box; 6⅛" H. × 3⅞" × 3⅞". Recd: Dec. 11, 1982. Est. Value: $300. Disp: Archives.	His Excellency Rodrigo (Lloredo) Caicedo, Minister of Foreign Relations of Colombia, Colombia.	D0.
Do	Household: Bookends, Castle and Ball Design, of Solid Polished Dark Wood W/Lighter Colors Highlighted; (Balls are Removable); 12" × 9" × 4". Recd: Dec. 10, 1982. Est, Value: $150. Disp: Archives.	His Excellency Fernando Volio (Jimenez), Minister of Foreign Relations of Costa Rica, Costa Rica.	Do.
Do	Desk Accessory: Letter Opener, W/White Porcelain Handle Depicting a Floral Motif in Green, Blue and Gold and a Sterling Silver Blade W/Gold Overlay; by Royal Copenhagen Porcelain; 9⅛" long; contained in a Fitted Gray Vinyl Box W/Royal Copenhagen Crown on Lid. Recd: Dec. 21, 1982. Est. Value: $825. Disp: Archives.	H. E. and Mrs. Poul Schluter Prime Minister of Denmark, Denmark.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Historical Artifact: Amber, A Large Piece Mounted on a Block of Wood Lettered "Amber, 60,000,000 Years Old Santo Domingo"; 6" Diam. Recd: July 19, 1982. Est. Value: $1,400. Disp: Archives.	His Excellency Jorge Blanco, President-Elect of the Dominican Republic, Dominican Republic.	Do.
Do	Book: "The Rotz Atlas", (The Maps and Text of the Boke of Idrography Presented by Jean Rotz to Henry VIII), a Reproduction of the Original Published in 1542, Now in the British Library; Edited by Helen Wallis W/A Foreward by Viscount Eccles; Printed for Presentation to the Roxburghe Club 1981; Autographed by "Elizabeth R 1982"; Wine Colored Leather Bound W/a Crown Motif Goldstamped on Front Cover and A Crown/er Stamped on Spine; Red Satin Endpapers; 24⅞" × 15⅝" × 1⅝"; Enclosed in a Matching Hinged Slipcase W/The Royal Windsor Coat of Arms Goldstamped on Cover. Recd: June. 29, 1982. Est. Value: $1,500. Disp: Residence—Official Display.	Her Majesty, Elizabeth II, Queen of England, England.	Do
Do	Photograph: Color, of Her Royal Highness Queen Elizabeth II in Formal Attire, in a Sterling Silver Frame W/Engraved "E. R." Crest at Top; Signed "Elizabeth R 1982"; 10" x 14⅞". Recd: June 28, 1982. Est. Value: $400. Disp: Residence—Official Display.	Her Majesty, Elizabeth II, Queen of England, England.	Do.
Do	Photographs: Album of 30 Color Photographs of the President and Mrs. Reagan W/Queen Elizabeth, Prince Philip, et al., Taken During Their Visit to Great Britain, June 1982; Most Photos are 10" x 12"; Contained in a Navy Blue Leather Album W/Gold Crest on Cover; Album is 15" x 17" x 2". Recd: July 29, 1982. Est. Value: $1,000. Disp: Residence—Official Display.	Right Honorable Francis Pym, M.C., P.C., M.P., Secretary of State for Foreign and Commonwealth Affairs, England.	Do.
Do	Household: Clock, Carriage Clock, (New), Keywound, in Solid Brass Case W/ Beveled Glass Sides and Top; by Charles Frodsham, London; Key Included; 6⅛" x 4" x 3⅞"; Contained in Vinyl Covered Case. Recd: June 29, 1982. Est. Value: $1,400. Disp: Residence—Official Display.	Right Honorable Margaret Thatcher M.P., Prime Minister, England.	Do.
Do	Book: "The House of Parliament", Edited by M.H. Port, London 1976; Inscribed; Black Leather Bound and Goldstamped "R" on Spine. Recd: June 29, 1982. Est. Value: $425. Disp: Archives.	Right Honorable George Thomas M.P. The Speaker of the House of Commons, England.	Do.
Do	Plaque: Bronze, Depicting a Composite "History of the City of Paris; A Mezzo Relief of Various Historical Figures; by R. Delamarre, Paris, 1951; 7⅛" x 5"; Contained in a Red and Blue box Bearing a Gold Stamped Crest on the Lid and a Presentation Plate Inside; Box is 11" x 8" x 2". Recd: July 13, 1982. Est. Value: $450. Disp: Archives.	The Honorable, Jacques Chirac, Mayor of Paris, France.	Do.
Do	Photographs: Album (Leather W/Goldtooled Covers and Spine) of Color and B&W Photographs Depicting Various Monuments and Personages (Primarily American) Who Have Visited Paris; Album is 12¾" x 9⅝" x 1⅛". Recd: Sept. 10, 1982. Est. Value: $500. Disp: Archives.	The Honorable, Jacques Chirac, Mayor of Paris, France.	Do.
Do	Stamps: Stamp Album, Containing an Assortment of New French Postal Stamps; Red Leather W/Gold Medallion Design Lettered "Republique Francaise; Liberte, Egalite, Fraternite" on Front Cover; Contained in Matching Slipcase; Album is 8⅞" x 7⅞" x 1". Recd: June 28, 1982. Est. Value: $325. Disp: Archives.	His Excellency, Louis Mexandeau, Minister of Postes and Telecommunications, France.	Do.
Do	Plaque: Disc, Sterling Silver, Engraved "Offert Par Francois Mitterrand President De La Republique Francais—Chateau De Versailles 5 et 6 Juin 1982" Around Edge on One Side and an Engraved Design in Center on Reverse; by "Puiforcat" of Paris; 11⅝" Diam.; Contained in a Blue Vinyl—Covered Box; Box is 14" x 14". Recd: June 28, 1982. Est. Value: $500. Disp: Archives.	His Excellency, Francois Mitterrand, President of the French Republic, France.	Do.
Do	Men's Accessories; Portfolio, Black Leather W/Seven Interior Compartments and Snap Closure, Envelope Style, by "Soco"; Made in France; 10" x 14" x ⅞" (Closed). Recd: June 28, 1982. Est. Value: $200. Disp: Archives.	His Excellency, Francois Mitterrand, President of the French Republic, France.	Do.
Do	Photograph: Color of President Karl Carstens; Inscribed; in Silver (835) Frame W/German Eagle Emblem at Top; 13⅛" x 11"; Enclosed in Blue Vinyl Covered Case; 16⅞" x 14⅞" x ⅞". Recd: June 28, 1982. Est. Value: $350. Disp: Residence—Official Display.	His Excellency, Karl Carstens, Professor Doctor, President of the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Beverage: Wine, 11 Bottles of "Wachenheimer Gerumpel Riesling Auslese, Rheinpfalz" 1976 Vintage; 0.7 Liters Each Bottle; and 24 Bottles of "Forster Kirchenstuck Riesling Auslese, Rheinpfalz", 1976 Vintage. Recd: Dec. 23, 1982. Est. Value: $392. Disp: Perishable.	His Excellency Helmut Kohl, Chancellor of the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Miscellaneous: Eagles; 2, Live Bald Eagles: Two Months Old Named "Carol" and "Captain"; Included is a Presentation Plaque, Lettered in German, and Depicting the Presidential Seal, the German Seal, and the Two Baby Eagles W/Their Mother; Matted Under Glass in Wood Frame W/Crackled Design; 40" x 31½"; by Conrad Franz. Recd: June 28, Est. Value: Indeterminable. Disp: Archives (Plaque Only) National Zoological Park (Eagles).	His Excellency Helmut Schmidt, Chancellor of the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Desk Accessory: Letter Opener, W/Gold Blade and Silver Handle; German Eagle Design Engraved on Handle; by "M. Richarz, Bonn"; 8¼" Long. Recd: June 28, 1982. Est. Value: $259. Disp: Archives.	His Excellency Helmut Schmidt, Chancellor of the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Beverage: Wine, 3 Bottles of "Selected German Wine". Recd: June 28, 1982. Est. Value: $12. Disp: Perishable.	His Excellency Helmut Schmidt, Chancellor or the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Photograph: Color, of President Reagan, Chancellor Helmut Schmidt, and the Other Attendees of the NATO Summit, Bonn, June 9-10 82; Signed by Chancellor Schmidt; Under Glass in Green Leather Frame; 8½" x 11". Recd: June 28, 1982. Est. Value: $75. Disp: Residence Official Display.	His Excellency Helmut Schmidt, Chancellor or the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Photographs: Album, Black Leather Depicting the German Eagle on Cover, Containing 41 Color and B & W Pictures of President and Mrs. Reagan, Chancellor and Mrs. Schmidt, President and Mrs. Carstens, et al.; on occasion of Visit to Germany, During Trip to Europe; Each Photo, is 7" x 9". Recd: July 7, 1982. Est. Value: $350. Disp: Residence, Official Display.	His Excellency Helmut Schmidt, Chancellor or the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Map: Original, "Amerika", Handcolored Copper Plate Engraving of the American Colonies by J. B. Homann, Nuremberg; Probably in the 1720's; Based on Hennepin's Voyage on the Mississippi in 1687; (Carlouche in Upper and Lower Corners; Matted Under Glass in Goldleaf Frame) 31⅞" x 28" Overall. Recd: Mar. 22, 1982. Est. Value: $800. Disp: Archives.	His Excellency Frank, Josef Strauss, Minister, President of Bavaria, Germany, Federal Republic of.	Do.
Do	Sculpture: Porcelain, White, of the Royal Bavarian Lion Holding a Blue White Shield; Mounted on Porcelain Base; by "Nymphenburg"; 14" High. Recd: Mar. 22, 1982. Est. Value: $2,500. Disp: Archives.	His Excellency Franz, Josef Strauss, Minister, President of Bavaria, Germany, Federal Republic of.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Book: "Burgen und Schlosser" (Kunst and Kultur, in Rheinland—Pfalz), Photos. by Petra Camnitzer, Text by Werner Bornheim Gen. Schilling et al., Published by Ahrtal in 1981; Leatherbound. Recd: June 28, 1982. Est. Value: $250. Disp: Archives.	The Honorable Barhard Vogel, Minister President of the Rhainland, Pfalz, Germany, Federal Republic of.	Do.
Do	Picture: Serigraph on Paper; a Collage of Guatemala (#2); a Colorful Depiction of Groups of Guatemalans; Foundation of Cardboard W/Texture Engraved With a Knife and Finished With Varnishes; in Goldleaf Bordered Frame W/Burlap Liner; by David Ordonez; Labeled on Reverse; 53" x 41⅞". Recd: Dec. 10, 1982. Est. Value: $2,000. Disp: Archives.	H. E. Brig. Gen. Jose Efrain Rios Montt, President of the Republic of Guatemala, Guatemala.	Do.
Do	Stamps: Album of "The World Treasury of Gold Coins" (Official Postage Stamp Collection); a Philatelic Collection Portraying Rare and Historic Coins From Around the World, Struck on a 23 KT. Gold Surface; Contained in Red Album, Produced by Calhoun's Collectors Society, Minneapolis, Minnesota; 9" x 10⅞". Recd: Dec. 29, 1982. Est. Value: $300. Disp: Archives.	H. E. Dr. Inacio Semedo Jr., Ambassador of the Republic of Guinea, Bissau, Guinea, Bissau, Republic of.	Do.
Do	Medallion: Gold (Fine Gold, .999), Commemorating the Ratification of the Treaty of Peace Between Hondura and El Salvador, December 10, 1980; 1⅛" Diameter. Recd: July 16, 1982. Est. Value: $348. Disp: Archives.	H. E.; Dr. Roberto Suazo Cordova, President of the Republic of Honduras, Honduras.	Do.
Do	Photograph: Color of Dr. Roberto Suazo Cordova, President of Honduras; Inscribed; in Silver Frame W/Hondursn Crest at top; 10⅞" x 8⅛". Recd: July 16, 1982. Est. Value: $125. Disp: Residence, Official Display.	H. E.; Dr. Roberto Suazo Cordova, President of the Republic of Honduras, Honduras.	Do.
Do	Painting: Primitive Village Scene, Oil on Canvas, by J. A. Velasquez; .982; Signed; in Gold and Beige Wood Frame W/Beige Linen Liner; 29" x 33". Recd: Dec. 10, 1982. Est. Value: $2,000. Disp: Archives.	H. E. Dr. Roberto Suazo Cordova, President of the Republic of Honduras, Honduras.	Do.
Do	Plaque: Seal of Honduras, Handcarved Wood W/Circular; 14⅞" Diam. Recd: Dec. 10, 1982. Est. Value: $150. Disp: Archives.	The Honorable Juan Fernando Lopez, Mayor of San Pedro Sula, Honduras.	Do.
Do	Misc: (2) Reproduction of a Certificate Nominating Julius H. Stahel Brigadier General of Volunteers of the U.S., Emblazoned at Top W/an American Eagle Motif Under "The President of the United States of America", and Signed (Repro.) by Edwin M. Stanton and Abraham Lincoln; Matted Under Glass in Silver-Colored Wood Frame; 22" x 27"; and 2 Silver Medallions Commemorating Bela Bartok and Return of St. Stephen's Crown 1⅞" Diam.; Enclosed in a Red Leather Box. Recd: June 12, 1982. Est. Value: $176. Disp: Archives.	His Excellency, Jozsef Marjai Deputy Chairman of the Council of Ministers, Hungary.	Do.
Do	Photograph: Color of President Vigdis Finnbogadottir, Signed; in Navy Blue Leather Frame; 14⅛ x 11⅛" Overall. Recd: Sept. 8, 1982. Est. Value: $110. Disp: Residence, Official Display.	Her Excellency Vigdis Finnbogadottir, President of the Republic of Iceland, Iceland.	Do.
Do	Photograph: A Photocopy of the Pages in Flateyjarbok Describing the Discovery of America by Leif Eriksson, Entitled ". . .and Called it Wineland"; Matted Under Glass in Brown Wood Frame W/Engraved Silver-Colored Metal Plaque Bearing Descriptive Text; 35⅛" x 28⅛" Overall; (Photocopy is Approx. 20" x 28"). Recd: Sept. 8, 1982. Est. Value: $85. Disp: Archives.	Her Excellency Vigdis Finnbogadottir, President of the Republic of Iceland, Iceland.	Do.
Do	Household: Carpet, Kashmir, Depiciting a "Mughal" Hunting Scene (Composed of Men on Horses Pursuing Animals); Handknotted Fringe and Handwoven on Traditional Wooden Looms; Varicolored on Tan Background in Center W/Multicolored Patterned Border; 65" x 40". Recd: July 29, 1982. Est. Value: $1,500. Disp: Archives.	Her Excellency Indira Gandhi, Prime Minister of India, India.	Do.
Do	Men's Accessories: Sword, Ceremonial; Stainless Steel Blade W/Brass Plated Hardware and Black Simulated leather; Black and Gold-Colored Cloth Strap Included; Contained in Blue Fabric-Covered Display Box Bearing Metal Indonesian Crest on Outside and Inside of Hinged Lid W/Engraved presentation Plaque; Sword is 35⅛" Long; Box is 37⅞" Long. Recd: July 27, 1982. Est. Value: $135. Disp: Archives.	H. E. General Mohammad Jusuf, Minister of Defense and Security of Indonesia, Indonesia.	Do.
Do	Plaque: Wood Depicting A Brasstoned Sela of the Minister of Defense and Security of Indonesia W/Engraved Plate; 9⅛" x 7". Recd: July 27, 1982. Est. Value: Indeterminable. Disp: Archives.	H. E. General Mohammad Jusuf, Minister of Defense and Security of Indonesia, Indonesia.	Do.
Do	Books: Set of 3; "30 Years of Indonesian Independence;; Published by the State Secretariat, Republic of Indonesia; Vol. 1—1954–1949—Vol. 2—1950–1965; Vol. 3—1966–1975; in a Slipcase. Vol. 1 is Inscribed Recd: Oct. 15, 1982. Est. Value: $75. Disp: Archives.	His Excellency General Soeharto, President of the Republic of Indonesia, Indonesia, Republic of.	Do.
Do	Men's Clothing: Shirt, Black and White Batik, Floral Design, Long Sleeves, 2 Front Pockets, no Size Specified. Recd: Oct. 15, 1982. Est. Value: $34. Disp: Archives.	His Excellency General Soeharto, President of the Republic of Indonesia, Indonesia, Republic of.	Do.
Do	Misc: Golden Dagger, "Kris"; 23 KT Gold Plate on Wood With Rubies Sapphiers and Hand Carved Ivory; Used by the Royal Family and Believed to Have Magical Powers; 18" Blade, 4⅞" Handle; 8" x 25" With Case; Presented in a Red Velvet Box With Gold-Toned Lettered, "Presented to the Honourable President of the United States of America by the President of the Republic of Indonesia" and Depicting the Crest. Recd: Oct. 15, 1982. Est. Value: $3,327. Disp: Archives.	His Excellency General Soeharto, President of the Republic of Indonesia, Indonesia, Repulic of.	Do.
Do	Bowl: Crystal, by "Cavan"; Filled W/Real Shamrocks; 12" x 12". Recd: Mar. 29, 1982. Est. Value: $125. Disp: Archives.	His Excellency Charles Haughey, Prime Minister of Ireland, Ireland.	Do.
Do	Map: Photographic Print of Ms. 1209/9 of Part of the Midlands of Ireland (C. 1565), Now in the Counties of Laois and of Offaly Showing the Area Near the Slieve Bloom Mountains Occupied by the Y Regan Branch of the Laigin, or Leinstermen; by Courtesy of the Board of Trinity College, Dublin, 1982; Matted Under Glass in Birdseye Maple Frame; 28⅛" x 21" Overall. Recd: Mar. 29, 1982. Est. Value: $275. Disp: Residence—Official Display.	His Excellency Charles Haughey, Prime Minister of Ireland, Ireland.	Do.
Do	Photograph: Color, of Prime Minister Haughey; Inscribed; Matted Under Glass in Gold-Colored Wood Frame; 14⅞" x 12⅞". Recd: Mar. 29, 1982. Est. Value: $50. Disp: Residence—Official Display.	His Excellency Charles Haughey, Prime Minister of Ireland, Ireland.	Do.
Do	Misc: Shillelagh, 16" Long. Recd: Oct. 7, 1982. Est. Value: Indeterminable. Disp: Archives.	His Excellency Charles Haughey, Prime Minister of Ireland, Ireland.	Do.
Do	Sculpture: Brass Head of Giuseppe Garibaldi, Mounted on Silver Colored Metal Stand, Attached to Black Wood Base; by M. Moretto; No. 6 of 15; Head is 10" x 6⅞" x 7⅞"; Stand is 19" x 11" x 7". Recd: July 8, 1982. Est. Value: $575. Disp: Archives.	The Honorable Bettino Craxi, Secretary Italian Socialist Party, Italy.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Painting: Depicting Two Famous Bronze Statues of Riache Standing by the Sea in the Moonlight; by Amintore Fanfani; Actual Statues Scheduled To Be Sent to Los Angeles in 1984 for Exhibit During the Olympic Games; Untramed, 23⅛" x 19⅛". Recd: Apr. 12, 1982. Est. Value: $200. Disp: Archives.	His Excellency Amintore Fanfani, President of the Senate of Italy, Italy.	Do.
Do	Sculpture: Architectural Frieze ("Campana Frieze"), A Terra Cotta, Bas Relief Portraying a Winged Victory, Resting on an Acanthus Bush, Done in the Classical Style; of Red Clay (Consisting of 7 Fragments, Repaired); Dates From The Age of Augustus; From the Gorga Collection; 17" x 17" x 1"; Contained in a Velvet-Covered Box; Box is 21⅛" x 21⅛" x 2". Recd: Mar. 30, 1982. Est. Value: $8,500.. Disp: Archives.	His Excellency Alessandro Pertini, President of the Italian Republic, Italy.	Do.
Do	Photograph: B & W, of President Alessandro Pertini; Inscribed; Under Glass in Sterling Silver Frame W/the Seal of the Italian Republic at Top; 11" x 13⅛" Overall. Recd: Mar. 30, 1982.. Est. Value: $125. Disp: Residence—Official Display.	His Excellency Alessandro Pertini, President of the Italian Republic, Italy.	Do.
Do	Men's Accessories: Satchel Style, Black Leather Briefcase, "Executive Travel Case"; W/Zippered Interior Compartments; 16" x 14" x 4". Recd: July 7, 1982. Est. Value: $600. Disp: Archives.	His Excellency Alessandro Pertini, President of the Italian Republic, Italy.	Do.
Do	Household: Cigarette Box, Malachite, Lined W/Onyx, W/Silver Engraving of the Palazzo Chigi on Lid; Contained in Green Simulated Leather Box. Recd: July 7, 1982. Est. Value: $400. Disp: Residence—Official Display.	His Excellency Giovanni Spadolini, President of the Council of Ministers of the Italian Republic, Italy.	Do.
Do	Figure: Medallion, Silver (886) W/Gold Overlay, Depicting a Bas Relief of a Man Carrying the Italian Flag; Sculpted by Giacomo Manzu and Produced in 60 Copies to Commemorate the Italian Victory in the 1982 World Soccer Championship, W/The Original Technique of Fusion in Clay combined for the First Time W/Colored Enamels, as a Reminder of the Waving of the Flag; by Asm, Bologna; Enclosed in a Navy Blue Leather Case; Case is 7" x 7"; Medallion is 3⅞" Diam. Recd: Nov. 10, 1982. Est. Value: $200. Disp: Archives.	His Excellency Giovanni Spadolini, President of the Council of Ministers of the Italian Republic, Italy.	Do.
Do	Household: Table, "The Medallion Sheraton Sofa Table" a Reproduction of an Original, Solid Mahogany Table in the Sheraton Style, Crafted by Duncan Phyfe (1600—1825); W/a Single Double-Faced Drawer, Dropleaves and Bordered Marquetry; on Casters; Atached W/Brass Presentation Ptaques; Crafted by Medallion Galleries, Ltd., Kingston, Jamaica; 54½" x 22" x 29". 22" Wide x 29" High, (Open). Recd: Apr. 21, 1982. Est. Value: $900. Disp: Archives.	Right Honorable Edward P. G. Seaga, Prime Minister of Jamaica, Jamaica.	Do.
Do	Quotation: "The Commerce of the West India Islands is a Part of the American System of Commerce . . . . .", by John Adams, and Depicting the Great Seal of the U.S. and the Seal of Jamaica Double Matted W/a Brass Engraved Presentation Plaque in Gold and Black Frame; 21⅛" x 17⅛" Overall. Recd: Apr. 21, 1982. Est. Value: $75. Disp: Archives.	Right Honorable Edward P. G. Seaga, Prime Minister of Jamaica, Jamaica.	Do.
Do	Household: Tea Service, 12 Piece Setting of Japanese China (New); Cobalt Blue W/Gold Trim and Swag Design and Floral Motif on White Background; by Okura China, Inc. Recd: Apr. 7, 1982. Est. Value: $275. Disp: Archives.	His Excellency Shintaro Abe, Minister of International Trade Industry, Japan.	Do.
Do	Sculpture: Horse (Stallion), Cast Metal Overlaid W/Silver, Gold Mane and Tail; Mounted on Marble Base W/Gold Royal Crown Crest; 11" x 10" x 5". Recd: Dec. 23, 1982. Est. Value: $3,000. Disp: Archives.	His Majesty Hussein I, King of the Hashemite Kingdom of Jordan, Jordan.	Do.
Do	Household: Incense Burner, White Jade (Nephrite), Produced in Kangwon Province, of a Dragon and Cloud Design W/the Lid Representing a Lotus; Mounted on Circular Wood Base W/Metal Presentation Plaque, Lettered "Presented to H. E. Ronald W. Reagan . . . on the Occasion of the Centennial of Korea-U.S. Relations by Chun Doo Hwan . . .", 6" High; Overall 7⅞" High. Recd: July 2, 1982. Est. Value: $350. Disp: Archives.	His Excellency Doo Hwan Chun, President of the Republic of Korea, Korea, Republic of.	Do.
Do	Historical Artifact: Containers or Vials, (2), of Multicolored Opaque Glass; One W/Handle, 5" H.; One Without Handle, 4" H., Created by Phoenicians Between 2nd and 4th Centuries; Contained in a Brown Mottled Chest W/ Engraved Presentation Plaque Inside Lid and Bearing Lebanese Cedar Tree Crest on Lid; W/Brass Lock and Key Box is 16" x 10⅛" x 8". Recd: Oct. 20, 1982. Est. Value $3,390. Disp: Archives.	His Excellency Amin Gemayel, President Republic of Labanon, Lebanon.	Do.
Do	Household: Linens, Tablecloth, 11'4" x 6'6"; Napkins, 12, Each 17⅞" x 15⅞"; Dollies, 12, Circular W/Scalloped Edge, Each 5⅛" Diam.; All Batiste, White, W/Hemstitched Borders and Floral Motif; Handmade in Lebanon. Recd: May 10, 1982. Est. Value: $500. Disp: Archivss.	His Excellency Joseph Skaff, Minister of Defense of Lebanon, Lebanon.	Do.
Do	Household: Basket, Silver, Woven Design, With a Square Bottom and Round Top 6" in Diam., in a Wooden Box With a Silver Presentation Plaque Lettered "Lic. Miguel de la Madrid Hurtado, Presidente De Los Estados Unidos Mexicanos, 8-Oct-82", 8⅛" x 8⅛" x 5⅛". Recd: Oct. 15, 1982. Est. Value: $225. Disp: Residence—Official Display.	His Excellency Miguel de la Madrid Hurtado, President-Elect of the United Mexican States, Mexico.	Do.
Do	Miscellaneous: Basket, Silver, Woven Design With a Square Bottom and Round Top 6" in Diam.; in a Wooden Box With a Silver Presentation Plaque Lettered "Lic. Miguel De La Madrid Hurtado, President De Los Estados Unidos Mexicanos, 8-Oct-82" 8⅛" x 8⅛" x 5⅛". Recd: Oct. 15, 1982. Est. Value: $225. Disp: Residence—Official Display.	His Excellency Miguel De La Madrid Hurtado, President-Elect of the United Mexican States, Mexico.	Do.
Do	Miscellaneous: Model of America's Space Shuttle "Columbia", Gold-Colored Metal; Opens to Reveal a "Seiko" Multi-Alarm Chronograph and Two "Chaumet" Quartz Watches; Displayed on a Black Base Bearing Royal Crest of King Hassan II and an Engraved Presentation Plaque lettered in English and Arabic; Created by "Chaumet" of Paris; Contained in a Red Leather Case; Model is 10⅞" x 6" x 9"; Case is 16" x 12⅞" x 9". Recd: June 24, 1982. Est. Value: Indeterminable. Disp: C Tyson's Office—Official Display.	His Majesty Hassan II, King of Morocco, Morocco.	Do.
Do	Photograph: Color of President Reagan and King Hassan Embracing Cordially in the Diplomatic Reception Room; Inscribed; Under Glass in Goldleaf Oval Frame; 20" x 24". Recd: Sept. 1, 1982. Est. Value: $150. Disp: Residence—Official Display.	His Majest Hassan II, King of Morocco, Morocco.	Do.
Do	Athletic Equipment: Saddle, Chamois Colored Leather, Lettered "RR"; by "Brunet Pineau, Fontainbleau" Made in France, Brenet S.P. 2; Includes Bridle, Stirrups, etc.; Contained in Three Section Wooden Chest, Felt Lined and Covered; Combination Lock; 58½" x 19⅞" x 30". Recd: June 28, 1982. Est. Value: $2,000. Disp: Ranch—Official Display.	His Majesty Hassan II, King of Morocco, Morocco.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Historical Artifact: Sword or Sabre, Goldplated Cast Iron W/Horn Handle, in Metal and Leather-Covered Sheath; Made in Morocco at the Beginning of the 14th Century; 39⅛" Long; Contained in a Suede-Covered Chest W/ Brass Fittings; Chest is 42" x 7" x 4". Recd: Oct. 22, 1982. Est. Value: $1,025. Disp: Archives.	His Majesty Hassan II, King of Morocco, Morocco.	Do.
Do	Coins: 2; A 50 Gulider Gold Coin Marking the Bicentennial of Relations Between the Netherlands and the U.S., Enclosed in a Wood Box W/ Gold Crest on Lid; and, a 50 Gulider Silver Coin, issued by the Government of the Netherlands Antilles to Commemorate the Establishment of Diplomatic Relations Between the Kingdom of the Netherlands and the United States of America; Enclosed in a Suede Covered Box. Recd: Apr. 21, 1982. Est. Value: $150. Disp: Archives.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Picture: Lithograph, Original, "Royal Riding School at the Hague", 1838, Printed by the Van Lier Brothers; Matted under Glass in Dark Polished Wood Frame; Overall, 30⅞" x 26¼"; (Print is 23" x 18⅛"). Recd: Apr. 21, 1982. Est. Value: $425. Disp: Ranch, Official Display.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Household: Candlesticks, 2, Silver, Highly Decorated Openwork Design W/ Louis XVI Ornamentation of Festoons and Portrait Medallions of 12 Roman Emperors; Removable Drip Trays and Sections; Marked on Underside, "Leeuwarden, 1782, Pieter Meeter, E, 1812-1813"; 11" High. Recd: Apr. 21, 1982. Est. Value: $1,200. Disp: Archives.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Award: Decoration, "Order of the Netherlands Lion"; A Gold and White Cross Attached to Blue and Gold Ribbon; and, A Gold and White Cross on a Pin Lettered "Virtus Nobili Tar"; Enclosed in a Blue Box W/Gold Crown Depicted; Box is 10⅛" x 5⅝" x 2"; Included is a Certificate: (Award is a "Civil Order of Merit" Created in 1815 by Villem I); Award is Primarily for Netherlanders; Awarded Only in Special Rare Cases to Foreign Individuals. Recd: Apr. 21, 1982. Est Value: Indeterminable. Disp: Archives.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Picture: Portrait of President Reagan, Done in Lapis Lazuli W/Diamond Chips in Eyes and a Ruby Tie Clasp; Displayed in a Goldleaf Wood Frame W/ Beige Fabric Liner; Contained in a Blue Velvet Box; 30⅛" x 24⅛". Recd: Dec. 10, 1982. Est. Value: $10,245. Disp: Archives.	H. E. General Mohammad ZIA-UL-HAQ, President of the Islamic Republic of Pakistan, Pakistan.	Do.
Do	Household: Carpets, (2), Silk or Silk and Wool, of an Overall Geometric Floral Design W/Dark Blue Predominating in Center and Beige, Green etc. Throughout; White Fringed on Two Ends; 85" x 54"; Contained in Silk Bags. Recd: Dec. 10, 1982. Est. Value: $5,000. Disp: Archives.	H. E. General Mohammad ZIA-UL-HAQ, President of the Islamic Republic of Pakistan, Pakistan.	Do.
Do	Household: Box, Utility, Base W/Mother-of-Pearl Lid Depicting U.S. and Philippine Flags; Engraved Presentation Plaque Attached Inside; 18" x 10" x 3⅛"; Enclosed in a Navy Blue Leather Chest; 21" x 13" x 4⅛". Recd: Sept. 21, 1982. Est. Value: $475. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Figure: 2 Geese in Flight, Mother-of-Pearl; Mouted on Wood Base; 38" x 53" x 36"; and a Duck Figurine, Also of Mother-of-Pearl; 13" x 6" x 8". Recd: Sept. 21, 1982. Est. Value: $1,750. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines; Philippines.	Do.
Do	Plaque: U.S. Presidential Seal , Made of Cebu Yellowstone, Blue and Red Coral, Mother-of-Pearl and Philippine Jade: Brass Rimmed; 4'2", Diam., 1" Thick. Recd: Sept. 21, 1982. Est. Value: $1,800. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Figure: American Eagle, Mother-of-Pearl, Mounted on a Wood Base; 3' x 26" x 28"; Included is a Wooden Chest; 29⅛" x 29⅛" x 40". Recd: Sept. 21, 1982. Est. Value: $2500. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Chest, Antique, Black Wood W/Mother-of-Pearl Inlay Designs Overall; Presentation Plaque Attached; 32" x 17⅛" x 17". Recd: Sept. 21, 1982. Est. Value: $375. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Phillipines.	Do.
Do	Book: "The New Philippine Republic" (A Third World Approach to Democracy), by Ferdinand E. Marcos; Inscribed. Recd: Oct. 22, 1982. Est. Value: $25. Disp: Residence—Official Display.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Coffee Service, Demitasse, of Glazed China (Pasteware), Consisting of a Coffee Pot, Creamer, Sugar Pot, Twelve (12) Dimitasse Cups and Saucers; Manufactured and Handpainted With Floral Design by Vista Alegre, Portugal. Recd: Dec. 17, 1982. Est. Value: $675. Disp: Archives.	His Excellency Francisco Pinto Balsemao, Prime Minister of Portugal, Portugal.	Do.
Do	Plaque: Set of 16 Bronze Plaques, Each Depicting, in Bas Relief, a Different Palace in Portugal; Crafted in 1979 and 1980; Each Plaque is Approx. 3" x 4"; Contained in a Compartmentalized Black Simulated Leather Box; Box is 20" x 14⅛" x 1". Recd: June 28, 1982. Est. Value: $1,200. Disp: Archives.	His Excellency Antonio Dos Santos Ramalho Eanes, President of the Republic of Portugal, Portugal.	Do.
Do	Desk Set: Ivory; Pen Holder and Two Pens; Hinged Box; Ashtray W/ Embedded Coin and Somalian Seal; and Letter Opener. Recd: Mar. 16, 1982. Est. Value: $540. Disp: Archives.	His Excellency Mohamed Siad (Barre), Major General; President of the Somali Democratic Republic, Somalia.	Do.
Do	Stamps: Album Containing Sheets of New Somalian Stamps; Navy Blue W/ Somalian Seal on Cover; Contained in Lighter Blue Slipcase. Recd: Mar. 16, 1982. Est. Value: $50. Disp: Archives.	His Excellency Mohamed Siad (Barre), Major General; President of the Somali Democratic Republic, Somalia.	Do.
Do	Photographs: Album, Containing Numerous B & W Somalian Life; Red W/ "Somali Democratic" and Seal on Cover. Recd: Mar. 16, 1982. Est. Value: $75. Disp: Archives.	His Excellency Mohamed Siad (Barre), Major General; President of the Somali Democratic Republic, Somalia.	Do.
Do	Photograph: B & W of President Siad, Inscribed, Under Glass in Wood Frame; 8⅛" x 10⅛". Recd: Mar. 16, 1982. Est. Value: $15. Disp: Residence—Official Display.	His Excellency Mohamed Siad (Barre), Major General; President of the Somali Democratic Republic, Somalia.	Do.
Do	Sculpture: Figure of a Bronze Spanish Mare in a Reclining Position No. 7 of 20 Ltd. Ed.; by Coello de Portugal; Displayed on Base W/Engraved Brass Presentation Plaque; 14⅞" x 8⅞" x 6". Recd: June 30, 1982. Est. Value: $1,500. Disp: W. Clarks, Office—Official Display.	His Majesty Juan Carlos 1, King of Spain, Spain.	Do.
Do	Plaque: Copper, Depicting Bas Mezzo Reliefs of King Sobhuza II, a Lion, and an Elephant W/Miniature Ivory Tusks; (Lion and Elephant Represent the King and Queen of Swaziland); Mounted in Polished Wood Frame; Handcrafted in Swaziland; 31⅞" x 16⅝". (Plaque Commemorates Diamond Jubilee of King Sobhuza's Reign; He's Now Deceased); Contained in Vinyl Covered Chest W/Carrying Handle and Locks; Included is a 1982 Gold (250) Commemorative Coin, Encased in Lucite and Contained in Red Box. Recd: Oct. 30, 1982. Est. Value: $250. Disp: Archives.	Her Majesty Dzeliwe Shongwe, Queen Regent of Swaziland.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Photographs: Album of 25 Color Photographs of King Sobhuza II Greeting Queen Elizabeth II *et al*; Each Photo is 8" x 10"; Album is Simulated Leather and is 13½" x 12". Recd: Oct. 30, 1982. Est. Value: $200. Disp: Residence, Official Display.	Her Majesty Dzeliwe Shongwe, Queen Regent of Swaziland.	Do.
Do	Stamps: Album of 6 Commemorative Postage Stamps on the Diamond Jubilee of King Sobhuza's Reign; Red Leather Album W/Gold Stamping on Front Cover, etc. 6" x 9". Recd: Oct. 30, 1982. Est. Value: $150. Disp: Archives.	Her Majesty Dzeliwe Shongwe, Queen Regent of Swaziland, Swaziland.	Do.
Do	Household: Carpet, Wool, of a Symmetrical Geometric Design in Shades of Brown, Gray, Taupe, White, etc., on Camel Colored Background White Knotted Fringe; "Kairquan" by Onat, January 1980 (National Handcraft Institute); 117" x 78". Recd: May 10, 1982. Est. Value: $1,200. Disp: Archives.	His Excellency Mohamed Mzali, Prime Minister of Tunisia, Tunisia.	Do.
Do	Medallions: (3), Gold, Silver, and Bronze, Each Depicting a Likeness of Pope John Paul II and "Joannes Paulus II Pont. Max Anno III" Inscribed Around Edge, and a Likeness of two Human Figures and "Robus Pacis Veritas" Inscribed Around Edge, on Edge, on Reverse; 1¾" Diam; Enclosed in a White Leather Box Bearing the Papal Seal; Box is 6" x 5". Recd: Mar. 11, 1982. Est. Value: $1,200. Disp: Archives.	His Holiness, John Paul II, Vatican City	Do.
First Lady	Flowers: Large Arrangement of Red Roses, Rubum Lilies, White Lilacs, Gerber Daisies, Tulips, etc. In A Wicker Basket. Recd: Dec. 28, 1982. Est. Value: $250. Disp: Residence, Official Display.	H.E. and Mrs. Antonio F. Azeredo Da Silveira Ambassador of Brazil.	Do.
Do	Household: Linens, Tablecloth, Lace, Ecru Color, of Intricately Crafted Pattern, From the Northeast State of Ceara; 70" x 120"; and 12 Plain Linen Napkins, each 15" Square. Recd: May 12, 1982. Est. Value: $5,000. Disp: Archives.	Mrs. Dulce Maria De Castro Figueiredo (Wife of the President of Brazil), Brazil.	Do.
Do	Figure: of a Stork, in Silver (800) W/Crystal Feathers; Mounted on Silver Base; No. 1493 of a Limited Edition; Crafted July 1981 for the Grupo Gallery; 12" H. Recd: Dec. 15, 1982. Est. Value: $1,200. Disp: Archives.	Mrs. Dulce Maria De Castro Figueiredo (Wife of the President of Brazil), Brazil.	Do.
Do	Flowers: An Arrangement of Juliana Lilies and White Butterfly Roses in a White Wicker Basket. Recd: May 12, 1982. Est. Value: $200. Disp: Residence, Official Display.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative, Republic of Brazil, Brazil.	Do.
Do	Flowers: An Arrangement of Gloriosa Lilies and Orchids in a Glass Bowl. Recd: May 12, 1982. Est. Value: $150. Disp: Residence, Official Display.	His Excellency Ramiro Saraiva Guerreiro, Minister of Foreign Relations, Brazil.	Do.
Do	Figure: Sculpture, Brass, of a Seated Female Done in Modern Form; by Mario Agostinelli, Signed; Mounted on Black Base; 12" H. Recd: Dec. 10, 1982. Est. Value: $1,800. Disp: Archives.	Jose Marie Marin, Governor of Sao Paulo, Brazil.	Do.
Do	Jewlery: Necklace, Lap is Lazuli; Single 18" Strand of Beads W/18 Kt. Gold Beads and 18 Kt. Gold Clasp; Enclosed in Blue Velvet Box. Recd: Nov. 10, 1982. Est. Value: $700. Disp: Archives.	Mrs. Lucia Hiriart De Pinochet (Wife of the President of chile) Chile.	Do.
Do	Book: "Chile" (A Country and its People), Text by Jaime Valdes, Photos. By Jose Gutierrez, et al.; Spanish, English and French Text; Published by Editions Delroisse. Recd: Nov. 10, 1982. Est. Value: $40 Disp: Archives.	Mrs. Lucia Hiriart De Pinochet, (Wife of the President of Chile) Chile.	Do.
Do	Necklace: Replica of a Pre-Colombian Bead Necklace W/Goldplated Figure Attached, Entitled "Collar Coin Pasadores"; 24 kt. Goldplate; (The Original Emanates From 500 A.D. to 1400 A.D. and is in the Museo Del Oro); Displayed in Velveteen Covered Box Enclosed W/Certificate of Authentication. Recd: Dec. 10, 1982. Est. Value: $300. Disp: Archives.	Mrs. Rosa Elena Alvarez De Betancur (Wife of The President of Columbia), Columbia.	Do.
Do	Jewerly: Pendant, Eagle, Gold (18 kt.), Reproduction of a Pre-Columbian Artifact; 3" x 3¼". Recd: Dec. 10, 1982. Est. Value: $800. Disp: Archives.	Mrs. Doris Y. De Monge, (Wife to the President of Costa Rica), Costa Rica.	Do.
Do	Household: Rug, Oval, W/Scalloped Edging and Openwork Design; Natural Color; 103" Diam. Recd: Apr. 16, 1982. Est. Value: $225. Disp: Archives.	Her Excellency Mary Eugenia Charles, Prime Minister of the Commonwealth, of Dominica, Dominica.	Do.
Do	Photograph: B & W of Princess Alexandra and Her Husband, Angus; Matted Under Glass in a Red Leather Frame; 9" x 12" Recd: Aug. 12, 1982. Est. Value: $75. Disp: Residence, Official Display.	Princess Alexandria, Her Royal Highness England.	Do.
Do	Household: Glasses, (2) Water Goblets, W/Airtwist Stems and a Royal Crown and Double "A" Etched; 8⅝" High; Contained in a Navy Blue Fitted Box; Box is 10¾" x 9⅝" x 4". Recd: May 10, 1982. Est. Value: $150. Disp: Archives.	Princess Alexandra, Her Royal Highness England.	Do.
Do	Miscellaneous: Music Box, Contained in an Enameled Box Depicting a Scene From Act II of "The Gondoliers", First Produced in 1889 by the D'oyly Carte Opera Company at the Savoy Theatre, London; Plays "Take a Pair of Sparkling Eyes" No. 339 of Lim. ED. 1,000, by Halcyon Days Enamels; 2¼" x 1⅞" x 1⅞". Recd: June 29, 1982. Est. Value: $600. Disp: Archives.	Right Honorable Margaret Thatcher M.P. Prime Minister England.	Do.
Do	Household: Vase, Lead Crystal, in the Art Nouveau, Style, W/A "Nancy Reagan Rose" Depicted on Front and Engraved "The Town of Nancy to Nancy Reagan, First Lady of the United States, June 1982" by Daum of France; 13⅜" High x 7" Diam. Across Mouth x 6" Diam. Across Bottom; Enclosed in Light Gray Colored Chest. Recd: July 14, 1982. Est. Value: $750. Disp: Archives.	The Honorable Claude Coulais, Mayor of Nancy France.	Do.
Do	Household: Vase, Procelain, (New), Colbalt Blue W/Applied Gold Design; Artist's Proof, by J. Guttet 1970; Manufacturing by "Sevres". Recd: June 28, 1982. Est. Value: $350. Disp: Archives.	His Excellency Francois Mitterrand, President of the French Republic France.	Do.
Do	Household: Vase, Urn Style, (New), Porcelain, White W/Multicolored Floral Designs and Two Animal Figured Handles; by "KPM"; 14 High x 8" Across Open Mouth. Recd: June 28, 1982. Est. Value: $1,700. Disp: Archives.	Mrs. Karl Carstens, Wife of The President of the Federal Republic of Germany Germany, Federal Republic of.	Do.
Do	Jewelry: Earrings, 1 Set of Original Art Deco, C. 1920, Drop Style for Pierced Ears; Platinum and Yellow Gold, 6 cm. Long, W/Polished Piece of Onyx Rounded in Platinum, Framed in 26 Oriental Small Natural Pearls, Mounted and Centered W/12 Diamonds and One Onyx Cabouchon. Recd: Dec. 29, 1982. Est. Value: $850. Disp: Archives.	Mrs. Hannelore Kohl (Wife of the Chancellor of the Federal Republic of Germany), Germany Federal Republic of.	Do.
Do	Household: Dish, Porcelain (New), Leaf Design W/Floral Motif and Openwork Edge; No. 731; by "KPM"; 8⅝" x 6⅝". Recd: June 28, 1982. Est. Value: $375. Disp: Archives.	His Excellency Helmut Schmidt, Chancellor of the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Painting: Of a Man and Woman Praying at a Shrine in a Wooded Sitting; Oil on Canvas by F. Mucia P., Signed; in Dark Wood Ogee Frame; Presentation Plaque Attached; 49⅝" x 38". Recd: Dec. 10, 1982. Est. Value: $500. Disp: Archives.	Mrs. Maria Teresa de Rios Montt (Wife of the President of Guatemala), Guatemala.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Book: "Maya of Guatemala" (Life and Dress). By Carmen L. Pettersen; Inscribed by Maria Teresa de Rios Montt; First Edition of 20,000 Copies Published by Ixchel Textile Museum. Recd: Dec. 10, 1982. Est. Value: $50. Disp: Archives.	Mrs. Maria Teresa de Rios Montt (Wife of the President of Guatemala), Guatemala.	Do.
Do	Necklace: Silver, of Balls, Human and Animal Figures, and a Variety of Guatemalan Coins; Sandcast: 11" Long. Recd: Dec. 10, 1982. Est. Value: $250. Disp: Archives.	Mrs. Maria Teresa de Rios Montt (Wife of the President of Guatemala), Guatemala.	Do.
Do	Women's Clothing: Costume, Native, Cotton W/Multicolored Stripes and Geometric Designs, Consisting of a Poncho, Two Serapes, a Cumberbund and a Plain Red Belt; Enclosed in a Blue Velvet Box. Recd: Dec. 10, 1982. Est. Value: $495. Disp: Archives.	Mrs. Maria Teresa de Rios Montt (Wife of the President of Guatemala), Guatemala.	Do.
Do	Fabric: Batik, Rawsilk, in Brown, Black and Blue Screen Print; 45" x 228" (1⅛" x 6⅜" Yds) in a Red Velvet Box. Recd: Oct. 15, 1982. Est. Value: $277. Disp: Archives.	His Excellency General Soeharto, President of the Republic of Indonesia, Indonesia, Republic of.	Do.
Do	Clothing and Accessories; Evening Bag, 23K, 10 oz. Gold, Six Sided in Filigree, Floral Design, 23KT Gold Chain; Approx 4" Tall, and 4" in Diam.; Encased in a Red Velvet Box With Gold-Toned Plate Lettered "presented to Her Excellency Madame Ronald Reagan by Madame Tien Soeharto", and Depicting the Crest. Recd: Oct. 15, 1982. Est. Value: $4,027. Disp: Archives.	Madame Tien Soeharto, Wife of the President of the Republic of Indonesia, Indonesia, Republic of.	Do.
Do	Book: "The Land of Ireland", by Brian de Breffny, Photographs by George Mott. Recd: Mar. 29, 1982. Est. Value: $45. Disp: Residence—Official Display.	His Excellency Charles Haughey, Prime Minister of Ireland, Ireland.	Do.
Do	Household: Linens, Table Mats, or Doilies. Irish Linen; Large, Medium and Small; 3 Sets of 6 Each; Circular, White, Hand-Embroidered. Recd: Mar. 29, 1982. Est. Value: $112. Disp: Residence—Official Display.	His Excellency Charles Haughey, Prime Minister of Ireland, Ireland.	Do.
Do	Household: Goblets, Pair of Sterling Silver Trumpet Style on Round Base With Gold Washed Interior; by Bulgari; 8⅞" High; Enclosed in Blue Leather, Covered Box. Recd: Nov. 18, 1982. Est. Value: $700. Disp: Archives.	Mrs. Mariapia Fanfani (Wife of the President of the Senate), Italy.	Do.
Do	Clothing Accessory: Evening Bag, by "Bulgari" W/NR Monogram; 6½" Long. Recd: Oct. 21, 1981. Est. Value: $3,850. Disp: Archives.	Mrs. Mariapia Fanfani (Wife of the President of the Senate), Italy.	Do.
Do	Jewelry: Brooch, Diamond and Sapphire; Center Round Section Contains 8 Small Sapphires W/A Larger one in Center; 8 Small Round Diamonds in Center; The pea-Shaped Sapphire Pendant is Surrounded by Small Round Diamonds Attached to Main Brooch by a Small Round Sapphire; Stones Set in Yellow Gold and White Gold. Recd: Mar. 30, 1982. Est. Value: $600. Disp: Archives.	His Excellency Alessandro Pertini, President of the Italian Republic, Italy.	Do.
Do	Jewelry: Wristwatch, 18 Kt. Gold W/Gold Mesh Band; Quartz; by "Omega" Recd: July 7, 1982. Est. Value: $3,800. Disp: Archives.	His Excellency Alessandro Pertini, President of the Italian Republic, Italy.	Do.
Do	Book: "Il Palazzo Del Quirinale", Published by Editalia, With Intro. By Giovanni Spadolini, Recd: July 7, 1982. Est. Value: $70. Disp: Residence, Official Display.	His Excellency Alessandro Pertini, President of the Italian Republic, Italy.	Do.
Do	Women's Accessories: Shoulder Bag, Brown Suede W/Varying Brown Suede and Leather Stripes on Flap; Adjustable Strap and Brass hardware; by "Nazareno Gabrielli"; Made in Italy. Recd: Nov. 9, 1982. Est. Value: $378. Disp: Archives.	His Excellency Alessandro Pertini, President of the Italian Republic, Italy.	Do.
Do	Household: Spoons, 6, Sterling Silver, Each Designed W/A Different Motif; 4" Long; Enclosed in a Blond-Colored Wood Box W/an engraved Silver Plaque on Inside of Lid; Box is 7⅞" x 5⅛" x 1⅛". Recd: Apr. 21, 1982. Est. Value: $230. Disp: Archives.	Mrs. Edward (Mitsy) Seaga, Wife of Prime Minister of Jamaica, Jamaica.	Do.
Do	Figure: Doll, "Koo, Koo, or Actor, Boy"; A Male Figure Elaborately Dressed as a Female and Wearing an Actor's Mask; Displayed on a Wood Pedestal Labeled, "Actor, Boy, Hand Made in Jamaica"; Designed and Made by Pansy Hassan for Beenybud & Friends; 25" high. Recd: Apr. 21, 1982. Est. Value: $35. Disp: Archives.	Mrs. Edward (Mitsy) Seaga, Wife of Prime Minister of Jamaica, Jamaica.	Do.
Do	Jewelry: Pearl Choker W/14 Kt. Gold Bars; 13" Long and Bars 1". Recd: Jan 22, 1982. Est. Value: $2,200. Disp: Archives.	His Excellency, Shintaro Abe, Minister of International Trade and Industry of Japan, Japan.	Do.
Do	Ladies Clothing and Accessories: Scarf, Silk, Circular Yellow, Black and White Geometrical Designs on Black Background; 28" Sq. Recd: June 16, 1982. Est. Value: $10 Disp: Archives.	The Honorable Noboru Takeshita, Member House of Representatives, Japan.	Do.
Do	Household: Tray, Cloisonne, Floral Design; 9⅛" Sq. Recd: June 16, 1982. Est. Value: $200 Disp: Archives.	The Honorable Noboru Takeshita, Member House of Representatives, Japan.	Do.
Do	Book: Bible, Holy Bible, Red Letter Edition, King James Version, W/Mother-of-Pearl Covers Lettered "Jerusalem"; Contained in a Mother-of-Pearl Covered Chest; Chest is 10⅛" x7⅛" x 3"; Box and Bible Contained Inside a Red Fabric Covered Box; Outer Box is 14" x 11" x 6". Recd: June 28, 1982. Est. Value: $1,000 Disp: Archives.	Her Majesty Noor Al Hussein, Queen, Jordan.	Do.
Do	Ladies Accessories: Pillbox, Oval, Sterling Silver, Depicting a Windmill Scene on Hinged Lid; 2⅛" x 2". Recd: Apr. 21, 1982. Est. Value: $200. Disp: Archives.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Award: Decoration, "Grand Cross of the Crown Order"; a White and Gold Cross Lettered "Je Mai—Tiendrai" and Attached to a Gold Ribbon W/Red, White Blue Stripe; and a Silver Pin Depicting a Gold and Blue Horn and Same Lettering; Enclosed in a Red Box W/Gold Horn on Lid: Box is 7⅞" x 5⅛"; included is a certificate. Recd: Apr. 21, 1982. Est. Value: Indeterminable. Disp: Archives.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Women's Clothing: Dress, Silk, Floor Length, Turquoise, Lined, Spaghetti Straps, and Zipped Back; and a Sheer Silk Jacket, Aquarmarine, W/ Sequined overall Design and Silver Embroidered Floral Motif, Scalloped Borders, Longsleeve; Machine-Made in Pakistan; Enclosed in Velvet Box W/Pakistan Seal on Lid; Box is 15⅛" x 12". Recd: Dec. 07, 1982. Est. Value: $550. Disp: Archives.	His Excellency Mohammad Zia-Ul-Haq, President of the Islamic Republic of Pakistan, Pakistan.	Do.
Do	Women's Clothing: Dresses, (4) Evening; 1. Pink Tulle Beaded and Sequined Overall, Long-Sleeved; 2. White Satin W/Gold-Colored Sequined Top, Short Puffed Sleeves; 3. Black Chiffon W/Black Removable Jacket, Silver and Sequined; and, 4. Red Taffeta or Silk Sleeveless Gown W/Removable Jacket of Red and White Beads and Sequins: All Handmade in Manila by J. Moreno. Recd: Oct. 4, 1982. Est. Value: $1,885. Disp: Archives.	H. E. and Mrs. Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Household: Armchair, Mother-of-Pearl; W/White Upholstered Seat and Back; 37" x 19". Recd: Sept. 21, 1982. Est. Value: $675. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Table, Mother-of-Pearl Centers, Geometric Design; 42⅛" x 42⅛" x 16". Recd: Sept. 21, 1982. Est. Value: $1,200. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Mirror, Depicting a Flamingo in Shell Design Around The Edge; Circular; 41" Diam. Recd: Sept. 21, 1982. Est. Value: $950. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Linens, Tablecloth, Pina, Ecru Color, W/Hand Embroidery; and 12 Matching Napkins; Cloth is 74" x 126"; Each Napkins is 13" Sq.; Contained in Wood Chest W/Mother-of-Pearl Design on Lid; 19" x 14" x 3". Recd: Sept. 21, 1982. Est. Value: $273. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippiness, Philippiness.	Do.
Do	Household: Linens, Bedspread, Pina, Monogrammed "R" in Center and 2 Pairs of Pillow Cases W/Embroidery; Spread is 116" x 120"; Each Pillow case is 30" x 20"; included are 4 Satin Pillows, All Contained in a Wooden Chest W/Handles; 38" x 27" x 13⅛". Recd: Sept. 20, 1982. Est. Value: $645. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Women's Clothing and Accessories: Evening Bag, Mother-of-Pearl, Designed as a Large Egg; Contained in a Wooden Box W/Inlay Design on Hinged Lid; Presentation Plaque Attached; 81⅛" x 61⅛" x 5". Recd: Sept. 21, 1982. Est. Value: $71. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Plaque: Mother-of-Pearl W/Silver and Gold Colored Trimming; Circular; 5⅛" Diam.; Included W/A Small Easel Inside a Wooden Box W/Inlaid Design; 9⅛" x 8" x 3⅛". Recd: Sept. 21, 1982. Est. Value: $58. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Ashtray, Mother-of-Pearl W/Dolphin Figurine Attached; 5" Diam; Contained in a Wood Box 10" x 8" x 4". Recd: Sept. 21, 1982. Est. Value: $47. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Desk Accessory: (2); Stationery Folders, Covered in Ecru Pina W/Embroidered Designs, Interior Compartments; 8½" x 11". Recd: Sept. 21, 1982. Est. Value: $32. Disp: Archives.	His Excellency Ferdinand E. Marcos, President'd of the Republic of the Philippines, Philippines.	Do.
Do	Women's Clothing and Accessories: Clutch Bag, Ecru Pina W/Embroidered Designs. Recd: Sept. 21 1982. Est. Value: $40. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Women's Clothing and Accessories: Fan, Handheld, Ecru Pina W/Embroidery. Recd: Sept. 21, 1982. Est. Value: $19. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Women's Clothing and Accessories: Bag, Buntal or Clutch; Ecru Straw W/Snail Shell Motif Attached; 9" x 7". Recd: Sept. 21, 1982. Est. Value: $21. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Women's Clothing and Accessories; Scarves, (2), One Predominately, Black and the Other White; Both W/Varicolored Floral Designs Embroidered; 56" x 59" & 55" x 59" Respectively. Recd: Oct. 4, 1982. Est. Value: $170. Disp: Archives.	H. E. and Mrs. Ferdinard E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Linens, Bed Blanket Cover, Ecru Pina; Approx 120" x 114"; Included are Two Pillow Shams; Contained in Wood Chest W/Mother-of-Pearl Design; Box is 19" x 14" x 3". Recd: Sept. 20, 1982. Est. Value: $315. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Flowers: Roses, 2 Doz. Pale Pink, Long Stemmed in a Glass Vase. Recd: Sept. 20, 1982. Est. Value: $100. Disp: Residence—Official Display.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Jewelry: Ivory, Necklace, Bracelet, Earrings, and Ring; and a Gold Star Pin. Recd: Mar. 16, 1982. Est. Value: $475. Disp: Archives.	His Excellency Mohamed Siad (Barre), Major General; President of the Somali Democratic Republic, Somalia.	Do.
Do	Fabric: Heavy Cotton—Linen Type; Blue and Gold Stripe on Green Background W/Fuchsia Colored Borders; 7 yds Long x 23" Wide. Recd: Mar. 16, 1982. Est. Value: $80. Disp: Archives.	His Excellency Mohamed Siad (Barre), Major General; President of the Somali Democratic Republic, Somalia.	Do.
Do	Linens: Table Linens, 12 Placemats, 12" x 15; 12 Napkins, 14⅛" x 15"; 12 Coasters, 4" x 4"; and, 1 Table Scarf, 27" x 13"; All Beige Linen W/Gold Foil Borders; of 18 kt. Gold. Recd: May 10, 1982. Est. Value: $4004. Disp: Archives.	His Excellency, Mohamed Mzali, Prime Minister of Tunisia, Tunisia.	Do.
President and First Lady	Sculpture: Wood, Mahogany, Entitled "Family Tree", by Courtney Devonish; Mounted on Wood Base W/Silver Presentation Plaque; 31" x 25". Recd: Apr. 20, 1982. Est. Value: $500. Disp: Archives.	His Excellency Deighton Harcourt Lisle Ward, CCMG Sir; Governor General of Barbados, Barbados.	Do.
Do	Picture: 3—Dimensional Floral Display Made of Various Colored Shells; by "Saphne" 1982; Mounted in a Gold-Painted Oval Wood Frame W/Engraved Presentation Plaque on Reverse; 24" Diam.; Enclosed in a Wood Box Containing Separate Engraved Plaque; Box is 26" x 22" x 5" Recd: Apr. 20, 1982. Est. Value: $75. Disp: Archives.	His Excellency Deighton Harcourt Lisle Ward, CCMG Sir; Governor General of Barbados, Barbados.	Do.
Do	Household: Vase, Urn Vase, Jasper (Pale Blue and White), #2547; on Base W/Removable Lid; by Wedgwood; 12" High. Recd: June 28, 1982. Est. Value: $2,400. Disp: Archives.	Royal Highnesses Charles & Diana, The Prince and Princess of Wales, England.	Do.
Do	Photograph: Color of Prince Charles and Lady Diana in a Casual Pose Aboard Ship; Signed "Charles 1982 Diana"; in Sterling Silver Frame W/Engraved Prince of Wales Crest at Top; 10" x 14⅛" overall. Recd: June 28, 1982. Est. Value: $500. Disp: Residence, Official Display.	Royal Highnesses, Charles & Diana, The Prince and Princess of Wales, England.	Do.
Do	Tablewsre: Dishes, 3; an Exceedingly Rare Set of Dr. Wall Worcester Dessert Dishes; Two Kidney Shaped and one Oval, Decorated in Turquoise Blue, Lilac, Royal Blue and Gilding W/A Bouquet of Flowers Inside a Gilt Wreath W/Floral Panels and Pendant Swags; Made About 1770-1775; (Believed Only one Service of this Pattern Was Produced); Unmarked; Two are 10⅛" x 7⅞" and one is 10⅛" x 8⅛"; Contained in a Double Hinged Box; Box is 24" x 19" x 4⅛". Recd: June 29, 1982. Est. Value: $9,000. Disp: Residence, Official Display.	Her Majesty, Elizabeth II, Queen of England, England.	Do.
Do	Photograph: Color, of the Duke of Edinburgh in Formal Attire; Signed "Philip 1982"; Under Glass in Sterling Silver Frame W/Royal Crest Engraved at Top; 10" x 14⅛" Overall. Recd: June 28, 1982. Est. Value: $400. Disp: Residence, Official Display.	Royal Highness Philip, The Prince; Duke of Edinburgh, England.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Book: "Versailles" (Aux Quatre Saisons), Photographs by Jacques Dubois; by "Hackette" 1981; Page Personalized to President Reagan. Recd: June 28, 1982. Est. Value: $125. Disp: Residence, Official Display.	His Excellency, Francois Mitterrand, President of the French Republic, France.	Do.
Do	Figure: 2; Porcelain Figurines (New); One Entitled "Rider at Trot" From the Collection "The Great Nymphenburg Hunt", Originally Created About 1750; 9" x 9" x 3½"; (For the President); and a Porcelain Figurine Entitled "Winter", From the Series "The Seasons", Originally Created by Elias Meyer Between 1761 and 1763; 9" x 5" x 4"; (For Mrs. Reagan); Manufactured by Nymphenburg Porcelain. Recd: Nov. 15, 1982. Est. Value: $2,500. Disp: Archives.	His Excellency, Helmut Kohl, Chancellor of the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Jewelry: Plaque; (For the Pres.); and, Stick Pin; (for Mrs. Reagan); Both Sterling Silver W/Modernistic Design on Blue Background; (Plaque is Lettered "Scandinavia Today" on Reverse); By George Jensen; Contained in Navy Blue Leather Boxes. Recd: Sept. 15, 1982. Est. Value: $275. Disp: Archives.	Her Excellency Vigdis Finnbogadottir, President of the Republic of Iceland, Iceland.	Do.
Do	Photograph: Color, of President and Madam Soeharto, in a Solid Hand, Crafted Silver Frame, Depicting the Crest at the Top, With Wood Backing; Signed by Both President and Madame Soeharto, Dated 11-10-1982; in a Red Velvet Box; 9⅞" x 14". Recd: Oct. 15, 1982. Est. Value: $250. Disp: Residence, Official Display.	His Excellency, General Soeharto, President of the Republic of Indonesia, Indonesia, Republic of.	Do.
Do	Household: Crystal, "Waterford" Slipper 10⅛" x 5" x 3", Boot 8⅛" x 7" x 3". Recd: Apr. 10, 1981. Est. Value: $3,200. Disp: Archives.	Right Honorable Fergus O'Brien, the Lord Mayor of Dublin, Ireland.	Do.
Do	Postcard: Italian Sterling Silver by "Bulgari". Recd: Oct. 21, 1981. Est. Value: $500. Disp. Residence, Official Dispaly.	Mrs. Mariapia Fanfani, Wife of Anintore Fanani; President of the Senate of Italy, Italy.	Do.
Do	Figure: Crystal Obelisk, Engraved w/the Crest of Jamaica and Lettered "To Ronald and Nancy Reagan From Edward and Mitsy Seaga, Jamaica, April 7, 1982"; by "Baccarat" of France: 15⅛" high. Recd: April. 21, 1982. Est. Value: $850. Disp: Archives.	The Honorable Edward P. G. Seaga, M.P., Prime Minister of Jamaica, Jamaica.	Do.
Do	Photograph: Color, of Her Majesty Queen Beatrix and Prince Claus; Inscribed; Under Glass in Green Leather Frame w/Gold Crown Depicted at Top; 9⅛" x 11⅞", Recd: Apr. 21, 1982. Est. Value: $100. Disp: Residence, Official Display.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Photograph: Color of their Royal Highnessea, Princess of Norway; Autographed; Under Glass w/Gold embossed Crest at top; 9" x 13" Overall. Recd: Sept. 10, 1982. Est. Value: $200. Disp: Residence, Official Display.	Royal Highnesses Harold & Sonja, The Crown Prince and Princess for Norway, Norway.	Do.
Do	Painting: Oil on Canvas Depicting 2 Young Women Dressed in the National Costumes of Panama; by Al Sprague, Signed; Oatmeal Fabric Liner, Gold Toned Wood Frame; 31" x 37"; Entitled "Polleras"; with a Small Brass Plate Attached, Lettered "Exmo Senor Ronald Reagan—Presidente de Los Estados Unidos de Norteamerica-Con Los Atentos Saludos del Pueblo y el Gobierno Panameno-Ricardo del la Espriella T.—Predisente de la Republica-Octubre de 1982". Recd: Oct. 14, 1982. Est. Value: $500. Disp: Archives.	His Excellency Ricardo de la Espreilla, President of the Republic of Panama, Panama, Republic of.	Do.
Do	Household: Chair, Vibrating, Electric, Gray-Beige Color, by, "National" w/Side Controls; Made in Japan; also an Electric Vibrating Stool. Recd: Apr. 21, 1982. Est. Value: $478. Disp: Residence—Official Use.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Side Table, Fossilized, Circular Pedestal Style W/Swirled Inlaid Design on Top; 24⅛" Diam. and 22" High. Recd: Sept. 21, 1982. Est. Value: $900. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Figure: Tree, Mother-of-Pearl; 6 ft. High and Weighs 270 lbs. Recd: Sept. 21, 1982. Est. Value: $2,500. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Desk Set and Accessories: Letter Holder; 5" x 3" x 1"; Memo Holder: 8" x 5⅛"; Tissue Box; 10" x 5" x 2½"; Cigar Box: 8" x 5" x 3"; Card Holder; 5" x 3" x 2"; Desk Pad (Blotter Pad); 22" x 15"; Jewelry Box; 10" x 5" x 2"; and A Photograph Frame; 10" x 12"; All Made of Mother-of-Pearl. Recd: Sept. 21, 1982. Est. Value: $135. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Food: Fruit, "Rambutan", 12 Boxes. Recd: Sept. 21, 1982. Est. Value: $180. Disp: Perishable.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Flowers: Ornament, a Christmas Reindeer, Made of Spanish Moss Over a Mesh Frame W/Metal Antlers and Decorated W/Holly, Pine, Wicker Bells, and a Large Red Rosette; 45" x 55" x 12". Recd: Dec. 23, 1982. Est. Value: $500. Disp: Residence—Official Display.	H. E. and Mrs. A. B. Al-Ameri, Ambassador of the State of Qatar, Qatar.	Do.
Do	Coin: Gold, 1967, Commemorating King Saud Bin Abdul Aziz Al Saud; 1⅛" Diam; Contained in Black Silk—Covered Box; (Marked "Bulgari"). Recd: Apr. 15, 1982. Est. Value: $330. Disp: Archives.	His Royal Highness Abdullah Bin Saud Bin Abdu Aziz, Prince, Saudi Arabia.	Do.
Do	Consumables: Caviar, 4 Jars (2 Lg. and 2 sm.); and, Vodka, 3 Bottles. Recd: Dec. 21, 1982. Est. Value: $263. Disp: Perishable.	H. E. and Mrs. Anatoliy F. Dobrynin, Ambassador E. and P., Union of Soviet Socialist Republics.	Do.
Do	Book: "Western European Painting in the Hermitage", by Aurora Art Publishers, Leningrad; 1978. Recd: Dec. 21, 1982. Est. Value: $40. Disp: Residence—Official Display.	H. E. and Mrs. Anatoliy F. Dobrynin, Ambassador E. and P., Union of Soviet Socialist Republics.	Do.
Do	Linens. Recd: Apr. 10, 1981. Est. Value: Indeterminable. Disp: Residence—Official Display.	Right Honorable John Carson, the Lord Mayor of Belfast, United Kingdom.	Do.
Do	Photograph: Color of His Holiness John Paul II; Autographed; in Silver Picture Frame Bearing Papal Relief Crest; Overall 12" x 9⅞". Recd: July 8, 1982. Est. Value: $175. Disp: Residence—Official Display.	His Holiness John Paul II, Vatican City	Do.
Do	Sculpture: Ivory Statue of a Madonna, Carved From a Tusk Mounted on Black Marble Base Bearing the Papal Crest; 24⅛" high x 2" x 3"; Base is 8" x 5". Recd: July 8, 1982. Est. Value: $425. Disp: Residence—Official Display.	His Holiness John Paul II, Vatican City	Do.
James A. Baker III, Chief of Staff and Assistant to the President.	Books: (2) "El Arte Del Templo Mayor" ("Art in the Great Temple"); and "La Ciudad De Mexico", Leather Bound, One of Ltd. Ed. of 5000. Recd: Sept. 22, 1982. Est. Value: $585. Dist: GSA.	His Excellency Bernardo Sepulveda, Ambassador of Mexico.	Do.
Do	Men's Accessories: Portfolio, Black Leather, Envelope Style W/ Snap Closure and 7 Interior Compartments; by "Soco"; Made in France; 10" x 14" x ⅝" (Closed); Gold Embossed Lettering in Lower Right Corner): Recd: June 21, 1982; Est. Value: $200. Disp: Presidential Staff, Official Use.	His Excellency Francois Mitterrand, President of the French Republic, France.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Household: Carpet, Wool or Predominately Wool, Shades of Blue and Beige In Bordered Designs and a Hexagonal Center with Red Predominating; White Cotton Knotted Fringe on Two Sides; 91" x 70". Recd: June 24, 1982. Est. Value: $1,500. Disp: for Official Display, 208 OEOB.	His Majesty Hassan II, King of Morocco, Morroco.	Do.
Do	Household: Carpet, Wool or Predominately Wool, of an Overall Multicolored Floral Design on Navy Blue Background; White Fringed on Two Ends; 62" x 37⅞". Recd: Dec. 29, 1982. Est. Value: $500. Disp: Presidential Staff, Official Display.	His Excellency Mohammad Zia-Ul-Haq, General; President of the Islamic, Republic of Pakistan, Pakistan.	Do.
Mabel Brandon, Social Secretary to the First Lady.	Ladies Accessories: Bag, Navy Blue Leather, by "Gucci" (No. 33-01-4092). Recd: May 4, 1982. Est. Value: $150. Disp: GSA.	His Excellency, Sandro Pertini, President of the Italian Republic, Italy.	Do.
William P. Clark, Assistant to President for National Security Affairs.	Figure: Elephant, of Rosewood Invalid W/Bone; Handcarved; 18" x 14" x 9". Recd: Aug. 05, 1982. Est. Value: $175.	Her Excellency Indira Gandhi, Prime Minister of India, India.	Do.
Do	Misc.: Humidor, Shellacked Wood W/Colored Wood Borders and Depicting an Outline of Jamaica on Hinged Lid; (Key Included); Chest is 12" x 9⅛" x 5"; Containing Cigars Recd: May 21, 1982. Est. Value: $157. Disp: Presidential Staff, Official Display (Humidor Only).	The Honorable, Edward P. C. Seaga, M.P., Prime Minister of Jamaica, Jamaica.	Do.
Do	Household: Vase, Japanese Hinode Cloisonne, Recd: Oct. 15, 1982 Est. Value: $350. Disp: Presidential Staff, Official Display.	His Excellency, Soichird Ito, Minister of State for Defense, Japan.	Do.
Do	Linens: Tablecloth, 118" x 79"; Napkins, 12, Each 15¼" x 19⅛ and Doilies, 12 Each 6⅛" Sq.; All Batiste, Pale Pink, With Hemstitched Borders and Floral Motif; Handmade in Lebanon. Recd: May 04, 1982. Est. Value: $500. Disp: Presidential Staff, Official Display.	His Excellency Joseph Skaff, Minister of Defense of Lebanon, Lebanon.	Do.
Do	Household: Carpet, Wool or Predominately Wool, of Blue, Red and Beige Colors, "Moderne" Design; W/Braided White Fringe; Approx. 6 FT x 9 FT. (#U/18385). Recd: June 24, 1982. Est. Value: $1500. Disp: For Official Display, 206 OEOB.	His Majesty Hassan II, King of Morocco, Morroco.	Do.
Do	Household: Carpet, Wool or Predominately Wool, or an Overall Multicolored Floral Design, White Fringed on Two Ends; 62" x 37⅞", Recd: Dec. 29, 1982. Est. Value: $500. Disp: Presidential Staff, Official Display.	His Excellency Mohammad Zia-Ul-Haq, General; President of the Islamic Republic of Pakistan, Pakistan.	Do.
Richard G. Darman, Assistant to President and Deputy to the Chief of Staff.	Clothing and Accessories: Portfolio, Black Leather, Envelope Style W/Snap Closure and 7 Interior Compartments, by "Soco"; Made in France; 10" C 14" x ⅞" (Closed). Recd: July 6, 1982. Est. Value: $200. Disp: GSA.	His Excellency, Francois Mitterrand, President of the French Republic, France.	Do.
Michael K. Deaver, Deputy Chief of Staff and Assistant to the President.	Books, 2; "La Ciudad De Mexico 1325/1982-Vol 1; by Fernando Benitez Leather Bound, One of 5000 Lim. Ed. Copies; and "El Arte Del Temple Mayor (the Art in the Great Temple) Mexico-Tenochtitlan. Recd: Sept. 22, 1982. Est. Value: $500. Disp: GSA.	His Excellency Bernardo Sepulveda, Ambassador of Mexico.	Do.
Do	Figure: Brass, Sculpture of a Prancing Horse, by Mario Agostinelli, Signed; Mounted on Black Base; 15" x 14" x 4"; and Enclosed in a Brown Velvet Bag. Recd: Dec. 09, 1982. Est. Value: $3,500. Disp: GSA.	His Excellency Italo Miguel Alexandre Mastroglovanni, Minister-Head of the Protocol, Brazil.	Do.
Do	Briefcase: Black Leather W/ 7 Interior Compartments; Made by "Soco" in France; 13⅛" x 10" x ⅞". Recd: July 1, 1982. Est. Value: $200. Disp: Presidential Staff, Official Use.	His Excellency, Francois Mitterrand, President of the French Republic, France.	Do.
Do	Photograph: In a Silver Frame Bearing the Royal Jordanian Crest; by "Deyhle" of Germany; 8⅛" 11". Recd: Feb. 1, 1982 Est. Value: $1,000. Disp: Presidential Staff, Official Display.	His Majesty Husse In I of the Hashemite Kingdom, of Jordan, Jordan.	Do.
Do	Carpet; "Moderne" Design; Slate Blue W/ Darker Blue and Beige Geometric Designs; White Cotton Knotted Fringe on Two Ends; 82" x 70". Recd: June 24, 1982. Est. Value: $1,500. Disp: GSA.	His Majesty Hassan II, King of Morocco, Morocco.	Do.
Do	Household: Carpet, Wool or Predominately Wool, of an Overall Muticolored Floral Design, White Fringen on Two Ends; 62" x 37⅞". Recd: Dec, 29, 1982. Estr. Value: $500. Disp: Presidential Staff—Official Display.	His Excellency Mohammad Zia-ul-Haq, General; President of the Islamic Republic of Pakistan, Pakistan.	Do.
David R. Gergen, Assistant to President for Communications.	Household: Carpet, Wool or Predominately Wool, of an Overall Muticolored Floral Design, White Fringed on Two Ends; 62" x 37⅞". Recd: Dec. 29, 1982. Est. Value: $500. Disp: Presidential Staff—Official Display.	This Excellency Mohammad Zia-ul-Haq, General; President of the Islamic Republic of Pakistan, Pakistan.	Do.
Edwin Meese III, Counsellor to President.	Books: (2) "La Ciudad de Mexico" and "El Arte del Templo Mayor" Both on the History of Mexico City. Recd: Oct. 05, 1982. Est. Value: $585. Disp: GSA.	His Excellency Bernardo Sepulveda, Ambassador of Mexico.	Do.
Do	Household: Carpet, Wool or Predominately Wool, Multicolored Borders W/ Center Medallion on Red Background; Knotted Fringe on 2 Sides; 91" x 66". Recd: June 24, 1982. Est. Value: $1,500. Disp: for Official Display, 206 OEOB.	His Majesty Hassan II, King of Moroco, Morocco.	Do.
Do	Household: Carpet, Wool or Predominately Wool, of an Overall Multicolored Floral Design, White Fringed on Two Ends; 62" x 37⅞". Recd: Dec. 29, 1982. Est. Value: $500. Disp: Presidential Staff—Official Display.	His Excellency Mohammad Zia-ul-Haq, General; President of the Islamic Republic of Pakistan, Pakistan.	Do.
Henry Nau, Planning/International Economics National Security Council.	Book: "Antwerp the Golden Age", by Leon Voet. Recd: Dec. 21, 1982. Est. Value: $250. Disp: Presidential Staff—Official Display.	Mr. Marcel Demoudt, Economic Minister, Belgian Embassy.	Do.
Gaston J. Sigur, NSC Director of East Asian Affairs.	Household: Vase, Glazed Ceramic (New) of a Pale Grayish Blue Color W/ an Openwork Basketweave Outer Shell Design and Inner Solid Container, Made as One Piece; 11" High, 5⅛" Diam. Across Open Mouth, 12" Diam. Across Center; Crafted in Korea, Signed on Bottom. Recd: Dec. 15, 1982. Est. Value: $300. Disp: Presidential Staff, Official Display.	Shinyong Lho, Director, Agency for National Security Planning, Korea.	Do.
Charles Tyson, Deputy Assistant to President for National Security.	Books: (2), "La Ciudad De Mexico" (1325/1982), by Fernando Benitez; Spanish Text; Leatherbound W/ Embossed Emblem on Cover and Gold-stamped Title on Cover and Spine. One of 5000 Lim. Ed. Copies; and "The Art in the Great Temple" (Mexico-Tenochtitlan) Text by Ruben Bonifaz Nuno, Photography by Fernando Robles. Recd: Oct. 29, 1982. Est. Value: $565. Disp: Presidential Staff, Official Display.	His Excellency Bernardo Sepulveda, Ambassador of Mexico.	Do.
Do	Household: Samovar, Silver, Elaborately Decorated, on 4-Footed Pedestal; 35" High x 14" Wide x 16" Deep. Recd: July 22, 1982, Est. Value: $500. Disp: GSA.	His Majesty Hassan II, King of Morocco, Morocco.	Do.
Helene Von Damm, Assistant to President for Presidential Personnel.	Household: Carpet, Wool or Predominately Wool; Predominately Red; Knotted Fringe on 2 Sides; Approx 91' x 66". Recd: July 27, 1982. Est. Value. $1,500. Disp: Presidential Staff, Official Display.	His Majesty Hassan II, King of Morocco, Morocco.	Do.

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
	Agency: Office of the Vice President		
George Bush	Twelve piece Japanese Okura china tea service. Recd Apr. 1982. Est. Value—$275. In use at Vice President's residence	Abe Shintaro, Minister of International Trade, Japan.	Non-acceptance would have caused embarrassment to the donor.
Do	Ceramic statue of camel. Recd May 1982. Est. Value—$450. On display in Vice President's residence.	People's Republic of China	Do.
Barbara Bush	Silver framed mirror with handle. Recd Apr. 20, 1982. Est. Value—$150. Stored in OVP safe.	Queen Beatrix, Netherlands	Do.
George Bush	Gold Coin commemorating peace between Honduras and El Salvador. Recd July 15, 1982. Est. Value—$400. On display in VP White House office.	Roberto Cordova, President, Honduras	Do.
Do	Metal sculpture of stork with quartz wings. Recd May 1982. Est. Value—$450. Stored in OVP safe.	Dulce Maria de Castro Figueiredo, President, Brazil.	Do.
Do	Steel box inlaid with silver. Recd Aug. 3, 1982. Est. Value—$150. On display in Vice President's residence.	Indira Ghandi, Prime Minister, India	Do.
Do	Red Moroccan rug. Recd June 26, 1982. Est. Value—$1,500. In use at Vice President's residence.	King Hassan II, Morocco	Do.
Do	Two silver urns. Recd May 1982. Est. Value—$3,000. On display at Vice President's residence.	Emperor Hirohito, Japan	Do.
Do	Bone china goldfinch (broken). Recd May 1982. Est. Value—$580. Stored in OVP safe.	Robert Muldoon, Prime Minister, New Zealand.	Do.
Do	Pearl cufflinks. Recd May 1982. Est. Value—$180. Stored in OVP safe	Yoshio Sakursuchi, Foreign Minister, Japan.	Do.
Do	Brass statue playing musical instrument. Recd Nov. 22, 1982. Est. Value—$150. Stored in OVP office.	Mobutu Sese Sero, President, Zaire	Do.
Barbara Bush	Pearl brooch. Recd Apr. 28, 1982. Est. Value—$300. Stored in OVP safe	Mrs. Zenko Suzuki, First Lady of Japan	Do.
Do	Alligator handbag. Recd Nov. 11, 1982. Est. Value—$300. Stored in OVP office.	Habib Thiam, Prime Minister, Senegal	Do.
George Bush	Chinese pastel painting. Recd Apr. 25, 1982. Est. Value—$300. On display at Vice President's residence.	Lee Kuan Yew, Prime Minister, Singapore	Do.
Do	Wool handwoven rug. Recd Dec. 6, 1982. Est. Value—$2,500. In use at Vice President's residence.	Zia-ul Haq, President, Pakistan	Do.
Do	Lladro figurine. Recd Apr. 1982. Est. Value—$395. Stored in OVP safe	Mr. Jose and Mr. Vincente Juan, Private Citizens, Spain.	Do.
Do	Jade cuff links. Recd May 19, 1982. Est. Value—$195. Stored in OVP safe	Nae Huk Jung, Speaker of National Assembly, Korea.	Do.
Barbara Bush	Gold and jade bracelet. Recd Apr. 28, 1982. Est. Value—$185. Stored in OVP safe.	do	Do.
George Bush	Carved wooden bow with quiver of arrows. Recd Apr. 29, 1982. Est. Value—$250. Stored in OVP safe.	do	Do.
Do	Commemorative stamp album. Recd May 17, 1982. Est. Value—$235. Stored in OVP safe.	Jozsef Marjai, Deputy Chairman, Council of Ministers, Hungary.	Do.
Do	12 matted, framed prints of Australian animals. Recd May 1, 1982. Est. Value—$1,800. On display at Vice President's residence.	Sir James McNeill, Private Citizen, Australia.	Do.
Do	Two inlaid Mother of Pearl chests, black and red. Recd Apr. 28, 1982. Est. Value—black chest—$135; red chest—$125. Black—White House office. Red—In use at residence.	Mr. and Mrs. Yoo Chang Soon, Prime Minister, Korea.	Do.
Barbara Bush	Three cotton batik bedspreads. Recd October 1982. Est. Value—brown—$307; green—$418; blue—$286. Stored in OVP safe.	President Soeharto, Indonesia	Do.
Do	Red cotton batik bedspread. Recd October 1982. Est. Value—$370. In use at Vice President's residence.	do	Do.
George Bush	Three foot by eight foot wooden wall plaque—alto-relievo frieze. Recd October 1982. Est. Value—$950. Stored in OVP office.	do	Do.
Barbara Bush	Piece of orange and black silk. Recd October 1982. Est. Value—$275. Stored in OVP office.	do	Do.
Do	Silver tea set. Recd October 1982. Est. Value—$952. In use at the Vice President's residence.	do	Do.
George Bush	Copper end table with relief of water buffalo. Recd November 1982. Est. Value—$175. Stored in OVP office.	Robert Mugabe, Prime Minister, Zimbabwe.	Do.
George Bush, Barbara Bush	Silver plated goblet service with tray and ice bucket. Recd November 1982. Est. Value—$155. Stored in OVP office.	Humphrey Mulemba, U.N.E.P., Secretary General, Zambia.	Do.
George Bush	Brass gong mounted between two ivory tusks. Recd November 1982. Est. Value—$1500. On display in Vice President's EOB office.	Elijah W. Mwangale, Minister of Tourism and Wildlife, Kenya.	Do.
Do	Ivory carving of woman on wood base, 8". Recd November 1982. Est. Value—$160. Stored in OVP office.	Abdou Diouf, President, Senegal	Do.
Do	Carved ivory tusk, 18". Recd November 1983. Est. Value—$400. Stored in OVP office.	Alex Ekwueme, Vice President, Nigeria	Do.
Barbara Bush	Cobra snakeskin purse. Recd November 1982. Est. Value—$170. Stored in OVP office.	do	Do.
Do	Set of twelve silver spoons and forks. Recd Apr. 26, 1982. Est. Value—$150. Stored in OVP office.	Mrs. Chun Doo Hwan, First Lady, Korea	Do.
George Bush	Wooden elephant with inlaid ivory, 10" high. Recd May 1982. Est. Value—$175. On display at the Vice President's residence.	Bal Ram Jakhar, Speaker of the Lower House, India.	Do.
George Bush, Barbara Bush	Motorized massage chair. Recd Apr. 22, 1982. Est. Value—$475. In use at the Vice President's residence.	Mrs. Imelda Marcos, First Lady, Philippines.	Do.
Barbara Bush	Two sequined dresses. Recd September 1982. Est. Value—purple—$325; blue—$375. Stored in OVP safe.	do	Do.
George Bush	Wooden game table with leather top, four leather chairs. Recd September 1982. Est. Value—$4,950. Stored in OVP office.	Ferdinand Marcos, President, Philippines	Do.
Barbara Bush	Two cobra snakeskin purses. Recd November 1982. Est. Value—$220. Stored in OVP office.	Dr. and Mrs. E. O. Ogbu, Former Ambassador to United Nations, Nigeria.	Do.
George Bush	Two ivory carvings of heads, 6" each. Recd November 1982. Est. Value—$250 ($125 each). One stored in OVP office. One on display at Vice President's residence.	do	Do.
Do	Bronze sculpture of head. Recd November 1982. Est. Value—$300. On display in Vice President's White House office.	Alhaji Shehu Shagari, President, Nigeria	Do.
Do	Bronze sculpture of head. Recd November 1982. Est. Value—$200. Stored in OVP office.	Joseph Wayas, President of the Senate, Nigeria.	Do.
Do	Two four foot ivory elephant tusks. Recd November 1982. Est. Value—$1,500 each. Stored in OVP office.	do	Do.

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: United States Senate			
Howard Baker, U.S. Senator	Sterling silver box. Recd Spring, 1982. Est. Value—$200. Donated to Senate Curator of Arts and currently on display in the capital.	King Hussein of Jordan	Refusal would likely cause offense or embrassment.
Strom Thurmond, U.S. Senator	Silver plated canisters. Recd June 30, 1982. Est. Value—$300-$350. Requested and received approval of the Senate Commission on Arts and Antiquities to present objects to Clemson University, Clemson, South Carolina.	King Hassan II, Morocco	Do.
John Tower, U.S. Senator	Tunisian rug. Recd Apr. 26, 1982. Value in excess of $140. Requested and received approval from the Select Committee on Ethics to retain and display during tenure in office.	Prime Minister Mohamed Mzali of Tunisia	Do.

Report of Travel or Expenses of Travel

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: U.S. Senate			
Patrick D. Balestrieri, Professional Staff Member, Senate Foreign Relations Committee.	Oct. 13-23, 1982, Transportation within Europe	NATO Eurogroup current Chairman, Italian Minister of Defense Lelio Paolo Trabalza.	Refusal would likely cause offense or embarrassment.
Gerald B. Christianson, Minority Staff Director, Senate Foreign Relations Committee.	Oct. 14-24, 1982, Transportation within Europe	NATO Eurogroup current Chairman, Italian Minister of Defense Lelio Paolo Trabalza.	Do.
Marilyn Courtot, Assistant Secretary to the Secretary of the Senate.	Oct. 15-21, 1982, Food, lodging and travel South Korea	Mr. Woo, Secretary General South Korea	Do.
William M. Diefenderfer, Chief Counsel, Senate Committee on Commerce, Science and Transportation.	Aug. 28-Sept. 7, 1982, Food, lodging and transportation within China	Peoples Republic of China	Do.
Richard D. Finn, Jr., Professional Staff Member, Senate Armed Services Committee.	Oct. 13-23, 1982, Food, travel and lodging in Europe	NATO Eurogroup current Chairman, Italian Minister of Defense Lelio Paolo Trabalza.	Do.
Drew Harker, Research Assistant, Senate Armed Services Committee.	Oct. 13-23, 1982, Food, travel and lodging in Europe	NATO Eurogroup current Chairman, Italian Minister of Defense Lelio Paolo Trabalza.	Do.
Ernest F. Hollings, U.S. Senator	July 2, 3, 4, 1982, 3 nights lodging in city of Biarritz	Biarritz, Switzerland	Do.
Sam Nunn, U.S. Senator, Mrs. Colleen Nunn, Brain Nunn, Michele Nunn.	Aug. 31-Sept. 1, 1982, Food and lodging in Japan	Maritime League of the Japanese Diet	Do.
Charles Percy, U.S. Senatror	Aug. 28-Sept. 4, 1982, Lodging at Cynthiana Beach Hotel Cyprus	Government of Cyprus	Do.
Arnold Punaro, Legislative Assistant to Senator Nunn.	Aug. 31-Sept. 1, 1982, Food and lodging in Japan	Maritime League of the Japanese Diet	Do.
Edward G. Sanders, Staff Director, Senate Foreign Relations Committee.	Oct. 13-23, 1982, Transportation within Europe	NATO Eurogroup current Chairman, Italian Minister of Defense Lelio Paolo Trabalza.	Do.
Diana Smith, Professional Staff Member, Senate Foreign Relations Committee.	Oct. 13-23, 1982, Transportation within Europe	NATO Eurogroup current Chairman, Italian Minister of Defense Lelio Paolo Trabalza.	Do.
John Tokolish III, Assistant Mailroom Supervisor to Senator Moynihan.	Oct. 10-23, 1982, Travel, food, lodging in cities of Moscow, Leningrad, Kiev, Volgograd, Baku, and Tallian in the Soviet Union.	Student Council Organization of the Soviet Union.	Do.
Howard S. Useem, Professional Staff Member, Senate Committee on Energy and Natural Resources.	June 16, 1982, Transportation and food within Canada	Government of the Province of Quebec	Do.

Report of Tangible Gifts

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: U.S. House of Representatives, Committee on Standards of Official Conduct			
Clement J. Zablocki, Member of Congress.	Approx. 6' × 9' rug. Recd May 1982. Estimated Value—over $140. Approved for official display in office of Donee.	Prime Minister Mohamed Mzali, Tunisia	Non-acceptance would have caused embarrassment to donor and U.S. Government.

Report of Travel or Expenses of Travel

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: U.S. House of Representatives, Standards of Offical Conduct			
John Breaux, Member of Congress.	Round trip train between Moscow, USSR and Riga and Tallin, USSR	Union of Soviet Socialist Republics	Fact-finding trip.
Geo. W. Crockett, Jr., Member of Congress.	Lodging & ground transportation in Grenda, W. I	Grenada, W. I	Do.
G. Wayne Smith, Comm. on Merchant Marine & Fisheries.	Round trip train between Moscow, USSR and Riga and Tallin, USSR	Union of Soviet Socialist Republics	Do.

REPORT OF TRAVEL OR EXPENSES OF TRAVEL—Continued

Name and title of recipient	Brief description of travel or travel expenses occuring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Administrative Office of the United States Courts			
John Feikens, Chief Judge, U.S. District Court, E.D. of Michigan.	Expense-paid trip, including travel, and accommodations to the Netherlands. Recd October 3-9, 1982. Est. value—$1350.	Queen Beatrix of the Netherlands	The invitation was extended in connection with the celebration of the 200th anniversary of the first treaty by the United States with the Netherlands.
Henriette S. Feikens, wife of Chief Judge Feikens E.D. of Michigan.	Expense-paid trip, including travel, and accommodations to the Netherlands. Recd October 3-9, 1982. Est. value—$1350.	do	The invitation was extended in connection with the celebration of the 200th anniversary of the first treaty by the United States with the Netherlands.

REPORT OF TANGIBLE GIFTS

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: U.S. Department of Agriculture			
John R. Block, Secretary of Agriculture.	Tablecloth and napkins. Recd Dec. 13, 1982. Est. Value—$350-$550. Holding in Room 4944.	Representative of President Marcos of the Philippines.	To avoid any perceived ingratitude resulting through non-acceptance.
Do	Hand woven rug. Recd mid-December 1982. Est. Value—$350-$600. Holding in Room 4944-So.	Delegation from the Agricultural Ministry of Bangladesh.	Do.
Agency: Department of the Air Force			
Gen. Lew Allen, Jr., Air Force Chief of Staff, received all gifts listed.	Sterling Silver Knife, Serial No. 9259. Recd May 1979. Est. Value—$150. Stored in AFMPC/MPCASA.	Government of Norway	Non-acceptance would have caused embarrassment to donors.
Do	Bible with ornate Sterling Silver cover. Recd November 1979. Est. Value—$175. Stored in AFMPC/MPCASA.	Israeli Government	Do.
Do	Walking Stick, Single Shot. Recd November 1979. Est. VAlue—$200. Stored in AFMPC/MPCASA.	Air Chief Marshall MA Shamin Saspar, Pakistan.	Do.
Do	Silver Oil Burning Candleset. Recd Nobember 1979. Est. VAlue—$500. Stored in AFMPC/MPCASA.	Air Chief Marshall MA, Shamin Saspar, Pakistan.	Do.
Do	Antique Gun. Recd February 1980. Est. Value—$160. Stored in AFMPC/MPCASA.	Spanish Air Force	Do.
Do	Mauser Rifle, Model 1909. Recd May 1981. Est. Value—$300. Stored in AFMPC/MPCASA.	Argentine Air Force	Do.
Do	Silver Flask. Recd May 1981. Est. Value—$175. Stored in AFMPC/MPCASA	Government of Argentina	Do.
Do	Set of Four Silver Coins. Recd May 1981. Est. Value—$150. Stored in AFMPC/MPCASA.	Government of Guatemala	Do.
Do	Set of Six Silver Coins. Recd May 1981. Est. Value—$200. Stored in AFMPC/MPCASA.	Government of Venezuela	Do.
Do	Spun silver T-37 Ash Tray. Recd May 1981. Est. Value—$165 Stored in AFMPC/MPCASA.	CONJEFAMER, Peru	Do.
Do	Gold and Jade Headdress. Recd June 1982. Est. Value—$900. Stored in AFMPC/MPCASA.	General Lee, Hee Kun Chief of Staff, Republic of Korea.	Do.
Do	Silver cigarettee Box. Recd September 1978. Est. Value—$150. Stored in AFMPC/MPCASA.	The Government of Thailand	Do.
Do	Swagger Stick with inscription. Recd September 1981. Est. Value—$150. Stored in AFMPC/MPCASA.	President Park, Republic of Korea	Do.
Do	Necklace, Bracelet & Ring, Topaz stones in gold settings. Recd September 1981. Est. Value—$400. Stored in AFMPC/MPCASA.	General Lee, Hee Kun, Chief of Staff, Korean Air Force.	Do.
Do	Silver Cigarette Box. Recd May 1979. Est. Value—$175. Stored in AFMPC/MPCASA.	Government of Portugal	Do.
Major General (now Lieutenant General John T. Chain, Jr., Assistant Deputy Chief of Staff, Plans and Operations, U.S. Air Force.	Rolex Wrist Watch, Sterling Silver. Recd April 1980. Est. Value—$400. Approved for official use in office of Donee.	Major General Sabri, Commander, Royal Saudi Air Force.	Do.
Lt. Gen. Hans H. Driesanack, Assistant Vice Chief of Staff, U.S. Air Force.	Cuff Links and Tie Tac, with Topaz stones in Gold settings. Recd April 28, 1982. Est. Value—$250. Stored in AFMPC/MPCASA.	General Lee, Hee Kun, Chief of Staff, Korea, Air Force.	Do.
Gen. David C. Jones, Chairman, Joint Chiefs of Staff, received all gifts listed.	Silver Oil Burning Candleset. Recd November 1979. Est. Value—$500. Stored in AFMPC/MPCASA.	Air Chief Marshall MA, Shamin Saspar, Pakistan.	Do.
Do	9MM "Star" Pistol, ornate Gold with Pearl handle. Recd October 1979. Est. Value—$1,500. Stored in AFMPC/MPCASA.	Spanish Government	Do.
Do	9MM "Tauras" Pistol, Serial No. 840814. Recd September 1981. Est. Value—$275. Stored in AFMPC/MPCASA.	Chief of Staff, Brazilian Air Force	Do.
Do	32MM Revolver, Serial No. 851184. Recd September 1981. Est. Value—$175. Stored in AFMPC/MPCASA.	Senior Exec, Walter Pires, Brazil	Do.
Do	Gold and Jade Headdress. Recd June 1982. Est. Value—$800. Stored in AFMPC/MPCASA.	General Lee, Hee Kun, Chief of Staff, Republic of Korea.	Do.
DO	Khyber Pass Firing Walking Stick, Single Sho. Recd November 1979. Est. Value—$200. Stored in AFMPC/MPCASA.	Air Chief Marshall MA, Shamin Saspar, Pakistn.	Do.
Do	Salt & Pepper Boxes on Tray, Silver. Recd September 1981. Est. Value—$200. Stored in AFMPC/MPCASA.	Maximiano Edwardo De Silva, Fonseca, Brazil.	Do.
Do	Bonanza Shotgun, Model 4069. Recd September 1981. Est. Value—$650. Stored in AFMPC/MPCASA.	do	Do.
Do	Assault Rifle, ornate woodcarved stock. Recd November 1979. Est. Value—$850. Stored in AFMPC/MPCASA.	Saudi Arabia Chief of Staff	Do.
Do	Assault Rifle, Serial No. 2015849. Recd November 1979. Est. Value—$400. Stored in AFMPC/MPCASA.	Israeli Chief of General Staff	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Gen. Robert C. Mathis, Vice Chief of Staff, U.S. Air Force.	Jade Stone w/Gold Clasp. Recd May 1982. Est. Value—$175–$200. Stored in AFMPC/MPCASA.	General Lee, Hee Kun, Chief of Staff, Republic of Korea AF.	Do.
Hon. Verne Orr, Secretary of the Air Force, received two gifts.	Lady's Bracelet, 9 Quartz stones in Gold settings. Recd Apr. 29, 1982. Est. Value—$210. Approved for official display in office of Donee.	General Lee, Hee Kun, Chief of Staff, Korean Air Force.	Do.
Do	Gold and Jade Miniature Headdress. Recd June 1982. Est. Value—$400. Stored in office of Donee for official display.	General Kim, Sang Tae, Chief of Staff, Korean Air Force.	Do.
General Thomas M. Ryan, Jr., Commander, Air Training Command.	12-speed Benotto Bicycle. Recd December 1982. Est. Value—$298.85. Retained in Donee's quarters, Randolph AFB TX.	Brig. Gen. Javier Salinas, Pollares, Mexican AF.	Do.
Ten. W. Y. Smith, Deputy Commander in Chief, HQ USEUCOM, received two gifts.	Rolex-GMT-Master Wrist Watch. Recd Aug. 10, 1982. Est. Value—$750. Stored in AFMPC/MPCASA.	Lieutenant General Sabri, Chief of Staff, Royal Saudi Air Force.	Do.
Do	Gold Omega Quartz Wrist Watch. Recd Aug. 10, 1982. Est. Value—$500. Stored in AFMPC/MPCASA.	...do	Do.
Capt. Albert D. Spitzer, Aide-de-Camp, HQ USEUCOM.	Pen Set (3), Gold plated. Recd Aug. 10, 1982. Est. Value—$200. Stored in AFMPC/MPCASA.	...do	Do.
	Agency: Department of the Army		
Sp5c. Morris E. Bell, Ward 72, Walter Reed Army Medical Center.	Pair of gold cufflinks. Recd December 1981. Est. Value $232. U.S. Army Military Personnel Center, Alexandria, VA 22332.	Prince Bandar bin Sultan Abdul Aziz, Major, Air Force, Saudi Arabia.	To preclude potential embarrassment to U.S. Government and government of donor.
Gen. George S. Blanchard, U.S. Army Retired, then Commander U.S. Army Europe.	38" x 34" color oil portrait of former President Carter. Recd March 1979. Est. Value $141 + U.S. Army Military Personnel Center, Alexandria, VA 22332.	Mr. C. I. Lefter, State Artist, Romania	Do.
Capt. Denise M. Brisson, Ward 72, Walter Reed Army Medical Center.	Gold necklace. Recd. December 1981. Est. Value $250. U.S. Army Military Personnel Center, Alexandria, VA 22332.	Prince Bandar bin Sultan Abdul Aziz, Major, Air Force, Saudi Arabia.	Do.
Sp6c. Steve G. Deemer, Ward 72, Walter Reed Army Medical Center.	Pair of gold cufflinks. Recd December 1981. Est. Value $232. U.S. Army Military Personnel Center, Alexandria, VA 22332.	...do	Do.
Maj. Margaret A. Driggers, Ward 72, Walter Reed Army Medical Center.	Gold necklace. Recd December 1981. Est. Value $355. U.S. Army Military Personnel Center, Alexandria, VA 22332.	...do	Do.
Col. Eugene D. George, Chief, Neurosurgery Service, Walter Reed Army Medical Center.	Two 18K gold pendants. Recd December 1981. Est. Value $360 and $160. U.S. Army Military Personnel Center, Alexandria, VA 22332.	...do	Do.
Do	Rolex watch, Model 1505 (SN 5225024). Recd December 1981. Est. Value $1,995. U.S. Army Military Personnel Center, Alexandria, VA 22332.	...do	Do.
Sp5c. Michael B. Harris, Ward 72, Walter Reed Army Medical Center.	Pair of gold cufflinks. Recd December 1981. Est. Value $232. U.S. Army Military Personnel Center, Alexandria, VA 22332.	...do	Do.
Capt. Sonia D. Hinds, Ward 72, Walter Reed Army Medical Center.	Gold necklace. Recd December 1981. Est. Value $215. U.S. Army Military Personnel Center, Alexandria, VA 22332.	...do	Do.
1st Lt. Lisa B. Liles, Ward 72, Walter Reed Army Medical Center.	Gold necklace. Recd December 1981. Est. Value $215. U.S. Army Military.	...do	Do.
Sfc. Billie J. Leland, Wardmaster, Eisenhower Suite, Walter Reed Army Medical Center.	...do	...do	Do.
Capt. Kaye L. Marfell, Ward 72, Walter Reed Army Medical Center.	...do	...do	Do.
John O. Marsh, Jr., Secretary of the Army.	Small oriental rug. Recd December 1982. Est. Value $400. Office of the Secretary, Army—official use.	His Excellency, Gen. Mohammad Zia-Haq, President of Pakistan.	Non-acceptance would have caused embarrassment to donor.
Gen. E. C. Meyer, Army Chief of Staff.	46" x 35" painting Haitian artist ruins of Sans Souci Palace. Recd April 1982. Est. Value $200. Army Art Collection, Center of Military History—official use.	Brig. Gen. Henri Namphy, Haitian Army, Haiti.	To preclude potential embarrassment to U.S. Government and government of donor.
Lt. Gen. Wallace H. Nutting, Commander in Chief, U.S. Southern Command.	Pair of gold and diamond earrings. Recd Semptember 1981. Est. Value $400. U.S. Army Military Persoonel Center, Alexandria, VA 22332.	General Queirolo, Commander, Uruguayan Forces, Uruguay.	Do.
Capt. Janet A. Ornes, Ward 72, Walter Reed Army Medical Center.	Gold necklace. Recd December 1981. Est. Value $215. U.S. Army Military Personnel Center, Alexandria, VA 22332.	Prince Bandar bin Sultan Abdul Aziz, Major, Air Force, Saudi Arabia.	Do.
Sp6c. Javier A. Ortega, Ward 72, Walter Reed Army Medical Center.	Pair of gold cufflinks. Recd December 1981. Est. Value $232. U.S. Army Military Personnel Center, Alexandria, VA 22332.	...do	Do.
Col. Russell W. Parker, Assistant to Director of Combat Developments, Fort Bliss, Tex.	Rolex watch, Model 6265 SN 5719866. Recd late 1977. Est. Value $1,005. U.S. Army Military Personnel Center, Alexandria, VA 22332.	Unknown Saudi Arabian Army officer	Do.
Sp4c. Miriam Quiles, Ward 72, Walter Reed Army Medical Center.	Gold necklace. Recd December 1981. Est. Value $215. Lost while recipient was on leave in New York City.	Prince Bandar bin Sultan Abdul Aziz, Major, Air Force, Saudi Arabia.	Do.
Sp5c. James Seaton, Ward 72, Walter Reed Army Medical Center.	Pair of gold cufflinks. Recd December 1981. Est. Value $232. U.S. Army Military Personnel Center, Alexandria, VA 22332.	...do	Do.
Maj. Gen. Albert N. Stubblebine, Commander, U.S.Army Intelligence Security Command.	Omega watch. Recd March 1982. Est. Value $550 + U.S. Army Intelligence Security Command, Arlington, Virginia—official use.	Lt. Col. Manuel Noriega, Deputy Chief of Staff for Intelligence of Guardia Nationale of Panama, Panama.	Do.
Lt. Gen. Walter F. Ulmer, Commander, III Corps, and Fort Hood, Tex.	Tissot watch. Recd September 1982. Est. Value $395. U.S. Army Military Personnel Center, Alexandria, VA 22332.	Lt. Col. Hassan al Jazal Eri, Armor Corps G3, Saudi Arabian Armor Corps, Saudi Arabia.	Do.
Gen. John W. Vessey, Jr., Chairman, Joint Chiefs of Staff.	Officer's sword mounted on wooden base. Recd August 1982. Est. Value $140 + Office of the Joint Chiefs of Staff—official use.	Brig. Gen. Manuel A. Malles Gil, Argentine Military Attache, Argentina.	Do.
Do	Silver serving tray. Recd June 1982. Est. Value $140 + Office of the Joint Chiefs of Staff—official use.	Ali Bengelloun, for King Hassan II, Ambassador of Morocco, Morocco.	Do.
Gen. John A. Wickham, Jr., Commander in Chief, United Nations Command, Korea.	Silver cigarette box. Recd March 1982. Est. Value $400 + 101st Airborne Division Museum, Fort Campbell, Ky.—official use.	General Rien Disthabanghong, Chief of Staff, Royal Thai Armed Forces, Thailand.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Do	Porcelain vase. Recd May 1982. Est. Value $350. Broken in shipment (destroyed and irreparable).	Yoo Hak Seong, Director, Agency for National Security Planning, Korea.	Do.

REPORT OF TRAVEL OR EXPENSES OF TRAVEL

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Department of the Army			
Colonel Richard Evans, III, Army Project Manager, Medical Corps.	Payment of hotel bill and meals for one night's lodging	Saudi Arabian Government	To preclude potential embarrassment to US Government and government of donor.
Major General Louis C. Wagner, Jr., Commander, US Army Armor Center and Fort Knox.	Payment of military quarters bill and meals for six nights' lodging	French Government	Do.
Brigadier General John Y. Yeosock, Project Manager, Saudi Arabian National Guard Modernization.	Payment of hotel bill and meals for one night's lodging	Saudi Arabian Government	Do.
Do	do	do	To preclude potential embarrassment to US Government and government of donor.

REPORT OF TANGIBLE GIFTS

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Central Intelligence Agency			
Adm. B. R. Inman, USN, Deputy Director, CIA.	Pair carved ivory tusks, contemporary, on round carved wooden bases. H: approx 30". Rcvd April 8, 1982. Est. Value—$350. To be reported to GSA for disposition.	Public Law 95-105 A(F)(4)	Non-acceptance would have caused embarrassment to donor.
Do	Silver plate-over-brass seven piece beverage set consisting of: a trifid footed galleried tray centering six-bottle housing with central carrying handle and six beverage containers each with decoration. Rcvd June 25, 1982. Est. Value—$150. To be reported to GSA for disposition.	do	Do.
John H. Stein, Deputy Director for Operations, CIA.	Carved ivory tusk. Bust medallion on round wood socle. H: overall 27". Rcvd April 8, 1982. Est. Value—$150. Retained for official display.	do	Do.
William J. Casey, Director, CIA	Greek-Roman pottery vessel, baluster form. H: 8⅛". Rcvd August 12, 1982. Est. Value—$150. Retained for official display.	do	Do.
Do	Bronze sculpture. Two confronting females, one holding dish tray. Signed in initials "LM." H: 48". Rcvd September 24, 1982. Est. Value—$750. To be reported to GSA for disposition.	do	Do.
Do	Lacquer, mother-of-pearl, ivory and two-tone metal inlay hinged jewel box. L: 14½". Rcvd October 3, 1982. Est. Value—$175. To be reported to GSA for disposition.	do	Do.
Do	Bronze sculpture. Seated nude with baby on her back, hands clasped over her head. H: 34". Rcvd September 24, 1982. Est. Value—$500. To be reported to GSA for disposition.	do	Do.
Do	Repousse silver vase. H: 17⅛"; Wt: 44 oz. Rcvd October 3, 1982. Est. Value—$350. To be reported to GSA for disposition.	do	Do.
Do	(a) Leather and peacock plume pillow cover. D: approx. 28"; (b) Pair bronze busts. Male and female. Each with ceremonial headdress, each on a stepped velvet covered base. H: of bronze 12"; (c) Leather and snakeskin briefcase. Rcvd September 22, 1982. Est. Value—$220. To be reported to GSA for disposition.	do	Do.
Do	Silver basketwork footed center bowl. D: 10"; Wt. 24 oz. Rcvd September 15, 1982. Est. Value—$150. To be reported to GSA for disposition.	do	Do.
Do	(a) Ivory tusk, bright cut engraved silver caps joined by a double length chain. L: 39". Encased; (b) Leopard skin; (c) Carved ivory tusk-vase; Female figure kneeling supporting vase. H: 10⅞"; (d) Carved ivory elephant train on tusk, four elephants. L: 20⅛". Rcvd April 1982. Est. Value—$575. To be reported to GSA for disposition.	do	Do.
Do	(a) Ivory and brass gong. Two tusks forming arbor supporting round reticulated border, chased decorated gong, chain suspended, on a rectangular wood brass inlaid base, separated ivory striker. H: approx. 31"; (b) Archery bow, quiver and two steel-pointed quills, with leather strappings; (c) Six-piece ivory and yellow gold ensemble consisting of: necklace, two bangle bracelets, finger ring and pair of clip-type button earrings. Rcvd April 1982. Est. Value—$510. To be reported to GSA for disposition.	do	Do.
Do	(a) Carved wood coffee table, contemporary. Rectangular top with octagonal medallion, all raised on cabriole legs ending in claw feet. L: 54"; (b) Domed hinged top cigarette box. Unmarked; probably silver with composition base. L: 10"; (c) Embroidered shawl. White ground, turquoise and blue floral and leaf design. Rcvd April 1982. Est. Value—$322.50. To be reported to GSA for disposition.	do	Do.
Do	(a) Ivory ground 6.3 x 4.1 rug with pulled medallion on eggplant-to-gold ground; (b) Onyx footed jewel case. Rectangular hinged top viewing a red velvet lined interior raised on gilded metal scroll feet. L: 10⅛" (Hinge sprung.); (c) Foreign firearm. Rcvd April 1982. Est. Value—$5,395. Retained for official display.	do	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Do	Dagger and sheath. Yellow gold mounts. Rcvd May 2, 1982. Est. Value—$350. Retained for official display.	do	Do.
Do	Carved ivory tusks of female figures mounted on round wood base. H: overall 24". Rcvd April 8, 1982. Est. Value—$400. To be reported to GSA for disposition.	do	Do.
Do	(a) Silver hinged cigarette box, contemporary. Presentation engraved top. L: 6". (b) Lapis Lazuli and silver choker, contemporary. Rcvd January 6, 1982. Est. Value—$195. To be reported to GSA for disposition.	do	Do.
Do	(a) Cloisonne vase. Cobalt ground with floral spray field. H 6¾"; (b) Silver coin; portrait medallion beneath calligraphy; verso flag within quatrefoil Greek key border. Rcvd February 2, 1982. Est. Value—$795. (a) Retained for official display; (b) Retained for storage	do	Do.
Do	(a) 800—Silver miniature horse-drawn cart within lucite display stand with wood base. L: of miniature 5⅛"; (b) Repousse silver round tray. D: 10¼"; Wt: 13 oz. Rcvd June 24, 1982. Est. Value—$225. (a) Retained for official display (b) Retained for storage	do	Do.
Agency employee	Carpet, 5.5 x 3.4; ivory ground with pulled medallion on blue ground, millefleuri field. Rcvd April 3, 1982. Est. Value—$275. Retained for official display.	do	Do.
Do	Four 22-karat yellow gold stiff bangle bracelets. Wt: approx. 3 oz. Rcvd Circa January 1982. Est. Value—$500. To be reported to GSA for disposition.	do	Do.
Do	One pencil sketch and seven oil paintings; signed and unframed; 22 x 19. Rcvd Circa 1980 (received report in 1982). Est. Value—$260. To be reported to GSA for disposition.	do	Do.
Agency: Department of Commerce			
Malcolm Baldrige, Secretary of Commerce.	Silver Tea Service. Recd May 19, 1982. Est. Value—$245. Approved for official use in office of Donee.	King Hassan II, Morocco	To avoid any perceived ingratitude/discourtesy resulting through non-acceptance.
Do	English Riding Saddle. Recd June 1982. Est. Value—$600. Reported to GSA and stored in Office of Operations pending disposition by GSA.	do	Do.
Eugene K. Lawson, Acting Deputy Assistant Secretary for East Asia and the Pacific.	Two (2) Carved Jade Elephants on Rosewood Stands. Recd March 1, 1982. Est. Value—$370. Stored with Office of Operations pending disposition to GSA.	Miss Yang Weizhe, Bureau of Planning China.	Non-acceptance would have caused embarrassment to donor.
Agency: Department of Defense			
Lt. Gen. James H. Ahmann, USAF, Former Director, Defense Security Assistance Agency.	Korean lead crystal candle holders with hurricane shades (2 each). Recd April 5, 1982. Est. Value—$200. Reported to GSA and stored in Space Management and Services pending disposition by GSA.	Minister Choo, Minister of Defense, Korea	Do.
Do	18Kt gold cartouche with chain. Recd April 5, 1982. Est. Value—$200. Reported to GSA and stored in Office, Deputy Assistant Secretary (Admin), pending disposition by GSA.	Lt. Gen. Abu Ghazala, Minister of Defense and Military Production, Egypt.	Do.
Do	Ivory desk set, with emblem, with double pen stand, letter opener, container with lid, pencil holder, ash tray. Recd May 1982. Est. Value—$500. Reported to GSA and stored in Space Management and Services pending disposition by GSA.	Government of Somalia	Do.
Richard L. Armitage, Deputy Assistant Secretary of Defense (East Asia and Pacific Affairs), Office, Under Secretary of Defense (Policy).	Celadon plate, approx. 16" in diameter. Recd July 21, 1982. Est. Value—$300 to $500. Approved for official display in office of Donee.	Gen. and Mrs. Hwang Yung Si, Chief of Staff, Army, Republic of Korea.	Do.
Frank C. Carlucci, Former Deputy Secretary of Defense	Ivory desk set, with emblem, with ash tray, letter opener, double pen stand, pencil holder. Recd January 1982. Est. Value—$500. Reported to GSA and stored in Space Management and Services pending disposition by GSA.	Gen. Omar Haji, Minister of Defense, Somalia.	Do.
Do	Double barrel shot-gun (EL-NIL), Calibre 12, with name engraved on butt, with cleaning rod, broken down, in box. Recd December 1, 1982. Est. Value—Approx. $400-$500. Stored in Space Management and Services pending disposition.	Gen. Abu Ghazala, Minister of Defense of Egypt.	Do.
Dr. Fred C. Ikle, Under Secretary of Defense for Policy	Oriental rug, hand-woven, 140 x 75 cm, predominantly blue, rust, and gold design. Recd April 26, 1982. Est. Value—$400. Approved for official display in office of Donee.	Mohamed Mzali, Prime Minister of Tunisia.	Do.
Do	Large round silver-plated bowl, footed, with handles, approx. 15" in diameter, with large cone-shaped lid, both with hand-chased design. Recd June 21, 1982. Est. Value—$300-$400. Approved for official display in Admin Office of the Under Secretary of Defense for Policy.	King Hassan II of Morocco	Do.
Gen. John W. Vessey, USAF, Chairman, Joint Chiefs of Staff.	Silver bowl, with engraved cover and pottery insert. Recd June 18, 1982. Est. Value—$200. Approved for official display in office of Donee.	King Hassan II of Morocco by Amb. Ali Bengelloun.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Do	Officer's sword mounted on wooden base. Recd August 1, 1982. Est. Value—$175. Reported to HQ DA and approved for official display in office of Donee.	Brig. Gen. Manuel A. Mallea Gil, Military Attache, Argentina.	Non-acceptance would have caused embarrassment to donor. Gift was delivered following departure of donor to his country.
Caspar W. Weinberger, Secretary of Defense.	Leopard skin with tail Recd January 18, 1982. Est. Value—$500. Transferred to GSA.	Maj. Gen. Omar Haji Mohamed, Minister of Defense of Somalia.	Non-acceptance would have caused embarrassment to donor.
Do	Jambiyya (dagger) in sheath, gold w/diamonds (2 carat). Recd February 6, 1982. Est. Value—$8,000. Approved for official display in office of Donee.	Prince Sultan bin Abd al-Azia, Minister of Defense and Aviation of Saudi Arabia.	Do.
Do	F-15 model airplane mounted on marble base, in gold finish. Recd February 8, 9182. Est. Value—$500. Approved for official display in office of Donee.	Major Massour bin Bandar and 13th Squadron, Royal Saudi Air Force Saudi Arabia.	Do.
Do	Leather attache case. Recd February 8, 1982. Est. Value—$160. Approved for official use by Donee.	King Faisal Air Academy, Riyadh, Saudi Arabia.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Do	Silver khanjar (dagger) in sheath Recd February 10, 1982. Est. Value—$350. Approved for official display in office of Donee.	His Highness Sayyed Fahar, Deputy Minister for Defense and National Security Muscat, Oman.	Do.
Do	Gold colored pitcher. Recd February 1982. Est. Value—$150. Approved for official display in office of Donee.	Mohamed Hosni Mubrarak, President of the Arab Republic of Egypt.	Do.
Do	Small replica of Samaria headdress and sword, in large glass case. Recd March 1982. Est. Value—$300–$500. Approved for official display in office of Donee.	Tokyo, Japan	Do.
Do	Silver Ginseng tea set, with six spoons and six forks, in box. Recd March 1982. Est. Value—$150. Approved for official display in office of Donee.	Choo Young Bock, MOD of Korea	Do.
Mrs. Caspar W. Weinberger, Wife of Secretary of Defense.	Long chain necklace with large smoky quartz (topaz) teardrop pendant in 10K gold setting, with 10K gold smoky quartz (topaz) dinner ring, and smoky quartz (topaz) beaded necklace, in blue plush-covered box. Recd March 1982. Est. Value—$300. Reported to GSA and stored in Office, Deputy Assistant Secretary (Admin), pending disposition by GSA.	Mrs. Choo Young Bock, Wife of MOD of Korea.	Do.
Do	Gold chain necklace and bracelet, with gold diamond studded butterfly shaped pendant, in small wooden box. Recd March 1982. Est. Value—$1,000–$1,500. Reported to GSA and stored in Office, Deputy Assistant Secretary (Admin), pending disposition by GSA.	Mrs. Enrile, Wife of MOD of Philippines	Do.
Do	Gold chain necklace with gold pendant with design of Nefertiti, in small green box. Recd March 1982. Est. Value—$200. Reported to GSA and stored in Office, Deputy Assistant Secretary (Admin), pending disposition by GSA.	Lt. Gen. Mohamed Abdel Halim Abu Ghazala, Minister of Defense and Military Production Egypt.	Do.
Caspar W. Weinberger, Secretary of Defense.	Ivory desk set, with letter opener, ash tray, double pen set, and box with lid. Recd March 1982. Est. Value—$500. Reported to GSA and stored in Space Management and Services pending disposition by GSA.	Maj. Gen. Mohamed Siyad Barre Mogadishu, Somalia, President of Somali Democratic Republic.	Do.
Mrs. Caspar W. Weinberger, Wife of Secretary of Defense.	Material, cotton, burgundy, green, yellow and blue. Recd March 1982. Est. Value—$25. Reported to GSA and stored in Space Management and Services pending disposition by GSA.	do	Do.
Caspar W. Weinberger, Secretary of Defense.	Runner, Near Eastern flat weave, red background with multicolored design. Recd April 1982. Est. Value—$350. Approved for official display in office of Donee.	Government of Turkey	Do.
Do	Oriental rug, beige and brown, approx. 6' x 7'. Recd. April 30, 1982. Est. Value—$750. Approved for official display in office of Donee.	His Excellency Mohamed Mzali, Prime Minister of Tunisia.	Do.
Do	2 Celadon incense burners Recd March 1982. Est. Value—$300. Approved for official display in office of Donee.	Government of Korea	Do.
Do	Red Moroccan rug, 7' x 9'. Recd July 15, 1982 (approx.). Est. Value—$1,200. Approved for official display in office of Donee.	King Hassan II of Morocco	Do.
Do	Long dagger in brass colored sheath, in red lined case. Recd July 1982. Est. Value—$1,500. Approved for official display in office of Donee.	General Mohammed Jusuf, Commander in Chief of Indonesian Armed Forces.	Do.
Do	Wooden Hope Chest with inlaid design. Recd July 30, 1982. Est. Value—$600. Approved for official display in office of Donee.	President Marcos of Philippine Islands	Do.
Do	Small silk rug, brown on beige with fringe, 3' x 5'. Recd September 1982. Est. Value—$2,500. Approved for official display in office of Donee.	Gen. Abu Ghazala, Minister of Defense of Egypt.	Do.
Do	Gun (rifle) in case. Recd September 1982. Est. Value—$500. Approved for official display in office of Donee.	do	Do.
Do	Oriental runner, beige with lavender pattern, 3' x 5'. Recd December 7, 1982. Est. Value—$800. Approved for official display in office of Donee.	President Mohammad Zia ul-Haq of Pakistan.	Do.
Francis J. West, Jr., Assistant Secretary of Defense (ISA), Office, Under Secretary of Defense for Policy.	Ivory desk set, with pencil holder, pen holder, and ash tray, with emblem. Recd January 22, 1982. Est. Value—$500. Approved for official display in office of Donee.	Gen. Omar Haji, Minister of Defense Somalia.	Do.
Do	Silver ceremonial dagger in presentation box. Recd February 10, 1982. Est. Value—$350. Approved for official display in office of Donee.	Government of Oman	Do.
Do	Silver-plated tureen, approx. 12" in diameter, with lid. Recd June 15, 1982. Est. Value—$200. Stored in Space Management and Services pending disposition.	King Hassan II of Morocco	Do.
Maj. Duane E. Williams, USA, Staff Assistant, Security Assistance Operations, Defense Security Assistance Agency.	.357 Smith & Wesson Trooper III revolver with accurized sights. Recd May 3, 1982. Est. Value—$1,000. Approved for official display or use by Donee.	Col. Faisal M. Al Saud, Director of Army Aviation Saudi Arabian Land Forces.	Do.
Erich F. von Marbod, Former Director, Defense Security Assistance Agency.	5-piece 24Kt gold-plated coffee and tea service, with tray. Recd January 1982. Est. Value—$700. Reported to GSA and stored in Space Management and Services pending disposition by GSA.	Lt. Gen. Mohamed Abou, Ghazala, Minister of Defense, Egyptian Armed Forces Egypt.	Non-acceptance would have caused embarrassment to donor. Gift was delivered to Donee's home during his absence and after donor had returned to Egypt.
Agency: Defense Inteligence Agency			
Col Alfred B. Prados, Defense Intelligence Officer for Middle East/South Asia (former Defense Attache to Jordan)	One wrist watch, Favre Leuba, with Jordan Armed Forces emblem. Rec'd 28 July 1982. Est Value: $200–$300. Turned into DIA	Lt. Gen. Sharif Zeid bin Shaker, Commander, Jordan Armed Forces	Non-acceptance would have given serious offense to a key allied official.
	One pendant, gold, 18K, with inscription commemorating 25-year anniversary of coronation of King Hussein of Jordan. Rec'd 28 July 1982. Est Value: $500–$1000. Turned into DIA	Lt. Gen. Sharif Zeid bin Shaker, Commander, Jordan Armed Forces	Do.
Agency: Defense Investigative Service			
Thomas J O'Brain, Director	Plastic smoking set, with mother-of-pearl design on hinged lids, with ash tray and lid for compartment, 14" x 7", burgundy. Rec'd: June 9, 1982. Est. Value: $300. Reported to GSA and stored in Security Division pending disposition by GSA.	Major Kim, Security Command, Republic of Korea Armed Forces.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Defense Mapping Agency			
VG R. M. Wells, USA, Director, Defense Mapping Agency (DMA).	Ornamental silver box. Recd July 1982. Est. Value—$240.00. Approved for official display in DMA.	LTG Swasdi Pachimkul Royal Thai Survey Dept.	Presented to General Wells during the official visit of LTG Swasdi to DMA. Non-acceptance would have caused embarrassment to donor and U.S. Government.
VG R. M. Wells, USA, Director, Defense Mapping Agency (DMA).	Ornamental silver box. Recd November 1982. Estimated $200.00. Approved for official display in DMA.	Admiral Martojo Director of the indonesian Mapping & Geodesy Organization.	Presented to General Wells on the occasion of his visit to Indonesia. Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. Kenneth Davis, Deputy Secretary.	Reproductions of dueling pistols in case. Recd May 26, 1982. Est. Value—$300. Reported to GSA and stored in Property & Supply Vault pending disposition by GSA.	Government of Spain	Non-acceptance could have caused embarrassment to donor and U.S. Government.
William H. Draper III, President & Chairman.	One ivory tusk. Recd July 27, 1982. Est. Value—$500.00. Reported to GSA and stored in Office of Administration pending disposition by GSA.	President of the United Republic of Cameroon.	Non-acceptance would have caused embarrassment to donor.

REPORT OF TRAVEL OR EXPENSES OF TRAVEL

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Federal Communication Commission			
Gary M. Epstein, Chief, Common Carrier Bureau.	While participating in meetings with various French government officials and representatives of P.T.T., the ministry provided for the use of a car and driver. The car was used for a total of approximately eleven (11) hours over a four (4) day period and driven about 275 kilometers. Est. Value—$275.	Ministry of Telecommunications (Ministere des P.T.T.), Government of France.	Non-acceptance would have caused possible offense to the foreign government if the offer of hospitality had been rejected.
Willard R. Nichols, Chief of Staff, Office of the Chairman.	While participating in meetings with various French government officials and representatives of P.T.T., the ministry provided for the use of a car and driver. The car was used for a total of approximately eleven (11) hours over a four (4) day period and driven about 275 kilometers. Est. Value—$275.	do	Do.

REPORT OF TANGIBLE GIFTS

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Board of Governors of the Federal Reserve System			
Preston Martin, Vice Chairman	Set of China and Coin. Recd May 1982. Est. Value—China $175; Coin $35. Retained for Board use.	Jozsef Marjai, Deputy Premier of Hungary	Non-acceptance would have caused embarrassment.
Paul Volcker, Chairman	Letter Box. Recd October 1982. Est. Value—$364. Retained for Board use	Governor Mayekawa, Bank of Japan	Do.
Agency: Department of Justice			
William French Smith, Attorney General.	2 Bokhara Rugs. Recd Nov. 3, 1982. Est. Value—$800. Presently stored in office of the donee.	Fazle Haq, Governor, Northwest Province, Pakistan.	Non-acceptance would have caused embarrassment to donor.
Do	Nested Tables. Recd Dec. 15, 1982. Est. Value—$200. Presently stored in office of the donee.	Gen. Mohammad Zia-ul-Haq, Pakistan	Do.
Agency: NASA			
Tina Thibideau (spouse of P. Thibideau, Science Information Officer, NASA HQ (Mrs. Thibideau is an Italian citizen).	Educational Scholarship. This schoiarship included round trip airfare and stipend. $1,900. Scholarship began Dec. 1, 1982.	Italian Ministry of Foreign Affairs, University of Rome.	Acceptance of schotarship is in accordance with NASA regulations.
Agency: National Security Agency			
Senior NSA Official	Jade Longevity Medallion. Est. Value—$250. Approved for official display in office of donee.	Senior Official of a Foreign Government	Non-acceptance would have caused embarrassment to donor.
Do	Oriental Golden Crown. Est. Value—$150. Approved for official display in office of donee.	do	Do.
Agency: Department of the Navy			
Rear Adm. Richard C. Avrit, USN, Director, Logistics Plans Division (Chief of Naval Operations Staff).	Rolex oyster man's wrist watch. Recd Dec. 20, 1981. Est. Value—$850. Transferred to GSA Feb. 19, 1982.	Commodore Sharaf, Commander Royal Saudi Naval Forces, and Commander Bassam, Senior Royal Saudi, Naval Representative in the United States.	Non-acceptance would have caused embarrassment to donor.
John F. Lehman, Jr., Secretary of the Navy.	Rossi Squire 20-gauge gun Reg. #R61346 with gold engraved receiver and hand-checkered stocks, carrying case included. Recd Nov. 1, 1982. Est. Value—$800. Held in office of the General Counsel awaiting instructions from GSA.	Maximiano Eduardo da Silva Fonseca, Minister of Navy, Brazil.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Rear Adm. John T. Parker, USN, Commander Service Group Two.	Mauritania manufactured carpet. Recd Nov. 13, 1981. Est. Value—$400. Approved for official display in Rear Admiral Parker's Navy Quarters.	Lieuteniant Colonel Yall, Mauritanian, Armed Forces Chief of Staff.	Do.
Adm. James D. Watkins, USN, Chief of Naval Operations.	Pakistani Cashmere rug (36" x 63"). Blue, beige and maroon. Recd Dec. 15, 1982. Est. Value—$375. Approved for official display in the official residence of the Chief of Naval Operations.	President Zia of Pakistan, Pakistan	Do.
Agency: Overseas Private Investment Corporation			
Brooks H. Browne, Manager, Finance Department.	Hand woven Pakistan Bokhara rug, 4.9 x 3, burgundy and gray design. Recd March 1982. Est. Value—$300. On display in donee's office.	Gen. Mohammed Zia ul-Haq, President, Islamic Republic of Pakistan.	Gift received following return of donee to United States.
L. Ebersole Gaines, Executive Vice President.	Hand woven Pakistan Bokhara rug, 6.4 x 4.2, gray and burgundy design. Recd March 1982. Est. Value—$850. On display in donee's office.	do	Do.
Craig A. Nalen, President	Hand woven Pakistan Bokhara rug, 4.10 x 3.1, salmon and gray design. Recd March 1982. Est. Value—$450. On display in donee's office.	do	Do.
Do	Hand woven Pakistan Bokhara rug, 5.8 x 4.1, gray and burgundy design. Recd March 1982. Est. Value—$700. On display in Office of Personnel and Administration.	do	Do.
Do	Hand woven Pakistan Bokhara rug, 6.1 x 4.2, gold and burgundy design. Recd March 1982. Est. Value—$800. On display in Office of the General Counsel.	do	Do.
Leo H. Phillips, Assistant General Counsel for Legislative and Administrative Affairs.	Cuff links and tie tack—Smokey quartz set in 14K gold. Recd April 1982. Est. Value—$350. Reported to GSA and stored in Office of Personnel and Administration pending disposition by GSA.	Export-Import Bank of Korea	Non-acceptance would have caused embarrassment to donor.
Agency: Department of State			
Alfred L. Atherton, American Ambassador, Cairo, Egypt.	14K gold cufflinks and tie clip with green scarabs. Recd Nov. 22, 1982. Est. Value—$200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Field Marshall Mohammed Abu Ghazala, Minister of Defense, Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor and to U.S. Government.
Brent D. Brysón, Special Agent, Office of Security, Washington Filed Office.	Man's Ebel Swiss watch #181903, black face, stainless band with gold lines. Recd June 15, 1982. Est. Value—$845. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Timothy W. Burchfield, Special Agent, Office of Security, Washington Field Office.	Man Ebel Swiss Watch #181903, black face, stainless band with gold lines. Recd May 28, 1982. Est. Value—$2,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	do	Do.
Patrick J. Daly, Protocol Officer, Department of State.	(a) 100 hand-rolled cigars, banded w/seal of President Marcos; (b) 1 pair Kapa shell (dark grey) and white metal cuff links; (c) 2 woven straw caps; (d) 1 beige batiste "moo-moo" dress 2/mocha floral embroidery (S-12); (e) 1 set of components for man's shirt w/pulled thread embroidered panels; (f) 1 "wind chimes" consisting of wooden hanging saucer (approx. 15" diameter) w/Kapa shell suspended pendants; (g) 1 wooden salad set consisting of round serving bowl (approx. 11" diameter) and 6 smaller round bowls (approx. 5" diameter) w/serving spoon and fork; (h) Beige leather and woven straw ladies clutch handbag (w/optional gilt metal shoulder chain), gilt metal and seashell closure—"Tesoros" handicrafts. Recd September 1982. Est. Value—$150—Total (a) thru (h). Reported to GSA and stored in Office of Protocol pending disposition by GSA.	President and Mrs. Ferdinand Marcos, Philippines.	Do.
Kenneth W. Dam, Deputy Secretary of State.	Two lamp bases, pale green stone (onyx?), w/brass trim, 13" high, 4" wide at base—matching set. Recd Dec. 9, 1982. Est. Value—$150. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Gen. Mohammad Zia-ul-Haq, President of Pakistan.	Do.
Robert L. Davis, Special Agent, Office of Security.	Man's Ebel Swiss watch #181903, black face, stainless band w/gold lines. Recd May 28, 1982. Est. Value—$2,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Dominick DiCarlo, Assistant Secretary, Bureau of International Narcotics Matters.	4' x 6' average Pakistani made single knot rug, predominantly red and black, with tan and brown borders and markings. Recd Feb. 17, 1982. Est. Value—$250. Approved for official use in donee's office.	Mr. Mairaj Husain, Chairman, Pakistan Narcotics Control Board.	Do.
Christopher Disney, Chief, Dignitary Protection Division, Office of Security.	(a) Ladies Baume & Mercier quartz watch, stainless band w/gold trim, Serial #1125089; (b) Man's Baume & Mercier quartz watch, stainless band w/gold trim, Serial #1067535. (c) Ladies filigree gold bracelet w/uncut rubies and emeralds, approx. 1½" wide. Recd May 22, 1982. Est. Value—(a) $500; (b) $600; (c) $1,000 (appraised). Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Linda K. Fleetwood, Special Agent, Office of Security, New York Field Office.	Ladies Le Must de Cartier wristwatch, serial No. 18016018, black numberless face, gold rim, black reptile strap. Recd January 1982. Est. Value—$600. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelda Marcos, Wife of President of Philippines.	Do.
Robert L. Gallucci, Director, Office of Regional Affairs, Bureau of Near Eastern and South Asian Affairs.	Rug, approx 3'x5', oriental design, basic colors rust, brown, green and white. Recd Oct. 15, 1982. Est. Value—$300. Approved for official use in donee's office.	Gen Mohammad Zia-ul-Haq President of Pakistan.	Do.
Mrs. Elizabeth Gookin, Wife of Associate Chief Of Protocol.	Gold bracelet, set with diamons and rubies. Recd Mar. 19, 1982. Appraised Value—$1,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Princess Hend, Saudi Arabia	Do.
Alexander M. Haig, Jr., Secretary of State (all gifts for Secretary Haig, except where noted for Mrs. Haig).	Beige reclining chair with vibrating mechanism. Recd April 1982. Est. value—$600. Delivered to GSA for disposition June 8, 1982.	Mrs. Imelda Marcos, Wife of President of Philippines.	Do.
Do	Antique silver box in repoussé design, approx 6⅛" x 2⅝" x 4⅛", with brass fittings. Recd June 29, 1982 (*for Mrs. Haig*). Est Value—$200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Emilio Colombo, Foreign Minister of Italy	Do.
Do	18K gold cartouche on 18K gold chain. Recd Mar. 31, 1982. Est Value—$200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Lt. Gen. Mohamed Abdel Halim Abu Ghazala, Egyptian Minister of Defense and Military production.	Do.
Do	Pendant, 16 x 13½mm oval amethyst stone set in sterling silver, 4 prong rhodium finish setting w/16" silver chain; earrings, set in sterling silver, French back 4-prong setting. Recd Feb. 11, 1982 (*For Mrs. Haig*). Est. Value—$175. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Lho Shinyong, Wife of Minister of Foreign Affairs of Korea.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Do	Hand woven Tunisian carpet, approx 5½' x 7½', exclusive of fringe. Recd Apr. 28, 1982. Est. Value—$500. Approved for official use in donee's office.	Foreign Minister Mzali, Tunisia	Do.
Do	Simulated Xmas tree, approx. 30" high, designed w/white shells representing fir tree branches, flowers and pine cones (damaged in transit). Recd January 1982. Est. Value—$200. Reported to GSA and stored in Office of Protocol pending dispositon by GSA.	President and Mrs. Ferdinand Marcos, Philippines	Do.
Do	Colorful rug with shiny beads (sequins), approx 5' x 7'. Recd June 1982. Est. Value—$250. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	King Hassan, Morocco	Do.
Do	Lithograph of Rome (Veduta della Piazza di Monte Cavallo), matted and framed, approx. 25" x 31". Recd Mar. 25, 1982. Est. Value—$1,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	President Pertini, Italy	Do.
William N. Kettering, Special Agent, Office of Security, New York Field Office.	Man's Ebel Swiss watch #181903, black face, stainless band with gold lines. Recd May 28, 1982. Est. Value—$2,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Ambassador Roger Kirk, U.S. Resident Representative to International Atomic Energy Agency, Vienna.	Black lacquer cigarette box approx 9⅝" x 5⅝" x 3", bird design in mother-of-pearl on cover—fitted with brass ashtray. Recd Sept. 14, 1982. Est. Value—$180. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Ambassador Mying Won Sliene, Republic of Korea.	Do.
Ambassador Jeane Kirkpatrick, U.S. Representative to the United Nations, New York.	Malachite and gold bracelet, set in gold filigree setting; matching ring in oval setting. Recd June 28, 1982. Est. Value—1,250 (aprpraised).	National Women's Movement, Zaire	Do.
Do	Gold filigree bracelet. Recd June 28, 1982. Appraised value) $750. Both gifts reported to GSA and stored in Office of Protocol pending disposition by GSA.	H. E. Anani Akakpo Ahianyo, Minister of Foreign Affairs and cooperation, Republic of Togo.	Do.
Stephen J. Kruchko, Special Agent, Office of Security, Washington Field Office.	Man's Ebel Swiss watch No. 181903, black faos, stainless band with gold lines. Recd May 28, 1982. Est. Value—$845. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Ambassador George Q. Lumsden, Jr., U.S. Ambassador to United Arab Emirates.	Gold Rolex Oyster Perpetual Day-Date man's watch #1803—3275795. Recd December 1982. Est. Value—$4,500. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	H. H. Shaikh Sultan bin Mohammed Al-Qassimi, Ruler of Sharjah, United Arab Emirates.	Do.
Do	Carved ivory elephant tusk (full). Recd Dec. 28, 1982. Est. Value—$5,000. Retained for official use at Embassy residence.	Saad Al-Scweidi, General Manager, Bin Tabir Group, United Arab Emirates.	Do.
Princeton Lyman, Deputy Assistant Secretary, Bureau of African Affairs.	Album "The World Treasury of Gold Coins"—a collection of 23K gold stamps issued by Republic of Guinea Bisssu and produced by Calhoun's Collectors Society. Recd Dec. 6, 1982. Est. Value—$367.50. Retained for official display in donee's office.	H. E. Inacio Semedo, Jr., Ambassador of Guinea Bissau.	Do.
Howard J. Lynde, Special Agent, Office of Security, New York Field Office.	Man's Le Must de Cartier wristwatch, Serial No. 178179, black face, Roman numerals, black reptile strap. Recd Jan. 15, 1982. Est. Value—$750. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelada Marcos, Wife of President of Philippines.	Do.
M. J. Marcollvio, Special Agent, Office of Security, New York Field Office.	Man's Le Must de Cartier wristwatch, serial No. 143279, numberless face, brown reptile strap. Recd Jan. 9, 1982. Est. Value—$750. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	do	Do.
Richard W. Murphy, U.S. Ambassador to Saudi Arabia.	Gold and glass Jaeger-le-Coultre clock, made in Switzerland. Serial #556, approx 7" x 6". Recd. December 1981. Est. Value—$195. Approved for official use in donee's office.	Sheikh Ali Alireza, Former Saudi Ambassador to Washington.	Do.
Do	Oil painting, approx. 58⅞" x 47⅝" incl. frame, depicting Filipina woman, seated, cradling deer in lap, by Philippine artist Tam Austria. Recd August 1981. Est. Value—$1,200. Approved for official use at Embassy residence.	Government of Philippines	Do.
Do	4 small brooches, all made of 18K gold frame mounted with organic sea material (shell-coral) and natural diamond brilliant, all in flower design. Recd November 1982. Est. Value—$835.75. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	do	Do.
Do	(a) Platinum & diamond bracelet w/diamond set in center and 12 smaller diamonds on either side; (b) Man's onyx ring w/3 bands of small diamonds; (c) Man's onyx cuff links, round w/3 bands of small diamonds. Recd Dec. 24, 1982. Est. Value—Over $5,900. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Government of Saudi Arabia	Do.
Thomas A. Nassif, Deputy Chief of Protocol.	Round silver plated dish, approx. 18⅛" diameter with pottery insert—silver plated cover. Recd June 21, 1982. Est. Value—$210. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Ambassador Ali Bengelloun, Morocco	Do.
Glenn Oldham, Special Agent, Office of Security, New York Field Office.	Man's Le Must de Cartier wristwatch, black face, Roman numerals, round gold case, black reptile strap, serial No. 17 018054. Recd Jan. 8, 1982. Est. Value—$500 to $600. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelda Marcos, Wife of President of Philippines.	Do.
Robert P. Paganelli, U.S. Ambassador, Damascus, Syria.	Man's Rolex Datejust watch #7287935, Serial No. 16013, gold face, encircled in gold-color ring, silver and gold-color link design strap. Recd Dec. 7, 1982. Est. Value—$500. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Syrian Goverment Official	Do.
Daryl Rashkin, Special Agent, Office of Security.	Man's Chopard Geneva wristwatch, Serial #138832, black face, round silver rim, black reptile strap. Recd Jan. 11, 1982. Est. Value—$450. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelda Marcos, Wife of President of Philippines.	Do.
Nancy V. Rawls, American Ambassador, Abidjan, Ivory Coast.	(a) Two small carved ivory statutes, 6" high. Recd November 1981. Est. Value—$150 each. Approved for official displayin donee's office.	Minister of Agriculture, Ivory Coast	Do.
Do	(b) Ivory Lamp, 15" high. Recd November 1981. Est. Value—$400. Approved for official display in donee's office.	Mayor of Gagnoa, Ivory	Do.
Selwa Roosevelt, Chief of Protocol.	Urn, believed to be silverplate, 33" high (when assembled)—4 pieces for assembling (2 pieces damaged on receipt). Recd June 21, 1982. Est. Value—$1,200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	H. E. Ali Bengelloun, Ambassador of Morocco to United States.	Do.
Do	Gold necklace, rope design with 15 small diamonds (?); clip-on earrings, each with 11 diamond (?) chips; gold ring, dome design. Recd June 28, 1982. Est. Value—$1,800. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	King Hassan II, Morocco	Do.
Do	Les Must de Cartier ladies' watch, 18K gold plated sterling silver, blue face (no numbers), blue reptile strap. Recd Dec. 23, 1982. Est. Value—$675. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	King Hussein I, Jordon	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
James D. Rosenthal, Deputy Chief of Mission, American Embassy, Manila.	Inlaid mahogany chest with Philippine handicrafts. Recd Aug. 22, 1982. Est. Value—$200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	President and Mrs. Ferdinand Marcos, Philippines.	Do.
Do	Oil painting, approx 40" x 25", Philippine pastoral scene entitled "Harvest" by Rodolfo Roa. Recd Aug. 22, 1982. Est. Value—$200. Approved for official display in donee's office.	Do	Do.
William A. Rugh, Deputy Chief of Mission, American Embassy, Damascus.	Women's Rolex Oyster Swimpruf watch, No. 7315043, serial No. 6917, round face, encircled in gold-color ring, Roman numerals, silver and gold color link-design strap. Recd Dec. 7, 1982. Est. Value—$500. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Syrian Government Official	Do.
Alfred L. Santos, Special Agent, Office of Security, New York Field Office.	Man's Le Must de Cartier wristwatch, Serial No. 170130, black face, Roman numerals, black reptile strap. Recd Apr. 1, 1982. Est. Value—$600. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelda Marcos, Wife of President of Philippines.	Do.
Peter Sebastian, Deputy Chief of Mission, American Embassy, Rabat.	Rug, approx 6' x 9', traditional Berber flat weave (Kilim). Recd January 1982. Est. Value—$300. Approved for official use at Embassy residence.	M'hamed Guessous, Secretary General, Ministry of Youth and Sports, Morocco.	Do.
Mrs. George P. Shultz, Wife of Secretary of State.	Hand painted silk wall hanging, scene of birds and flowers, approx 2'2" x 3'6". Recd Aug. 3, 1982. Est. Value—$175. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	H. E. Indira Gandhi, Prime Minister of India.	Do.
George P. Shultz, Secretary of State.	Framed antique map of Old Israel by Richard Blome—from the year 1687, approx 2' x 1'.x 10½". Recd Aug. 27, 1982. Est Value—$300. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Ariel Sharon, Minister of Defense, Israel	Do.
Do	One sword with sheath, approx 3'4" long, of gold metal studded with brilliant white stones. Recd Aug. 23, 1982. Est. Value—$2,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	H. E. Dr. Rifa'at Al-Assad, Commander of Syrian Special Forces.	Do.
Do	Framed engraving of Constantine's Arch—approx 26" x 31". Recd Dec. 14, 1982. Est. Value—$300. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Emilio Colombo, Foreign Minister, Italy	Do.
Do	Multicolored rug, approx. 4' x 6', oriental floral design, basic color, maroon. Recd December 1982. Est. Value—$800. Retained for official display in donee's office.	President Mohammad Zia-ul-Haq, Pakistan.	Do.
Do	Silver smoking set: silver tray, 11" diameter, center plain w/1⅛" carved floral rim; cigarette container w/lid, 3⅛" high with Indonesian crest (eagle) on top; cigar container w/lid, approx. 5⅛" also w/crest; matchbox holder 3⅛"; ashtray, 1⅛" high. Recd Oct. 13, 1982. Est. Value—$200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	President Soeharto, Indonesia	Do.
Do	Silver cigarette box, engraved scroll border w/seal in center, approx. 4" x 6" x 1". Recd. Dec. 3, 1982. Est. Value—$175. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Rodrigo Lloreda, Foreign Minister, Colombia.	Do.
Gregory Starr, Special Agent, Office of Security.	(a) Man's Chopard Geneve wristwatch, serial #138751, black face, black reptile band; (b) set of cufflinks and shirt studs, mother-of-pearl and gold with diamond insets. Recd Jan. 15, 1982. Est. Value—(a) $450; (b) $300. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelda Marcos, Wife of President of Philippines.	Do.
Walter J. Stoessel, Jr., Deputy Secretary of State.	5-piece silver tea/coffee service: teapot, coffeepot, sugar, creamer and tray. Recd May 1982. Est. Value—$350. Approved for official use in donee's office.	King Hassan II, Morocco	Do.
Clyde D. Taylor, Deputy Assistant Secretary, Bureau of International Narcotics Matters.	4' x 6' average Pakistani made single knot rug or carpet, predominantly red or black, with tan and brown in borders and markings. Recd Feb. 17, 1982. Est. Value—$250. Approved for official display in donee's office.	Mairaj Husain, Chairman, Pakistan Narcotics Control Board.	Do.
Mrs. Kristie Twadel, Wife of U.S. Chargé, American Embassy, Maputo.	Ivory necklace and bracelet. Recd Apr. 6, 1982. Est. Value—$150. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Tokwajulu Batale, Wife of Zairian Ambassador to Mozambique.	Do.
Nicholas A. Veliotes, Assistant Secretary for Near Eastern and South Asian Affairs.	(a) Silver plated pitcher (or teakettle); (b) silver plated container. Recd Oct. 25, 1982. Est. Value—$350. Approved for official display in donee's office.	King Hassan II, Morocco	Do.
John Volpe, Special Agent, Office of Security, New York Field Office.	Man's Le Must de Cartier wristwatch, serial No. 1701 5356, black numberless face, round gold rim, black reptile strap. Recd Jan. 9, 1982. Est. Value—$700. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelda Marcos, Wife of President of Philippines.	Do.
Vernon A. Walters, Ambassador-at-Large.	Natural silver fragment, approx 14" x 16", free form with brass plaque, inscribed. Recd Apr. 16, 1981. Est. Value—$3,000. Approved for official display in donee's office.	King Hassan II, Morocco	Do.
Do	Rug, approx 6' x 4', white border w/shades of rust, green, beige and brown throughout design. Recd July 4, 1982. Est. Value—$1,000. Approved for official display in donee's office.	Gen. Mohammad Zia-ul-Haq, President of Pakistan.	Do.
Roland A. Wilkes, Special Agent, Office of Security, Washington Field Office.	Man's Ebel Swiss watch #189103, black face, stainless band with gold lines. Recd May 28, 1982. Est. Value—$2,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Leonard A. Zawistowski, Jr., Special Agent, Office of Security, Washington Field Office.	Man's Ebel Swiss watch #181903, stainless band with gold lines. Recd. May 28, 1982. Est. Value—$2,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Agency: Office of the United States Trade Representative			
William E. Brock, U.S. Trade Representative.	Handcrafted pipe w/leather pouch. Recd January 1982. Est. Value—$140+. Reported to GSA and stored in the Office of the General Counsel pending disposition.	Julius Vesz, Government of Canada	Non-acceptance would have caused embarrassment to the donor and to the U.S. Government.
Do	Mantel Clock. Recd February 1982. Est. Value—$350. Reported to GSA and stored in the Office of the General Counsel pending disposition.	European Management Forum, Government of Switzerland.	Do.
Do	Sterling Silver Plate. Recd Unsure of month/1982. Est. Value—$275. Reported to GSA and stored in the Office of the General Counsel pending disposition.	Minister de la Vega, Government of Mexico.	Do.
Do	Sterline Silver Cuff Links with rose' cultured pearls. Recd October 1982. Est. Value—$160. Reported to GSA and stored in the Office of the General Counsel pending disposition.	Mr. Abe, Government of Japan	To avoid any perceived ingratitude resulting through non-acceptance.
Do	Ladies pearl bracelet. Recd October 1982. Est. Value—$450. Reported to GSA and stored in the Office of the General Counsel pending disposition.	do	Do.

REPORT OF TRAVEL OR EXPENSES OF TRAVEL

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: U.S. Department of Transportation			
Darrel Trent, The Deputy Secretary.	Hotel accommodation, Riyadh, Saudi Arabia Sept. 12, 13, 14, and 15, 1982	Dr. Nasser Al-Salloum, Deputy Minister of Communications, Saudi Arabia.	Acceptance was appropriate and consistent with the interests of the United States. Non-acceptance would have caused embarrassment to the donor

REPORT OF TANGIBLE GIFTS

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Department of the Treasury			
Marc E. Leland, Assistant Secretary for International Affairs.	Framed oil painting of Arab Women, approx 33" × 29", 2" width gold gilted frame. Recd August 1982. Est. Value—$652. Approved for official display in office of the donee.	Mohammad Abalkhail, Finance Minister, Saudi Arabia.	Delivered by Air Express to the Assistant Secretary's office. Any attempt of non-acceptance would have appeared discourteous and embarrassment to the donor.
Donald T. Regan, Secretary to the Treasury.	Oriental rug, rust background, fringed, geometric white outline with blue points, 4'10" × 3'2". Recd December 1982. Est. Value—$350. Reported to GSA and stored in Office of Administrative Programs pending disposition by GSA.	Mohammad Zia-ul-Haq, President, Islamic Republic of Pakistan.	Delivered to Secretary's office following official visit to United States by General Zia. Non-acceptance would have caused embarrassment to donor.
Do	Set of Saudi Commemorative Medals. One (1) gold, wt. approx 1⅛ oz., two (2) silver, wt. approx 2 oz. each. Recd December 1982. Est. Value—$700. Approved for official display in office of donee.	Mohammad Abalkhail, Finance Minister, Saudi Arabia.	Delivered to the Secretary during official visit to United States. Refusal or return would have appeared discourteous and embarrassment to the donor.
Do	Basket, woven construction of silver-plated metal. Approx 15" tall and 14" radius. Recd September 1982. Est. Value—$150. Reported to GSA and stored in Office of Administrative Programs pending disposition by GSA.	Ferdinand E. Marcos, President, Republic of Philippines.	Presented to the Secretary during official visit to United States. Accepted to avoid ingratitude/discourtesy resulting through non-acceptance.
Agency: United States Information Agency			
Charles Z. Wick, Director, U.S. Information Agency.	Mahogany chest, inlaid with pearl chips, 29⅝" L × 13⅛" W × 15" D containing such items as a mahogany box inlaid with pearl chips, 9" W × 2⅝" H; and assortment of wooden plates, napkins, and other crafts typical of the Philippines. Recd September 1981. Est. Value—$700. Delivered to GSA.	President Ferdinand E. Marcos, Republic of the Philippines.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Do	Chinese 20th century school watercolor on rice paper, flowering tree, signed in calligraphy, Kakemono, 41" × 23". Recd October 1981. Est. Value—$175. Approved for official display in the Office of East Asian and Pacific Affairs (USIA).	Huang Zhen, Minister of Culture, Peoples' Republic of China.	Do.
Do	Royal Berlin porcelain tea set consisting of six teacups, six saucers, six dessert plates, teapot, sugar and creamer. Recd May 1982. Est. Value—$450. Approved for official use in office of donee.	Axel Springer, Publisher, Federal Republic of Germany.	Non-acceptance would have caused embarrassment to donor.

REPORT OF TRAVEL OR EXPENSES OF TRAVEL

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Veterans Administration			
Frank H. Deland, M.D., Chief, Nuclear Medicine, VA Medical Center, Lexington, Ky.	Travel to Bogota, Colombia. Recd July 1982. Est. Value—$1,400. Airline ticket plus 3 days room and board.	National Cancer Institute, Bogota, Colombia.	Guest lecturer at National Cancer Institute by invitation of Jaime J. Ahumava, Head, Nuclear Medicine.

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federal register

Friday
March 18, 1983

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modification to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Colorado: CO82-5127	Nov. 5, 1982.
Florida: FL82-1083	Nov. 19, 1982.
Illinois: IL83-2014	Mar. 4, 1983.
Massachusetts: MA81-3054	Sept. 4, 1981.
New Jersey: NJ81-3063	Dec. 28, 1981.
Montana: MT81-5138	Aug. 7, 1981.
New York:	
NY81-3022	Apr. 3, 1981.
NY81-3034	June 5, 1981.
Ohio: OH83-2010	Feb. 11, 1983.
Indiana: IN80-2015	Apr. 11, 1980.
Utah: UT82-5121	Sept. 3, 1982.
Tennessee:	
TN82-2059	Nov. 19, 1982.
TN82-2057	Nov. 19, 1982.
TN82-2056	Nov. 19, 1982.
TN82-2058	Nov. 19, 1982.
TN82-2060	Nov. 19, 1982.
Wisconsin: WI83-2012	Feb. 18, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Arizona: AZ82-5109 (AZ83-5107)	Apr. 23, 1982.
Hawaii: HI82-5123 (HI83-5104)	Oct. 1, 1982.
Michigan:	
MI77-2106 (MI83-2022)	July 8, 1977.
MI80-2047 (MI83-2023)	June 13, 1980.
MI78-2053 (MI83-2024)	Apr. 14, 1978.
MI80-2050 (MI83-2025)	June 27, 1980.
MI82-2002 (MI83-2020)	Mar. 6, 1981.
MI82-2007 (MI83-2021)	Feb. 26, 1982.
Missouri: MO82-4041 (MO83-4021)	Aug. 13, 1982.
Nebraska:	
NE81-4060 (NE83-4023)	Oct. 16, 1981.
NE81-4068 (NE83-4024)	Aug. 28, 1981.
Nevada: NV82-5116 (NV83-5103)	Aug. 6, 1982.
Oregon: OR82-5102 (OR83-5106)	Feb. 5, 1982.

Cancellation of General Wage Determination Decision

This is to advise all interested parties that the Department of Labor intends to withdraw 14 days from the date of this notice the following general wage determination:

IA81-4025—Story County, Iowa, dated April 17, 1981 in 46 FR 22546—Building Construction.

Signed at Washington, D.C., this 11th day of March 1983.

Dorothy P. Come,

Assistant Administrator Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NO. CO82-5177 - Mod. #3
(47 FR 50418 - November 5, 1982)
Las Animas, Otero and Pueblo Counties, Colorado

	Basic Hourly Rates	Fringe Benefits
Omit:		
Painters as originally issued and Zone descriptions for Painters		
Add:		
Painters:		
Brush and Roll: Hardwood Finishers; Sandblast, Pot Tenders	$11.20	$1.88
Drywall Finishers (hand)	11.45	1.88
Spray: Swing Stage and Chair; Sandblast (exterior): Hazardous work; Paperhanger; Drywall Finishers (tool)	11.80	1.88
Sandblast (interior); Steeplejack	13.72	1.88

DECISION NO. FL82-1081 -- MOD. # 1
(November 19, 1982 -- 47 FR 52317)
Cape Canaveral AFS, Patrick AFB, Kennedy Space Flight Center, & Melabar Radar Site in Brevard & Volusia Counties in Florida.
BUILDING, HEAVY, & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BOILERMAKERS	$ 16.20	3.315
SPRINKLER FITTERS	15.00	2.88
ADD:		
TRUCK DRIVERS	12.20	.80

DECISION NO. IL83-2014 - MOD. #1
(48 FR 9432 - March 4, 1983)
Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry, & Will Counties, Illinois

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Kane (Rem. of Co.) & McHenry Cos.	$16.35	$3.56

DECISION NO. MA81-3054 - Mod. #13
(46 FR 44631 - Sept. 4, 1981)
Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth & Suffolk Counties, Massachusetts

	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers:		
Barnstable County (Barnstable, Borne, Falmouth, Mashpee, and Sandwich); Norfolk County (Bellingham, Franklin, Plainville, and Wrentham); Plymouth County (Lakeville, Mattapoisett, Middleboro, Rochester and Wareham); Bristol County (all except Easton); Dukes; Nantucket	$14.88	$3.13
Suffolk, Middlesex, Essex Counties:		
Barnstable (Remainder of County); Norfolk (Remainder of County); Plymouth (Remainder of County); Bristol (Easton)	17.56	3.31
Electricians:		
Middlesex (Ashley, Ayer, Ft. Devens, Groton, Pepperell, Shirley, Townsend)	15.80	2.12+ 3%
Essex (Remainder of County):		
Contracts over $30,000	15.15	2.15+ 3%
Contracts $30,000 or less	13.75	2.15+ 3%
Plumbers: Pipefitters and Steamfitters:		
Essex (Remainder of County)	17.67	2.70

Modification Page 2

DECISION NO. NJ81-3063 - MOD. #16 (46 FR 62746 - December 28, 1981) ATLANTIC, BURLINGTON, CAMDEN, CAPE MAY, CUMBERLAND, GLOUCESTER, MERCER, MONMOUTH, OCEAN AND SALEM COUNTIES, NEW JERSEY	Basic Hourly Rates	Fringe Benefits
CHANGE:		
PAINTERS:		
ZONE 3		
Commercial brush, roller and paperhanging	14.25	2.05
Commercial spray or dipping, or the use of any special material, brushing or rolling on steel or tanks, or working swing or chair	15.00	2.05
Sandblasting or power tools, spraying or the use of any special material on steel or tanks	15.75	2.05
ZONE 4		
NEW CONSTRUCTION:		
Brush or roller, paper hanging & vinyl-wall covering	15.00	2.25
Work on all structural steel & iron, steeples, stacks, tanks, flagpoles, all swing work & window jack work above 2 stories, spray painting & sandblasting & line striping by machinery, all power tools & hazardous materials (i. e. creosote, epoxy, acid, pitchmaster & urethanes	16.00	2.25
OMIT:		
Painter's change in Mod. #9 (FR 39960 - 9-10-82)		

DECISION NO. NJ81-3063- (Cont'd)	Basic Hourly Rates	Fringe Benefits
Delete all References in Mod. #11 - 47 FR 57609- December 27, 1982 to:		
Laborers, Building Construction: Zone 8		
Line Construction (excluding Railroad Construction): Zone 12		

DECISION NO. MT81-5138 - Mod. #7
(46 FR 40439 - August 7, 1981)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits
Change:		
Laborers:		
Group 1	$10.60	$2.25
Group 2	10.71	2.25
Group 3	10.85	2.25
Group 4	11.85	2.25
Power Equipment Operators:		
For all Power Equipment Operator classifications issued in Modification #5 the Fringe Benefits should be $2.94		
DW 10, 15, 20 Tractor pulling Roller	12.73	2.94
Wagner Roller and similar type	13.01	2.94
Truck Drivers:		
Distributor Driver	12.69	2.51

DECISION NO. NY81-3022 - MOD. #7
(46 FR 20437 - April 3, 1981)
ONONDAGA, NEW YORK

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
PLUMBERS	15.39	3.28
STEAMFITTERS	15.145	3.82

DECISION NO. NY81-3034 - MOD. #1 (46 FR 30271 - June 5, 1981) ONEIDA, NEW YORK	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS	16.98	2.44
BOILERMAKERS	18.25	3.39
BRICKLAYERS, CEMENT MASONS, POINTERS, CAULKERS, CLEANERS, PLASTERERS AND STONE MASONS (Building)	12.85	2.90
CEMENT MASONS, (Heavy & Highway)	12.41	2.00
CARPENTERS, (Building)		
Carpenters & Soft Floor Layers	12.22	2.05
Piledrivermen & Millwrights	12.47	2.05
CARPENTERS, (Heavy & Highway)	12.845	2.05
ELECTRICIANS		
Verona and Vienna Twps. west of State Highway 13		
Electricians	15.70	3.25+3%
Cable Splicers	16.80	3.25+3%
Remainder of County		
Electricians	15.45	2.58+3%
Cable Splicers	16.95	2.58+3%
ELEVATOR CONSTRUCTORS	15.54	2.69
ELEVATOR CONSTRUCTORS' HELPERS	10.88	2.69
ELEVATOR CONSTRUCTORS' HELPERS (PROM)	7.77	
IRONWORKERS		
Structural, Ornamental, Reinforcing, Machinery Mover, Rigger, Rodmen, Fence Erector and Stone Derrickman	15.22	2.71
Shesters	15.47	2.71
Sheeters, Bucker-up	15.34	2.71

	Basic Hourly Rates	Fringe Benefits
LABORERS (Building)		
Twps. of Forestport, Remsen, Trenton, Marcy, Deerfield, Whitestown, New Hartford, Kirkland, Marshall, Paris, Sangerfield, Bridgewater & the City of Utica		
Laborers	9.59	2.45+a
Pipelayers, mortar mixers (hand or machine machine), motor buggy operator, (walk behind), power high lift	9.74	2.45+a
Blasters, form setters and motor buggy (rider type)	10.09	2.45+a
Wagon drill operator	9.99	2.45+a
Remainder of County		
Laborers, common	11.535	1.65
All rock drilling equipment	11.935	1.65
Blasters	12.135	1.65
Vibrator operator, chain saw operator, gas buggy operator, acetylene torch operator on demolition work, pipelayers, scaffold builders, mortar mixer, pavement breaker	11.735	1.65
LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:		
Townships of Florence, Camden, Annsville, Lee, Ava, Boonville, Western, Steuben, Vienna, Rome, Floyd, Westmoreland, Veron, Augusta and Verona		
Class A	11.39	1.65
Class B	11.59	1.65
Class C	11.79	1.65
Class D	11.99	1.65
Remainder of County:		
Class A	10.04	3.00+a
Class B	10.24	3.00+a
Class C	10.44	3.00+a
Class D	10.64	3.00+a

DECISION NO. NY81-3034 - (CONT'D)	Basic Hourly Rates	Fringe Benefits
MARBLE SETTERS, TERRAZZO WORKERS & TILE SETTERS	11.15	2.90
PAINTERS		
Brush, Roller	12.05	2.45
Taping	12.30	2.45
Spray; epoxy brush and roller application	12.55	2.45
Epoxy and special coatings spray application	12.75	2.45
Swing	12.70	2.45
Boatswain chair	12.80	2.45
Sandblasting operator	12.90	2.45
Structural steel	12.65	2.45
Bridge	13.25	2.45
PLUMBERS AND STEAMFITTERS	14.16	3.70
POWER EQUIPMENT OPERATORS:		
Building Construction		
Class 1	15.29	3.25+a
Class 2	14.52	3.25+a
Class 3	12.95	3.25+a
Class 4	16.20	3.25+a
Class 5	15.79	3.25+a
Class 6	17.29	3.25+a
Class 7	16.29	3.25+a
Heavy and Highway Construction:		
Group 1	14.31	3.25+a
Group 2	13.85	3.25+a
Group 3	12.51	3.25+a
Group 4	11.33	3.25+a
ROOFERS	14.15	3.25
SPRINKLER FITTERS	16.92	2.83
TRUCK DRIVERS		
(Heavy & Highway)		
Class 1	11.50	2.19+a
Class 2	11.55	2.19+a
Class 3	11.60	2.19+a
Class 4	11.75	2.19+a
Class 5	11.90	2.19+a

Basic Hourly Rates	Fringe Benefits

DECISION NO. NY81-3034 - (CONT'D)

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION		
Electrical Overhead & Underground Distribution Work & Signal Work For RR And For R.E.A. Where No Other Trade Is Or Has Been Involved		
Journeyman Lineman & Technician	13.22	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	11.90	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	10.58	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer)	11.24	5%+3.60 +a
Driver Mechanic, Groundman - Experienced	9.92	5%+3.60 +a
All Overhead Transmission Line Work and Lighting for Athletic Fields		
Journeyman Lineman & Techanician	15.18	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	13.66	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class Groundman Truck Driver	12.14	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	12.90	5%+3.60 +a
Driver Mechanic Groundman - Experienced	11.39	5%+3.60 +a
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lightling & Signal Systems Where Other Trades Involved		
Journeyman Lineman & Technician	15.99	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	14.39	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	12.79	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Driver Mechanic, Groundman-Experienced	11.99	5%+3.60 +a
All Pipe type Cable Installations Maintenance Jobs or Projects		
Journeyman Lineman	15.99	5%+3.60 +a
Certified Lineman Welder	16.79	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Equipment Operator	15.99	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Groundman Truck Drivers	12.79	5%+3.60 +a
Groundman	11.99	5%+3.60 +a

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

DECISION NO. OH83-2010 - MOD. #2
(48 FR 6469 - February 11, 1983)
Adams, Allen, ... Wood & Wyandot Counties, Ohio

	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers:		
Anglaize, Butler (Middletown & Vic.), ... Shelby, & Warren (Twps. of Clear Creek, Franklin, Massie, Turtle Creek, & Wayne) Cos.	$17.11	$2.48

DECISION NO. IN80-2015 - MOD. #4
(45 FR 24985 - April 11, 1980)
Clark, Floyd, Harrison, Jackson, Jefferson, Scott & Washington Counties, Indiana

	Basic Hourly Rates	Fringe Benefits
Change:		
Linemen: Line Truck Driver, & Mechanized Equipment Operators	$17.61	8%+.65
Groundmen	10.92	8%+.65

DECISION NO. UT82-5121 - Mod. #5
(47 FR 39085 - September 3, 1982)
Statewide, Utah

	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers	$16.80	$3.35
Carpenters:		
Heavy and Highway Construction:		
Zone 1:		
Carpenters	13.83	1.95
Saw Operators:		
Carpenters handling creosote materials	14.09	1.95
Piledrivermen	18.79	1.95
Zone 2:		
Carpenters	16.33	1.95
Saw Operators:		
Carpenters handling creosote materials	15.59	1.95
Piledrivermen	18.79	1.95
Roofers	14.03	1.02
Omit:		
Carpenters:		
Heavy and Highway Construction:		
Zone 3 - as originally issued		

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	Basic Hourly Rates	Fringe Benefits
DECISION NO. TN82-2059 - MOD. #1 (47 FR 52323 November 19, 1982) Davidson County, Tennessee		
Change: Boilermakers	$ 16.20	3.315
DECISION NO. TN82-2057 - MOD. #1 (47 FR 52324 November 19, 1982) Shelby County, Tennessee		
Change: Boilermakers	16.20	3.315
Millwrights	14.45	2.70
DECISION NO. TN82-2056 - MOD. #2 (47 FR 51311 November 19, 1982) Hamilton, Marion, Polk, and Rhea Cos., Tennessee		
Change: Boilermakers	16.20	3.315
DECISION NO. TN82-2058 - MOD. #1 (47 FR 52325 November 19, 1982) Anderson, Knox, Monroe, and Roane Cos., Tennessee		
Change: Boilermakers	16.20	3.315
DECISION NO. TN82-2060 - MOD. #1 (47 FR 52323 November 19, 1982) Carter, Greene, Hawkins, Johnson, Sullivan, Unicoi, and Washington Cos., Tennessee		
Add: Boilermakers	16.20	3.315

	Basic Hourly Rates	Fringe Benefits
DECISION NO. WI83-2012 - MOD. #1 (48 FR 7386 - February 18, 1983) Statewide, Wisconsin		
Change:		
LABORERS:		
Zone 4:		
Group 3	$10.90	1.53
Zone 6:		
Group 6	10.77	1.53
LABORERS (Sewer & Water)		
Zone 3:		
Topman	10.30	3.03
Zone 6:		
Pipelayer	10.97	1.53

SUPERSEDEAS DECISION

STATE: Arizona
DECISION NUMBER: AZ83-5107
SUPERSEDES DECISION NO. AZ82-5109 dated April 23, 1982, in 47 FR 17723
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS; Stonemasons:		
Northern Area:		
Zone A	$16.43	$2.75
Zone B	17.74	2.75
Zone C	18.57	2.75
Zone D	18.50	2.75
Zone E	20.05	2.75
Zone F	21.36	2.75
Southern Area:		
Zone A:		
Bricklayers; Stonemasons	13.13	2.62
Manhole Builders	13.43	2.62
Zone B:		
Bricklayers; Stonemasons	13.50	2.62
Manhole Builders	13.80	2.62
Zone C:		
Bricklayers; Stonemasons	13.88	2.62
Manhole Builders	14.18	2.62
Zone D:		
Bricklayers; Stonemasons	14.63	2.62
Manhole Builders	14.93	2.62
CARPENTERS:		
Northern Area:		
Carpenters; Saw Filer	15.06	2.53
Piledrivermen	15.405	2.53
Millwrights	16.84	2.55
Central & Southern Areas:		
Carpenters; Saw Filer	12.935	2.53
Piledriver	13.28	2.53
Millwrights	14.34	2.55
CEMENT MASONS:		
Zone 1:		
Northern Area:		
Cement Masons	15.035	2.40
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine	15.225	2.40
Central & Southern Areas:		
Cement Masons	12.91	2.40
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine	13.10	2.40

	Basic Hourly Rates	Fringe Benefits
CEMENT MASONS: (Cont'd)		
Zone 2:		
Cement Masons	$12.84	$2.47
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine; Clary and similar type of power Screed Operator	13.03	2.47
ELECTRICIANS:		
Area 1:		
Electricians	16.81	1.30+ 3-3/4%
Cable Splicers	18.16	1.30+ 3-3/4%
Area 2:		
Electricians; Technicians; and Cable Splicers:		
Zone A	17.00	1.89+ 3-1/2%
Zone B	20.12	1.89+ 3-1/2%
Area 3	18.24	.80+ 12%
Area 4:		
Electricians	17.95	2.14+ 3%
Area 5:		
Electricians	17.00	.80+ 11½%
Cable Splicers	17.25	.80+ 11½%
IRONWORKERS:		
Northern Area	19.25	5.02
Southern Area	16.25	5.02
LINE CONSTRUCTION:		
Zone 1:		
Groundmen	12.81	4.20+ 3½%
Equipment Operator; Powderman & Mechanics	15.13	4.20+ 3½%
Linemen, Crane Operator, Sagger, and Pilot	17.05	4.20+ 3½%
Cable Splicers	17.56	4.20+ 3½%

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION: (Cont'd)		
Zone 1-A:		
Groundmen	$13.81	$4.20+ 3½%
Equipment Operators; Powdermen & Mechanics	16.04	4.20+ 3½%
Linemen, Crane Operator, Sagger, and Pilot	18.03	4.20+ 3½%
Cable Splicers	18.63	4.20+ 3½%
Zone 2:		
Groundmen	14.75	4.20+ 3½%
Equipment Operator; Powdermen & Mechanics	16.99	4.20+ 3½%
Linemen, Crane Operator, Sagger, and Pilot	18.97	4.20+ 3½%
Cable Splicers	19.52	4.20+ 3½%
PAINTERS:		
Area 1:		
Zone A:		
Brush	11.60	1.90
Brush, Steel & bridge	12.10	1.90
Spray	12.05	1.90
Spray, steel & bridge	12.60	1.90
Zone B: ($0.75 per hour above Zone A BHR)		
Zone C: ($1.75 per hour above Zone A BHR)		
Zone D: ($2.00 per hour above Zone A BHR)		
Area 2:		
Zone A:		
Brush and Roller; Sandblaster (Nozzleman); Sheetrock Taper; Floor Coverer; Sandblaster (Pot Tender)	13.54	1.30
Spray; Paperhanger	13.79	1.30
Creosote Applier	13.87	1.30
Swing Stage:		
Brush; Sandblaster	13.94	1.30
Spray	14.19	1.30

	Basic Hourly Rates	Fringe Benefits
PAINTERS: (Cont'd)		
Area 2:-Zone A: (Cont'd)		
Steeplejack	$14.40	$1.30
Steel and bridge, Brush; Nozzleman and Pot Tender; Steel (steam cleaner); Electric and Air Tool Operator; Steel Sandblaster	14.47	1.30
Steel and bridge, Spray	14.67	1.30
Zone B: ($1.00 per hour above Zone A BHR)		
Zone C: ($2.50 per hour above Zone A BHR)		
Area 3:		
Zone A:		
Brush	12.47	1.77
Spray; Sandblaster	13.07	1.77
Paperhanger	12.60	1.77
Swing Stage, under 40 feet:		
Brush	12.77	1.77
Spray	13.37	1.77
Swing Stage, over 40 Feet:		
Brush	13.22	1.77
Spray	13.82	1.77
Structural Steel & Tanks:		
Brush	13.47	1.77
Spray & Sandblasters	14.07	1.77
Creosote Base and Bituminous material	12.87	1.77
Zone B: ($0.75 per hour above Zone A BHR)		
Zone C: ($1.50 per hour above Zone A BHR)		
Zone D: ($2.75 per hour above Zone A BHR)		
LABORERS:		
Area 1:		
Group 1	12.275	2.52
Group 2	12.435	2.52
Group 3	12.605	2.52
Group 4	12.735	2.52
Group 5	12.945	2.52
Group 6	13.41	2.52
Group 7	14.18	2.52

	Basic Hourly Rates	Fringe Benefits
LABORERS: (Cont'd)		
Area 2:		
Group 1	$10.15	$2.52
Group 2	10.31	2.52
Group 3	10.48	2.52
Group 4	10.61	2.52
Group 5	10.82	2.52
Group 6	11.285	2.52
Group 7	12.055	2.52
(Tunnel and Shaft Work):		
Area 1:		
Group 1	12.57	2.52
Group 2	12.57	2.52
Group 3	12.935	2.52
Group 4	13.365	2.52
Group 5	13.60	2.52
Group 5A	13.90	2.52
Area 2:		
Group 1	10.445	2.52
Group 2	10.65	2.52
Group 3	10.81	2.52
Group 4	11.24	2.52
Group 5	11.475	2.52
Group 5A	11.775	2.52
POWER EQUIPMENT OPERATORS:		
Area 1:		
Group 1	10.875	2.78
Group 2	12.875	2.78
Group 3	13.335	2.78
Group 4	13.885	2.78
Group 5	14.545	2.78
Group 6	15.185	2.78
Group 7	15.565	2.78
Group 8	15.975	2.78
Group 9	16.715	2.78
Area 2:		
Group 1	8.75	2.78
Group 2	10.75	2.78
Group 3	11.21	2.78
Group 4	11.76	2.78
Group 5	12.42	2.78
Group 6	13.06	2.78
Group 7	13.44	2.78
Group 8	13.85	2.78
Group 9	14.59	2.78

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Area 1:		
Group 1	$12.445	$2.52
Group 2	12.605	2.52
Group 3	12.875	2.52
Group 4	13.305	2.52
Group 5	13.495	2.52
Group 5A	13.735	2.52
Group 6	13.895	2.52
Group 7	14.395	2.52
Group 8	15.03	2.52
Group 8A	15.975	2.52
Group 8B	15.445	2.52
Area 2:		
Group 1	10.32	2.52
Group 2	10.48	2.52
Group 3	10.75	2.52
Group 4	11.18	2.52
Group 5	11.37	2.52
Group 5A	11.61	2.52
Group 6	11.77	2.52
Group 7	12.27	2.52
Group 8	12.905	2.52
Group 8A	13.85	2.52
Group 8B	13.32	2.52

AREA DESCRIPTIONS

BRICKLAYERS; STONEMASONS:
Northern Area: Apache, Coconino and Gila Counties; Graham County (west and north of the San Francisco River to the Gila River); Greenlee County (west and north of the San Francisco River to the Gila River); Maricopa, Mohave, and Navajo Counties; Pinal County (north of a boundary line drawn west along the Gila River to the western City limits of Florence, a straight line from the extreme southwestern City limits of Florence to the extreme southern City limits of Coolidge, then a straight line to the extreme southern City limits of Casa Grande, with the line extending to the Maricopa/Pinal County Line); Yavapai, and Yuma Counties:
Zone A: 0-40 road miles from the City Hall in Phoenix
Zone B: 40-50 road miles from the City Hall in Phoenix
Zone C: 50-75 road miles from the City Hall in Phoenix
Zone D: 75-100 road miles from the City Hall in Phoenix
Zone F: 200 road miles and over from the City Hall in Phoenix
Southern Area: Cochise County; Graham County (east and south of the San Francisco River to the Gila River); Greenlee County (east and south of the San Francisco River to the Gila River); Pima County; Pinal County (south of a boundary line drawn west along the Gila River to the western City limits of Florence, a straight line from the extreme southwestern City limits of Florence to the extreme southern City limits of Coolidge, then a straight line to the extreme southern City limits of Casa Grande, with the line extending to the Maricopa/Pinal County Line); Santa Cruz Counties:
Zone A: 0-15 road miles from Tucson City limits
Zone B: 15-30 road miles from Tucson City limits
Zone C: 30-40 road miles from Tucson City limits
Zone D: Over 40 road miles from Tucson City limits

CARPENTERS:
Northern Area: Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west; and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line
Central and Southern Areas: All areas not included in the Northern Area

CEMENT MASONS:
Zone 1: Apache, Coconino, and Gila Counties; Graham County (north of Sentinel-Casa Grande-Safford Line); Greenlee County (north of Sentinel-Casa Grande-Safford Line); Maricopa County (north of Sentinel-Casa Grande-Safford Line); Mohave, and Navajo Counties; Pinal County (north of Sentinel-Casa Grande-Safford Line); Yavapai and Yuma Counties:
NORTHERN AREA: Area North of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line.

AREA DESCRIPTIONS (Cont'd)

CEMENT MASONS: (Cont'd)
Zone 1: (Cont'd)
CENTRAL and SOUTHERN AREAS: All Areas not included in the NORTHERN AREA
Zone 2: Southern parts of Cochise, Graham, Greenlee, Maricopa, and Pinal Counties; Pima and Santa Cruz Counties

ELECTRICIANS:
Area 1: Apache County (north of Highway #66)
Area 2: Coconino County; Navajo County (north and west of a boundary line beginning at a point where Clear Creek crosses the Coconino/Navajo County Line and then extending in a northeasterly direction along Clear Creek and northeasterly to Cottonwood Wash, along Cottonwood Wash extending northeasterly to where it intersects the Navajo Indian Reservation, then easterly along the Navajo Indian Reservation boundary line to a point where it intersects the Navajo/Apache County Line):
Zone A: 5 miles north-south, east and west of the Post Offices of Williams, Sedona, and Winslow
Zone B: Remainder of Area 2 not covered by Zone A
Area 3: Apache County (south of Highway #66); Gila County; Navajo County (south and east of a boundary beginning at a point where Clear Creek crosses the Coconino/Navajo County Line, then extending in a northeasterly direction along Clear Creek and northeasterly to Cottonwood Wash, along Cottonwood Wash extending northeasterly to where it intersects the Navajo Indian Reservation, then easterly along the Navajo Indian Reservation boundary line to a point where it intersects the Navajo/Apache County Line); Pinal County (north of the line, "First Standard Parallel South" and east of the line "Second Guide Meridian East")
Area 4: Maricopa and Mohave Counties; Pinal County (north and west of the boundary line beginning at a point where the Papago Indian Reservation Road #15 crosses the Pima/Pinal County Line, then extending in a northeasterly direction on the Papago Indian Reservation Road #15 to the intersection with the Florence Canal, north and east on the Florence Canal to the intersection with the line, "Second Guide Meridian East", then north to the Pinal/Maricopa County Line); Yavapai County
Area 5: Cochise, Graham, Greenlee, and Pima Counties; Pinal County (south and east of the boundary line beginning at a point where the Papago Indian Reservation Road #15 crosses the Pima/Pinal County Line, then extending in a northeasterly direction on the Florence Canal, north and east on the Florence Canal to the intersection with the line, "Second Guide Meridian East", then north to the line, "First Standard Parallel South", and along that line to the Graham/Pinal County Line); Santa Cruz and Yuma Counties

IRONWORKERS:
Northern Area: Area from a line 10 miles north and parallel to Highway #66, north to the Arizona-Utah border and from the Arizona-California border east to the Arizona-New Mexico border
Southern Area: All Areas not included in the Northern Area

AREA DESCRIPTIONS (Cont'd)

LINE CONSTRUCTION:
Zone 1: Phoenix and Tucson 30 miles radius from the center of Town; Area within 10 mile radius from the City Hall in Yuma
Zone 1-A: Flagstaff, Globe, and Kingman; and 10 mile radius from the center of Town
Zone 2: Other areas not covered by Zone 1 and Zone 1-A

PAINTERS:
Area 1: Apache, Coconino, Navajo, and Yavapai Counties (north of Woodruff/Camp Wood Line); Mohave County (north of a line following the Geodetic Hualapai Boundary Line to the Colorado River, a distance of 23 miles east of Pierce Ferry and then intersecting the Arizona/Nevada State Line):
- Zone A: 0-20 road miles from Courthouse in Flagstaff
- Zone B: 20-35 road miles from Courthouse in Flagstaff
- Zone C: 35-80 road miles from Courthouse in Flagstaff
- Zone D: 80 road miles and over from Courthouse in Flagstaff

Area 2: Apache, Coconino, Navajo, and Yavapai Counties (south of the Woodruff/Camp Wood Line); Gila, Graham, Greenlee, Maricopa, and Pinal Counties (north of 33rd Parallel); Mohave County (south of a line following the Geodetic Hualapai Boundary Line to the Colorado River, a distance of 23 miles east of Pierce Perry and then intersecting the Arizona/Nevada State Line):
- Zone A: 0-40 paved road miles from Courthouse in Phoenix; also, Luke and Williams Air Force Bases
- Zone B: 41-60 paved road miles from Courthouse in Phoenix
- Zone C: 61 paved road miles and over from Courthouse in Phoenix

Area 3: Cochise County; Graham, Greenlee, Maricopa and Pinal Counties (south of 33rd Parallel); Pima, Santa Cruz, and Yuma Counties:
- Zone A: 0-30 paved road miles from Stone and Congress in Tucson or from the County Courthouse in Yuma
- Zone B: 31-40 paved road miles from Stone and Congress in Tucson or from the County Courthouse in Yuma
- Zone C: 41-50 paved road miles from Stone and Congress in Tucson or from the County Courthouse in Yuma
- Zone D: 51 paved road miles and over from Stone and Congress in Tucson or from the County Courthouse in Yuma

LABORERS; POWER EQUIPMENT OPERATORS; and TRUCK DRIVERS:
Area 1: Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west; and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of Arizona/New Mexico State Line
Area 2: All Areas not included in Area 1

GROUP DESCRIPTIONS

LABORERS

Group 1: Laborer, general or construction; Manually-controlled Signal Operator; Fence Builder, Guard Rail Builder - highway; Chat Box Man; Dumpman and/or Spotter; Rip Rap Stone Man; Form Stripper; Landscape Gardener and Nurseryman; Packing Rod Steel and Pans; Window Cleaners; Cesspool Diggers and Installers; Concrete Dump Man - belt; Pipe and/or Hoseman; Astro-turf Layers; Clean-up, Bull Gang and Trackman - railroad; Chipper (clearing and grubbing)

Group 2: Cement Finisher Tender; Concrete Curer (Imperivous Membrane); Cutting Torch Operator; Fine Grader (highway, engineering and sewer work only); Kettleman - Tarman; Power-type Concrete Buggy

Group 3: Chuck Tender (except tunnel); Sandblaster (Pot Tender); Powderman Tender; Spikers and Wrenchers; Rip Rap Stone Pavers; Creosote Tieman; Guniea Chaser; Bander

Group 4: Operator and Tenders of Pneumatic and Electric Tools; Concrete Vibrating Machines; Chain Saw Machines (on clearing and grubbing); Floor Sanders, concrete; Hydraulic Jacks and similar mechanical tools not separately herein classified; Cement Dumpers (skip-type Mixer or handling bulk Cement); Pipe Caulker and/or Backup Man (pipeline); Rigger/Signalman (pipeline); Pipe Wrapper; Cribber and Shorer (except tunnel); Pneumatic Goper

Group 5: Grade Setter (pipeline); Driller; Jackhammer and/or Pavement Breakers; Pipe Layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock Slinger; Asphalt Rakers and Ironers; Air and water Wash-out Nozzleman; Scaler (using Bos'n's Chair or Safety Belt); Tampers (mechanical, all types); Hand-guided Trencher and similar operated equipment; Precast Manhole Erector

Group 6: Driller (Core, Diamond, Wagon or Air Track); Sandblaster (Nozzleman); Concrete Saw (hand-guided); Concrete Cutting Torch; Drill Doctor and/or Air Tool Repairman; Gunman and Mixerman (Gunite)

Group 7: Gunite Nozzleman or Rodman; Scaler (Drillers); Form Setter and/or Builder; Welders and/or Pipe Layers, installing process piping; Drillers, Joy Mustang, PR 143, 220 Gardener-Denver, Hydrasonic; Powder Man

(TUNNEL and SHAFT WORK)

Group 1: Bull Gang, Muckers, Trackman; Dumpmen; Concrete Crew (includes Rodders and Spreaders); Grout Crew; Swamper (Brakeman and Switchmen on tunnel work)

Group 2: Nipper; Chucktender, Cabletender; Vibratorman, Jackhammer, Pneumatic Tools (except Driller)

LABORERS (Cont'd)
(TUNNEL and SHAFT WORK) (Cont'd)

Group 3: Grout Gunman

Group 4: Timberman, Retimberman - wood or steel blaster, Driller, Powderman; Cherry Pickerman; Powderman - Primer House; Steel Form Raiser and Setter; Kemper and other Pneumatic Concrete Placer Operator; Miner - Finisher; Miners - Tunnel (hand or machine)

Group 5: Diamond Drill

Group 5A: Shaft and Raise Miner Welder

POWER EQUIPMENT OPERATORS

Group 1: Air Compressor Operator; Pump Operator; Conveyor Operator; Generator Operator (all); Power Grizzly Operator; Fireman (all); Welding Machine Operator; Tripper Operator; Concrete Mixer Operator, skip type; Highline Cableway Signalman

Group 2: Oiler; Forklift and Boss Carrier Operator; Skiploader, 1½ cu. yd. and less; Pavement Breaker; Roller Operator (except as otherwise classified); Wheel-type Tractor Operator (Ford-Ferguson type); Slurry Seal Machine Operator (driver Moto-paver); Power Sweeper

Group 3: Self-propelled Chip Spreading Machine Conveyor Operator; Dinky Operator, under 20 ton; Elevator Hoist Operator, Husky and similar

Group 4: Motor Crane Driver; Beltcrete Operator; Curing Machine Operator, Boring Bridge and Texture; Cross Tineing and Pipe Float; Straw Blower; Hydrographic Seeder; Hydrographic Mulcher; Jumbo Finishing Machine; Joint Inserter

Group 5: A-frame Boom Truck or Winch Truck Operator; Grade Checker (excluding Civil Engineer); Multiple Power Concrete Saw Operator; Screed Operator; Stationary Pipe Wrapping and Cleaning Machine Operator; Tugger Operator

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Aggregate Plant Operator (including crushing, screening, and sand plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant Mixer Operator; Boring Machine Operator; Concrete Mechanical Tamping, Spreading or Finishing Machine Operator (including Clary, Johnson or similar types); Concrete Pump Operator; Concrete Batch Plant Operator, all types and sizes; Conductor, Brakeman, or Handler; Drilling Machine Operator, all types and sizes except as otherwise classified; Field Equipment Serviceman; Kolman Belt Loader Operator or similar type, with belt width 48" or over; Locomotive Engineer (including Dinky 20 tons weight and over); Moto-paver and similar type equipment Operator; Operating Engineer Rigger; Pneumatic-tired Scraper Operator, up to and including 12 cu. yds. (Turnapull, Euclid, Cat, D.W. Hancock, and similar equipment); Power Jumbo Form Setter Operator; Pressure Grout Machine Operator (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Roller Operator, on all type asphalt pavement; Self-propelled Compactor, with blade; Skip Loader Operator, all types with a rated capacity over 1½ but less than 4 cu. yds.; Slip Form Operator (power driven lifting device for concrete forms); Soil Cement Road Mixing Machine Operator, single pass type; Stationary Central Generating Plant Operator, rated 300 K.W. or more; Surface Heater and Planer Operator; Traveling Pipewrapping Machine Operator

Group 7: Pneumatic-tired Scraper Operator, all sizes and types over 12 cu. yds. MRC (Turnapull, Euclid, Cat, D.W. Hancock and similar equipment); Tractor Operator (Pusher, Bulldozer, Scraper); Trenching Machine Operator

Group 8: Asphalt or Concrete Planing, Rotomill, and Milling Machine Operator; Auto Grade Machine Operator (CMI and similar equipment); Boring Machine Operator (including Mole, Badger and similar type); Concrete Mixer Operator, paving type and Mobile Mixers; Concrete Pump Operator, with boom attached (truck mounted); Crane Operator, Crawler and Pneumatic type under 100 ton capacity MRC; Crawler-type Tractor Operator, with boom attachment or Slope Bar; Derrick Operator; Forklift Operator for hoisting personnel; Gradall Operator; H.D. Mechanic and/or Welder; Helicopter Hoist Operator; Highline Cableway Operator (less than 20 tons rated capacity); Mass Excavator Operator (150 Bucyrus Erie and similar types); Mechanical Hoist Operator (two or more drums); Motor Grader Operator, any type power blade; Motor Grader Operator, with Elevating Grader attachment; Mucking Machine Operator; Overhead Crane Operator; Piledriver Engineer (portable, stationary or skid rig); Pneumatic-tired Scraper Operator, all sizes and types (Turnapull, Euclid, Cat, D.W. Hancock and similar equipment over 45 cu. yds. MRC); Power driven Ditch Lining or Ditch Trimming Machine Operator; Skip Loader Operator, all types rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip Form Paving Machine Operator (including Gunnert, Zimmerman and similar types); Specialized Power Digger Operator, attached to wheel-type tractor; Tower Crane (or similar type) Operator; Tugger Operator (two or more); Universal Equipment Operator, Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

POWER EQUIPMENT OPERATORS (Cont'd)

Group 9: Crane Operator, Pneumatic or Crawler, 100 ton hoisting capacity and over MRC rating; Helicopter Pilot, FAA qualified, when used in construction work other than executive travel and single casual rental; Highline Cableway Operator, over 20 ton rated capacity and using Traveling Head and Tail Tower; Remote-control Earth Moving Equipment Operator; Skip Loader Operator, all types with rated capacity of 8 cu. yds. or more; Universal Equipment Operator, Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over

TRUCK DRIVERS

Group 1: Teamsters; Pick-ups; Station Wagon; Man Haul Driver

Group 2: Dump or Flatrack (2 or 3 axle); Water Truck (under 2500 gallons); Buggymobile (1 cu. yd. or less); Bus Driver; Self-propelled Street Sweeper; Shop Greaser

Group 3: Dump or Flatrack (4 axle); Dumptor or Dumpster (less than 7 cu. yds.); Water Truck (2500 gallons but less than 400 gallons); Tireman

Group 4: Dumptor or Dumpster (7 cu. yds. but less than 16 cu. yds); Dump or Flatrack (5 axle); Water Truck (4000 gallons and over); Slurry type equipment Driver or Leverman; Vacuum Pump Truck Drivers; Flaherty Spreader or similar type equipment or Leverman; Transit Mix (8 cu. yds. or less mixer capacity); Ambulance Driver

Group 5: Dump or Flatrack (6 axle); Transit Mix (over 8 cu. yds. but less than 10.5 cu. yds.); Rock Truck (i.e. Dart, Euclid and other similar type end dumps, single unit) less than 16 cu. yds.

Group 5A: Oil Tanker or Spreader and/or Bootman, Retortman or Leverman

Group 6: Transit Mix (over 10.5 cu. yds. but less than 14 cu. yds. mixer capacity); Ross Carrier, Fork Lift or Lift Truck; Hydro Lift, Swedish Crane, Iowa 300 and similar types; Concrete Pump (when integral part of Transit Mix Truck); Dump or Flatrack (7 axle); Transport Driver (unless axle rating results in higher classification)

Group 7: Dump or Flatrack (8 axle)

Group 8: Off-highway equipment Driver including but not limited to: 2 or 4 wheel power unit, i.e. Cat, DW Series, Euclid, International and similar type equipment transporting material when top loaded or by external means including pulling Water Tanks, Fuel Tanks or other applications under Teamster Classifications; Rock Trucks (Dart, Euclid, or other similar end dump types) 16 cu. yds. and over; Eject-alls; Dumptor or Dumpster (16 cu. yds. and over); Dump or Flatrack (9 axle)

Group 8A: Heavy-duty Mechanic/Welder; Body and Fender Man

Group 8B: Field Equipment Servicemen or Fuel Truck Driver

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Hawaii COUNTIES: Statewide
DECISION NUMBER: HI83-5104 DATE: Date of Publication
Supersedes Decision No. HI82-5123 dated October 1, 1982, in 47 FR 43513
DESCRIPTION OF WORK: Building Projects; Residential Projects (consisting of single family homes and apartments up to and including 4 stories); Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$14.07	$5.36
BOILERMAKERS	15.70	4.56
BRICKLAYERS; Stonemasons	14.23	5.55
CARPENTERS:		
Carpenters; Hardwood Floorlayers; Patent Scaffold Erectors; Pneumatic Nailer; Shinglers	15.40	5.30
Drywall	15.65	5.24
Lathers	15.40	5.20
Millwrights	15.65	5.30
Power Saw Operator (2 EP and over)	15.55	5.30
CEMENT MASONS:		
Cement Masons	14.18	5.65
Troweling Machine Operators	14.33	5.65
DRAPERY INSTALLERS	6.45	b+.90
ELECTRICIANS:		
Electricians; Linemen	14.45	4.27+ 26.6%
Technicians	14.88	4.27+ 26.6%
Cable Splicers	15.90	4.27+ 26.6%
ELEVATOR CONSTRUCTORS:		
Mechanics	18.20	a+2.69
Helpers	12.74	a+2.69
Probationary Helper	9.10	
FENCE ERECTORS:		
Chain Link	5.39	.65
GLAZIERS	13.01	4.43
IRONWORKERS:		
Bridge; Ornamental; Reinforcing; Structural	14.50	5.97
LINE CONSTRUCTION:		
Electricians; Linemen	14.45	4.27+ 26.6%
Technicians	14.88	4.27+ 26.6%
LINE CONSTRUCTION: (Cont'd)		
Heavy Equipment Operator	$13.01	$4.27+ 26.6%
Groundmen	10.84	4.27+ 26.6%
Cable Splicers	15.90	4.27+ 26.6%
MARBLE SETTERS	15.03	4.75
PAINTERS:		
Brush	15.05	4.94
Tapers	15.30	4.94
Spray; Sandblaster	15.55	4.94
PLASTERERS	14.72	5.56
PLUMBERS; Steamfitters	15.00	6.12
ROOFERS	14.70	4.63
SHEET METAL WORKERS	14.25	7.30
SOFT FLOOR LAYERS	15.20	5.30
SPRINKLER FITTERS	17.37	2.83
TERRAZZO WORKERS and TILE SETTERS:		
Terrazzo Base Grinder	13.45	4.75
Terrazzo Floor Grinder and Finisher	12.02	4.75
Terrazzo Workers and Tile Setters	15.03	4.75
HELICOPTER WORK:		
Pilot of Helicopter	17.72	5.75
Copilot of Helicopter	17.55	5.75
Airborne Hoist Operator for Helicopter	17.41	5.75
DIVER (Aqua Lung)	18.86	5.75
ASPHALT PAVING GROUP:		
Asphalt Raker	14.10	c+4.15
Asphalt Spreader Operator	15.38	c+4.15
Roller Operator: over 5 tons	15.06	c+4.15
5 tons and under	13.83	c+4.15
Screed Man	14.41	c+4.15
Hand Roller	13.60	c+4.15

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
Group 1	$11.41	$4.08
Group 1-A	11.46	4.08
Group 1-B	11.81	4.08
Group 1-C	12.01	4.08
Group 1-D	11.86	4.08
Group 1-E	12.11	4.08
Group 1-F	12.16	4.08
Group 1-G	12.36	4.08
Group 2	11.76	4.08
Group 3	11.96	4.08
LANDSCAPE and IRRIGATION LABORERS:		
Group 1	8.52	2.47
Group 2	7.86	2.47
Group 3	6.03	2.47
POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection):		
Group 1	13.55	5.75
Group 2	13.66	5.75
Group 3	13.83	5.75
Group 4	14.10	5.75
Group 5	14.41	5.75
Group 6	15.06	5.75
Group 7	15.38	5.75
Group 8	15.49	5.75
Group 9	15.60	5.75
Group 9-A	15.83	5.75
Group 10	15.89	5.75
Group 10-A	16.04	5.75
Group 11	16.19	5.75
Group 12	16.55	5.75

	Basic Hourly Rates	Fringe Benefits
DREDGING:		
Hydraulic Suction Dredges; Clamshell Dredges; Boat Operators; Derrick:		
Group 1	$16.55	$5.75
Group 2	16.04	5.75
Group 3	15.49	5.75
Group 4	13.83	5.75
Group 5	13.83	5.75
Group 6	13.83	5.75
Group 7	16.38	5.75
Group 8	15.38	5.75
Group 9	16.00	5.75
Group 10	13.83	5.75
TRUCK DRIVERS:		
Group 1	13.83	5.75
Group 2	14.10	5.75
Group 3	14.41	5.75
Group 4	15.06	5.75
Group 5	15.38	5.75
Group 6	15.49	5.75
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental		

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day

b. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; plus Kamehaha Day. In order to be eligible for a Paid Holiday, employees must work the last working day before the Holiday and the first working day following the Holiday. If the employee did not work either of these two days due to illness or layoff, he shall be entitled to Holiday Pay. In case of illness, the Company may require proof of illness.

c. ASPHALT PAVING GROUP Only: Employee who has completed two to five years' service shall receive a vacation of one week with pay; each additional year an additional one day vacation with pay; ten or more years, a vacation for two weeks each year; for each year of completed service thereafter to and including fifteen or more years of service, a vacation of three weeks each year with pay.

LABORERS

Group 1: All Clean-up work of debris, grounds, buildings; Bridge Laborers; Construction Laborers; Dumpman; General Laborers; Limbers, Brush Loaders and Pilers

Group 1-A: Plaster Laborers

Group 1-B: Plaster Bod Carrier

Group 1-C: Plaster Mortar Mixer

Group 1-D: Mason Tender

Group 1-E: High Scaler

Group 1-F: Gunnite Operator

Group 1-G: Powderman

Group 2: Asphalt Shovelers; Cement Dumpers; Choke-setter and Rigger (clearing work); Concrete Chipping; Driller's Tender, Chuck Tender, Outside Nipper; Guinea Chaser (Stakeman); High Pressure Nozzleman-hydraulic Monitor (over 100# pressure) excluding levee work; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Sloper; All pneumatic, gas and electric tools not listed in Group 1

LABORERS (Cont'd)

Group 3: Asphalt Ironers, Rakers and Hand Rollers; Barko and similar type Tampers; Buggymobile; Chainsaw, Faller, Logloader and Bucker; Concrete and Magnesite Mixer under 1/2 yard; Concrete Grinder; Concrete Pan Work; Concrete Saw (walking or hand type); Cribbers; Cut Granite Curb Setters; Form Raisers; Header Board; Mortar Mixers (block-brick-masonry); Jackhammer Operator Jackson and similar type Compactors; Lagging, Sheeting, Whaling, Bracing, Trench-jacking, Hand-guided Lagging Hammer; Magnesite and Mastic Workers (wet or dry); Mechanical Drillers not covered elsewhere; Pavement Breakers; Pipelayers, Caulkers, Bander; Pipewrappers, Kettlemen, Potmen and men applying asphalt, Lay-Kold, Creosote and similar type materials; Post Hole Diggers (hand held-gas, air and electric); Riprap, Stone-paver and Rockslinger, including placing of sacked concrete (wet or dry); Rotary Scarifier; Roto-tiller; Sandblasters; Tank Cleaners; Tree Climbers; Vibra-screed (Bull Float in connection with Laborers' work); Vibrator; Burning, welding, signaling and rigging in connection with Laborers' work; Concrete Pump Machine; Joy Drill Model TWM-2A, Gardner Denver DH-143 and similar type drills; Track Drillers, Diamond, Core and Wagon Drillers; Davis Trencher T-66 or similar types; Concrete Laborers (wet or dry), including Bucket Tender for concrete

LANDSCAPE and IRRIGATION LABORERS

Group 1: Layout and/or installation of all valves, valve boxes, vacuum breakers, low voltage electrical lines, hydraulic or electrical controllers, drinking fountains and other potable water systems, and metallic pipe (copper, brass, galvanized, or similar), and tie-in to main lines including soldering (torch, soldering iron, etc.); Making of pressure test; Operation of hand-held gas, air, or self-powered construction tools and equipment such as Jackhammers, Busters, Mud Guns, Jumping Jacks, Post Hole Diggers, Roto-tillers, Scarifiers, Jackson and similar type Compactors, Barko and similar type Tampers, Ramsets, etc.; Tree Climbers and Chain Saw Tree Trimmers; Shooting of grade elevations; Checking of all trees, shrubs, and other plantings for proper size, caliber, and condition; Concrete work (wet or dry), including Concrete Bucket Tending, Concrete Shipping, Concrete Grinding and operation of Concrete Vibrator, Concrete Pump Machine, Concrete Saw Cutter (hand held or walking type), and Concrete Mixer, includes setting of rock, stone, or riprap; Choke Setting, Signaling, and Rigging for equipment Operators on job site; Operation of Forklifts, Flat Bed Trucks up to and including 2½ tons, Drillers, Hydro-mulching Machines (Sprayman and Driver), Trenchers (Riding type, Davis T-66 and similar); Operation of Cranes (Bantom, Grove, and similar), Hoptos, Backhoes, Light Loaders, Rollers, and Dozers,(Case, John Deere, and similar), Trucks requiring Hawaii Public Utilities Commission type 7 License, and other self-propelled, sit-down operated machines not listed in Group 2

LANDSCAPE and IRRIGATION LABORERS (Cont'd)

Group 2: Grubbing, excavation (pick and shovel), and hand rolling or tamping; Installation of heads, Risers, and PVC or other plastic pipe; Sprigging, handseeding, and planting of trees, shrubs, ground covers, and other planting (including use of electrically-powered mud guns) and the performance of all other work relating to said planting that is not specifically listed in Group 1 above

Group 3: Landscape and Irrigation Maintenance work performed during the construction phase of work (Preparation/Installation/Planting), also includes the re-planting of trees, shrubs, ground covers, and other plantings that did not "take" or which are damaged (if re-planting requires two or more persons to perform, Group 2 wages shall be paid)

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Partsman (heavy duty repair shop parts room when needed); Repairman Tender

Group 2: Compressor, electrically, diesel or gas powered etc.; Hydraulic Monitor; Material Loader and/or Conveyor Operator (handling building material); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar Pot Fireman; Box Operator (bunker); Locomotive (up to and including 30 tons); Roller (5 tons and under); Screedman (except asphalt concrete paving); Self-propelled, automatically applied concrete Curing Machine (on streets, highways, airports and canals); Tugger Hoist, single drum

Group 4: Boom Truck or Dual Purpose "A" Frame Truck; Dinky Operator; Fork Lift or Lumber Stacker (construction job site); Material Hoist (1 drum); Straddle Truck; Ross Carrier and similar (job site)

Group 5: Agri-Cat (mini-cat); Concrete Mixer (up to 2 yards); Concrete Pumps or Pumpcrete Guns; Generators, gasoline or diesel driven (100 K.W.); Lubrication and Service Engineer (mobile and grease rack); Towermobile; Welding Machine (gasoline diesel)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection) (Cont'd)

Group 6: Combination Loader and Backhoe including Hopto (up to and including 1/2 yard); Concrete Batch Plants (wet or dry); Concrete Saws and/or Grinder (self-propelled unit on streets, highways, airports, and canals); Drilling Machinery not to apply to Waterliners, Wagon Drills or Jackhammers); Highline Cableway Signalman; Loader (up to and including 2½ cu. yds.); Lull High Lift; Maginnis Internal Full Slab Vibrator (on airports, highways, canals, and warehouses); Mechanical Finishers (concrete) (large Clary, Johnson Bidwell Bridge Deck or similar types); Mobile Crane Driver; Pavement Breakers; Portable Crushers; Power Jumbo Operator (setting slip forms, etc. in tunnels); Rollers (over 5 tons); Self-propelled Compactor (single engine); Slip Form Pumps (power driven hydraulic, electric, air, gas, etc. lifting device for concrete forms); Small Rubber-tired Tractors; Trenchers (up to and including 6 feet)

Group 7: Crusher Plant; Dual Drum Mixer; Gradesetter (mechanical or otherwise); Hoist (2 drums); Loader (over 2½ cu. yds. up to and including 5 cu. yds.); Mechanical Finishers or Spreader Machine, Asphalt (Barber Greene and similar); Mine or Shaft Hoist; Mixermobile (over 5 tons); Pavement Breaker, truck mounted, with compressor combination; Pavement Breaker with compressor combination (operates 1 or 2); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Pipe Bending Machine (pipe lines only); Self-propelled Elevating Grade Plane; Slusher Operator; Small Tractor (with boom D-6 or similar); Trencher (over 6 ft.); Water Tanker (pulled by Euclids, T-Pulls, DW-10, 20, 21 or similar)

Group 8: Boring Machine; Cast-in-place Pipe Laying Machine; Concrete Batch Plant (multiple units); Combination Loader and Hydraulic Backhoe (over 1/2 yd. up to and including 3/4 yd.); Conveyor (tunnel); Engineer, Locomotive (over 30 tons up to and including 100 tons); Finishing Machine Operator (airports and highways); Hydraulic Backhoe (over 1/2 yd. to and including 3/4 yard); Kolman Loader; Mechanic Trench Shield; Mucking Machine; No-joint Pipe Laying Machine; Portable Crushing and Screening Plants; Saurman type Dragline (under 5 yards); Self-propelled Boom type Lifting Device; Stationary Pipe Wrapping, Cleaning and Bending Machine; Surface Heater and Planer; Tunnel Badger; Tri-batch Paver

Group 9: Boom type Backfilling Machine; Combination Mixer and Compressor (gunite); Do-more Loader and Adams Elegrader; Lull Hi-lift (40' or over); Rubber-tired Earthmoving Equipment (up to 12 cu. yds.); Wheel Trencher (over 6")

Group 9-A: Dozers; Heavy Duty Repairman or Welder; Push Cats; Scrapers; Self-propelled Compactor with Dozer; Sheep Foot; Tractors; Tractors (with boom, larger than D-6 and similar)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection) (Cont'd)

Group 10: Chicago Boom; Hoist (3 drums); Koehring Skooper; Loader (over 5 yards up to and including 12 yards); Locomotive (over 100 tons)(single or multiple units); Power Blade Operator; Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds., Euclid, T-Pulls, DW-10, 20, 21 and similar); Saurman type Dragline (5 yards or over); Soil Stabilizer (P & H equal); Sub-grader (Gurries or other automatic type); Track-laying type earthmoving Machine (single engine with Tandem Scraper); Tractor, Compressor, Drill Combination; Tractor (tandem Scraper); Tractors (D-9 or equivalent)

Group 10A: Cranes (not over 25 tons); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (up to and including 1 cu. yd.)

Group 11: Automatic Slip Form Paver (concrete or asphalt); Cranes (over 25 tons); DW-10, 20, etc. (Tandem); Earthmoving Machine (multiple propulsion power units and two or more scrapers)(up to and including 35 cu. yds. struck MRC); Highline Cableway; Lift Slab Machine; Loader (over 12 yds.); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (over 1 yd. and up to 7 yds.); Power Blade Operator (16 or over); Prestress Wire Wrapping Machine; Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth Moving Machine (with tandem scraper); Tandem Cats; Tower Cranes, mobile; Trencher (pulling attached shield); Universal, Liebher, Linden and similar types of tower cranes; Wheel Excavator (up to and including 750 cu. yds. per hour)

Group 12: Band Wagon (in conjunction with wheel excavator); Derricks; Drill Rigs; Multi-propulsion Earth Moving Machines (2 or more scrapers) (over 35 cu. yds. "struck" MRC); Power Shovels and Draglines (7 cu. yds. M.R.C. and over); Rubber-tired Earthmoving Equipment (over 35 cu. yds., Euclids, T-Pulls, DW-10, 20, 21 and similar); Wheel Excavator (over 750 cu. yds.)

DREDGING
Hydraulic Suction Dredges; Clamshell Dredges; Boat Operators; Derrick

Group 1: Clamshell or Dipper Operator; Operators (Derricks, Piledrivers and Cranes)

Group 2: Mechanic or Welder; Assistant Engineer; Assistant Engineer (steam or electric)

Group 3: Deckmate; Barge Mate (Seagoing)

Group 4: Fireman

Group 5: Oiler; Deckhand (can operate Anchor Scow under direction of Deck Mate)

DREDGING (Cont'd)
Hydraulic Suction Dredges; Clamshell Dredges; Boat Operators; Derrick (Cont'd)

Group 6: Bargeman; Leveeman

Group 7: Leverman; Master Boat Operator

Group 8: Winchman (Stern Winch on Dredge)

Group 9: Boat Operator

Group 10: Boat Deckhand

TRUCK DRIVERS

Group 1: Flatbed

Group 2: Dump, 8 yards and under; Water Truck (up to and including 2,000 gallons)

Group 3: Water Truck (over 2,000 gallons)

Group 4: Semi-trailer or Semi-dump

Group 5: Slip-in or Pup

Group 6: End Dumps, unlicensed (Euclid, Mack, Caterpillar or similar); Tractor Trailer (hauling equipment): Trucks (hooked up to trailer hauling equipment)

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: MICHIGAN COUNTY: IONIA
DECISION NUMBER: MI83-2022 DATE: DATE OF PUBLICATIO
Supersedes Decision Number MI77-2106, dated July 8, 1977, in 42 FR 35510.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$ 8.50	
CARPENTERS	5.55	
CEMENT MASONS	5.00	
DRYWALL HANGERS	8.00	
DRYWALL TAPERS	6.00	
ELECTRICIANS	5.00	
LABORERS:		
Unskilled	4.00	
Mason tenders	4.50	
PAINTERS	5.22	
PLUMBERS & PIPEFITTERS	7.75	
POWER EQUIPMENT OPERATORS:		
Bulldozer	5.50	
ROOFERS	4.81	
SHEET METAL WORKERS	$ 6.28	
SOFT FLOOR LAYERS	7.08	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a)		

SUPERSEDEAS DECISION

STATE: MICHIGAN
COUNTIES: BERRIEN, BRANCH, CASS, KALAMAZOO, ST. JOSEPH, & VAN BUREN
DECISION NUMBER: MI83-2023 DATE: DATE OF PUBLICATION
Supersedes Decision Number MI80-2047, dated June 13, 1980, in 45 FR 40455.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$11.85	
CARPENTERS	8.97	
CEMENT MASONS	11.61	
DRYWALL FINISHERS/TAPERS	10.56	
DRYWALL HANGERS	9.64	
ELECTRICIANS	9.82	
GLAZIERS	10.84	
INSULATION INSTALLERS	8.25	
LABORERS:		
Laborers - Unskilled	6.93	
Landscape laborers	5.42	
Mason tenders	6.00	
PAINTERS - BRUSH	8.56	
PLUMBERS & PIPEFITTERS	10.04	
ROOFERS	9.73	
SHEET METAL WORKERS	8.19	
SOFT FLOOR LAYERS	9.89	
TILE SETTERS	9.95	.90
TRUCK DRIVERS	7.65	
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.		
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 8.50	
Bulldozer	9.00	
Crane	12.08	3.70
Front end loader	8.82	
Grader	11.89	3.70
Paver	11.89	3.70
Roller	11.89	3.70
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).		

SUPERSEDEAS DECISION

STATE: MICHIGAN
COUNTIES: ALLEGAN & OTTAWA
DECISION NUMBER: MI83-2024
DATE: DATE OF PUBLICATION
Supersedes Decision Number MI78-2053, dated April 14, 1978, in 43 FR 16064.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$ 9.40	
CARPENTERS	8.00	.34
CEMENT MASONS	12.87	1.00
DRYWALL FINISHERS/TAPERS	8.24	
DRYWALL HANGERS	9.00	
ELECTRICIANS	8.17	1.20
LABORERS	7.21	
PLUMBERS & PIPEFITTERS	9.00	
POWER EQUIPMENT OPERATORS:		
Backhoe	8.90	.98
Bulldozer	10.10	
Front end loader	8.90	.98
ROOFERS	8.50	
SHEET METAL WORKERS	7.50	3.4%
TRUCK DRIVERS	8.90	.93

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MICHIGAN
COUNTIES: CALHOUN
DECISION NUMBER: MI83-2025
DATE: DATE OF PUBLICATION
Supersedes Decision Number MI80-2050, dated June 27, 1980, in 45 FR 43581.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$12.25	1.20
CARPENTERS	7.98	
CEMENT MASONS	10.48	1.12
DRYWALL FINISHERS/TAPERS	12.00	
DRYWALL HANGERS	10.36	
ELECTRICIANS	8.94	1.01+9%
LABORERS - UNSKILLED	5.75	
LANDSCAPE LABORERS	4.85	
PAINTERS	7.50	
PLUMBERS & PIPEFITTERS	9.20	
POWER EQUIPMENT OPERATORS:		
Backhoe	9.70	
Bulldozer	9.02	
Grader	10.44	3.65
Paver	11.50	3.77
Roller	10.44	3.65
ROOFERS	7.16	
SHEET METAL WORKERS	9.03	3.65
SOFT FLOOR LAYERS	$12.00	
TILE SETTERS	9.72	

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MICHIGAN
COUNTIES: GENESEE, HURON, LAPEER, SAGINAW, ST. CLAIR, SANILAC, & SHIAWASSEE.
DECISION NUMBER: MI83-2020
DATE: DATE OF PUBLICATION
Supersedes Decision Number MI81-2002, dated March 6, 1981, in 46 FR 15655.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consists of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
St. Clair County	$16.32	5.02
Remainder of Counties	15.93	4.00
BOILERMAKERS	18.54	3.35
BRICKLAYERS & STONE MASONS:		
Genesee, Lapeer, & Shiawassee Counties	14.37	3.26
Huron & Saginaw Counties	13.99	2.51
St. Clair & Sanilac Counties	11.76	3.25
CARPENTERS & SOFT FLOOR LAYERS:		
Genesee, Lapeer, & Shiawassee Counties:		
Carpenters	14.60	2.12
Soft floor layers	10.42	2.11
St. Clair & Sanilac (West 5 mile portion of Co.) Counties		
Carpenters	15.50	5.11
Soft floor layers	15.07	1.80+8%
Huron, Saginaw, & Sanilac (Remainder of Co.) Counties:		
Carpenters	10.41	1.90
Soft floor layers	10.42	2.11
CEMENT MASONS & PLASTERERS:		
Genesee & Shiawassee Counties	12.80	2.17
Huron & Saginaw Counties:		
Cement masons	13.32	2.20
Plasterers	15.90	1.45
Lapeer County:		
Cement masons	13.05	3.20
Plasterers	13.30	3.20
St. Clair & Sanilac Counties:		
Cement masons	11.10	3.25
Plasterers	11.31	3.25
ELECTRICIANS:		
Huron, St. Clair, & Sanilac Counties	14.40	2.90+3%
Saginaw County	10.23	2.40+3%
Shiawassee (Perry & Woodhull Twps. only) County	11.68	.85+6%
Remainder of Counties	11.44	2.75+3%
ELEVATOR CONSTRUCTORS:		
St. Clair County:		
Mechanics	17.15	2.465+a
Helpers	12.005	2.465+a
Probationary helpers	8.575	
Remainder of Counties:		
Mechanics	16.37	2.69+a
Helpers	11.46	2.69+a
Probationary helpers	8.185	
GLAZIERS:		
Genesee, Lapeer, & Shiawassee Counties	$13.14	2.31
Huron & Saginaw Counties	9.15	.76
St. Clair & Sanilac Counties	9.00	2.70+b
IRONWORKERS:		
Structural & Ornamental	15.26	4%+.04
Reinforcing	13.53	2.52+.64%
Fence erectors	14.26	4%+.08
LABORERS	6.95	1.69
LATHERS:		
St. Clair (South East portion including Memphis, Marysville, & Sparlingville) County	16.32	3.84
Remainder of Counties	15.02	2.37
MARBLE, TERRAZZO, & TILE FINISHERS:		
Genesee & Shiawassee Counties	10.30	1.55
Saginaw County	9.83	1.55
Remainder of Counties:		
Marble finishers	12.40	2.80
Terrazzo finishers	14.48	2.30
Tile setters	12.40	2.30
MARBLE SETTERS, TERRAZZO WORKERS, & TILE SETTERS:		
Genesee, Lapeer, & Shiawassee Counties	14.00	3.20
Huron & Saginaw Counties	14.36	.40
St. Clair & Sanilac Counties:		
Marble setters	15.93	3.45
Terrazzo workers	14.77	3.45
Tile setters	15.32	3.47
PAINTERS:		
Huron (East ½), St. Clair, & Sanilac Counties:		
New Construction:		
Brush & Roller	15.71	1.92
Spray & Sandblast	16.21	1.92
Repaint Work:		
Brush & Roller	14.14	1.92
Spray & Sandblast	14.59	1.92
Huron (Remainder of County) County:		
Brush, roller, & taper	9.45	1.65
Spray & Sandblast	10.30	1.65
Saginaw County:		
Brush & Roller	12.60	1.72
Spray & Sandblast	13.35	1.72
Paperhangers	13.20	1.72

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	Basic Hourly Rates	Fringe Benefits
PAINTERS (Cont'd.):		
Shiawassee (West ½) County:		
Brush, roller, & drywall-hand	$12.34	1.7525
Paperhangers	12.69	1.7525
Drywall-machine	13.09	1.7525
Remainder of Counties:		
Brush & Roller	12.65	2.25
Spray, paperhangers, & vinyl hangers	12.95	2.25
Sandblast	13.15	2.25
Pressure roller	13.45	2.25
PLUMBERS & PIPEFITTERS:		
Genesee, Lapeer, & Shiawassee Counties	18.34	4.21
Saginaw County	13.49	3.19
Huron (West ½) County	16.16	2.87
Remainder of Counties:		
Plumbers	14.54	6.92
Pipefitters	15.00	6.12
Refrigeration mechanics:		
All types over 7½H.P.	15.00	6.12
All types 7½H.P. & under	14.00	6.12
POWER EQUIPMENT OPERATORS:		
St. Clair County:		
Crane operator	15.08	3.35+17%
Regular engineer	14.71	"
Compressor & welding machine operators	12.46	"
Fireman & oiler	11.64	"
Remainder of Counties:		
Crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, & mechanic	15.45	3.35
Air tugger (single drum), material hoist, boiler, sweeping machine, winch truck, Bob-cat & similar type equipment, & fork truck (over 20' lift)	13.85	3.35
Pump 6" & over, well points, freeze systems, boom truck (non-swinging)	13.55	3.35
Air compressor, welder, generator, pump under 6", grease rack, conveyor, fork truck (20' lift & under)	12.15	3.35
Oiler, fireman, & heater operator	11.30	3.35

	Basic Hourly Rates	Fringe Benefits
ROOFERS:		
Genesee, Lapeer, & Shiawassee Counties:		
Composition	$14.50	2.77
Slate & Tile	14.85	2.77
Huron & Saginaw Counties	13.00	3.95
St. Clair & Sanilac Counties	11.45	
SHEET METAL WORKERS:		
Huron & Saginaw Counties	15.33	2.26
St. Clair & Sanilac Counties	10.11	1.89
Remainder of Counties	15.60	3.24
SPRINKLER FITTERS	17.17	2.83
TRUCK DRIVERS:		
Saginaw County:		
Trucks under 8 cu. yds.	10.30	P80.50
Trucks 8 cu.yds. & over	10.40	P80.50
Semi, double bottom, low boy, Pittman operator & related equipment	10.50	P80.50
Euclid type trucks	10.60	P80.50
Huron, St. Clair, & Sanilac Counties:		
Pole trailer, low boy, straddle carrier, double bottom, special permit load driver, fuel truck	13.35	P90.50
Semi, tractor trailer	13.45	P90.50
All other trucks	13.30	P90.50
Remainder of Counties:		
Truck drivers	11.39	P96.50+c

*Per Week Per Employee.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Day; Vacation Pay Credit: Employer contributes 6% of the basic hourly rate of employees with 5 years or more of service, or 4% for employees with 6 months to 5 years of service.

b. Four Paid Holidays: New Year's Day, Declaration Day, Christmas Day.

c. Holiday Pay: New Year's Day, Good Friday afternoon, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day provided employee has 30 days of continuous employment with any contractor and works the scheduled workday preceding & following the day observed.

SUPERSEDEAS DECISION

STATE: MICHIGAN

COUNTIES: BAY, GENESEE, HURON, IOSCO, LAPEER, SAGINAW, ST. CLAIR, SANILAC, SHIAWASSEE, TUSCOLA.

DECISION NUMBER: MI83-2021 DATE: DATE OF PUBLICATION

Supersedes Decision Number MI82-2007, dated February 26, 1982, in 47 FR 8501.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not included single family homes and apartments up to and including four stories) and HEAVY CONSTRUCTION PROJECTS (excluding Bridge, Airports, & Sewer & Water Lines Projects).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
St. Clair County	$16.32	5.02
Remainder of Counties	15.93	4.00
BOILERMAKERS	18.54	3.35
BRICKLAYERS & STONE MASONS:		
Genesee, Lapeer, & Shiawassee Counties	14.37	3.26
St. Clair & Sanilac Counties	15.68	3.25
Remainder of Counties	13.99	2.51
CARPENTERS, PILEDRIVERMEN, & SOFT FLOOR LAYERS:		
Sanilac (Except West 5 mile portion of Co.) & St. Clair Counties:		
Carpenters & Piledrivermen	15.50	5.11
Soft floor layers	15.07	1.80+8%
Remainder of Counties:		
Carpenters & Piledrivermen	14.60	2.12
Soft floor layers	13.69	2.11
CEMENT MASONS & PLASTERERS:		
Genesee & Shiawassee Counties	12.80	2.17
Lapeer County:		
Cement masons	13.05	3.20
Plasterers	13.30	3.20
St. Clair & Sanilac Counties:		
Cement masons	14.80	3.25
Plasterers	15.08	3.25
Remainder of Counties:		
Cement masons	13.32	2.20
Plasterers	15.90	1.45
ELECTRICIANS:		
Iosco (Northern ½) County	14.98	2.54+3%
Bay & Iosco (Southern ½) Counties	17.09	"
Genesee, Lapeer, & Shiawassee Counties	16.24	2.08+14%
Saginaw & Tuscola Counties	15.55	2.05+3%
Remainder of Counties	17.80	3.71+3%
ELEVATOR CONSTRUCTORS:		
St. Clair County:		
Mechanics	17.15	2.465+a
Helpers	12.00	"
Probationary helpers	8.575	
Remainder of Counties:		
Mechanics	16.37	2.69+a
Helpers	11.46	"
Probationary helpers	8.185	
GLAZIERS:		
Genesee, Lapeer, & Shiawassee Counties	13.41	2.31
St. Clair & Sanilac Counties	14.69	2.70+b

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
Structural	$15.26	4.75+.09
Reinforcing	13.53	.64%+7.52
Fence Erectors	14.26	4.75+.09
LATHERS:		
St. Clair (South East portion including Memphis, Marysville & Sparlingville) County	16.32	3.84
Remainder of Counties	15.02	2.57
MARBLE, TERRAZZO, & TILE FINISHERS:		
Genesee & Shiawassee Counties	10.30	1.55
Bay & Saginaw Counties	9.83	1.55
Remainder of Counties:		
Marble finishers	12.40	2.60
Terrazzo finishers	14.48	2.30
Tile finishers	15.32	2.30
MARBLE SETTERS, TERRAZZO WORKERS, & TILE SETTERS:		
Genesee, Lapeer, & Shiawassee Counties	14.00	3.20
St. Clair & Sanilac Counties:		
Marble setters	15.93	3.45
Terrazzo workers	14.77	3.43
Tile setters	15.32	3.47
Remainder of Counties	14.36	.43
MILLWRIGHTS	15.19	3.75+1.7
PAINTERS:		
Bay, Huron (West of M-53), Iosco, & Tuscola (Twps. of Akron, Almer, Columbia, Elkland, Ellington, Elmwood, Fairgrove, Gilford, Novesta, & Wisner) Counties:		
New Construction:		
Brush, roller, & taper	12.55	1.65
Spray & Sandblast	13.40	1.65
Repaint Work:		
Brush, roller, taper	11.95	1.65
Spray & Sandblast	12.80	1.65
Industrial Construction:		
Brush, roller, & taper	13.35	1.65
Spray & Sandblast	14.20	1.65
Saginaw & Tuscola (Remainder of Co.) Counties:		
Brush & Roller	12.60	1.72
Wall covering, open structural steel, swing stage, & boatswain chair	13.20	1.72
Sandblast & Spray	13.35	1.72

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	Basic Hourly Rates	Fringe Benefits
PAINTERS (Cont'd.):		
Shiawassee (West ½) County:		
Brush, roller, drywall - hand	$14.20	1.7525
Structural steel, towers	14.60	1.7525
Spray, sandblast, drywall (machine)	14.95	1.7525
Paperhangers	14.55	1.7525
Genesee, Lapeer, & Shiawassee (Remainder of Co.) Counties:		
Brush & Roller	12.65	2.25
Spray, paper & vinyl hangers, swing stage, boatswain chair, & window jacks	12.95	2.25
Sandblast & steamclean	13.15	2.25
Huron (Remainder of Co.), St. Clair, & Sanilac Counties:		
New Construction:		
Brush & Roller	15.71	1.92
Spray & Sandblast	16.21	1.92
Repaint Work:		
Brush & Roller	14.14	1.92
Spray & Sandblast	14.59	1.92
PLUMBERS & PIPEFITTERS:		
Bay, Huron (West ½), Iosco, & Tuscola (North ½) Counties	16.16	2.87
Huron (East ½), St. Clair, & Sanilac Counties:		
Plumbers	14.54	6.92
Pipefitters	15.00	6.12
Refrigeration mechanics (All types over 7½ H.P.)	15.00	6.12
Refrigeration mechanics (All types 7½ H.P. & under)	14.00	6.12
Genesee, Lapeer, & Shiawassee Counties	18.34	4.21
Saginaw & Tuscola (East ½) Counties	15.84	3.19
ROOFERS:		
St. Clair & Sanilac Counties	11.45	
Genesee, Lapeer, & Shiawassee Counties:		
Composition	14.50	2.77
Slate & Tile	14.85	2.77
Remainder of Counties	13.00	3.95
SHEET METAL WORKERS:		
St. Clair & Sanilac Counties:		
Jobs consisting of 10 tons of air conditioning and/or 200,000 B.T.U. of heating, and architectural sheet metal work on such projects	10.11	1.89
All other Work	14.85	7.16

	Basic Hourly Rates	Fringe Benefits
SHEET METAL WORKERS (Cont'd.):		
Genesee, Lapeer, & Shiawassee Counties	$15.60	3.24
Remainder of Counties	15.53	2.26
SPRINKLER FITTERS	17.17	2.83
TRUCK DRIVERS:		
Bay, Iosco, Saginaw, & Tuscola Counties:		
Trucks under 8 cubic yards	10.30	80.50*
Trucks 8 cubic yards & over	10.40	80.50*
Semi, double bottom, low boy, Pitman ops. or related equipment	10.50	80.50*
Euclid type equipment	10.60	80.50*
Huron, St. Clair, & Sanilac Counties:		
Pole trailer, low boy, straddle carrier, double bottom, & special load permit driver	13.55	90.50*
Semi driver	13.45	90.50*
All other trucks	13.30	90.50*
Remainder of Counties:		
All truck drivers	11.39	94.50*+c

*Per Week Per Employee.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas; Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 4% for employees with 6 months to 5 years of service.

b. Four Paid Holidays: New Year's Day, Decoration Day, Christmas Day.

c. Holiday Pay: New Year's Day, Good Friday afternoon, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day provided employee has 30 days of continuous employment with any contractor and works the scheduled workday preceeding & following the day observed.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the Labor standards contract clause (29 CFR 5.5 (a) (1) (ii)).

DECISION NO. MI83-2021

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
St. Clair & Sanilac Counties:		
Class A - General laborers	$13.40	1.69
Class B - Mortar mixers	13.52	1.69
Class C - Air/electric/gas tool operators, pump operator	13.65	1.69
Class D - Concrete gas buggy, concrete saw operator, plasterer tender	13.57	1.69
Class E - Crock or pipe layers, caisson workers in buildings	13.75	1.69
Iosco County:		
Class A - General Laborers	9.50	1.69
Class B - Concrete breaker (90 LB. hammer or less), cement mason/mason	10.30	1.69
Genesee, Lapeer, & Shiawassee Counties:		
Class A - General laborers	11.16	2.14
Class B - Mortar mixer, concrete mixer ½ cubic yard or smaller, signal man & top man on caisson work, air/electric/gas tool operators	11.31	2.14
Class C - Jackhammer, air spade, tunnel men, windlass operators on caisson work, burner	11.41	2.14
Class D - Crock & pipe layers, caisson worker & tunnel mucker	11.51	2.14
Class E - Tunnel miner	11.76	2.14
Remainder of Counties:		
Class A - General laborers	11.24	1.44
Class B - Mechanized mortar mixer, air/electric/gas driven tool operators, vibrators	11.36	1.44
Class C - Air or electric pavement breaker, plasterer tender, plaster mixer, crock & pipe layers, signal man & top man, windlass & tugger operators, caisson worker	11.44	1.44
Class D - Driller, blaster, burner	12.01	1.44
LABORERS: OPEN CUT CONSTRUCTION:		
Iosco County:		
Class 1	9.45	2.29
Class 2	9.55	2.29
Class 3	9.65	2.29
Class 4	9.70	2.29
Class 5	9.80	2.29

	Basic Hourly Rates	Fringe Benefits
LABORERS: OPEN CUT CONSTRUCTION (Cont'd.):		
Genesee, Lapeer, & Shiawassee Counties:		
Class 1	$11.44	2.74
Class 2	11.54	2.74
Class 3	11.64	2.74
Class 4	11.69	2.74
Class 5	11.79	2.74
St. Clair & Sanilac Counties:		
Class 1	11.89	2.29
Class 2	11.99	2.29
Class 3	12.09	2.29
Class 4	12.14	2.29
Class 5	12.24	2.29
Remainder of Counties:		
Class 1	11.81	2.29
Class 2	11.99	2.29
Class 3	12.01	2.29
Class 4	12.06	2.29
Class 5	12.16	2.29

CLASSIFICATIONS ON PAGE #5

LABORERS: TUNNEL, SHAFT, & CAISSON CONSTRUCTION:

Genesee, Lapeer, & Shiawassee Counties:		
Class 1	12.36	2.29
Class 2	12.44	2.29
Class 3	12.49	2.29
Class 4	12.64	2.29
Class 5	12.84	2.29
Class 6	13.09	2.29
Remainder of Counties:		
Class 1	12.81	2.29
Class 2	12.89	2.29
Class 3	12.94	2.29
Class 4	13.09	2.29
Class 5	13.29	2.29
Class 6	13.54	2.29

CLASSIFICATIONS ON PAGE #5

LANDSCAPE LABORERS:

Landscape Specialist including air/gas/electric tools & equipment:		
Genesee, Lapeer, St. Clair, & Shiawassee Counties	9.60	
Remainder of Counties	8.18	
Landscape Laborers, truck drivers, material haulers, & small power equipment:		
Genesee, Lapeer, St. Clair, & Shiawassee Counties	6.36	
Remainder of Counties	6.14	

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	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
Huron, Lapeer, St. Clair, Sanilac, & Tuscola Counties:		
Linemen, technicians	$17.38	1.70+11½%
Cable splicers	16.12	"
Combination equipment operators & groundmen	13.94	"
Combination truck drivers & groundmen	13.12	"
Groundmen	12.09	"
Remainder of Counties:		
Linemen & technicians	15.00	.65+5%+6
Cable splicers	15.61	"
Combination digger operators, tractor operators & groundmen	11.68	"
Light equipment operators & groundmen; distribution line truck driver operators & groundmen	10.25	"
Combination winch truck drivers & groundmen	9.77	"
Combination truck drivers & groundmen	8.27	"
FOOTNOTE: d. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, & Christmas Day provided the employee works the scheduled work day preceeding & following the day observed.		
POWER EQUIPMENT OPERATORS:		
St. Clair County:		
Class A - Engineer when operating boom & jib or leads 220' or longer	16.34	3.35+13%
Class B - Crane with boom & jib or leads 140' or longer	16.12	"
Class C - Crane with boom & jib or leads 120' or longer	15.56	"
Class D - Crane operator	15.08	"
Class E - Regular engineer	14.71	"
Class F - Compressor or welding machine operator	12.46	"
Class G Fireman or oiler	11.64	"

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS (Cont'd.):		
Remainder of Counties:		
Class A - Crane with main boom & jib 220' or longer	$16.20	3.35
Class B - Crane with main boom & jib 140' or longer, tower crane, gantry crane, whirley derrick	15.95	3.35
Class C - Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, mechanic	15.45	3.35
Class D - Air tugger (single drum), material hoist, boiler operator, sweeping machine, winch truck, Bob-Cat & similar type equipment, fork truck(over 20' lift)	13.85	3.35
Class E - Pump 6" or over, well points, freeze systems, boom truck (non-swinging) & fork truck (20' lift or under)	13.55	3.35
Class F - Air compressor, welder, generator, pumps under 6", grease man, conveyor	12.15	3.35
Class G - Oiler, fireman, & heater operator	11.30	3.35
POWER EQUIPMENT OPERATORS:		
STEEL ERECTION:		
Class A - Cranes with boom & jib 220' or longer	18.52	3.35+13%
Class B - Cranes with boom & jib 140' or longer	18.24	"
Class C - Crane, mechanic	17.25	"
Class D - Hoisting operator	17.02	"
Class E - Compressor, welder	13.95	"
Class F - Oiler, fireman	12.65	"
POWER EQUIPMENT OPERATORS:		
UNDERGROUND CONSTRUCTION:		
Iosco County:		
Class A	13.78	3.65+13%
Class B	12.76	"
Class C	12.32	"
Class D	12.07	"
Remainder of Counties:		
Class A	14.80	3.65+13%
Class B	14.42	"
Class C	13.77	"
Class D	13.27	"

CLASSIFICATIONS DEFINITIONS:

LABORERS: OPEN CUT CONSTRUCTION:

Class 1 - Construction laborers
Class 2 - Mortar & material mixer, concrete form man, signal man, well point man, manhole, headwall & catch basin builder, guardrail builder, & fence erector
Class 3 - Air/gas/electric tool operators, vibrator operator, driller, pump man, tar kettle operator, tracer, rodder, reinforced steel or mesh man (e.g. wire mesh, steel mats, dowel bars), cement finisher's laborer, pipe jacking & boring man, wagon drill & air track operator, concrete saw operator (under 40 HP.), windlass & tugger man
Class 4 - Trench or excavating grade man
Class 5 - Pipe layer (including crock, metal pipe, multi-plate or other conduits).

LABORERS: TUNNEL, SHAFT, & CAISSON CONSTRUCTION:

Class 1 - Tunnel, shaft, & caisson laborer, dump man, shanty man, hog house tender, testing man on gas
Class 2 - Manhole, headwall, catch basin builder, bricklayer tender, mortar man, material mixer, fence erector, & guard rail builder
Class 3 - Air tool operator (jackhammer, bush hammer, & grinding), first bottom man, second bottom man, cage tender, car pusher, carrier man, concrete man, concrete form man, concrete repair man, cement invert laborer, cement finisher laborer, concrete shoveler, conveyor man, floor man, gas & electric tool operator, gunnite man, grout operator, pump man, outside lock tender, scaffold man, top signal man, switch man, track man, tugger man, utility man, vibrator man, winch operator, pipe jacking, boring man, wagon drill/air track operator/concrete saw operator (under 40 HP.)
Class 4 - Tunnel, shaft, & caisson mucker, tracer man, liner plate man, long haul dinky driver, & well point man
Class 5 - Tunnel, shaft, & caisson miner, drill runner, power knife operator, reinforced steel or mesh man (e.g. wire mesh, steel mats, dowel bars)
Class 6 - Dynamite man & powder man.

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION:

Class A - Backfiller tamper, backhoe, batch plant operator (concrete), clamshell, concrete paver (2-drum or larger), conveyor loader (B cat 1it type), crane (crawler, truck type or pile driving), dozer (9' blade & over), dragline, elevating grader, end loader (over 1½ cu. yds. capacity), gradall, mechanic, power shovel, roller (asphalt), scraper (self-propelled or tractor drawn), side boom tractor (D-4 type), slip form paver, slope paver, trenchar (over 8' digging capacity), well drilling rig;
Class B - Boom truck (power swing type boom), crusher, dozer (less than 9' blade), end loader (1½ cu. yds & smaller), hoist, pump (1 or more - 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps. or more - inclusive of generator), side boom tractor (smaller than D-4 type), sweeper (Wayne type), tractor (pneu-tired, other than backhoe or front end loader), trencher (8' digging capacity);
Class C - Air compressor (600 CFM or larger), air compressor (2 or more - less than 600 CFM), boom truck (non-swinging, non-powered type boom), concrete breaker (self-propelled or truck mounted - includes compressor), concrete paver (1-drum, 1½ yd. or larger), elevator (other than passenger), maintenance man, mechanic tender, pump (2 or more, 4" to 6" discharge, gas or diesel powered, excluding submersible pumps), pumpcrete machine, wagon drill (multiple), welding machine or generator (2 or more, 300 amps or larger, gas or diesel powered);
Class D - Boiler, concrete saw (40 HP. or over), curing machine (self-propelled), farm tractor with attachment, finishing machine (concrete), fireman, hydraulic pipe pushing machine, mulching equipment, oiler, pumps (2 or more up to 4" discharge, gas or diesel powered, excluding submersible pumps), roller (other than asphalt), stump remover, trencher (service), vibrating compaction equipment (self-propelled, 6' wide or over).

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Missouri
DECISION NUMBER: MO83-4021
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. MO82-4041 dated August 13, 1982 in 47 FR 35423
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits
CARPENTERS & PILEDRIVERMEN:		
Zone 1	$15.16	$2.28
Zone 1A	14.76	2.28
Zone 2	14.61	2.28
Zone 3	15.40	1.73
Zone 4	14.80	1.73
Zone 6	13.75	2.28
Zone 7	15.82	.71
Zone 7A	15.97	.56
Zone 8	14.90	.86
Zone 9	16.05	2.67
Zone 10	15.26	2.46
CEMENT MASONS:		
Zone 1	15.075	1.95
Zone 2	14.38	2.70
Zone 3	14.97	1.95
Zone 4	12.75	
Zone 5	13.98	
Zone 6	14.60	
Zone 7	14.60	
Zone 8:		
(a) Heavy Construction	14.30	1.95
(b) Highway Construction	14.97	1.95
Zone 9	15.35	2.60
Zone 10	14.65	2.60
Zone 11:		
Projects under $700,000	14.55	2.70
Projects $700,00 & over	15.25	2.70
ELECTRICIANS:		
Zone 1:		
Electrical contracts over $30,000	14.54	.94+ 14.75%
Electrical contracts $30,000 and under	12.40	.94+ 14.75%
Zone 2	16.18	2.51+ 10%
Zone 3:		
Electrical contracts not to exceed 2000 man hours	15.18	2.51+ 10%
Electrical contracts 2000 man hours & over	16.18	2.51+ 10%

	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS: (Cont'd)		
Zone 4:		
Electrical contracts not to exceed 2000 man hours	$15.18	$2.51+ 10%
Electrical contracts 2000 man hours & over	16.18	2.51+ 10%
Zone 5:		
Electrical contracts not to exceed 2000 man hours	14.58	2.51+ 10%
Electrical contracts 2000 man hours & over	16.18	2.51+ 10%
Zone 6	15.80	1.39+ 28½%
Zone 7:		
Electrical contracts over $15,000	15.80	1.39+ 28½%
Zone 8:		
Electrical contracts $15,000 and unders	14.78	1.39+ 28½%
Zone 9:		
Electrical contracts $15,000 and under	11.43	1.39+ 28½%
Zone 10:		
Electrical contracts $15,000 and under	8.07	1.39+ 28½%
Zone 11	14.55	1.89+ 9%
Zone 12	15.04	1.89+ 9%
Zone 13	14.47	1.77+ 10%
Zone 14:		
Electricians	13.09	1.67+ 8%
Cable Splicers	13.44	1.67+ 8%

	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS: (Cont'd)		
Zone 15:		
Electricians	$14.94	$2.41+ 10%
Cable Splicers	15.19	2.41+ 10%
IRONWORKERS:		
Zone 1	15.325	2.74
Zone 2	15.15	3.75
Zone 3	15.025	3.75
Zone 4	14.60	2.37
Zone 5	16.55	1.91
Zone 6	12.80	1.91
Zone 7	12.45	1.55
LABORERS:		
Group 1:		
Zone 1	12.23	2.90
Zone 2	11.08	2.65
Zone 3:		
(a)	14.00	1.20
(b)	13.50	1.70
Zone 4:		
(a)	13.50	1.20
(b)	13.00	1.70
Group 2:		
Zone 1	12.38	2.90
Zone 2	11.23	2.65
Zone 3:		
(a)	14.50	1.20
(b)	14.00	1.70
Zone 4:		
(a)	14.00	1.20
(b)	13.50	1.70
Group 3:		
Zone 1	12.53	2.90
Zone 2	11.38	2.65
Zone 3:		
(a)	14.75	1.20
(b)	14.25	1.70
Zone 4:		
(a)	14.25	1.20
(b)	13.75	1.70
Group 4:		
Zone 1	12.73	2.90
Zone 2	11.58	2.65
Group 5:		
Zone 1	12.98	2.90
Zone 2	11.83	2.65

	Basic Hourly Rates	Fringe Benefits
LABORERS: (Cont'd)		
Zone 5: (Clay, Jackson, Platte and Ray Counties):		
Group 1	$12.05	$3.10
Group 2	12.17	3.10
Group 3	12.32	3.10
Group 4	12.52	3.10
Group 5	12.82	3.10
Zone 6: (St. Louis City and County):		
General Laborer	14.425	1.75
Dynamiter or Powderman	14.925	1.75
LINE CONSTRUCTION:		
Zone 1:		
Linemen	18.28	1.06+ 3½%
Lineman Operator	17.02	1.06+ 3½%
Groundman Powderman	12.68	1.06+ 3½%
Groundman	12.05	1.06+ 3½%
Zone 2:		
Lineman	17.47	1.06+ 3½%
Lineman Operator	16.64	1.06+ 3½%
Groundman Powderman	12.10	1.06+ 3½%
Groundman	11.17	1.06+ 3½%
Zone 3:		
Linemen & Cable Splicer	14.79	4.92
Groundman - Winch Driver	10.87	2.99
Groundman - Driver	10.48	2.89
Equipment Operator	13.23	3.54
Groundman	10.48	2.89
Zone 4:		
Lineman	14.10	2.01
Groundman Equipment Operator	12.51	1.83
Groundman - Class A	8.87	1.16

LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits
Zone 5: Railroad and Cross County Transmission Lines:		
Lineman	$15.62	$1.06+ 3½%
Lineman Operator	14.45	1.06+ 3½%
Groundman Powderman	10.75	1.06+ 3½%
Groundman	10.03	1.06+ 3½%
Pole Treating Specialist	16.35	1.06+ 3½%
Pole Treating Truck Driver	10.75	1.06+ 3½%
Pole Treating Groundman	10.03	1.06+ 3½%
Zone 6: - Telephone and Telegraph Railroad Communications and C.A.T.V. Work:		
Cable Splicer, Air Pressure Technician, Central Office Equipment Man and Key System Installer	10.16	1.32
Telephone Lineman, Installer, CATV Terminator and Equipment Operator (D-4 or larger Crawler, Wheel Trencher Quarter Yard Backhoe or larger)	9.73	1.29
Equipment Operator (all other small equipment)	8.50	1.19
Groundman-Winch Driver	7.61	1.12
Groundman	6.67	1.04

LINE CONSTRUCTION: (Cont'd):	Basic Hourly Rates	Fringe Benefits
Zone 7 - Telephone and Telegraph and CATV Work:		
Cable Splicers; Air Pressure Technician, Central Office Equipment Man	$ 9.96	$ .76
Telephone Lineman and Installer, Repairman, CATV Terminator, Equipment Operator (¾ yard Backhoe and larger and D-4 Crawler and larger)	9.45	.73
Groundman-Winch Driver	8.28	.70
Groundman	5.78	.62
PAINTERS:		
Zone 1:		
Brush and Roller	15.04	1.48
Spray	16.04	1.48
Bridge	15.79	1.48
Zone 2:		
Brush	11.30	1.07
Spray	12.30	1.07
Sandblasting and Waterblasting	13.10	1.07
Tower, Stacks, Walkway, Cables, Tanks, and Bridges	12.80	1.07
Bridges over 500 ft. in lenght	16.52	1.07
Zone 3:		
Brush and Roller	11.75	2.20
Spray, Structural Steel and Sandblasting	13.00	2.20
Zone 4:		
Brush	13.25	
Bridge	14.00	
Spray, Sandblasting Operator; Work performed on bridges 75 ft. in height	14.25	
All Structural Steel over 50 ft. in height	15.00	

PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits
Zone 5:		
Brush	$11.85	$1.20
Spray	12.85	1.20
Steel, storage bin and tank	12.25	1.20
Bridge, stage: Belt: Bazooka	12.35	1.20
Zone 6:		
Brush, Roller	12.72	.60
Spray	13.22	.60
Zone 7:		
Brush	13.20	.20
Spray and Steel	13.70	.20
Zone 8:		
Brush	16.11	1.30
Spray	18.11	1.30
Zone 9:		
Brush	9.90	.50
Spray, Bridgeman, Steelmen	10.40	.50
Zone 10:		
Brush	13.00	
Spray	15.00	
POWER EQUIPMENT OPERATORS:		
Zone 1:		
Group I	14.00	3.77
Group II	13.75	3.77
Group III	13.05	3.77
Group IV:		
(a)	9.03	3.77
(b)	12.05	3.77
Group V	14.25	3.77
Group VI	14.00	3.77
Zone 3:		
Group I	15.17	3.00
Group II	15.17	3.00
Group III	13.87	3.00
Group IV:		
(a)	13.42	3.00
(b)	15.87	2.50
(c)	16.32	2.50
(d)	17.07	2.50
(e)	14.82	2.50
Zone 3:		
Group I	16.20	1.97
Group II	16.00	1.97
Group III	15.80	1.97
Group IV	15.30	1.97
Group V	14.20	1.97
Group VI	16.70	1.97

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits
Zone 4:		
Group I	$15.35	$1.97
Group II	15.00	1.97
Group III	14.80	1.97
Group V	14.10	1.97
Group VI	15.85	1.97
Zone 5:		
Group I	14.00	3.75
Group II	13.75	3.75
Group III	13.05	3.75
Group IV:		
(a)	9.03	3.75
(b)	11.15	3.75
Zone 6:		
Group I	13.95	3.50
Group II	13.60	3.50
Group III	13.40	3.50
Group IV	11.60	3.50
Group V	14.20	3.50
Group VI	14.45	3.50
Group VII	14.70	3.50
Zone 7:		
Group I	14.31	2.56
Group II	13.96	2.56
Group III	13.76	2.56
Group IV	11.71	2.56
Group V	14.56	2.56
Group VI	14.81	2.56
Group VII	15.06	2.56
Zone 8:		
Group I	14.31	2.56
Group II	13.96	2.56
Group III	13.76	2.56
Group IV	11.71	2.56
Group V	14.56	2.56
Group VI	14.81	2.56
Group VII	15.06	2.56
Zone 9:		
Group I	15.65	1.97
Group II	15.45	1.97
Group III	15.25	1.97
Group IV	14.65	1.97
Group V	15.90	1.97
Group VI	16.15	1.97
*Group V	14.25	3.75
Group VI	13.10	3.75

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Zone 1:		
Group 1	$12.66	$3.50
Group 2	12.86	3.50
Group 3	13.17	3.50
Group 4	13.32	3.50
Group 5	12.44	3.50
Zone 2:		
Group 1	17.10	
Group 2	17.25	
Group 3	17.32	
Group 4	17.21	
Group 5	17.00	
Zone 3:		
Group 1	16.05	
Group 2	16.20	
Group 3	16.27	
Group 4	16.16	
Group 5	15.95	
Zone 4:		
Group 1	14.64	2.50
Group 2	14.79	2.50
Group 3	14.86	2.50
Group 4	14.75	2.50
Group 5	14.54	2.50
Zone 5:		
Group 1	13.43	2.50
Group 2	13.58	2.50
Group 3	13.70	2.50
Group 4	13.59	2.50
Group 5	13.33	2.50
Zone 6:		
Group 1	12.70	2.50
Group 2	12.85	2.50
Group 3	12.97	2.50
Group 4	12.86	2.50
Group 5	12.60	2.50

	Basic Hourly Rates	Fringe Benefit
TRUCK DRIVERS: (Cont'd)		
Zone 7:		
Group 1: Trucks or Trailers of a water level capacity of 11.99 cu. yds. or less; Forklift Trucks; Job Site Ambulance and Pickup Trucks and Flat Bed Trucks except as modified below	13.52	76.50+a
Group 2: Truck or Trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including Euclids, Speedace and similar equipment of same capacity and Compressors	13.72	76.50+a
Group 3: Trucks or Trailers of a water level capacity of 22.0 cu. yds. and over including Euclids, Speedace and all Plants, Flat Bed Trailers, Boom Trucks, Winch Trucks including small trailers, Farm Wagons, Tilt-top Trailers, Field Offices, Tool Trailers, Concrete Pumps, Concrete Conveyors and Gasoline Tank Trailers	13.82	76.50+a

FOOTNOTE:

a. 7 Paid Holidays also, paid vacation of 3 days of 600 hours of service in any one contract year; 4 days paid vacation for 800 hours of service in any contract year; 5 days paid vacation for 1,000 hours of service in any one contract year.

AREAS COVERED BY CARPENTERS AND PILEDRIVERMEN ZONES

Zone 1 - Franklin, Jefferson, St. Charles Counties
Zone 1A- Lincoln, Warren Counties
Zone 2 - Pike, St. Francois, Washington Counties
Zone 3 - Cass, Lafayette Counties
Zone 4 - Atchison, Andrew, Berry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Leclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
Zone 5 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon & Texas Counties
Zone 6 - Boone, Cooper, Howard Counties
Zone 7 - Adair, Audrain, Benton, Charlton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby & Sullivan Counties
Zone 7A- Callaway, Cole, Miller, Moniteau and Osage Counties
Zone 8 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
Zone 9 - Clay, Jackson, Platte and Ray Counties
Zone 10- St. Louis County and City

AREAS COVERED BY CEMENT MASONS ZONES

Zone 1 - Bates, Carroll, Cass & Lafayette Counties
Zone 2 - Dent, Phelps, Pike, Pulaski, Texas, Marion & Ralls Counties
Zone 3 - Clay, Jackson, Platte & Ray Counties
Zone 4 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Leclede, Ozark, Polk, Stone, Taney, Webster & Wright Counties
Zone 5 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline & St. Clair Cos.
Zone 6 - Adair, Audrain, Boone, Charlton, Cooper, Howard, Linn, Macon, Moniteau, Monroe, Randolph, Shelby, Schuyler, Sullivan & Putnam Counties
Zone 7 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery & Osage Counties
Zone 8 (a&b)- Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway & Worth Counties
Zone 9 - St. Louis City & County, Jefferson & St. Charles Counties
Zone 10 - Franklin, Lincoln, Warren, Iron, St. Francois, Ste. Genevieve, Washington, Reynolds & Madison Counties
Zone 11 - Crawford and Shannon Counties

AREAS COVERED BY ELECTRICIAN ZONES

Zone 1 - Adair, Audrain (that part of east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Counties
Zone 2 - Area bounded on the North by State Highway 92 in Platte & Clay Counties; east by a straight line from Intersection of State Highway 92 & 33 in Clay County Intersection of U. S. Highway 24 & State Highway 7 in Jackson County; south on Highway 7 to Pleasant Hill; South from Pleasant Hill due West to the Missouri-Kansas State Line; West by the Missouri-Kansas State Line. Towns of Pleasant Hill & Blue Springs are excluded
Zone 3 - Portion of Cass, Clay, Jackson and Platte Counties not included in Zone 2

AREAS COVERED BY ELECTRICIAN ZONES (Cont'd)

Zone 4 - Bates, Benton, Henry, Johnson, Lafayette & Pettis Counties
Zone 5 - Carroll, Cooper, Morgan, Ray and Saline Counites
Zone 6 - St.Charles County, St. Louis County and City
Zone 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Warren, Washington and Wayne Counties
Zone 8 - Franklin, Jefferson, Lincoln & Warren Counties
Zone 9 - Bollinger, Cape Girardeau, Perry, Scott, St. Francois and Ste. Genevieve Counties
Zone 10- Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Ripley, Reynolds, Stoddard, Washington and Wayne Counties
Zone 11- Christian, Dallas, Douglas,Greene, Hickory, Howell, Leclede, Oregon,Ozark, Polk, Shannon, Stone, Taney, Texas, Webster and Wright Counties
Zone 12- Pulaski County
Zone 13 - Andrew, Buchanan, Clinton, DeKalb, Atchison, Holt, Mercer, Gentry, Harrison, Daviess, Grundy, Worth, Livingston, Nodaway, Caldwell Counties
Zone 14 - Barry, Barton, Cedar, Dade, Jasper, McDonald, Newton, St. Clair, Vernon and Lawrence Counties
Zone 15 - Audrain (except Cuivre Township), Boone Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Osage, Phelps and Randolph Counties

AREAS COVERED BY IRONWORKERS ZONES

Zone 1 - Audrain, Boone, Bollinger, Callaway, Camden, Carter, Cole, Crawford, Dent, Douglas, Franklin, Gasconade, Howell, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Monroe, Montgomery, Oregon, Osage, Perry, Phelps,Pike, Pulaski, Ralls, Reynolds, St. Charles, St. Francois, St. Genevieve, St. Louis, St. Louis City, Shannon, Texas, Warren, Washington, Wayne and Wright Counties
Zone 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Lafayette, Leclede, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Counties
Zone 3 - Christian, Dade, Greene and Webster Counties
Zone 4 - Barry, Jasper, Lawrence, McDonald, Newton and Stone Counties
Zone 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Schuyler, Scotland, Ralls, Monroe, and Shelby Counties
Zone 6 - Ozark and Taney Counties
Zone 7 - Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott and Stoddard Counties

LABORERS CLASSIFICATIONS DEFINITIONS ZONES 1 AND 2

GROUP 1 - General Laborers - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers
GROUP 2 - First Semi-skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; georgie boggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines, power tool operator, all work in connection with hydraulic or general dredging operations; puddlers (paving only); straw blower nozzleman
GROUP 3 - Second Semi-skill - Asphalt plant platform man; chuck tender; crusher feeder; man handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river
GROUP 4 - Third Semi-skill - Laser beam man; asphalt raker; barco tamper; jackson or any other similar tamp; wagon driller; churn drills, air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, hot mastic kettleman, hot tar applicator, hand blade operators, and mortar men on brick or

LABORERS CLASSIFICATIONS DEFINITIONS ZONES 1 AND 2 (Cont'd)

GROUP 4 - Third Semi-Skill (Cont'd)

block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills string line man for electronic grade control; pressure groutmen
GROUP 5 - Fourth Semi-skill - Manhole builders, - brick or block dynamite and powder men; welder

LABORERS CLASSIFICATIONS DEFINITIONS ZONES 3 AND 4

GROUP 1 - General Labor-Carpenter tenders; salamander tenders; dump man; ticket takers; loading trucks under bins, hoppers, and conveyors; track men; cement handler; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers-rock, block or brick; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setters, puddlers (paving only); straw blower nozzleman; asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material; topper of standing trees; feeder man on wood pulverizers, board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutment and pier hole men working six (6) ft. or more below ground; men working in coffer dams for bridge piers and footings in the river; barco tamper; jackson or any other similar tamp; cutting torch man; liners, curb, gutters, ditch liners; hot mastic kettleman; hot tar applicator; hand blade operator; mortar men on brick or block manholes; rubbing concrete, air tool operator under 65 lbs.; caulker and lead man; chain or concrete saw under 15 h.p.

GROUP 2 - First Semi-Skill-Vibrator man; asphalt raker; head pipe layer on sewer work; batterboard man on pipe and ditch work; cliff scalers working from bosun's chairs; scaffolds or platforms on dams or power plants over 10 ft. high; air tool operator over 65 lbs.; stringline man on concrete paving; sand blast man

GROUP 3 - Second Semi-Skill-Laser beam man; wagon drill; churn drill; air track drill and all other similar type drills, gunite nozzle man; pressure grout man; screed man on asphalt; concrete saw 15 h.p. and over; grade checker; stringline man on electronic grade control; manhole builder; dynamite man; powder man; welder; tunnel man

AREA COVERED BY LABORERS

Zone 1 - Buchanan, Cass and Lafayette Counties

Zone 2 - Andrew, Atchison, Barry, Barton, Bates, Benton, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Greene, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Leclede, Lawrence, Livingston, McDonald, Mercer, Morgan, Newton, Nodaway, Ozark, Pettis, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Wright and Worth Counties.

Zone 3:
a - Franklin and Jefferson Counties
b - St. Charles County

AREA COVERED BY LABORERS (Cont'd)

Zone 4:
a - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Charlton, Clark, Cole, Cooper, Crawford, Dent, Dunklin, Gasconade, Howard, Howell, Iron, Knox, Lewis, Linn, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Washington and Wayne Counties
b - Lincoln, Montgomery and Warren Counties

LABORER CLASSIFICATION DEFINITIONS - ZONE 5 - CLAY, JACKSON, PLATTE AND RAY COUNTIES

Group 1 - General laborer - Carpenter tenders, salamander tenders; dump man, and ticket takers on stock piles; loading trucks under bins, hopper and conveyors; track men and all other general laborers

Group 2 - First Semi-skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other nine lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only)

Group 3 - Second Semi-skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials where special protection is required; head pipe layer on sewer work; topper of standing trees; batter board man on pipe & titch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

Group 4 - Third Semi-skill - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving; curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; and mortar men on brick or block manholes; sand blasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels

Group 5 - Fourth Semi-skill - Manhole builder (brick or block); dynamite and powder men

AREA COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties
ZONE 2 - Andrew, Atchinson, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Jasper, Leclede, Lawrence, Livingston, McConald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties
ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties
ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard and Wayne Counties
ZONE 5 - Atchison, Nodaway, Worth, Harrison, Mercer, Holt, Andrew, DeKalb, Davies, Grundy, Buchanan, Clinton, Caldwell, Livingston, Platte, Clay, Ray, Carroll, Jackson, Lafayette, Saline, Cass, Johnson, Pettis, Bates, Henry, Vernon, Benton, St. Clair, Hickory, Barton, Cedar, Polk, Dallas, Laclede, Jasper, Dade, Lawrence, Greene, Webster, Wright, Newton, McDonald, Barry, Stone, Christian, Douglas, Taney, Ozark and Gentry Counties
ZONE 6 - Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Franklin, Gasconade, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francois, St. Louis and City, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas, Warren and Washington Counties
ZONE 7 - Atchison, Nodaway, Worth, Harrison, Mercer, Holt, Andrew, DeKalb, Daviess, Grundy, Buchanan, Clinton, Caldwell, Livingston, Platte, Clay, Ray, Carroll, Jackson, Lafayette, Saline, Cass, Johnson, Pettis, Bates, Henry, Benton, Vernon, St. Clair, Hickory, Barton, Cedar, Polk, Dallas, Laclede, Jasper, Dade, Lawrence, Greene, Webster, Wright, Newton, McDonald, Barry, Stone, Christian, Douglas, Taney, Ozark, Gentry Counties

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Clinton, Cass, Clay, Daviess, Grundy, Henry, Harrison, Jackson, Johnson, Lafayette, Livingston, Mercer, Platte and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, Reynolds, Iron, Butler. Carter, Shannon, Wayne, Oregon, Ripley, Ste Genevieve, St. Francois, Perry, Washington, & Madison Cos.
ZONE 3 - Camden, Crawford, Dent Leclede, Maries, Miller, Phelps, Pulaski and Texas Counties
ZONE 4 - Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties
ZONE 5 - Andrew, Atchinson, Buchanan, DeKalb, Gentry, Holt, Nodaway & Worth Counties
ZONE 6 - Barry, Barton, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 7 - Adair, Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Linn, Osage and Randolph Counties
ZONE 8 - Jefferson, St. Charles, St. Louis & City, Warren, Lincoln, Pike and Franklin Counties

AREA COVERED BY PAINTERS (Cont'd)

ZONE 9 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 10- Clark, Lewis, Marion and Ralls Counties

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONES 1 & 5

Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift, and welders, field or shop; maintenance operator; mucking machine; piledriver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; pushcat operator; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Air Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip form paver (CMI, REX, or Equal); throttle man; truck crane; welding machine maintenance operator-2
Group II - "A" frame truck; asphalt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; aspsalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine-1 drum; Latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra- hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.
Group III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; roller operator, other than dredge; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets; subgrading machine operator; tank car heater operator-combination boiler and booster; tractor 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1
Group IV:
(a) Oiler
(b) Oiler drivers, all types
Group V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (incl. jib); shovels and backhoes, 3 yds. capacity or over
Group VI - Hoists (each additional drum over 1 drum)

POWER EQUIPMENT OPERATORS - ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric, or other powers); switch boat; whirley; air tugger w/air compressor; anchor-placing barge; asphalt spreader; athey force feeder loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job-site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bull-float; cherry picker; combination concrete hoist & mixer (such as mixermobile); compressors, two, not more than 50 ft. apart; compressor (when operator runs throttle); compressor-generator combination; compressor-pump combination; generators, two 30 KW or over, or any number developing over 30 KW; generator-pump combination ; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pump-crete machine; concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers jackhammers and barco equipment - no engineer required); elevating grader; engineman, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist; concrete and b ck (brick cages or concrete skips operating in or on tower, towermobile, or similar equipment); hoist; stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mechanic, on job site; mixer, paving; mixer-mobile; mucking machine; pipe cleaning machine; pipe wrapping machines; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant power, generating-job site; pumps, two self-powered over 2" through 4"; pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

GROUP II - Conveyer, large (not self-propelled); conveyer, large (not self-propelled) moving brick and concrete (distributing) on floor level; mixer two or more mixers of one bag capacity or less, air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; form grader; generator, one

POWER EQUIPMENT OPERATORS - ZONE 2 (Cont'd)

GROUP II (Cont'd)

over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck; scissor lift (used for hoisting); tractor, small wheel type 50 h.p. & under with grader blade & similar equipment

GROUP III - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP IV - (a) Air pressure, oiler engineer, operating under ten pounds (b) Air pressure, oiler engineer operating over ten pounds (c) Air pressure engineer operating under ten pounds (d) Air pressure engineer operating over ten pounds (e) Crane-piledriving and extracting; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds. and over; crane, climbing such as Linden); derrick, diesel, gas or electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

Crane with boom (including jib), over 100' from pin to pin (add 1¢ per foot to maximum of $2.00) above basic rate for crane

Work in tunnel or tunnel shaft, .50¢ above base rate

POWER EQUIPMENT OPERATORS ZONES 3, 4, and 9

GROUP I - Asphalt finishing machine & trench widening spreader, asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boiler - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline opr.; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launch-hammer wheel; locomotive operator - standard guage; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel operator

GROUP II - A-Frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader;

POWER EQUIPMENT OPERATORS ZONES 3, 4 and 9 CONT'D

GROUP II CONT'D
boat operator (bridge & dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; dredge oiler; elevating grader operator; fork lift; grease fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; powerbroom - self propelled; power shield; rooter; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttleman; tractor operator (over 50 hp); winch truck; asphalt roller operator; crusher operator

GROUP III - Spreader box operator, self-propelled (not asphalt); tractor operator (50 h.p. or less); boilers - 1; chip spreader (front man); Churn drill operator; compresor over 105 CFM 2 - 3 pumps 4" & over; 2 - 3 light plant 7.5 KVA or any combination thereof; clef plane opr.; compressor maintenance operator 2 or 3; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant opeator; siphons & jets; subgrading machine operator; tank car heater (combination boiler & booster); ulmac or similar spreader; vibrating machine operator; hydrobroom

GROUP IV - Oiler; grout machine; oiler-driver; compressor over 105 CFM-1; conveyor operator-1; maintenance operator; pump-4" & over-1

GROUP V - Crane with 3 yds. & over buckets; dragline operator - 3 yds & over; shovel - 3 yds. & over; piledrivers - all types; clamshell - 3 yds. & over; hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator

Crane, rigs over 100 feet (incl. jib)-1¢ per foot

POWER EQUIPMENT OPERATORS ZONES 6, 7 and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launch hammer wheel; locomotive operator; - standard guage; mechanics and welder; mucking machine; piledriver operator; sideboom cats; skimmer scoop operators; trenching machine operator; truck crane; scoop operators - all types

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridges and dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete

POWER EQUIPMENT OPERATORS - ZONES 6, 7 AND 8 (Cont'd)

GROUP II (Cont'd):
pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow guage; multiple compactor, pavement breaker; power - broom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); winch truck

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric, or similar spreader; vibrating machine operator, not hands; tractor operator (50 hp or less)

GROUP IV - Oiler; oiler driver, fireman - rig; maintenance operators

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' of boom or over (incl. jib), hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers 150' to 200' of boom (inc. jib)

GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties
ZONE 2 - St. Louis City and County
ZONE 3 - Franklin, Jefferson, St. Charles Counties
ZONE 4 - Adair, Audrain, Boillinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties
ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties
ZONE 6 - Andrew, Atchinson, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties
ZONE 7 - Christian, Greene, Jasper, Lawrence and Taney Counties
ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties
ZONE 9 - Lincoln and Warren Counties

TRUCK DRIVER CLASSIFICATION DEFINITIONS

ZONE 1

Group 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle
Group 2 - Two teams, material tandem; semi-trailers; winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump excavating, 5 cu. yds. & over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment
Group 3 - A-frame, low boy, boom
Group 4 - Mechanics and welders
Group 5 - Oilers and greasers

ZONES 2, 3, 4, 5 & 6

Group 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
Group 2 - Flat bed trucks - tandem axle; material trucks, tandem axle; tank wagon - tandem axle
Group 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
Group 4 - Agitator and transit mix trucks
Group 5 - Warehouseman

AREA COVERED BY TRUCK DRIVER ZONES

ZONE 1 - Clay, Jackson, Platte & Ray Counties
ZONE 2 - Franklin, Jefferson and St. Charles Counties
ZONE 3 - Lincoln and Warren Counties
ZONE 4 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 5 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Jasper, Leclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster and Wright Counties
ZONE 6 - Adair, Atchison, Berry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney and Worth Counties
ZONE 7 - St. Louis City and County

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))."

SUPERSEDEAS DECISION

STATE: NEBRASKA

COUNTIES: Cass, Douglas, Sarpy, Washington, & that portion of Saunders County East of Highway #109

DECISION NO. NE83-4023

DATE: Date of Publication

Supersedes Decision No. NE81-4080 dated October 16, 1981 in 46 FR 51181

DESCRIPTION OF WORK: Heavy in all, but Washington County & Highway Construction (exluding bridges across navigable waterways).

	Basic Hourly Rates	Fringe Benefits
Carpenters:		
Carpenters	$14.33	2.10
Carpenters (creosote)	14.58	2.10
Sawmen and piledriver	14.455	2.10
Cement Masons	13.62	1.85
Ironworkers: Reinforcing & Structural	12.60	3.40
Laborers:		
General Laborers	10.39	1.65
Towboats & Dredge Deck-Hands	10.51	1.65
Rakers & Screedmen on Asphalt; Mortar Mixers; Chain Saw Operators	10.74	1.65
Pipelayers; Concrete Saw Operator	10.88	1.65
Form Setters & Precast Manhole Setter, Inlet Builders & Manhole Setters	11.12	1.65
Line Construction:		
Linemen	15.37	.65+ 3-1/2%
Cable Splicers	16.51	.65+ 3-1/2%
Truck Driver	11.10	.65+ 3-1/2%
Equipment Operator	13.83	.65+ 3-1/2%
Groundmen	10.03	.65+ 3-1/2%
Power Equipment Operators:		
Group 1	8.31	2.20
Group 2	8.40	2.20
Group 3	10.69	2.20
Group 4	11.13	2.20
Group 5	12.17	2.20
Group 6	12.42	2.20
Group 7	12.82	2.20
Group 8	13.01	2.20

	Basic Hourly Rates	Fringe Benefits
Truck Drivers:		
Group 1 - Single Axle, Jack & Spreader	$7.73	1.00
Group 2 - Tandem Axle Euclid Trucks, Power Lift Form Trucks & Jack & Spreader Trucks	7.79	1.00
Group 3 - Lowboys-Tractor Trailer, Water Pulls	7.92	1.00
Group 4 - Tandem Dump With Auxiliary End Dump Trailer	7.97	1.00
Group 5 - Lumber Carrier	8.09	1.00

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR,5.5(a)(1)(ii)).

POWER EQUIPMENT OPERATORS

CLASSIFICATION DEFINITIONS

Group 1 - Oilers; Greasers
Group 2 - Oiler Driver
Group 3 - Tractor under 35 h.p.; Air Compressors; Pumps-welding machine; Spray machine; Form Trenchers; Belt machine
Group 4 - Concrete Mixer; Concrete Pumps; Hydro-Hammer.
Group 5 - Spreader Oiler
Group 6 - Concrete Spreader; Concrete Finishing Machine; Bulldozer; Roller; Traxcavator; Forklift; One Drum Hoist; Oiler Distributor; Asphalt Roller; One drum winch truck
Group 7 - Blade (patrol); Scraper
Group 8 - Hoist, 2 drums; Trenching Machine; Paving Mixer; Pile-driver; Heavy duty Mechanic and Welder; Shovel; Dragline; Clamshell; Orange Peel; backhoe; Derrick; Crane; Locomotive; Fireman on Boiler; Laydown Machine; Two Drum Winch Truck; Side Boom Cat; Pug Mill Operator on Asphalt Plant; Leverman on Dredge; Engineer on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane; Cleveland type Backfiller; Self-propelled Spreader Vibrator; Slip Form Paver.

SUPERSEDEAS DECISION

STATE: NEBRASKA
DECISION NO.: NE83-4024
COUNTIES: Douglas, Cass, & Sarpy
DATE: Date of Publication
Supersedeas Decision No. NE81-4068 dated August 28, 1981 in 46 FR 43632
DESCRIPTION OF WORK: Building projects, including single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers	$16.68	3.06
Boilermakers	14.97	2.575
Bricklayers, Stonemasons	14.63	2.30
Carpenters:		
Carpenters	14.57	2.10
Piledrivermen, sawmen & welders	14.705	2.10
Millwrights	14.85	2.10
Cement Masons	13.85	1.85
Electricians:		
Electricians	15.74	3.05+ 3-1/2%
Residential (not to exceed 3 stories)	11.33	3-1/2% +.45
Elevator Constructors	15.30	a+2.69
Elevator Constructors Helpers	70%JR	a+2.69
Elevator Constructors Helpers (Prob.)	50%JR	
FOOTNOTE: a - Employer contributes 8% of basic hourly rate for over 5 years service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit, also 7 Paid Holidays.		
Glaziers	14.73	1.74
Ironworkers	12.60	1.40
Laborers:		
Common laborers	11.21	2.35
Boggymobile oprs., Mortar Mixers, Mason Tenders	11.375	2.35
Plasterers tenders	11.585	2.35
Lathers	9.95	2.07
Marble Setters, Tile & Terrazzo Workers	15.37	.85
Marble, Tile & Terrazzo Workers Finishers	13.80	

	Basic Hourly Rates	Fringe Benefits
Painters:		
Brush	$13.42	1.05
Structural Steel	13.77	1.05
Paperhangers	13.82	1.05
Spray Swing Stage, hazardous & sandblasting	14.02	1.05
Plasterers	15.42	1.43
Plumbers	14.59	3.00
Roofers:		
Composition	11.95	1.45
Slate & Tile	12.25	1.45
Roofers:		
Roofers helpers (handling roofing materials, erecting & dismantling scaffold for roofers,& removing & cleaning up old roof (Douglas,Cass and Sarpy Cos.)	50%JR	1.45
Sheet Metal Workers	17.45	1.28
Sheet Metal Workers Residential	13.04	1.28
Sprinkler Fitters	15.31	2.35
Steamfitters	15.64	2.20
Line Construction:		
Lineman	15.37	3-1/2% +.65
Cable Splicers	16.51	3-1/2% +.65
Truck Driver	11.10	3-1/2% +.65
Equipment Operators	13.83	3-1/2% +.65
Groundman	10.03	3-1/2% +.65
Power Equipment Operators:		
Group 1	11.67	2.45
Group 2	11.78	2.45
Group 3	12.12	2.45
Group 4	13.86	2.45
Group 5	13.97	2.45
Group 6	14.27	2.45
Truck Drivers:		
Single axle	8.645	1.05
Tapdem axle	8.72	1.05
Lowboy, trailer	8.845	1.05
Lumber carriers	9.02	1.05

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1 - Oiler
Group 2 - Oiler drivers (mobil truck crane)
Group 3 - Conveyors;heaters;tractors, 35 hp or under; air compressors; pump and welding machine operator
Group 4 - Bulldozers; forklifts;concrete pumps;tractors over 35 hp; one drum hoist;straddle trucks;spread oiler
Group 5 - Blades; end loaders; self-propelled scrapers
Group 6 - Two drum hoist;trenching machines;pile drivers;dredges; heavy duty mechanics;draglines;clamshells;orange peels;cranes; derricks;backhoes;winch trucks and side booms or cat booms; locomotives;firemen used on high pressure boilers in construction work;economobile;electric hammers and extractors

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

DECISION NUMBER: NV83-5103 DATE: Date of Publication

Supersedes Decision No. NV82-5116 dated August 6, 1982, in 47 FR 34303

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Area 1	$20.26	$2.80
Area 2	17.76	2.39
Area 3	24.86	2.81
BOILERMAKERS	21.39	3.86
BRICKLAYERS; STONEMASONS:		
Area 1	16.59	1.86
Area 2	16.65	1.96
BRICK HOD CARRIERS:		
Area 1	13.56	2.60
CARPENTERS:		
Area 1:		
Carpenters; Drywall; Floor Layer; Lather; Patent Scaffold Erector; Power Saw Operator	16.91	4.05
Millwrights	16.91	5.05
Piledrivermen	17.11	4.05
Area 2:		
Carpenters	15.80	5.27
Drywall Installer	16.05	5.27
Floor Layers; Patent Scaffold Erectors; Power Saw Operators; Shingler	15.95	5.27
Millwrights	16.40	5.27
Piledrivermen	16.05	5.27
CEMENT MASONS:		
Area 1:		
Cement Masons	16.08	3.70
Cement Floor Finishing Machine and Color Work	16.43	3.70
Area 2:		
Cement Masons	13.80	4.70
Mastic, Magnesite and all composition Masons	14.05	4.70
Troweling Machine; Grinder Operator and Kelly Float	14.30	4.70
CEMENT MASONS: (Cont'd)		
Area 3:		
Cement Masons	$15.55	$4.70
Mastic, Magnesite and all Composition Masons	15.80	4.70
Troweling Machine; Grinder Operator and Kelly Float	16.05	4.70
ELECTRICIANS:		
Area 1:		
Electricians; Technicians	20.88	4.79+ 3%
Cable Splicers	21.21	4.79+ 3%
Area 2:		
Electricians; Technicians	21.28	3.32+ 3%
Cable Splicers	23.41	3.32+ 3%
Area 3:		
Electricians; Technicians	22.78	3.32+ 3%
Cable Splicers	24.91	3.32+ 3%
ELEVATOR CONSTRUCTORS:		
Area 1:		
Mechanics	22.24	2.69+a
Helpers	15.57	2.69+a
Probationary Helpers	11.12	
Area 2:		
Mechanics	17.295	2.69+a
Helpers	19.11	2.69+a
Probationary Helpers	13.65	
GLAZIERS:		
Area 1	20.42	2.35
Area 2	15.88	6.46

	Basic Hourly Rates	Fringe Benefits
IRONWORKERS:		
Area 1:		
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Rigger; Structural	$14.85	$3.15
Area 2:		
Fence Erector	18.91	5.53
Ornamental; Reinforcing; Structural	19.80	5.53
LATHERS:		
Area 1	18.07	.01
LINE CONSTRUCTION WORKERS:		
Area 1:		
Groundman	14.67	2.06+3-3/4%
Line Equipment Operator	17.60	2.06+3-3/4%
Linemen	19.56	2.06+3-3/4%
Cable Splicers	20.54	2.06+3-3/4%
Area 2:		
Groundman	15.96	3%+3.18
Line Equipment Operators	19.15	3%+3.18
Lineman; Technician	21.28	3%+3.18
Cable Splicers	23.41	3%+3.18
Area 3:		
Groundman	17.46	3%+3.18
Line Equipment Operators	20.65	3%+3.18
Linemen; Technician	22.78	3%+3.18
Cable Splicers	24.91	3%+3.18
MARBLE SETTERS:		
Area 1	16.59	1.86
Area 2	15.04	2.18
MARBLE, TERRAZZO, and TILE FINISHERS:		
Area 1	12.90	1.80
Area 2	8.83	2.18
MASON TENDERS:		
Area 1	13.87	2.58
PAINTERS:		
Area 1:		
Brush; Roller	18.30	1.86
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Structural Steel; Taper	18.65	1.86
PAINTERS: (Cont'd)		
Area 1: (Cont'd)		
Buffing Steel; Sandblaster, Structural Steel	$19.00	$1.86
Steeplejack	20.05	1.86
Area 2:		
Brush and Roller	17.79	1.95
Spray; Taper; Paperhangers; Sandblaster	18.29	1.95
Spray, Swing Stage up to 40 ft.; Spray, steel	18.54	1.95
Brush, Swing Stage up to 40 ft.; Brush, steel	18.04	1.95
PLASTER HOD CARRIERS:		
Area 1:		
Plaster Hod Carrier serving Plasterers	15.20	2.50
Plaster Hod Carrier working on any type of gun except TM-30	15.80	2.50
Plaster Hod Carrier mixing on TM-30 machine	16.05	2.50
PLASTER TENDERS:		
Area 1	15.42	2.75
PLASTERERS:		
Area 1	16.95	3.70
Area 2	15.47	3.21
PLUMBERS; Steamfitters:		
Area 1	21.25	3.83
Area 2	17.04	5.98
PLUMBERS (Utility):		
Area 1	17.04	5.98
ROOFERS:		
Area 1	22.40	1.00
Area 2	20.50	2.32
SHEET METAL WORKERS:		
Area 1	20.02	5.61
Area 2	16.48	5.67
SOFT FLOOR LAYERS:		
Area 1	17.12	1.90
Area 2	15.94	1.74
SPRINKLER FITTERS	21.32	2.83
TERRAZZO WORKERS; TILE SETTERS:		
Area 1	16.59	1.86
Area 2	15.04	2.18

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
Clark, Esmeralda, and Lincoln Counties; Nye County (south half, including Highway #6):		
Group 1	$13.60	$3.19
Group 2	13.81	3.19
Group 3	13.91	3.19
Group 4	14.00	3.19
Group 5	14.10	3.19
Remaining Counties:		
Group 1	12.41	2.60
Group 2	12.51	2.60
Group 3	12.66	2.60
Group 4	12.91	2.60
Group 5	13.21	2.60
Group 6-A	13.21	2.60
Group 6-B	12.91	2.60
Group 6-C	12.56	2.60
POWER EQUIPMENT OPERATORS:		
Clark, Esmeralda, Lincoln, and Nye Counties		
Group 1	16.15	6.51
Group 2	16.43	6.51
Group 3	16.72	6.51
Group 4	16.86	6.51
Group 5	17.08	6.51
Group 6	17.19	6.51
Group 7	17.31	6.51
Group 8	17.48	6.51
Group 9	17.61	6.51
(Except Piledriving and Steel Erection):		
Remaining Counties: (Area 1):		
Group 1-A	13.64	9.14
Group 2	14.17	9.14
Group 3	14.44	9.14
Group 4	15.18	9.14
Group 5	15.48	9.14
Group 6	15.65	9.14
Group 7	15.90	9.14
Group 8	16.49	9.14
Group 9	16.81	9.14
Group 10	17.16	9.14
Group 10-A	17.35	9.14
Group 11	17.59	9.14
Group 11-A	19.23	9.14
POWER EQUIPMENT OPERATORS: Remaining Counties: - (Cont'd):		
Area 2:		
Group 1-A	$15.14	$9.14
Group 2	15.67	9.14
Group 3	15.94	9.14
Group 4	16.68	9.14
Group 5	16.98	9.14
Group 6	17.15	9.14
Group 7	17.40	9.14
Group 8	17.99	9.14
Group 9	18.31	9.14
Group 10	18.66	9.14
Group 10-A	18.85	9.14
Group 11	19.09	9.14
Group 11-A	20.73	9.14
Area 3:		
Group 1-A	15.64	9.14
Group 2	16.17	9.14
Group 3	16.44	9.14
Group 4	17.18	9.14
Group 5	17.48	9.14
Group 6	17.65	9.14
Group 7	17.90	9.14
Group 8	18.49	9.14
Group 9	18.81	9.14
Group 10	19.16	9.14
Group 10-A	19.35	9.14
Group 11	19.59	9.14
Group 11-A	21.23	9.14
Area 4:		
Group 1-A	16.64	9.14
Group 2	17.17	9.14
Group 3	17.44	9.14
Group 4	18.18	9.14
Group 5	18.48	9.14
Group 6	18.65	9.14
Group 7	18.90	9.14
Group 8	19.49	9.14
Group 9	19.81	9.14
Group 10	20.16	9.14
Group 10-A	20.35	9.14
Group 11	20.59	9.14
Group 11-A	22.23	9.14

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Piledriving:		
Remaining Counties:		
Group 1	$13.62	$9.14
Group 1-A	14.11	9.14
Group 1-B	14.41	9.14
Group 2-A	14.41	9.14
Group 2-B	15.24	9.14
Group 2-C	15.49	9.14
Group 2-D	15.70	9.14
Group 3	15.92	9.14
Group 3-A	16.54	9.14
Group 4	17.34	9.14
Group 5	17.58	9.14
Group 6	19.23	9.14
Steel Erection:		
Remaining Counties:		
Group 1	14.31	9.14
Group 2	14.84	9.14
Group 3	16.31	9.14
Group 4	16.52	9.14
Group 4-A	16.96	9.14
Group 5	17.68	9.14
Group 6	18.30	9.14
Group 7	18.73	9.14
Group 8	19.15	9.14
Group 9	20.65	9.14

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Clark, Esmeralda, and Lincoln Counties; and Nye County (south of and excluding Highway #6):		
Group 1	$14.18	$2.54
Group 2	14.29	2.54
Group 3	14.34	2.54
Group 4	14.50	2.54
Group 5	14.68	2.54
Group 6	15.18	2.54
Remaining Counties; and Nye County (north of and including Highway #6):		
Group 1	12.97	5.28
Group 2	13.02	5.28
Group 3	13.13	5.28
Group 4	13.19	5.28
Group 5	13.24	5.28
Group 6	13.29	5.28
Group 7	13.40	5.28
Group 8	13.46	5.28
Group 9	13.51	5.28
Group 10	13.54	5.28
Group 11	13.57	5.28
Group 12	13.68	5.28
Group 13	13.73	5.28
Group 14	13.99	5.28
Group 15	14.01	5.28
Group 16	14.17	5.28
Group 17	14.34	5.28

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTE:
a. Employer contributes 8% basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays A thru G.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day E-Thanksgiving Day; F-Friday after Thanksgiving Day; G-Christmas Day

AREA DESCRIPTIONS

ASBESTOS WORKERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Elko, Eureka, and White Pine Counties
Area 3: Remaining Counties

BRICKLAYERS; STONEMASONS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

BRICK HOD CARRIERS:
Area 1: Statewide (excluding Clark, Esmeralda, and Lincoln Counties, Nye County (south of Highway #6))

CARPENTERS:
Area 1: Clark County; Esmeralda County (south of Highway #6); Lincoln County; Nye County (south of Highway #6)
Area 2: Remaining Counties; Esmeralda and Nye Counties (north of Highway #6)

CEMENT MASONS:
Area 1: Clark, Lincoln, and Nye Counties
Area 2: Remaining Counties (excluding Lake Tahoe Area)
Area 3: Lake Tahoe Area

ELECTRICIANS:
Area 1: Clark and Lincoln Counties; Nye County (south of Mt. Diablo Base Line)
Area 2: Remaining Counties; Nye County (north of Mt. Diablo Base Line, excluding Lake Tahoe Area)
Area 3: Lake Tahoe Area

AREA DESCRIPTIONS (Cont'd)

ELEVATOR CONSTRUCTORS:
Area 1: Nevada east of 118° longitude and south of 39° north latitude
Area 2: Nevada west of 118° longitude

GLAZIERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Remaining Counties

IRONWORKERS:
Area 1: Elko, Eureka, White Pine Counties
Area 2: Remaining Counties

LINE CONSTRUCTION WORKERS:
Area 1: Clark and Lincoln Counties; Nye County (south of Mt. Diablo Base Line)
Area 2: Remaining Counties and Nye County (north of Mt. Diablo Base Line) (excluding Lake Tahoe Area)
Area 3: Lake Tahoe Area

MARBLE MASONS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

MARBLE, TERRAZZO, and TILE FINISHERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

MASON TENDERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

AREA DESCRIPTIONS (Cont'd)

PAINTERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Remaining Counties including Lake Tahoe Area

PLASTER HOD CARRIERS:
Area 1: Statewide excluding Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

PLASTER TENDERS:
Area 1: Clark, Esmeralda, and Lincoln Counties, Nye County (south of Highway #6)

PLASTERERS:
Area 1: Clark, Lincoln, and Nye Counties
Area 2: Remaining Counties

PLUMBERS; Steamfitters:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6, excluding City of Tonopah)
Area 2: Remaining Counties and Nye county (north of Highway #6, including City of Tonopah)

PLUMBERS (Utility):
Area 1: Statewide (except Clark, Esmeralda, and Lincoln Counties, Nye County (south of Highway #6, excluding the City of Tonopah))

ROOFERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)
Area 2: Remaining Counties and Nye County (north of Highway #6)

SHEET METAL WORKERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of the First Standard Parallel Line north of the 38th Parallel); White Pine County
Area 2: Remaining Counties and Nye County (north of the First Standard Parallel Line north of the 38th Parallel)

SOFT FLOOR LAYERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Remaining Counties including Lake Tahoe Area

TERRAZZO WORKERS; TILE SETTERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

LABORERS
Clark, Esmeralda, and Lincoln Counties; Nye County (south half, including Highway #6)

Group 1: Cutting Torch Operator (demolition); Dry Packing of Concrete and Filling of Form-bolt Holes; Fine Grader, highway and street paving, airport runways and similar type heavy construction; Spotter, Debris Handler and Dumpman; Gas and Oil Pipeline Laborer; Guinea Chaser; Laborer, demolition (cleaning of bricks, lumber, etc.); Laborer, general or construction; Laborer, packing rod steel and pans; Laborers, temporary water lines (portable type); Landscape Gardener and Nurseryman; Tarman and Mortarman, Kettleman, Potman and man applying asphalt, lay-kold creosote, lime and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Underground Laborer, including Caisson Bellowers; Window Cleaner

Group 2: Asphalt Raker, Ironer, Spreader, Luteman, Buggymobile Man; Cement Dumper (on 1 yard or larger mixers and handling bulk cement); Cesspool Digger and Installer; Chucktender (except tunnel); Concrete Core Cutter; Concrete Curer, Impervious Membrane and Oiler of all materials; Concrete Saw Man, excluding tractor type, cutting, scoring old or new concrete; Gas and Oil Pipeline Wrapper, Pot Tender and Form Man; Making and caulking of all non-metallic pipe joints; Operators and Tenders of pneumatic and electric tools, Vibrating Machines, hand-propelled Trenching Machines, Impact Wrench, multiplate and similar mechanical tools not separately classified herein; Operator of Cement Grinding Machine; Riprap Stonepaver; Roto-scraper; Sandblaster (Pot Tender); Scaler; Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders

Group 3: Gas and Oil Pipeline Wrapper, 6 inch pipe and over; Jackhammer and/or Pavement Breaker; Laying of all non-metallic pipe, including sewer pipe, drain pipe, and underground tile; Oversize Concrete Vibrator, 70 lbs. and over; Rock Slinger; Scaler (using Bos'n Chair or Safety Belt or power tools)

Group 4: Cribber or Shorer, Lagging, Sheeting, Trench Bracing, hand guided Lagging Hammer; Head Rock Slinger; Powderman - Blaster, all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Sandblaster (Nozzleman); Steel Headerboard Man

Group 5: Driller (Core, Diamond or Wagon); Joy Driller Model TW-M-2A, Gardner-Denver Model DH 143 and similar type drills

LABORERS (Cont'd)
Remaining Counties

Group 1: All cleanup work of debris, grounds and building including windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzle Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and material for reinforcing concrete; Railroad Trackmen (builders); Sloper; Semi-skilled Wrecker (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, Faller, Logloader and Bucker; Compactor (all types); Concrete Mixer, under 1/2 yd.; Concrete Pan Work (breadpan type) (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, Hand-guided Lagging Hammer; Curbing or Divider Machine; Curb Setter (precast or cut); Ditching Machine (hand-guided); Driller's Tender, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Worker (wet or dry); Pipe Wrapper, Kettleman, Potman, and men applying asphalt, Creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole Digger (air, gas or electric); Post Driver; Riprap-stonepaver and Rock Slinger, including placing of sack concrete, wet or dry; Roto Tiller; Rigging and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash windows, doors, plumbing and electrical fixtures

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DH 143 and similar type Drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrator with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline, conduit; Asphalt Rakers

Group 5: Blaster and Powderman, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman

Group 6-B: Gunman, Materialman

Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS
Clark, Esmeralda, Lincoln, and Nye Counties

Group 1: Brakeman; Compressor Operator; Ditch Witch, with seat or similar type equipment; Elevator Operator - inside; Engineer Oiler; Forklift Operator (under 5 tons capacity); Generator Operator; Generator, Pump or Compressor Plant Operator; Heavy duty Repairman Tender; Pump Operator; Switchman

Group 2: Concrete Mixer Operator - skip type; Conveyor Operator; Fireman; Hydrostatic Pump Operator; Oiler Crusher (asphalt or concrete plant); Rotary Drill Tender (Oilfield); Skiploader (wheel type up to 3/4 yard without attachment); Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant Operator; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck Operator; Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine Operator; Power Concrete Saw Operator; Power-driven Jumbo Form Setter Operator; Ross Carrier Operator (jobsite); Stationary pipe wrapping and cleaning Machine Operator

Group 4: Asphalt Plant Fireman; Boring Machine Operator; Boxman or Mixerman (asphalt or concrete); Bridge-type Unloader and Turnable Operator; Chip Spreading Machine Operator; Concrete Pump Operator (small portable); Dinkey Locomotive or Motorman (up to and including 10 ton); Equipment Greaser (grease truck); Helicopter Hoist Operator; Highline Cableway Signalman; Hydra-Hammer-Aero Stomper; Power Sweeper Operator; Roller Operator (compacting); Screed Operator (asphalt or concrete); Trenching Machine Operator (up to 6 feet)

Group 5: Asphalt Plant Engineer; Batch Plant Operator; Bit Sharpener; Concrete Joint Machine Operator (canal and similar type); Concrete Planer Operator; Deck Engine Operator; Derrickman (Oilfield type); Drilling Machine Operator (including water wells); Hydrographic Seeder Machine Operator (straw, pulp or seed); Jackson Track Maintainer, or similar type; Kalamazoo Switch Tamper, or similar type; Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher Operator (concrete, Clary - Johnson - Bidwell or similar); Pavement Breaker Operator; Road Oil Mixing Machine Operator; Roller Operator (asphalt or finish); Rubber-tired earth moving equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine Operator; Skiploader Operator (Crawler and wheel type, over 3/4 yard and up to and including 1½ yards); Slip Form Pump Operator (power-driven hydraulic lifting device for concrete forms); Stinger Crane (Austin-Western or similar type); Tractor Operator - Bulldozer, Tamper, Scraper (single engine, up to 100 H.P., flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist (1 drum); Tunnel Locomotive Operator (over 10 and up to and including 30 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
Clark, Esmeralda, Lincoln, and Nye Counties

Group 6: Asphalt or Concrete Spreading Operator (tamping or finishing); Asphalt Paving Machine Operator (Barber-Greene or similar type); Backhoe Operator (up to and including 3/4 yd.); Bridge Crane Operator; Cast-in-place Pipelaying Machine Operator; Combination Mixer and Compressor Operator (gunite work); Compactor Operator - self-propelled; Concrete Mixer Operator - paving; Concrete Pump Operator - truck mounted; Crane Operator (up to and including 25 tons capacity); Cretor Crane Operator; Crushing Plant Operator; Drill Doctor; Elevating Grader Operator; Forklift Operator (over 5 tons); Grade Checker; Gradall Operator; Grouting Machine Operator; Guard Rail Post Driver Operator; Heading Shield Operator; Heavy duty Repairman; Hoist Operator (Chicago Boom and similar type); Kalamazoo Balliste Regulator or similar type; Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile Operator; Lift Slab Machine Operator (Vagtborg and similar types); Loader Operator (Athey, Euclid, Sierra and similar types); Material Hoist Operator; Mucking Machine Operator (1/4 yard)(rubber-tired, rail or track type); Pneumatic Concrete Placing Machine Operator (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Polar Gantry Crane Operator; Pumpcrete Gun Operator; Rotary Drill Operator (excluding Caisson type); Rubber-tired earth moving equipment Operator (single engine, Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yards and up to and including 50 cu. yards struck); Rubber-tired earth moving equipment Operator (multiple engine - up to and including 25 yards struck); Rubber-tired Scraper Operator (self-loading - paddle wheel - John Deere, 1040 and similar single unit); Self-propelled Curb and Gutter Machine Operator; Skiploader Operator (Crawler and wheel type - over 1½ yards up to and including 6½ yards); Surface Heater and Planer Operator; Tower Crane Operator; Tractor Compressor Drill Combination Operator; Tractor Operator (any type larger than D-5 - 100 flywheel H.P. and over, or similar - Bulldozer, Tamper, Scraper, and Push Tractor, single engine); Tractor Operator (boom attachments); Traveling Pipe wrapping, cleaning and bending Machine Operator; Trenching Machine Operator (over 6 ft. depth capacity, manufacturer's rating); Tunnel Locomotive Operator (over 30 tons); Shovel, Backhoe, Dragline, Clamshell Operator (over 3/4 yard and up to 5 cu. yards M.R.C.)

POWER EQUIPMENT OPERATORS: (Cont'd)
Clark, Esmeralda, Lincoln, and Nye Counties

Group 7: Crane Operator (over 25 tons up to and including 100 tons M.R.C.); Derrick Barge Operator; Dual Drum Mixer; Heavy-duty Repairman-Welder Combination; Hoist Operator, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons); Monorail Locomotive Operator (diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type - except Quad 9 Cat); Pedestal Crane Operator; Rubber-tired earth moving equipment Operator (single engine, over 50 yards struck); Rubber-tired earth moving equipment Operator (multiple engine, Euclid, Caterpillar and similar - over 25 yards and up to 50 yards struck); Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cu. yards M.R.C.); Tower Crane Repairman; Tractor Loader Operator (Crawler and wheel-type, over 6½ yards); Woods Mixer Operator (and similar Pugmill equipment)

Group 8: Auto Grader Operator; Automatic Slip Form Operator; Crane Operator - over 100 tons; Crawler Transporter Operator; Hoe Ram or similar with Compressor; Hoist Operator (Stiff Legs, Guy Derrick, or similar type - capable of hoisting 100 tons or more); Mass Excavator Operator - less than 750 cu. yds.; Mechanical Finishing Machine Operator; Mobile Form Traveler Operator; Mobile Tower Crane Operator; Motor Patrol Operator (multi-engine); Pipe Mobile Machine Operator; Rubber-tired earth moving equipment Operator (multiple engine, Euclid, Caterpillar and similar type - over 50 cu. yds. struck); Rubber-tired Scraper Operator (pushing one another without Push Cat, Push-pull); Rubber-tired self-loading Scraper Operator (paddle wheel - Auger type self-loading - two or more units); Tandem equipment Operator (two units only); Tandem Tractor Operator (Quad 9 or similar type); Tunnel Mole Boring Machine Operator

Group 9: Canal Linear Operator; Canal Trimmer Operator; Helicopter Pilot; Highline Cableway Operator; Polar Crane Operator; Remote Controlled earth moving equipment Operator ($1.00 per hour additional to base rate); Wheel Excavator Operator (over 750 cu. yds. per hour)

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
Remaining Counties

AREA DEFINITIONS
AREA 1: Area within 50 road miles of either the Carson City Courthouse or the Washoe County Courthouse
AREA 2: Area between 50 and 150 road miles of the Washoe County Courthouse
AREA 3: Area between 150 and 300 road miles of the Washoe County Courthouse
AREA 4: Area over 300 road miles of the Washoe County Courthouse

Group 1-A: Brakeman; Deckhand; Fireman; Oiler; Switchman; Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pumps; Tar Pot Fireman (power-agitated)

Group 3: Box Operator (bunker); Concrete Curing Machine (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Mixer Box Operator (concrete plant); Motorman; Oiler (truck crane); Botomist; Screedman (except asphaltic or concrete paving); Bobcat or similar loader, 1/4 cu. yd. or less

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper, multi-purpose; Boxman (asphalt plant); Concrete Mixer, skip type; Dinky; Fork Lift (construction jobsite); Line Master; Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Shuttle Car; Signalman; Screedman (Barber-Greene and similar)(asphalt or concrete paving)

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Lubrication and Service Engineer (mobile and grease rack); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb and Gutter Machine (concrete or asphalt); Pavement Breaker, truck mounted, with compressor combination; Pavement Breaker or Tamper (with or without compressor combination); Power Jumbo (setting slip-forms, etc., in tunnels); Roller (except asphalt); Self-propelled Tape Machine; Self-propelled Compactor (single engine); Slip Form Pump (power-driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Small Rubber-tired Tractors; Snooper Crane, Paxton-Mitchell or similar; Stationary Pipe Wrapping, Cleaning and Bending Machine; Auger-type drilling equipment up to and including 30 feet depth drilling capacity M.R.C.

POWER EQUIPMENT OPERATORS (Cont'd)
Except Piledriving and Steel Erection) (Cont'd)
Remaining Counties

Group 7: Bit Sharpener; Compressor (over 2); Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon Drills or Jackhammers); Crusher Plant Engineer; Generators; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plants; Roller Operator (asphalt); Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 feet depth); Post Driller and/or Driver; Auger-type drilling equipment over 30 ft. depth digging capacity M.R.C.

Group 8: Asphalt Milling Machine; Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Concrete Batch Plant (multiple units); Dozer; Drill Doctor; Elevating Grader; Gradesetter, Grade Checker; Grooving and Grinding Machine (highway); Heavy-duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine (Wood-mixer and other similar Pugmill equipment); Rubber-tired earth-moving equipment (up to and including 35 cu. yds. "struck" M.R.C., Euclid, T-Pulls, DW's 10, 20, 21, and similar); Self-propelled Compactor with Dozer; Hyster 450 or Cat 825 or similar; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber-tired or similar equipment); Tractor-drawn Scraper; Tractor; Tractor-mounted Compressor Drill combination; Trenching Machine (over 3 feet depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine; Vermeer T-600B Rock Cutter

Group 9: Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yards); Combination Mixer and Compressor (gunite); Lull Hi-lift (20 feet or over); Mucking Machine; Sub-grader (Gurries or other types); Tractor (with boom) (D6 or larger); Track-laying-type earthmoving Machine (single engine with Tandem Scrapers)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection) (Cont'd)
Remaining Counties (Cont'd)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy-duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons)(single or multiple units); Multiple-engine Earth-moving Machines (Euclid, Dozers, etc.); Pre-stress Wire-wrapping Machine; Rubber-tired Scraper, self-loading; Single-engine Scraper (over 35 cu. yds.); Self-propelled Reservoir-debris equipment Floating (200 HP and over); Shuttle Car (reclaim station); Train Loading Station; Trenching Machine multi-engine with sloping attachment (Jefco or similar); Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons)(Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin-engine); Self-propelled Boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); CMI Dual-lane Auto-grader SP30 or similar

Group 11: Automatic Asphalt or Concrete Slip-form Paver; Automatic Railroad Car Dumper; Canal Trimmer; Cary Lift, Campbell or similar; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 cu. yds. up to and including 12 cu. yds.); Multiple-engine Scraper (when used to Push Pull); Multi-engine Earthmoving equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 cu. yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple-propulsion power units); Self-propelled Boom-type lifting device (over 25 tons M.R.C.); Single-engine Rubber-tired Earthmoving Machine (with Tandem Scraper); Slip-form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile (including rail-mounted); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons); Euclid Loader when controlled from the Pullcat

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loaders (over 12 cu. yds.); Multi-engine earthmoving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels, Clamshells, Draglines, Backhoes and Gradalls (over 7 cu. yds. M.R.C.); Remote-controlled earthmoving equipment; Wheel Excavator (over 750 cu. yds. per hour)

POWER EQUIPMENT OPERATORS (Cont'd)
Piledriving
Remaining Counties

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Forklift Operator

Group 2-C: A-Frames

Group 2-D: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

Group 3-A: Heavy-duty Repairman/Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler)(up to and including 1 cu. yd. rating); Self-propelled Boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); Truck Crane Operator (up to and including 25 tons - hoisting material only)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler)(over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam-powered Crawler, or Universal-type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work); Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 6: Cranes (over 125 tons)

STEEL ERECTION

Group 1: Oiler

Group 2: Compressor Operator; Generator, gasoline or diesel driven (100 K.W. or over)(structural steel or tank erection only); Truck Crane Oiler

POWER EQUIPMENT OPERATORS (Cont'd)
Steel Erection - Remaining Counties (Cont'd)

Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6) (structural steel or tank erection only); Deck Engineer; Signalman (using mechanical equipment); Forklift

Group 4: Heavy-duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman/Welder

Group 5: Boom Truck or Dual Purpose A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 ton M.R.C. or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.); Single drum Hoist; Tugger Hoist

Group 6: Cary Lift, Campbell or similar; Crawler Cranes and Truck Cranes (over 15 tons M.R.C.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum Hoist

Group 7: Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 8: Cranes (over 125 tons)

Group 9: Operator of Helicopter

TRUCK DRIVERS
Clark, Esmeralda, and Lincoln Counties; and Nye County (south of and excluding Highway #6)

Group 1: Dump Trucks (less than 12 yards); Trucks (legal payload capacity less than 15 tons); Water and Fuel Trucks (under 2500 gallons); Pickups; Service; Repairman Tender; Drivers of busses (on jobsite used for transportation of up to 25 passengers); Teamster equipment (highest rate for dual craft operation)

Group 2: Dump Trucks (12 yards but less than 16 yards); Trucks (legal payload capacity between 15 and 20 tons); Water and Fuel Trucks (2500 to 4000 gallons); Truck Driver working on gas and oil pipeline (including Winch Truck and all sizes of trucks); Truck Greaser and Tireman; Drivers of busses (on jobsite used for transportation of more than 25 passengers); Bootman

Group 3: Dumpcrete (less than 6½ yards); Transit-Mix (less than 3 yards)

TRUCK DRIVERS (Cont'd)
Clark, Esmeralda, and Lincoln Counties; and Nye County (south of and excluding Highway #6) (Con'td)

Group 4: Dump Trucks (16 yards up to and including 22 yards); Trucks (legal payload capacity 20 ton but less than 30 tons); Water and Fuel Trucks (4000 gallons but less than 6000 gallons); Dumpcrete (6½ yards and over); Transit-mix (3 yards but less than 6 yards); Euclid-type Spreader Trucks; Dumpster; Fork Lift; Ross Carrier - highway; Road Oil Spreading Truck, time spent spreading oil

Group 5: Dump Trucks (over 22 yards); Trucks (legal payload capacity 20 tons and over); Water and Fuel Trucks (6000 gallons and over); Transit-mix (6 yards and over); Truck Repairman

Group 6: D.W. and similar type equipment, D.W. 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar-type Trucks when performing work within Teamsters' jurisdiction, regardless of types of attachment including power unit pulling off highway Belly Dumps in Tandem

Remaining Counties; and Nye County (north of and including Highway #6)

Group 1: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, under 4 yards

Group 2: Bus and Manhaul Drivers, single units, up to 18,000 lbs.

Group 3: Bus and Manhaul Drivers, single unit, 18,000 lbs. and over; Winch Trucks, A-Frame, under 18,000 lbs.; Road Oil Trucks or Bootman; Fuel Truck Driver; Fuel Man and Fuel Island Man

Group 4: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 4 yards and under 8 yards; Water Trucks and Jetting Trucks, up to 2,500 gallons; Flatrack, Industrial Lift with Mechanical Tailgate, single unit 2-axle

Group 5: Lift Jitneys and Fork Lift

Group 6: Flatrack, Industrial Lift with Mechanical Tailgate, single unit 3-axle

TRUCK DRIVERS: (Cont'd)
Remaining Counties; and Nye County (north of and including Highway #6)

Group 7: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 8 yds. and under 18 yards; Transit Mix under 8 yards; Water Trucks and Jetting Trucks, 2,500 gallons and over; Tire Repairman

Group 8: Bootman, combination; Bootman and Road Oiler

Group 9: Transit Mix, 8 yards and including 12 yards

Group 10: Winch Trucks, A-Frame, 18,000 lbs. and over

Group 11: Dump (single or multiple unit including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 18 yards and under 25 yards; Heavy Duty Transport (Highbed); Heavy Duty Transport (Gooseneck Lowbed); Tiltbed or Flatbed Pull Trailers

Group 12: DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers, and Fuel and/or Grease Tank Trailers, or other miscellaneous trailers (except as defined under Dump Trucks)

Group 13: Transit Mix, over 12 yards; Truck Repairman

Group 14: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 25 yards and under 60 yards

Group 15: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 60 yards and under 75 yards; Helicopter Pilot (when transporting men or materials)

Group 16: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 75 yards and under 100 yards

Group 17: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 100 yards and over

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Oregon COUNTIES: Lane, Linn, and Marion
DECISION NUMBER: OR83-5106 DATE: Date of Publication
Supersedes Decision No. OR82-5102 dated February 5, 1982, in 47 FR 5645
DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$ 8.70	
ELECTRICIANS	15.00	$2.42+ 3%
INSULATION INSTALLERS	8.70	
LABORERS	6.50	
PAINTERS:		
Painters	10.82	1.35
Tapers	11.42	1.35
PLUMBERS:		
Linn (northern half), and Marion Counties	12.18	1.72
Lane County (except the City of Florence) and the southern half of Linn County	13.00	1.75
ROOFERS	9.00	
SHEET METAL WORKERS:		
Lane County	13.715	1.355
Linn and Marion Counties	14.24	4.34+ 3%
SOFT FLOOR LAYERS	12.80	1.18*

*FOOTNOTE:
SOFT FLOOR LAYERS:
4% of all gross wages to be paid to the credit of employees with less than one year of service: 6% of all gross wages to be placed to the credit of employees with more than one year of service

Unlisted classifications listed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards clauses (29 CFR, 5.5(a)(1)(ii))

Basic Hourly Rates	Fringe Benefits

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federal register

Friday
March 18, 1983

Part IV

Department of the Interior

Office of the Secretary

Fish and Wildlife Policy; State-Federal Relationships

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 24

Department of the Interior Fish and Wildlife Policy; State-Federal Relationships

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior has developed a final Department of the Interior Fish and Wildlife Policy which addresses State-Federal relationships. The purpose of the policy is to clarify State and Federal responsibilities, enhance cooperative relationships, and identify areas for potential cooperative agreements respecting fish and wildlife management.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Edwin Verburg, Acting Assistant Director, Office of Planning and Budget, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Washington, D.C. 20240, telephone (202) 343–4328.

SUPPLEMENTARY INFORMATION: The Department of the Interior Fish and Wildlife Policy on State-Federal relationships concerns the wildlife management policies of four bureaus in the Department of the Interior, i.e., Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, and National Park Service.

Although not subject to the informal rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 553, a draft of the Departmental Fish and Wildlife Policy on State-Federal relationships was made available for public comment in the **Federal Register** (47 FR 46147) on October 15, 1982, in keeping with the Department's general policy of maximizing the opportunity for public input into the decision-making process. Provided here is the final policy statement which reflects careful cosideration of all comments on the draft policy that were received during the public comment period.

This document does not constitute the formulation of new policy but, rather, the articulation of principles already expressed in a number of existing statutes, regulations, and Departmental guidelines. The provisions replace those found in 36 FR 21034, November 3, 1971, later codified at 43 CFR Part 24, which are not outdated. This earlier policy was originally codified only as a matter of convenience to the public by providing ready access to its provisions. The updated version of the Department's Fish and Wildlife Policy will now replace the outdated version at 43 CFR Part 24.

List of Subjects in 43 CFR Part 24

Fish, Intergovernmental regulations, Wildlife.

For the reasons above, Part 24 of Title 43 of the Code of Federal Regulations is revised in its entirety to read as follows:

PART 24—DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE POLICY: STATE-FEDERAL RELATIONSHIPS

Sec.

24.1 Introduction.
24.2 Purpose.
24.3 General jurisdictional principles.
24.4 Resource management and public activities on Federal lands.
24.5 International agreements.
24.6 Cooperative agreements.
24.7 Exemptions.

Authority: 43 U.S.C. 1201.

§ 24.1 Introduction.

(a) In 1970, the Secretary of the Interior developed a policy statement on intergovernmental cooperation in the preservation, use and management of fish and wildlife resources. The purpose of the policy (36 FR 21034, November 3, 1971) was to strengthen and support the missions of the several States and the Department of the Interior respecting fish and wildlife. Since development of the policy, a number of Congressional enactments and court decisions have addressed State and Federal responsibilities for fish and wildlife with the general effect of expanding Federal jurisdiction over certain species and uses of fish and wildlife traditionally managed by the States. In some cases, this expansion of jurisdiction has established overlapping authorities, clouded agency jurisdictions and, due to differing agency interpretations and accountabilities, has contributed to confusion and delays in the implementation of management programs. Nevertheless, Federal authority exists for specified purposes while State authority regarding fish and resident wildlife remains the comprehensive backdrop applicable in the absence of specific, overriding Federal law.

(b) The Secretary of the Interior reaffirms that fish and wildlife must be maintained for their ecological, cultural, educational, historical, aesthetic, scientific, recreational, economic, and social values to the people of the United States, and that these resources are held in public trust by the Federal and State governments for the benefit of present and future generations of Americans. Because fish and wildlife are fundamentally dependent upon habitats on private and public lands managed or subject to administration by many Federal and State agencies, and because provisions for the protection, maintenance and enhancement of fish and wildlife and the regulation for their use are established in many laws and regulations involving a multitude of Federal and State administrative structures, the effective stewardship of fish and wildlife requires the cooperation of the several States and the Federal Government.

(c) It is the intent of the Secretary to strengthen and support, to the maximum legal extent possible, the missions of the States [1] and the Department of the Interior to conserve and manage effectively the nation's fish and wildlife. It is, therefore, important that a Department of the Interior Fish and Wildlife Policy be implemented to coordinate and facilitate the efforts of Federal and State agencies in the attainment of this objective.

§ 24.2 Purpose.

(a) The purpose of the Department of the Interior Fish and Wildlife Policy is to clarify and support the broad authorities and responsibilities of Federal [2] and State agencies responsible for the management of the nation's fish and wildlife and to identify and promote cooperative agency management relationships which advance scientifically-based resource management programs. This policy is intended to reaffirm the basic role of the States in fish and resident wildlife management, especially where States have primary authority and responsibility, and to foster improved conservation of fish and wildlife.

(b) In developing and implementing this policy, this Department will be furthering the manifest Congressional policy of Federal-State cooperation that pervades statutory enactments in the area of fish and wildlife conservation. Moreover, in recognition of the scope of its activities in managing hundreds of

[1] "States" refers to all of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Commonwealth of Northern Mariana Islands and other territorial possessions, and the constituent units of government upon which these entities may have conferred authorities related to fish and wildlife matters.

[2] Hereinafter, the Bureau of Reclamation, Bureau of Land Management, Fish and Wildlife Service, and National Park Service will be referred to collectively as "Federal agencies."

millions of acres of land within the several States, the Department of the Interior will continue to seek new opportunities to foster a "good neighbor" policy with the States.

§ 24.3 General jurisdictional principles.

(a) In general the States possess broad trustee and police powers over fish and wildlife within their borders, including fish and wildlife found on Federal lands within a State. Under the Property Clause of the Constitution, Congress is given the power to "make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." In the exercise of power under the Property Clause, Congress may choose to preempt State management of fish and wildlife on Federal lands and, in circumstances where the exercise of power under the Commerce Clause is available, Congress may choose to establish restrictions on the taking of fish and wildlife whether or not the activity occurs on Federal lands, as well as to establish restrictions on possessing, transporting, importing, or exporting fish and wildlife. Finally, a third source of Federal constitutional authority for the management of fish and wildlife is the treaty making power. This authority was first recognized in the negotiation of a migratory bird treaty with Great Britain on behalf of Canada in 1916.

(b) The exercise of Congressional power through the enactment of Federal fish and wildlife conservation statutes has generally been associated with the establishment of regulations more restrictive than those of State law. The power of Congress respecting the taking of fish and wildlife has been exercised as a restrictive regulatory power, except in those situations where the taking of these resources is necessary to protect Federal property. With these exceptions, and despite the existence of constitutional power respecting fish and wildlife on Federally owned lands, Congress has, in fact, reaffirmed the basic responsibility and authority of the States to manage fish and resident wildlife on Federal lands.

(c) Congress has charged the Secretary of the Interior with responsibilities for the management of certain fish and wildlife resources, e.g., endangered and threatened species, migratory birds, certain marine mammals, and certain aspects of the management of some anadromous fish. However, even in these specific instances, with the limited exception of marine mammals, State jurisdiction remains concurrent with Federal authority.

§ 24.4 Resource management and public activities on federal lands.

(a) The four major systems of Federal lands administered by the Department of the Interior are lands administered by the Bureau of Reclamation, Bureau of Land Management, units of the National Wildlife Refuge System and national fish hatcheries, and units of the National Park System.

(b) The Bureau of Reclamation withdraws public lands and acquires non-Federal lands for construction and operation of water resource development projects within the 17 Western States. Recreation and conservation or enhancement of fish and wildlife resources are often designated project purposes. General authority for Reclamation to modify project structures, develop facilities, and acquire lands to accommodate fish and wildlife resources is given to the Fish and Wildlife Coordination Act of 1946, as amended (16 U.S.C. 661–667e). That act further provides that the lands, waters and facilities designated for fish and wildlife management purposes, in most instances, should be made available by cooperative agreement to the agency exercising the administration of these resources of the particular State involved. The Federal Water Project Recreation Act of 1965, as amended, also directs Reclamation to encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement. Reclamation withdrawal, however, does not enlarge the power of the United States with respect to management of fish and resident wildlife and, except for activities specified in Section III.3 above, basic authority and responsibility for management of fish and resident wildlife on such lands remains with the State.

(c) BLM-administered lands comprise in excess of 300 million acres that support significant and diverse populations of fish and wildlife. Congress in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) directed that non-wilderness BLM lands be managed by the Secretary under principles of multiple use and sustained yield, and for both wilderness and non-wilderness lands explicitly recognized and reaffirmed the primary authority and responsibility of the States for management of fish and resident wildlife on such lands. Concomitantly, the Secretary of the Interior is charged with the responsibility to manage non-wilderness BLM lands for multiple uses, including fish and wildlife conservation. However, this authority to manage lands for fish and wildlife values is not a preemption of State jurisdiction over fish and wildlife. In exercising this responsibility the Secretary is empowered to close areas to hunting, fishing or trapping for specified reasons viz., public safety, administration, or compliance with provisions of applicable law. The closure authority of the Secretary is thus a power to close areas to particular activities for particular reasons and does not in and of itself constitute a grant of authority to the Secretary to manage wildlife or require or authorize the issuance of hunting and/or fishing permits or licenses.

(d) While the several States therefore possess primary authority and responsibility for management of fish and resident wildlife on Bureau of Land Management lands, the Secretary, through the Bureau of Land Management, has custody of the land itself and the habitat upon which fish and resident wildlife are dependent. Management of the habitat is a responsibility of the Federal Government. Nevertheless, Congress in the Sikes Act has directed the Secretary of the Interior to cooperate with the States in developing programs on certain public lands, including those administered by BLM and the Department of Defense, for the conservation and rehabilitation of fish and wildlife including specific habitat improvement projects.

(e) Units of the National Wildlife Refuge System occur in nearly every State and constitute Federally owned or controlled areas set aside primarily as conservation areas for migratory waterfowl and other species of fish or wildlife. Units of the system also provide outdoor enjoyment for millions of visitors annually for the purpose of hunting, fishing and wildlife-associated recreation. In 1962 and 1966, Congress authorized the use of National Wildlife Refuges for outdoor recreation provided that it is compatible with the primary purposes for which the particular refuge was established. In contrast to multiple use public lands, the conservation, enhancement and perpetuation of fish and wildlife is almost invariably the principal reason for the establishment of a unit of the National Wildlife Refuge System. In consequence, Federal activity respecting management of migratory waterfowl and other wildlife residing on units of the National Wildlife Refuge System involves a Federal function specifically authorized by Congress. It is therefore for the Secretary to determine whether units of the System shall be open to public uses, such as hunting and

fishing, and on what terms such access shall be granted. However, in recognition of the existing jurisdictional relationship between the States and the Federal Government, Congress, in the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), has explicitly stated that nothing therein shall be construed as affecting the authority of the several States to manage fish and resident wildlife found on units of the system. Thus, Congress has directed that, to the maximum extent practicable, such public uses shall be consistent with State laws and regulations. Units of the National Wildlife Refuge System, therefore, shall be managed, to the extent practicable and compatible with the purposes for which they were established, in accordance with State laws and regulations, comprehensive plans for fish and wildlife developed by the States, and Regional Resource Plans developed by the Fish and Wildlife Service in cooperation with the States.

(f) Units of the National Park System contain natural, recreation, historic, and cultural values of national significance as designated by Executive and Congressional action. Specific enabling legislation has authorized limited hunting, trapping or fishing activity within certain areas of the system. As a general rule, consumptive resource utilization is prohibited. Those areas which do legislatively allow hunting, trapping, or fishing, do so in conformance with applicable Federal and State laws. The Superintendent may, in consultation with the appropriate State agency, fix times and locations where such activities will be prohibited. Areas of the National Park System which permit fishing generally will do so in accordance with applicable State and Federal Laws.

(g) In areas of exclusive Federal jurisdiction, State laws are not applicable. However, every attempt shall be made to consult with the appropriate States to minimize conflicting and confusing regulations which may cause undue hardship.

(h) The management of habitat for species of wildlife, populations of wildlife, or individual members of a population shall be in accordance with a Park Service approved Resource Management Plan. The appropriate States shall be consulted prior to the approval of management actions, and memoranda of understanding shall be executed as appropriate to ensure the conduct of programs which meet mutual objectives.

(i) Federal agencies of the Department of the Interior shall:

(1) Prepare fish and wildlife management plans in cooperation with State fish and wildlife agencies and other Federal (non-Interior) agencies where appropriate. Where such plans are prepared for Federal lands adjoining State or private lands, the agencies shall consult with the State or private landowners to coordinate management objectives;

(2) Within their statutory authority and subject to the management priorities and strategies of such agencies, institute fish and wildlife habitat management practices in cooperation with the States to assist the States in accomplishing their fish and wildlife resource plans;

(3) Provide for public use of Federal lands in accordance with State and Federal laws, and permit public hunting, fishing and trapping within statutory and budgetary limitations and in a manner compatible with the primary objectives for which the lands are administered. The hunting, fishing, and trapping, and the possession and disposition of fish, game, and fur animals, shall be conducted in all other respects within the framework of applicable State and Federal laws, including requirements for the possession of appropriate State licenses or permits.

(4) For those Federal lands that are already open for hunting, fishing, or trapping, closure authority shall not be exercised without prior consultation with the affected States, except in emergency situations. The Bureau of Land Management may, after consultation with the States, close all or any portion of public land under its jurisdiction to public hunting, fishing, or trapping for reasons of public safety, administration, or compliance with provisions of applicable law. The National Park Service and Fish and Wildlife Service may, after consultation with the States, close all or any portion of Federal land under their jurisdictions, or impose such other restrictions as are deemed necessary, for reasons required by the Federal laws governing the management of their areas; and

(5) Consult with the States and comply with State permit requirements in connection with the activities listed below, except in instances where the Secretary of the Interior determines that such compliance would prevent him from carrying out his statutory responsibilities:

(i) In carrying out research programs involving the taking or possession of fish and wildlife or programs involving reintroduction of fish and wildlife;

(ii) For the planned and orderly removal of surplus or harmful populations of fish and wildlife except where emergency situations requiring immediate action make such consultation and compliance with State regulatory requirements infeasible; and

(iii) In the disposition of fish and wildlife taken under paragraph (i) (5)(i) or (i) (5)(ii) of this section.

§ 24.5 International agreements.

(a) International conventions have increasingly been utilized to address fish and wildlife issues having dimensions beyond national boundaries. The authority to enter into such agreements is reserved to the President by and with the advice and consent of the Senate. However, while such agreements may be valuable in the case of other nations, in a Federal system such as ours sophisticated fish and wildlife programs already established at the State level may be weakened or not enhanced.

(b) To ensure that effective fish and wildlife programs already established at the State level are not weakened, the policy of the Department of the Interior shall be to recommend that the United States negotiate and accede to only those international agreements that give strong consideration to established State programs designed to ensure the conservation of fish and wildlife populations.

(c) It shall be the policy of the Department to actively solicit the advice of affected State agencies and to recommend to the U.S. Department of State that representatives of such agencies be involved before and during negotiation of any new international conventions concerning fish and wildlife.

§ 24.6 Cooperative agreements.

(a) By reason of the Congressional policy (e.g., Fish and Wildlife Coordination Act of 1956) of State-Federal cooperation and coordination in the area of fish and wildlife conservation, State and Federal agencies have implemented cooperative agreements for a variety of fish and wildlife programs on Federal lands. This practice shall be continued and encouraged. Appropriate topics for such cooperative agreements include but are not limited to:

(1) Protection, maintenance, and development of fish and wildlife habitat;

(2) Fish and wildlife reintroduction and propagation;

(3) Research and other field study programs including those involving the taking or possession of fish and wildlife;

(4) Fish and wildlife resource inventories and data collection;

(5) Law enforcement;

(6) Educational programs;

(7) Toxicity/mortality investigations and monitoring;

(8) Animal damage management;

(9) Endangered and threatened species;

(10) Habitat preservation;

(11) Joint processing of State and Federal permit applications for activities involving fish, wildlife and plants;

(12) Road management activities affecting fish and wildlife and their habitat;

(13) Management activities involving fish and wildlife; and,

(14) Disposition of fish and wildlife taken in conjunction with the activities listed in this paragraph.

(b) The cooperating parties shall periodically review such cooperative agreements and adjust them to reflect changed circumstances.

§ 24.7 Exemptions.

(a) Exempted from this policy are the following:

(1) The control and regulation by the United States, in the area in which an international convention or treaty applies, of the taking of those species and families of fish and wildlife expressly named or otherwise covered under any international treaty or convention to which the United States is a party;

(2) Any species of fish and wildlife, control over which has been ceded or granted to the United States by any State; and

(3) Areas over which the States have ceded exclusive jurisdiction to the United States.

(b) Nothing in this policy shall be construed as affecting in any way the existing authorities of the States to establish annual harvest regulations for fish and resident wildlife on Federal lands where public hunting, fishing or trapping is permitted.

Dated: March 11, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-6868 Filed 3-17-83; 8:45 am]

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Friday
March 18, 1983

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Community Development Block Grants for Indian Tribes and Alaskan Native Villages; Interim Rule and Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 571

[Docket No. R-83-1030]

Community Development Block Grants for Indian Tribes and Alaskan Native Villages

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Interim rule.

SUMMARY: This interim rule revises the regulations governing the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages. The revision incorporates new policies and procedures and simplifies the regulations' text and the application process. Substantial changes are made as follows: (1) The two-step preapplication/full application is reduced to a modified one-step process; (2) the number of rating criteria used to select grantees is reduced from 9 to 4; (3) Indian preference requirements are revised to be consistent with Indian housing preference requirements, and (4) comprehensive grants are eliminated.

DATES: Effective Date: March 18, 1983. Comments due: May 17, 1983.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Each comment should include the commenter's name and address and must refer to the docket number and title indicated in the heading of this document. A copy of each communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Marcia A.B. Brown, Room 7134, Office of Program Policy Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6092. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: This interim rule was published as a proposed rule in the **Federal Register** on December 13, 1982 (47 FR 55868). The proposed rule invited comments for a twenty-day period ending on January 3, 1983. The publication as a proposed rule was in response to a request from the Senate Committee on Banking, Housing and Urban Affairs. The Committee suggested publication as a proposed rule to ensure that there was an opportunity for comment from affected parties before the rule's becoming effective. Nine public comments were received, and are discussed herein. The rule is now being published as interim to allow a more lengthy public comment period, and comments on the interim rule will be taken into account when the rule is republished as final.

In rewriting the Indian Community Development Block Grant (CDBG) Program regulations, an effort has been made to reduce and simplify the existing regulations as much as possible. For example, portions of these regulations which duplicated material in Part 570 were deleted and replaced by references to that part. The changes are in keeping with recently enacted legislation that provides greater flexibility in decision-making at the local level. The following paragraphs discuss the revisions made in the Indian CDBG regulations.

Subpart A—General Provisions

This subpart is reduced in length by eliminating language which is repetitious of the statute and of other sections of the rule. The definitions which more appropriately appear in the body of the regulations are removed from this section.

Section 571.5 Eligible applicants.

The language concerning eligible applicants is clarified. To be eligible, a Tribe or Alaskan Village must be an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act or under General Revenue Sharing. An applicant now has to be eligible by the application submission date rather than by ninety days prior to the beginning of the Fiscal Year.

Section 571.6 Consultations.

The role of the applicants in the consultation process is redefined. Consultations will be required on an annual basis, but can be oral or written. The purpose of the consultation is twofold: to provide eligible applicants with information concerning that year's Indian CDBG Program and to solicit the applicants' views on field office proposals for grant ceilings, impact and quality rating factors, and relative weights of rating factors. Applicants' views are considered advisory only.

Subpart B—Allocation of Funds

Section 571.100(a) Types of grants.

Basic Grants under the Indian CDBG Program are retitled Single Purpose Grants to be consistent with the terminology used in the Small Cities Program. Comprehensive Grants have been eliminated as a type of grant available under this program. The original comprehensive grant concept was considered a demonstration. As such, it was used in two of the six offices responsible for the program and then only to a limited degree. The Single Purpose Grant concept allows an applicant to be awarded a grant for more than one project, similar to a Comprehensive Grant. The only difference is that each of those projects will have to rate high enough for funding.

Section 571.100(b) Size of grants.

These regulations provide for the use of grant ceilings at the discretion of the field office to limit the size of grants and thus provide for a larger number of grants. Section 571.301(c) allows field offices to screen applications for compliance with the grant ceiling.

Subpart C—Eligible Activities

The eligible activities regulations of Part 570 are referenced instead of repeated. One modification to Part 570, Subpart C is that the definition of administrative costs (§ 571.203) is modified so that certain technical assistance activities are not included. The new rule provides that up to ten percent of the total grant award can be used for the purchase of technical assistance to undertake specific activities, excluding administrative and planning activities.

Subpart D—Single Purpose Grant Application and Selection Process

Section 571.300(f) Application components.

The two-step preapplication/full application process is reduced to a modified one-step process. Applicants will submit an application which will provide HUD the information necessary to rate the proposed project(s) and will assure HUD that the necessary citizen participation has taken place. The preapplication requirement is removed to ease the administrative burden on applicants.

Section 571.302 Selection process.

The separate threshold factors of eligible applicant and eligible activity are more appropriately included as screening factors (§ 571.301(a)). In order to emphasize that the Indian CDBG Program is intended to address community development needs, a new threshold factor requires that applicants certify that proposed activities impact

the applicant's community development needs. In cases where an applicant's proposed activities cannot be justified as meeting those needs, the application will not be rated and ranked. The threshold factors for capacity and performance are modified as well. Field offices will judge whether applicants have the capacity to carry out proposed projects by examining whether they have or will acquire the necessary managerial, technical, or administrative staff. Applicant performance will be examined in three areas: community development, housing assistance, and outstanding audit findings. With the first area, an applicant with negative monitoring findings must be on schedule in taking corrective action. With housing assistance, the applicant must have taken actions within its control to facilitate the provision of housing assistance. Finally, specific language is added requiring previous grantees to resolve outstanding audit findings in a timely manner and to repay or establish a schedule for repayment of Community Development Block Grant funds owed to HUD in order to pass the threshold factor.

The number of rating criteria (from which rating factors will be developed) is reduced from 9 to 4. The four impact criteria in the old regulations are merged into one criterion with five examples listed of the type of factors to be used to measure impact. Two other rating criteria measure the relative need of the applicant and the benefit to be derived from the project. A fourth rating criterion is new with these regulations and rates qualitative aspects of proposed projects as measured by per capita cost; cost effectiveness; use of existing resources, services, and facilities; or increased job opportunities. The factors listed for measuring impact and quality are only examples. Field offices may develop their own factors for impact and quality, but in so doing cannot require additional information beyond what is required in the application.

Section 571.303 Funding process.

Applicants notified that their projects rank high enough for funding will be asked to submit only an implementation schedule, certifications, and final cost information (if HUD revised the original amount requested), in order to receive the grant agreement. Such information is necessary for HUD's monitoring of grantee performance. It is incumbent upon the grantee to respond quickly in order for the grant to be awarded quickly.

The new process provides the leeway to select projects with excellent concepts, but which may lack conclusive information on scope and implementation or other funding sources. These types of applicants will be given at least 30 days to respond to preaward requirements.

Subpart E—Imminent Threat Grants

With the elimination of Comprehensive Grants, Subpart E is renamed Imminent Threat Grants. Language relating to these types of grants is clarified. Section 571.402, "Availability of funds", establishes that funds set aside for imminent threat grants are available only until the single purpose grants have been awarded. After that time, the imminent threat funds are awarded to the highest ranking unfunded single purpose projects.

Subpart F—Grant Administration

Subpart J of Part 570 is referenced as applicable to the Indian CDBG Program except for the modifications and additions which appear in Subpart F of Part 571.

Section 571.503 Indian preference requirements.

This section clarifies the applicability of section 7(b) of the Indian Self-Determination and Education Assistance Act to the Indian CDBG Program. This section is now made consistent with the Indian preference requirements of the Indian housing program (24 CFR 805.204).

Specifically, this section requires that Indian preference be given to the greatest extent feasible in the award of contracts and subcontracts and in the administration of the program. In contracting, the grantee may advertise for bids strictly from Indian-owned firms, or determine the extent to which Indian-owned firms are available and qualified through a solicitation of intent, then advertise for bids strictly from Indian-owned firms. Other methods, developed by the grantee to provide Indian preference may also be used, but only with HUD approval before implementation. Should any of these methods fail to provide more than one bid, or an approvable bid, then the bidding can be opened to non-Indian-owned firms as well.

Additional Indian preferences can be used by the grantee with prior HUD approval. The additional preference shall not result in a higher cost, or greater risk of non-performance.

Subpart G—Other Program Requirements

The requirements of Subpart K of Part 570 are referenced as applicable to grants under Part 571, except for the specific sections modified herein.

Section 571.603 Labor standards.

One change in this subpart from the previous regulations is that the requirements of Section 110 of the Housing and Community Development Act of 1974 with respect to the Davis-Bacon Act are waived for all projects, rather than on a case-by-case basis, in accordance with the authority granted to the Secretary in Section 107(d)(2) of the Housing and Community Development Act of 1974. In providing the waiver, these regulations do not permit a grantee to set excessive wage rates beyond what is being charged for similar projects.

Section 571.604 Citizen participation.

The requirement for two meetings on the proposed application is reduced to one, in accordance with statutory changes. Additionally, the requirement that the application be published is clarified to require only that applicants publicize their proposal. This can be done by publishing or by posting a notice in a public place.

Section 571.606 Housing assistance.

A new provision in this Part adds as a performance consideration under the Indian CDBG Program a Tribe's compliance with the resolution it adopted at the time its IHA was established. This resolution promised the Tribe's aid and cooperation in the planning, undertaking, construction, and operation of housing projects.

Subpart H—Program Performance

The length of this subpart is reduced considerably by eliminating repetition of other subparts and by referencing the Administrative Procedure Act.

Public Comments

One commenter suggested that the rule mandate that the annual consultation be oral. The Department had previously considered that option in this rulemaking. However, the more flexible approach, "written and/or oral consultations," was chosen because the Department recognized that in some field office jurisdictions, travel conditions do not always permit a meeting.

Each of HUD's field offices recognizes the importance of annually meeting with eligible applicants for this program, and this regulation permits them to do so. The rule also permits the field offices to consult with applicants on a written basis when matters to be discussed are

not substantial enough to warrant an actual meeting.

A second rather extensive comment posed several technical questions. Under Subpart A, a question was raised as to what constituted the "area" for the purpose of determining median income, on which the definition of low and moderate income is based: does "area" refer to that within a Tribe's jurisdiction, or does it encompass more? The definition cited at § 571.4(h) is consistent with that used for other CDBG programs. The definition indicates that HUD makes the determination. If HUD has enough data to determine median income based on a Tribe's jurisdiction, these will be used. However, for the most part, data available limit HUD to an area larger than a Tribe's jurisdiction in making the median income determination.

The same commenter asked whether the Bureau of Indian Affairs maintains a current listing of eligible tribal organizations (see § 571.5(b)). The Bureau of Indian Affairs (BIA) does not maintain such a list, so HUD will be limited to a case-by-case determination from BIA.

The Department disagrees with the commenter on the usefulness of retaining the comprehensive grants programs. The comprehensive grant approach has not been widely used, nor has it proven of any greater benefit than Single Purpose Grants overall. It is cumbersome, and it limits the amount of funds open to competition. Alternatives to comprehensive grants are being explored, and if feasible, will be proposed for consideration.

This commenter suggested the establishment of a rating factor for "technical assistance" and the elimination of the ten percent provision under Subpart C—Eligible Activities. The Department rejects this suggestion because "technical assistance" is not an eligible activity category. Section 571.203 merely modifies the definition of "administrative costs" so as not to include certain technical assistance costs associated with the development of a capacity to undertake program activities. These costs are part of the activity to which they relate and cannot exceed ten percent of the total grant award. Moreover, section 107(b)(4) of the Act provides exclusively for technical assistance projects and Indian tribes are among the eligible recipients.

The commenter also inquired whether the Census is to be the only source of "demographic data" referred to in § 571.300(c). Section 571.4(c) defines "eligible Indian population" as "the most accurate and uniform population data available from reliable sources." By not making specific reference to Bureau of Census data, HUD does not confine itself to using data which may become outdated. As such, the term "demographic data" as defined in § 571.300(c) refers to reliable data and is not limited to data collected by the Bureau of the Census.

The commenter also suggested that § 571.300(d) is inconsistent with the provisions of § 570.200(h). Section 571.300(d) is contained in a separate Subpart (D), rather than in the subpart on eligible activities, and is patterned after the small Cities-HUD Administered program provision in § 570.433(a)(3). The Part 571 regulations clearly do not intend to incorporate the "policies" of the proposed Part 570 Subpart C regulations which are applicable only to the entitlement cities program. In fact, language to clarify this intent has been added at § 571.200.

The Department believes that the mandatory "shall" is proper in § 571.301(a)(4) to impress upon applicants the importance of this step in HUD's acceptance of their application. For a similar reason, the Department declines to substitute "may" for "shall" or "will" in §§ 571.302(a)(1) and 571.302(a)(2)(ii)(A), respectively. The desired flexibility sought by the commenter currently exists in this subpart in § 571.302(b). However, in response to this same comment, the word "substantially" has been inserted in § 571.301(a)(4) to allay fears that applications may be disqualified for trivial omissions.

Another question raised by this commenter was whether under § 571.301(c), applications which exceed established grant ceilings may be rejected. It is the Department's position that grant ceilings to be established by field offices may be used in several ways: as guidelines; as mandatory requirements where failure to comply will result in rejection; or as requirements where failure to comply will mean consideration of the project at the grant ceiling amount only. By not specificially stating how they will be used, field offices are provided the flexibility to decide how these ceilings will be applied, in consultation with their Tribes and Villages.

The Department disagrees with the comment that a funding decision under the CDBG program should not be related to an applicant's performance in helping its Tribe provide housing assistance. There are only two tests in the threshold criterion on "Housing Assistance" and both of these are fully within the control of the tribal government. These are: (1) "actions have been taken *by the applicant within its control* to facilitate the provision of housing assistance* * *" (emphasis added); and (2) no action has been taken to prevent such assistance. These two tests do not make the applicant responsible for the performance of an Indian Housing Authority.

The same commenter states, in reference to § 571.400, that there is no justifiable reason why imminent threat grants would be made only if the threat impacts an entire service area. This restriction strikes a balance with the recommendation that the threat should impact a community-wide area which was considered to require such a large area as to be too restrictive. The service area test is intended to preclude from eligibility threats which affect only a small number of households.

The commenter also suggested that unused Imminent Threat Funds be made available for use in the next-following funding cycle. The Department rejects this suggestion because the demand for funds far exceeds the amount available. Thus, there is no valid reason why funds should be carried over into the next fiscal year.

This commenter inquired whether it could be assumed that net income from economic development activity funded under subpart F is not to be considered program income, thus not restricting its use. It should be pointed out that program income originates on the receipt by the grantee or subgrantee, making the economic assistance available, of such funds as are agreed to be repaid to it.

To avoid ambiguity, the word "may" in the last sentence of § 571.503(d)(1) has been replaced by the word "shall". Thus, a grantee must use one of the methods described in this section.

Since the Certification that grantees must sign includes a certificate of compliance with OMB Circular A–102, there is no need to add a separate section for "Attachment N" compliance, as recommended by the commenter.

The National Society of Public Accountants objected to the Department's incorporating, in § 570.610, the GAO's Standards for Audit of a Federally assisted program. The Standards effectively bar the use of public accountants licensed after December 31, 1970 to audit such a program. Since HUD is bound to comply with these standards, the Department is unable to entertain the Society's objection.

Another comment protested that § 571.603(a) is unlawful in that it allows for a blanket waiver of the applicable provisions of the Davis-Bacon Act for projects funded under the Indian CDBG

Program. It is the Department's position that the Secretary is statutorily empowered to implement the waiver provision of section 107(d)(2) of the Housing and Community Development Amendments of 1974 (HDCA), 42 U.S.C. 307(d)(2), so as to effect a blanket waiver for projects funded under the Indian CDBG Program from the relevant provisions of the Davis-Bacon Act.

One commenter suggested that the term "significantly" in § 571.304 be more clearly defined by including language in existing §§ 571.307(c)(1) (i), (ii), and (iii). The Department believes that the new language in § 571.304, while not continuing the ten percent provision of the existing regulations, makes for less rigidity in application to a variety of situations where mathematical precision is not an appropriate criterion.

The concern was expressed by one commenter that the new § 571.6, unlike the existing § 571.5, does not provide for prior consultation with eligible applicants. Section 571.6 was termed an "eviseration" of the consultation requirements. A close reading of § 571.6 would show, in the Department's view, that the consultative process remains viable. The changes that this rule promotes are intended to streamline and improve the efficiency of the process, not to deprive Indians of participation in the policy-formulation process, as the comment asserts. In this regard, HUD acknowledges that the number of areas in which it may solicit the views of applicants before implementing a decision has been reduced. Nonetheless, the Department will continue to consult with applicants in areas of major concern to them and to the Department, as provided for in this interim rule. HUD believes that this will result in more efficient decision-making and in an improvement in the cost-effectiveness of services to the program's beneficiaries.

The second part of this comment recommended that language be inserted to allow for distribution of Indian CDBG funds on a noncompetitive basis to all eligible applicants. The Department rejects the recommendation because demand for the funds in this program far exceeds the amount available and a competitive program is the best way to ensure an equitable allocation of funds to the most deserving applicants.

The last part of this comment suggested that § 571.703 be modified to provide for a hearing before a recipient's grant could be adversely affected. This, the comment continued, would make it consistent with § 571.704, which provides for a hearing before the Secretary may terminate or reduce a grant. In addition, the comment opposed what was termed the elimination of the specific procedural protections present in the existing regulations, stating that the reference to the Administrative Procedure Act in § 571.704 was an unacceptable substitute.

Section 571.703 does provide for certain procedural safeguards, including informal consultation. It is patterned after a similar regulatory provision for the Small Cities program, which is authorized by statute for that program under section 104(d) of the Act. "Indian Tribes" were among the eligible recipients under that program until the 1977 amendments to the Act, when Congress established separate funding for Tribes because of their unique situation.

Section 571.703 replaces the more peremptory authority for "Recapture of Funds" in the former regulations at § 571.103, so as to administratively provide Indian Tribes the same procedural safeguards under paragraph (a) of the new section as is afforded Small Cities by § 570.911 (a) and (c). In furtherance of this objective, the Small Cities provision excepting funds already expended on otherwise eligible activities from recapture has now also been added to § 571.703.

One comment asked a series of questions, the first of which was whether the provision for an annual consultation (in § 571.6) would mean the abolition of the Council on Indian Programs and Policies (CIPP) meetings. The CIPP meetings, which do not involve all the Indian Tribes, are not affected by this provision.

The language "to be consistent with the terminology used in the Small Cities Program" under § 571.100(a) of the preamble to the proposed rule gave rise to the second question. The commenter interpreted this language as indicating a move toward funding the Indian CDBG Program through the states. The Department found it convenient to use the cited language because of the similarity between the two programs—the Small Cities and the Indian CDBG.

The commenter's following question asked whether the technical assistance costs referred to in § 571.203 include those incurred in the environmental review process, right-of-way acquisition, and archaeological field surveys. All such costs when expended in relation to a specific funded program activity are a part of the cost of that activity; they are not counted as part of the overall administrative costs under § 571.203.

The commenter also objected to the compliance provision in § 571.606, on the ground that the Indian CDBG Program should not be held to account for the performance of the IHA. The Department does not intend that the Indian CDBG Program be made responsible for the performance and administrative capabilities of the IHA program. The rule makes a Tribe's compliance with its own resolution, under the provisions of 24 CFR Part 805, Subpart A, Appendix I, Article VII, a performance consideration under the Indian CDBG Program in order to encourage the Tribe as a whole to cooperate to the greatest extent possible with the IHA. It is not, as the commenter mistakenly assumes, the intention of the rule that the applicant's IHA's poor performance should reflect adversely on its CDBG program; rather, it is the failure of the tribal government to cooperate with the IHA that will be taken into consideration in reviewing the applicant's CDBG program requests.

One comment suggested that the thirty-day response time with respect to a preaward requirement under § 571.303(b) may be insufficient if extensive research is required. The rule provides for *at least* thirty days. In an appropriate case, the time can be extended.

This commenter also asked what effect the allocation of funds by needs rather than by population size would have on each Tribe's allocation. The Department is in the very early and preliminary stages of examining this question, using 1980 Census data for the study. However, at this time, the Department is unable to answer the question since the study is incomplete.

This commenter also recommended that HUD allocate funds on the basis of a Tribe's needs, regardless of cost to the program. As a practical measure, whatever the merit of this suggestion, the program does not have sufficient funds to satisfy each Tribe's needs.

This commenter was of the view that, because small Tribes do not have permanent staffs and must rely on local organizations and consultants, § 571.302 may effectively eliminate small Tribes from the CDGB program. A reading of § 571.302 would show that it is this Department, through its field offices, which is assigned the bulk of the responsibilities identified in the "Selection Process." Except for the fact that § 571.302(b) allows an applicant to provide "Supporting Information" in special cases, the applicant's responsibilities under § 571.302 specifically are clerical. However, to the extent technical and administrative skills are useful in completing the application referenced in § 571.302, the Department does not consider it beyond the capacity of, or a burden to, small Tribes to apply such skills. Generally, the level of technical and administrative

skills demanded for the type of projects which a small Tribe will undertake is not so sophisticated as to require a permanent staff.

The comment also asked for a definition of "the point of operation of the § 571.606 'performance consideration'." As is apparent from this section, for Tribes which have established an IHA and have obtained assistance from the Department, their compliance with the IHA resolution will be considered in the evaluation of their applications, provided such Tribes have satisfied § 571.302—"Threshold requirements." Thus, the point of operation of the § 571.606 "performance consideration" is at the "threshold."

It was suggested by this commenter that where a Tribe wishes to impose additional Indian preference requirements which are in accord with an ordinance approved by the Bureau of Indian Affairs, that HUD's prior approval not be required.

The Department does not have sufficient time before issuance of this interim rule to examine a sample of these ordinances or to examine the approval process employed by the BIA. However, because of the importance of this issue, the suggestion will be examined more throughly during the interim period before publication of the final rule.

Revisions to the Regulations

Minor changes were made to these regulations for purposes of clarity and to correct omissions.

Subpart C—Eligible Activities

Section 571.200 references 24 CFR Part 570, Subpart C—Eligible Activities as applying to grants made under Part 571. This reference has been reworded to make clear that specific provisions stated in Part 570, Subpart C, as applying to the Entitlement Cities and Small Cities—HUD Administered Programs do not apply to the Indian CDBG Program. Section 571.201(b) omitted reference to solid waste disposal and parking facilities. Those two types of facilities have been added and, like fire protection facilities, are required to be located in or serve identified service areas.

Section 571.203(a) has been clarified by adding the word "funded." The intent of this provision is to allow grantees to obtain technical assistance for undertaking an activity which is currently funded under this part, but not for an activity which may never be funded.

Subpart D—Single Purpose Grant Applications and Selection Process

Section 571.301(a)(4) has been clarified to show that it was not HUD's intent to reject an application because of a clerical error. Thus, the wording has been changed to include "substantially".

In § 571.300(f)(3), the words "if appropriate" have been added after "location".

In § 571.303(c)(3)(i) the citation "24 CFR 570.607" has been deleted and replaced by "Part 570, Subpart C of this title."

Subpart F—Grant Administration

In Section 571.503(d)(1), the word "may" has been changed to "shall" in order to reflect HUD's intention that grantees provide preference in contracting to Indian firms chosen from methods (i), (ii), or (iii). Only if the method chosen fails to produce approval bids or proposals from more than one qualified Indian firm should grantees then use method (iv).

Subpart G—Other Program Requirements

Section 571.601 Nondiscrimination—Subsection (a) has been revised to reflect a partial waiver of the Section 109 requirements, rather than a total waiver as was contained in the proposed rule. Accordingly, after "Section 109" the following language has been added: "except with respect to the prohibition of discrimination based on age or against an otherwise qualified handicapped individual."

Subpart H—Program Performance

In § 571.703(b), after the word "grant" has been added "except that funds already expended on eligible approved activities shall not be recaptured or deducted from future grants."

Other Information

The Secretary has determined that it is in the public interest to have this amendment take effect immediately since the delay that would result from affording an opportunity for additional public comment before the rules becoming effective would impose a hardship on Tribes, which have extensive community development needs. Issuance of an interim rule ensures that funds will be allocated in a timely manner. However, interested persons are invited to submit comments, and such comments will be considered in the development of the final rule.

Pursuant to the provision of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule will simplify and reduce the requirements for applicants and grantees. Additionally, in making grants the program provides ample funds to cover those expenditures related to the administrative costs of the program.

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

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

This rule is listed at 47 FR 48429 as item (D) 26 (CPD–18–79) in the Department's Semiannual Agenda of Regulations published on October 28, 1982 pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance number is 14.223.

Information collection requirements contained in this regulation (§§ 571.300, 571.303, 571.502, and 571.700) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2506–0043.

List of Subjects in 24 CFR Part 571

Community development block grants, Grant programs—housing and community development, Grant programs—Indians, Indians.

Accordingly, 24 CFR Part 571 is revised to read as follows:

PART 571—COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES

Subpart A—General Provisions

Sec.
571.1 Applicability and scope.
571.2 Program objectives.
571.3 Nature of program.
571.4 Definitions.
571.5 Eligible applicants.
571.6 Consultations.
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Subpart B—Allocation of Funds

571.100 General.
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Subpart C—Eligible Activities

571.200 General.
571.201 Facilities.
571.202 Non-profit organizations.
571.203 Administrative costs.

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571.300 Application requirements.
571.301 Screening and review of applications.
571.302 Selection process.
571.303 Funding process.
571.304 Program amendments.

Subpart E—Imminent Threat Grants

571.400 Criteria for funding.
571.401 Application process.
571.402 Environmental review.
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Subpart F—Grant Administration

571.500 General.
571.501 Designation of public agency.
571.502 Force account construction.
571.503 Indian preference requirements.

Subpart G—Other Program Requirements

571.600 General.
571.601 Nondiscrimination.
571.602 Relocation and acquisition.
571.603 Labor standards.
571.604 Citizen participation.
571.605 Environment.
571.606 Housing assistance.

Subpart H—Program Performance

571.700 Reports to be submitted by grantee.
571.701 Review of recipient's performance.
571.702 Corrective and remedial actions.
571.703 Reduction or withdrawal of grant.
571.704 Other remedies for noncompliance.

Authority: Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.); Section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart A—General Provisions

§ 571.1 Applicability and scope.

The policies and procedures described in this Part apply only to grants to eligible Indian Tribes and Alaskan Native Villages under the Community Development Block Grant (CDBG) Program for Indian Tribes and Alaskan Natives Villages.

§ 571.2 Program objectives.

The primary objective of the Indian CDBG Program is the development of viable Indian and Alaskan Native communities, including decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income. The Federal assistance provided in this Part is for the support of community development activities which further this objective. This assistance is not to be utilized to reduce substantially the amount of local financial support for community development activities below the level of such support prior to the availability of this assistance.

§ 571.3 Nature of program.

The Indian CDBG Program is competitive in nature. The demand for funds far exceeds the amount of funds available. Therefore, selection of eligible applicants for funding will reflect consideration of relative need among applicants, and relative adequacy of applications in addressing locally-determined need. Applicants for funding must have the administrative capacity to undertake the community development activities proposed.

§ 571.4 Definitions.

(a) "Act" means Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.).

(b) "Chief executive officer" means the elected official or legally-designated official who has the prime responsibility for the conduct of the affairs of an Indian Tribe or Alaskan Native Village.

(c) "Eligible Indian populations" means the most accurate and uniform population data available from reliable sources for Indian Tribes and Alaskan Native Villages eligible under this Part.

(d) "Extent of poverty" means the number of persons whose incomes are below the poverty level based on data compiled and published by the United States Bureau of the Census referable to the same point or period in time and the latest reports from the Office of Management and Budget.

(e) "Field offices" means the HUD Offices of Indian Programs or Area Office having responsibility for the Indian CDBG Program.

(f) "HUD" means the Department of Housing and Urban Development.

(g) "Identified service area" means (1) a geographic location within the jurisdiction of a Tribe (but not the entire jurisdiction) designated in comprehensive plans, ordinances, or other local documents as a service area; (2) the BIA service area, including residents of areas outside the geographical jurisdiction of the Tribe; or (3) the entire area under the jurisdiction of a Tribe which has a population of members under 10,000.

(h) "Low and moderate-income families/persons" means families/persons whose incomes do not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area based on HUD's findings that such variations are necessary because of unusually high or low family incomes.

(i) "Secretary" means the Secretary of HUD.

(j) "Tribal Government," "Tribal governing body" or "Tribal Council" means the recognized governing body of an Indian Tribe or Alaskan Native Village.

(k) "Tribal resolution" means the formal manner in which the Tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to Tribal practices will be acceptable.

(l) "Unemployment" means the number of persons out of work, who are willing and able to work.

§ 571.5 Eligible applicants.

(a) Eligible applicants are any Indian Tribe, band, group, or nation, including Alaskan Indians, Aleuts, and Eskimos, and any Alaskan Native Village of the United States which is considered an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450) or under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221). Eligible recipients under the Indian Self-Determination and Education Assistance Act will be determined by the Bureau of Indian Affairs and eligible recipients under the State and Local Fiscal Assistance Act of 1972 will be determined by the Department of Treasury, Office of Revenue Sharing.

(b) Tribal organizations which are eligible under Title I of the Indian Self-Determination and Education Assistance Act may apply on behalf of any Indian Tribe, band, group, nation, or Alaskan Native Village eligible under that Act for funds under this Part when one or more of these entities have authorized the tribal organization to do so through concurring resolutions. Such

resolutions must accompany the application for funding. Eligible tribal organizations under Title I of the Indian Self-Determination and Education Assistance Act will be determined by the Bureau of Indian Affairs.

(c) Only eligible applicants shall receive grants. However, eligible applicants may contract or otherwise agree with non-eligible entities such as States, cities, counties, or organizations to assist in the preparation of applications and to help implement assisted activities.

(d) To apply for funding in a given fiscal year an applicant must be eligible by the application submission date.

§ 571.6 Consultations.

On an annual basis, written and/or oral consultations will be held with eligible applicants by each Field Office, for these purposes:

(a) To allow eligible applicants an opportunity to comment on Field Office proposals for grant ceilings, impact and quality rating factors, and relative weights of rating factors;

(b) To provide eligible applicants with information on how to apply for funds and how grants will be selected and awarded; and

(c) To inform eligible applicants of changes in the program.

§ 571.7 Waivers.

The Secretary may waive any requirement of this Part not required by law whenever it is determined that undue hardship will result from applying the requirement, or where application of the requirement would adversely affect the purposes of the Act.

Subpart B—Allocation of Funds

§ 571.100 General.

(a) Types of grants. Two types of grants are available under the Indian CDBG Program.

(1) *Single Purpose grants* provide funds for one or more single purpose projects each consisting of an activity or set of activities designed to meet a specific community development need. This type of grant is awarded through competition with other single purpose projects.

(2) *Imminent Threat grants* alleviate an imminent threat to public health or safety that requires immediate resolution. This type of grant is awarded only after a Field Office determines that such conditions exist and if funds are available for such grants.

(b) Size of Grants.

(1) *Ceilings.* Each Field Office may establish grant ceiling for Single Purpose Grant applications.

(2) *Individual grant amounts.* In determining appropriate grant amounts to be awarded, HUD may take into account the size of the applicant, the level of demand, the scale of the activity proposed relative to need and operational capacity, the number of persons to be served, and the administrative capacity of the applicant to complete the activities in a timely manner.

§ 571.101 Regional allocation of funds.

Funds will be allocated to the Field Offices responsible for the program totally on the basis of population. Population data used for the allocation of funds will be based upon the eligible Indian population of those Tribes and Villages which are determined to be eligible ninety (90) days prior to the beginning of each fiscal year.

Subpart C—Eligible Activities

§ 571.200 General.

The eligibility requirements of 24 CFR Part 570, Subpart C—Eligible Activities apply to grants under this part except for those provisions which are specifically stated as applying to the Entitlement Cities and Small Cities-HUD administered programs, and with the modifications herein stated.

§ 571.201 Facilities.

(a) Neighborhood facilities are synonomous with tribal or village facilities.

(b) Fire protection facilities, solid waste disposal facilities and parking facilities defined in 24 CFR 570, Subpart C must be located in or serve identified service areas.

§ 571.202 Non-profit organizations.

Tribal-based non-profit organizations replace neighborhood-based non-profit organizations under 24 CFR Part 570, Subpart C. A Tribal-based Non-profit Organization is an association or corporation duly organized to promote and undertake community development activities on a not-for-profit basis within an identified service area.

§ 571.203 Administrative costs.

(a) For purposes of this Part, technical assistance costs associated with the development of a capacity to undertake a specific funded program activity are not considered administrative costs. Therefore, these costs are not included in the twenty percent limitation on planning and administration stated in Part 570, Subpart C.

(b) Technical assistance costs cannot exceed ten percent of the total grant award.

Subpart D—Single Purpose Grant Application and Selection Process

§ 571.300 Application requirements.

(a) *General.* Applications are required for assistance under this Part. Applications may include any number of eligible projects. Single Purpose grant applications will have each project rated separately. Applications shall include projects which can be completed within a reasonable period of time, generally not more than two years.

(b) *Submission dates.* Each Field Office will establish deadline for the submission of applications. Submission dates will be published by HUD as a notice in the **Federal Register.**

(c) *Demographic data.* Applicants may submit data that are unpublished and not generally available in order to meet the requirements of this section. The applicant must certify that:

(1) Generally available, published data are substantially inaccurate or incomplete;

(2) Data provided have been collected systematically;

(3) Data are, to the greatest extent feasible, independently verifiable; and

(4) Data differentiate between reservation and BIA service area populations.

(d) *Costs incurred by applicant.* (1) HUD will not reimburse or recognize any costs incurred before submission of the application to HUD.

(2) Also, HUD will not normally reimburse or recognize costs incurred before HUD approval of the application for funding. However, under unusual circumstances the Field Office may consider and approve written requests to recognize and reimburse costs incurred after submission of the application where failure to do so would impose undue or unreasonable hardship on the applicant. Such authorization will be made only where the requirements for reimbursement have been met pursuant to 24 CFR 58.22 and with the understanding that HUD has no obligation whatsoever to approve the application or to reimburse the applicant should the application be disapproved.

(e) *Publication of community development statement.* Applicants for Single Purpose grants shall prepare and publish or post the community development statement portion of their application according to the citizen participation requirements of § 571.604.

(f) *Application components.* Applicants for Single Purpose grants shall submit an application to the appropriate Field Office in a form prescribed by HUD. Components of the application shall include the following:

(1) Standard form 424;
(2) Community development statement, which includes:
(i) Brief description of community development needs;
(ii) Brief description of proposed projects to address needs, including scope, magnitude, and method of implementing project; and
(iii) Cost information by project, including specific activity costs, administration, planning, and technical assistance, total HUD share, and amount of other funds by source.
(3) Map showing project location, if appropriate; and
(4) Certification in the form of a tribal resolution that citizen participation requirements of § 571.604 have been met.

(Approved by the Office of Management and Budget under OMB control number 2506-0043.)

§ 571.301 Screening and review of applications.

(a) *Criteria for acceptance.* Applications for Single Purpose grants will be initially screened by each Field Office and accepted if:
(1) They have been received or postmarked on or before the submission date;
(2) The applicant is eligible;
(3) The proposed activities are eligible; and
(4) They contain substantially all the components specified in § 571.300(f). Applications failing this initial screening shall be returned to the applicants.
(b) *Demographic data.* HUD will review and accept demographic data provided by an applicant if in HUD's determination the data are of the quality described in § 571.300(c). Where demographic data provided by an applicant are unacceptable, HUD will use the best available data at HUD's disposal.
(c) *Grant ceiling.* Where Field Offices have established grant ceilings, applications will be reviewed for compliance.

§ 571.302 Selection process.

(a) *Threshold requirements.* In order for applications that have passed the initial screening tests of § 571.301 to be rated and ranked, Field Offices must determine that the following threshold requirements have been met:
(1) *Community development need and appropriateness:*
(i) Applicant's project(s) directly impacts on its community development needs;
(ii) The costs are reasonable;
(iii) It is appropriate for the intended use; and
(iv) It is usable or achievable generally within a two year period.

If available data, in the judgment of the Field Office, indicate that the proposed project is inconsistent with the applicant's community development needs, its costs are unreasonable, it is inappropriate for the intended use, or not usable generally within two years, the Field Office shall determine that the applicant has not met this threshold requirement, and reject the application from further consideration.
(2) *Capacity and performance.* Applicant has the capacity to undertake the proposed program. Additionally, applicants that have previously participated in the Indian CDBG Program must have performed adequately and/or in cases of previously documented deficient performance the applicant has taken appropriate corrective action to improve its performance.
(i) *Capacity.* Applicant possesses, or will acquire the managerial, technical, or administrative staff necessary to carry out the proposed projects. If the Field Office determines that the applicant does not have or cannot obtain the capacity to undertake the grant, the application will be rejected from further consideration.
(ii) *Performance.*
(A) *Community development.* Performance determinations are made through the Field Office's normal monitoring process. Applicants that have been advised in writing of negative findings on previous grants, for which a schedule of corrective actions has been established, will not be considered for funding if they are behind schedule as of the deadline date for filing applications.
(B) *Housing assistance.* Actions have been taken by the applicant within its control to facilitate the provision of housing assistance for low- and moderate-income members of the Tribe or Alaskan Vilage. Any action to prevent the provision or operation of assisted housing for low- and moderate-income persons shall also be evaluated in terms of whether it constitutes inadequate performance by the applicant. If inadequate performance is found, the applicant shall be rejected from further consideration. Subsequent applications will also be similarly disqualified in subsequent competitions unless the applicant has taken corrective actions within its control.
(C) *Previous audit finding and outstanding monetary obligations.* An applicant that has an outstanding Community Development Block Grant obligation to HUD that is in arrears, or for which a repayment schedule has not been agreed to, will be disqualified from the current and subsequent competitions until the obligations are current. An applicant that has an outstanding audit finding against it will be disqualified from the current and subsequent competitions until the audit finding is resolved. The Field Office Director may provide waivers of this disqualification in those cases where the applicant has made a good faith effort to clear the audit. In no instance, however, shall a waiver be provided when funds are due HUD, unless a satisfactory arrangement for repayment of the debt has been made, and payments are current.
(b) *Supporting information.* Field Offices shall provide applicants an opportunity to submit supporting information or modification for those applications which upon review are found to be apparently inconsistent with known facts or data; or inadequate in substance to make a threshold or rating determination, or a determination of compliance with the requirements of this part. Applicants shall only submit supporting information or modification in response to inquiries made by HUD. Applicants failing to meet the supporting information or modification request shall be disqualified from the competition if the Field Office determines that the applicant fails to meet the threshold requirements; or that information is lacking to make rating determinations, or to show compliance with requirements of this part.
(c) *Rating factors and criteria.* Applications which meet the threshold requirements established in paragraph (a) of this section will be rated competitively. Each project proposed in the application will be rated separately against others addressing the same impact factor.
(1) All projects will be rated against these specific factors:
(i) Relative needs of the applicant as measured by the extent of poverty and/or unemployment as represented by both numbers and percentages of families and/or individuals living in this condition; and
(ii) Degree of benefit of the proposed projects as measured by the number and percentage of low- and moderate-income families and persons to be served by the project.
(2) Additional rating factors will be developed by each Field Office to address these rating criteria:
(i) The impact of the proposed project on the applicant's community development need as measured by factors which may include, but are not limited to the following:

(A) The degree of impact of the proposed project on the provision of basic community facilities and services;

(B) The importance of the project to the provision of more or better housing for low- and moderate-income families and individuals;

(C) The direct impact of the project on the economic development of the applicant's community; or

(D) The degree to which the project will alleviate or remove a serious threat to health or safety; and/or

(E) The degree to which the project develops renewable energy resource systems and/or promotes energy efficiency.

(ii) The quality of the proposed project as measured by factors which may include, but are not limited to the following:

(A) Per capita cost when compared to other similar projects by similar size applicants;

(B) Cost effectiveness through joint tribal or Tribal/community facilities;

(C) Maximum use of existing services, facilities, and resources; or

(D) Retention, expansion, or creation of job opportunities; and/or

(E) Use of national or comparable tribal standards appropriate for the locale.

(3) Rating factors developed in accordance with paragraph (c)(2) of this section shall not result in additional information beyond what is required in the application.

(d) *Final ranking.* The points received for each rating factor by a project are totaled and the projects ranked according to the point totals. Projects are selected for funding based on this final ranking to the extent that funds are available. HUD may select additional projects for funding should one of the higher ranking projects not be funded, or if additional funds become available.

(e) *Procedural error.* If a Field Office makes a procedural error in the competition that, when corrected, will result in awarding sufficient points to warrant funding of an otherwise eligible applicant, HUD may fund that applicant in the next fiscal year without further competition.

§ 571.303 Funding process.

(a) *Notification.* Field Offices will notify applicants of the actions taken regarding their applications. Grant amounts offered may reflect adjustments made by the Field Offices in accordance with § 571.100(b).

(b) *Pre-award requirements.*

(1) Upon notification by HUD of sucessfully competing for a grant, the applicant shall submit on forms prescribed by HUD the following:

(i) Implementation schedule;

(ii) Certification; and

(iii) Cost information, if changes have occurred or if the Field Office has adjusted the original grant request.

(Approved by the Office of Management and Budget under OMB control number 2506-0043.)

(2) Successful applicants may also be required to provide supporting documentation concerning the management, maintenance, operation or financing of proposed projects before a grant agreement can be executed. Applicants will be given at least thirty (30) days to respond to such requirements. In the event that no response or an insufficient response is made within the prescribed time period, the Field Office shall determine that the applicant has not met the requirements and the grant offer will be withdrawn. The Field Offices shall require supporting documentation in those instances where:

(i) Specific questions remain concerning the scope, magnitude, timing, or method of implementing the project; and/or

(ii) The applicant has not provided information verfying the commitment of other resources required to complete, operate or maintain the proposed project.

(Approved by the Office of Management and Budget under OMB control number 2506-0043.)

(3) Grant amounts allocated for applicants unable to meet preaward requirements will be offered to the next highest ranking unfunded project.

(4) New projects may not be substituted for those originally proposed in the application.

(c) *Grant award.*

(1) As soon as HUD determines that the applicant has complied with the preaward requirements and nothing has come to the attention of the Field Office which would alter the threshold determinations under § 571.302, the grant will be awarded. These regulations, 24 CFR Part 571, become part of the grant agreement.

(2) All grants shall be conditioned upon the completion of all environmental obligations and approval of release of funds by HUD in accordance with the requirements of Part 58 of this title and, in particular, Subpart J; except as otherwise provided in:

(i) § 58.33 Emergencies;

(ii) § 58.34 Exempt activities; or

(iii) § 58.22 Activities excepted from limitations on the commitment of funds and which are reimbursable under Subpart C of Part 570.

(3) HUD may place other conditions on a grant in which case the grant agreement will be approved, but the obligation and utilization of funds may be restricted in whole or in part. The reasons for the conditional approval and the actions necessary to remove the conditions shall be specified in the grant agreement. Failure to satisfy the conditions may result in a termination of the grant. Conditional approval may be made:

(i) Where the requirements of Part 570, Subpart C, of this title regarding the provision of public services and flood or drainage facilities have not yet been satisfied;

(ii) Pending site and neighborhood standards approval for a proposed housing project, if applicable;

(iii) Pending HUD's approval of the use of Tribal work forces for construction or renovation activities in accordance with § 571.502; or

(iv) Pending resolution of problems with specific projects or of the capability of the grantee to obtain resources needed to carry out, operate or maintain the project.

§ 571.304 Program amendments.

(a) Grantees shall request prior HUD approval for all program amendments involving the alteration of existing activities that will significantly change the scope, location, objective, or class of beneficiaries of the approved activities, as originally described in the application. Approval is subject to the following:

(1) A rating equal to or greater than the lowest rating received by a funded project during the last rating cycle;

(2) Capability to promptly complete the modified or new activities;

(3) Compliance with the requirements of § 571.604 of this title for citizen participation; and

(4) The preparation of an amended or new environmental review in accordance with Part 58 of this title, if there is a significant change in the scope or location of approved activities.

Subpart E—Imminent Threat Grants

§ 571.400 Criteria for funding.

The following criteria apply to requests for assistance under this Subpart:

(a) In response to requests for assistance, the Field Office may make funds available under this Subpart to applicants to alleviate or remove imminent threats to health or safety that require an immediate solution. The urgency and immediacy of the threat shall be independently verified prior to

the acceptance of an application. Funds to alleviate imminent threats to health and safety may only be used to deal with threats that are not of a recurring nature, which represent a unique and unusual circumstance, and impact on an entire service area.

(b) Funds to alleviate imminent threats may be granted only if the applicant can demonstrate to the satisfaction of HUD that other local or federal funding sources cannot be made available to alleviate the threat.

§ 571.401 Application process.

(a) *Letter to proceed.* The Field Office may only issue the applicant a letter to proceed to incur costs to alleviate imminent threats to health and safety if the assisted activities do not alter environmental conditions and are for temporary or permanent improvements limited to protection, repair, or restoration actions necessary only to control or arrest the effects of imminent threats or physical deterioration. Reimbursement of such costs is dependent upon HUD approval of the application.

(b) *Applications.* Applications shall be submitted in accordance with § 571.300(f) and § 571.303(b). Applications which meet the requirements of these sections may be approved by the Field Office without competition.

§ 571.402 Environmental review.

Pursuant to § 58.34(a)(8) of this title, grants for imminent threats to health or safety are exempt from some or all of the environmental review requirements of Part 58 to the extent provided therein.

§ 571.403 Availability of funds.

Field Offices may set aside up to 15 percent of their allocation of funds under this Part for imminent threat grants. The only funds reserved for imminent threat are those set aside by the Field Office each year. Imminent threat funds which are not awarded prior to the award of the last Single Purpose grant shall be used for the next highest ranking Single Purpose project. After these funds are depleted, HUD shall not consider further request for imminent threat grants during that fiscal year.

Subpart F—Grant Administration

§ 571.500 General.

The requirements of Part 570, Subpart J of this title—Grant Administration—apply to grants under this Part with the modifications herein stated.

§ 571.501 Designation of public agency.

One or more Tribal departments or authorities may be designated by the chief executive officer of an Indian Tribe or Alaskan Native Village as the operating agency to undertake activities assisted under this Part. The Indian Tribe or Alaskan Native Village itself, however, shall be the applicant. Designation of an operating agency does not relieve the Indian Tribe or Alaskan Native Village of its responsibility in assuring that the program will be administered in accordance with all HUD requirements, including these regulations.

§ 571.502 Force account construction.

(a) The utilization of Tribal work forces for construction or renovation activities performed as part of the activities funded under this Part shall be approved by HUD prior to the start of project implementation. In reviewing requests for an approval of force account construction or renovation, HUD may require that the grantee provide the following:

(1) Documentation to indicate that it has carried out or can carry out successfully a project of the size and scope of the proposal;

(2) Documentation to indicate that it has obtained or can obtain adequate supervision for the workers to be utilized;

(3) Information showing that the workers to be utilized are, or will be, listed on the Tribal payroll and are employed directly by an arm, department or other governmental instrumentality of the Tribe or Alaskan Native Village. (Approved by the Office of Management and Budget under OMB control number 2506–0043).

(b) Any and all excess funds derived from the force account construction or renovation activities shall accrue to the grantee and shall be reprogrammed for other activities eligible under this Part in accordance with § 571.304 or returned to HUD promptly.

(c) Insurance coverage for force account workers and activities shall, where applicable, include workman's compensation, public liability, property damage, builder's risk, and vehicular liability.

(d) The grantee shall specify and apply reasonable labor performance, construction or renovation standards to work performed under the force account.

(e) The contracting and procurement standards set forth in OMB Circular A–102 apply to material, equipment, and supply procurements from outside vendors under this section, but not to other activities undertaken by force account.

§ 571.503 Indian preference requirements.

(a) *Applicability.* HUD has determined that grants under this Part are subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)), which requires that to the greatest extent feasible: (1) Preference and opportunities for training and employment shall be given to Indians, and (2) Preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises.

(b) *Definitions.* Indian organizations and Indian-owned economic enterprises include both:

(1) Any "economic enterprise" as defined in Section 3(e) of the Indian Financing Act of 1974 (Pub. L. 93–262); that is, "any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit provided that such Indian ownership and control shall constitute not less than 51 percent of the enterprise"; and

(2) Any "tribal organizations" as defined in Section 4(c) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638); that is, "the recognized governing body of any Indian Tribe; any legally established organization of Indians which is controlled, sanctioned or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organizations and which include the maximum participation of Indians in all phases of its activities."

(c) *Preference in administration of grant.* To the greatest extent feasible, preference and opportunities for training and employment in connection with the administration of grants awarded under this Part shall be given to Indians and Alaskan Natives.

(d) *Preference in contracting.* (1) To the greatest extent feasible, grantees shall give preference in the award of contracts and subcontracts for projects funded under this Part to Indian organizations and Indian-owned economic enterprises. One of the following methods of providing preference shall be used:

(i) Advertise for bids or proposals limited to qualified Indian organizations and Indian-owned enterprises. Bids must be received from more than one prospective contractor in order for the contract to be awarded.

(ii) Use a two-stage preference procedure.

(A) *Stage 1:* Invite or otherwise solicit Indian-owned economic enterprises to submit a statement of intent to respond

to a bid announcement limited to Indian-owned firms.

(B) *Stage 2:* If responses are received from more than one Indian enterprise which is found to be qualified, advertise for bids or proposal limited to Indian organizations and Indian-owned economic enterprises.

(iii) Develop the grantee's own method of providing preference with Field Office approval of the method prior to implementation.

(iv) If a grantee has used the method in paragraph (d)(1)(i), (ii) or (iii) of this section and failed to receive statements of intent or approvable bids or proposals from more than one qualified Indian enterprise, the grantee may advertise for bids or proposals without limiting the advertisement to Indian organizations and Indian-owned economic enterprises and, as in all cases, shall accept the lowest responsible bid or the best proposal.

(2) All preferences shall be publicly announced in the bid announcements.

(3) A grantee, at its discretion, may require information of prospective contractors seeking to qualify as Indian organizations or Indian-owned economic enterprises; however, this information need not be submitted to HUD. Thus, prospective contractors may be required by grantees to submit with or prior to submission of a bid or proposal:

(i) Evidence showing fully the extent of Indian ownership, control, and interest;

(ii) Evidence of structure, management and financing affecting the Indian character of the enterprise, including major subcontracts and purchase agreements; materials or equipment supply arrangements; and management salary or profit-sharing arrangements; and evidence showing the effect of these on the extent of Indian ownership and interest; and

(iii) Evidence sufficient to demonstrate to the satisfaction of the grantee that the prospective contractor has the technical, administrative, and financial capability to perform contract work of the size and type involved.

(4) The grantee shall incorporate the following clause (referred to as a section 7(b) clause) in each contract awarded in connection with a project funded under this part:

(i) The work to be performed under this contract is on a project subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)) (Indian Act). Section 7(b) requires that to the greatest extent feasible (A) preferences and opportunities for training and employment shall be given to Indians and (B) preferences in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises.

(ii) The parties to this contract shall comply with the provisions of section 7(b) of the Indian Act.

(iii) In connection with this contract, the contractor shall, to the greatest extent feasible, give preference in the award of any subcontracts to Indian organizations and Indian-owned economic enterprises, and preferences and opportunities for training and employment to Indians and Alaskan Natives.

(iv) The contractor shall include this section 7(b) clause in every subcontract in connection with the project, and shall, at the direction of the grantee, take appropriate action pursuant to the subcontract upon a finding by the grantee or HUD that the subcontractor has violated the section 7(b) clause of the Indian Act.

(e) Additional Indian preference requirements. A grantee may, with prior HUD approval, provide for additional Indian preference requirements as conditions for the award of, or in the terms of, any contract in connection with a project funded under this Part. The additional Indian preference requirements shall be consistent with the objectives of the section 7(b) clause of the Indian Act and shall not result in a higher cost or greater risk of non-performance or longer period of performance.

Subpart G—Other Program Requirements

§ 571.600 General.

The requirements of 24 CFR Part 570, Subpart K—Other Program Requirements—apply to grants under this Part with the modification herein stated.

§ 571.601 Nondiscrimination.

(a) Under the authority of section 107(a)(2) of the Act, the Secretary waives the requirement that recipients comply with Section 109 except with respect to the prohibition of discrimination based on age or against an otherwise qualified handicapped individual.

(b) A recipient shall comply with the provisions of Title II of Pub. L. 90-284 (24 U.S.C. 1301—the Indian Civil Rights Act) in the administration of a program or activity funded in whole or in part with funds made available under this Part. For purposes of this section, "program or activity" is defined as any function conducted by an identifiable administrative unit of the recipient. "Funded in whole or in part with funds made available under this Part" means that community development funds in any amount have been transferred by the recipient to an identifiable administrative unit and disbursed in a program or activity.

§ 571.602 Relocation and acquisition.

(a) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), hereinafter referred to as the Uniform Act, and HUD implementing regulations at Part 42 of this title apply to any acquisition of real property by a State agency (defined at 24 CFR 42.65) that is carried out for an activity assisted under this Part and to the displacement of any family, individual, business, non-profit organization, or farm that results from such acquisition.

(b)(1) Any acquisition of real property by a "State agency" and any displacement resulting from such acquisition of real property shall be considered to be an activity assisted under the Community Development Block Grant program and be subject to the regulations at Part 42 of this title if the acquisition occurs on or after the date of the submission of the application requesting federal financial assistance which is granted. However, if the grantee determines that an acquisition or displacement was not carried out for an assisted activity, and the Field Office concurs in the determination, such acquisition or displacement shall not be subject to these regulations. The grantee's request for HUD concurrence shall include its certification that at the time of the acquisition it did not intend to use the property for an assisted activity along with appropriate documentation to establish that fact.

(2) With respect to acquisitions for projects assisted under this Part that are not within the purview of the Uniform Act, the grantee shall:

(i) Provide each property owner a written offer of the amount determined to be just compensation for the property. Just compensation shall be based upon one or more appraisals of the fair market value of the property as prepared by a qualified appraiser. However, this provision shall not prevent a person from donating real property if, prior to the donation, he/she has been fully informed of his/her right to receive just compensation;

(ii) Provide HUD the opportunity to review any acquisition price established pursuant to Paragraph (b)(2)(i) of this section prior to compensation being paid to the seller;

(iii) Include in the applicable case file a justification for the acquisition payment in any case in which such payment exceeds the fair market value of the property.

(c)(1) The cost of relocation payments and assistance under Title II of the Uniform Act shall be paid from funds provided by this Part and/or such other funds as may be available to the grantee from any other source.

(2) With respect to other displacement-causing activities that are assisted under this Part but are not within the purview of the Uniform Act, the grantee shall adopt a uniform written policy for providing relocation payments and other assistance to ensure that displaced families and individuals obtain a safe and habitable replacement dwelling and that all persons, including families, individuals, business, nonprofit organizations and farm operations, are reimbursed for all moving and related expenses, including utility hook-up and storage costs. That policy shall also provide that:

(i) No occupant of a dwelling shall be required to move permanently from the dwelling, unless first given reasonable opportunity to relocate to a safe and habitable replacement dwelling at a monthly housing cost, including utilities, that does not exceed 30 percent of his/her gross income;

(ii) All families, individuals, business, nonprofit organizations, and farm operations to be displaced shall be provided advance information sufficient to enable them to fully understand the reason for their displacement and the relocation payments and other assistance to which they are entitled under these regulations;

(iii) In any case in which the occupant of a dwelling is required to relocate for a temporary period in order to permit rehabilitation or demolition, the temporary relocation shall not exceed 12 months in duration, a safe and habitable dwelling shall be available to the person for the period of the temporary relocation, and the grantee shall pay actual reasonable out-of-pocket expenses, including any moving costs or increase in monthly housing costs, incurred by the person in connection with the temporary relocation.

§ 571.603 Labor standards.

(a) The Secretary waives the requirement of Section 110 of the Housing and Community Development Act of 1974, as amended, with respect to the Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.) that laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under this Part be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor.

(b) This waiver does not extend to the provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333). Contractors and Subcontractors shall comply with all regulations issued pursuant to that act and with other applicable federal laws and regulations pertaining to labor standards.

(c) This waiver does not permit the grantee to set wage rates for projects funded under this part which would be considered excessive for other similar projects funded by the Tribe or another federal entity. HUD will periodically review wage rates and take appropriate corrective action should wage rates be found to be excessive.

§ 571.604 Citizen participation.

(a) In order to permit members of Indian Tribes and Alaskan Native Villages to examine and appraise the applicant's application for funds under this Part, the applicant shall follow traditional means of citizen involvement which, at the least, include the following:

(1) Furnishing members information concerning amounts of funds available for proposed community development and housing activities and the range of activities that may be undertaken;

(2) Holding one or more meetings to obtain the views of members on community development and housing needs. Meetings shall be scheduled in ways and at times that will allow participation by members.

(3) Developing and publishing or posting the community development statement in such a manner as to afford affected members an opportunity to examine its contents and to submit comments;

(4) Affording members an opportunity to review and comment on the applicant's performance under any active community development block grant.

(b) Prior to submission of the application to HUD, the applicant shall certify that it has met the requirements of paragraph (a) of this section, and

(1) Considered any comments and views expressed by members and, if it deems appropriate, modified the application accordingly.

(2) Made the modified application available to members.

(c) No part of this requirement shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of the grant. Accordingly, the citizen participation requirements of this paragraph do not include concurrence by any person or group in making final determinations on the contents of the application.

§ 571.605 Environment.

In order to assure that the policies of the National Environmental Policy Act of 1969 and other provisions of Federal law which further the purposes of such Act (as specified in 24 CFR 58.4 and 58.5) are most effectively implemented in connection with the expenditure of block grant funds, the recipient shall comply with the Environment Review Procedures for the Community Development Block Grant Program (24 CFR Part 58). Upon completion of the environmental review, the recipient shall submit a certification and request for release of funds for particular projects in accordance with 24 CFR Part 58.

§ 571.606 Housing assistance.

In those instances where a Tribe has established an Indian Housing Authority and has obtained housing assistance from HUD, its compliance with the resolution set out in 24 CFR 805, Subpart A, Appendix I, Article VIII will be a performance consideration under the Indian CDBG program.

Subpart H—Program Performance

§ 571.700 Reports to be submitted by grantee.

Grant recipients shall submit an annual status report of progress made on previously funded grants at a time determined by the Field Office. The status report shall be in narrative form addressing three areas:

(a) *Progress.* The progress in completing activities, the work remaining, changes in the implementation schedule and a breakdown of funds expended on each approved project;

(b) *Grantee assessment.* Description of the effectiveness of funded activities in meeting the recipient's community development need; and

(c) *Environment.* Status of the following:

(1) The environmental assessments and environmental impact statements prepared by the recipient;

(2) Action taken for compliance with other environment obligations;

(3) Compliance with the conditions under § 58.34 of this title for exempt projects; and

(4) If appropriate, environmental reviews of emergency projects under § 58.33 of this title.

(Approved by the Office of Management and Budget under OMB control number 2506-0043)

§ 571.701 Review of recipient's performance.

(a) *Objective.* HUD will review each recipient's performance to determine whether the recipient has achieved the following:

(1) Complied with the requirements of the Act, this Part, and other applicable laws and regulations;

(2) Carried out its activities substantially as described in its application;

(3) Made substantial progress in carrying out its approved program;

(4) A continuing capacity to carry out the approved activities in a timely manner; and

(5) The capacity to undertake additional activities funded under this Part.

(b) *Basis for review.* In reviewing each recipient's performance, HUD will consider all available evidence which may include, but not be limited to, the following:

(1) The approved application and any amendments thereto;

(2) Reports prepared by the recipient;

(3) Records maintained by the recipient;

(4) Results of HUD's monitoring of the recipient's performance, including field evaluation of the quality of the work performed;

(5) Audit reports;

(6) Records of drawdowns on the Letter of Credit; and

(7) Records of comments and complaints by citizens and organizations or litigation.

§ 571.702 Corrective and remedial actions.

(a) *General.* One or more corrective or remedial actions will be taken by HUD when, one the basis of the performance review, HUD determines that the recipient has not achieved the following:

(1) Complied with the requirements of the Act, this Part, and other applicable laws and regulations, including the environmental responsibilities assumed under Section 104(f) of Title I of the Act;

(2) Carried out its activities substantially as described in its applications;

(3) Made substantial progress in carrying out its approved program; or

(4) Shown the continuing capacity to carry out its approved activities in a timely manner.

(b) *Action.* The action taken by HUD will be designed, first, to prevent the continuance of the deficiency; second, to mitigate any adverse effects or consequences of the deficiency; and third, to prevent a recurrence of the same or similar deficiencies. The following actions may be taken singly or in combination, as appropriate for the circumstances:

(1) Request the recipient to submit progress schedules for completing approved activities;

(2) Issue a letter of warning advising the recipient of the deficiency (including environmental review deficiencies), establishing a date for corrective actions, and putting the recipient on notice that more serious actions will be taken if the deficiency is not corrected or is repeated;

(3) Advise the recipient that a certification of compliance will no longer be acceptable and that additional information or assurances will be required;

(4) Advise the recipient to suspend, discontinue, or not incur costs for the affected activity;

(5) Advise the recipient to reprogram funds from affected activities to other eligible activities, provided that such action shall not be taken in connection with any substantial violation of Part 58 and provided that such reprogramming is subjected to the environmental review procedures of Part 58 of this title;

(6) Advise the recipient to reimburse the recipient's program account or Letter of Credit in any amounts improperly expended;

(7) Change the method of payment from a Letter of Credit basis to a reimbursement basis; and/or

(8) Suspend the Letter of Credit until corrective actions are taken.

§ 571.703 Reduction or withdrawal of grant.

(a) *General.* A reduction or withdrawal of grant pursuant to pargarph (b) of this section will not be made until at least one of the corrective or remedial actions specified in § 571.702(b) have been taken and only then if the recipient has not made an appropriate and timely response. Prior to making such grant reduction or withdrawal, the recipient shall also be notified and given an opportunity within a prescribed time for an informal consultation regarding the proposed action.

(b) *Reduction or withdrawal.* When the Field Office determines, on the basis of a review of the grant recipient's performance that the objectives set forth in § 571.701(a) have not been met, the Field Office may reduce or withdraw the grant, except that funds already expended on eligible approved activities shall not be recaptured or deducted from future grants.

§ 571.704 Other remedies for noncompliance.

(a) *Secretarial actions.* If the Secretary finds a recipient has failed to comply substantially with any provision of this Part even after corrective actions authorized under § 571.702 have been applied, the following actions may be taken provided that reasonable notice and opportunity for hearing is made to the recipient. (The Administrative Procedure Act (5 U.S.C. § 551. et seq.), where applicable, shall be a guide in any situation involving adjudications where the Secretary desires to take actions requiring reasonable notice and opportunity for hearing.)

(1) Terminate the grant to the recipient;

(2) Reduce the grant to the recipient by an amount equal to the amount which was not expended in accordance with this Part; or

(3) Limit the availability of funds to projects or activities not affected by such failure to comply; provided, however, that the Secretary may on due notice revoke the recipient's Letter of Credit in whole or in part at any time if the Secretary determines that such action is necessary to preclude the further expenditure of funds for activities affected by such failure to comply.

(b) *Secretarial referral to the Attorney General.* If there is reason to believe that a recipient has failed to comply substantially with any provision of the Act, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted. Upon such a referral, the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of the assistance furnished under this Part which was not expended in accordance with it, or for mandatory or injunctive relief.

Authority: Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.); Section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: March 15, 1983.

Stephen J. Bollinger,

Assistant Secretary, Community Planning and Development.

[FR Doc. 83-7074 Filed 3-17-83; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary For Community Planning and Development

[Docket No. N-83-1217]

Community Development Block Grant Program For Indian Tribes and Alaskan Native Villages

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice sets the deadline for filing applications for funds from the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages for Fiscal Year 1983. Applications are required in order to provide HUD with the information necessary to rate the proposed project(s) and to assure HUD that the necessary citizen participation has taken place.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Marcia A.B. Brown, Office of Program Policy Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6092. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: This notice sets the deadline for submitting applications for the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages. These dates apply only to applications submitted by Indian Tribes and Alaskan Native Villages for Fiscal Year 1983.

The Field responsibility for the administration of the program is divided among the following offices: Region V Office of Indian Program (OIP) in Chicago responsible for all HUD Indian program activities within Regions I-V plus the State of Iowa; Oklahoma City Area Office, division of Indian Program (DIP) are responsible for all HUD Indian program activities in the States of Arkansas, Texas, Oklahoma, Kansas, and Missouri; Region VIII OIP in Denver responsible for all HUD Indian Program activities in Region VIII, as well as the State of Nebraska; Region IX OIP in San Francisco responsible for all HUD Indian program activities in Region IX plus the State of New Mexico; Region X OIP in Seattle responsible for all HUD Indian program activities in Region X with the exception of the State of Alaska; and the Anchorage Area Office, Community Planning and Development Division (CPDD) responsible for all HUD Indian program activities in the State of Alaska. Thus, application submission dates for these offices are the only ones to appear below.

As of the effective date of this notice (March 18, 1983) applications will be accepted by HUD.

FINAL DATES FOR SUBMISSION

Offices	No Later Than[1]
Region V, OIP	Apr. 1, 1983.
Oklahoma City Area Office, DIP	Apr. 22, 1983.
Region VIII, OIP	Mar. 21, 1983.
Region IX, OIP	Apr. 11, 1983.
Region X, OIP	Mar. 18, 1983.
Anchorage Area Office, CPDO	May 2, 1983.

[1] Applications must be received or postmarked no later than the date specified. Applications received or postmarked after the deadline will not be considered for funding.

Tribes and Villages submitting applications for this program must do so on HUD forms approved by the Office of Management and Budget (Approved by the Office of Management and Budget under OMB Control Number 2506-0043). These forms request information which is necessary to rate the proposed project (s) and which assures HUD that the necessary citizen participation has taken place. Forms will be provided by the appropriate HUD Field Offices.

(Catalog of Federal Domestic Assistance number is 14.223.)

(Section 107, of the Housing and Community Development Act of 1974, as amended (42 USC 5301 et seq.); Section 7 (d), of the Department of Housing and Urban Development Act (42 USC 3535(d)).)

Dated: March 14, 1983.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 83-7075 Filed 3-17-83; 8:45 am]

BILLING CODE 4210-29-M

federal register

Friday
March 18, 1983

Part VI

Department of Labor

Mine Safety and Health Administration

Alternate Product Approval Procedure; Proposed rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 37

Alternate Product Approval Procedure

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of public meeting.

SUMMARY: The Mine Safety and Health Administration (MSHA) will hold two public meetings to present its preproposal draft of a new Part 37, Alternate Product Approval Procedure. The draft proposal would provide an expedited application procedure for manufacturers of mining equipment which have certain design characteristics and features.

DATES: The meetings will be held at 9: 00 a.m. on April 5, 1983 in Pittsburgh, Pennsylvania and on April 12, 1983 in San Francisco, California.

ADDRESSES: The meetings will be held at the following locations: Pittsburgh, Pennsylvania—Bureau of Mines Auditorium, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, April 5. San Francisco, California—Federal Office Building, Room 15022, 450 Golden Gate Avenue, San Francisco, California 94102, April 12.

Comments on the preproposal draft should be sent to the Office of Standards, Regulations and Variances, MSHA, Room 631, Ballston Towers #3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: On March 4, 1983, MSHA announced in the **Federal Register** (48 FR 9475) the availability of a preproposal draft of an expedited product approval procedure. This procedure would provide manufacturers an alternative to the existing procedure for MSHA approval of certain products for use underground. Copies of the preproposal draft of the new Part and of a draft appendix for approval of portable, battery-powered, intrinsically safe methane-indicating detectors have been mailed to persons and organizations who have expressed an interest in this rulemaking. Comments must be received by May 3, 1983.

MSHA has scheduled two public meetings to present detailed procedures regarding the Agency's approval program and to clarify any issues on which participants may wish to file written comments. The meetings will be conducted in an informal manner by a panel of MSHA officials who will explain the Agency's existing procedure for product approval and the proposed alternate procedure. Persons in attendance may ask questions of the panel members regarding either the existing procedure or the draft proposal. A verbatim transcript will not be made. Interested persons and organizations are urged to submit comments in writing prior to May 3, 1983.

Persons planning to attend the meetings are requested to notify the Agency. However, no time will be allotted for presentations since formal statements are not solicited.

Dated: March 15, 1983.

Ford B. Ford,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 83-7142 Filed 3-17-83; 8:45 am]

BILLING CODE 4510-43-M

federal register

Friday
March 18, 1983

Part VII

Department of Labor

Mine Safety and Health Administration

Training and Retraining of Miners; Advance Notice of Proposed Rulemaking

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 48

Training and Retraining of Miners; Advance Notice of Proposed Rulemaking

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Mine Safety and Health Administration (MSHA) invites public participation in the early stages of the Agency's review of the training regulations in 30 CFR Part 48. These regulations were promulgated pursuant to Section 115 of the Federal Mine Safety and Health Act of 1977 and became effective on October 13, 1978 (43 FR 47454). These regulations set forth the requirements for approval of training programs and specify the types of training which must be provided to miners under these programs.

DATE: Comments must be received on or before March 17, 1983.

ADDRESS: Send comments to the Office of Standards, Regulations, and Variances; MSHA; Room 631, Ballston Towers #3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations and Variances, MSHA (703) 235–1910.

SUPPLEMENTARY INFORMATION: MSHA is initiating a review of the Agency's regulations in order to consolidate all of the training requirements in a single regulation. As a part of this review, MSHA will be evaluating training requirements in the Agency's existing coal, and metal and nonmetal regulations, to determine if they duplicate, in whole or in part, the training regulations. In addition, the Agency seeks comments concerning changes to the training regulations which might improve their clarity, applicability and effectiveness.

Consistent with the executive and legislative initiatives related to regulatory improvement, MSHA is particularly soliciting comments related to paperwork and recordkeeping requirements and more flexible training alternatives.

List of Subjects in 30 CFR Part 48

Education, Mine safety and health.

Dated: March 15, 1983.

Ford B. Ford,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 83-7141 Filed 3-17-83; 8:45 am]

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federal register

Friday
March 18, 1983

Part VIII

Office of Personnel Management

Proposed Demonstration Project; Airway Science Curriculum

OFFICE OF PERSONNEL MANAGEMENT

Proposed Demonstration Project; Airway Science Curriculum

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed demonstration project.

SUMMARY: Title VI of the Civil Service Reform Act of 1978 authorizes the Office of Personnel Management to conduct demonstration projects which experiment with new and different personnel management concepts under controlled conditions. Before conducting or entering into any agreement or contract to conduct a demonstration project, the Office of Personnel Management is required to publish the project plan in the **Federal Register**. This notice meets that legal requirement.

DATES:

Comment Date: Written comments will be considered if received no later than May 17, 1983.

Hearing Date: A public hearing will be held on the proposed project plan in Washington, D.C. on April 22, 1983, beginning at 9 a.m.

ADDRESSES:

Comment Address: Send written comments to Mr. Terry W. Culler, Assistant Director for Planning and Evaluation, U.S. Office of Personnel Management, Room 7R48, 1900 E Street, N.W., Washington, D.C. 20415.

Public Hearing Address: Auditorium, third floor, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591

FOR FURTHER INFORMATION CONTACT:

(1) On proposed demonstration project and to schedule time for the public hearing: At FAA, Judy Branting, (202) 426–8844.

(2) On proposed demonstration project: At OPM, Donald Hill, (202) 254–6486.

SUPPLEMENTARY INFORMATION:

On Proposed Demonstration Project

The Federal Aviation Administration (FAA) has submitted a proposal for consideration as a demonstration project under Title VI of the Civil Service Reform Act of 1978 (92 Stat. 1185) entitled "Airway Science Curriculum Demonstration Project." The purpose of the project is to compare the performance, job attitudes, and perceived potential for supervisory positions of individuals recruited for several of FAA's technical occupations who have an aviation-related college-level education, or its equivalent, with individuals recruited for the same occupations through traditional methods. In order to accomplish this purpose, FAA, with assistance from the University Aviation Association, developed a model Airway Science Curriculum which emphasizes college-level courses in aviation, science and technology, mathematics, management, and general studies. Applicants for FAA positions as air traffic controller, electronics technician, aviation safety inspector, and computer specialist who enter through the demonstration Airway Science Announcement will be rated on their possession of the knowledges, skills, abilities, and other characteristics contained in the model Airway Science Curriculum and ranked and selected from a separate register parallel to those currently in use. Additionally, applicants for air traffic controller positions must pass the air traffic control examination.

On Public Hearings

A public hearing will be held by the U.S. Office of Personnel Management in Washington, D.C., during which interested persons or organizations may present their written or oral views concerning the proposed demonstration project. The hearing will be informal in nature. However, in order to regulate the course of the hearing and to provide ample opportunity for all persons and organizations desiring to testify at the public hearing, each speaker's presentation will be limited to 10 minutes, and parties are requested to arrange for a specific scheduled time. Priority will be given to scheduled parties; others will be heard in the remaining available time. The hearing record shall be left open until May 6, 1983, to receive additional written data, views, and arguments from the parties participating in the hearings.

Office of Personnel Management.

Donald J. Devine,

Director.

The proposed demonstration project plan reads as follows:

Federal Aviation Administration; Airway Science Curriculum Demonstration Project; Project Plan

Background

The 1980's and beyond present the Federal Aviation Administration (FAA) with great sociotechnological challenge. The decade began with a strike by a major segment of the FAA work force as almost 12,000 air traffic controllers failed to report to duty and were subsequently terminated from the agency. A major reconstitution of that work force is now underway. Shortly thereafter, the FAA also embarked upon a program to modernize the National Airspace System (NAS) by reconfiguration and consolidation of facilities and equipment and by introduction of more sophisticated automation. This program will be implemented over the next 20 years. The combination of disrupted work force and technological change calls for a reexamination of the requirements and capabilities of the human systems upon which the NAS depends.

The Problem

The FAA is composed of a work force in which technical professions such as air traffic control and electronics technology predominate (Figure 1). Individuals in these occupations may possess limited educational backgrounds in that, for many, formal academic training concluded with high school (Figure 2). As a consequence, some FAA employees are narrowly focused in their occupational area.

The breadth of knowledge or commitment to aviation may not extend beyond the task at hand. These limitations can have serious implications for employees' ability to perceive their role within the total system and to progress to supervisory and managerial positions with the necessary leadership and human relations skills.

Air Traffic Controller	19,514
Electronics Technician	8,192
Engineering	2,239
Aviation Safety Inspector	1,875
Clerical/Secretarial	2,667
Other	9,204
Wage Grade	2,182
Total	45,873

Figure 1. FAA Employment by Occupations

(As of June 30, 1982)

Of equal concern is the adaptability of such employees to an increasingly technical and automated environment such as is envisioned within the NAS Plan. Over the next 20 years, FAA jobs will evolve from a preponderance of direct interface with operational equipment to an interface characterized by sophisticated automated controls and diagnostic devices. Thus, the skills and aptitudes of today's work force will need to be enhanced since an advanced skill level and skill mix for which there is no direct or immediate preparation will be required. Employees will have to possess the broad-knowledge base, perspective, and flexibility to accept and cope with this transition in the workplace.

Education level	Agency (percent)	Air traffic controller (percent)	Electronics technician (percent)	Aviation inspector (percent)
Non-high school grad	2.0	0.7	1.2	0.0
High school grad	71.9	75.9	82.8	47.3
Associate degree	8.3	8.5	10.8	17.4
Bachelor degree	15.4	14.2	4.9	30.3
Masters degree	2.2	0.7	0.3	4.5
Doctorate	0.2	0.0	0.0	0.5

Figure 2. Educational Level of FAA Employees by Occupation

(Based on information provided by employee upon entrance on duty.)

Proposed Solutions

The FAA is aware that the upgrading of a work force of 45,000 to 50,000 individuals, even over a period of time, is a tremendous undertaking. Corrective actions must be multifaceted and address current employees as well as those who will be hired in the future.

The FAA is already making plans to adjust its extensive technical training program to accommodate technological advances in equipment, systems, and configurations. The agency is also well along with its implementation of computer-based instruction which will facilitate this process.

Attention has also been focused on the FAA's supervisory and management training program. The mandatory aspects of initial training for individuals newly selected for such positions have been reinforced and the content reoriented to a greater emphasis on human relations, leadership, and accountability rather than on procedural requirements. More funds have been allocated to the training function in general, and more managers and supervisors have been urged to enroll in supplemental management training. For other employees, the agency is recommending preparatory training courses to enhance potential for first-line supervisory positions.

Lastly, but perhaps of most promise, all FAA employees will be encouraged to continue their higher education on their own initiative and, for the most part, after hours. Credit in the selection process for FAA positions will be awarded for such efforts.

Working with the academic community, the FAA has developed a specific recommended college level curriculum. The model curriculum was developed by the University Aviation Association and the FAA to respond to the needs generated by the revision of the National Airspace System. The curriculum was designed to meet normal university academic and accreditation requirements, to be easily adapted to existing aviation-related programs, to have the flexibility to allow individual educational institutions the option of offering any number of the five areas of concentration according to their individual resources, and to be attractive to students seeking careers in both Government and the aviation industry. Contacts are being made with colleges and universities to ascertain how current employees can enhance their knowledge and skills by pursuing this Airway Science curriculum through residency, correspondence, and credit for equivalent FAA training.

All the above efforts to improve the quality of the FAA work force can be accomplished within authority currently available to the FAA. Still required, however, is the means to assure that some portion of the individuals joining the agency in the coming years possess the same knowledges, skills, abilities and other characteristics (KSAO's) such as those attained by graduates of an Airway Science curriculum. It is anticipated that some, though not all, FAA or target occupation vacancies would be filled by such individuals and that this intake would contribute to overall performance within the agency. Included in this category are individuals who meet the qualification standards approved by the Office of Personnel Management (OPM) and FAA for the demonstration through substitution of other training and experience which is equivalent to all or part of the model curriculum. Examples of equivalency substitution might include associate degrees in electronics, flight certificates, and aviation-related military training. The recruitment of Airway Science trained individuals [1] is the subject of the demonstration project described below.

Demonstration Project

Objectives

The demonstration project is focused on developing alternative qualifications and recruitment sources primarily for agency technical occupations. The project is designed to compare performance of selected individuals who have an aviation-related college education or its equivalent with individuals employed through traditional recuiting methods. The specific objectives of the project are as follows:

1. Recruitment/hiring of individuals who have completed or have the equivalent of a model college-level curriculum of general studies, mathematics, science and technology, management, and aviation courses.

2. Evaluation of the concept that individuals with this background recruited for FAA occupations are better able to perform the functions of the job than individuals recruited through existing methods. If this is the case, then that background can be substituted for general and specialized experience in hiring at the GS–7 level for specific FAA occupations.

3. Assessment of the performance, job attitudes, and potential of Airway Science trained individuals versus those of individuals employed by current procedures.

4. Determination of the impact of this program on the employment and career progression of women and minority candidates.

Methodology

The project goal of development of alternative qualifications and recruitment sources for agency occupations will emphasize a coordinated effort to recruit individuals with nontraditional backgrounds, screening of individuals based on training, and selections for employment from registers existing parallel to those currently in use. The salient features of each specific change are as follows:

1. *Announcement.* The intake method for this project will be called the Airway Science Announcement for FAA positions. It would be a semiannual announcement for Airway Science occupations. Opening of the announcement would be timed to coincide with the academic year so that offers of employment could be made at the completion of school terms.

The announcement would provide for entry at the GS–7 level in all covered occupational areas. There will be four areas: air traffic control (GS–2152), airway facilities (GS–0856), aviation safety inspector—general aviation operations and maintenance (GS–1825), and computer sciences (GS–334).

The examination process would be on an unassembled basis. For each occupational area, a separate evaluation process will be jointly developed by FAA and the OPM. The rating schedule developed will be structured so that applicants who present the equivalent KSAO's provided by the courses or course equivalents specified in the model Airway Science curriculum will be placed at the top of the group. For the air traffic area, candidates must also pass the current air traffic control examination. For the aviation safety

[1] For the purpose of this plan, "Airway Science trained individuals" include graduates of educational institutions offering recognized Airway Science programs and other individuals who have acquired the reqiisite KSAO's through experience,training and/or formal education.

inspector occupation, candidates must hold listed certificates and ratings. Successful candidates would be eligible for employment consideration for one-year period with an extension of one additional year granted upon written request.

The OPM will provide consulting assistance during the term of the project and will coordinate the evaluation function to ensure compliance with laws, regulations, and policies not waived by the project. The Special Examining Division (SED) of the Mike Monroney Aeronautical Center, located in Oklahoma City, Oklahoma, will accomplish the examination process and maintain registers of candidates for FAA use.

2. *Qualifications.* The Appendix contains the generic Airway Science curriculum outline, subject area parameters, and areas of concentration. Each area of concentration will qualify individuals for certain occupational categories in FAA. The Airway Science curriculum will be the basis for the rating guides used in the qualifications review process. Experience and training may be substituted for education to the extent that such experience and/or training is equivalent to the KSAO's provided by the curriculum. Figure 3 shows the relationship between the areas of concentration and FAA positions.

The entry at GS–7 is established as an incentive to pursue a stringent degree program and to enhance the agency's ability to recruit well-qualified individuals. The College Placement Council reported in July 1982 that liberal arts graduates received employment offers with the average salary level at approximately $17,000 per year and that engineering technology graduates received offers of $23,496 per annum. In comparison, a beginning GS–5 salary is $13,369, and a GS–7 earns $16,559.

Completion of degree requirements or presentation of a combination of education, training and experience that are judged to be substantially equivalent to the KSAO's provided by the curriculum will satisfy all general and specialized experience qualification requirements for appointment at the GS–7. Physical qualifications as well as requisite background/security investigations would be required as for current eligibles.

FAA occupation	Curriculum concentration area
Air Traffic Control Specialist	Airway Science Management.
Electronics Technician	Airway Computer Science. Airway Electronic Systems.

FAA occupation	Curriculum concentration area
Aviation Safety Inspector (General Aviation Operations).	Aircraft Systems Management.
Aviation Safety Inspector (General Aviation Maintenance).	Aviation Maintenance Management.
Computer Systems Programmer/Analyst.	Airway Computer Science.

Figure 3. FAA Occupations and Curriculum Concentrations

3. *Employment.* All FAA employing jurisidictions anticipate selecting eligibles under this program. The Special Examining Division will provide certificates of eligibles to FAA personnel offices upon request. Each employment office will be responsible for arranging necessary preemployment interviews, medical examinations, and security investigations. Selection for a position in this program would result in career or career-conditional appointment. Eligibles employed would have to serve a probationary period and would be subject to the same requirements as other Federal employees. An overview of the demonstration intake process is included as Figure 4.

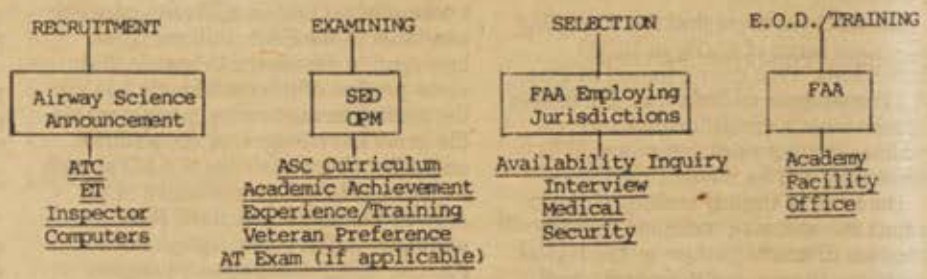


FIGURE 4. INTAKE PROCESS FOR AIRWAY SCIENCE DEMONSTRATION PROJECT

Waivers of Law or Regulation Required

In order to accomplish the demonstration project, provisions of law and regulations require waiver or modification. Included are those pertaining to establishment of minimum education requirements and to entry-level qualifications for certain occupations. The specific citations are as follows:

(a) 5 U.S.C. 3308 Competitive service; examinations; educational requirements prohibited; exceptions.

5 CFR 300.103 Basic Requirements (a) and (b).

The law and implementing regulations require that employment practices of the Federal Government be based on a job analysis to identify: basic duties and responsibilities, knowledges, skills, and abilities required to perform the duties and responsibilities, and factors important in evaluating candidates.

In order to test the premise that the KSAO's provided in Airway Science curriculum can be substituted for general and specialized experience now required by published qualifications standards in specific occupations, the FAA must require that applicants demonstrate completion of degree requirements or have a background of training and experience substantially equivalent to the curriculum as a prerequisite for consideration under the Airway Science Announcement.

(b) 5 CFR 511.101 (b)(3) Definitions.

5 CFR 511.203 Exercise of Authority.

These sections define qualifications and limit agency authority in determining qualifications to that granted by OPM. The demonstration project is designed to employ Airway Science trained individuals in GS–7 entry level positions in the FAA. Published qualification standards exist for all of these positions. Waiver of these published qualification standards is required to permit entry at the GS–7 level to the extent that the project conflicts with pertinent provisions. These standards are promulgated under the above authorities. The following qualification standards and examining guides would be affected:

(Qualifications established under 5 U.S.C. Chapt. 51)

Air Traffic Control Specialist (GS–2152)
Feb 76 (TS 158)
Dec 80 (TS 183)
and ATCS Examining Guide, Oct 68 (TS 88)

Airway Safety Inspector Series (GS–1825)
January 75 (TS 114)

Computer Specialist Series (GS 334)
March 1981 (TS 186)

Electronics Technician Series (GS–0856)
March 66 (TS 97)
December 75 (TS 156)
and ET Examining Guide, Mar 66 (TS 65)

Handbook x–118, Part II
Section III—Crediting Education

That portion of the qualification standards for each occupation listed above relating to general and specialized experience and substitution of education for experience would be modified so that a candidate for employment with a bachelor's degree conforming to the Airway Science curriculum or one who can demonstrate substantially equivalent KSAO's would meet the general and specialized experience requirement to qualify for the GS–7 level. For the purposes of the demonstration project, those individuals without any related background would rate as not qualified. Existing guides would not be used, but alternative rating guides would be developed.

Positions/Employees Affected

The subjects of the demonstration project are potential employees who can demonstrate possession of the Airway Science KSAO's. Those hired concurrently through existing intake methods and other FAA employees will not be affected.

Upon approval of the demonstration project, the FAA goal is to hire up to 500 airway science trained individuals a year (10–15% of total FAA hires and 20–30% in target occupations) as soon as they are available, primarily into major technical occupations. As more and more individuals obtain Airway Science related qualifications, the number accessible for recruitment will also increase. At this early stage, an estimate of the number of individuals to be hired by occupation may be illustrated as follows:

	1983	1984	1985	1986	1987	1988
Air traffic controller	70	215	355	355	355	355
Electronics technician	25	72	122	122	122	122
Aviation safety inspector	4	10	18	18	18	18
Computer science	1	3	5	5	5	5
Total	100	300	500	500	500	500

Duration

It is proposed that the project begin in the fall of 1983 with the first Airway Science Announcement. The initial recruits would enter the FAA during late 1983 and early 1984. Hiring would continue at intervals over a 5-year period through 1988. Evaluation efforts would begin with tracking of the first Airway Science employees as they enter on duty in 1983. Since the subjects critical to the evaluation would accumulate over the life of the project and full-performance level would not be achieved for several years after entry, the evaluation phase of the demonstration will extend through 1990.

Training

No additional training is expected as an outcome of the demonstration project. Airway Science selectees will adhere to the same FAA training requirements as those established for any new entrant into the particular occupational specialty. Airway Science selectees entering into the air traffic program, as an example, will complete all phases of Academy training before proceeding to field facilities and on-the-job training. Similarly, only the timing of the training, not the specific courses, may differ for those Airway Science candidates hired as aviation safety inspectors. Since these inspectors will lack the specialized experience of usual candidates at the GS 9/11/12 levels, their courses may be administered earlier in their careers, on a group basis (with other Airway Science candidates), and within a tighter time frame.

Anticipated Benefits

The result of the demonstration project is expected to be a cadre of well-qualified individuals well-suited to the occupations necessary to support the National Airspace System of the future. The criticality of these jobs and the capability of the people that fill them to the safety of the aviation public cannot be overstated. Indeed, the beneficiaries of a highly qualified FAA work force are all those whose lives are impacted by air transportation—the public at large.

The demonstration project will also allow the FAA to resolve the question of whether a specific knowledge base or educational/experiential background lends itself to success in certain occupations an ultimately to perceived potential for supervisory positions. It will also provide data on whether extended exposure through a specified academic program, for those who enter with this background, will promote among women and minorities a greater interest in and aptitude for technical professions, such as those which are aviation-related.

Both the Airway Science group and control groups will be the objects of intensive investigations as to ability to accomplish job tasks, job satisfaction, relationships with peers and supervisors, perception of organizational role, etc. Information should also be available on the job needs and demands of employees with substantially different academic backgrounds. It is expected that the data obtained from these research efforts are equally valuable to numerous governmental and private organizations as to the efficacy and essentiality of this preparation to similar occupations.

Cost

The costs of the demonstration project to the Government are detailed below. Certain expenditures are associated with the curriculum itself. The cost of recruitment pertains to the screening, rating, and ranking process. Other resources are required for the travel, computer processes, and survey instruments associated with the evaluation phase.

Curriculum Development and Coordination	$35,000
Recruitment, Hiring, Employment	110,400
Evaluation	105,000
Total [1]	250,400

[1] Compensation for FAA personnel working on the project as a portion of their regular duties is not included.

Evaluation

Introduction

For assistance in the design and conduct of an evaluation of the Airway Science Curriculum Demonstration Project, the FAA will rely heavily on research psychologists at its Civil Aeromedical Institute (CAMI) in Oklahoma City, Oklahoma. The CAMI staff has extensive experience in assessing, most particularly, the effectiveness of technical and managerial training programs and subsequent job performance and have an existing data bank, computer processes, and models which can be readily adapted to the demonstration project. The following sections describe the general form of the project evaluation model and the specific application of the model to the evaluation of the Airway Science Demonstration Project. The OPM will be involved in the planning and conduct of the evaluation as necessary to meet its responsibilities under title 5, United States Code.

The General Model

The following sections describe the project evaluation model. The four components of the model are (1) design evaluation, (2) implementation evaluation, (3) formative evaluation, and (4) summative evaluation. Program design and implementation evaluations, as the terms imply, occur at the beginning of the project. Formative and summative evaluations occur simultaneously and serve to evaluate the process and course of the project as well as its products. Each of these evaluation components uses the techniques of statistical analysis and various reporting systems.

Design Evaluation

The project design evaluation involves ensuring the proper development of several tasks that make up the project implementation plan. The overall objectives of the project will be celarly defined and each expected outcome of the project will be listed. The outcomes will be organized by broad categories and related to the objectives of the project. The Airway Science curriculum will be reviewed so that determination can be made as to whether curriculum content is designed in a manner as to produce the qualified employees envisioned in the design of the project. Careful documentation of every step will be made during this evaluation phase by the evaluation staff with regular reports on the progress of the design.

Implementation Evaluation

The implementation evaluation phase monitors project implementation and ensures and documents that the project is implemented strictly according to the design. Any changes made to the design during implementation will be carefully documented and the design revised. The implementation evaluation stage will ensure that the stated process is operational, intact, and stable. This evaluation will be accomplished by means of frequent status studies during the implementation stage. Data will be collected on each aspect of the process and a determination made about the state of implementation. Direct observations will also be made on a periodic schedule. The status studies will generally be made into a report for project officials with suggestions to improve or expedite implementation. Shortcomings in implementation will be noted in each report. It is at this juncture that it is assured that candidates hired under the Airway Science Announcement meet the selection criteria anticipated in the design of the project. Figure 5 is a flow chart depicting the process of implementation evaluation.

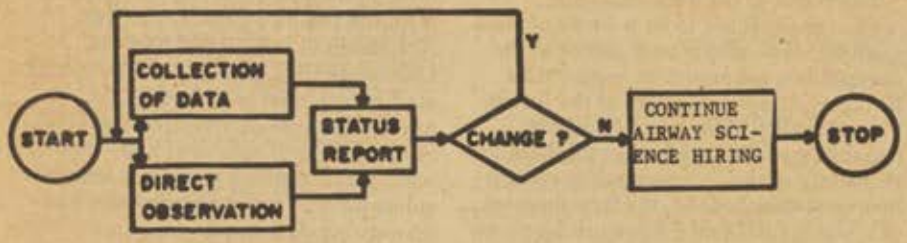


FIGURE 5. FLOW CHART OF IMPLEMENTATION EVALUATION PHASE

Formative Evaluation

When the project is determined to be operational, intact, and sufficiently stable, formative and summative evaluations will begin. The formative evaluation will be an ongoing process to ensure that the project maintains on target. It will consist of a cyclic process of collecting data and statistics related to the project criteria. This monitoring process gauges the operational stability of the project and the quality of Airway Science candidates being employed by the FAA. It is also a method for monitoring compliance with the Uniform Guidelines for Employee Selection.

The data base for formative evaluation will be extensive. It will contain information on each Airway Science employee and each member of the control groups as to OPM minority status code, all pertinent attitude information such as expectation and the set/information given to them prior to coming in to the FAA, individual and composite scores for selection tests, if any, other information used for points in selection, such as education, experience, and veterans' preference, FAA training, and pass/fail information and training scores, if applicable to the occupational group under study. Similarly, item reponses for all tests during any FAA training phases will also be maintained.

Statistics and reports will be summarized for research purposes and for transmittal to FAA project officers. Statistics on all FAA training and job performance measures will include sample sizes, means, standard deviations, intercorrelations, and pass/fail rates. Reliabilities and tests for parallelism will be calculated for all tests and performance ratings. These statistics will be maintained on record in both computer backup files and hard copy. Administrative formative evaluation reports will include sample sizes, means and intercorrelation on all relevant measures; and pass/fail rates and performance ratings will be stratified by minority status, sex, any prior experience, predevelopmental/noncompetitive entry, veterans' preference, educational level, option, and region. These reports will be prepared semiannually.

When, based on the formative summary data, there appears to be a problem in how the project is running, the evaluators will have the responsibility to alert the appropriate FAA project officials and prepare a concise report identifying the problem areas. Isolating the exact area of concern may require some special statistical analyses. The attitude information, where appropriate, will be employed as a covariate in the analyses. If it becomes apparent that, in any stage of employment prior to journeyman/full performance level, Airway Science employees are not meeting performance expectations, the report will recommend review of the project design phase for possible curriculum or selection adjustment.

Summative Evaluation

The summative evaluation will consist of a continual assessment of the quality of the products of the project. While formative evaluation is summarized semiannually and serves as an immediate feedback loop for ongoing project revisions, if needed, summative evaluation will occur on a larger scale across a longer time span (e.g., on a yearly basis). Formative evaluation will be concerned with internal project accuracy and stability and project reliability. Summative evaluation, however, will be a check on the quality of the output from the stabilized project by comparison of the job performance of Airway Science employees and that of control group members hired into the same occupations through existing intake methods.

The summative data base will consist of several components. It will contain a comprehensive tracking of the career progression of every Airway Science and control group entrant into the FAA. It will contain data for every individual on types of facilities/offices where the person has been employed, measures of job performance at each of these sites (criterion measures), types of attrition and why, whether a person changed job classification and why, and attitude and demographic information.

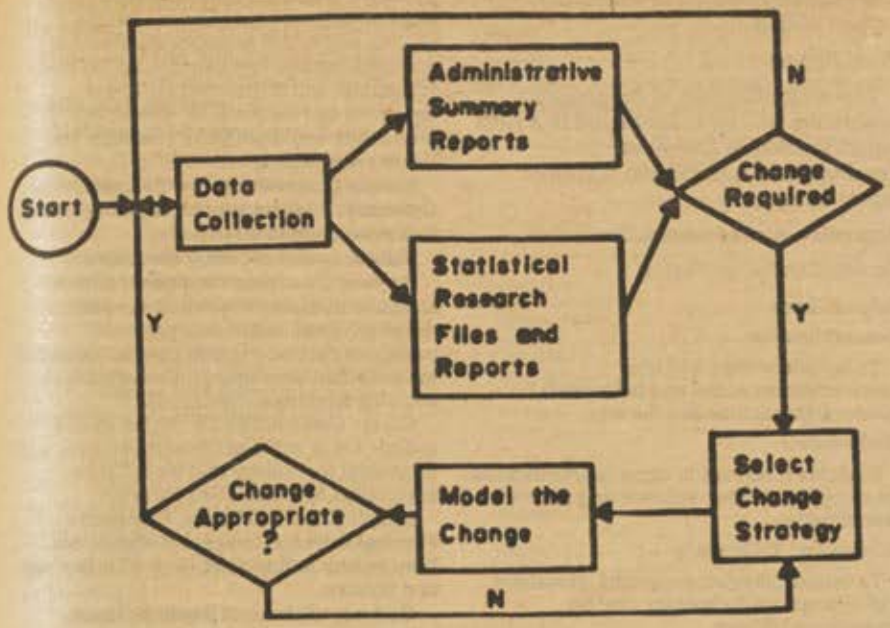


FIGURE 6 FLOW CHART OF THE GENERAL PROCESS FOR BOTH FORMATIVE AND SUMMATIVE EVALUATION

Statistics and reports will be summarized from the summative data base on a regular schedule for research and as information for decisionmaking. Statistics will include sample sizes, means, standard deviations, intercorrelations, attrition rate and analyses of variances (ANOVA) comparing the Airway Science employees with control groups. Administrative summative reports will include sample size, means, intercorrelations, and results of the ANOVA; and attrition data will be stratified by minority status, sex, prior experience, veterans' preference, training, educational level, reasons for attrition, and region.

If the summative data base demonstrates a problem in the project, a need for a major project revision may be indicated. The data will be reviewed very carefully, employing statistical analyses to isolate the source of the problem. As in the formative evaluation, the FAA management will be alerted to the problem but, in addition, in the case of summative data, OPM officials will be notified. Major project revisions require careful planning and more detailed attention than revisions based on formative data. Figure 6 flow charts the general process for both formative and summative evaluation.

Design evaluation	Implementation evaluation	Formulative evaluation	Summative evaluation
Objective: To state goals; develop, define, document project objectives.	To ensure that the design was fully and correctly implemented and is intact and stable.	To ensure that the project stays on target and to add and evaluate refinements changes to the project in a systematic manner. More concerned with project reliability.	To measure the quality of the final project product. What is the project payoff? More concerned with project validity.
Method: Careful documentation and description of major systems and subsystems of the project; use of flowcharts, PERT, tables, graphs, and general systems analysis technology.	Frequent status studies with data indicating the extent of implementation for each area of the process. Regular status reports are issued.	Maintenance of an ongoing data base that measures project stability and collection of data that would be sensitive to any change introduced. Regular reports to management.	Collection and analysis of data on career progress of Airway Science employees. Periodic reports on the data analysis.
Relation to decisionmaking: Determining the best plan of action to accomplish the project objectives.	Status reports offer suggestions for improvement and indicate where implementation is falling short.	Offers information on project stability through regular reports and information on the effects of any program change. Also offers information on EEO impact.	Offers information on the quality of the project product that is especially useful for long-term planning and needed change.

Figure 7. Summary of the Four Components of the Project Evaluation Model.

Application of the Model for Assessment of Products of the Airway Science Demonstration Project

The following design will be employed to determine project effects for the air traffic control specialists, electronics technicians, and aviation safety inspectors (computer science personnel are discussed later).

Applicants and selectees from the Airway Science program will be compared with a concurrent control group selected via the usual process. A series of ANOVAs will be performed on the (1) initial selection battery scores, (2) FAA training scores, (3) on-the-job performance measures, and (4) a job attitude measure, stratified by race, sex, and experimental and control group.

The ANOVA Design is illustrated in Figure 8.

	Experimental		Control	
	Men	Women	Men	Women
Minority				
Non-Minority				

Figure 8. ANOVA Design for determining project effects by occupational group.

Comparisons on the frequencies within various demographic categories for the experimental and control groups, as well as between all persons who are Airway Science curriculum majors versus those Airway Science majors who apply for FAA positions, will be tested via Chi-Squares statistical tests. Further demographic comparisons will not be made because of the lack of available data.

Measures Employed

Measures used for initial selection, training scores, and on-the-job performance measures are described in detail in the previously cited studies. However, a brief generic description of each will be offered here for the FAA training scores, on-the-job performance measures, and the attitude survey.

The FAA conducts training for selectees in each of the three job categories, spanning approximately 4 to 5 years to the journeyman level. The training phases cover (1) academic material with multiple choice tests for proficiency and (2) simulated and on-the-job performance of the job tasks with standardized performance assessment. Academic and performance data are maintained and will be used in the analyses on a structured interval basis.

Once journeyman level is achieved, periodic (annual) performance assessment is made comparing each person to others at that level of experience on several critical performance elements. Current performance criteria have already been developed and applied in the air traffic occupation. Similar criteria will be developed for electronics technicians and aviation safety inspectors employing an abbreviated form of the critical incident method. Data from the performance assessments are also maintained and will be employed in the analyses. The employee attitude survey (to be administered annually with the performance appraisal) is a combination of the items contained in the OPM's Federal Employee Attitude Survey and several items specific to the FAA organization.

Airway Science candidates hired by the FAA into computer science positions will likely constitute a very small sample size (perhaps 5 or less annually). Such small samples preclude proper statistical comparisons with a control group. While the same data maintained for the three previously described groups will also be maintained for these personnel, a different strategy will be employed to determine project effects. On an annual basis, concurrent with their performance appraisal, an in-depth case study will be performed via a structured interview with the employee and the employee's supervisor. The elements of the interview will cover in-depth the same factors involved in the attitude survey and an in-depth comparison by the supervisor between the employee and other non-Airway Science trained employees at that level on the critical job elements. Data from these interviews will be utilized in a more clinical fashion to determine project effects.

Final Report

The entire findings of the project evaluation will be summarized in a final report written in American Psychological Association scientific report form.

Appendix—Airway Science Curriculum

Generic Curriculum Outline

Subject Areas

General Studies

To include written and oral communication, social and behavioral sciences, humanities and the arts.

Mathematics

Basic math courses to serve as foundations for computer science, science, and areas of concentration.

Science and Technology

To include physics, geography, chemistry and appropriate technology, and/or engineering courses.

Computer Science

To include basic applied computer science courses.

Management

To include general management courses.

Aviation

To include aviation safety, law, navigation, communication, flight, meteorology, history, and operations.

Areas of Concentration:
(1) Airway Science Management
(2) Airway Computer Science
(3) Aircraft Systems Management
(4) Airway Electronic Systems
(5) Aviation Maintenance Management

Subject Area Parameters

General Studies (27 Semester Hours)

Purpose: To provide the opportunity for the extension of basic learning and communication skills, development of intellectual curiosity, and assessment of a social and historical perspective necessary for a broadly based, "well-rounded" individual.

Course Content: Courses will be designed to teach the skills that have been called "the foundations" of education. Critical thinking, cognitive and analytical skills, artistic skills, and communication skills are typical areas to be offered to satisfy this section of the curriculum.

Sample Courses: Composition, Speech, Economics, Languages, Logic, Government, and Technical Writing.

Mathematics (25 Semester Hours Math, Science, and Technology Combined)

Purpose: To offer a mathematical background specifically directed toward managerial personnel functioning in a high technology environment, including the preparation necessary for an Area of Concentration in Airway Computer Science and in Airway Electronic Systems.

Course Content: Specific topics should include college level algebra, analytical geometry, trigonometric functions, exponential and logarithmic functions, vectors and vector notation, matrix theory and applications, functional notation, basic integration and differentiation, linear equations and inequalities, elementary probability and descriptive statistics, and linear programming.

Sample Courses: Algebra, Calculus, Geometry, Trigonometry, Analytic Geometry, Statistics, and Math Methods.

Science and Technology (See Above)

Purpose: To expose the student to those scientific disciplines which foster and develop logical and in-depth thought processes particularly pertinent for managers in such a fast developing and electronically evolving working environment.

Course Content: Specific topics should include areas in the physical sciences as well as general technology that would have application to the aviation industry.

Sample Courses: Physics, Chemistry, Physical Science, Geography, Meterology, Introduction to Engineering, and Technology and Society.

Computer Science (9 Semester Hours)

Purpose: To provide the fundamental foundations required for a manager to understand, appreciate, and effectively work with high technology personnel in a complex and dynamic computer oriented industry.

Course Content: Specific topics should include data processing, computer languages (their use and applications), data base management, micro and mini computers, computer security, office automation, societal impacts, graphic usage, and simulation.

Sample Courses: Information Systems, Introduction to Computers, Micro Computers, Systems Analysis, Data Processing, Computer Science, Computer Programming, Computer and Society, and Computer Architecture.

Management (9 Semester Hours)

Purpose: To provide an educational background in management related areas expressly directed toward understanding and interacting with the human and interpersonal relationships necessarily developed in such a diverse field as aviation.

Course Content: The student will be required to have a general understanding of basic management concerns including those topics dealing with organization, motivation, and interpersonal relations. Curriculum is to include basic supervision concepts.

Sample Courses: Business Communications, Personnel Management, Principles of Management, Techniques of Supervision, Organizational Behavior, and Administrative Problems.

Aviation (15 Semester Hours)

Purpose: This section of the curriculum will provide the student with a broad knowledge of aviation operations, the aviation industry, the problems of flight and aircraft systems, and the need to integrate these facets into a comprehensive understanding of the aviation community as a whole.

Course Content: Courses in this area are designed to create an awareness of the operational environment of flight and aircraft systems, as well as the problems of aviation as a dynamic and growth oriented industry.

Sample Courses: Aviation History, Navigation and Communication, Introduction to Aeronautics, Aviation Meteorology, Aviation Safety, and Aerospace Legislation.

Areas of Concentration

I. Airway Science Management

Coursework in this area will prepare students specifically for a variety of administrative and management positions in the aviation community. It will be oriented to the technology of aviation through the core requirements of the curriculum.

Numerous career options exist both in industry and the Government in management areas related to aviation activities to include such positions as airport manager, general aviation operation manager, air carrier management and air traffic control.

II. Airway Computer Science

This program will consist of a series of computer science courses that will perpare the individual to function in diverse areas of computer operation, design, maintenance, troubleshooting, and programming within the field of aviation.

Career options will continue to expand as flight, navigation, communication, and information processing systems increasingly become computerized and automated. It is assumed that these graduates will be capable of assuming management and supervisory positions in time.

III. Aircraft Systems Management

This area of concentration focuses on aircraft flight operations and has as its major goal the preparation of persons with qualifications as professional pilots but who have a science/technology orientation.

The Program would include courses leading to at least commercial certification and instrument and multiengine ratings. In addition, students would take advanced work in Aerodynamics, Propulsion Systems, Aircraft Structures and Systems, and Aircraft Performance. The graduates will hold a current flight instructor certificate with both airplane and instrument ratings.

Graduates can expect to enter fields with the Government as aviation safety officers or Operations Pilots or in industry as professional pilots and/or flight operations managers.

IV. Airway Electronic Systems

This area of concentration will include a comprehensive study of the theories of electronics as well as practical experiences which would prepare the graduate to assume duties for a career in Government and general aviation electronics. They will be qualified to work not only in maintenance and troubleshooting, but also in supervision, management, testing, and developmental work.

V. Aviation Maintenance Management

The area of concentration will include an in-depth coverage of the theoretical and practical aspects of airframe and powerplant maintenance. In addition to possessing the bachelor's degree, the graduates will hold a mechanics certificate with A and P ratings. They will be qualified to work not only in maintenance and troubleshooting, but also in supervision and management.

GUIDELINES FOR A CURRICULUM IN AIRWAY SCIENCE

[Sample Curriculum]

Subject areas		
General Studies:		
English Composition	(3)	
Technical Writing	(3)	
Economics	(6)	
Government	(3)	
Psychology	(3)	
Humanities	(3)	
History	(3)	
Speech	(3)	
		27
Math/Science/Technology:		
Algebra/Trigonometry	(3)	
Calculus	(3)	
Physics	(8)	
Geography	(4)	
Statistics	(3)	
Chemistry	(4)	
		25
Computer Science:		
Introduction to the computer	(3)	
Computer Programming I	(3)	
Microcomputers	(3)	
		9
Management:		
Principles of Management	(3)	
Organizational Behavior	(3)	
Techniques of Supervision	(3)	
		9
Aviation:		
Introduction to Aeronautics	(3)	
Aviation Legislation	(3)	
Flight Safety	(3)	
Air Traffic Control	(3)	
The National Airspace System	(3)	
		15
Areas of Concentration:		
Students will choose one area (see following table for Areas of Concentration sample curriculums)	(40)	40
Total		125

UNIVERSITY AVIATION ASSOCIATION AIRWAY SCIENCE CURRICULUM TASK FORCE

[Areas of Concentration/Sample Curriculums]

I. Airway Science Management:		
Introduction to Sociology	(3)	
Theories of Personality		
Psychology of Communication	(3)	
Intro to Interpersonal Communication	(3)	
Communication Theory and Models	(3)	
Introduction to Administrative Problems	(3)	
Air Transportation	(3)	
Airport Management	(3)	
Theories of Personnel Management	(3)	
Concepts of Air Transport Utilization	(3)	
Labor/Management Relations	(3)	
Operations Management	(2)	
Management Decisionmaking	(2)	
Approved Electives	(3)	
		40
II. Airway Computer Science:	(3)	
Computer Programming II		
Advanced Computer Programming	(3)	
Computer Operating Systems	(3)	
Assembler Language Programming	(3)	
Data Structures	(3)	
Computer Methods and Applications I	(3)	
Computer Methods and Applications II	(3)	
Introduction to Microcomputers	(3)	
Introduction to Office Automation	(3)	
Theory of Programming Languages and Complex Construction	(3)	
Mathematical Modeling and Computer Simulation	(4)	
Computer Architecture	(3)	
Approved Electives	(3)	
		40
III. Aircraft Systems Management:		
Private Pilot Certification	(5)	
Commercial Pilot Certification	(5)	
Instrument Rating	(5)	
Multiengine Rating	(1)	
Advanced Aerodynamics and Aircraft Performance	(3)	
Advanced Aircraft Systems	(3)	
Meteorology	(3)	
Weather Reporting and Analysis	(3)	
Aviation Management	(3)	
Air Transportation	(3)	
Approved Electives	(6)	
		40

These graduates must hold a Flight Instructor Certificate with Airplane and instrument ratings.

IV. Airway Electronics Systems:		
Theory of Electronics	(3)	
Calculus II	(3)	
Math Analysis	(3)	
Microprocessor Theory and Application	(3)	
Advanced Computer Programming	(3)	
Solid State Devices	(3)	
Integrated Circuits	(3)	
Engineering Drawing	(2)	
Electrical Circuits	(3)	
Digital Logic Application	(3)	
Advanced Logic Analysis	(3)	
Reliability and Maintainability Theory and Systems Engineering	(3)	
Electrical and Power Principles	(2)	
Approved Electives	(3)	
		40
V. Aviation Maintenance Management:		
Engineering Drawing	(2)	
Aircraft Materials	(2)	
Propulsion	(6)	
Propulsion Laboratory	(6)	
Structures	(6)	
Structures Laboratory	(6)	
Aircraft Systems	(3)	
Avionics Systems	(3)	
Reliability and Maintainability Theory and Systems Engineering	(3)	
Approved Electives	(3)	
		40

These graduates must hold the Airframe and Powerplant Technicians Ratings (Mechanics).

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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DOT/UMTA			DOT/UMTA	

List of Public Laws

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