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Monday
May 2, 1983

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Federal Service Impasses Panel

Air Pollution Control
Environmental Protection Agency

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Federal Aviation Administration

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Legal Services Corporation

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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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Two-Day-a-Week Publication Program

The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See page 19283 in the **Federal Register** of Thursday, April 28, 1983.

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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.

FEDERAL SERVICE IMPASSES PANEL

5 CFR Parts 2470 and 2471

Procedures of the Panel

AGENCY: Federal Service Impasses Panel.

ACTION: Final rules.

SUMMARY: The Federal Service Impasses Panel (Panel) is amending its regulations with respect to the submission and service of documents as well as hearing procedures. These amendments are designed to: (1) Clarify requirements concerning copies of documents to be submitted to the Federal Service Impasses Panel (Panel) and service of such documents, and (2) delete current unnecessary provisions concerning transcripts of hearings and compliance with Panel decisions. In addition, the Panel is redefining the term "quorum" to clarify that a quorum of the Panel consists of a majority of its members.

EFFECTIVE DATE: May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Linda A. Lafferty, Deputy Executive Director, Federal Service Impasses Panel, 500 C Street, SW., Washington, D.C. 20424, (202) 382-0981.

SUPPLEMENTARY INFORMATION: Effective January 28, 1981, the Panel published, beginning at 45 FR 3520, final rules and regulations to govern the processing of cases under Chapter 71 of Title 5 of the United States Code. The regulations are required by 5 U.S.C. 7134.

Proposed amendments to the Panel's rules were published on pages 5568 and 5569 of the **Federal Register** of February 7, 1983, inviting written comments by March 10, 1983. Written comments concerning the proposed amendments were received from three parties. One party offered comments concerning the proposed amendment to § 2471.8(c) of the Panel's regulations; another's comments pertained to § 2471.11(e); and the remaining party commented on both sections.

Section 2471.8(c) of the Panel's regulations provides that an official reporter shall make an official transcript of Panel hearings. In view of the Panel's budgetary constraints and the fact that the transcription of Panel hearings is not required by the Federal Service Labor-Management Relations Statute, 5 U.S.C. Chapter 71 (Statute), the Panel proposed to delete the regulatory requirement. Although both comments submitted with respect to this section supported the proposed amendment, one party stated that transcripts should continue to be used in certain disputes; the other requested that the final regulations indicate that in the absence of Panel-provided transcription, either party would be permitted to arrange for transcription or mechanically record the proceedings at its own expense. After careful consideration of these comments, the Panel has determined that the amendment should be finalized as proposed. As amended, § 2471.8(c) enables the Panel to determine the necessity for a transcript on a case-by-case basis; a party's request to record the proceedings in the absence of a Panel-provided transcription will be handled on the same basis.

The other comments concerned the Panel's proposed deletion of § 2471.11(e) of its current regulations which requires parties to submit evidence of compliance with Panel decisions. One party objected to the deletion of the provision, arguing that it establishes a clear deadline beyond which compliance is expected and as such, provides a mechanism other than an unfair labor practice charge for determining whether a party intends to comply with a Panel decision. The other party did not oppose the proposed amendment but requested that the final rules provide that Panel decisions are enforceable through the unfair labor practice procedures of the Statute. With respect to the former comment, the Panel lacks enforcement authority over its decisions and, having considered the comment, has determined that the potential benefit to be derived from retention of the requirement is outweighed by the confusion it generates. With respect to the latter comment, the Federal Labor Relations Authority (Authority) has found that failure to comply with a Panel decision constitutes an unfair labor practice. *See e.g., National Guard Bureau, Maine Air National Guard and Local 3013, American Federation of Government Employees, AFL-CIO,* 10 FLRA No. 101 (December 3, 1982), Report No. 176. Accordingly, a party seeking to enforce a Panel decision should do so in accordance with the rules and regulations of the Authority and its General Counsel.

No comments were received regarding the proposed amendments concerning: (1) The definition of the term "quorum," and (2) copies and service. Regarding "quorum," the Panel proposed to amend the definition contained in § 2470.2(h) to clarify that a quorum of the Panel consists of a majority of its members. Regarding copies and service, the amendments require: (1) The submission of an original (or clean copy capable of further reproduction) and one copy of all requests, responses, and other documents filed with the Panel; and (2) service of such documents on all appropriate parties and persons. The amendments also contain specific requirements concerning statements of service, date of service, and paper size. The Panel's current regulations with respect to copies and service are found in Part 2471 of Title 5 of the Code of Federal Regulations, §§ 2471.5, 2471.8(a)(4), 2471.10(c), and 2471.11(f). The amendment replaces § 2471.5 in its entirety and deletes the other provisions.

List of Subjects in 5 CFR Parts 2470 and 2471

Administrative practice and procedure.

Accordingly, Parts 2470 and 2471 are amended as follows:

PART 2470—GENERAL

1. Section 2470.2 is amended by revising paragraph (h) to read as follows:

§ 2470.2 Definitions.

* * * * *

(h) The term "quorum" means a majority of the members of the Panel.

* * * * *

PART 2471—PROCEDURES OF THE PANEL

2. Section 2471.5 is revised to read as follows:

§ 2471.51 Copies and Service.

(a) Any party submitting a request for Panel consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Panel and shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any mediation service which may have been utilized. When the Panel acts on a request from the Federal Mediation and Conciliation Service or acts on a request from the Executive Director, it will notify the parties to the dispute, their counsel of record or designated representatives, is any, and any mediation service which may have been utilized. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(b) Any party submitting a response to or other document in connection with a request for Panel consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Panel and shall serve a copy of the document upon all counsel of record or other designated representative(s) of parties, or upon parties not so represented. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) A signed and dated statement of service shall accompany each document submitted to the Panel. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person.

(e) Unless otherwise provided by the Panel or its designated representatives, any document or paper filed with the Panel under these rules, together with any enclosure filed therewith, shall be submitted on 8½ × 11 inch size paper.

3. Section 2471.7 is amended by revising paragraph (b) to read as follows:

§ 2471.7 Preliminary hearing procedures.

* * * * *

(b) Issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state: (1) The names of the parties to the dispute; (2) the date, time, place, type, and purpose of the hearing; (3) the date, time, place, and purpose of the prehearing conference, if any; (4) the name of the designated representatives appointed by the Panel; (5) the issues to be resolved; and (6) the method, if any, by which the hearing shall be recorded.

(4). Section 2471.8 is amended by: (1) Revising paragraph (a)(4) to read as follows; and (2) removing paragraph (c) in its entirety.

§ 2471.8 Conduct of hearing and prehearing conference.

(a)* * *

(4) Designate the date on which posthearing briefs, if any, shall be submitted.

§ 2471.10 [Amended]

5. Section 2471.10 is amended by removing paragraph (c) in its entirety.

§ 2471.11 [Amended]

6. Section 2471.11 is amended by removing paragraphs (e) and (f) in their entirety.

Note.—In according with section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Federal Service Impasses Panel had determined that these proposed amendments do not require preparation of a regulatory flexibility analysis.

(5 U.S.C. 7119, 7134)

Dated: April 27, 1983.

Robert G. Howlett,

Chairman, Federal Service Impasses Panel.

[FR Doc. 83-11568 Filed 4-29-83; 8:45 am]

BILLING CODE 6727-01-M

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5 CFR Part 2472

Impasses Arising Pursuant to Agency Determinations Not To Establish or To Terminate Flexible or Compressed Work Schedules; Procedures of the Panel

AGENCY: Federal Service Impasses Panel.

ACTION: Final rules.

SUMMARY: These rules and regulations are designed to implement the provision of the Federal Employees Flexible and Compressed Work Schedules Act of 1982, 5 U.S.C. 6131, which provides that the Federal Service Impasses Panel (Panel) shall resolve impasses between Federal agencies and exclusive representatives of Federal employees arising from agency determinations: (1) Not to establish a flexible or compressed work schedule, or (2) to terminate such a schedule. The rules and regulations describe the procedures by which such impasses shall be presented to and considered by the Panel.

EFFECTIVE DATE: May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Linda A. Lafferty, Deputy Executive Director, Federal Service Impasses Panel, 500 C Street, SW., Washington, D.C. 20424, (202) 382-0981.

SUPPLEMENTARY INFORMATION: The Federal Employees Flexible and Compressed Work Schedules Act of 1982, 5 U.S.C. 6120 *et seq.*, authorizes the continuation of flexible and compressed work schedules (schedules) established under the Federal Employees Flexible and Compressed Work Schedules Act of 1978, Pub. L. 95-390, and permits the establishment of new programs. The Act provides that notwithstanding the provision of any collective bargaining agreement, the head of an agency may find that a particular schedule has had or would have an adverse agency impact as defined in section 6131(b). In the event of such a finding, the head of the agency shall determine not to: (1) Establish such a schedule, or (2) continue an already-established schedule.

With respect to schedules covering employees in a bargaining unit represented by an exclusive representative, section 6131(c) provides that if an agency and an exclusive representative reach an impasse with respect to an agency determination not to establish a flexible or compressed schedule, the impasse shall be presented to the Panel. It is required to promptly consider such an impasse and to take final action in favor of the agency's determination if the finding on which it it based is supported by evidence that the schedule is likely to cause an adverse agency impact. Similarly, if an agency and an exclusive representative have entered into a collective bargaining agreement providing for the use of a flexible or compressed schedule, the agency may reopen the agreement to seek termination of the schedule if the head of the agency determines that the schedule has caused an adverse agency impact. Impasses arising pursuant to such a determination shall be presented to the Panel which shall: (1) Promptly consider the case and (2) rule on the impasse not later than 60 days after the

date the Panel is presented the impasse. The Panel is required to take final action in favor of the agency's determination to terminate a schedule if the finding on which the determination is based is supported by evidence that the schedule has caused an adverse agency impact.

Effective February 7, 1983, the Panel published, beginning at 48 FR 5529, interim rules and regulations to govern the processing of cases arising under the Act. In addition to a statement of purpose and applicable definitions (Subpart A), the rules and regulations contain the procedures by which requests for Panel consideration of impasses resulting from agency determinations not to establish or to terminate a flexible or compressed work schedule shall be filed with and considered by the Panel (Subpart B). The interim rules and regulations also provided that written comments received by March 10, 1983, would be considered in promulgation of final rules. Three labor organizations submitted comments pertaining to various sections of the interim regulations. Their comments have been carefully considered and in certain instances, changes suggested therein have been adopted.

With respect to the portion of the interim regulations containing definitions, one party suggested that the definition of "impasse" contained in § 2472.2(j) should be revised to require participation by the Federal Mediation and Conciliation Service (FMCS) prior to Panel consideration of a request for assistance. That party also requested that § 2472.4 concerning the content of a request for assistance be revised to require the filing party to identify the number, length, and dates of mediation sessions. No changes in these sections of the interim rules and regulations are deemed necessary inasmuch as the provisions appear to be consistent with the Act and its legislative history.

It was also suggested that § 2472.4 be revised to require an agency which is proposing the termination of an existing schedule to submit the following with a request for assistance: (1) A list of reasons and arguments supporting its assertion of adverse agency impact, (2) copies of all documents upon which the agency relied in making such an assertion, and (3) an outline of the facts to be developed in any later proceedings. In addition to other information, the interim regulations require a party requesting Panel assistance to submit a copy of the agency's written determination (if any) as well as a summary of the position of the requesting party with respect to that determination. In the Panel's view, this information, along with the information required of the responding party under § 2472.6, is sufficient and accordingly, it is unnecessary to modify § 2472.4.

Section 2472.6 of the interim regulations requires a responding party to submit its position with respect to a request within 14 calendar days after the date of receipt. One party asserted that the time period is too long and requested that it be shortened. Consistent with this suggestion, the section has been revised to allow 10 days for the filing of responses to requests. Another party commented that § 2472.7(b) of the interim regulations which requires the service of documents upon both a party and the party's designated counsel or representative is unnecessary. That section is designed to facilitate the consideration of information by parties who are often not in the same location as their representative and accordingly, the requirement has not been deleted.

Finally, three comments were received regarding § 2472.12 of the interim regulations concerning final action of the Panel. One party requested that the section be amended to require the Panel to present detailed reasons for its decisions. Inasmuch as the rationale for any decision will depend upon the facts and circumstances of the case under consideration, that suggestion has not been adopted. Two parties commented that the section should be revised to include a description of the action to be taken by the Panel if an agency determination is not supported by evidence. Consistent with these comments, § 2472.12 has been revised to include a new subsection (b) describing what the Panel would do in such circumstances.

List of Subjects in 5 CFR Part 2472

Administrative practice and procedure.

Accordingly, Chapter XIV, Subchapter D, of Title 5 of the Code of Federal Regulations is amended to add Part 2472 to read as follows:

PART 2472—IMPASSES ARISING PURSUANT TO AGENCY DETERMINATIONS NOT TO ESTABLISH OR TO TERMINATE FLEXIBLE OR COMPRESSED WORK SCHEDULES

Subpart A—Purpose and Definitions

Sec.
2472.1 Purpose.
2472.2 Definitions.

Subpart B—Procedures of the Panel

2472.3 Requests for Panel consideration.
Sec.
2472.4 Content of request.
2472.5 Where to file:
2472.6 Agency determinations not to establish or to terminate a flexible or compressed work schedule; responses to requests for Panel consideration.
2472.7 Copies and service; paper size.
2472.8 Investigation of request; Panel assistance.
2472.9 Preliminary hearing procedures.
2472.10 Conduct of hearing and prehearing conference.
2472.11 Reports.
2472.12 Final action by the Panel.

Authority: Pub. L. 97-221, 96 Stat. 227 (5 U.S.C. 6131).

Subpart A—Purpose and Definitions

§ 2472.1 Purpose.

The regulations contained in this Part are intended to implement the provisions of section 6131 of Title 5 of the United States Code. They prescribe procedures and methods which the Federal Service Impasses Panel may utilize in the resolution of negotiations impasses arising from agency determinations not to establish or to terminate flexible and compressed work schedules.

§ 2472.2 Definitions.

(a) The term "the Act" means the Federal Employees Flexible and Compressed Work Schedules Act of 1982, Pub. L. 97-221, 5 U.S.C. 6120 *et seq.*

(b) The term "adverse agency impact" shall have the meaning set forth in 5 U.S.C. 6131(b).

(c) The term "agency" shall have the meaning set forth in 5 U.S.C. 6121(1).

(d) The term "agency determination" means a determination: (1) Not to establish a flexible or compressed work schedule under 5 U.S.C. 6131(c)(2); or (2) to terminate such a schedule under 5 U.S.C. 6131(c)(3).

(e) The terms "collective bargaining agreement" and "exclusive representative" shall have the meanings set forth in 5 U.S.C. 6121(8).

(f) The term "Executive Director" means the Executive Director of the Panel.

(g) The terms "designated representative" or "designee" of the Panel means a Panel member, staff member, or other individual designated by the Panel to act on its behalf.

(h) The term "flexible and compressed work schedules" shall have the meaning set forth in 5 U.S.C. 6121 *et seq.*

(i) The term "hearing" means a factfinding hearing, arbitration hearing, or any other hearing procedures deemed necessary to accomplish the purpose of 5 U.S.C. 6131.

(j) The term "impasse" means that point in the negotiation of flexible and compressed work schedules at which the parties are unable to reach agreement on whether a schedule has had or would have an adverse agency impact.

(k) The term "Panel" means the Federal Service Impasses Panel described in 5 U.S.C. 7119(c) or a quorum thereof.

(l) The term "party" means the agency or the exclusive representative participating in negotiations concerning flexible and compressed work schedules.

(m) The term "quorum" means a majority of the members of the Panel.

(n) The term "schedule(s)" means flexible and compressed work schedules.

§ 2472.3 Request for Panel consideration.

Either party, or the parties jointly, may request the Panel to resolve an impasse resulting from an agency determination not to establish or to terminate flexible or compressed work schedule by filing a request as hereinafter provided.

§ 2472.4 Content of request.

(a) A request from a party or parties to the Panel for consideration of an impasse arising from an agency determination not to establish or to terminate a flexible or compressed work schedule under section 6131 (c)(2) or (c)(3) of the Act must be in writing and shall include the following information:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Description of the bargaining unit involved in the dispute and the date recognition was accorded to the exclusive representative;

(3) Number, length, and dates of negotiation sessions held;

(4) A copy of any collective bargaining agreement between the parties and any other agreements concerning flexible and compressed work schedules;

(5) A copy of the schedule or proposed schedule, if any, which is the subject of the agency's determination;

(6) A copy of the agency's written determination, if any; and

(7) A summary of the position of the initiating party or parties with respect to the agency's determination.

§ 2472.5 Where to file.

Requests to the Panel provided for in these rules, and inquiries or correspondence on the status of impasses or other related matters, should be directed to the Executive Director, Federal Service Impasses Panel, 500 C Street, SW., Washington, D.C. 20424.

§ 2472.6 Agency determinations not to establish or to terminate a flexible or compressed work schedule; responses to requests for Panel consideration.

Within 10 calendar days after the date of receipt of a copy of a request for Panel consideration of an impasse arising from an agency determination not to establish or to terminate a flexible or compressed work schedule under sections 6131 (c)(2) or (3) of the Act, the responding party shall file with the Panel a statement of its position with respect to the request.

§ 2472.7 Copies and service; paper size.

(a) Any party submitting a request or other document in connection with a request for Panel consideration of an impasse filed pursuant to § 2472.3 of these rules shall file an original and one copy with the Panel. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original.

(b) Any party filing a document as provided in these rules is responsible for serving a copy upon all counsel of record or other designated representative(s) of parties, or upon parties not so represented. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) A signed and dated statement of service shall accompany each document submitted to the Panel. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person.

(e) Unless otherwise provided by the Panel or its designated representatives, any document or paper filed with the Panel under these rules, together with any enclosure filed therewith, shall be submitted on 8½ x 11 inch size paper.

(f) The Panel shall not consider an impasse arising pursuant to section 6131(c) (2) or (3) of the Act to have been presented for consideration unless and until the party filing the request has complied with §§ 2472.4, 2472.5, and 2472.7 of these rules.

§ 2472.8 Investigation of request; Panel assistance.

(a) Upon receipt of a request for consideration of an impasse filed in accordance with these rules, the Panel or its designee shall promptly conduct an investigation, consulting when necessary with the parties. After due consideration, the Panel shall determine the procedures by which the impasse shall be resolved and shall notify the parties of its determination.

(b) The procedures utilized by the Panel shall afford the parties an opportunity to present their positions, including supporting evidence and arguments, orally and/or in writing. They include, but are not limited to, informal conferences with the Panel or its designee(s), hearings, written submissions, and Show Cause Orders.

§ 2472.9 Preliminary hearing procedures.

When the Panel determines that a hearing shall be held, it will:

(a) Appoint one or more of its designees to conduct such a hearing; and

(b) Issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state: (1) The names of the parties to the dispute; (2) the date, time, place, type, and purpose of the hearing; (3) the date, time, place, and purpose of the prehearing conference, if any; (4) the name of the designated representative(s) appointed by the Panel; (5) the issue(s) to be resolved; and (6) the method, if any, by which the hearing shall be transcribed.

§ 2472.10 Conduct of hearing and prehearing conference.

(a) A designated representative of the Panel, when so appointed to conduct a hearing, shall have the authority on behalf of the Panel to:

(1) Administer oaths, take the testimony or deposition of any person under oath, receive other evidence, and issue subpoenas;

(2) Conduct the hearing in open or in closed session at the discretion of the designated representative for good cause shown;

(3) Rule on motions and requests for appearance of witnesses and the production of records;

(4) Designate the date on which posthearing briefs, if any, shall be submitted; and

(5) Determine all procedural matters concerning the hearing, including the length of sessions, conduct of persons in attendance, recesses, continuances, and adjournments; and take any other action which, in the judgment of the designated representative, will promote the purpose and objectives of the hearing.

(b) A prehearing conference may be conducted by the designated representative of the Panel to:

(1) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(2) Explore the possibilities of obtaining stipulations of fact;

(3) Clarify the positions of the parties with respect to the issues to be heard; and

(4) Discuss any other relevant matters which will assist the parties in the resolution of the dispute.

§ 2472.11 Reports.

When a report is issued after an informal conference authorized in accordance with § 2472.8, or a hearing conducted pursuant to §§ 2472.9 and 2472.10, it normally shall be in writing and shall be submitted to the Panel, with a copy to each party, within a period normally not to exceed 30 calendar days after the close of the hearing or informal conference and receipt of briefs, if any.

§ 2472.12 Final action by the Panel.

(a) After due consideration of the parties' positions, evidence, and arguments, including any report submitted in accordance with § 2472.11, the Panel shall take final action in favor of the agency's determination if:

(1) The finding on which a determination under 5 U.S.C. 6131(c)(2) not to establish a flexible or compressed work schedule is based is supported by evidence that the schedule is likely to cause an adverse agency impact; or

(2) The finding on which a determination under 5 U.S.C. 6131(c)(3) to terminate a flexible or compressed work schedule is based is supported by evidence that the schedule has caused an adverse agency impact.

(b) If the finding on which an agency determination under 5 U.S.C. 6131(c)(2) or (c)(3) is based is not supported by evidence that the schedule is likely to cause or has caused an adverse agency impact, the Panel shall take whatever final action is necessary to resolve the impasse.

(c) In preparation for taking such final action, the Panel may hold hearings, administer oaths, take the testimony or deposition of any person under oath, and issue subpoenas, or it may appoint one or more individuals to exercise such authority on its behalf. Such action may be taken without regard to procedures previously authorized by the Panel.

(d) Notice of any final action of the Panel shall be promptly served upon the parties.

Note.—In accordance with section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Federal Service Impasses Panel has determined that these interim rules and regulations do not require preparation of a regulatory flexibility analysis.

Dated: April 27, 1983.

Robert G. Howlett,

Chairman, Federal Service Impasses Panel.

[FR Doc. 83-11567 Filed 4-29-83; 8:45 am]
BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department to reflect a transfer of the authority to make determinations under 41 CFR 1–2.406–3, relating to mistakes in bids disclosed before award or procurement contracts, from the General Counsel to the Assistant Secretary for Administration and the Director, Office of Operations.

EFFECTIVE DATE: July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Gary W. Butler, Deputy Assistant General Counsel, Office of the General Counsel, United States Department of Agriculture, Washington, D.C. (202) 447–2577.

SUPPLEMENTARY INFORMATION: Under 41 CFR 1–2.406–3 heads of executive agencies are authorized to make certain administrative determinations in connection with mistakes in bids alleged after opening of bids and before award. Further, heads of agencies may delegate to a central authority in their agencies, without power of redelegation, the authority to make determinations under paragraphs (a) (2), (3) and (4) of the section; and may delegate to any purchasing activity having legal counsel available, without power of redelegation, the authority to make determinations to permit withdrawal of bids under paragraphs (a) (1) and (3) of the section.

In the past the Secretary of Agriculture's authority to make all determinations under 41 CFR 1–2.406–3 was delegated to the General Counsel of the Department and all such determinations were made in the General Counsel's Washington, D.C., office. This document transfers the authority to make such determinations to the Assistant Secretary for Administration and the Director, Office of Operations, who may redelegate authority to make withdrawal determinations under paragraphs (a) (1) and (3) of 41 CFR 1–2.406–3 subject to approval by an appropriate legal officer in the Office of the General Counsel in accordance with 41 CFR 1–2.406–3(c). This change will minimize delay in making many contract awards.

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

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

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

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

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

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

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

2. Section 2.25 is amended by adding a new paragraph (c)(3)(viii) to read as follows:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

* * * * *

(c) * * *

(3) * * *

(viii) Make determinations under 41 CFR 1–2.406–3 relating to mistakes in bids alleged after opening of bids and before award.

* * * * *

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

3. Section 2.31 is amended by removing and reserving paragraph (e).

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

4. Section 2.76 is amended by adding a new paragraph (a)(3)(viii) to read as follows:

§ 2.76 Director, Office of Operations.

(a) * * *

(3) * * *

(viii) Make determinations under 41 CFR 1–2.406–3 related to mistakes in bids alleged after opening of bids and before award. Except for the authority to permit withdrawal of bids under paragraphs (a) (1) and (3) of 41 CFR 1–2.406–3, this authority may not be redelegated.

* * * * *

For Subparts C and D:

Dated: March 23, 1983.

John R. Block,

Secretary of Agriculture.

For Subpart J:

Dated: March 23, 1983.

John F. Franke,

Assistant Secretary for Administration.

[FR Doc. 83–11587 Filed 4–29–83; 8:45 am]

BILLING CODE 3410–01–M

Agricultural Marketing Service

7 CFR Part 1049

Milk in the Indiana Marketing Area; Order Suspending Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends for the months of April through December 1983 the seasonal producer payment plan (Louisville plan) under the Indiana Federal milk order that was designed to encourage dairy farmers to maintain relatively level production throughout the year. The action was requested by Hoosier Milk Marketing Agency, Inc., a federation of cooperative associations representing producers supplying milk to the market. The suspension is needed to maintain an appropriate alignment of producer prices with other markets.

EFFECTIVE DATE: May 2, 1983.

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

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued March 24, 1983; published March 29, 1983 (48 FR 13050).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the required suspension procedures and include April 1983 in the suspension period. The initial request for the action was received on March 15, 1983. A notice of proposed suspension was issued on March 24, 1983, inviting interested parties to comment on the proposed action by April 5, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action lessens the regulatory impact of the order on dairy farmers and does not affect milk handlers.

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

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 13050) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded an opportunity to file written data, views, and arguments thereon. Three comments were received and all were in favor of the suspension.

After consideration of all relevant information, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of April through December 1983 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1049.61, the language in paragraph (f) that reads "For the months of January through March and August," and all of paragraphs (g) through (l).

Statement of Consideration

This action makes inoperative for 1983 the provisions of the Indiana milk order that contain the seasonal producer payment plan, or "Louisville" plan, for the order. Under those provisions, 20 cents per hunderweight of producer milk is deducted from the pooled value of milk in computing the uniform prices to producers during the months of April through July. The monies withheld plus accured interest then are added to the pool funds in computing the uniform prices to producers for each month of September through December. This payment plan is intended to encourage relatively level milk production throughout the year.

Suspension of the Louisville plan for 1983 was requested by Hoosier Milk Marketing Agency, Inc., a federation of cooperative associations representing most of the producers supplying the market. Without the suspension, a misalignment of producer pay prices could occur as a result of the suspensions of similar plans in the orders for the neighboring Ohio and Louisville-Lexington-Evansville markets. Producers shipping to handlers regulated by the Indiana, Louisville-Lexington-Evensville, and Ohio Valley orders are intermingled. A misalignment of pay prices among them could result in disorderly marketing as producers change markets for temporary gains.

Interested parties were given the opportunity to submit written data, views or arguments concerning the suspension. All comments were in favor of the suspension action. One comment was filed by another cooperative association whose member producers supply milk to plants fully regulated under the order. Two comments were filed by individual producers.

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

(a) This suspension is necessary to reflect current marketing conditions and to assure the orderly marketing of milk in the affected and adjoining marketing areas;

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

(c) Notice of proposed rulemaking was given interested parties and they were afforded an opportunity to file written data, views or arguments concerning this suspension. No views opposing this suspension were received.

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

List of Subjects in 7 CFR Part 1049

Milk marketing orders, Milk, Dairy products.

PART 1049—[AMENDED]

It is therefore ordered, That the aforesaid provisions in § 1049.61 of the Indiana order are hereby suspended for April through December 1983.

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

Effective date: May 2, 1983.

Signed at Washington, D.C., on: April 27, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-11588 Filed 4-29-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1131

[Milk Order No. 131]

Milk in the Central Arizona Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends for the months of April through July 1983 the performance standard for pooling a cooperative association's manufacturing plant that is located in the Central Arizona marketing area. The suspension was requested by United Dairymen of Arizona, a cooperative association that represents producers who supply the market. The cooperative requested the action to enable the cooperative to efficiently handle an increasing supply of milk that is in excess of fluid milk needs. The suspension is based on evidence presented at a public hearing held in November 1982 to consider amendments to the order including a proposal to lower the pooling standard for the cooperative's manufacturing plant. The suspension will promote the efficient handling of the market's reserve milk supply, and the pooling of milk of producers who have regularly been associated with the market, pending a decision on whether the order should be amended to lower the pooling standard.

EFFECTIVE DATE: May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., (202) 447–4824.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Hearing—Issued October 20, 1982, published October 25, 1982 (47 FR 47259).

It has been determined that this suspension is not a major action under the criteria set forth in Executive Order 12291.

It has also been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the issuance of the suspension in time to include April 1983 in the suspension period. The request for this action was received on April 18, 1983.

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

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

After considering all relevant information, it is hereby found and determined that for the months of April through July 1983, the following provisions of the order do not tend to effectuate the declared policy of the Act.

In § 1131.7(c), the provisions, "65 percent or more of its".

Statement of Consideration

This action suspends the performance standard for pooling a cooperative association's manufacturing plant that is located in the marketing area. The order currently provides for the pooling of such a plant if at least 65 percent of the cooperative associations's member producer milk is received at pool plants of other handlers during the current month or the previous 12-month period ending with the current month. The suspension removes the 65 percent pooling standard for the months of April through July 1983.

The suspension was requested by United Dairymen of Arizona (UDA), a cooperative association that represents a substantial number of the dairy farmers who supply the market. UDA also operates a manufacturing plant that serves as an outlet for the market's reserve milk supplies. Such plant, which had been pooled continuously under the order, failed to qualify as a pool plant in March. As a result, UDA was not able to pool a portion of its member's milk at its manufacturing plant in March and absent the suspension action will also be unable to qualify the plant as a pool plant in April through July.

The issue of the appropriate pooling standard for the plant was the subject of a public hearing held November 9–10, 1982. UDA proposed that the current pooling standard be lowered to 50 percent. Also, proponent testified that in the event amendatory action could not be completed early in 1983, a suspension action would be necessary to avoid uneconomic shipments of milk to pool the milk of its member producers. Proponent requsted that evidence of marketing conditions that was presented at the hearing serve as a basis for any suspension action that the cooperative found necessary to request.

Testimony presented at the hearing indicated that changes in the market's supply-demand situation would make it impossible for UDA to continue to qualify its manufacturing plant as a pool plant under the current provisions of the order. Additional testimony indicated that, although the milk of the cooperative's member producers could continue to be pooled without a lowering of the pooling standards, costly and inefficient changes in milk movements would have to be made in order to do so.

Based on available information concerning the market's supply conditions, the suspension for the months of April through July 1983 is warranted. The suspension will accommodate the pooling and efficient handling of milk supplies for the market pending a decision on whether the order should be amended to lower the pooling standard in the manner proposed. In the absence of a suspension, costly and inefficient movements of producer milk would have to be made solely for the purpose of pooling the milk of dairy farmers who have historically supplied the fluid milk needs of the market.

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

(a) This suspension is necessary to reflect current marketing conditions and

to maintain orderly marketing conditions in the marketing area in that without the suspension costly and inefficient movements of milk would have to be made solely for the purpose of pooling the milk of dairy farmers who have historically supplied the fluid milk needs of the market.

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

(c) The marketing problems that provide the basis for this suspension action were fully reviewed at a public hearing held on November 9–10, 1982, where all interested parties had an opportunity to be heard on this matter.

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

List of Subjects in 7 CFR Part 1131

Milk marketing orders, Milk, Dairy Products.

It is therefore ordered, That the aforesaid provisions in § 1131.7(c) of the order are hereby suspended for the months of April through July 1983.

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

Effective date: May 2, 1983.

Signed at Washington, D.C. on: April 27, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-11589 Filed 4-29-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-50-AD; Amdt. 39-4643]

Airworthiness Directives; SIAI-Marchetti Models S205-18, S205-20, S208, S208A, F260 and F260B Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to SIAI-Marchetti Models S205-18, S205-20, S208, S208A, F260 and F260B airplanes which supersedes AD 77-14-16, Amendment 39-2959 (42 FR 34867). The superseded AD required periodic inspection and replacement, as necessary, of the propeller governor arm on certain serial numbers of the above model airplanes to detect and eliminate cracked arms which could fracture and result in loss of propeller control. Subsequently, the manufacturer has determined that the inspections are no longer required when steel replacement propeller governor arm, Part Number 260-13-274-01, is installed. The manufacturer has also identified certain additional airplanes to which the requirements should apply. This amendment assures that all affected aircraft are inspected and provides relief from these inspections when P/N 260-13-274-01 arm is installed.

DATES: Effective Date: May 9, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: SIAI-Marchetti Service Bulletins S.B. No. 205B43A and S.B. No. 260B18A, dated September 16, 1977, applicable to this AD may be obtained from SIAI-Marchetti S.p.A., V-12070 via Indipendenza, 2, 2108 Sesto Calenda, Italy, whose telephone number is 0331 924842/923598. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 513.38.30; or Larry Werth, Foreign FAR 23 Section, ACE-109, Central Region, FAA 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: Reports of cracked propeller governor arms on certain Model S205, S208 and F260 airplanes prompted SIAI-Marchetti to issue Service Bulletin Nos. 205B43 and 260B18, both dated April 10, 1976, which called for the inspection and replacement, if necesary, of the propeller governor arm.

The FAA found that the condition addressed by these Service Bulletins was an unairworthy condition likely to exist on airplanes certificated for operation in the United States and issued AD 77-14-16 which required periodic inspection and replacement, as necessary, of the propeller governor arm on the affected aircraft. Subsequently, the manufacturer determined that the inspections are no longer required when steel replacement propeller governor arm, Part Number 260-13-274-01 is installed. The manufacturer has also identified certain additional airplanes to which the requirements should apply. As a result SIAI-Marchetti has issued Service Bulletins No. 205B43A and No. 260B18A, both dated September 16, 1977, and approved by the Italian Registry of Aeronautics (Registro Aeronautico Italiano—R.A.I.), which set forth the expanded applicability and specify the criteria for terminating the repetitive inspections. The R.A.I. who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy has classified these Service Bulletins and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the R.A.I. combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Service Bulletins No. 205B43A and No. 260B18A and the mandatory classification of these Service Bulletins by the R.A.I.

Based on the foregoing, the FAA has determined that the condition addressed by these Service Bulletins is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD superseding AD 77-14-16 is being issued requiring periodic inspections and replacement, as necessary, of the propeller governor arm on certain serial numbered SIAI-Marchetti Models S205-18, S205-20, S208, S208A, F260 and F260B airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

SIAI-Marchetti: Applies to Models S205-18 and S205-20 (serial numbers 1 through 5), S208 and S208A (serial numbers 1 through 4-64), and F260 and F260B (serial

numbers 101 through 125, 2-26 through 2-75, 3-76, 3-77 through 3-81, 3-84, 502, 10-09, 20-01, 235, 237 through 243, 247 through 254, and 266 through 286) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished. To detect cracks in the propeller governor arm and preclude possible loss of propeller control, accomplish the following:

(a) Within the next 25 hours time-in-service after the effective date of this AD, unless already accomplished within the last 25 hours time-in-service, and thereafter at intervals not to exceed 50 hours time-in-service from the last inspection, visually inspect the propeller governor arm with a 5-power magnifier for cracks and breaks in accordance with the following:

(1) For the Model S205 and S208 airplanes, with "Instructions" paragraph (a), steps 1 through 4, of SIAI-Marchetti Service Bulletin No. 205B43A dated September 16, 1977.

(2) For the Model F260 and F260B airplanes, with "Instructions" paragraph (a), steps 1 through 4, of SIAI-Marchetti Service Bulletin No. 260B18A dated September 16, 1977.

(b) If a crack or break is detected as a result of an inspection required by paragraph (a) of this AD, before further flight, replace the propeller governor arm with a serviceable part in accordance with the following:

(1) For the Model S205 and S208 airplanes, with "Instructions" paragraph (c), steps 1 through 10, of the SIAI-Marchetti Service Bulletin No. 205B43A dated September 16, 1977.

(2) For the Model F260 and F260B airplanes, with "Instructions" paragraph (c), steps 1 through 10, of SIAI-Marchetti Service Bulletin No. 260B18A dated September 16, 1977.

(c) When propeller governor arm, Part No. 260-13-274-01 is installed, the inspections in paragraph (a) of this AD are no longer required.

(d) Any equivalent means of complying with this AD must be approved by Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

This AD supersedes AD 77-14-16, Amendment 39-2959.

This amendment becomes effective on May 9, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

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

Issued in Kansas City, Missouri, on April 21, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-11641 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF STATE

Office of the Secretary

22 CFR Part 11

[Dept. Reg. 108.832]

Appointment of Members of the Foreign Service; Revised Regulations

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is revising its regulations governing the appointment of Mid-Level Foreign Service Officer Career Candidates and adding a new § 11.20 governing the appointment of Foreign Service Specialist Career Candidates. These regulations also supplement and implement the Foreign Service Act of 1980.

EFFECTIVE DATE: October 15, 1982.

FOR FURTHER INFORMATION CONTACT: Frontis B. Wiggins, Board of Examiners, Department of State, Washington, D.C. 20520, (703) 235-9232.

SUPPLEMENTARY INFORMATION: The Department of State is publishing revised regulations which govern the eligibility criteria for candidates for the Mid-Level Foreign Service Career Candidate Program and for the new Foreign Service Specialist Career Candidate Program; the competitive requirements for these two programs; and the terms and conditions of appointment for successful candidates. Proposed regulations were published in the **Federal Register** on September 1, 1982 (47 CFR 38548-38552).

The Mid-Level Program supplements the competitive Junior Foreign Service Officer Career Candidate Program to meet identified Mid-Level needs which cannot otherwise be met from within the ranks of the career Foreign Service. A limited number of appointments are made annually under the Mid-Level Program on a highly competitive basis.

The Foreign Service Specialist Career Candidate Program applies to professional, technical, and functional occupational categories at all levels, other than those of generalist Foreign Service officers. Appointments under the Specialist Program also are made on a competitive basis to meet identified needs of the Foreign Service.

Analysis of comments. The only comments received by the Department of State during the public comment period concerned the reasons for a stated maximum age for appointment as a Foreign Service Mid-Level or Specialist Career Candidate. Accordingly, the Department has amended and expanded the appropriate sections of these regulations to explain that the maximum age for appointment as a Career Candidate is based on the mandatory retirement age of 65 contained in the Foreign Service Act of 1980, as well as the requirement that such Career Candidates shall be able to complete a minimum period of duty and the requisite eligibility periods for tenure consideration and the receipt of retirement benefits prior to reaching the mandatory retirement age of 65. With this exception, plus certain minor editorial changes, the final rule as published herewith is the same as the proposed rule published in the **Federal Register** of September 1, 1982.

E.O. 12291, Federal Regulation

The Department of State has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

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

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

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

In addition, this rule relates solely to agency personnel and falls under section 1(a)(3) of E.O. 12291.

List of Subjects in 22 CFR Part 11

Foreign service.

PART 11—[AMENDED]

Accordingly, under the authority of sections 206(a) and 301(b) of the Foreign Service Act of 1980 (secs. 206(a) and 301(b), Pub. L. 96-465, 94 Stat. 2079 and 2083 (22 U.S.C. 3926 and 3941)), 22 CFR Part 11 is amended to read as follows:

1. Section 11.11 is revised to read as follows:

§ 11.11 Mid-level Foreign Service Officer career candidate appointments.

(a) *General considerations.* (1) *Authority.* Pursuant to sections 302 and 306 of the Foreign Service Act of 1980 (hereinafter referred to as the Act), all Foreign Service officers shall be appointed by the President, by and with the advice and consent of the Senate. All appointments shall be made to a class and not to a particular post. No person shall be eligible for appointment as a Foreign Service officer unless that person is a citizen of the United States. Such appointment is initially to career candidate status, with subsequent commissioning to career status governed by Volume 3 (Personnel), Foreign Affairs Manual section 570.

(2) *Veterans' Preference.* Pursuant to section 301 of the Act, and notwithstanding the provisions of section 3320 of title 5 of the United States Code, the fact that an applicant is a veteran or disabled veteran, as defined in section 2108(3A), (3B), and (3C) of such title, shall be considered as an affirmative factor in the selection of candidates for appointment as Foreign Service officer career candidates (22 U.S.C. 1234).

(3) *Purpose and Policy.* The Mid-Level Career Candidate Program of the Department of State supplements the Junior Foreign Service Officer Career Candidate Program to meet total requirements for foreign Service officers at the mid-level. The purposes of the Mid-Level Program are: (i) To provide expanded opportunities and upward mobility for outstanding members of the Foreign Service with high potential who have been serving with particular success in other occupational categories; (ii) to permit the recruitment of a limited number of highly skilled and qualified personnel from outside the Foreign Service to meet specific needs which cannot be met from within the career Service; and (iii) to assist in meeting the Affirmative Action goals of the Department of State. This section governs appointments to generalist occupational categories (that is, administrative, consular, economic and political) at classes FS–3, 2, or 1. All appointments above FS–1, regardless of occupational category, are govern by § 11.30 (to be supplied). Appointments to Specialist occupational categories below the Senior Foreign Service are governed by § 11.20. Successful applicants under the Mid-Level Program will be appointed to career candidate status for a period not to exceed 5 years. Under precepts of the Commissioning and Tenure Board, career candidates may be granted tenure and converted to career Foreign Service officer status. Those who are not granted tenure prior to the expiration of their career candidate appointments will be separated from the Career Candidate Program no later than the expiration date of their appointments. As provided in section 310 of the Act, such separated candidates who had originally been employed by the Department of State with the consent of the head of their agency shall be entitled to reemployment rights in their former agency under section 3597 of title 5, United States Code.

(4) *Sources of candidates.* (i) *Department.* The great majority of mid-level entrants will be career employees of the Department of State and the Foreign Service of proven ability who possess high potential for advancement. On the basis of the needs of the Foreign Service, the Department will approve the mid-level appointment of Foreign Service and Civil Service personnel on its rolls who apply, for whom the Bureau of Personnel issues a certificate of need, and who are found qualified by the Board of Examiners for the Foreign Service.

(ii) *Other Federal Government agencies.* Personnel with similar qualifications from other Federal Government agencies may also apply for the Mid-Level Program based on agreements between the Department and those agencies.

(iii) *Other.* Other candidates may be drawn from non-Government sources, including minority and women applicants for the Department's Mid-Level Affirmative Action Program.

(b) *Eligibility requirements.* (1) *Citizenship.* Each person appointed as a Foreign Service Mid-Level Career Candidate must be a citizen of the United States.

(2) *Service.* (i) On the date of application, a candidate must have completed a minimum of 9 years of professional work experience, including at least 3 years of service in a position of responsibility in a Federal Government agency or agencies. For this purpose, a position of responsibility is defined as one in the Foreign Service at class FS–5, in the Civil Service at GS–9, or in the Armed Forces as first lieutenant or lieutenant junior grade, or higher. Academic studies, particularly those related to Foreign Service work, may be substituted for part of the required experience. The duties and responsibilities of the position occupied by the candidate must have been similar to or closely related to that of a Foreign Service officer in terms of knowledge, skills, abilities, and overseas work experience. In addition, a candidate must currently be in, or have been in, a grade or class comparable to FS–4 or higher.

(ii) Candidates from outside the Department who at the time of application lack 3 years of service in a position of responsibility as defined in the preceding paragraph may, however, be considered if they are found to possess a combination of educational background, employment, experience, and skills needed by the Foreign Service at the mid-level.

(3) *Age.* All career candidate appointments shall be made before the candidate's 60th birthday. The maximum age for appointment under this program is based on the requirement that all career candidates shall be able to (i) complete at least two full tours of duty, exclusive of orientation and training, (ii) complete the requisite eligibility period for tenure consideration, and (iii) complete the requisite eligibility period to receive retirement benefits, prior to reaching the mandatory retirement age of 65 prescribed by the Act.

(4) *Certification of need.* Before the Board of Examiners may process a candidacy, the Director General of the Foreign Service must certify that there is a continuing, long-term requirement, consistent with the projections of personnel flows and needs mandated by section 601(c)(2) of the Act, for a combination of professional work experience, educational background, skills, and capabilities possessed by the applicant which cannot reasonably be met from within the ranks of the career service, including by special training of career personnel and/or limited appointments pending completion of such training, if feasible. No applicant may be appointed in an occupational category or at a class level for which the Director General has not certified a need. Such certifications shall take into full account the latest published skills resources inventory and shall be based on a written assessment of the assignment and promotion effects on career members of the Foreign Service. A separate certification of need is not required for applicants under the Mid-Level Affirmative Action Program, as the hiring goals established by the Secretary constitute the certification for applicants under that Program. The exclusive employee representative will be advised promptly in writing on request of the number, nature, and dates of the certifications of need issued since the last request, including a affirmation that each such issuance has been in accordance with the requirements of this section.

(c) *Recruitment.* (1) *From within the Department.* It is the Department's policy to encourage eligible personnel on its rolls to apply for appointment as Mid-Level Foreign Service officer career candidates including, in particular, the following categories: (i) Members of the Foreign Service whose performance has been consistently of a high caliber, and whose background, experience, and general qualifications indicate that they can compete favorably with Foreign Service officers; and (ii) Civil Service personnel who are serving in positions to which Foreign Service officers are normally assigned, who have superior records, and whose general qualifications indicate that they can compete favorably with Foreign Service officers.

(2) *Other.* The Department also encourages highly qualified applicants from other agencies of the Federal Government, and from outside the Federal Government, who meet the statutory and other eligibility requirements, to apply for the Mid-Level Program. Appointments from these sources for available openngs are made on a highly competitive basis to fill specific needs of the Foreign Service at the Mid-Level.

(d) *Methods of application.* (1) *Forms.* Application is made for a Mid-Level Foreign Service officer career candidate appointment but not for a specific class. Applicants for mid-level entry must complete Standard Form 171, "Personnel Qualifications Statement," and Form DSP–34, "Supplement to Application for Federal Employment," and forward them, together with an autobiography not exceeding four typewritten pages in length, to the Board of Examiners for the Foreign Service for consideration.

(2) *Qualifications evaluation panel.* The Board of Examiners establishes a file for each applicant, placing in it all available documentation of value in evaluating the applicant's potential for service as a Foreign Service officer. A Qualifications Evaluation Panel of deputy examiners of the Board of Examiners reviews the file to determine whether the applicant meets the statutory and other eligibility requirements, to assess the applicant's skills relative to the needs of the Foreign Service, and to recommend whether the applicant should be examined for possible appointment under the Mid-Level Program.

(e) *Examination for mid-level appointment.* The submission of an application to the Board of Examiners does not in itself entitle an applicant to examination. The decision whether to proceed with an examination will be made by the Board of Examiners after a thorough review of the candidate's qualifications and a determination of eligibility for appointment following receipt of a certification of need for that candidate.

(1) *Purpose.* The mid-level examination is designed to enable the Board of Examiners to determine a candidate's aptitude for the work of the Foreign Service at the mid-level and fitness for a Foreign Service career.

(2) *Class.* In determining the Foreign Service officer class for which a candidate will be examined, the Board of Examiner's presumption will be for the class which is equivalent to the candidate's current salary level. In evaluating qualifications and in conducting examinations, the Board of Examiners will determine whether the candidate's qualifications compare favorably with Foreign Service officers at the candidate's current salary level. However, the Board of Examiners, at its discretion, may certify a candidate for appointment as a career candidate at a class other than that equivalent to current salary level in those instances where the Board determines that the candidate's qualifications clearly warrant such action.

(3) *Written examination.* A written examination will not normally be required of candidates for mid-level appointment. However, if the volume of applications for a given class or classes, or a particular functional specialty, is such as to make it infeasible to examine all candidates orally within a reasonable time, such candidates may be required to take an appropriate written examination prescribed by the Board of Examiners. Candidates whose score on the written examination is at or above the passing level set by the Board of Examiners will be eligible for selection for the oral examination.

(4) *Oral examination.* (i) *Purpose.* The oral examination will be designed to enable the Board of Examiners to determine whether candidates are functionally qualified for work in the Foreign Service at the mid-level, whether they have the potential to advance in the Foreign Service, and whether they have the background and experience to make a contribution to the Foreign Service.

(ii) *When and where given.* The oral examination is individually scheduled throughout the year and is normally given in Washington, D.C. At the discretion of the Board of Examiners, it may be given in other American cities, or at Foreign Service posts, selected by the Board.

(iii) *Examining panel.* Candidates recommended by a Qualifications Evaluation Panel for examination will be given an oral examination by a panel of deputy examiners of the Board of Examiners. That panel shall include at least one officer from the functional or professional specialty for which the candidate is being examined. Examining panels shall be chaired by a career officer of the Foreign Service. Determinations of duly constituted panels of deputy examiners are final unless modified by specific action of the Board of Examiners.

(iv) *Content.* The Examining Panel will question the candidate regarding the indicated functional or professional specialty; knowledge of American history, government, and other features of American culture; familiarity with current events and international affairs; and other matters relevant to the candidate's qualifications for appointment.

(v) *Grading.* Candidates taking the oral examination will be graded numerically according to standards established by the Board of Examiners. The candidacy of anyone whose score is at or above the passing level set by the Board will be continued. The candidacy of anyone whose score is below the passing level will be terminated and may not be considered again until 1 year after that date.

(5) *Written essay.* Candidates who take the oral examination will be asked to write an essay during the examination day, on a topic related to Foreign Service work, to enable the Board of Examiners to measure the candidate's effectiveness of written expression.

(6) *Other exercises.* Candidates who take the oral examination also may be asked to complete other exercises during the examination day, to enable the Board of Examiners to measure additional aspects of performance related to Foreign Service work at the mid-level.

(7) *Background investigation.* Candidates who pass the oral examination will be eligible for selection for the background investigation. The background investigation shall be conducted to determine suitability for appointment to the Foreign Service.

(8) *Medical examination.* Candidates who pass the oral examination, and their dependents, will be eligible for selection for the medical examination. The medical examination shall be conducted to determine the candidate's physical fitness to perform the duties of a Foreign Service officer on a world-wide basis and, for candidates and dependents, to determine the presence of any physical, neurological, or mental condition of such a nature as to make it

unlikely that they would be able to function on a world-wide basis.

(9) *Final review panel.* The entire file of candidates who pass the oral examination will be reviewed and graded by a Final Review Panel, consisting of two or more deputy examiners of the Board of Examiners, after the results of the background investigation and the medical examination are received. The Final Review Panel will take into account the grade assigned by the oral Examining Panel, as well as all other available information concerning the candidate, and decide whether or not to recommend the candidate for appointment. The candidate's file will then be submitted to the Board of Examiners for approval. If approved by the Board, the candidate's name will be entered on the rank-order register for the class and functional specialty for which the candidate has been found qualified. The candidacy of anyone who is not recommended for appointment by the Final Review Panel shall be terminated and the candidate so informed.

(10) *Foreign language requirement.* All candidates who pass the oral examination will be required to take a subsequent test to measure their fluency in foreign languages or their aptitude for learning them. A candidate may be appointed without first having passed an examination in a foreign language, but the appointment will be subject to the condition that the newly appointed career candidate may not be converted to career Foreign Service officer status unless, within a specified period of time, adequate proficiency in a foreign language is achieved. For limitations on promotions see Volume 3 (Personnel), Foreign Affairs Manual, section 874.

(11) *Certification for appointment.* (i) *Departmental employees.* A candidate who is a career employee of the Department, for whom a certification of need has been issued, will be certified by the Board of Examiners for appointment after satisfactorily completing all aspects of the examination process. The appointment certification will specify the class and salary for which the candidate has been found qualified.

(ii) *Others.* Other successful candidates will, after being approved by the board of Examiners, have their names placed on the rank-order register for the class and functional specialty for which they have been found qualified. A separate rank-order register may be established for candidates under the Mid-Level Affirmative Action Program. Appointments to available openings will be made from the registers in rank-order according to the needs of the Foreign Service.

(12) *Termination of eligibility.* Candidates who have qualified but have not been appointed because of lack of openings will be removed from the rank-order register 18 months after the date of placement on the rank-order register. The Board of Examiners may extend the eligibility period when such extension is, in its judgment, justified in the interests of the Foreign Service.

2. By adding a new § 11.20 to read as follows:

§ 11.20 Foreign Service specialist career candidate appointments.

(a) *General considerations.* (1) Section 303 of the Foreign Service Act of 1980 (hereinafter referred to as the Act) authorizes the appointment of members of the Service (other than Presidential appointments).

(2) Section 306 of the Act provides that, before receiving a career appointment in the Foreign Service, an individual shall first serve under a limited appointment for a trial period of service as a career candidate.

(3) This section governs the appointment by the Department of State of Foreign Service specialist career candidates to classes FS–1 and below. Specialist candidates comprise all candidates for career appointment in all occupational categories other than generalists (that is, administrative, consular, economic, political, and program direction), who are governed by the regulations respecting Foreign Service officer career candidates. The appointment of all Senior Foreign Service career candidates regardless of occupational category is governed by § 11.30 (to be supplied). Regulations governing trial service and tenuring of specialist candidates are found in Volume 3 (Personnel), Foreign Affairs Manual, section 580.

(4) Veterans' preference shall apply to the selection and appointment of Foreign Service specialist career candidates.

(b) *Specialist career candidate appointments.* (1) *Certification of need.* Candidates for appointment as specialist career candidates must be world-wide available and must have a professional or a functional skill for which there is a continuing need in the Foreign Service. Before an application can be processed, the Director General of the Foreign Service must certify that there is a need for the applicant as a career candidate in the specialist category at or above the proposed class of appointment. No applicant shall be appointed at a class level for which there is no certified need. This individual certification of need is not required for those specialist occupations which the Director General determines in advance to be shortage or continuous recruitment categories, and for which the Director General has certified the need for a specific number of appointments at given levels. Such appointments, including an appointment of an individual who is the employee of any agency, may not exceed 5 years in duration, and may not be renewed or extended beyond 5 years. A specialist candidate denied tenure under Volume 3 (Personnel), Foreign Affairs Manual, section 580, may not be reappointed as a career candidate in the same occupational category.

(2) *Eligibility.* An applicant must be a citizen of the United States and at least 20 years of age. The minimum age for appointment as a career candidate is 21. All career candidate appointments shall be made before the candidate's 60th birthday. The maximum age for appointment under the program is based on the requirement that all career candidates shall be able to (i) complete at least two full tours of duty, exclusive of orientation and training, (ii) complete the requisite eligibility period for tenure consideration, and (iii) complete the requisite eligibility period to receive retirement benefits, prior to reaching the mandatory retirement age of 65 prescribed by the Act.

(3) *Selection and initial screening.* Specialist career candidates will be selected on the basis of education, experience, suitability, performance potential, and physical fitness for world-wide service. Applicants normally will be given personal interviews and will be subject to such written, oral, physical, foreign language, and other examinations as may be prescribed by the Board of Examiners for the Foreign Service and administered by the Office of Recruitment, Examination, and Employment (PER/REE). The Board of Examiners will identify and/or approve the knowledge, skills, abilities, and personal characteristics required to perform the tasks and duties of Foreign Service specialists in each functional field. PER/REE will screen applications for appointment as Foreign Service specialist career candidates under approved criteria and select those who meet the requirements for further processing under these regulations.

(4) *Oral Examination.* Candidates selected through the initial screening will be eligible for an oral examination unless they are candidates for appointment in occupational categories for which the oral examination may be waived by the Director General. This

waiver normally will apply only to continuous-recruitment categories and to appointments below the FS–6 level, and where such waivers occur, a thorough oral interview will be conducted. The oral examination will be given by a panel of deputy examiners, at least one of whom will be a career Foreign Service specialist proficent in the functional field for which the candidate is being tested. The examination may include a writing sample. Candidates taking the oral examination will be graded numerically according to standards set by the Board of Examiners. The candidacy of anyone whose score is at or above the passing level set by the Board will be continued. The candidacy of anyone whose score is below the passing level will be terminated and may not be considered again for 1 year.

(5) *Background investigation.* Candidates who have passed the oral examination, and candidates who have passed the initial screening if the oral examination has been waived, will be eligible for selection for the background investigation to determine their suitability for appointment to the Foreign Service.

(6) *Medical examination.* Such candidates and their dependents will be eligible for selection for the medical examination. The medical examination shall be conducted to determine the candidate's physical fitness to perform the duties of a Foreign Service specialist on a world-wide basis and, for candidates and dependents, to determine the presence of any physical, neurological, or mental condition of such a nature as to make it unlikely that they would be able to function on a world-wide basis.

(7) *Final review panel.* After the results of the medical examination and background investigation have been received, a Final Review Panel, consisting of two or more deputy examiners of the Board of Examiners, or by another appropriate panel appointed for the purpose by the Director of PER/REE, will review and grade the candidate's entire file. Candidates approved by the Final Review Panel will have their names placed on a rank-order register for the functional specialty for which they are qualified. Candidates will remain eligible for appointment for 18 months from the date of placement on the rank-order register. The Board of Examiners may extend this eligibility period when such extension is, in its judgment, justified in the interests of the Foreign Service. The candidacy of anyone who is not recommended for appointment by the Final Review Board shall be terminated and the candidate so informed.

(c) *Limited non-career appointments.* Other Foreign Service specialist appointments may be made on a limited non-career basis. Before an application for a limited non-career appointment can be processed, the Director General of the Foreign Service must certify that there is a need for the applicant. Such limited specialists must serve overseas, and they will be subject to the same conditions as those outlined in these regulations for career candidates, with the exception that the maximum age of 59 does not apply to such appointments. However, because members of the Foreign Service generally are subject to the mandatory retirement age of 65 under section 812 of the Act, limited non-career appointments normally will not extend beyond the appointee's 65th birthday. Applicants for limited non-career appointments will be subject to the same screening, medical examination, background investigation, and final review process required of career candidates, but normally they will not be subject to a written or oral examination. Their appointments will normally be limited to the duration of the specific assignment for which they are to be hired, may not exceed 5 years in duration, and may not be renewed or extended beyond 5 years. Ordinarily, no limited non-career appointee will be reappointed until at least 1 year has elapsed since the expiration of a previous appointment. However, earlier reappointment may be granted in cases of special need, provided the exclusive employee representative is advised in advance and is afforded an opportunity to comment. Prior to the expiration of their limited appointments, if otherwise eligible, non-career appointees may compete for career candidate status by qualifying at that time for and taking the examinations required of career candidates. If successful, their names would be entered on the rank-order register for their functional specialty. If appointed as career candidates, the length of service under their previous limited non-career appointments may be counted as part of the trial period of service prescribed before a candidate can receive a career appointment.

Dated: April 23, 1983.

Clint A. Lauderdale,

Deputy Assistant Secretary for Personnel.

[FR Doc. 83-11629 Filed 4-29-83; 8:45 am]

BILLING CODE 4710-15-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1613

Equal Employment Opportunity in the Federal Government; Complaints of Discrimination

AGENCY: Equal Employment Opportunity Commission.

ACTION: Interim regulations with comments invited for consideration in final rulemaking.

SUMMARY: The Equal Employment Opportunity Commission is revising its regulations on equal employment in the Federal Government (29 CFR Part 1613).

The purpose of the amendments is to eliminate the duplicative complaint processing by federal agencies occurring with respect to "mixed cases", before the Merit Systems Protection Board (MSPB). Mixed cases are matters related to certain personnel actions which are appealable to the MSPB and which raise allegations of discrimination based on race, color, religion, sex, national origin, handicap, age and/or reprisal. In addition, it is the purpose of these amendments to eliminate the 15 calendar day reprisal charge process, which has proven to be impractical and which has served to eliminate an aggrieved individual's right to administrative due process, while seldom providing for rapid charge processing. Further, these amendments also provide an administrative mechanism for appealing decisions on grievances where (except with respect to the U.S. Postal Service), pursuant to 5 U.S.C. 7121 (which does not apply to the U.S. Postal Service), a grievant has raised an allegation of discrimination in connection with the grievance.

These amendments, in part, complement, and should be read in conjunction with, the regulations of the MSPB concerning appeals which include allegations of discrimination, found at Title 5 CFR Part 1201, Subpart D.

DATES: These interim regulations are effective upon publication and will remain effective until final regulations are issued. Written comments on the interim regulations must be received within 60 calendar days of publication. The Commission proposes to consider any comments received and, thereafter, to adopt final regulations.

ADDRESSES: Interested persons are invited to submit written comments regarding the interim regulations to Treva McCall, Executive Secretariat, Equal Employment Opportunity Commission, 2401 E Street, NW.,

Washington, D.C. 20506. Copies of the comments submitted by the public will be available for review at the Social Sciences Library, Room 2003, EEOC, 2401 E Street, NW., Washington, D.C. 20506 between the hours of 9:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:
Gerald P. Tognetti, Chief, Hearings Program Management Branch, Office of Public Sector Programs, Room 4209, 2401 E Street, NW., Washington, D.C. 20506. (202) 634–7833.

SUPPLEMENTARY INFORMATION:
Commission is revising its regulations pursuant to its responsibilities for administration and enforcement of Sections 205 and 701 of the Civil Service Reform Act of 1978, 5 U.S.C. 7121 and 7702, Section 717 of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–16, Sections 501 and 505 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791 and 794a, Section 15 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 633a, and Section 6(d) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 206(d).

These amendments should be distinguished from several amendments which the Commission will be proposing in the near future in a Notice of Proposed Rulemaking. These interim amendments are intended to correct deficiencies in the current regulations which the Commission does not believe should be delayed. The forthcoming Notice of Proposed Rulemaking will treat with other matters of importance, but of lesser urgency, with respect to appellate processing and duplication of effort. In addition, it will propose amendments to the pre-appellate process, with respect to grievances which raise allegations of discrimination, which complement the appellate amendments at §§ 1613.231 and 1613.233(b).

Pursuant to the Civil Service Reform Act of 1978, 5 U.S.C. § 7702, these amendments establish an administrative process for mixed cases. Mixed cases are matters related to certain personnel actions which are appealable to the MSPB and which raise allegations of discrimination based on race, color, religion, sex, national origin, handicap, age and/or reprisal. These amendments provide that mixed cases may be brought as a complaint before the respondent federal agency, or as an appeal before the MSPB, but not both. The regulations specify that mixed case complaints may be rejected or cancelled by the respondent agency when brought before it, if the aggrieved person has previously appealed the matter which forms the basis of the mixed case complaint to the MSPB. The regulations also require an election between the respondent federal agency EEO process and the MSPB process; specify the procedures to be followed upon election of the respondent federal agency EEO process; explain the administrative and civil action rights of the aggrieved; provide consolidation procedures when complaints are filed on proposals to take an action appealable to the MSPB and subsequent complaints and/or appeals are filed on agency decisions to take that action; and specify the time limits for processing mixed case complaints.

It should be noted that when the complainant has elected the respondent federal agency EEO complaint process, the mixed case complaint will be processed in a manner similar to other federal EEO complaints, except the hearing that may occur at the agency level in the processing of other complaints will not occur at that level in mixed case complaints but at the MSPB instead.

The regulations also contain a section on retroactivity which applies to all mixed case complaints arising on or after January 11, 1979 [the effective date of the Civil Service Reform Act of 1978 (CSRA)] and filed prior to the effective date of the regulations. Such a section is necessary in order to conform to the requirements of the statute, which, among other things, was clearly intended to eliminate duplicative complaint processing on and after January 11, 1979 and which clearly provided that any appeal from certain personnel actions, which also involved allegations of discrimination, was initially to be made to MSPB, with review authority *only* to be vested in EEOC. Without this section, such cases have been and would continue to be improperly processed, with improper advisement of appeal rights to EEOC, even though such appeal rights are precluded by statute. In addition, current regulations provide for 180 calendar day processing, with a right to file a civil action only, if that time limit is not met. The CSRA requires that mixed case complaints be processed in 120 calendar days, with an administrative appeal right the MSPB if that time limit is not met, in addition to a right to file a civil action. All of these differences became effective on January 11, 1979 and, as a consequence, a section on retroactivity is required.

In order to insure that complainant rights are adequately protected, while nevertheless complying with the requirements of the CSRA, the retroactivity amendments contain provisions which allow cancellation of a mixed case complaint filed during the retroactive period only where the complainant has already appealed the matter which forms the basis of the mixed case complaint to the MSPB and raised the allegations of discrimination in connection with the appeal. Such complainants retain their right to petition EEOC to review the discrimination allegations raised on appeal to the MSPB. With respect to those cases where the matter was appealed to the MSPB, but where the allegations of discrimination were not considered by the MSPB, the retroactivity amendments advise complainants that they may petition the MSPB to review their previous appellate decision, to now include the allegations of discrimination and that, thereafter, they may, as a matter of right, petition the EEOC to review the discrimination allegations, regardless of whether the MSPB chooses to review their previous appellate decision. Thus, such complainants will have received a hearing and will have retained their right to petition EEOC, in a manner similar to those complainants who file their complaints on or after the effective date of these regulations.

Further in this regard, the Commission notes that complainants and agencies have had no previous definitive guidance on how to process mixed case complaints and that, as a result, there has been much confusion where complainants have filed both an appeal with the MSPB and a complaint with agency, pursuant to the regular EEO complaint process. As a result of that confusion, some complainants who have raised the issue of discrimination before the MSPB on appeal have not thereafter actively pursued the matter, believing that it would be more fully addressed as part of the agency compliant process. As a consequence, the MSPB, in some instances, did not fully consider the discrimination allegations. In view of this history, the Commission believes it necessary to caution agencies that the retroactive cancellation authority provided at § 1613.404(a) should be invoked only where the agency is prepared to demonstrate that the MSPB fully considered all of the discrimination allegations contained in the mixed case complaint. In any instance where all of the discrimination allegations in the mixed case complaint were not fully considered by the MSPB on appeal, the agency must process the matter pursuant to § 1613.404(b), rather than pursuant to § 1613.404(a).

Additionally, these amendments eliminate the current regulations, found

at 29 CFR 1613.262(b)(1), with respect to 15 calendar day reprisal charge processing. The current procedures are designed to circumvent the regular complaint procedures and provide a rapid charge process for complaints of reprisal discrimination. In exchange for this rapid charge process, the complainant waives all procedural due process safeguards provided by the regular complaint process, including the right to file a civil action in federal court. See *Porter* v. *Adams*, 639 F 2d. 273, (5th Cir. 1981). Except for a vaguely-worded provision which allows the Commission "to take whatever action is appropriate" when the time limit has been exceeded, there is no check on federal agencies which do not process the charge within 15 calendar days. It has been the Commission's experience that virtually no federal agency processes such charges within 15 calendar days. Since virtually every federal agency has indicated that the 15 calendar day time limit is unworkable, the Commission sees no benefit to be derived by providing appellate review (which this section was specifically created to circumvent) or other sanction authority to enforce an unworkable section of its regulations. Since complainants lose substantive due process rights when they elect the 15 calendar day process and since the Commission can only act to restore those due process rights by remanding the matter for regular complaint processing when federal agencies do not process the matter in 15 calendar days, and since the regulations otherwise clearly do not intend appellate review by the Commission of such matters, the Commission considers it to be in the public interest to eliminate the process.

These amendments also provide procedures for filing appeals from decisions made in the agency negotiated grievance procedure, where the negotiated grievance procedure provides that allegations of discrimination may be so raised. Such amendments are required, in order to conform to the provisions of 5 U.S.C. 7121, which provides that negotiated grievance procedures may allow allegations of discrimination to be raised therein and which provides for appeals from decisions reached on such grievances to the Commission, with respect to the allegations of employment discrimination.

These regulations have been coordinated with affected federal agencies, pursuant to Executive Order 12067, and have been reviewed by the Office of Management and Budget, pursuant to Executive Order 12291. These regulations have been determined not to be a major rule, as defined in that Order.

Pursuant to 5 U.S.C. 553(d)(3), the Commission finds that good cause exists for making these regulations effective in less than 30 days from publication, in order to eliminate costly and duplicative concurrent processing of complaints on, and appeals from, the same matters, especially since such concurrent processing may result in mutually contradictory conclusions, for which no regulatory resolution mechanism exists. Additionally, with respect to the expedited procedures for charges of reprisal, current regulations provide no right of appeal and no right to file a civil action. Charging parties seldom receive rapid charge processing under these procedures and federal agencies have severely criticized the regulation as confusing and unworkable. Further, with respect to the appellate amendments, the law (5 U.S.C. 7121) requires that the Commission entertain appeals, with respect to issues of discrimination, raised in connection with grievances, but current regulations contain no provisions for doing so. Therefore, the Commission finds good cause for also making these regulations effective in less than 30 days from publication.

Finally, the Commission realizes that issuance of these regulations on an interim basis is a departure from its normal rulemaking practice but, for the reasons stated above, finds there to be a compelling public interest for doing so. The interim regulations appear below.

List of Subjects in 29 CFR Part 1613

Administrative practice and procedure, Aged, Equal employment opportunity, Government employees, Handicapped, Sex discrimination.

By virtue of the authority vested in the Commission under Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–16, Sections 501 and 505 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791 and 794a, Section 15 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 633a, Section 6(d) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 206(d), Reorganization Plan No. 1 of 1978 (43 FR 19807) and Executive Order 12106 (44 FR 1053), the Equal Employment Opportunity Commission hereby publishes the following amendments to its regulations on Equal Employment in the Federal Government.

Signed at Washington, D.C., this 25th day of April 1983. For the Commission.

Clarence Thomas,

Chairman.

PART 1613—[AMENDED]

Accordingly, Chapter XIV, Part 1613 of title 29 of the Code of Federal Regulations is amended as follows:

1. Section 1613.231(a) is revised to read as follows: paragraph (b) is redesignated as paragraph (c); and a new paragraph (b) is added.

§ 1613.231 Entitlement.

(a) Except as provided by paragraph (c) of this section, a complainant may appeal to the Commission the decision of the head of the agency, or his/her designee: (1) To reject his/her complaint, or any portion thereof, for reasons covered by § 1613.215; or (2) To cancel his/her complaint because of the complainant's failure to prosecute the complaint; or (3) On the merits of the complaint, under §§ 1613.217(c) or 1613.221, or on the award of attorney's fees or costs.

(b) Except as provided by paragraph (c) of this section, a complainant may appeal to the Commission on issues of employment discrimination raised in a negotiated grievance procedure, where the agency's negotiated labor-management agreement permits such issues to be raised therein. A complainant may appeal the decision: (1) Of the agency head or his/her designee on the grievance; (2) of the arbitrator on the grievance; or (3) of the Federal Labor Relations Authority (FLRA) on exceptions to the arbitrator's award. A complainant may not appeal under this subsection, however, when the matter initially raised in the negotiated grievance procedure is still ongoing in that process, is in arbitration or is before the FLRA. Any appeal prematurely filed in such circumstances shall be dismissed without prejudice.

(c) A complainant may not appeal to the Commission under paragraph (a) of this section, when the issue of discrimination giving rise to the complaint is being considered or has been considered, in connection with any other appeal by the complainant.

2. Section 1613.233 is amended to revise paragaph (a); to redesignate the previous paragraph (b) as paragraph (c) and to add a new paragraph (b) to read as follows:

§ 1613.233 Time limits.

(a) Except as provided in paragraph (c) of this section, a complainant may file a notice of appeal at any time up to 20 calendar days after receipt of the

agency's notice of final decision on his or her complaint. An appeal shall be deemed filed on the date it is postmarked, or, in the absence of a postmark, on the date it is received by the Commission. Any statement or brief in support of the appeal must be submitted to the Commission and to the defendant agency within 30 calendar days of filing the notice of appeal. For purposes of this Part, the decision of an agency shall be final only when the agency makes a determination on all of the issues in the complaint, including whether or not to award attorney's fees or costs. If a decision to award attorney's fees or costs is made, the decision will not be final until the procedure is followed for determining the amount of the award as set forth in § 1613.271(c).

(b) When issues of discrimination have been raised in a negotiated grievance process, a complainant may file a Notice of Appeal of such issues up to 20 days after: (1) receipt of an agency decision on the grievance and expiration of the time during which the union and the agency may move the matter to the next state of the grievance process; (2) receipt of an arbitrator's award; or (3) receipt of the decision of the FLRA on exceptions to the arbitrator's award.

* * * * *

3. Section 1613.262 is amended by revising paragraph (a), removing paragraph (b)(1), redesignating paragraph (b)(2) as paragraph (b) and revising it to read as follows:

§ 1613.262 Review of allegations of reprisal.

(a) A complainant, his/her representative, or a witness who alleges restraint, interference, coercion, discrimination or reprisal for having filed a complaint or for having participated in the processing of a complaint under this subpart, may, if an employee or applicant, have the allegation reviewed as an individual complaint of discrimination subject to §§ 1613.211 through 1613.283.

(b) When a complainant alleges that (s)he has been subjected to restraint, interference, coercion, discrimination or reprisal in connection with the filing of a prior complaint of discrimination and that prior complaint from which the allegation derives is in process at the agency at the time the allegation is made, the complainant may request the agency to consolidate the allegation with the prior complaint. If the prior complaint is at the hearing stage of the complaint process under § 1613.218, the complainant may request the Complaints Examiner to consolidate the allegation with the complaint at the hearing. The agency or the Complaints Examiner may grant the request, *Provided*, that the request is made within 30 calendar days of occurrence of the act which forms the basis of the allegation, or within 30 calendar days of its effective date, if a personnel action. The agency or the Complaints Examiner may also deny the request, at its/his/her discretion, and require that the allegation be processed in accordance with § 1613.262(a).

Part 1613, Subpart D is amended to add the following section:

Subpart D—Processing Mixed Case Complaints

Sec.

1613.401 Purpose, scope, and applicability.
1613.402 Definitions.
1613.403 Election.
1613.404 Retroactivity.
1613.405 Procedures for agency processing of mixed case complaints.
1613.406 Processing of complaints on proposals.
1613.407 Timely processing.

* * * * *

Subpart D—Processing Mixed Case Complaints

§ 1613.401 Purpose, scope and applicability.

(a) *Purpose.* This subpart sets forth the regulations under which the Equal Employment Opportunity Commission will carry out its responsibilies for the administration and enforcement of Section 205 of the Civil Service Reform Act of 1978, 5 U.S.C. 7702, with respect to matters of alleged employment discrimination prohibited by Section 717 of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–16, Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794a, Section 15 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 633a, and Section 6(d) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 206(d).

(b) *Scope.* This subpart shall govern the treatment of complaints in which allegations of discrimination are raised, in connection with an action appealable to the Merit Systems Protection Board (MSPB), provided that the action which forms the basis of the complaint was initiated on or after January 11, 1979 (the effective date of the Civil Service Reform Act). This subpart governs the procedures applicable: (1) When a complainant elects to bring the matter which forms the basis of the complaint before his/her agency, by filing a complaint of discrimination, pursuant to this part; (2) when an appealable action, pending before the MSPB, is remanded for agency processing, pursuant to 5 CFR 1201.155(c); and (3) when a petition to review the decision of the MSPB on the issues of discrimination is filed with the Commission, pursuant to 5 U.S.C. 7702(b).

(c) *Applicability.* This subpart applies to all persons who have a right of appeal to the MSPB.

§ 1613.402 Definitions.

(a) *Mixed Case Complaint.* A mixed case complaint is: (1) A complaint of employment discrimination filed with a federal agency, based on race, color, religion, sex, national origin, handicap, age, and/or reprisal, related to, or stemming from an action taken by an agency against the complainant, which action may be appealed to the MSPB, pursuant to any law, rule or regulation; or (2) a complaint of sex-based wage discrimination, filed with the Commission, related to or stemming from an action taken by an agency against a complainant, which action may be appealed to the MSPB, pursuant to any law, rule or regulation. The complaint may contain only an allegation of employment discrimination or it may contain additional allegations which the MSPB has jurisdiction to address.

(b) *Mixed Case Appeals.* A mixed case appeal is an appeal filed with the MSPB, which jurisdiction to entertain, and which alleges that the agency action which forms the basis for the appeal was effected, in whole or in part, because of discrimination on the basis of race, color, religion, sex, national origin, handicap, age and/or reprisal, or alleges that such appealable action resulted in sex-based wage discrimination.

(c) *Complaint.* A complaint is a formal complaint of discrimination, filed with the appropriate person designated to receive complaints at the agency, pursuant to § 1613.214 of subpart B of this Part.

(d) *Proposal.* A proposal, as used in this subpart, means any document issued by an agency to an employee, pursuant to any requirements contained in regulations issued by the Office of Personnel Management (OPM), which proposes to take an action against that employee which, if effected, could be appealed by that employee to the MSPB.

(e) *Handicap Definitions.* The definitions set forth at § 1613.702 of subpart G of this Part are hereby incorporated by reference into this subpart and are applicable to any mixed case complaint which contains issues of handicap discrimination.

§ 1613.403 Election.

An aggrieved person may initially file a mixed case complaint with an agency, pursuant to this part, or (s)he may file a mixed case appeal directly with the MSPB, pursuant to 5 CFR 1201.151, but not both. An agency shall inform every employee who is the subject of an action which is appealable to the MSPB and who has raised the issue of discrimination either orally or in writing, during the processing of the action, of his/her right to file a mixed case complaint, if the employee believes the action to be based, in whole or in part, on discrimination, or to file a mixed case appeal with the MSPB. The person shall be advised that (s)he may not initially file both and that whichever is filed first (the mixed case complaint or the appeal) shall be considered an election to proceed in that forum. For the purposes of this subsection, filing of a mixed case complaint occurs when the complaint is filed with an apropriate agency official, in accordance with § 1613.214(a)(3) of subpart B of this Part.

§ 1613.404 Retroactivity.

The following shall apply, with respect to mixed case complaints filed prior to the effective date of these regulations, where any issues in such mixed case complaints were also appealed to the MSPB:

(a) *Discrimination Allegations Considered.* If the MSPB considered, or is considering, the allegations of discrimination raised in the mixed case complaint, in connection with any appeal, the mixed case complaint before the agency shall be cancelled, pursuant to § 1613.405(a).

(b) *Discrimination Allegations Not Considered.* If the MSPB was not presented with or did not consider the allegations of discrimination raised in the mixed case complaint in connection with any appeal, the agency shall process such mixed case complaint in accordance with § 1613.405(e). The final agency decision on such complaint shall advise the complainant of his/her right to file a civil action, pursuant to § 1613.417, and that (s)he may petition the MSPB to review his/her previous appellate decision, to include the allegations of discrimination raised with the agency which were not previously decided on appeal by the MSPB. The decision shall further advise the complainant that, whether or not the MSPB chooses to review its previous decision, the complainant may thereafter petition the EEOC to review the matter, pursuant to § 1613.414, provided that the complainant has fullfilled the procedural prerequisite of first petitioning the MSPB.

§ 1613.405 Procedures for agency processing of mixed case complaints.

(a) *Rejections.* Whenever an agency is presented with a mixed case complaint concerning an action that has previously been appealed by the complainant to the MSPB, the agency shall reject the complaint (in writing), citing this subsection as the authority therefor, regardless of whether the allegations of discrimination raised in the mixed case complaint were raised in the previous appeal to the MSPB. The agency shall advise the aggrieved person, as part of the decision rejecting such a complaint, that (s)he must bring the allegations of discrimination contained in the rejected complaint to the attention of the MSPB, pursuant to 5 CFR 1201.155.

(b) *Cancellation.* Whenever the agency learns that a mixed case complaint, which has been filed with and accepted by the agency, contains issues which also form the basis of an appeal which has been filed with the MSPB, the agency shall determine which was filed first (i.e., the mixed case complaint or the appeal). If the appeal to the MSPB was filed first, the agency shall cancel (in writing) that portion of the mixed case complaint related to the action appealed to the MSPB and advise the complainant, as part of the decision which cancels the complaint (in whole or in part), that (s)he must bring the allegations of discrimination to the attention of the MSPB, pursuant to 5 CFR 1201.155. If the mixed case complaint was filed first, the agency shall so advise the MSPB and request that the MSPB dismiss the appeal without prejudice and, thereafter, the agency shall process the complaint, pursuant to § 1613.405(e), and issue an agency decision within 120 calendar days. An agency may also cancel a mixed case complaint when it learns that the complainant has chosen to appeal the matter to the MSPB upon expiration of 120 calendar days from the date that the mixed case complaint was filed with the agency.

(c) *Effect of Rejection or Cancellation.* An agency decision to reject or cancel a mixed case complaint pursuant to §§ 1613.405(a) or (b) is not subject to appeal to the EEOC, except where §§ 1613.405(a) or (b) has been misapplied to a nonmixed case matter (in which case an appeal may be filed pursuant to § 1613.231 of Subpart B).

(d) *MSPB Remands.* The MSPB may remand allegations of discrimination to an agency or, in Equal Pay Act matters, to the EEOC, pursuant to 5 CFR 1201.155(a) or (c). In such cases, the agency or the EEOC shall investigate those allegations, as required by the MSPB or by applicable EEOC regulation.

(e) *Procedures.* When a complainant, pursuant to § 1613.403, elects to proceed initially through the agency, rather than with the MSPB, the procedures set forth in §§ 1613.211 through 1613.221(d) of subpart B of this Part shall govern the processing of the mixed case complaint, with the following exceptions: (1) There shall be no hearing, as provided in § 1613.218 and as referenced in §§ 1613.217(b)(2) and 1613.221(b)(2) and (3); (2) At the time that an agency advises a complainant of the acceptance of a mixed case complaint, pursuant to § 1613.214, the agency shall also advise the complainant of the following: (i) The complaint shall be processed in accordance with this subpart; (ii) if no agency decision is issued within 120 calendar days of the date of filing of the mixed case complaint, the complainant may appeal the matter to the MSPB at any time thereafter, up to, but not later than, one year from the filing of the complaint, or may file a civil action, as specified at § 1613.417(g); and (iii) if the complainant is dissatisfied with the agency's decision on the mixed case complaint, (s)he may appeal the matter to the MSPB (not EEOC), within 20 calendar days of receipt of the agency's decision; (3) At the time that an agency issues to the complainant its notice of proposed disposition, pursuant to § 1613.217(b), the agency shall advise the complainant that the complainant: (i) May request a decision (pursuant to § 1613.221 of subpart B of this Part) from the agency, without a hearing and, thereafter, appeal that decision to the MSPB (and, in connection therewith, request a hearing), within 20 calendar days of receipt of that agency decision, or (ii) if no decision is received within 120 calendar days of filing the mixed case complaint, may appeal the matter directly to the MSPB (not EEOC) at any time after expiration of 120 calendar days, up to, but no later than, one year after filing the mixed case complaint and of his/her right to file a civil action, as described at § 1613.417(g). (4) At the time that the agency issues its decision on a mixed case complaint (pursuant to § 1613.221) the agency shall advise the complainant of his/her right to appeal the matter to the MSPB (not EEOC), within 20 calendar days of receipt, and of his/her right to file a civil action, as described at § 1613.417(a).

§ 1613.406 Processing of complaints on proposals.

(a) *Where the Agency Decision is Appealable to the MSPB.* (1) Any complaint which is filed, pursuant to this Part, in connection with an agency proposal to take an action that is

appealable to the MSPB, shall be consolidated, pursuant to § 1613.251 of subpart B of this Part, with any subsequent mixed case complaint filed in connection with that agency decision to take such an action, either as proposed or as modified during the processing of the proposal, and shall be processed in accordance with this subpart. (2) If, following a complaint on a proposal, the complainant subsequently files an appeal with the MSPB on the subsequent agency decision resulting from that proposal, the agency shall cancel the complaint on the proposal. The complainant shall be advised by the agency that any allegations of discrimination contained in that complaint should be raised with the MSPB, in connection with the pending appeal. (3) If a complaint is filed on a proposal, and no appeal is filed with the MSPB on the subsequent appealable agency decision resulting from that proposal, and no complaint is filed with the agency on that appealable decision, the complaint on the proposal shall be deemed to include the final decision as an issue (as of the effective date of such final decision) and shall be processed as a mixed case complaint, in accordance with § 1613.405.

(b) *Where the Agency Decision is Not Appealable to the MSPB.* Where a proposal does not result in an agency decision which is appealable to the MSPB (e.g., a proposal to remove which is modified by the agency decision to a 5 day suspension), such a complaint shall be processed pursuant to subparts B, E, F and/or G of this Part, as appropriate.

§ 1613.407 Timely processing.

A mixed case complaint shall be processed in a timely manner by the agency, so that the agency's decision (pursuant to § 1613.221 of subpart B of this Part) on such a complaint is issued within 120 calendar days from the date the complaint was filed. When a complaint concerning a proposal to take an action that is appealable to the MSPB is consolidated, pursuant to § 1613.406, with a mixed case complaint concerning an agency decision to take the action as proposed or as modified, and that agency decision is appealable to the MSPB, the 120 calendar day time frame for processing the consolidated mixed case complaint begins to run as of the date the complaint concerning that agency decision is filed. For the purposes of §1613.406(a)(3), the 120 calendar day time frame for processing the complaint shall begin to run as of the effective date of the final decision.

[FR Doc. 83-11473 Filed 4-29-83; 8:45 am]

BILLING CODE 6570-06-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2616

Notice of Intent To Terminate for Non-Multiemployer Pension Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; correction.

SUMMARY: On January 27, 1983, the Pension Benefit Guaranty Corporation published in the **Federal Register** at 48 FR 3722, FR Doc. 83-2103, a final rule prescribing a new method of filing the statutory Notice of Intent to Terminate for non-multiemployer pension plans covered under the plan termination insurance program of Title IV of the Employee Retirement Income Security Act of 1974. This document is needed to correct typographical errors in that final rule.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Special Counsel, Office of the General Counsel, Code 210, 2020 K Street, NW., Washington, D.C. 20006, 202-254-6476. (This is not a toll-free number.)

The following corrections are made in FR Doc. 83-2103, appearing at 48 FR 3722 (January 27, 1983):

1. On page 3722, column one, line 16 of the Summary, "nonmultiemployer" is corrected to read "non-multiemployer."

2. On page 3722, column two, line 7 of the last paragraph, "Pub. L. No. 96-264" is corrected to read "Pub. L. No. 96-364."

3. On page 3723, column one, lines 9 and 10 of the fifth full paragraph, "in anticipation or termination" is corrected to read "in anticipation of termination."

4. On page 3723, column two, line 7, "a" is added between "and" and "plan administrator."

5. On page 3723, column three, line 4, a hyphen is added between "120" and "day."

6. On page 3723, column three, lines 31 and 32, "the final rule" is corrected to read "this final rule."

7. On page 3723, column three, line 36, the comma after "Code" is deleted.

8. On page 3724, column one, line 3 in the first full paragraph, "From" is corrected to read "from."

9. On page 3724, column one, lines 3 and 14 of the second full paragraph, a hyphen is added between "12" and "month."

10. On page 3724, column three, line 18 of the third full paragraph, a hyphen is added between "270" and "day."

11. On page 3726, column two, line 9 of § 2616.5(c), a hyphen is added between "270" and "day."

Authority: 29 U.S.C. 1302, 1341.

Issued this 27th day of April, 1983.

Henry Rose,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-11642 Filed 4-29-83; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Approval of the State of Arkansas Abandoned Mine Land Reclamation Plan Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: On July 7, 1982, the State of Arkansas submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of this submission is to demonstrate the State's intent and capability to assume responsibility for administering and conducting the Abandoned Mine Land Reclamation Program established by Title IV of SMCRA and regulations adopted by OSM (30 CFR Chapter VII, Subchapter R, 47 FR 28574-28604, June 30, 1982). After opportunity for public comment and review of the plan submission, the Assistant Secretary for Energy and Minerals of the Department of the Interior has determined that the Arkansas Reclamation Plan meets the requirements of SMCRA and the Secretary's regulations. Accordingly, the Assistant Secretary has approved the Arkansas Plan.

EFFECTIVE DATE: The rule is effective May 2, 1983.

ADDRESSES: Copies of the full text of the Arkansas Plan are available for review during regular business hours at the following locations:

State of Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209

Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 W. 4th Street, Tulsa, Oklahoma 74103
Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5315, 1100 L Street, NW., Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT: James Fary, Division of Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone (202) 343-7921

SUPPLEMENTARY INFORMATION: General Background of the Abandoned Mine Land Program Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Each State, having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA, may submit to the Department a State reclamation plan demonstrating its capability for administering an abandoned mine reclamation program. Title IV provides that the Department may approve the plan once the State has an approved Regulatory program under Title V of SMCRA. If the Secretary determines that a State has developed and submitted a program for reclamation and has the necessary State legislation to implement the provisions of Title IV, the Secretary shall grant the State exclusive responsibility and authority to implement the provisions of the approved plan. Section 405 of SMCRA (30 U.S.C. 1235) contains the requirements for State reclamation plans.

The Secretary has adopted regulations that specify the content requirements of a State reclamation plan and the criteria for plan approval (30 CFR Part 884, 47 FR 28600-28601, June 30, 1982). Under these regulations, the Director of the Office of Surface Mining is required to review the plan and solicit and consider comments of other Federal agencies and the public. If the State plan is disapproved, the State may resubmit a revised reclamation plan at any time.

Upon approval of the State reclamation plan, the State may submit to the Office on an annual basis an application for funds to be expended in that State on specific reclamation projects which are necessary to implement the State reclamation plan as approved. Such annual requests are reviewed and approved by OSM in compliance with the requirements of 30 CFR Part 886.

To codify information applicable to individual States under SMCRA, including decisions on State reclamation plans, OSM has established a new Subchapter T of 30 CFR Chapter VII. Subchapter T consists of parts 900 through 953.

Provisions relating to Arkansas are found in 30 CFR Part 904.

Background on the Arkansas Reclamation Plan Submission

A public meeting was held on the Arkansas Plan on June 10, 1982 in Fort Smith, Arkansas. On July 7, 1982, the State of Arkansas submitted its proposed Reclamation Plan to OSM. OSM published a notice of proposed rulemaking and requested public comment on July 13, 1982 (47 FR 30 267).

On October 6, 1982 and on March 22, 1983 representatives of the Arkansas Department of Pollution Control and Ecology and OSM met to discuss amendments and modifications to the proposed Plan. On February 11, 1983 and on April 5, 1983 the Arkansas Department of Pollution Control and Ecology submitted revised pages to the Arkansas Reclamation Plan. These pages contained several amendments and modifications to the original Plan. The OSM has determined that these additions and revisions were insignificant in nature and, accordingly, required no further public comment.

The necessary changes have been incorporated into the Plan. All of the documents mentioned above are available for public inspection at the offices of OSM and at the Arkansas Department of Pollution Control and Ecology listed above under "Addresses."

On April 11, 1983 OSM's Field Office Director and on April 12, 1983, the Assistant Director for Program Operations and Inspection recommended to the Director that the Assistant Secretary approve the Arkansas Reclamation Plan.

The administrative record on the Arkansas Plan is available for review during regular business hours at the Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 W. 4th Street, Tulsa, Oklahoma 74103.

Assistant Secretary's Findings

1. In accordance with Section 405 of SMCRA, the Assistant Secretary finds that Arkansas has submitted a Plan for reclamation of abandoned mine lands and has determined, pursuant to 30 CFR 884.14, that:

(a) The public has been given adequate notice and opportunity to comment and the record does not reflect any unresolved controversies.

(b) The views of other Federal agencies have been solicited and considered.

(c) The State has the legal authority, policies, and administrative structure to implement the Plan.

(d) The Plan meets all requirements of the OSM, AMLR Program Provisions except that Arkansas does not have authority to conduct noncoal reclamation activities. Therefore, the OSM will not approve of funds for projects concerned with noncoal reclamation activities until such time as Arkansas demonstrates that it has the authority under its State law to perform noncoal reclamation activities.

(e) The Plan meets OSM's "Guidelines for Submission of Amendment to State Reclamation Plan to Conduct Emergency Reclamation" and therefore Arkansas has the authority to conduct an emergency reclamation program.

(f) The State has an approved Surface Mining Regulatory Program under Title V of the SMCRA.

(g) The Plan is in compliance with all applicable State and Federal laws and regulations.

2. The Assistant Secretary has solicited and considered the views of other Federal agencies having an interest in the Plan as required by 30 CFR 884.14. These agencies include: the U.S. Forest Service (USFS), U.S. Fish and Wildlife Service (FWS), the U.S. Bureau of Mines (USBOM), the U.S. Geological Survey (USGS), the U.S. Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (COE), and the Soil Conservation Service (SCS).

Disposition of Comments

The following comments received on the Arkansas Abandoned Mine Land Reclamation Plan during the public comment period were considered in the Assistant Secretary's evaluation of the Arkansas Plan as indicated.

1. The SCS and the USFS asked how does the landowner become eligible for funds or be in compliance with the regulations? OSM's answer is that State AMLR programs approved under Section 405 of the SMCRA are not

landowner participation programs like the Rural Abandoned Mine Program of the SCS. These State AMLR programs give the States the primary authority to select reclamation projects under their approved Plans and to enter and reclaim abandoned mine lands and water. Funds are not given to landowners nor are landowners bound by 30 CFR Subchapter R or the approved State AMLR programs.

2. The SCS and USFS asked what does an individual reclamation project plan require? OSM's answer is that there are no individual reclamation project plan requirements under an approved State program. Projects must meet the requirements of the National Environmental Policy Act of 1969, as amended, Pub. L. 91–190, 42 U.S.C. 4321 *et seq.* Feasibility and design studies are done as determined by the State. Reclamation work is either done by State agencies or contracted for through State procurement procedures.

3. The SCS and the USFS asked when is an individual mined area considered restored? OSM's answer is that an individual abandoned mined area is considered restored when the site no longer poses a threat to public health, safety, general welfare, or property from the adverse effects of mining practices.

4. The SCS and the USFS asked how does the landowner get his property on or off the State abandoned mine reclamation property inventory? OSM's answer is that Arkansas landowners who want to either be included or excluded from the State's abandoned mine land inventory should contact the Arkansas Department of Pollution Control and Ecology at the address listed above under the "addresses" section.

5. The SCS and USFS asked how will reclamation research and demonstration projects be identifed? OSM's answer is that the State will determine research and demonstration projects under the priorities established by Section 403 of SMCRA and the ranking and selection procedures contained on pp. C.2.1–C.2.3 of the Arkansas Plan.

6. The SCS and the USFS commented that they disagreed with the statement on p. C.3.2 of the Plan that reclamation on Federal lands may "take a back seat" to reclamation on State and private lands. OSM's response is that Arkansas has agreed to change its discussion on "Federal Coal Funds" to indicate that projects will be selected according to their priority as determined by the Plan's selection and ranking procedures and without regard to the ownership of the land on which the project occurs.

7. The SCS and USFS submitted a list of minor non-substantive factual inaccuracies contained in the Plan's data base. Arkansas has agreed to include these corrections in an addendum to the Plan and will incorporate them into the Plan when it is revised.

Additional Findings

The Office of Surface Mining has examined this rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981), and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

The Assistant Secretary has determined that the Arkansas Abandoned Mine Land Reclamation Plan will not have a significant effect on the quality of the human environment because the decision relates only to policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of Interior Manual (DM) 516.2.2(A)(1), the Assistant Secretary's decision on the Arkansas Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment (EA) or environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Also, an EA or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

The good cause for making this rule effective upon date of publication is: (1) The Office of Surface Mining wants to minimize the time between the approval of Title V regulatory programs and Title IV State reclamation program plans; and (2) grants are pending approval of the Title IV plan and OSM wishes to expedite grant assistance to States to initiate needed reclamation work as required by the Act.

List of Subjects in 30 CFR Part 904

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

Therefore, Part 904 is amended by adding § 904.20 to read as follows:

PART 904—ARKANSAS

§ 904.20 Approval of Arkansas Abandoned Mine Land Reclamation Plan.

The Arkansas Reclamation Plan, as submitted on July 7, 1982, is approved.

Copies of the approved program are available at:

Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 W. 4th Street, Tulsa, Oklahoma 74103

State of Arkansas Department of Pollution Control and Ecology, Division of Surface Mining Reclamation, 8001 National Drive, Little Rock, Arkansas 72209

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5315, 1100 L Street, NW., Washington, D.C. 20240

Dated: April 13, 1983.

James R. Harris,

Director, Office of Surface Mining.

Dated: April 25, 1983.

William P. Pendley,

Assistant Secretary for Energy and Minerals.

[FR Doc. 83-11690 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD13 83-06]

Special Local Regulations; Seattle Opening Day Yacht Parade and Crew Race

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the areas of Union Bay, Portage Bay and Lake Washington. This event will be held on May 7, 1983 from 0800 to 1500. The regulations are needed to provide for the safety of life

on navigable waters during the event. General navigation in the area will be restricted for the safety of the spectators and participants.

EFFECTIVE DATES: These regulations become effective on May 7, 1983 at 0800 and terminate on May 7, 1983 at 1500 (3:00 p.m.).

FOR FURTHER INFORMATION CONTACT: ENS Scott M. POLLOCK, Coast Guard Group Seattle Operations, (206) 442–1874.

SUPPLEMENTARY INFORMATION: On March 10, 1983 the Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** (48 FR 10080) for these regulations. Interested persons were requested to submit comments and no comments were received. An erroneous citation of the amended section of the Code of Federal Regulations was made in the Notice of Proposed Rulemaking. The proper citation is included here. Several other editorial changes are incorporated for clarity. These regulations are being made effective in less than 30 days from the date of publication to allow ample time for public comment.

Drafting Information: The drafters of this notice are ENS Scott M. POLLOCK, USCG, Project Officer, USCG Group Seattle, Operations Division, and LT James R. WOEPPEL, USCG, Project Attorney, Thirteenth Coast Guard District Legal Office.

Economic Assessment and Certification: This regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since no major shipping industry or trade will be interfered with. Based on this assessment it is certified in accordance with Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation will not have a significant impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Final Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary section.

§ 100.35–1307 Lake Washington/Portage Bay/Union Bay/Opening Day Crew Race and Yacht Parade.

(a) *Event.* Lake Washington/Portage Bay/Union Bay/Opening Day Crew Race and Yacht Parade.

(b) *Regulated Area.* (1) The waters of Portage Bay Southeast of a line running from the Western corner of the pier (Showboat) 70 yards South of 47°39'N, 122°18'40"W, 425 yards Southwest across Portage Bay to the Northwest corner of the "L" shaped moorage (at the foot of East Shelby St.) at 47°38'52"N, 122°18'52"W.

(2) All waters of Portage Cut (also known as Montlake Cut) to Union Bay Channel Buoy 27 and Union Bay Channel Buoy 28.

(3) All waters between an East and West line connecting Union Bay Channel Buoy 27, Union Bay Channel Buoy 29, Union Bay Channel Buoy 31, and Webster Point Light 33 and an East and West line connecting Union Bay Channel Buoy 28, Union Bay Channel Buoy 30, and a point 470 yards East of Union Bay Channel Buoy 30 and 80 yards South of Webster Point Light 33.

(4) The waters between the judging and reviewing vessels and the Southern Edge of the channel described above. This area is generally the area South of Union Bay Channel Buoy 28 and North of Foster Island. The judging and reviewing vessels will be identified by appropriate signs showing over their sides.

(c) *Special Local Regulation.* (1) This event will take place on May 7, 1983 between the hours of 0800 P.d.s.t and 1500 P.d.s.t.

(2) The patrol of the described areas will be under the direction of a designated Coast Guard Patrol Commander who is empowered to forbid and control movement of vessels on the parade course and in the adjoining water areas immediately prior to, during and after the parade for such time as he finds it necessary for the safe and orderly conduct of the program. Portage Cut will be closed to all traffic except crew shells and vessels in the parade from 1030 P.d.s.t. until the termination of the yacht parade.

(3) All sailing vessels in the restricted zone participating in the parade shall use propelling machinery for maneuvering. Spinnakers may be used, in addition to propelling machinery, to the extent that control of the vessel is not impaired.

(4) Vessels generally may not navigate or anchor in the regulated area from 0800 P.d.s.t. until termination of the yacht parade.

(5) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the Patrol Commander; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

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

Dated: April 22, 1983.

R. J. Copin,

Acting Commander, 13th Coast Guard District, 915 Second Avenue, Seattle, WA 98174.

[FR Doc. 83-11692 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD 82-016]

Drawbridge Operation Regulations; Mitchell River, Chatham, Massachusetts

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Town of Chatham the Coast Guard is changing the regulations governing the operation of Mitchell River drawspan to permit advance notice to be required for an opening of the drawspan. The existing regulations require that the draw be opened on call. The change will provide for the reasonable needs of navigation.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, Boston, MA, 02114 (617–223–0645).

SUPPLEMENTARY INFORMATION: On 30 December 1982 the Coast Guard published the proposed rule in the **Federal Register** (47 FR 58306). The First Coast Guard District published the proposal in a Public Notice on 3 December 1982 and as an item in the Local Notice to Mariners on 7 December 1982. Interested persons were given until 14 February 1983 to submit comments.

Drafting Information: The principal persons involved in drafting this proposal are: William J. Naulty, Chief Bridge Branch, First Coast Guard District, and Lieutenant Susan M. Krupanski, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Dicsussion of the Proposed Regulation

Three replies to the Public Notices were received. One reply indicated approval of the proposed regulations. The others suggested amendments to the proposal. The first of these requested a

provision for bridge openings, on one hour advance notice, following official broadcasts of storm warnings. This request is considered reasonable. Stage Harbor provides a safe anchorage during storms. The capacity of the anchorage could be increased if vessels had access to Mitchell River anchorage during storm periods. The other letter requested a change in the proposed length of advance notices. Specifically, the one hour notice would be reduced to one half hour and the 24 hour advance notice would be reduced to 12 hours. The letter states that a one hour notice is unnecessarily long as there is no place for a vessel to stop while waiting for a bridge to open and that a 24 hour notice could not be based on weather conditions for the following day. The purpose of an advance notice is to assure that the drawspan will open at the required time. If the proper signal is given, the approach of a vessel can be controlled so that it arrives at the bridge when the draw is open. This is true no matter how much advance notice is given. A compelling reason for the need for a one half hour advance notice has not been presented. Many of the vessels on Mitchell River are small recreational craft whose use is determined quite often by weather conditions. In the Chatham area it is sometimes very difficult to predict weather a day in advance. A 24 hour advance notice requirement would force a mariner to plan a trip without regard for the weather. A 12 hour advance notice will permit a trip plan to be based on more reliable data.

These final regulations have been reviewed under provisions of Executive Order 12291 and have been determined not to be a major rule. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). As explained above, an economic evaluation has not been conducted. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1167), it is also certified that these rules will not have significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33 of the Code of Federal Regulations by adding § 117.78b to read as follows:

§ 117.78b Mitchell River, Chatham, Massachusetts.

The draw will be opened on signal provided that:

(a) From 1 May through 31 October, between 8 a.m. and 4 p.m., a one-hour advance notice is given and from 4 p.m. to 8 a.m. a 12 hour notice is given.

(b) From 1 November through 30 April, a 24 hour advance notice is given.

(c) Advance notice is given to the duty officer at the Chatham Police Department Headquarters.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: April 15, 1983.

C. E. Robbins,

Rear Admiral, U.S. Coast Guard, Acting District Commander, First Coast Guard District.

[FR Doc. 83-11693 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 17

Treatment of Veterans in Noncontiguous States, Territories and Possessions

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is amending its medical regulations (38 CFR Part 17) to extend the authority for treating veterans at VA expense in non-VA facilities outside of the United States as authorized by Public Law 97-251, "Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982". This amendment will permit continuation of a benefit already available to eligible veterans.

DATE: These amendments are effective April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph F. Fleckenstein, Chief, Policies and Procedures Division (136F), Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-3785.

SUPPLEMENTARY INFORMATION: Public Law 97-251 extended from September 30, 1982, to September 30, 1983, the authority for treating veterans in Puerto Rico, the Virgin Islands and other territories and possessions through contract services in non-VA facilities. In addition to amending the regulations to reflect the date change, clarification is provided on the determination of the inpatient load and amount of outpatient services to be provided to veterans in noncontiguous States and certain territories and possessions.

The Administrator has determined that this amendment to VA regulations is considered non-major under the criteria of Executive Order 12291, Federal Regulation. It will not have an annual effect on the economy of $100 million or more; it will not result in major increases in costs for consumers, individual industries, Federal, State or local government agencies, or geographic regions, nor will it have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The VA finds that advance publication for public notice and comment is unnecessary and not required. These changes are primarily date changes reflecting a one year statutory extension to an already existing benefit. The regulation changes will not have independent effect. Therefore, the changes come within exceptions to the general VA policy of prior publication for public notice and comment, contained in 38 CFR 1.12. Accordingly, the changes are now published as final regulations.

Since a proposed rule will not be published, these amendments do not come within the term "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C 601(2). Therefore, these changes are not subject to that act. In any case, the changes will not have a significant economic impact on a substantial number of small entities because they concern the entitlement of individual veterans and their beneficiaries, and do not have independent effect.

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grants programs-health, Health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Veterans.

(Catalog of Federal Domestic Assistance Numbers: 64.009 and 64.011)

Approved: April 15, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 17—[AMENDED]

38 CFR Part 17, MEDICAL, is amended by revising § 17.50b(e) and (f) to read as follows:

§ 17.50b Use of public or private hospitals for veterans.

* * * * *

(e) *For veterans in Puerto Rico and other possessions.* The veteran is a veteran in need of hospital care or medical services necessary to obviate the need for hospital admission in the Commonwealth of Puerto Rico or other territory, commonwealth or possession of the United States, except that the annually determined hospital patient load and incidence of the provision of medical services to veterans hospitalized or treated at the expense of the VA in Government and private facilities in each such territory, commonwealth or possession (except Puerto Rico and the Virgin Islands) shall be consistent with the patient load or incidence of the provision of medical services for veterans hospitalized or treated by the VA within the forty-eight contiguous States, except the authority under this paragraph expires September 30, 1983. (38 U.S.C. 601(4)(C)(v); Pub. L. 93–82; Pub. L. 95–520; Pub. L. 96–22; Pub. L. 97–72; Pub. L. 97–251)

(f) *For veterans in Alaska or Hawaii.* The veteran is a veteran in need of hospital care or medical services necessary to obviate the need for hospital admission in Alaska or Hawaii, except that the annually determined hospital patient load and incidence of the provision of medical services to veterans hospitalized or treated at the expense of the VA in Government and private facilities in Alaska or Hawaii shall be consistent with the patient load or incidence of the provision of medical services for veterans hospitalized or treated by the VA within the forty-eight contiguous States. (38 U.S.C. 601(4)(C)(v); Pub. L. 93–82; Pub. L. 95–520)

* * * * *

[FR Doc. 83-11573 Filed 4-29-83; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL-003; A-4-FRL 2339-3]

Approval and Promulgation of Implementation Plans; Florida; TSP Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves the State Implementation Plan (SIP) revision submitted by the State of Florida Department of Environmental Regulation (DER) for the Hillsborough County (Tampa) and Duval County (Jacksonville) particulate secondary nonattainment areas. This action is based on the State's submittal of a control strategy and regulations as required by Part D of Title I of the Clean Air Act (CAA) of 1977. An improvement in the air quality in Hillsborough and Duval County is expected from this action.

DATE: This action is effective June 1, 1983.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460
Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408
Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street NE., Atlanta, Georgia 30365
Florida Department of Environmental Regulation, Bureau of Air Quality Management, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Gilbert, Air Management Branch, EPA Region IV at the above address and telephone number 404/881–3286 or FTS 257–3286.

SUPPLEMENTARY INFORMATION: In the March 3, 1978, **Federal Register** (43 FR 8962 at 8980), a number of areas within the State of Florida were designated as not attaining certain national ambient air quality standards (NAAQS). Hillsborough and Duval County were designated nonattainment for the secondary ambient standard for total suspended particulates (TSP). On September 11, 1978 (FR 40412), the size of these nonattainment areas was reduced. The Florida DER has developed a mix of particulate regulations requiring reasonably available control technology (RACT) and other control limitations in the violating areas so that the TSP secondary standard can be attained and maintained. On September 24, 1982, EPA published a **Federal Register** notice (47 FR 42124) proposing to approve Florida's plan. No comments were received on the proposed action.

General Discussion

The implementation plan revision developed for these areas by the Florida DER under Part D of Title I of the CAA was submitted for EPA's approval on February 27, 1981. Action on this submittal was delayed until control strategies were submitted by Florida DER. The revision has now been reviewed by EPA to determine whether it meets the requirements of the CAA of 1977, EPA regulations, and additional guidance. Section 172(b) of the Clean Air Act contains the minimum requirements for approval of Part D plans for designated nonattainment areas.

The two areas in Florida designated as nonattainment for total suspended particulate are defined as follows: The portion of the downtown Jacksonville area in Duval County located just north and west of the St. Johns River and east of I–95 and just south of Trout River, and the portion of Hillsborough County that falls within the area of the circle having a centerpoint at the intersection of U.S. 41 South and State Road 60 and a radius of 12 kilometers.

Agency personnel investigated the major source categories that represent the type of sources that are located in the two Florida nonattainment areas to assist in determining specific emission limitations. These categories include: (1) Phosphate process operations, (2) portland cement plants, (3) electric arc furnaces, (4) sweat or pot furnaces, and (5) materials handling, sizing, screening, crushing, and grinding operations.

The Florida Environmental Regulation Commission adopted these regulatory and non-regulatory SIP revisions following the required public hearings and participation on January 21, 1981. The control strategies, as approved and adopted for the local program agencies (the Duval County Bio-Environmental Service Division and the Hillsborough County Environmental Protection Commission), were submitted to EPA on March 16 and April 20, 1982, respectively. In preparing the plan, both agencies prepared an extensive inventory of air pollution sources in and impacting the nonattainment areas. Using this data base, the primary source categories were modelled following EPA guidelines to determine their respective contribution to the ambient air concentrations. The agencies then evaluated this information and proposed an attainment plan which, by applying RACT to most traditional point and industrial process fugitive sources, would result in attainment of the TSP secondary standard by July 31, 1986.

The attainment plan for the secondary standard calls for a reduction in ambient TSP concentrations by the implementation of RACT and other control measures on industrial point and process fugitive emission sources,

primarily in the form of more stringent mass and visible emission limits.

In reference to FAC Section 17-2.13(3)(g)-Electric Arc Furnaces, DER has placed fugitive visible emission limits of 20% opacity for charging and 40% opacity for tapping operations, to be determined by Test Reference Method 9. Where processes and operations are long-term or continuous, Method 9 would be appropriate. In the case of electric arc furnace charging and tapping emissions, a more appropriate time averaging period would be three minutes, consisting of twelve readings taken at fifteen second intervals. Florida DER has agreed to consider the issue of modifying Method 9 for short-term or intermittent processes which discharge emissions for a shorter time period. For this reason, EPA has recommended to Florida DER that they consider the need to modify and allow visible emission determinations for intermittent processes to be based on time periods shorter than six (6) minutes.

Florida DER has certified in writing to EPA that all sources of air pollution subject to this action, are in fact, in compliance with the stipulated compliance schedules where add-on equipment was required.

Any request for redetermination of RACT rules or regulations by an owner or operator shall be submitted to EPA for approval as a SIP revision.

Since submittal of the SIP revision, Florida Administrative Code (FAC) 17-2 was subsequently reformatted, a revision approved by EPA in the **Federal Register** on March 30, 1982 (47 FR 13336). It should be noted that the Part D rule will be contained in FAC Rules 17-2.400 and 17-2.600.

As required in Section 172(b) of the CAA, the plan also requires preconstruction review of proposed new or modified major sources before the issuance of a permit. Through emissions offsets and the application of Lowest Achievable Emission Rate (LAER), the plan provides for reasonable further progress towards attainment of the standard as new sources construct in the area. The plan also allows growth and expansion of new sources or modification to take place in the nonattainment areas without jeopardizing progress towards attainment.

On September 24, 1982, EPA published a **Federal Register** notice (47 FR 42124) proposing to approve Florida's plan. No comments were received on the proposed action. The revision submitted by Florida satisfies the requirements of Section 172(b) of the CAA.

Action. Based on the foregoing, EPA is today approving the SIP under Part D of Title I of the CAA as it relates to the attainment of the secondary TSP standards in Hillsborough and Duval Counties, Florida. This action is effective June 1, 1983.

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

Incorporation by reference of the State Implementation Plan for the State of Florida was approved by the Director of the Federal Register on July 1, 1981.

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

List of Subjects in 40 CFR Part 52

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

(Secs. 110, 172, Clean Air Act, as amended, (42 U.S.C. 7410 and 7502))

Dated: April 22, 1983.

Lee L. Verstandig,

Acting Administrator.

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

Subpart K—Florida

1. Section 52.520 is amended by adding paragraph (c)(21) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the date specified.

* * *

(21) The implementation plan revision developed by the Florida DER for the Jacksonville and Tampa TSP secondary nonattainment areas under Part D of Title I of the CAA was submitted for EPA's approval on February 27, 1981. The control strategies, as approved and adopted for the local program agencies (the Duval County Bio-Environmental Services Division and the Hillsborough County Environmental Protection Commission) were submitted to EPA on March 16 and April 20, 1982, respectively.

§ 52.523 [Amended]

2. In § 52.523, Attainment dates for national standards, the notation "*e*" in the particulate matter, secondary, column of the entries for Duval County and Hillsborough County is replaced with the notation "g" and a corresponding line is added to the legend of the table as follows: g. July 31, 1986.

[FR Doc. 83-11634 Filed 4-29-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[KY-004; TN-004; A-4-FRL 2329-3]

Approval and Promulgation of Implementation Plans; Kentucky and Tennessee; Variances and Individual Compliance Schedule for Volatile Organic Compound Sources

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today approving variances for several dry cleaning establishments in northern Kentucky and an extended compliance schedule for a paper coating establishment in Chattanooga, Tennessee since the affected companies satisfy EPA criteria for such extensions and variances.

DATE: These actions are effective June 1, 1983.

ADDRESSES: Copies of the materials submitted by the States may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

Air Management Branch, EPA Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

Division of Air Pollution Control, Kentucky Department for Environmental Protection, 18 Reilly Road, Bldg. #2, Ft. Boone Plaza, Frankfort, Kentucky 40601

Division of Air Pollution Control, Tennessee Department of Public Health, 150 9th Avenue North, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Douglas Cook, Air Management Branch, EPA Region IV, at the above address, telephone 404/881-2864 (FTS 257-2864).

SUPPLEMENTARY INFORMATION: Following public hearing, Kentucky adopted and submitted a plan revision involving seven perchloroethylene dry cleaning facilities in northern Kentucky. These variances end the requirement for carbon adsorbers, but good housekeeping and leak prevention requirements are still in force for these plants. EPA has determined that these variances will not hamper the state's

"reasonable furthere progress (RFP)", demonstration in northern Kentucky because the additional uncontrolled emissions from these sources amount to only 16.5 tons. This emission level is less than 1% of the emission inventory in the affected counties.

Following public hearing, Tennessee submitted an extended compliance plan for Knowlton Brothers' paper coating facility in Chattanooga, Tennessee. The extended compliance schedule runs until May 6, 1983 and will allow Knowlton Brothers to install and test an application system for water based resins. EPA has determined that the extended compliance schedule will not hamper Chattanooga's RFP demonstration. EPA proposed approval of these revisions on November 18, 1982. (See 47 FR 51896.)

Comment. The comment period ended on December 20, 1982. One comment was received on the proposal. The commenter disagreed with EPA's finding that $650.00 to $3015.00 per ton of controlled emission placed an undue burden on the perchloroethylene dry cleaning facilities in northern Kentucky. The commenter also felt that the Agency was proposing approval just because the cost of control was higher than the average figure found in the control techniques guideline document (CTG) for this category. The commenter was also concerned about equity in the treatment of sources in different source categories because the Reasonably Available Control Technology (RACT) cost in some categories might be several times higher than in this specific case.

Response. EPA considers RACT to be the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. Inherent in this definition is the requirement that economics be considered. What may be economically feasible for one source category may not be economically feasible for another. It is therefore inappropriate to link the cost of RACT for perchloroethylene dry cleaners to any other source category. In this particular RACT determination, the Agency considered not only the calculated cost of control per ton of controlled emissions, but also the effect of the cost on the individual facilities, the amount of actual emissions, and the sources' impact on the area's ability to attain the National Ambient Air Quality Standard for ozone. In conclusion, the Agency considered the individual economic feasibility of RACT for the seven specific dry cleaning facilities in the November proposal and did not waive the carbon adsorber requirements just because the cost of control was higher than the average cost in the CTG.

Action. Based on the foregoing, EPA hereby approves Kentucky's variance for the seven perchloroethylene drycleaning facilities listed in the November 18, 1982, proposal and Tennessee's extended compliance schedule for the Knowlton Brothers facility in Chattanooga.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 28, 1983. This action may not be challenged later in proceedings to enforce its requirements.

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

Incorporation by reference of the Kentucky and Tennessee State Implementation Plans was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

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

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502)).

Dated: April 22, 1983.

Lee L. Verstandig,

Acting Administrator.

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

Subpart S—Kentucky

1. Section 52.920 is amended by adding paragraph (c)(36) as follows:

§ 52.920 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(36) Variance for seven perchloroethylene dry cleaners, submitted on August 4, 1982, by the Kentucky Department for Environmental Protection.

Subpart RR—Tennessee

2. Section 52.2220 is amended by adding paragraph (c)(52) as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(52) VOC compliance schedule extension for Knowlton Brothers, Chattanooga, submitted on August 3, 1982, by the Tennessee Department of Public Health.

[FR Doc. 83-11630 Filed 4-29-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 145

[W-2-FRL 2356-8]

Guam Environmental Protection Agency Underground Injection Control Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Program.

SUMMARY: The Territory of Guam has submitted an application under Section 1422 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program. After careful review of the application, the Agency has determined that the State's injection well program meets the requirements of Section 1422 of the Act. Therefore, this application is approved.

EFFECTIVE DATE: This approval is effective June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Doris Lee-Betuel, Office of Territorial Programs, Water Management Division, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California, 94105. PH (415) 974-7433.

SUPPLEMENTARY INFORMATION: Part C of the Safe Drinking Water Act (SWDA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the **Federal Register** each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) Has adopted after reasonable notice and public hearings, a UIC program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The Territory of Guam was listed as needing a UIC program on March 19, 1980 (45 FR 17632). The Territory submitted an application under Section 1422 on June 23, 1982, for a UIC program to be administered by the Guam Environmental Protection Agency (GEPA). On July 21, 1982, EPA published notice of its receipt of the application, requested public comments, and offered a public hearing on the UIC program submitted by the GEPA (47 FR 31590). Neither requests for public hearing nor requests to offer testimony at such hearing were received. Consequently, the public hearing was not held. The GEPA submitted a final application, including clarifications, on January 20, 1983.

The GEPA application includes a program for Class IV and V wells, and demonstration pursuant to 40 CFR 145.51(d) that there are no Class I, II, or III underground injections in the Territory and such injections cannot legally occur. Therefore, after careful review of the application, I have determined that the Guam UIC program submitted by the GEPA meets the requirements of the SDWA, and hereby approve it.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 145, 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 145

Hazardous materials, Indians—lands, Reporting and recordkeeping requirements, Waste treatment and disposal,Water pollution control, Water supply, Intergovernmental Relations, Penalties, Confidential business information.

OMB review

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. § 605(b), I certify that approval by EPA under Section 1422 of the Safe Drinking Water Act of the application by the Guam Environmental Protection Agency will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: April 22, 1983.

Lee L. Verstandig,

Acting Administrator.

[FR Doc. 83-11633 Filed 4-29-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

41 CFR Part 4-2

Amendment of Agriculture Procurement Regulations

AGENCY: Office of Operations, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations by revising the section covering mistakes in bids. It reflects a transfer of the authority to make administrative determinations under 41 CFR 1-2.406-3 from the General Counsel to the Director, Office of Operations; authorizes Contracting Officers to make, subject to pre-approval by an appropriate legal officer, determinations to permit withdrawal of bids; and prescribes the pre-determination procedures for Contracting Officers to follow regarding mistakes in bids disclosed after award.

EFFECTIVE DATE: May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Larry Schreier, Office of Operations, United States Department of Agriculture, Washington, D.C., (202) 447-8924.

SUPPLEMENTARY INFORMATION: In the past, the Secretary of Agriculture's authority to make administrative determinations under 41 CFR 1-2.406-3 (other mistakes disclosed before award) was delegated to the General Counsel of the Department and all such determinations were made in the General Counsel's Washington, D.C., office. This amendment reflects the transfer of such authority to the Director, Office of Operations, and authorizes Contracting Officers of purchasing activities, that have legal counsel available in the field or Washington, D.C. offices of the General Counsel, authority to make withdrawal determinations under paragraphs (a) (1) and (3) of 41 CFR 1-2.406-3. Each proposed determination by the Director, Office of Operations, will be subject to approval by the Assistant General Counsel, Research and Operations Division. Each determination by a Contracting Officer will be approved by the Assistant General Counsel, Research and Operations Division, or the appropriate Regional Attorney or Attorney-in-Charge, whichever routinely provides legal services to the purchasing activity in accordance with 41 CFR 1-2.406-3(c). This change will minimize delay in awarding many contracts. In addition, this amendment revises the Agriculture Procurement Regulations to prescribe procedures whereby Contracting Officers shall coordinate proposed determinations regarding mistakes in bids disclosed after award with appropriate offices of Office of the General Counsel.

This rule relates to agency contracting. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impracticable and contrary to public interest, and good cause is found for making this rule effective less than 30 days affer publication in the **Federal Register.** Furthermore, rules relating to agency contracting have been exempted from the provisions of Executive Order 12291. Lastly, this action is not a rule as defined in Pub. L. 96-354, the Regulatory Flexibility Act, and thus, it is exempt from the provisions of that Act.

List of Subjects in 41 CFR Part 4-2

Government procurement.

PART 4-2—[AMENDED]

Accordingly, Part 4-2, Title 41, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 4-2 reads as follows:

Authority: 5 U.S.C. 301, 40 U.S.C. 486(c).

Subpart 4-2.4—Opening of Bids and Award of Contract

2. Section 4-2.406 is revised to read as follows:

§ 4-2.406 Mistakes in bids.

§ 4-2.406-3 Other mistakes disclosed before award.

(a) Except as authorized in paragraph (b) of this section, all cases of mistakes in bids, cognizable under § 1-2.406-3 of this title, shall be forwarded through agency channels to the Director, Office of Operations, for administrative determinations. Each proposed determination is subject to the approval of the Assistant General Counsel, Research and Operations Division.

(b) Contracting Officers at purchasing activities that have legal counsel available in the field or the Washington, D.C., offices of the General Counsel are authorized to make determinations to permit withdrawal of bids under paragraph (a) (1) and (3) of § 1-2.406-3

of this title. This authority may not be redelegated. Each proposed determination is subject to the approval of the Assistant General Counsel, Research and Operations Division, or the appropriate Regional Attorney or Attorney-in-Charge, whichever routinely provides legal services for the purchasing activity.

(c) Doubtful cases that are to be submitted to the General Accounting Office for advance decision shall be submitted through the Director, Office of Operations.

§ 4-2.406-4 Disclosure of mistakes after award.

If a mistake in bid is disclosed after award, the Contracting Officer shall make a final determination in accordance with the provisions of § 1-2.406-4 (b) and (c) of this title and shall coordinate each proposed determination with the Assistant General Counsel, Research and Operations Division, or the Regional Attorney or Attorney-in-Charge, whichever routinely provides legal services to the contracting officer. Such coordination shall, at a minimum, consist of the Contracting Officer providing the proposed determination and the case file to the appropriate legal officer for comment.

Dated: March 4, 1983.

Frank Gearde, Jr.,

Director, Office of Operations.

[FR Doc. 83-11590 Filed 4-29-83; 8:45 am]

BILLING CODE 3410-98-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172 and 175

[Docket No. HM-166Q and HM-166F; Amdt. Nos. 172-80, 175-27]

Exceptions for Small Quantities of Hazardous Materials and Limited Quantities of Radioactive Materials

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The MTB is renewing the exemption found in 49 CFR 172.204(c)(4), 175.10(a)(6), and 175.700(c) for air transport of limited quantity radioactive materials exhibiting low levels of radiation. These materials do not present a significant hazard to passengers and crew on an aircraft. The effect of this action is to permit contined transportation by passenger-carrying aircraft of radioactive materials under existing restrictions.

EFFECTIVE DATE: May 3, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas G. Allan, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 Seventh Street, S.W., Washington, D.C. 20590. Telephone (202) 426-2075.

SUPPLEMENTARY INFORMATION: The MTB published a notice of proposed rulemaking (NPRM) on November 15, 1982 (47 FR 51430), seeking public comment, in part, on the proposed renewal for two years of the exemption found at 49 CFR 172.204(c)(4), 175.10(a)(6) and 175.700(c) for air transportation of limited quantity radioactive materials exhibiting low levels of radiation. The comment period ended on Janaury 6, 1983. Eight commenters specifically addressed the proposal to renew the limited exemption. Each of these commenters support the renewal of this exemption. There was no opposition to a renewal of the exemption.

Conforming with Section 107 of the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1806) governing exemptions, the exemption in §§ 172.204(c)(4), 175.10(a)(6), and 175.700(c) is limited to a two-year life unless reexamined and renewed. The exemption was last renewed under Docket HM-149C (46 FR 24184), published on April 30, 1981. The legal background and regulatory history of the exemption is discussed in that amendment and preceding amendments dating back to April 17, 1975 (40 FR 17141). The present exemption expires on May 3, 1983. The MTB is renewing the exemption on the finding that renewal is consistent with the public interest and safety.

Two commenters suggested that MTB has gained sufficient experience with this exemption to permit its adoption in the Hazardous Materials Regulations as a permanent rule, or, alternatively, to increase the life of the exemption to a period of 4 years. Neither of the suggested actions are possible through rulemaking. The general prohibition which restricts radioactive material from being transported on passenger-carrying aircraft is contained in § 108 of the HMTA (49 U.S.C. 1807) and, therefore, may be withdrawn only by new legislation. As indicated above, MTB is limited in its authority and may issue exemptions only for a period not exceeding 2 years. Consequently, the commenters suggestions must be denied. It is noted, however, that MTB has included this item in its 1983 legislative package.

This amendment is being handled as an emergency regulation to permit an effective date which is less than 30 days following publication in the **Federal Register.** An interruption of currently authorized practices would adversely affect many shippers of limited quantity radioactive materials and radioactive devices who depend on transportation by passenger-carrying aircraft. Also, a prohibition from passenger-carrying aircraft would not result in an overall increase in the level of safety during transportation.

Other proposals published in the NPRM are to be addressed in subsequent amendments issued under this Docket.

Regulatory Impact: MTB has determined this final rule is not a "major rule" under the terms of Executive Order 12291, and is not "significant" under DOT procedures (44 FR 11034). A regulatory evaluation is available in the Docket at the address shown above. Based on the comments received in response to the NPRM, I certify that this rule change will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Parts 172 and 175

Hazardous materials transportation, Air carriers, Radioactive materials.

In consideration of the foregoing, Parts 172 and 175 of Title 49, Code of Federal Regulations are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.204, paragraph (c)(4) is revised to read as follows:

§ 172.204 Shipper's certification.

* * * * *

(c) * * *

(4) *Radioactive material.* Each person who offers any radioactive material for transportation aboard a passenger-carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1985, this provision does not apply to materials meeting the

requirements of § 173.391(a), (b) or (c) of this subchapter in effect on May 3, 1983.

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

2. In § 175.10, paragraph (a)(6) is revised to read as follows:

§ 175.10 Exceptions.

(a) * * *

(6) Prior to May 3, 1985, radioactive materials which meet the requirements of § 173.391(a), (b), or (c) of this subchapter in effect on May 3, 1983.

* * * * *

3. In § 175.700, paragraph (c) is revised to read as follows:

§ 175.700 Special limitations and requirements; radioactive materials packages in passenger-carrying aircraft.

* * * * *

(c) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1985, this prohibition does not apply to materials which meet the requirements of § 173.391(a), (b), or (c) of this subchapter in effect on May 3, 1983.

(49 U.S.C. 1803, 1804, 1806, 1808; 49 CFR 1.53, Appendix A to Part 1)

Issued in Washington, D.C., on April 27, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83-11460 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-60-M

Proposed Rules

Federal Register
Vol. 48, No. 85
Monday, May 2, 1983

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Addition of New Grade Standards for American Upland Cotton

AGENCY: Agricultural Marketing Service, USDA

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) is proposing to add two new standards to the official cotton standards of the United States for the grade of American Upland cotton. The new standards would be a Strict Good Ordinary Spotted physical standard and a Strict Good Ordinary Light Spotted descriptive standard. These standards would more accurately describe a small amount of cotton now classified as Below Grade.

It is also proposed that references to the size of the boxes used to display standards samples be deleted from the regulations. The twelve sample box would be discontinued and the six-sample box used exclusively to represent the physical standards. The six-sample box is less expensive and more convenient to prepare and handle than the twelve-sample box and its use would not adversely affect the classification of cotton.

DATE: Comments must be received on or before July 1, 1983.

ADDRESS: Written comments may be sent to Harvin R. Smith, Chief, Standards and Testing Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harvin R. Smith (202) 447-2167.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in accordance with Executive Order 12291 and has been determined not to be a "major rule" since it does not meet the criteria for a major regulatory action as stated in the Order. No new costs or additional requirements are being imposed on the industry or others.

William T. Manley, Deputy Administrator, AMS, has certified that this action would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601). Because the proposed changes would affect less than 1 percent of the annual U.S. cotton crop, the proposals would not have the requisite significant economic impact. Further, the proposed changes do not impose any additional duties upon users of the service.

Background: Pursuant to the authority contained in the United States Cotton Standards Act (7 U.S.C. 51), the Secretary of Agriculture has established the official cotton standards of the United States for the grades of American Upland cotton. These standards are used for the classification of American Upland cotton and provide a basis for the determination of value for commercial purposes.

The existing official cotton standards for the grades of American Upland cotton are listed and described in the regulations at 7 CFR 28.402–28.475. Fourteen are physcal standards represented by practical forms, and 26 are descriptive standards for which practical forms are not made. Six of the descriptive standards describe the poorest quality cotton and taken together make up the Below Grade classification (7 CFR 28.475). The volume of cotton designated Below Grade in the United States each year amounts to less than one percent of the crop submitted for classification. However, the percentage of Below Grade cotton in certain cotton producing areas is estimated to have been as much as fifteen percent in some years.

New Standards: Cotton producer organizations have urged the establishment of two new grade standards for a number of years. The addition of a physical standard for Strict Good Ordinary Spotted cotton and a Strict Good Ordinary Light spotted cotton descriptive standard would provide a more accurate description of certain cotton which is currently classified as Below Grade.

Below Grade cotton which would be classified in one of the proposed grade standards has been found to have better spinning characteristics than other Below Grade cotton and the more accurate description would contribute to the overall efficiency of the cotton marketing system.

In consideration of the foregoing, the Agency is proposing to add these two standards to the official cotton standards of the United States for the grade of American Upland Cotton.

Furthermore, this proposal would require that the definition of Below Grade cotton be revised. At the present the two lowest spotted cotton grade standards are Low Middling Light Spotted and Low Middling Spotted. All spotted cotton lower in grade than these two standards is now defined as Below Grade cotton. This proposal would create the two new spotted cotton grade standards of Strict Good Ordinary Light Spotted and Strict Good Ordinary Spotted which would become the two lowest spotted cotton grade standards. Spotted cotton lower in grade than the proposed standards would be, by definition, Below Grade cotton.

Standards Boxes: The Agency is also proposing to discontinue production of the 12-sample standards box to represent the physical standards for grade. The six-sample box would become the only size produced for the practical forms of the cotton standards. This would apply to the standards for American Upland cotton and for American Pima cotton.

The present 12-sample standards box contains six color positions each of which is represented by two identical samples. The six-sample box contains only one sample for each of the six color positions.

The six-sample boxes have been produced and used since the mid 1950s and are much less expensive to prepare, store, and ship and have proven to be more convenient to use in day-to-day classing operations. Adoption of a six-sample box as the only size for representing the standards would not affect the classification of cotton in any manner and would greatly improve the efficiency of standards preparation and distribution. Furthermore, the smaller box is widely accepted and used by both domestic and foreign users.

In consideration of the foregoing, the Agency is proposing to delete from the regulations any reference to the size of standards boxes made up to represent the official standards of the United States for the grade of American Upland

cotton and of American Pima cotton. Therefore § 28.105 would be amended as well as the fee schedule in § 28.123 to delete references to the 12-sample box. The fees for the six-sample boxes and other fees contained in § 28.123 are presently under study and may be revised in the future.

List of Subjects in 7 CFR Part 28

Cotton, Samples, Standards, Cotton linters, Grades, Staples, Market news, Testing.

PART 28—[AMENDED]

Accordingly, it is proposed to amend Subparts A and C, Part 28, of Chapter I, Title 7 of the Code of Federal Regulations as shown. The Table of Contents would be amendd accordingly.

1. The authority citation for Part 28, Subparts A and C reads as follows:

Subpart A

Authority: Sec. 10, 42 Stat. 1519; 7 U.S.C. 61, unless otherwise noted.

Subpart C

Authority: Sec. 28.402 to 28.481 issued under Sec. 10, 42 Stat. 1519, 7 U.S.C. 61. Interpret or apply Sec. 6, 42 Stat. 1518, as amended, 7 U.S.C. 56.

2. 7 CFR Part 28 would be amended by adding new § 28.425 and § 28.435 to read as follows:

§ 28.425 Strict Good Ordinary Light Spotted.

Strict Good Ordinary Light Spotted is American Upland cotton which in leaf and preparation is Strict Good Ordinary, but which in spot or color, or both, is between Strict Good Ordinary and Strict Good Ordinary Spotted.

§ 28.435 Strict Good Ordinary Spotted.

Strict Good Ordinary Spotted is American Upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cottom Standards of the United States, American Upland, Strict Good Ordinary Spotted, effective July 1, 1984."

3. Section 28.475 would be revised to read as follows:

§ 28.475 Below Grade Cotton.

Below Grade cotton is American Upland cotton which is lower in grade than Good Ordinary, or Strict Good Ordinary Light Spotted, or Strict Good Ordinary Spotted, or Low Middling Tinged, or Middling Yellow Stained, or Strict Low Middling Gray. In cotton classification, the official designation for such cotton is Below Grade. The term Below Good Ordinary, or Below Strict Good Ordinary Light Spotted, or Below Strict Good Ordinary Spotted, or Below Low Middling Tinged, or Below Middling Yellow Stained, or Below Strict Low Middling Gray and other additional explanatory terms considered necessary to describe adequately the condition of the cotton may be entered on classification memorandums or certificates.

4. Paragraph (b)(1) of § 28.105 would be revised to read as follows:

§ 28.105 Practical forms of cotton standards.

* * * * *

(b) * * *

(1) That no practical form of any of the cotton standards for the grade of American upland cotton shall be considered or used as representing such standards after the date of its cancellation in accordance with this section or in any event after the expiration of 12 months following the date of its certification: Provided, That sets of practical forms stored, protected, and preserved in accordance with certain agreements for the adoption of universal standards may be used for such periods as may be prescribed in such agreements.

* * * * *

5. Section 28.123 would be revised to read as follows:

§ 28.123 Costs of practical forms of cotton standards.

The cost of practical forms of the cotton standards of the United States shall be as follows:

	Dollars each box	
	Domestic shipments f.o.b. Memphis, Tenn.	Foreign shipments surface delivery
Grade Standards		
American Upland	80.00	95.00
American Pima	110.00	125.00
Standards for Length of Staple		
American upland (prepared in one pound rolls for each length)	11.00	13.00
American Pima (prepared in one pound rolls for each length)	12.00	14.00

Dated: April 27, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-11668 Filed 4-29-83; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

9 CFR Part 319

[Docket No. 82-012P]

Definitions and Standards of Identity or Composition for Miscellaneous Pork Products and Miscellaneous Beef Products

Correction

In FR Doc. 83-9813, beginning on page 15927, in the issue of Wednesday, April 13, 1983, on page 15929, in the first column, in the third paragraph, in the eighteenth line "are permissible" should read "are not permissible".

BILLING CODE 1505-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

[Docket No. PRM-40-23]

Sierra Club; Receipt of an Amendment to a Petitition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petitition for rulemaking: amendment.

SUMMARY: The Nuclear Regulatory Commission is publishing for public comment a notice of receipt of an amendment to a petition for rulemaking submitted by the Sierra Club. The petitioner, in both the original petition and in this amendment to that petition, requests that the NRC amend its regulations to license the possession of uranium mill tailings at inactive storage sites or take other regulatory action to protect the public health and safety and the environment from the radiological and nonradiological hazards associated with the tailings. The petitioner believes that this action is necessary if NRC is to adequately fulfill its statutory responsibilities.

DATE: Submit comments by June 30, 1983. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Hand deliver comments to Room 1121, 1717 H Street, NW., Washington, DC between 8:15 am and 5:00 pm.

For a copy of the amendment to the petition write: Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Inspect and copy comments received on the amendment to the petition at: The NRC Public Document Room, 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492–7086 or call toll free (800) 368–5642.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission has received an amendment to a petition for rulemaking from the Sierra Club. This amendment to the petition for rulemaking is assigned to the same docket as the original petition for rulemaking (Docket No. PRM–40–23).

On February 25, 1981 (46 FR 14021) the NRC published a notice of receipt of a petition from the Sierra Club. The petitioner requested that the NRC amend its regulations to license the possession of uranium mill tailings at inactive storage sites. The petitioner proposed that the NRC take the following regulatory action to ensure that public health and safety and the environment is adequately protected from the hazards associated with uranium mill tailings.

1. Repeal the licensing exemption for inactive mill tailings sites subject to the Department of Energy's remedial program.

2. Require a license for the possession of byproduct material on any other property in the vicinity of an inactive mill tailings site if the byproduct materials are derived from the inactive mill tailings site.

3. Or alternatively, conduct a rulemaking to determine whether a licensing exemption of these sites or the byproduct material derived from the sites constitutes an unreasonable risk to public health and safety.

On March 21, 1983, the Sierra Club filed an amendment to its earlier petition. In this amendment to the petition, the petitioner requests that, in the event the NRC denies the petitioner's earlier request that NRC repeal the licensing exemption for inactive sites or conduct the requested rulemaking, the NRC take further action. Specifically, the petitioner requests that the NRC ensure that the management of byproduct material located on or derived from inactive uranium processing sites is conducted in a manner that protects the public health and safety and the environment from the radiological and nonradiological hazards associated with uranium mill tailings.

Whether the original petition is granted or not, the petitioner also requests that the NRC establish requirements to govern the management of byproduct material, not subject to licensing under section 81 of the Atomic Energy Act (42 U.S.C. 2111), comparable to the requirements applicable to similar materials under the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.). In the alternative, the petitioner suggests that NRC extend the coverage of the requirements in 10 CFR Part 40, Appendix A, which are now applicable only to licensed byproduct material, to byproduct material not subject to licensing. In addition, the petitioner requests that NRC issue regulations that would require a person exempt from licensing to conduct monitoring activities, perform remedial work, or take any other action necessary to protect health and safety and the enviroment.

The petitioner stresses that, by filing this amendment to the earlier petition for rulemaking, it has not abandoned the original petition and the legal claims set forth in it. The petitioner, by this amendment to the petition, also seeks an expedited decision on the matters presented in the original petition and this amendment to it.

PRM–40–23 is but one of several issues currently before the NRC concerning the uranium mill tailings regulations. These regulations may also be affected by potential court action, certain legislative requirements directed toward the NRC and other government agencies with jurisdiction in this area, and another petition for rulemaking. The NRC is currently reassesing its uranium mill tailings regulations to determine the changes that may be necessary to satisfy its legal obligations in light of each of these actions. The NRC intends to consider the issues raised by PRM–40–23 and the amendment to it in a single rulemaking action that would make any necessary changes to the uranium mill tailings regulations. The NRC will begin this rulemaking as soon as the full extent of the changes necessary is determined.

The Commission would like to receive public comment on the specific items addressed in this amendment to PRM–40–23. Those who intend to submit comments on the petition may obtain a complete copy of the amendment to the petition from the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Washington, DC this 27th day of April 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-11670 Filed 4-29-83; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 561 and 563

[No. 83-231]

Acquisition of Non-Cash Assets

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), proposes to amend its regulations pertaining to reserve requirements, to address the treatment afforded an acquisition of a non-cash asset. The proposal would provide that an acquisition of a non-cash asset could only be included in the regulatory net worth and statutory reserve calculations of an institution whose accounts are insured by the FSLIC ("insured institution" or "institution"), where the acquisition: (1) Is an authorized investment of a federally-chartered institution; (2) arises in connection with certain supervisory actions involving an insured institution; (3) is an authorized investment under state law made by a state-chartered insured institution meeting its statutory-reserve and net-worth requirements; (4) is an authorized investment under state and federal law, made by a state-chartered insured institution with a statutory-reserve or net-worth deficiency; or (5) is an authorized investment under state law only, made by a state-chartered insured institution with a statutory-reserve or net-worth deficiency, if after submission of a 30-day notice, the acquisition is not disapproved by the Corporation. The purpose of the amendments is to: clarify when an insured institution's reserve calculations and regulatory net worth may be affected by an acquisition of a non-cash asset, ensure that a non-cash asset is properly valued, and prevent acquisitions which are likely to adversely affect an insured institution's financial condition or operations.

DATE: Comments must be received by: June 30, 1983.

ADDRESS: Send comments to Director, Information Services Division, Office of General Counsel, Federal Home Loan

Bank Board, 1700 G Street, NW., Washington, D.C., 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: John P. Harootunian, (202–377–6415), Attorney, Division of Securities and Corporate Analysis, Office of General Counsel, Federal Home Loan Bank Board, at the above address.

SUPPLEMENTAL INFORMATION:

Background

A significant number of transactions have been proposed or consummated in recent months by insured institutions where certain non-cash assets, primarily land, are acquired either in exchange for securities of an insured institution or contributed to an insured institution. The transactions typically involve insured institutions with severe operating problems and reserves that have declined to levels below that required by the Board's regulations. Although the non-cash acquisitions usually involve significant proposed increases in reserves, the Board believes that certain of these acquisitions are not in the best long-term interests of the acquiring institution or the FSLIC.

The Board, therefore, is proposing regulatory amendments directed toward those proposed acquisitions in which: (1) The authority to acquire the non-cash asset is not clear; (2) the actual values of the non-cash asset to be acquired by certain insured institutions appear to be substantially less than the values proposed to be recorded as reserves, and (3) there would be a possible adverse effect on the financial condition or operations of certain insured institutions, due to the servicing of debt associated with the proposed acquisition or to any planned expenditures for development or maintenance of the acquired properties.

In those transactions involving an application requiring prior approval (e.g., holding company acquisition, merger, and certain issuances of mutual capital certificates or subordinated debt), the Board is able to readily obtain as part of the application process acceptable appraisals and other information, in order to ascertain the impact of the proposed non-cash acquisition on the institution. However, some non-cash acquisitions involve no application. For example, a contribution of a non-cash asset, a purchase of a non-cash asset for cash, or an exchange of either an institution's securities or a currently-held non-cash asset for a non-cash asset to be acquired, may not require any application. In such circumstances, the acquired asset could be included in an institution's reserves based on "fair market value" without any prior regulatory review.

Generally, an overvalued non-cash asset would only be reviewed by the Board, after the fact, in connection with an institution's examination. At that time, the Board could order a new appraisal, if a non-cash asset appeared to be overvalued. However, the acquiring institution could be subsequently determined to be insolvent, if the asset were required to be written down by a significant amount. Accordingly, the Board is concerned that due to pressures to increase reserves, certain insured institutions with either a statutory-reserve or a regulatory-net-worth deficiency may enter into non-cash acquisitions without due regard for the long-term effects that could seriously disadvantage the institution or the FSLIC.

Where an institution is likely to enter into certain proposed acquisitions of non-cash assets which may be overvalued, illiquid, and not economically beneficial, the Corporation should have an opportunity to review the proposed acquisition prior to consummation. The Board's experience with non-cash acquisitions has indicated that the Corporation should be furnished with a notice and opportunity to review a proposed non-cash acquisition by a state-chartered insured institution where that institution has a statutory-reserve or regulatory-net-worth deficiency, and the non-cash asset to be acquired is authorized for investment by the institution only under state law and would not be authorized for investment by a federally-chartered institution under federal law.

Regulatory Net Worth

The Board is proposing to amend the definition of regulatory net worth in 12 CFR 561.13 by revising paragraph (a) to separately number the current proviso clauses and to add a new proviso clause as section 561.13(a)(3). The new proviso clause would provide that the regulatory net worth of an insured institution shall only be increased, directly or indirectly, as a result of the acquisition of a non-cash asset, if its acquisition were authorized in certain specific instances, as set forth in proposed new paragraph (d) of the Board's reserve requirement regulation (12 CFR 563.13). This limitation would apply to all non-cash acquisitions, whether as a result of a contribution; purchase for cash; or an exchange for stock, debt, other securities, or another non-cash asset.

Reserve Accounts

The Board is proposing to revise its reserve requirements set forth in section 563.13 by adding a new paragraph (d) to provide that, for purposes of satisfying the Board's reserve requirements and of regulatory financial reports prepared for submission to the Corporation, an insured institution shall only include in its statutory-reserve calculations and reported regulatory net worth an amount attributable to an acquisition of a non-cash asset, if the transaction or series of transactions resulting in the acquisition satisfies any of five specified grounds.

Federally-Chartered Institutions

Under proposed section 563.13(d)(1)(i), an acquisition of a non-cash asset would be authorized, for purposes of an insured institution's statutory-reserve calculations and regulatory net worth, if that institution were federally-chartered and the non-cash asset is of a type authorized for investment under section 5(c) of the Home Owners' Loan Act of 1933 ("HOLA") (12 U.S.C. 1464(c)). The Board believes that, except for certain supervisory cases described below, a federally-chartered institution should only be capitalized with assets which the institution is authorized to invest in by statute. If an institution may not invest in certain non-cash assets for cash, it is the Board's view that the institution should not be able to acquire that same asset either in exchange for a security or another non-cash asset, or in a transaction structured as a contribution.

The non-cash assets authorized for investment under section 5(c) of HOLA are high-quality assets and do not generally include real property and other types of non-cash assets that are likely to be overvalued with concomitant adverse effects on an institution's financial condition or operations. Currently, federally-chartered institutions may directly acquire real property as an investment only if it is to be used for office facilities of the institution or for certain community property purposes. *See* 12 CFR 545.10 and section 5(c)(3)(B) of OLA HOLA.

Supervisory Cases

The acquisition of a non-cash asset, which would not be an authorized investment under section 5(c) of HOLA for a federally-chartered institution or for a state-chartered institution under state law, is proposed to be authorized under section 563.13(d)(1)(ii) for purposes of statutory-reserve calculations and regulatory-net-worth requirements for an insured institution

in a supervisory case under either section 5(p) of HOLA (12 U.S.C. 1464(p) or section 408(m) of the National Housing Act ("NHA") (12 U.S.C. 1730a(m)). Generally, section 5(c) of HOLA (12 U.S.C. 1464(c)) provides the investment authority for federally-chartered institutions and state law provides the investment authority for state-chartered institutions. Sections 121 and 123 of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. No. 92–320, amended section 5 of HOLA by adding a new paragraph (p) to that section (12 U.S.C. 1464(p)) and amended section 408 of NHA by adding a new paragraph (m) to that section (12 U.S.C. 1730a(m)), respectively, to provide that the Board or Corporation may authorize conversions, mergers, consolidations, transfers, and acquisitions, notwithstanding any provision of federal law or the laws or constitution of any state, under certain specified conditions which generally relate to a receivership or when an institution's financial stability is threatened by severe financial conditions.

When the requirements of either section 5(p) of HOLA or section 408(m) of NHA have been satisfied, the Board or Corporation may authorize any non-cash acquisition in connection with a qualifying supervisory case. In evaluating a proposed non-cash acquisition in connection with a supervisory case where the net worth of an institution could be affected under proposed section 563.13(d)(1)(ii), the Board would generally require for its consideration the information required for a notice under proposed section 563.13(d)(2). If an insured institution acquired a non-cash asset proposed to be authorized for net-worth purposes under section 563.13(d)(1)(ii), which was not authorized as an investment under federal law if federally-chartered or state law if state-chartered, any subsequent expenditure on the non-cash asset would be limited to maintenance of the asset. An institution would not be permitted to expand or increase its investment in a non-cash asset acquired in a supervisory case above the level authorized by the Corporation, which level will not exceed the value of the non-cash asset at its acquisition.

State-Chartered Insured Institutions

Pursuant to proposed section 563.13(d)(iii), acquisition by a state-chartered insured institution meeting its statutory-reserve and net-worth requirements of a non-cash asset authorized for investment under applicable state law would be recognizable in its statutory-reserve calculations and regulatory net worth. Since such institutions are in the Board's view unlikely to acquire high-risk, over-valued assets for the purpose of increasing their statutory reserves and regulatory net worth, they would be authorized to use for purposes of those reserve calculations any non-cash asset authorized under applicable state law.

If a state-chartered institution had a statutory reserve or regulatory-net-worth deficiency, a non-cash asset could be acquired and would be recognizable under section 563.13(d)(1)(iv) for reserve calculations if the non-cash asset were authorized for investment under applicable state law and under 5(c) of HOLA (12 U.S.C. 1464(c)). Generally, where the non-cash asset is of the type authorized for a federally-chartered institution, the asset will not likely be subject to the degree of overvaluation with which the Board is concerned.

Where a proposed acquisition of a non-cash asset is by a state-chartered institution with a statutory-reserve or regulatory-net-worth deficiency, and the non-cash asset is authorized for investment under applicable state law and not authorized for investment by a federally-chartered institution under section 5(c) of HOLA (12 U.S.C. 1464(c)), any amount attributable to the acquisition could only be used in the institution's reserve calculations if written notice were submitted to the Board 30 days prior to acquisition of the non-cash asset and the acquisition were not disapproved by the Corporation. The Board believes that where a state-chartered insured institution is not satisfying its regulatory-net-worth requirements and the non-cash asset is one which is not authorized for investment under federal law, a higher risk of overvaluation and illiquidity will be involved in the transaction and a prior review will be necessary. Acquisitions by such institutions that involve undeveloped land, apartment buildings, land development programs, and any other assets which may generate a negative cash flow, will be the types of non-cash asset acquisitions which are least likely to satisfy the proposed regulation's standards for an acquisition that will not be disapproved.

The proposed notice would be required to include a description of the property, an appraisal meeting certain specifications, financial information, related agreements and documents, and a legal opinion as to certain matters. The proposed procedures provide that the notice must be filed with the Board's Office of the Secretariat and the Principal Supervisory Agent. The proposed 30-day period for review would only commence with the filing of a sufficient notice acknowledged by a letter from the Corporation. Any information required to be included in a notice may waived by the Corporation upon a showing of good cause. Where a state-chartered insured institution files a notice to acquire a non-cash asset, proposed section 563.13(d)(3)(iii) provides that the Corporation will not disapprove a proposed acquisition of a non-cash asset for purposes of an institution's statutory-reserve calculations and regulatory net worth, where: the valuation of the non-cash asset is supported by an acceptable appraisal; the proposed acquisition is not projected to yield a negative return to the institution; the proposed acquisition is not likely to have a material adverse effect upon the institution's financial condition, business operations, or liquidity; and the institution has filed all required information.

Delegation

The Board is proposing in section 563.13(d)(6) to delegate its authority under proposed section 563.13(d) to the Director of the Office of Examinations and Supervision, or his designee, to act on behalf of the Corporation.

Initial Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 19, 1980), the Board is providing the following regulatory flexibility analysis.

1. *Reasons, objectives, and legal basis underlying the proposed rules.* These elements have been incorporated elsewhere in the supplementary information regarding the proposal.

2. *Small entities to which the proposed rules will apply.* The proposed rules apply to federally-chartered institutions or state-chartered insured institutions that may consider acquisition of a non-cash asset.

3. *Impact of the proposed rules on small institutions.* Since the proposed rules would establish the authority of insured institutions to include proposed acquisitions of non-cash assets in their statutory-reserve calculations and regulatory net worth, institutions that may be considered small entities would be benefited.

4. *Overlapping or conflicting federal rules.* There are no federal rules that duplicate, overlap, or conflict with this proposal.

5. *Alternatives to the proposed rules.* It is not possible to eliminate or significantly modify these requirements for small entities, since the notice

requirements are governed by the nature of the non-cash asset and the institution's net-worth deficiency, rather than by the identity or the size of the affected institution.

List of Subjects in 12 CFR Parts 561 and 563

Savings and loan associations.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Parts 561 and 563, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

1. Amend § 561.13 by revising paragraph (a), as follows:

§ 561.13 Regulatory net worth.

(a) The term "regulatory net worth" means the sum of all reserve accounts (except specific or valuation reserves), retained earnings, common stock, preferred stock, mutual capital certificates (issued pursuant to § 563.7–4 of this Subchapter), subordinated debt securities (issued pursuant to § 563.8–1 of this Subchapter), securities which constitute permanent equity capital in accordance with generally accepted accounting principles (if approved by the Corporation), appraised equity capital) as defined in § 563.13(c) of this Subchapter), and any other nonwithdrawable accounts of an insured institution: *Provided*, that:

(1) For any nonpermanent instrument qualifying as regulatory net worth under this definition, either: (i) The remaining period to maturity or required redemption (or time of any required sinking fund or other prepayment or reserve allocation, with respect to the amount of such prepayment or reserve) is not less than one year, or (ii) the redemption or prepayment is only at the option of the issuer and such payments would not cause the institution to fail to meet its statutory-reserve or net-worth requirement under § 563.13 of this Subchapter;

(2) Capital stock may be included as net worth without limitation if it would otherwise qualify but for either: (i) A provision permitting redemption in the event of a merger, consolidation, or reorganization approved by the Corporation where the issuing institution is not the survivor, or (ii) a provision permitting a redemption where the funds for redemption are raised by the issuance of permanent stock; and

(3) The regulatory net worth of an insured institution shall only be increased, directly or indirectly, as a result of the acquisition of a non-cash asset, if authorized under § 563.13(d) of this Subchapter.

* * * * *

PART 563—OPERATIONS

2. Amend § 563.13 by redesignating paragraphs (d), (e), and (f) thereof as paragraphs (e), (f), and (g), respectively, and adding a new paragraph (d) thereto, as follows:

§ 563.13 Reserve accounts.

* * * * *

(d) *Acquisition of non-cash assets.*

(1) *General.* For purposes of satisfying the reserve requirements of paragraphs (a) and (b) of this section and for purposes of regulatory financial reports prepared for submission to the Corporation, and insured institution shall only include in its statutory-reserve calculations or reported regulatory net worth an amount attributable to an acquisition of a non-cash asset, if it is:

(i) An acquisition by a Federally-chartered institution of a non-cash asset which is authorized for investment under section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c));

(ii) An acquisition of a non-cash asset which is not an authorized investment under section 5(c) of the Home Owners' Loan Act for a federally-chartered institution or under applicable state law for a state-chartered insured institution, in a supervisory case under either section 5(p) of the Home Owners' Loan Act (12 U.S.C. 1464(p)) or 408(m) of the National Housing Act (12 U.S.C 1730a(m)), where any subsequent expenditure will be limited to maintaining the value of the non-cash asset at a level authorized by the Corporation, which level will not exceed the value of the non-cash assets at its acquisition;

(iii) An acquisition by a state-chartered insured institution meeting its requirements under paragraphs (a) and (b) of this section of a non-cash asset which is authorized for investment under applicable state law;

(iv) an acquisition by a state-chartered insured institution with a statutory-reserve or regulatory-net-worth deficiency of a non-cash asset which is authorized for investment under applicable state law and under section 5(c) of the Home Owners' Loan Act; or

(v) An acquisition by a state-chartered insured institution with a statutory-reserve or regulatory-net-worth deficiency of a non-cash asset which is authorized for investment under applicable state law, but not authorized under section 5(c) of the Home Owners' Loan Act, if notice of the proposed acquisition is provided to the Corporation pursuant to paragraph (d)(2) of this section and the acquisition is not disapproved by the Corporation.

(2) *Notice requirement.* An insured institution seeking approval of an acquisition under paragraph (d)(1)(v) of this section shall file a written notice of intent 30 days prior to the acquisition.

(i) The notice and any amendments to it shall be executed on behalf of the institution by a duly authorized officer on the institution.

(ii) The original and two copies of the notice and any amendments shall be filed with the Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C., 20552, and three copies of the Notice and any amendments shall be filed with the Principal Supervisory Agent of the Federal Home Loan Bank of which the institution is a member.

(iii) The notice shall contain all of the following information:

(*a*) A detailed description of the terms of the proposed transaction, the non-cash assets, and all participants.

(*b*) A current appraisal prepared by an independent professional appraiser, as defined by secton 571.1(a)(2) of this Subchapter, which reflects the market value of any asset acquired or transferred to the institution and which meets current standards established by the Federal Home Loan Bank Board's Office of Examinations and Supervision.

(*c*) A description of any debt or other encumbrances which the institution will incur, assume, or retire in conjunction with the transaction. Information provided should include the terms, required servicing, current payment status, and separate valuation for any such debt, and any contingent liabilities arising from the transaction.

(*d*) A *pro forma* balance sheet and a statement of operations for the institution as of the latest semiannual closing date, reflecting the impact of the proposed transaction, and supported by an opinion from an independent auditor regarding compliance with generally accepted accounting principles.

(*e*) Information about the historical performance of all proposed assets to be acquired or transferred to the institution, including specific information regarding the payment status and underwriting for any loan-type assets, and a balance sheet and a statement of operations (audited if available) for each of the last two years for any income-producing properties.

(f) Projected annual revenue, expense, and cashflow statments for a 5-year period for all assets and liabilities proposed to be transferred or incurred by the institution, which include all holding costs, planned expenditures or other cash outlays by the institution.

(g) An opinion by legal counsel as to the following:

(1) Tax impact on the institution arising from the transaction.

(2) A statement that all legal requirements will be met, including the institution's authority to acquire and hold the proposed assets and to assume any related liabilities.

(3) A statement that good and marketable title will be received by the institution for any acquired asset.

(4) Likelihood of any due-on-sale provision or debt provision being triggered as a result of the transfer of any such debt to the institution.

(h) Evidence that any required state regulatory approvals have been obtained.

(i) A resolution by the institution's board of directrors authorizing the transaction.

(j) A copy of any proposed written agreements and any related documents.

(k) Any additional information requested by the Corporation.

(iv) The period for Corporation review of a proposed acquisition will commence upon the filing of a sufficient notice, as determined by the Corporation. The Corporation will send a letter acknowledging the filing of a sufficient notice or specify the reasons for any insufficiency. Following a determination of sufficiency, the Corporation may subsequently determine that additional information is required, and it may then issue a letter indicating the notice is insufficient. Upon the filing of additional information in an amendment to the notice, whether upon the initiative of the institution or at the direction of the Corporation, the period for Corporation review will recommence in its entirety.

(3) *Action by Corporation.* (i) Not later than the expiration of the 30-day review period, the Corporation may issue a letter indicating:

(a) Its disapproval of the proposed acquisition on any of the grounds provided in paragraph (d)(3)(iii) of this section; or

(b) Its intention not to disapprove the proposed acquisition, provided that it is consummated within one year and there is no material change in circumstances prior to the acquisition.

(ii) If the Corporation fails to issue a letter regarding a proposed acquisition by the expiration of the 30-day review period, the acquisition may be consummated within one year provided that there is no material change in circumstances prior to the acquisition.

(iii) The Corporation will not disapprove a proposed acquisition of non-cash asset for purposes of an institution's statutory-reserve calculations and regulatory net worth, where:

(a) The valuation of the non-cash asset is supported by an acceptable appraisal;

(b) The Proposed acquisition is not projected to yield a negative return to the institution;

(c) The proposed acquisition is not likely to have a material adverse effect upon the institution's financial condition, business operations, or liquidity, and

(d) The institution has filed all required information.

(4) *Disclosure.* A notice, or any portion thereof, filed pursuant to this paragraph (d) shall be for the information of the Corporation and will not be made available except in accordance with the provisions of the Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), and Parts 505 and 505a of this Chapter.

(5) *Waiver.* The Corporation may waive any information required by this paragraph (d) upon a showing of good cause.

(6) *Delegation of authority.*

The Director of the Office of Examinations and Supervision, or his designee, is authorized to act on behalf of the Corporation and the Board with respect to the exercise of any authority pursuant to this paragraph (d).

(e) *Failure to meet net-worth requirements.* * * *

(f) *Charging of losses to statutory reserves.* * * *

(g) Exemption relating to sale of mortgages. * * *

(Sec. 408, 96 Stat. 1469, as amended (12 U.S.C. 1730a); sec. 409, 94 Stat. 160, secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); sec. 5, 96 Stat. 1469, as amended (12 U.S.C. 1464); sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp. p. 1071)

Dated: April 20, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-11658 Filed 4-29-83; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. NM-2; Notice No. SC-83-1-NM]

Special Conditions; Avions Marcel Dassault-Breguet Aviation Model Mystere-Falcon 200

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Avions Marcel Dassault-Breguet Aviation Model Mystere-Falcon 200 airplane. The airplane will have novel or unusual design features associated with the unusually high operating altitude (49,000 feet) for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. This notice contains the safety standards which the Administrator finds necessary to reduce the likelihood of failures which could lead to cabin altitudes that exceed the protective capability of the oxygen equipment.

DATE: Comments must be received on or before June 16, 1983.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket (ANM-7), Docket No. NM-2, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, or delivered in duplicate to the Office of the Regional Counsel at the above address. Comments must be marked: Docket No. MN-2. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mark Quam, Regulations and Policy Office, ANM-110, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 764-7053.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and may be submitted in duplicate to the address specified above. All communications received on or before

the closing date for comments will be considered by the Administrator before taking action on this proposal. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket, both before and after the closing date, for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM–2." The postcard will be date/time stamped and returned to the commenter.

Background

On October 3, 1978, Avions Marcel Dassault-Breguet Aviation (AMD–BA), 33 rue du Professeur Victor Pauchet, 92420 Vaucresson, France, filed an application for a type certificate in the transport category for the airplane now designated as the Avions Marcel Dassault-Breguet Aviation Model Mystere-Falcon 200. The Mystere-Falcon 200 is a derivative version of the AMD–BA Fan Jet Falcon series, for which FAA Type Certificate No. A7EU was issued, with two Garrett Model ATF3–6 engines and associated engine system changes, increased fuel capacity, increased weights, aerodynamic changes, system changes, and installation of an auxiliary power unit. Type certification of the Model Mystere-Falcon 200 was accomplished on July 6, 1982, as an amendment to Type Certificate No. A7EU in accordance with Subpart D of Part 21.

On June 30, 1982, AMD–BA filed an amended application for type certification to operate the Model Mystere-Falcon 200 up to a maximum altitude of 49,000 feet MSL. The June 30 application superseded a November 27, 1981, application relating to operation up to 45,000 feet.

High Altitude Operation

The FAA policy is to apply special conditions to Part 25-type transports when the certificated altitude exceeds the capability of the oxygen system (in this case, the passenger system). This has been the case for the early Learjet, Lockheed Jetstar, Aero Commander, and Cessna 650 (46 FR 35929 dated July 13, 1981). These same special conditions are proposed herein with the following exceptions:

The cabin altitude after failure may exceed the cabin altitude/time curve limits in Figures 3 and 4. Continuous flow passenger oxygen equipment is certificated for use up to 40,000 feet. However, for rapid decompressions above 34,000 feet, reverse diffusion leads to low oxygen partial pressures in the lungs to the extent a small percentage of passengers may lose useful consciousness at 35,000 feet. The percentage increases to an estimated 60 percent at 40,000 feet even with the use of the continuous flow system. To prevent permanent phisiological damage, the cabin altitude is not to exceed 25,000 feet for more than 2 minutes. The maximum cabin altitude has been set at 40,000 feet to agree with past FAA certification. In addition, at these altitudes the other aspects of decompression sickness have a significant, detrimental effect on pilot performance (for example, a pilot can be incapacitated by internal expanding gases). The limitations proposed herein differ from previously issued special conditions and are reflected by the changes to the notes proposed on Figures 3 and 4.

Decompression above the 37,000 foot limit of Figure 4 strains a person's physiological limits; therefore, every effort must be made to provide the pilot with adequate oxygen equipment to withstand these severe decompressions. Reducing the time interval between pressurization failure and the time the pilot receives oxygen will provide a safety margin against being incapacitated and can be accomplished by the use of mask-mounted regulators. Proposed Special Condition E., therefore, requires pressure demand masks with masks-mounted regulators for the flightcrew. This combination of equipment will provide the best practical protection for the failures covered by the special conditions and for improbable failures not covered by the special conditions, provided the cabin altitude is limited.

Type Certification Basis

The original certification basis for the AMD-BA Fan Jet Falcon was CAR 4b, effective December 31, 1953, Amendments 4b–1 through 4b–12; Special Regulation SR–422B; and the provisions of Part 25 of the Federal Aviation Regulations (FAR), Amendment 25–4, in lieu of CAR 4b.350 (e) and (f). For the Mystere-Falcon 200 certification, AMD–BA elected to voluntarily comply with numerous Part 25 requirements. The list of these requirements is contained in an FAA letter dated May 10, 1982. Avions Marcel Dassault-Breguet Aviation has filed an application for certification to operate the Model Mystere-Falcon 200 airplane up to a maximum altitude of 49,000 feet. The applicable airworthiness requirements do not contain adequate or appropriate safety standards for this feature; therefore, the special conditions which may be established as a result of this notice will form an additional part of the type certification basis for the Model Mystere-Falcon 200 airplane.

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with §§ 21.17(a)(1) and 21.101(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane. Special conditions, as appropriate, are now issued after public notice in accordance with §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis in accordance with § 21.101.

List of Subjects in 14 CFR Part 21

Air transportation, Aircraft, Aviation safety.

Proposed Special Conditions

PART 21—[AMENDED]

Accordingly, the Federal Aviation Administration proposes the following special conditions for the Avions Marcel Dassault-Brequet Aviation Model Mystere-Falcon 200 airplane to be certificated for high altitude operation:

A. Pressure Vessel Integrity

1. The maximum extent of failure and pressure vessel opening that can be demonstrated to comply with Special Condition D. (Pressurization) must be determined. It must be demonstrated by crack propagation and fail-safe testing that a larger opening or a more severe failure than demonstrated will not occur in normal operations.

2. Inspection schedules and procedures must be established to assure that cracks and normal fuselage leak rates will not progress or that the pressurization system capability will not deterioriate to the extent that an unsafe condition could exist during normal operation.

3. With regard to the fuselage structural design for cabin pressure capability above 45,000 feet altitude, the following apply:

a. The pressure vessel structure, including doors and windows, must comply with CAR 4b.216(c)(3) using a factor of 1.67 in lieu of the 1.33 factor prescribed therein.

b. In addition to the requirements of CAR 4b.216(c)(3), the fuselage pressure vessel should be capable of withstanding maximum regulated pressure combined with 1 g. flight loads with a frame or stringer failed and two adjacent panels cracked, without total failure of the fuselage of floor collapse.

B. Ventilation

In lieu of the requirements of CAR 4b.371(a), the ventilation system must be designed to provide a sufficient amount of uncontaminated air to enable the crewmembers to perform their duties without undue discomfort or fatigue and to provide reasonable passenger comfort during normal operating conditions and also in the event of any probable failure of any system on the airplane which could adversely affect the cabin ventilating air. For normal operations, crewmembers and passengers must be provided with at least 10 cubic feet of fresh air per minute per person or the equivalent in filtered, recirculated air based on the volume and composition at the corresponding cabin pressure altitude of not more than 8,000 feet.

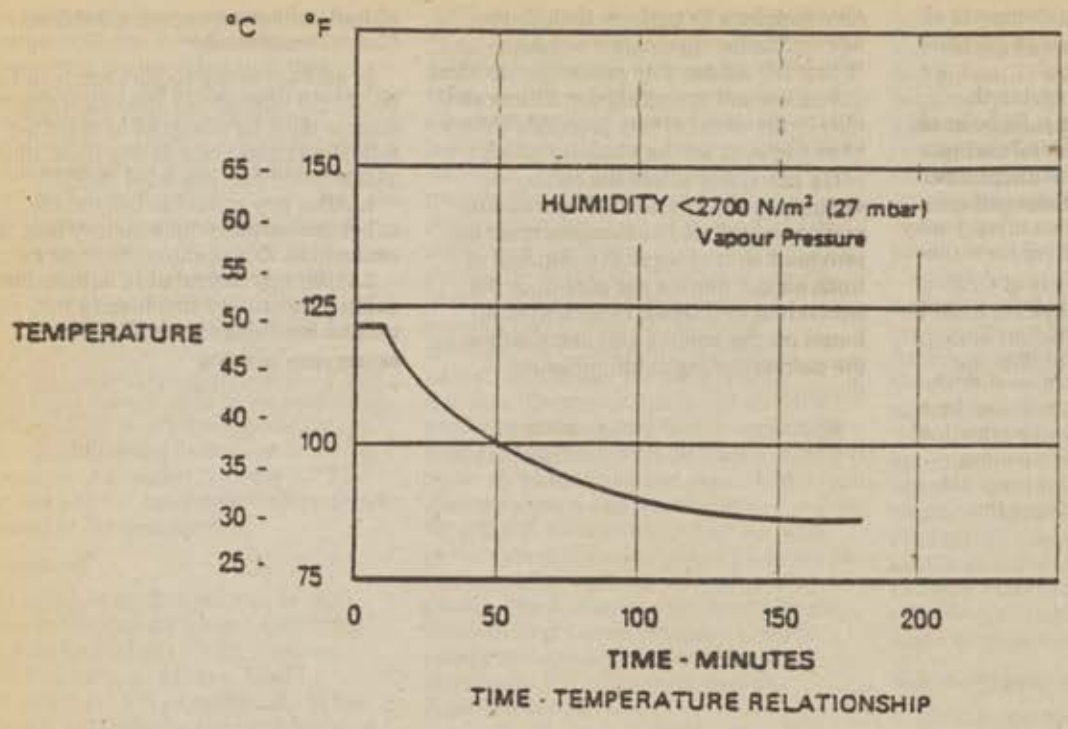
C. Air Conditioning

In additon to the requirements of CAR 4b.371 (b) through (e), the cabin cooling sustem must be designed to meet the following conditions during flight above 15,000 feet mean sea level (MSL):

1. After any probable failure, the cabin temperature-time history may not exceed the values shown in Figure 1.

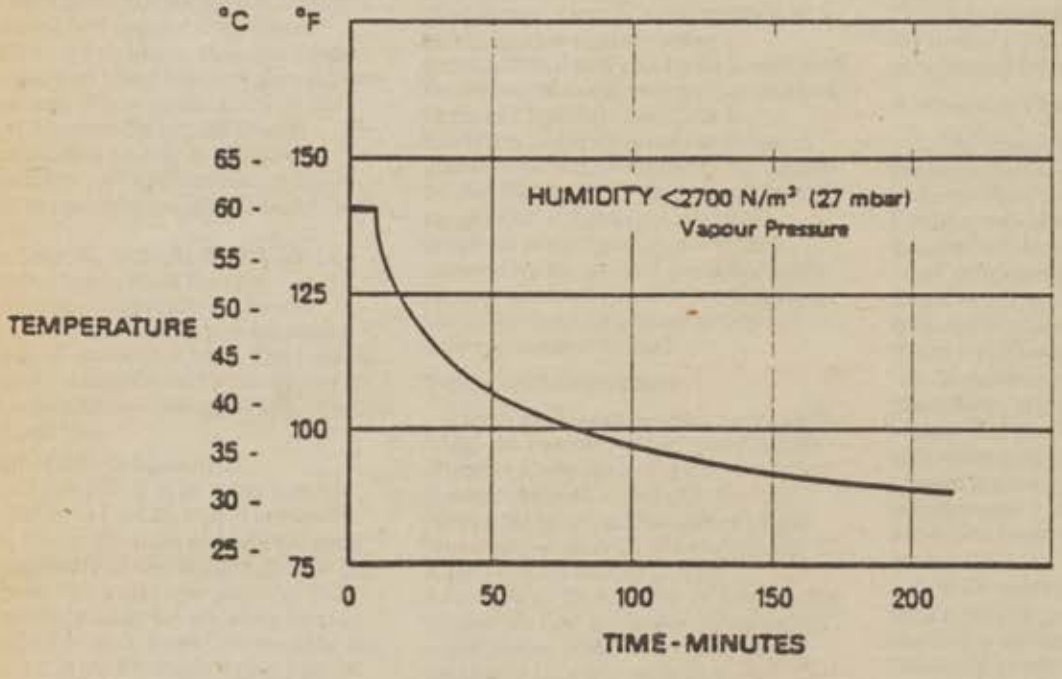
2. After any improbable failure, the cabin temperature-tme history may not exceed the values shown in Figure 2.

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TIME - TEMPERATURE RELATIONSHIP

FIGURE 1



MAXIMUM TIME-TEMPERATURE RELATIONSHIP

BILLING CODE 4910-13-C

FIGURE 2

D. Pressurization.

In addition to the requirements of CAR 4b.374 and 4b.375, the following apply:

1. The pressurization system must be capable of maintaining the following relationships between specific failure and cabin altitude-time histories:

a. The cabin altitude-time history may not exceed that shown in Figure 3 after each of the following:

(1) Any probable double failure in the pressurization system.

(2) Any single failure in the pressurization system combined with the occurrence of a leak produced by a complete loss of a door seal element, or a fuselage leak through an opening having an effective area 2.0 times the effective area which produces the maximum, permissible fuselage leak rate approved for normal operation, whichever produces a more severe leak.

b. The cabin altitude-time history may not exceed that shown in Figure 4 after each of the following:

(1) The maximum pressure vessel opening resulting from crack propagation for a period encompassing two normal inspection intervals. The initial crack must be at least one-half the local panel width in length. Mid-panel cracks and cracks through skin-stringer and skin-frame combinations must be considered.

(2) The pressure vessel opening resulting from probable damage, while under maximum operating cabin pressure differential, due to a tire burst, engine rotor burst, loss of antennas or stall warning vanes, or any probable equipment failure (bleed air, pressure control, air conditioning, electrical power source(s), etc.) that affects pressurization.

(3) Complete loss of thrust from all engines.

2. In showing compliance with paragraphs D.1.a. and b. of these special conditions, it may be assumed that an emergency descent is made in accordance with an approved emergency procedure. A 17-second crew recognition and reaction time must be applied between cabin altitude warning and the initiation of an emergency descent.

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For Figure 3, time starts at the moment cabin altitude exceeds 8,000 feet during depressurization. After depressurization, the maximum cabin altitude exceedence is limited to 30,000 feet. The maximum time the cabin altitude may exceed 25,000 feet is two minutes; time starting when the cabin altitude exceeds 25,000 feet and ending when it returns to 25,000 feet.

FIGURE 3
CABIN ALTITUDE - TIME HISTORY
(Supplemental oxygen available to all passengers.)

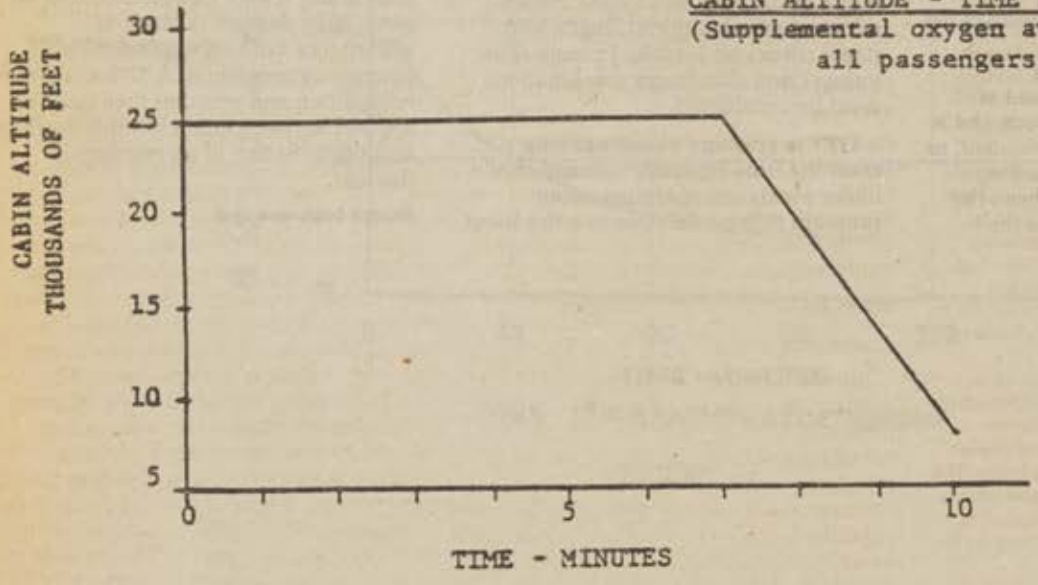
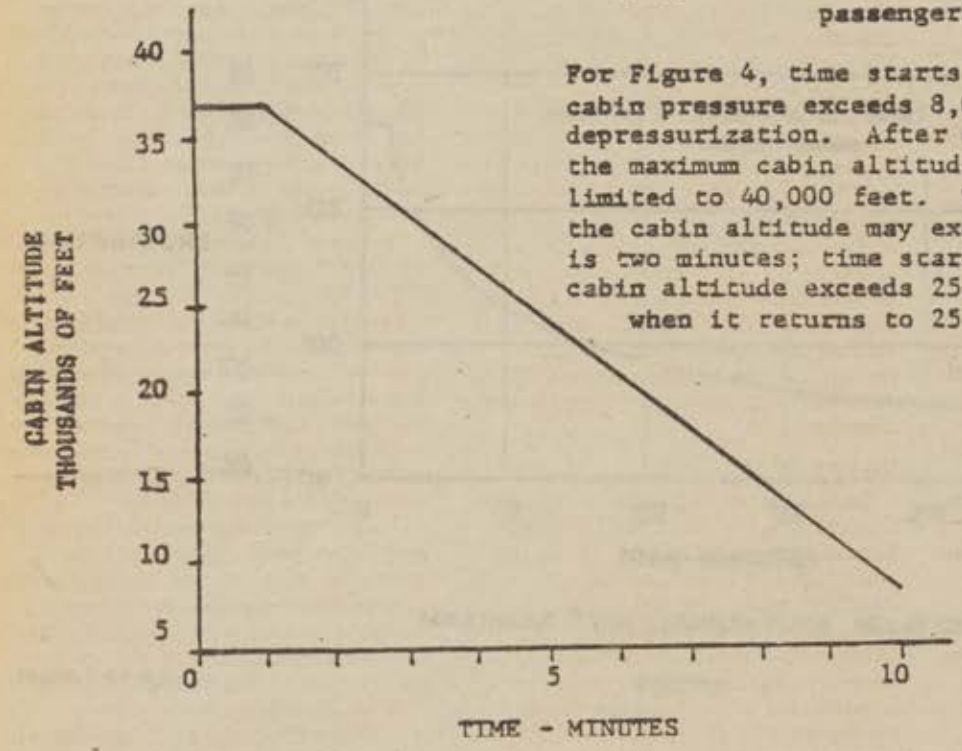


FIGURE 4
CABIN ALTITUDE - TIME HISTORY
(Supplemental oxygen available to all passengers.)

For Figure 4, time starts at the moment cabin pressure exceeds 8,000 feet during depressurization. After depressurization, the maximum cabin altitude exceedence is limited to 40,000 feet. The maximum time the cabin altitude may exceed 25,000 feet is two minutes; time starting when the cabin altitude exceeds 25,000 feet and ending when it returns to 25,000 feet.



E. Oxygen Equipment and Supply

In addition to the requirements of CAR 4b.651, the following apply: A pressure-demand oxygen system with quick-donning masks with mask-mounted regulators must be provided for the flightcrew. It must be shown that each quick-donning mask can, with one hand and within 5 seconds, be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.28 and 11.29(b))

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and is not major as defined in Executive Order 12291. In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this regulation, at promulgation, will not have a significant economic impact on a substantial number of small entities. The regulation affects only certain unusual or novel design features of one model series of airplanes. The regulation is necessary for safety and affects primarily the manufacturer who applied to the FAA for approval of these features on the airplane.

Issued in Seattle, Washington on April 8, 1983.

Wayne J. Barlow,

Acting Director,
Northwest Mountain Region.

[FR Doc. 83-11464 Filed 4-29-83; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 21

[Docket No. NM-3; Notice No. SC-83-2-NM]

Special Conditions; Gates Learjet Corporation Model 55 Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Gates learjet Corporation Model 55 series airplane. The airplane will have novel or unusual design features associated with an automatic takeoff thrust control system (ATTCS) for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. This notice contains the safety standards which the Administrator finds necessary, because of these design features, to establish a level of safety equivalent to that established in the regulations.

DATE: Comments must be received on or before June 16, 1983.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket (ANM-7), Docket No. NM-3, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; or delivery in duplicate to the Office of the Regional Counsel at the above address. Comments must be marked: Docket No. NM-3. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James Walker, Regulations and Policy Office, ANM-110, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 764-7051.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory dockets or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on this proposal. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket, both before and after the closing date, for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM-3." The postcard will be date/time stamped and returned to the commenter.

Background

On November 19, 1982, Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277, filed an application for an amendment to Type Certificate No. A10CE to include an Automatic Performance Reserve System (Automatic Takeoff Thrust Control System (ATTCS)) installation for approval under that type certificate covering the Model 55 series aircraft.

The Model 55 is a low wing, twin-engine, pressurized transport category airplane having a maximum takeoff weight of 21,000 pounds. The airplane is equipped with two AiResearch TFE-731-3A tubofan engines, each producing 3,700 pounds rated thrust, or, alternatively, TFE-731-3AR engines each rated at 3,880 pounds thrust. The higher rated -3AR engine is used in conjunction with the installation of an ATTCS The airplane has a maximum permissible altitude of 51,000 feet and total occupancy of 10 persons, including the crew.

The modification covered under the proposed amendment to the type certificate is the installation of an ATTCS. Automatic takeoff thrust control system special conditions issued to date for other airplanes require the ATTCS be designed to permit manual decrease or increase in thrust up to the maximum takeoff thrust approved for the airplane under existing conditions through the use of power levers. The ATTCS system installed on the engines of the Model 55 airplane contains an electronic fuel controller and thrust limiters which automatically limit thrust and prevent engine operating limits from being exceeded under conditions with full throttle employed. In the event of an engine failure, a signal from the ATTCS is transmitted to the limiters for the maximum thrust. In the event of an ATTCS failure with engine failure, the crew woud be required to activate an override switch to obtain the maximum thrust. Because of this design feature where the pilot must move his hand off the throttle to activate the maximum thrust available, the agency has determined that the special condition issued under item E.2.b. should provide that such activation is permitted providing that the means to increase thrust is located on or forward of the power levers, is easily operated by either pilot, and meets the requirements of § 25.777.

The type design of the Model 55 series airplane, with the automatic system installed, contains a number of novel or unusual design features for an airplane type certificated under the airworthiness requirements incorporated by reference in Type Certificate No. A10CE or under the applicable airworthiness requirements in effect on the date of application for change to that type certificate. In either case, the applicable airworthiness requirements do not contain adequate or appropriate safety standards. Special conditions are necessary to provide a level of safety equal to that established by the regulations incorporated by reference in

the type certificate and to support a finding by the Administrator that no feature or characteristic of the airplane with the automatic system installed makes it unsafe for the category in which certification is requested. These special conditions specify limits on the maximum thrust increment which may be applied to the operating engines by the ATTCS, prescribe system reliability and status monitoring requirements, require provisions for manual selection of the maximum takeoff thrust approved for the airplane under existing conditions, prohibit approval of the system if the automatic or manual application of maximum takeoff thrust would result in an engine operating limit being exceeded, and require the installation of an independent engine failure warning system if the inherent characteristics of the airplane do not provide a clear warning to the crew.

The FAA developed special conditions for an ATTCS for current turbine-powered transport category airplanes and sent the proposal to U.S. user groups and various foreign civil aviation authorities for review and comment in November 1977. Comments were received, reviewed, and the special conditions were revised and sent to the same groups in May 1978. This procedure was repeated again in November 1978. Cooperating with the FAA in this development were the Aerospace Industries Association of America (AIA), Air Transport Association of America (ATA), Air Line Pilots Association (ALPA), Allied Pilots Association (APA), Rolls Royce (RR), Hawker Siddeley Aviation Ltd. (HS), British Civil Aviation Authority (CAA), the civil aviation authorities of Australia and Japan, the French Technical Commission Navigation (FTCN), and the French civil aviation authorities, Lockheed, Boeing, McDonnell Douglas, and Rockwell International.

Based on the comments received and on further review by the FAA, a number of changes were made to the special conditions proposed. These provide for consideration of the following specific matters:

1. For the fail-operational (able to perform its intended function after a single failure or combination of failures not shown to be extremely improbable within the ATTCS system) system proposed, a reduction of the ATTCS failure probability from extremely improbable for the ATTCS alone, the addition of an extremely improbable failure probability for the combined ATTCS and engine failure, and deletion of the all engine performance criteria;

2. For the nonfail-operational system proposed, a reduction in the failure probability from improbable to 10–3 for the ATTCS alone, introduction of a climb gradient for the combined ATTCS and engine failure case, and deletion of an engine failure warning means if the inherent characteristics of the engine failure are clearly made known to the pilot; and

3. Clarifying changes, including a graphical presentation to clarify the definition of the term, "Critical Time Interval."

Type Certification Basis

The type certification basis for the Gates Learjet Model 55 series airplane with the ATTCS installed is Part 25 of the Federal Aviation Regulations (FAR) effective February 1, 1965, as amended by Amendments 25–2 and 25–4. In addition:

Amendments 25–3, 25–7, 25–10, 25–12, 25–18, 25–21, and 25–30; plus § 25.955(b)(2) of Amendment 25–11; § 25.954 of Amendment 25–14; §§ 25.803(e), 25.811(f), 25.853(a), 25.853(b), and 25.855(a) of Amendment 25–15; § 25.1359 of Amendment 25–17; § 25.785(c) of Amendment 25–20; §§ 25.251(c), 25.251(d), 25.251(e), 25.303, 25.305(b), 25.307(d), 25.331(a)(3), 25.335(b), 25.335(f),25.337(b), 25.349(b), 25.351(a), 25.363, 25.395(a), 25.395(b), 25.471(a)(1), 25.471(a)(2), 25.473, 25.493(b), 25.499(b), 25.499(c), 25.499(d), 25.509(a)(3), 25.561(b)(3), 25.561, 25.607, 25.615, 25.619, 25.625, 25.629, 25.677, 25.697, 25.699, 25.701, 25.721, 25.723, 25.725, 25.727, 25.729, 25.733, 25.735, 25.865, 25.867, 25.871, 25.903(d), 25.934, 25.994, 25.1103(d), 25.1143(e), 25.1303, 25.1307, 25.1331, and 25.1585(c) of Amendment 25–23; §§ 25.1013(e), 25.1305(c)(4), and 25.1305(c)(6) of Amendment 25–36; §§ 25.815, 25.1322, and 25.1403 of Amendment 25–38, and §§ 25.903(e), 25.939, and 25.943 of Amendment 25–40; § 25.255 of Amendment 25–42; § 25.1326 of Amendment 25–43; Part 36 effective December 1, 1969, as amended through Amendment 36–10; Special Federal Aviation Regulation (SFAR) 27 effective February 1, 1974, as amended through Amendment SFAR 27–2; Special Conditions 25–99–CE–14; and the special conditions contained herein.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane. Special conditions, as appropriate, are now issued after public notice, in accordance with §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis in accordance with § 21.101.

List of Subjects in 14 CFR Part 21

Air transportation, Aircraft, Aviation safety.

Proposed Special Conditions

PART 21—[AMENDED]

Accordingly, the Federal Aviation Administration proposes the following special conditions for the Gates Learjet Model 55 series airplane equipped with an automatic takeoff thrust control system (ATTCS):

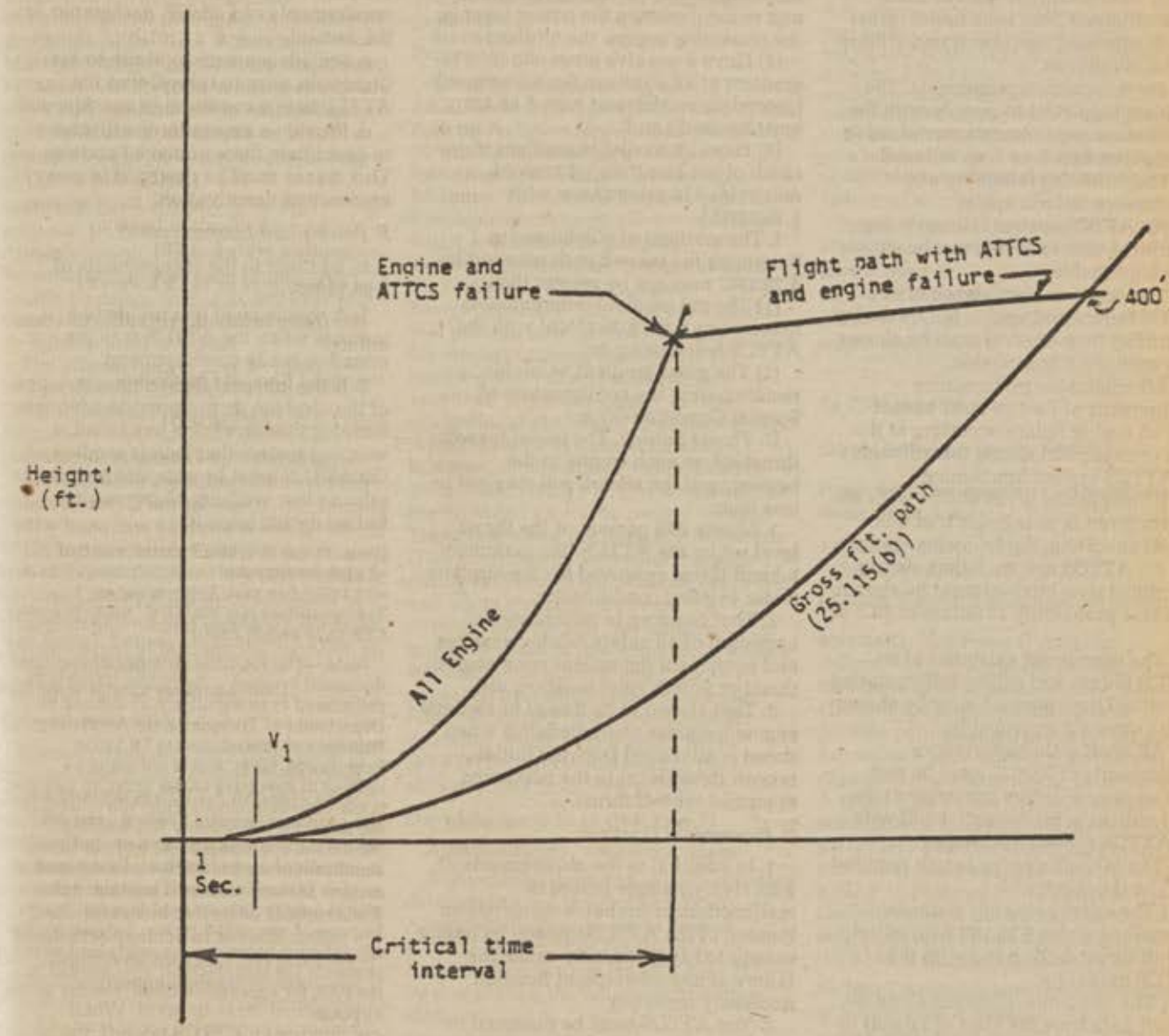
A. *General.* With the ATTCS and associated systems functioning normally as designed, all applicable requirements of Part 25, except as provided in these special conditions, must be met without requiring any action by the crew to increase thrust.

B. *Definitions.*

1. ATTCS. An ATTCS is defined as the entire automatic system used on takeoff, including all devices, both mechanical and electrical, that sense engine failure, transmit signals, actuate fuel controls or power levers on operating engines to achieve scheduled thrust increase, and furnish cockpit information on system operation.

2. Critical Time Interval. When conducting an ATTCS takeoff, the critical time interval between V1 minus 1 second and a point on the minimum performance, all-engine flight path where, assuming a simultaneous engine and ATTCS failure, the resulting minimum flight path thereafter intersects the Part 25 required gross flight path at no less than 400 feet from the takeoff surface. This definition is shown in the following graph:

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BILLING CODE 4910-13-C

3. Takeoff Thrust. Notwithstanding the definition of "takeoff thrust" in Part 1 of the Federal Aviation Regulations (FAR), "takeoff thrust" means each thrust obtained from each initial thrust setting approved for takeoff under these special conditions.

C. *Performance Requirements.* The applicant may elect to comply with the performance requirements contained in either paragraph 1. or 2. as follows:

1. The following reliability and performance criteria apply:

a. An ATTCS system failure during the critical time interval must be shown to be improbable.

b. The concurrent existence of an ATTCS failure and engine failure during the critical time interval must be shown to be extremely improbable.

c. All applicable performance requirements of Part 25 must be met with an engine failure occurring at the most critical point during takeoff with the ATTCS system functioning.

2. If compliance is not shown with the criteria given in paragraph 1. of this special condition, the following apply:

a. An ATTCS system failure during the critical time interval must be shown to have a probability of failure of 10^{-3} or less.

b. The concurrent existence of an ATTCS failure and engine failure during the critical time interval must be shown to be extremely improbable.

c. All applicable performance requirements of Part 25 must be met with an engine failure occurring at the most critical point during takeoff with the ATTCS system functioning.

d. The takeoff runway length required shall be the greater of:

(1) The accelerate-stop distance determined under § 25.109 with initial takeoff thrust setting and with the ATTCS operating;

(2) The horizontal distance along the takeoff path from the start of takeoff to the point at which the airplane is 35 feet above the takeoff surface, determined under § 25.113 with one engine failed and the ATTCS operating at the most critical point during takeoff;

(3) The horizontal distance along the takeoff path from the start of takeoff to the point at which the airplane is 15 feet above the takeoff surface with one engine and the ATTCS failed at the most critical point during takeoff; or

(4) One hundred fifteen (115) percent of the horizontal distance along the takeoff path, with all engines operating at the initial takeoff thrust setting, from the start of takeoff to the point at which the airplane is 35 feet above the takeoff surface as determined by a procedure consistent with § 25.111.

e. With the initial takeoff thrust set as described in Special Condition D. (Thrust Setting), the critical engine inoperative, the ATTCS system failed, and without moving the power lever on the remaining engine, the airplane must:

(1) Have a positive gross climb gradient at all points in the takeoff path (procedures consistent with § 25.111 must be used); and

(2) Have an available gradient of climb of not less than 1.0 percent determined in accordance with § 25.121(b).

f. The gradient of climb used to determine the takeoff path required by § 25.1587 may not be greater than:

(1) The net gradient determined in accordance with § 25.115(b) with the ATTCS functioning; or

(2) The gross gradient available resulting from the configuration of Special Condition C.2.e.

D. *Thrust Setting.* The initial takeoff thrust set on each engine at the beginning of the takeoff roll may not be less than:

1. Ninety (90) percent of the thrust level set by the ATTCS (the maximum takeoff thrust approved for the airplane under existing conditions);

2. That required to permit normal operation of all safety-related systems and equipment dependent upon engine thrust or power lever position; or

3. That shown to be free of hazardous engine response characteristics when thrust is advanced from the initial takeoff thrust level to the maximum approved takeoff thrust.

E. Powerplant Controls

1. In addition to the requirements of § 25.1141, no single failure or malfunction, or probable combination thereof, of the ATTCS system, including associated systems, may cause the failure of any powerplant function necessary for safety.

2. The ATTCS must be designed to:

a. Apply thrust on the operating engine, following an engine failure during takeoff, to achieve the selected takeoff thrust without exceeding engine operating limits;

b. Permit manual decrease or increase in thrust up to the maximum takeoff thrust approved for the airplane under existing conditions through the use of the power lever, except that for aircraft equipped with limiters that automatically prevent engine operating limits from being exceeded under existing conditions, other means may be used to increase the maximum level of thrust controlled by the power levers in the event of an ATTCS failure, provided the means is located on or forward of the power levers, is easily identified and operated under all operating conditions by a single action of either pilot with the hand that is normally used to actuate the power levers, and meets the requirements of § 25.777, paragraphs (a), (b), and (c).

c. Provide a means to verify to the flightcrew prior to takeoff that the ATTCS is in a condition to operate; and

d. Provide a means for the flightcrew to deactivate the automatic function. This means must be designed to prevent inadvertent deactivation.

F. Powerplant Instruments

In addition to the requirements of § 25.1305:

1. A means must be provided to indicate when the ATTCS is in the armed or ready condition; and

2. If the inherent flight characteristics of the airplane do not provide adequate warning that an engine has failed, a warning system that is independent of the ATTCS must be provided to give the pilot a clear warning of any engine failure during takeoff.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.28 and 11.29(b))

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and is not major as defined in Executive Order 12291. In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this regulation, at promulgation, will not have a significant economic impact on a substantial number of small entities. The regulation affects only certain unusual or novel design features of one model series of airplanes. The regulation is necessary for safety and affects primarily the manufacturer who applied to the FAA for approval of these features on the airplane.

Issued in Seattle, Washington, on April 12, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-11467 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ACE-08]

Transition Area—Lake Winnebago, Missouri Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Lake Winnebago, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Lake Winnebago, Missouri, Airport utilizing the Napoleon, Missouri, VORTAC as a navigational aid. This proposed action will change the airport status from VFR to IFR.

DATES: Comments must be received on or before June 4, 1983.

ADDRESS: Send comments on the proposal to: Federal aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Lake Winnebago, Missouri. To enhance airport usage, a new instrument approach procedure is being developed for the Lake Winnebago, Missouri, Airport utilizing the Napoleon VORTAC as a navigational aid. This navigational aid will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Lake Winnebago, Missouri, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by designating the following transition area:

Lake Winnebago, Missouri

That airspace extending upwards from 700 feet above the surface, within a 5-mile radius of the Lake Winnebago Airport (Latitude 34°48'51"N; Longitude 94°18'37"W), and within 3 miles each side of the Napoleon, Missouri VORTAC 207° radial extending from the airport to 6 miles northeast, excluding that portion that overlies Lee's Summit, Missouri, McComas Airport 700-foot Transition Area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on April 18, 1983.

John E. Shaw,

Director, Central Region.

[FR Doc. 83-11466 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASW-22]

Proposed Designation of Transition Area; Jena, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to designate a transition area at Jena, LA. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Jena Airport. This action is necessary since a nonfederal nondirectional radio beacon (NDB) will be established approximately 4 nautical miles south of the airport and a SIAP to Runway 35 will be possible. Coincident with the action, the airport will be changed from visual flight rules (VFR) to instrument flight rules (IFR).

DATES: Comments must be received on or before June 3, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedure Branch, Air Taffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O.

Box 1689, Fort Worth, TX 76101; telephone: (817) 877–2630.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G § 71.181 as republished in Advisory Circular AC 70–3A dated January 3, 1983, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of the transition area at Jena, LA, will necessitate an amendment to this subpart. This amendment will be required at Jena, LA, since there is a proposed SIAP to Runway 35 at the Jena Airport, using a nonfederal NDB located approximately 4 nautical miles south of the airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83–ASW–22." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 877–2630. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas.

Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Jena, LA [New]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Jena Airport (latitude 31°40'15" N., longitude 92°09'30" W.) and within 3.5 miles each side of the 181° bearing of the Hemphill Creek NDB (latitude 31°36'20" N., longitude 92°09'33" W.) extending from the 5-mile radius area to 10.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979; and (3) does not warrant preparation of a regulatory evaulation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on April 21, 1983.

Richard L. Failor,

Acting Director, Southwest Region.

[FR Doc. 83-11466 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ACE-09]

Control Zone and Transition Area, Columbus, Nebraska; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to alter the control zone and the 700-foot transition area at Columbus, Nebraska, to provide additional controlled airspace for aircraft executing a new instrument approach procedure being developed for the Columbus Municipal Airport, Columbus, Nebraska, utilizing the Columbus VOR as a navigational aid.

DATES: Comments must be received on or before June 4, 1983.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dale L. Carnine, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views of arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374–3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should

also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering amendments to Subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR 71.171) and Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181), by altering the control zone and 700-foot transition area at Columbus, Nebraska. To enhance airport usage, an instrument approach procedure is being developed to serve Runway 32 at the Municipal Airport, Columbus, Nebraska, utilizing the Columbus VOR as a navigational aid. The establishment of this instrument approach procedure entails alteration of the control zone and 700-foot transition area at Columbia, Nebraska, within which aircraft are provided additional air traffic control service. Control zones are designed to contain IFR operations in controlled airspace to the surface around airports within a specified radius and along the final approach course of the IAPs. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using this approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by altering the following control zone:

Columbus, Nebraska

Within a 5-mile radius of the Columbus Municipal Airport (latitude 41°26'50"N, longitude 97°20'22"W); and within 3 miles each side of the 156° radial of the Columbus VOR extending from the 5-mile radius zone to 10 miles southeast of the VOR; and within 3 miles each side of the 312° radial of the Columbus VOR extending from the 5-mile radius zone to 8.5 miles northwest of the VOR; and within 4 miles each side of the 329° bearing from the Columbus Airport extending from the 5-mile radius zone to 12 miles northwest of the airport. This control zone shall be effective during the times established by a Notice to Airmen or as published in the Airport/Facility Directory.

Additionally, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by altering the following transition area:

Columbus, Nebraska

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Columbus Municipal Airport (laltitude 41°26'50"N, longitude 97°20'22"W); and within 4.75 miles each side of the 156° radial from the Columbus VOR extending from the 6.5 mile radius area to 11 miles southeast of the VOR; and within 3 miles each side of the 312° radial from the Columbus VOR extending from the 6.5-mile radius area to 8.5 miles northwest of the° VOR; and within 4.5 miles each side of the 329° bearing from the Columbus Airport extending from the 6.5-mile radius area to 12 miles northwest of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on April 19, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-11470 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AWA-10]

Proposed Alteration of VOR Federal Airways Minneapolis, MN, Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign a segment of VOR Federal Airway V-161, establish a new segment of V-246, renumber V-410 and V-347, and revoke V-418 to enhance the traffic flow within the Minneapolis Air Route Traffic Control Center's area.

DATES: Comments must be received on or before June 13, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-10, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Boyd Archer, Airspace Regulations and Obstructions Branch (AAT-230), Airspace—Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, enviromental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-AWA-10." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign V–161 between Gopher, MN, and Rochester, MN; renumber V–410 between Gopher, MN, and Eau Claire, WI, to V–413; renumber V–347 between Ironwood, MI, to Houghton, MI, to V–148; revoke V–418 from Gopher, MN, to Nodine, MN; and establish an airway from Nodine, MN, to FALAR INT to Waukon, IA, to enhance the traffic flow within the Minneapolis Air Route Traffic Control Center's area. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Airways, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (41 CFR Part 71) as follows:

1. V–161 [Amended]

By deleting the words "INT Rochester 005° and Gopher, MN, 144° radials, Gopher" and substituting for them the words "Farmington, MN; Gopher, MN"

2. V–410, V–418, and V–347 are revoked.

3. V–413 [Amended]

By inserting the words "Eau Claire, WI; INT Eau Claire 269° and Gopher, MN, 109° radials;" after the word "From"

4. V–148 [Amended]

By deleting the words "to Ironwood, MI" and substituting for them the words "Ironwood, MI; to Houghton, MI"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 20, 1983.

B. Keith Potts,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 83–11471 Filed 4–29–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 83–ACE–07]

Transition Area—Stockton, Missouri; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Stockton, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Stockton, Missouri, Airport utilizing the Springfield, Missouri, VORTAC as a navigational aid. This proposed action will change the airport status from VFR to IFR.

DATE: Comments must be received on or before June 4, 1983.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this notice be may changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Streeet, Kansas City, Missouri 64106 or by calling (816) 374–3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Stockton, Missouri. To enhance airport usage, a new instrument approach procedure is being developed for the Stockton, Missouri, Airport utilizing the Springfield VORTAC as a navigational aid. This navigational aid will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Stockton, Missouri, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment. The

intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by designating the following transition area:

Stockton, Missouri

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Stockton Airport (Latitude 37°39'37"N; Longitude 93°49'00"W) and within 3 miles either side of the Springfield, Missouri VORTAC 308° radial extending from the center of the 5-mile radius area to 5.5 miles southeast of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 135(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note:—The FAA has determined that this proposed regulation only involves and established body of technical regulations for whcih frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on April 18, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-11489 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-13-M

Coast Guard

33 CFR Part 117

[CGD 83-04]

Drawbridge Operation Regulations; Kennebunk River, Kennebunk/Kennebunkport, Maine

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Maine Department of Transportation the Coast Guard is considering amending the operating regulations for the drawspan between Kennebunk and Kennebunkport. The number of drawspan openings has decreased significantly during the last few years. There is no commercial activity and no significant recreational use of the river above the drawspan. There are no foreseeable prospects for the development of the upriver area. The proposed amendment may provide for the reasonable needs of navigation.

DATE: Comments must be received on or before June 13, 1983.

ADDRESS: Comments should be submitted to and will be availabe for examination at the Office of the Commander, First Coast Guard District (obr), 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, Boston, MA. 02114 (617-223-0645).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge and give reasons for concurrence with or any recommended changes in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed envelope or postcard.

The Commander, First Coast Guard District will evaluate all comments received and decide on the final course of action. The proposed regulations may be changed in light of comments received.

Drafting Information: The principal persons involved in drafting this proposal are: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, and Lieutenant Susan M. Krupanski, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of the Proposed Regulation

Most marine activity on the Kennebunk River occurs below the drawspan. Upriver there may be an occasional private dock but generally the river is peaceful and undisturbed. This is borne out by the fact that in the past few years there has been a significant decrease in the number of openings of the drawspan. The total yearly openings have decreased from 226 in 1974 to one in 1981. The decrease is due primarily to the closing of the boatyard which was located above the drawbridge. In view of the limited number of openings and the fact that there are no foreseeable prospects for the development of the upper river, the proposed amendment would seem to provide for the reasonable needs of navigation. The proposed amendments have been reviewed under provisions of Executive Order 12291 and have been determined not to be a major rule. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). As explained above, an economic evaluation has not been conducted. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1167), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33 of the Code of Federal Regulations by revising paragraph (a) of § 117.28 to read as follows:

§ 117.28 Kennebunk River, Maine Dock Square Highway Bridge between Kennebunk and Kennebunkport, Maine

(a) The draw shall be opened promptly on signal for the passage of vessels between the hours of 7 a.m. and 5 p.m. (local time) from April 15 through October 15. At other hours during this period the draw need not be opened except on advance notice given to the drawtender during hours he is on duty. At dates other than those specified above, the draw need not be opened for the passage of vessels unless 24 hours advance notice is given in person, in writing or by telephone to the Maine Department of Transportation, Division office, Scarborough, Maine.

* * * * *

(33 U.S.C. 498; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: April 15, 1983.

C. E. Robbins,

Rear Admiral, U.S. Coast Guard, Acting District Commander, First Coast Guard District.

[FR Doc. 83-11604 Filed 4-29-83; 8:45 am]

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 61

Procedures for Approved State and Local Government Historic Preservation Programs

AGENCY: National Park Service, Interior.

ACTION: Proposed rules with request for comments.

SUMMARY: Proposed rules incorporate the requirements for State and local historic preservation programs as specified in the National Historic Preservation Act as amended in 1980 (the Act). The title and organization of the existing 36 CFR Part 61 are revised to reflect changes required by the 1980 amendments to the Act.

These rules establish regulations for approval of State historic preservation programs. The rules also establish procedures for Historic Preservation Fund (HPF) matching grants-in-aid to approved State programs. The rulemaking will establish, for the first time, a process by which local governments will be certified to participate formally in the national historic preservation program. Proposed rules also set forth procedures for the transfer of a portion of each State's annual HPF grant to certified local governments.

DATES: Comments must be received on or before July 1, 1983.

ADDRESS: Send comments to: Lawrence E. Aten, Chief, Interagency Resource Management Division, U.S. Department of the Interior, National Park Service, Washington, D.C. 20240 (202–272–3706).

FOR FURTHER INFORMATION CONTACT: Steven Sheffield, Interagency Resource Management Division (202–343–9513).

SUPPLEMENTARY INFORMATION: This proposed rulemaking was necessitated by enactment of the National Historic Preservation Act Amendments of 1980, Pub. L. 96–515, on December 12, 1980.

The National Historic Preservation Act, as amended (the Act) specifies basic requirements for approval of State historic preservation programs. The requirements and responsibilities listed in the Act are incorporated into this rulemaking. Procedures also are included in these rules for Historic Preservation Fund (HPF) matching grants-in-aid to approved State programs; matching grants are made in accordance with the HPF Grants Management Manual.

Section 101(b)(2) of the Act requires the Secretary of Interior (the Secretary) to conduct performance evaluations of State historic preservation programs. Procedures and standards for these evaluations will be forthcoming.

Since enactment of the National Historic Preservation Act of 1966, the historic preservation expertise and activities of local governments have significantly increased. The Act, however, provided no opportunity for local governments to be involved formally in the National historic preservation program administered by the Department of the Interior's National Park Service (NPS). Lack of formal participation by local governments often meant that historic preservation issues were not considered until development planning was well underway. This often resulted in preservation/land development conflicts causing project delays and increasing costs. In addition, opportunities frequently were lost for preservation-oriented development that could satisfy both preservation and development goals.

In recognition of the need to involve local governments in historic preservation, the 1980 amendments to the Act provided a specific rule for local governments in the national program. The Secretary is required by the Act to develop regulations for the certification of local governments and for the allocation of Historic Preservation Fund (HPF) monies by States to certified local governments (CLGs). To qualify for certification, the Act specifies that local governments must have certain administrative and legal capacities. The Act directs States with approved State historic preservation programs to develop a mechanism for the certification of qualified local governments. Section 103(c) of the Act directs States to provide for the transfer of at least ten percent of the State's annual HPF grant to certified local governments.

Once certified, a local government will be included in the process of nominating properties to the National Register of Historic Places and will be eligible to apply to the State for a share of the State's annual HPF allocation. The Secretary and/or the States may amplify the requirements set forth in the Act to reflect particular State and local government concerns.

The proposed rules provide States with a framework on which to base development of procedures for local certification and funds transfer. The approach set forth by the Secretary in these rules gives States the primary responsibility to develop these procedures. This approach is consistent with intent of the Act. These rules strengthen the existing historic preservation system by extending to local governments the opportunity to be directly involved in the National program for the identification, evaluation, and protection of historic properties.

The Secretary intends to have the rules for local certification and funds transfer provide flexibility to meet the needs of communities throughout the country. States will be given the primary responsibility for establishing both certification mechanisms and procedures for transferring HPF grant funds as subgrants to certified local governments. The Secretary will exercise his authority through review and approval of the processes for local certification and grant funds transfer developed by each State.

The rules establish the criteria by which the Secretary will review State processes for local certification. These rules are minimum requirements and are derived from the Act to insure the State processes conform to the statutory intent of the Act. States may amplify these requirements to reflect State and local government program concerns. The proposed rules also establish criteria by which the Secretary will review State procedures for the transfer of HPF monies to certified local governments. These criteria insure consistency and accountability in fiscal management and are intended to insure that no local government receives a disproportionate share of the funds available. States will use the Secretary's rules to design and implement certification and funds transfer processes that achieve the purposes of the Act.

More prescriptive regulations were considered; however, the Secretary concluded that the varying preservation needs and capabilities of communities make it inappropriate for the Federal government to dictate a set of procedures to which all local governments must adhere. States have latitude to set priorities for allocating the CLG share of their annual HPF grant.

To insure that the intent of the Act is satisfied, the Secretary's rules will establish minimum requirements and the Secretary will review and approve the certification and funding processes developed by each State to implement local certification and funds transfer.

The Secretary also is required by the Act to issue rules for the certification of local governments in States that do not have an approved historic preservation program. Becaue all States now operate approved programs and there is no practical need for such rules, they have not yet been prepared.

As required by section 101(c)(1) of the National Historic Preservation Act, States will be required to develop procedures for the certification of local governments and for the transfer of funds to local governments. Because the District of Columbia is an approved State program and there are no subordinate local governments in the District, it is exempted from this local certification requirement. If a territory believes that its political subdivisions lack authorities similar to those of local governments in other States and hence cannot satisfy the requirements for local certification, it may apply to the Secretary for exemption from the local certification requirement.

These rules require States to propose local certification and funds transfer processes and specify schedules for submission of State proposals and for the Secretary's review and approval. In developing their proposals, States are required to analyze local preservation needs and capabilities, consult with local governments, local historic preservation commissions and other interested parties, and assess the capabilities of different types of local governments in the State.

Once its proposal is approved by the Secretary, a State may begin to certify local governments. States will notify the Secretary and forward to the Secretary copies of all certification requests approved according to the State's DOI approved certification process. If the Secretary does not take exception to the request within a specified period, the local government is to be considered certified by the Secretary. In addition, transfer of HPF financial assistance in accordance with the approved process may begin. The Secretary will review the functioning of State certification and funds transfer processes during performance evaluations and audits of approved State programs that are required by section 101(b)(2) of the Act.

Classification: These rules are not substantive and deal with procedural aspects of the State and local historic preservation programs. In accordance with Executive Order 12291, the Department of the Interior has determined that these rules are not major. The rules will not require States to assume significant additional costs. Local government certification under these rules is strictly voluntary. Additional expenses that may be incurred by local governments will be a result of their decision to seek certification. In accordance with the Regulatory Flexibility Act, the Department of the Interior has determined that these rules will not have a significant economic effect on a substantial number of small entities. Small governmental jurisdictions are the only small entities that may be affected by these rules. Additional expenses that may be incurred by small governments will be the result of their decision to seek certification. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et. seq.*

Regulatory Analysis: Not required for this rulemaking.

Environmental Impact Statement: This regulation does not significantly impact the environment. Because these rules have to do with procedural aspects of State and local historic preservation programs and have no impact on the environment, an Environmental Impact Statement is not required.

The originator of these procedures is Lawrence A. Finfer, Historian, Interagency Resource Management Division (202/272-3709).

(National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 *et seq.*)

List of Subjects in 36 CFR Part 61

Grant programs—natural resources, Historic preservation.

Dated: January 4, 1983.

J. Craig Potter,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

For the reasons set out above, 36 CFR Part 61 is proposed to be amended as follows:

—The title of Part 61 is changed to "Procedures for Approved State and Local Government Historic Preservation Programs."

—Section 61.1 Definitions is revised and redesignated as §61.2. A new section is added and designated as §61.1 Authorization.

—Section 61.2 Designation and responsibilities of the State Historic Preservation Officer is revised and redesignated as §61.3 Approved State Programs.

—Section 61.3 State Professional Staff is incorporated into §61.3 Approved State Programs.

—Section 61.4 State Review Board is incorporated into §61.3 Approved State Programs. A new section is added and designated as §61.4 Approved Local Programs.

—Section 61.5 Professional Qualifications is redesignated as *Appendix A* Professional Qualifications. A new section is added and designated as §61.5 Grants to Approved State Programs.

—Section 61.6 Comprehensive statewide survey process is deleted. Standards and guidelines on statewide surveys will be forthcoming from the Secretary as an appendix to these rules.

—Section 61.7 State Historic Preservation Plans is deleted. Standards and guidelines on comprehensive historic preservation planning will be forthcoming from the Secretary as an appendix to these rules.

—Section 61.8 Protection of Historic Properties Through the Planning Process is deleted.

36 CFR Part 61 is proposed to be revised to read as set forth below:

PART 61—PROCEDURES FOR APPROVED STATE AND LOCAL GOVERNMENT HISTORIC PRESERVATION PROGRAMS

Sec.

61.1 Authorization.
61.2 Definitions.
61.3 Approved State programs.
61.4 Approved local programs.
61.5 Grants to approved State programs.
61.6 Transfer of grants to certified local governments.
61.7 Waiver.
Appendix A—Professional Qualifications Standards
Appendix B—Historic Preservation Planning Standards (Reserved)
Appendix C—Survey Standards (Reserved)
Appendix D—State Program Performance Evaluation Standards (Reserved)

Authority: National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 *et seq.*,

§61.1 Authorization.

The National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*, as amended:

(a) Requires the Secretary of the Interior (Secretary) to promulgate regulations for:

(1) Approving State historic preservation programs;

(2) Certifying local governments to carry out the purposes of the Act;

(3) The allocation by States of a share of the grants received by the States under the Act to certified local governments (CLGs);

(b) Directs the Secretary to conduct performance evaluations of State programs periodically;

(c) Directs the Secretary to administer a program of matching grants-in-aid to the States for historic preservation projects and programs approved by the Secretary;

(d) Requires the Secretary to establish guidelines for the use and distribution of funds transferred to local governments to insure that no local government receives a disproportionate share of the funds available; and

(e) Requires the Secretary to make information available concerning

professional methods and techniques for the preservation of historic properties and the administration of historic preservation programs.

§61.2 Definitions.

As used in this part:

(a) "National Park Service" means the bureau of the Department of the Interior to which the Secretary of the Interior has delegated the authority and responsibility for administering the National Historic Preservation Program.

(b) "Historic Preservation Fund" means the program of matching grants-in-aid to the States for historic preservation programs, as authorized by Sec. 101(d)(1) of the National Historic Preservation Act.

(c) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

(d) "State Historic Preservation Officer" is the official within each State who has been designated and appointed by the Governor to administer the State historic preservation program in the State.

(e) "State Program" means the State historic preservation program in the State.

(f) "Approved State program" means a State historic preservation program that has been approved by the Secretary of the Interior in accordance with Sec. 101(b) of the National Historic Preservation Act. All State programs will be treated as approved programs until December 12, 1983, unless specifically disapproved by the Secretary before that time.

(g) "HPF Grants Management Manual" means the manual that sets forth NPS administrative policies, procedures, and guidelines for Historic Preservation Fund grants-in-aid and which serves as a basic reference for those who are engaged in the administrative and financial management of HPF grants.

(h) "Subgrantee" means the agency, institution, organization or individual to which a subgrant is made by the State and which is accountable to the State for use of the funds provided.

(i) "Local government" means a city, county, parish, township, municipality, or borough, or any other general purpose political subdivision of any State.

(j) "Certified local government" means a local government that has been certified to carry out the purposes of the National Historic Preservation Act in accordance with section 101(c) of the Act.

(k) "Chief elected local official" means the elected head of a local government.

(l) "National Register of Historic Places" means the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture, maintained by the Secretary of the Interior under authority of section 101(a)(1)(A) of the National Historic Preservation Act.

(m) "CLG share" means the funding authorized for transfer to local governments in accordance with section 103(c) of the National Historic Preservation Act.

(n) "Comprehensive historic preservation planning" means an ongoing process for resource management that is consistent with technical standards issued by the Department of the Interior and which produces reliable, understandable, and up-to-date information for decisionmaking related to the identification, evaluation, and protection/treatment of historic resources.

(o) "Historic preservation review commission" means a board, council, commission, or other similar collegial body which is established in accordance with § 61.4(c)(2) of these rules.

§61.3 Approved State Programs.

(a) A State Historic Preservation Officer (SHPO) shall be appointed by the Governor to administer the State historic preservation program.

(b) It shall be the responsibility of the SHPO to:

(1) Direct and conduct a comprehensive statewide survey of historic properties and maintain an inventory of such properties;

(2) Identify and nominate eligible properties to the National Register of Historic Places and administer other applications for the National Register;

(3) Prepare and implement a comprehensive statewide historic preservation planning process;

(4) Administer the State program of Federal assistance for historic preservation within the State;

(5) Advise and assist Federal, State, and local government agencies in carrying out their historic preservation responsibilities;

(6) Cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal, State and local government agencies to insure that historic properties are taken into consideration at all levels of planning and development;

(7) Provide public information, education, training, and technical assistance relating to the National and State historic preservation programs;

(8) Cooperate with local governments in development of local historic preservation programs and assist local governments in becoming certified.

(c)(1) State programs shall be approved by the Secretary if he determines that the program meets the requirements of paragraphs (a), (d), (e), and (f) of this section. Performance of the responsibilities specified in paragraph (b) of this section and continued compliance with the requirements in paragraphs (a), (d), (e), and (f) of this section shall be evaluated by the Secretary not less than every four years as required by section 101(b)(2) of the National Historic Preservation Act. These evaluations shall determine the State's continued eligibility for approved program status.

(2) Procedures [Reserved]

(d) A professionally qualified staff shall be appointed or employed by the State historic preservation program.

(1) Except as approved pursuant to paragraph (d)(2) of this section, the staff shall include at a minimum, one full-time professional in each of the following disciplines: History, archeology, and architectural history. To be approved for expanded participation, a State must also have on the staff a professional in the discipline of historic architecture. Required professional State staff members shall meet the standards set forth in Appendix A of these rules. Two or more part-time staff members may be substituted for one full-time professional in any of the required disciplines as long as the equivalent of one full-time professional is achieved in each discipline. States shall determine what other professional disciplines, such as planning, law, architecture, historic architecture, historical archeology, accounting, and grants management are needed to carry out the responsibilities of the State historic preservation program. State professional staff members approved by the Secretary prior to September 21, 1977, shall remain approved until such time that they are no longer employed on the State staff.

(2) The Secretary will consider proposals submitted by States for alternative staffing requirements for States with resources and needs which cannot be served or met by the composition outlined in paragraph (d)(1) of this section. Such alternative requirements must insure adequate professional expertise on the staff, comparable to that required in paragraph (d)(1) of this section, to perform the required responsibilities of the State. These proposals will be

reviewed and approved by the Secretary in writing on a State-by-State basis. Approved alternatives will remain in effect until they are reviewed, at the Secretary's discretion or at the request of the State.

(3) The State shall annually certify according to procedures provided by the Secretary that the State program meets the minimum staffing requirements. If these requirements are not met for a period exceeding three months, the State shall communicate by letter to the Secretary, the timetable for filling the vacancy, or propose an alternative pursuant to paragraph (d)(2) of this section. During the lapse in minimum staffing requirements the State shall suspend all decisionmaking related to the discipline of the vacant staff position. If the lapse in staffing requirements persists for more than six months, the Secretary may require further restrictions in State program operations of HPF financial assistance that will remain in effect until the staff vacancy has been filled or an alternative has been approved by the Secretary pursuant to paragraph (d)(2) of this section.

(e) An adequate and qualified State historic presevation Review Board shall be designated by the SHPO unless an alternative method of appointment is provided by State law.

(1) The State Review Board shall consist of at least five persons. A majority of Review Board members shall be recognized professionals in the following and related disciplines defined in Appendix A of these rules. Except as approved pursuant to paragraph (e)(4) of this section, the membership shall include a minimum of one professional in each of the following disciplines: history, prehistoric and historic archeology, and architectural history and architecture. All of these professionals shall meet the standards set forth in Appendix A. The State shall determine what other professional disciplines and/or additional members are needed.

(2) The archeologist shall be qualified in both prehistoric and historic archeology, or an additional qualified person shall be appointed to the State Review Board so that expertise in both prehistoric and historic archeology will be represented.

(3) The architectural historian or architect shall be qualified in both architectural history and architecture or an additional qualified person shall be appointed to the State Review Board so that expertise in both architectural history and architecture will be represented.

(4) The Secretary will consider proposals for alternative Review Board requirements for States with historic resources and needs which cannot be served or met by the composition outlined in paragraph (e)(1) of this section. Such alternative requirements must insure adequate professional expertise on the Review Board, comparable to that required in paragraph (e)(1) of this section to perform the responsibilities of the Review Board. Such proposals will be reviewed and approved in writing by the Secretary on a State-by-State basis. Approved alternatives will remain in effect until they are reviewed, at the Secretary's discretion, or at the request of the State.

(5) The State shall annually certify according to procedures provided by the Secretary that the State program meets the minimum Review Board requirements. If these requirements are not met for a period exceeding three months, the State shall communicate by letter to the Secretary, the timetable for filling the vacancy, or propose to NPS an alternative pursuant to paragraph (e)(4) of this section. During the lapse in minimum Review Board requirements, the State shall suspend all decisionmaking related to the discipline of the vacant Review Board position. If the lapse in Review Board requirements persists for more than six months, the Secretary may require further restrictions in State program operations or HPF financial assistance to remain in effect until the Review Board vacancy has been filled or an alternative has been proposed and approved by the Secretary pursuant to paragraph (e)(4) of this section.

(6) The State Review Board shall meet at least three times a year and shall adopt procedures governing its operations consistent with the provisions of this section.

(7) The responsibilities that the State Review Board performs shall include, but need not be limited to, the following:

(i) Reviewing each National Register nomination proposal prior to submission to the National Register to determine whether or not the property meets the National Register criteria for significance, and to make a recommendation that the State nominate or reject the proposed nomination;

(ii) Participating in the review of apeals to National Register nominations and providing written opinions on the significance of the properties;

(iii) Providing advice to the State about documentation submitted in conjunction with the Historic Preservation Fund including but not limited to grant applications, end-of-year reports, and the State comprehensive historic preservation planning process;

(iv) Providing general advice, guidance, and professional recommendations to the SHPO in carrying out the duties and responsibilities listed in § 61.3(b).

(f) Mechanisms shall be provided for adequate public participation in the State historic preservation program. As part of the process of recommending properties to the National Register, the State shall comply with all consultation and notification procedures contained in 36 CFR 60.6.

(g) Any State may carry out all or any part of its responsibilities by contract or cooperative agreement with any qualified nonprofit organization, educational institution or otherwise pursuant to State law. A State may not delegate its responsibility for compliance with grant assistance terms and conditions.

(h) The Secretary may prepare standards and guidelines as an appendix to these rules, in order to facilitate implementation of this section.

§ 61.4 Approved local programs.

(a) All approved State programs shall provide a mechanism for certifying local governments to participate in the National program.

(b) All approved State historic preservation programs shall develop, for approval by the Secretary, procedures for the certification of local governments. States shall indicate specific requirements for certification, specific responsibilities that will be delegated to certified local governments, and the schedule for the certification process. The requirements outlined in paragraph (c) of this section must be incorporated into the State's process for local certification that is submitted to the Secretary for approval. States shall outline performance standards and a procedure by which they will evaluate the performance of CLGs in program operation and administration. Procedures also shall be defined for removal of CLG status for cause.

(c) States shall require local governments to satisfy the following minimum requirements:

(1) *Enforce appropriate State or local legislation for the designation and protection of historic properties.* The State shall define what constitutes appropriate legislation. Where State enabling legislation or home rule authority permits local historic preservation ordinances, a State may require adoption of an ordinance and

indicate specific provisions that must be included in the ordinance.

(2) *Establish an adequate and qualified historic preservation review commission (Commission) by State or local legislation.* Commission members shall be appointed from among professionals in the disciplines or architecture, history, architectural history, planning archeology, or related disciplines, to the extent that such professionals are available in the community. In addition, Commission membership shall include other persons who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines.

(i) States shall specify the minimum number and type of professional members required on the Commission and indicate how additional expertise can be obtained. When a discipline is not represented in the Commission membership, the Commission shall be required to seek expertise in this area when considering National Register nominations and other actions that will impact properties which are normally evaluated by a professional in such discipline. This can be accomplished through consulting or by other means that the State determines appropriate.

(ii) States shall specify the role and responsibilities of the Commission in local preservation decisions. These responsibilities must be complementary to and carried out in coordination with those of the State as outlined in § 61.3(b) of these rules. Additional requirements for an adequate and qualified Commission may be established by the State.

(3) *Maintain a system for the survey and inventory of historic properties.* States shall formulate guidelines for local survey and inventory systems which ensure that such systems and the data they produce can be readily integrated into statewide comprehensive historic preservation planning and other appropriate planning processes. Local government survey and inventory efforts shall be coordinated with and complementary to those of the State. The State also shall require that local survey data be in a format that is consistent with the planning processes noted above.

(4) *Provide for adequate public participation in the local historic preservation program, including the process of recommending properties to the National Register.* States shall require adequate public participation in relation to all responsibilities that are delegated to CLGs. States shall outline specific mechanisms to insure adequate public participation in local preservation programs. These may include requirements for open meetings, published minutes, and the publication of procedures by which assessments of potential National Register nominations, design review, etc. will be carried out as well as compliance with appropriate regulations.

(5) *Satisfactorily perform the responsibilities delegated to it under the Act.* States shall monitor and evaluate the performance of CLGs. States shall outline procedures and standards by which the performance of CLGs in program operation and administration will be evaluated. Written records shall be maintained for all State evaluations of CLGs so that results are available for the Secretary's performance evaluations of States. If a State evaluation of a CLG's performance indicates that, in the State's judgment, such performance is inadequate, the State shall suggest ways to improve performance. If, after a period of time stipulated by the State, the State determines that there has not been sufficient improvement, it may recommend decertification of the local government to the Secretary for his concurrence. This recommendation shall cite the specific reasons why decertification is proposed. Appropriately documented State recommendations for decertification ordinarily will be accepted by the Secretary. When a local government is decertified, the State shall conduct suspension and termination of financial assistance procedures as specified in the HPF Grants Management Manual.

(d) Effects of certification:

(1) *Inclusion in the process of nominating properties to the National Register of Historic Places in accordance with section 101 (c)(2)(A) and (c)(2)(B) of the Act.* The State may delegate to a CLG any of the responsibilities of the SHPO and the State Review Board in processing National Register nominations as specified in 36 CFR 60.6, except for the authority to nominate properties directly to the National Register. States shall insure that CLG performance of these responsibilities is consistent and coordinated with the identification, evaluation, and preservation priorities of the comprehensive State historic preservation planning process.

(2) *Eligibility to apply for a portion of the State's annual HPF grant.* At least 10 percent of the State's annual HPF apportionment shall be set aside for transfer to CLGs. All CLGs in the State shall be eligible to receive funds from the designated CLG share of the State's annual HPF grant; no government, however, is automatically entitled to receive funds. Local governments that receive these monies shall be considered subgrantees of the State.

(3) The requirements set forth in paragraph (c) of this section may be amplified by the Secretary and/or the States as necessary to reflect particular State and or local government program concerns.

(e) States shall submit, within 180 days of publication of the final rule for local certification and funds transfer, their proposed local certification processes to the Secretary for review and approval. In developing the submission, the State shall consult with local governments, local historic preservation commissions and other interested parties, consider local preservation needs and capabilities, and invite comments on the proposed process from local governments, commissions and interested parties in the State. The State's proposal shall review the results of this consultation process.

(f) States shall establish procedures to insure that all interested parties are notified and provide a 30-day period for public comment on the proposal before it is submitted to the Secretary. Records of all comments received during the commenting period shall be kept by the State and shall be made available to the Secretary upon request.

(g) The Secretary shall review State proposals and within 90 days of receipt issue an approval of disapproval. This review will be based on compliance with the requirements set forth in this section.

(h) If a State proposal is disapproved, the Secretary will recommend changes that would make the proposed process acceptable and, in consultation with the State, will designate a date by which the revision must be submitted. Final approval by the Secretary must be achieved by October 1, 1984, or States will be ineligible to continue their approved State program status beyond that time.

(i) A State may begin to certify local governments as soon as the State's proposed certification process is approved by the Secretary. The State shall notify the Secretary when a local government certification request has been approved in accordance with the State's approved certification process and forward to the Secretary a copy of the approved request. If the Secretary does not take exception to the request within 15 working days of receipt, the local government shall be regarded as certified by the Secretary.

(j) State administration of its local certification process shall be reviewed by the Secretary during performance

evaluations and audits of State programs as required by section 101(b)(2) of the National Historic Preservation Act.

(k) The District of Columbia shall be exempted from the requirements of section 61.4 because there are no subordinate local governments in the District. If a territory believes that its political subdivisions lack authorities similar to those of local governments in other States and hence cannot satisfy the requirements for local certification, it may apply to the Secretary for exemption from the requirements of § 61.4.

(l) Procedures for direct certification by the Secretary where there is no approved State program [Reserved].

(m) The Secretary may prepare standards and guidelines as an appendix to these rules, in order to facilitate implementation of this section.

§ 61.5 Grants to approved State programs.

(a) All States with approved State historic preservation programs shall be eligible for matching grants-in-aid from the Historic Preservation Fund for the purposes of preparing comprehensive statewide historic surveys and plans, and for preserving and protecting properties listed in the National Register of Historic Places.

(b) Administration of HPF matching grants-in-aid shall be in accordance with the HPF Grants Management Manual. States receiving HPF grants shall adhere to the policies, procedures, and guidelines in the Grants Management Manual and its supplements.

(c) States are responsible, through financial audit, for the proper accounting of HPF grants in accordance with OMB Circular A–102, Attachment P, "Audit Requirements," and the HPF Grants Manual.

(d) States are responsible, through the program performance evaluation requirements of § 61.3(c), for administration of HPF grants in accordance with the requirements of this section.

(e) The Secretary may prepare standards and guidelines as an appendix to these regulations, in order to facilitate implementation of this section.

§ 61.6 Transfer of grants to certified local governments.

(a) At least 10 percent of each State's annual Historic Preservation Fund (HPF) allocation shall be designated for transfer by States to CLGs. States may transfer more than 10 percent unless otherwise prohibited. Any year in which the annual HPF State grant appropriation exceeds $65,000,000, one half of the excess shall also be transferred to CLGs according to procedures to be provided by the Secretary.

(b) All CLGs shall be eligible to receive funds from the 10 percent CLG share of the State's total annual HPF grant award. The State is not required to award funds to all governments that are eligible to receive funds.

(c) CLGs receiving HPF grants from the CLG share shall be considered subgrantees of the State. Transferred monies shall not be applied as matching share for any other Federal grant.

(d) States shall require all local governments receiving a portion of the local share of the State's annual HPF grant to satisfy the following minimum requirements:

(1) *Maintain adequate financial management systems.* Local financial management systems shall be in accordance with the standards specified in OMB Circular A–102, Attachment G, "Standards for Grantee Financial Management Systems." Local financial management systems shall be auditable in accordance with the General Accounting Office's *Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.* States shall be responsible, through financial audit, for the proper accounting of HPF CLG share monies in accordance with OMB Circular A–102, Attachment P, "Audit Requirements." The periodic State evaluations of CLG performance shall include an assessment of the fiscal management of HPF monies.

(2) *Adhere to all requirements of the HPF Grants Management Manual.* The HPF Grants Manual sets forth administrative procedures and policies for HPF grants awarded by the Secretary. It serves as a basic reference for the State management of HPF grants. Indirect costs may be charged as part of the CLG grant only if the CLG subgrantee meets the requirements of Chapter 12 of the Grants Manual. Unless the CLG has a current indirect cost rate approved by the cognizant Federal agency, only direct costs may be charged.

(3) *Adhere to any requirements mandated by Congress regarding the use of such funds.* The Secretary will advise States of any directives contained in annual appropriations laws regarding the use of HPF State grants that must be applied to local governments receiving a share of these grants.

(e) The requirements listed in paragraph (d) of this section shall be used by States as minimum requirements for local governments receiving HPF funds; they also shall be included in the State's required written grant agreement with the local government. States may require specific uses of funds as long as such requirements are consistent with the State comprehensive historic preservation planning process and are eligible for HPF assistance.

(f) Each State shall develop, for approval by the Secretary, a procedure for allocating the CLG share of its annual Historic Preservation Fund grant to eligible local governments in the State. States shall articulate a clear rationale on which funding decisions will be based. States may require a matching share for CLG grants. Allocation procedures shall include guidelines for the review of applications and the selection of applicants. At a minimum, these guidelines shall include the following:

(1) The amount awarded to any applicant must be sufficient to produce a specific impact. While no lower limit is prescribed by these rules, States must insure that the funds awarded are sufficient to generate effects directly as a result of the funds transfer. The requirement for measurable results may not be waived even if there are many otherwise eligible applicants for the amount set aside for CLG share; States may use additional funds from their regular HPF annual grant to satisfy competing demands.

(2) In order to promote local preservation activities, States shall make reasonable efforts to distribute these monies among the maximum number of eligible local jurisdictions to the extent that such distribution is consistent with paragraph (f)(1) of this section. States also shall seek to insure a reasonable distribution between urban and rural areas in the State.

(3) States shall make available to the public, upon request, the rationale for the applicants selected and the amounts awarded.

(g) Within 180 days of publication of final rules for local certification and funds transfer, but not before submitting their proposed local certification process, States shall submit to the Secretary for review and approval, their proposed procedure for transfer of funds.

(h) States shall set up notice procedures to insure that all interested parties are notified and provide a 30-day period for public comment on the proposal before it is submitted to the Secretary. Records of all comments received during the commenting period shall be kept by the State and shall be

made available to the Secretary upon request.

(i) The Secretary shall review State proposals and within 90 days of receipt issue an approval or disapproval. This review will be based on compliance with the requirements set forth in this section.

(j) If a State proposal is disapproved, the Secretary will recommend changes that would make the proposed process acceptable and, in consultation with the State, will designate a date by which the revision must be submitted. Final approval by the Secretary must be achieved by October 1, 1984, or States will be ineligible to continue their approved State program status beyond that time.

(k) Once a State's proposed process for funds transfer has been approved by the Secretary and the Secretary has obligated the State's annual HPF grant, the State shall begin the transfer of HPF monies unless otherwise prohibited as a consequence of actions described in § 61.6(d)(3).

(l) Each State shall insure that its procedure is widely publicized so that all eligible local governments have the opportunity to apply for funding.

(m) States shall be responsible for reviewing requests from CLG subgrantees for grant amendments as required by OMB Circular A–87, and for issuing approval or denial of such requests. If any action by a CLG will result in a change in the overall grant project or budget requiring NPS approval, the State shall obtain such approval prior to granting approval to the CLG subgrantee. A State shall not forward to NPS any action which is inconsistent with the purpose or terms of the grant. CLG subgrantee requests for revisions to the grant are invalid unless they are in writing and signed by an authorized official of the State grantee.

(n) State performance in transferring funds to CLGs shall be reviewed by the Secretary during performance evaluations and audits of State programs as required by Sec. 101(b)(2) of the National Historic Preservation Act.

(o) States may submit grant amendment requests to NPS to reallocate monies set aside for local governments in instances where no certified governments exist, wish to receive funds, or are qualified to receive funds. Such requests will be considered grant reprogramming actions and shall be submitted to NPS not less than one calendar year after the beginning of the fiscal year of the State's HPF appropriation. All such requests shall clearly document the State's attempts to encourage and assist local governments in developing local historic preservation programs pursuant to section 61.4 of these regulations, in being certified, and in applying for funding.

(p) The District of Columbia shall be exempted from the requirements of § 61.6 because there are no subordinate local governments in the District. If a territory believes that its political subdivisions lack authorities similar to those of local governments in other States and hence cannot satisfy the requirements for local certification, it may apply to the Secretary for exemption from the requirements of § 61.6.

(q) The Secretary may prepare standards and guidelines as an appendix to these regulations, in order to facilitate implementation of this section.

§ 61.7 Waiver.

The Secretary may waive any of the requirements of these rules which are not mandated by statute or by government-wide regulations, if, in his opinion, as expressed in writing to the State, the State historic preservation program would benefit from such waiver, and the purposes, conditions, and requirements of the National Historic Preservation Act would not be compromised.

Appendix A—Professional Qualifications Standards

In the following definitions, a year of full-time professional experience need not consist of a continuous year of full time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

(a) *History.* The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

(1) At least two years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or

(2) substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

(b) *Archeology.* The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

(1) at least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;

(2) at least four months of supervised field and analytic experience in general North American archeology; and

(3) demonstrated ability to carry research to completion. In addition, to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

(c) *Architectural history.* The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following:

(1) At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or

(2) substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

(d) *Architecture.* The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a State license to practice architecture.

(e) *Historic Architecture.* The minimum professional qualifications in historic architecture are a professional degree in architecture or State license to practice architecture, plus one of the following:

(1) At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or

(2) At least one year of full-time professional experience on historic preservation projects. Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

[FR Doc. 83-11585 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. (AWO34bPA); A-3-FRL 3219-5]

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Pennsylvania has submitted a proposed revision to its State Implementation Plan (SIP) to incorporate an alternative emission reduction plan or "bubble." Pennsylvania has requested that the plan be approved by EPA for the Fairless Works of the United States Steel Corporation (USSC) in Fairless

Hills, Bucks County, Pennsylvania. This plan consists of a bubble permit and regulations which apply to sulfur dioxide emissions from the power boilers, coke oven batteries, open hearth furnaces, soaking pits, annealing furnaces, and other miscellaneous heat treating furnaces. The proposed plan would allow sulfur dioxide emissions from the coke ovens to exceed the currently applicable Pennsylvania SIP limitation. These higher sulfur dioxide emissions would be offset by burning low sulfur oil and natural gas in the other sources listed above. In support of this proposed bubble, an air quality analysis was conducted in accordance with EPA's Emissions Trading Policy of April 7, 1982 (47 FR 15076). EPA has reviewed this analysis and has concluded that no significant air quality impacts will occur on an annual or short-term (24-hour) basis when this bubble is implemented.

DATE: Comments must be submitted on or before June 1, 1983.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Air Programs and Energy Branch, 6th and Walnut Streets, Curtis Building, Philadelphia, PA 19106; Attn: Mr. David L. Arnold, or

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120; Attn: Mr. Gary L. Triplett.

All comments on the proposed revision submitted on or before June 1, 1983 will be considered and should be sent to: Mr. Glenn Hanson, Chief, Pennsylvania Section (3AW11), Air and Waste Management Division, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

FOR FURTHER INFORMATION CONTACT: Mr. David L. Arnold at the above address, or at (215) 597-7936.

SUPPLEMENTARY INFORMATION: The proposed changes to the Pennsylvania State Implementation Plan (SIP) were submitted by the Pennsylvania Department of Environmental Resources (PADER). The changes will allow the implementation of an alternative emission reduction plan (bubble) in accordance with EPA's Emissions Trading Policy of April 7, 1982 (47 FR 15076). EPA and the PA DER are processing this proposal concurrently. All comments received by the PA DER at the public hearing on June 17, 1982 in Norristown, Pennsylvania, and any written comments received by EPA, will be considered by EPA in making a final determination on the approvability of the plan.

The bubble being proposed involves 96 sulfur dioxide (SO_2) emission sources at the Fairless Works of the United States Steel Corporation (USSC). This plan consists of a bubble permit and regulations which apply to SO_2 emissions from five boilers, two coke oven batteries, nine open hearth furnaces, thirty-six soaking pit furnaces, thirty-one annealing furnaces, and thirteen miscellaneous heat treating furnaces. The proposed plan would allow sulfur dioxide emissions from the coke ovens to exceed the currently applicable Pennsylvania SIP limitation. These higher sulfur dioxide emissions would be offset by burning low sulfur oil and natural gas in the other sources listed above.

The current Pennsylvania SIP (25 PA. Code Sections 123.21, 123.22(e)(3), and 123.23(b)) prohibits the combustion of coke oven gas that contains hydrogen sulfide in concentrations greater than 50 grains per 100 dry standard cubic feet; requires control of the boilers to a level of 0.6 pounds SO_2 per million Btu and the remaining sources in the bubble to a level of 500 ppm (vol) of SO_2. The proposed bubble regulations establish a short term plant emission limit of 0.8 pounds SO_2 per million Btu applied on a weekly basis. To restrict extreme variations in daily emission levels, the emission limit is calculated using a rolling average. Using the rolling average method, one day's emissions are included in the calculation for compliance seven times instead of once. This technique is also applied to the long term emission limit which is set at 0.6 pounds SO_2 per million Btu (52 week rolling average). This limit was chosen because it was the most restrictive combustion emission limit in the PA DER regulations. In addition, to prevent daily emission levels from increasing because of production increases, a maximum limit of 54,000 pounds SO_2 per day is also proposed in the plan.

The PA DER is also proposing separate emission limits for the plant during times of economic slowdown or lower production. Based upon historical operating data, a total facility heat demand of less than 400 billion Btu per week has been used to define low production activity. During these periods, the PA DER is proposing an emission limit of 0.9 pounds SO_2 per million Btu based on a seven-day rolling average. To prevent daily emission levels from increasing during low production, a maximum limit of 36,000 pounds SO_2 per day is also being proposed.

Table 1 below lists the sources involved in the emissions trade and summarizes the average hourly SO_2 emission rates for each under the base case and the alternate case.

TABLE I.—SULFUR DIOXIDE EMISSIONS FROM USSC—FAIRLESS WORKS

[In pounds per hour]

Facility	Base case	Alternate case
Boilers	1,125	442
Coke batteries	125	780
Open hearth shop	539	308
No. 1 soaking pits	372	112
No. 2 soaking pits	220	67
80" Reheat	978	350
40" Reheat	125	63
10" Reheat	84	25
Batch anneal furnaces	175	53
Skelp reheat	140	49
Weld furnaces	300	91
Galvanize furnace	12	4
Total	4,195	2,344

As illustrated by Table 1, the proposed bubble plan will result in an overall net decrease in SO_2 emissions of 1851 pounds per hour. In addition, the company estimates its savings in capital pollution control costs to be approximately $17,000,000

In accordance with EPA's Emissions Trading Policy and modeling guidelines, a Level II air quality analysis was conducted by USSC to support the proposed plan. A Level II analysis is required when the proposed emissions trade will result in no net increase in baseline emissions and the relevant sources are *not* in the same immediate vicinity. Air dispersion modeling analyses were conducted using the proposed bubble emission rates and the base case emission rates. This plan was evaluated using the ISC model. Results of the modeling predictions indicate that no significant increase in air qualtiy impact will occur on either an annual or short-term (24-hour) basis. In addition, EPA has concluded that the PSD increment for SO_2 will not be violated as a result of this proposed action.

The proposed regulation to implement and enforce this plan will become Section 128.15 of the PA DER Air Resources Regulations. Subsection (a) of the Section identifies the sources affected by this plan.

Subsection (b) and (c) prohibits sulfur dioxide emissions from the identified sources in the bubble in excess of the specified emission limits. Subsection (d) prohibits the use of residual fuel oil which contains sulfur in excess of 0.5% (wt). Subsection (e) prohibits the charging of the coke ovens with blended

coal containing sulfur in excess of 1.0% (wt). Subsection (f) relieves USSC from compliance with Sections 123.21, 123.22 and 123.23 when in compliance with this Section. Finally, subsection (g) voids the bubble if one or more of the sources identified in subsection (a) is permanently shut down.

In order for the PA DER to determine compliance with these regulations, monitoring, recordkeeping and reporting requirements have been developed as conditions in the operating permit. USSC will be required to monitor and record all natural gas, fuel oil and coke oven gas usage on a daily basis. In addition, the company must analyze all fuel oils for sulfur and heat content; blended coal for sulfur content; and coke oven gas for hydrogen sulfide on a daily basis. The above analyses must be conducted in accordance with approved State/EPA methods. All daily and weekly sulfur dioxide emission calculations must be performed in accordance with the instructions prescribed in the State operating permit.

EPA is today proposing to approve this bubble plan as a SIP revision since it has met the requirements of the April 7, 1982 Emissions Trading Policy (47 FR 15076).

The public is invited to submit, to the address stated above, comments on whether the proposed changes should be approved as a revision to the Pennsylvania SIP. The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51.

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

Under 5 U.S.C. 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.

(42 U.S.C. 7401–7642)

Dated: March 2, 1983.

Stanley L. Laskowski,

Regional Administrator.

[FR Doc. 83-11717 Filed 4-29-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL 2356-6]

Approval and Promulgation of Implementation; Ohio

AGENCY: Environmental Protection Agency (EPA)

ACTION: Extension of the public comment period.

SUMMARY: On February 13, 1983, the U.S. Environmental Protection Agency (EPA) proposed rulemaking on a revision in the form of individual variance permits for two coal-fired boilers and three PVC resin storage silos at the B.F. Goodrich Chemical Plant located in Avon Lake (Lorain County), Ohio (48 FR 7211). The State requested that EPA approve an alternate strategy "bubble" which would involve trading emission reductions between the boilers and the silos.

At the time of proposed rulemaking a 30 day comment period was provided. On April 18, 1983 (47 FR 16507), EPA published in the **Federal Register** an extension of the public comment period to April 20, 1983. The Natural Resources Defense Council (NRDC) requested a second extension of the public comment period to May 5, 1983.

On February 3, 1983, EPA proposed rulemaking on a revision to the ozone and carbon monoxide (CO) State Implementation Plan (SIP) for Cincinnati, Ohio to demonstrate attainment of the National Ambient Air Quality Standards (NAAQS) by December 31, 1987. (48 FR 5118).

ON April 18, 1983, (47 FR 16507), EPA published in the **Federal Register** an extension of the public comment period to Apirl 20, 1983. The Tri-State Air Committee, Inc. requested a second extension of the public comment period to May 5, 1983.

DATES: Comments for both notices must be received on or before May 5, 1983.

ADDRESSES: Comments should be submitted to: Gary V. Gulezian, Chief, Regulatory Analysis Section (5 AP-26), Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner, (312) 886-6036.

Dated: April 22, 1983.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 83-11623 Filed 4-29-83; 8:45 am]

BILLING CODE 6560-50-M

LEGAL SERVICES CORPORATION

45 CFR Part 1626

Restrictions on Legal Assistance To Aliens

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: The Continuing Resolution under which the Legal Services Corporation is presently operating restricts categories of aliens who may receive legal assistance financed with fiscal year 1983 funds. This proposed rule adds a new Part 1626 to implement these restrictions. It clarifies and interprets them, sets forth procedures for verification of eligibility, requirements for recordkeeping and protection of confidential information, and guidelines for withdrawal from representation when an alien client is found to be ineligible.

DATE: Comments must be received on or before June 1, 1983.

ADDRESS: Comments may be mailed to Office of General Counsel, Legal Services Corporation, 733 Fifteenth Street, N.W., Room 620, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: John Meyer, Deputy General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION:

Background

The Second Continuing Resolution (Pub. L. 97-377) prohibits the use of Fiscal Year 1983 funds appropriated to the Legal Services Corporation (the Corporation) for the provision of legal assistance "for or on behalf of" any alien except for aliens in four specific categories (enumerated in Section 1626.4(a) of this Part). All recipients of Corporation funds received with their 1983 grants a copy of this Continuing Resolution language governing legal assistance to aliens and are required by grant condition to comply therewith.

Scope of Eligibility for Legal Assistance

The broad scheme of this legislation is that all aliens not within an eligible category are ineligible. The eligible categories are generally: permanent residents; immediate family members of a citizen who have filed a petition for adjustment of status which has not been rejected; refugees, asylees, and conditional entrants admitted because of persecution or natural calamity; and aliens lawfully present in the United States as a result of the Attorney General's withholding of deportation under Section 243(h) of the Immigration

and Nationality Act. These categories reflect a general division Congress made between aliens who can be expected to remain in the United States permanently or indefinitely and those whose status is expected to be temporary. (Section 1626.4(a) includes a full list of the eligible alien categories.)

In determining the scope of eligibility, two significant questions arose. First, what is the meaning of the prohibition of legal assistance "for or on behalf of" an ineligible alien; second, at what point is an application for adjustment of status deemed "rejected"?

Interpretation of Legal Assistance "For or On Behalf of" an Ineligible Alien

Three alternatives presented themselves in interpreting the scope of the prohibition of legal assistance "for or on behalf of" an ineligible alien. First, it could be interpreted to prohibit any legal assistance to a client which would result in a significant benefit, even if incidental, to an ineligible alien. Second, it could be interpreted to prohibit any legal assistance which directly benefits an ineligible alien. Third, it could be interpreted as simply a precaution against an eligible client seeking legal assistance for the purpose of benefiting an ineligible alien. In the absence of legislative history bearing on the meaning of this phrase, the Corporation has chosen the second alternative. The first interpretation would interfere unduly with representation of eligible clients, while the third would be an unduly narrow interpretation of Congressional intent. The Corporation considers that the requirement of a direct benefit to the eligible client and only an incidental benefit to the ineligible alien is reasonable and feasible to administer. The Corporation has specifically concluded that all immigration cases in which an ineligible alien is a beneficiary fall under this prohibition, because the direct benefit is to the ineligible individual, even if another eligible individual has an interest in that individual's immigration into or continued presence in the United States. The benefit to the ineligible alien is direct and the benefit to the eligible client is consequent on the benefit to the ineligible alien.

Interpretation of Rejection of Application for Adjustment of Status

The Continuing Resolution allows legal assistance to any spouse, parent or child under 21 of a citizen if that individual has filed a petition for adjustment of status to permanent resident and it has not been "rejected." Again, the Corporation considered three interpretations of the term "rejected":

(1) Rejection of the initial application by the Immigration and Naturalization Service (INS);

(2) Exhaustion of administrative appeals;

(3) A final judgment by a court.

INS normally employs a one-step process to adjudicate petitions for adjustment of status; however, INS regulations do allow appeals in certain instances. As the word "rejected" properly applies to any denial of a petition, there is a strong argument for the first alternative. Nevertheless, the Corporation prefers to take the INS administrative process as a whole and interpret the term "rejected" as a denial of a petition not subject to further administrative appeal (see § 1626.2(c)). The third interpretation covers applications denied by INS which are being or could be challenged in court; it would negate the effect of the prohibition.

Verification of Eligibility

The proposed regulation allows recipients to accept self-declarations from United States citizens as to their citizenship, but requires recipients to obtain documentation from aliens claiming to be eligible for legal services before commencing representation. The Corporation considered, as an alternative, requiring recipients to accept self-declaration in every case, but rejected that approach since it could lead to recipients expending scarce resources to provide legal services to ineligible persons rather than to citizens and eligible aliens. Indeed, many aliens may not know whether they are eligible until they seek legal assistance and a recipient makes this determination. On the other hand, the Corporation considered and rejected an approach that would require documentation of citizens and aliens alike, since most legal services clients are citizens and imposing a verification requirement in all cases would be unnecessarily expensive, time-consuming, and a diversion of resources from the provision of legal services. The proposed regulation, which allows self-declarations by citizens but requires documentation as to alien status, recognizes that recipients should not be required to spend unnecessary time and resources verifying citizenship. It also recognizes, however, that the Corporation is obligated to ensure that recipients represent only aliens who are demonstrably eligible for assistance. Hence it allows a recipient to require verification of citizenship if the recipient has good reason to believe that a person is not a citizen. The Corporation expects that recipients will not rely on factors such as a person's appearance, race or national origin, or limited ability to speak English to justify requiring documentation of citizenship, as recipients are required by law to provide legal services in a nondiscriminatory manner. Rather a recipient may require verification of citizenship only when specific circumstances arising either at the outset of or during the representation of an individual indicate that the individual may not be a citizen.

Disposition of Cases Involving Representation of Ineligible Aliens

The Corporation recognizes that recipients may have begun representation of persons who are "ineligible aliens" under proposed § 1626.2(b) prior to the receipt of funds appropriated under Pub. L. 97-377, and that attorneys have certain ethical and professional responsibilities toward those clients. Nevertheless the language of Pub. L. 97-377 does not allow of the use of such funds to complete representation of ineligible aliens. Consequently, proposed § 1626.6 requires the use of funds other than those appropriated by Pub. L. 97-377 to complete legal assistance for or on behalf of an "ineligible alien" where referral or discontinuance of representation is impossible. Should no such funds be available, a recipient and its attorneys may need to make a special effort to seek the assistance of the local bar, solicit other funds, and/or allow its attorneys to complete these cases on an uncompensated basis.

Proposed § 1626.7 requires a recipient to discontinue representation supported by funds appropriated by Pub. L. 97-377 if a client becomes an ineligible alien as defined in proposed § 1626.2(b) due to a change in circumstances, or if representation was commenced due to an erroneous eligibility determination or false information provided by the alien, if discontinuance is not inconsistent with the attorney's professional responsibilities. Immediate discontinuance is required after the discovery of false information provided by the alien relating to eligibility.

Confidentiality and Recordkeeping

There is a clear need to retain records of eligibility documents to allow review by recipients and by the Corporation of the implementation of these restrictions. Consequently, retention of copies of eligibility documents for all persons seeking legal assistance is required. As those who are found ineligible often have no documentation or irrelevant documentation, retention of copies of

said documentation is not required in all instances, but recipients are required to keep a record of what documentation, if any, was given to them.

The Corporation gives high priority to the protection of the confidentiality of eligibility documentation. Therefore, § 1626.9 prohibits release of such documentation except under court order or by Congressional request to any third party except the Corporation for the purpose of reviewing eligibility determinations.

Eligibility of Micronesia

Under Section 1002(8) of the Legal Services Corporation Act (the Act), the term "State" is defined to include " " " the Trust Territory of the Pacific Islands " " "" (Micronesia). The Corporation funds recipients in all states, as defined in Section 1002(8), except American Samoa. The authority of the Corporation to fund Micronesia Legal Services is clear under the Act. However, the issue is whether funds appropriated under the Continuing Resolution can be used for provision of legal assistance to citizens and permanent residents of Micronesia, very few of whom are citizens of the United States and who do not fall within the definition of eligible aliens under the Continuing Resolution.

Congress, has, however, expressed no intent to exclude them; they do not come from and neither were or are citizens of any other country, but rather are citizens of a Trust Territory administered under U.N. mandate. It is the interpretation of the Corporation that the scheme of the aliens provision is to exclude all aliens not likely to be permanent or long-term residents of the United States and its territories. Thus the distinctions expressed in the Continuing Resolution are not appropriate to Micronesians. Consequently, the Corporation considers all such permanent residents of Micronesia in a category analogous to permanent alien residents of the United States; as such the Corporation has determined that such permanent residents of Micronesia are eligible to receive legal assistance provided they are otherwise eligible under the Act.

Eligibility of Cross-Border Indian Tribes

Canadian-born American Indians at least 50% Indian by blood have a right to freely "pass and repass" the Canadian-American border under the Jay Treaty of 1794 and 8 U.S.C. 1359. They are not subject to the Immigration Act of 1952, as amended, as held in *Akins* v. *Saxbe*, 380 F. Supp. 1210 (D. Me. 1974). Thus, the Corporation has concluded that because such Canadian-born American Indians are not treated as aliens for immigration purposes, they fall outside of the restrictions of the continuing resolution, and are eligible to receive legal assistance.

Likewise, the Texas Band of Kickapoo who live on both sides of the U.S.-Mexican border were granted rights similar to those of Canadian-born American Indians by Pub. L. 97-684. This statute also requires the Interior Department to make a permanent record of all members of the Kickapoo during 1983 and allows them to apply for United States citizenship at any time within the next 5 years. Although their technical status at present is that of parolees, Congress has thus indicated that their relationship to the United States is of a permanent nature and most of them can be expected to become citizens within the next 5 years. On the basis of this recently passed legislation expressing the intent of Congress to regularize the status of the Kickapoo, they are deemed eligible to receive legal assistance.

List of Subjects in 45 CFR Part 1626

Privacy, Aliens, Legal services, Reporting and recordkeeping requirements.

For the reasons set out above, 45 CFR Chapter XVI is proposed to be amended by adding Part 1626 to read as follows:

PART 1626—RESTRICTIONS ON LEGAL ASSISTANCE TO ALIENS

Sec.

1626.1 Purpose.
1626.2 Definitions.
1626.3 Prohibition of legal assistance "for or on behalf of" an ineligible alien.
1626.4 Alien status and eligibility.
1626.5 Verification of citizenship and eligible alien status.
1626.6 Disposition of cases involving ongoing representation of ineligible aliens.
1626.7 Change in circumstances.
1626.8 Records.
1626.9 Use and confidentiality of records pertaining to determination of eligible alien status.
1626.10 Special eligibility questions.

Authority: Section 1008(e) Pub. L. 93-355, 88 Stat. 378 (42 U.S.C. 2996g(e)); Pub. L. 97-377, 96 Stat. 1874.

§ 1626.1 Purpose.

This Part is designed to assist recipients in determining the eligibility and immigration status of persons who seek legal assistance, to provide guidelines for referral of ineligible persons, and to protect the confidentiality of information obtained from clients and prospective clients. This Part does not apply to any case or matter in which assistance is not being provided with funds appropriated under Pub. L. 97-377.

§ 1626.2 Definitions.

As used in this Part the term—

(a) "Eligible alien" means an alien who meets the requirements of § 1626.4(a).

(b) "Ineligible alien" means an alien who does not meet the requirements of § 1626.4(a) and who is consequently determined not to be eligible to receive legal assistance under Pub. L. 97-377.

(c) "Rejected" refers to an application for adjustment of status that has been denied by the Immigration and Naturalization Service (INS) and is not subject to further administrative appeal.

§ 1626.3 Prohibition of legal assistance "for or on behalf of" an ineligible alien.

(a) *General.* No funds made available to a recipient by the Corporation under the authority of Pub. L. 97-377 shall be used to provide legal services for or on behalf of any person unless that person is a citizen of the United States or an eligible alien, except as authorized in this part.

(b) *Prohibited legal assistance "for" an ineligible alien.*—(1) To provide legal assistance "for" an ineligible alien is equivalent to furnishing legal assistance to a client and it shall be deemed to be coextensive with accepting an ineligible alien as a client. Consequently, all recipients are prohibited from using fiscal year 1983 Corporation funds to pay any costs connected with furnishing legal assistance to clients who are ineligible aliens.

(2) Normal intake procedures and referral of ineligible alien clients by the same procedures used to refer other classes of ineligible clients are excepted from this prohibition. If a referral is not possible, an ineligible alien client may not be represented if any fiscal year 1983 funds are used in such representation. If such an ineligible alien client is referred, a recipient may not participate further in the case (using fiscal year 1983 funds).

(3) The provisions of Section 1010(c) of the Legal Services Corporation Act do not apply to the expenditure of funds to represent ineligible aliens. Such aliens may be represented if all costs of such representation, including staff time, are funded from non-Corporation sources.

(c) *Prohibited legal assistance "on behalf of" an ineligible alien.*—(1) To provide legal assistance "on behalf of" an ineligible alien is to render legal assistance to an eligible person which directly benefits an ineligible alien. Ineligible aliens may benefit but only as an incidental result of the relief

obtained for eligible clients. As an example, where a group of individuals renting a residence is faced with eviction, and one of the group is an eligible alien or a citizen, representation of that individual is allowed because there is a direct benefit inuring to the client represented which would exist even absent the involvement of ineligible clients. The other aliens may not be named as parties or represented and no relief may be sought for them, but they may receive an incidental benefit if successful representation of the eligible client leads to their not being evicted.

(2) Any case in which an eligible client seeks legal assistance to facilitate immigration of or adjustment of status of an ineligible alien constitutes provision of legal assistance "on behalf of" an ineligible alien, even if there is a benefit to the eligible client. The benefit to the eligible client occurs only as a consequence of the benefit to the ineligible alien. Consequently, the prohibition of assistance on behalf of an ineligible alien extends to all legal assistance wherein the admission of a person into the United States is sought and to any other immigration matter wherein an eligible client is assisted to aid or facilitate the adjustment of the status of an ineligible alien.

§ 1626.4 Alien status and eligibility.

(a) Subject to all other eligibility requirements of the Act, an alien who is a resident of the United States and who is within one of the following categories shall be eligible for legal services:

(1) An alien lawfully admitted for permanent residence as an immigrant as defined by section 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a) (15) and (20));

(2) An alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) An alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157 relating to refugee admissions) or who has been granted asylum by the Attorney General under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), or who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity; or

(4) An alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)).

(b) An alien who is not within one of the eligibility categories defined in § 1626.4(a) shall not be eligible for legal services. Categories of ineligible aliens include but are not limited to:

(1) Aliens present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5) relating to parolee admissions); or

(2) Aliens admitted into the United States as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including:

(i) Ambassadors and other diplomatic officers and employees, embassy attendants and servants, and their immediate families;

(ii) Tourists and temporary business visitors;

(iii) Aliens in transit through the United States or going to and from the United Nations;

(iv) Alien crewmen from foreign vessels and aircraft who enter the United States temporarily and intend to depart on their vessels or aircraft;

(v) Alien traders and investors present in the U.S. pursuant to treaties of commerce and navigation, and their immediate families;

(vi) Foreign students who enter the United States to study at academic institutions, and their spouses and minor children;

(vii) Officials, employees, and representatives of international organizations, and their immediate families;

(viii) Temporary workers, trainees, and persons of distinguished ability and their spouses and minor children;

(ix) Members of the foreign press, radio, film, and other media, and their spouses and children;

(x) Participants in State Department-sponsored exchange programs, and their spouses and minor children;

(xi) Fiances and fiancees of United States citizens who enter the United States solely to conclude valid marriages, and their minor children;

(xii) Employees of United States corporations or businesses based in another country who enter the United States to work for the same employers, and their spouses and minor children;

(xiii) Foreign students who enter the United States to study at vocational or nonacademic institutions, and their spouses and minor children.

§ 1626.5 Verification of citizenship and eligible alien status.

(a) A citizen seeking representation shall attest in writing to the fact of his or her United States citizenship. Verification of citizenship shall not be required unless a recipient has good cause to conclude that a person may not be a United States citizen. A recipient shall accept the original or a certified copy of any of the following documents as proof of citizenship:

(1) United States passport;

(2) Birth certificate;

(3) Naturalization certificate;

(4) United States Citizenship Identification Card; (INS Form I–197);

(5) Commuter Status Card (INS Form I–178).

If a person is unable to produce any of the above documents, he or she may submit a notarized statement signed by a third party, who can produce proof of that party's own United States citizenship that the person seeking legal assistance is a United States citizen.

(b) An alien seeking representation shall submit appropriate documents to verify eligibility. A recipient shall accept originals of any of the following documents as proof of eligibility:

(1) An alien in the category specified in § 1626.4(a)(1) shall present an Alien Registration Receipt Card (INS Forms I–151, I–551, or AR–3a), Temporary Evidence of Lawful Admission for Permanent Residence (INS Form I–181B), or a valid passport and immigrant visa.

(2) An alien in the category specified in § 1626.4(a)(2) shall present the fee receipt issued to the alien by the Immigration and Naturalization Service (INS) at the time that the Application for Status as Permanent Resident (INS Form I–485) was filed; or, if such fee receipt is not available, a copy of the Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa (INS Form I–130) and the Application for Status as Permanent Resident accompanied by a notarized statement, signed by the alien that such forms were filed with INS.

(3) An alien in the category specified in Part 1626.4(a)(3) shall present an Arrival-Departure Record (INS Form I–94) marked "section 207" or "Refugee" (if claiming refugee status), "section 208" or "Asylum" (if claiming asylee

status), or "section 203(a)(7)" or "Conditional entry" (if claiming conditional entrant status.

(4) An alien in the category specified in Part 1626.4(a)(4) shall present an Arrival-Departure Record (INS form I–94) marked "section 243(h)," or a court order or letter signed by an immigration judge stating that the Attorney General is withholding deportation of the alien.

(c) The following documents shall not be considered evidence of eligible alien status:

(1) Nonimmigrant Visa;

(2) Arrival-Departure Record-(INS Form I–94) marked with any code from "A" through "M" for nonimmigrants, or marked "section 212(d)(5)" for parolees;

(3) Crewman's Landing Permit (INS Form I–95A);

(4) Mexican Border Visitors Permit (INS Form I–144);

(5) Nonresident Alien Canadian Border Crossing Card (INS Form I–185);

(6) Nonresident Alien Mexican Border Crossing Card (INS Form I–186);

(7) Nonresident Alien Canadian Border Crossing Identification Card (unnumbered).

(d) A recipient shall upon request furnish each person seeking legal assistance with a list of the domuments described in this section. Persons applying for legal assistance are responsible for producing the appropriate documents to verify eligibility.

§ 1626.6 Disposition of cases involving ongoing representation of ineligible aliens.

(a) A recipient may not use funds available to it under the authority of Pub. L. 97–377 to provide legal assistance to ineligible aliens; other altenatives must be used to dispose of pending cases in which the client is an ineligible alien. Generally, three alternatives are avilable:

(1) Referral to alternative counsel who can provide adequate representation;

(2) Withdrawal from pending judicial or administrative proceedings where permission to withdraw can be obtained under the rules of procedure of the tribunal; or

(3) Continuance of representation supported by funds available to-the recipient either from non-Corporation sources or from unexpended carryover balances of prior year Corporation funds. As such other funds will normally be limited, referral or discontinuance of representation should be chosen wherever not inconsistent with an attorney's professional responsibilities.

(b)(1) Where referral or discontinuance of representation are not possible and no other funds are available, the recipient may permit a staff attorney to complete the case (or bring it to a stage where referral or discontinuance is possible) on an uncompensated basis. In such instances, the attorney may use the necessary minimum of recipient overhead support, but direct expenditures of Pub. L. 97–377 funds will not be permitted.

(2) In any such circumstances, a recipient shall maintain documentation clearly differentiating the time the attorney used on an uncompensated basis from his or her paid time and establishing the approximate amont of any overhead services allocable to completion of the case.

§ 1626.7 Change in circumstances.

(a) A recipient shall not use funds made available to it under the authority of Pub. L. 97–377 to provide legal assistance for or on behalf of an alien if:

(1) The alien becomes an ineligible alien due to a change in circumstances after representation has commenced;

(2) Representation of an ineligible alien was commenced due to an erroneous eligibilty determination made by the recipient; or

(3) Representation of an ineligible alien.was commenced due to false information provided by the alien to the recipient.

(b) A recipient shall discontinue representation supported by funds authorized by Pub. L. 97–377 under the circumstances described in § 1626.7(a) provided discontinuance is not inconsistent with with attorney's professional responsibilities. In discontinuing representation, a recipient shall follow the procedures set out in § 1626.6. In the event of discovery of false information relating to eligibility as set forth in § 1626.7(a)(3), steps to discontinue representation shall be taken immediately.

§ 1626.8 Records.

Programs shall keep records of whether a client or prospective client claims to be a citizen or an alien. For all individuals seeking legal assistance, recipients shall keep copies of all documents given to them to establish eligibility. Such records shall be kept whether the individual was found to be eligible or ineligible for legal assistance. If an alien is found ineligible, a record of documentation (or lack thereof) may be kept in lieu of copies of said documentation.

§ 1626.9 Use and confidentiality of records pertaining to determination of eligible alien status.

(a) All records pertaining to determination of the eligibility of an alien for legal assistance shall be available (with deletion of names and personal identification) for review by the Corporation of recipients' actions and procedures in determining the eligibility of the alien for legal services. Such records shall not be released by the Corporation or by any recipient to any third party except in statistical form, nor may they be used for any other purpose than that stated in this subsection. This subsection shall not prevent release to Congress of information specifically requested by Congress.

(b) Release of any such record by a recipient, except to the Corporation or under court order, shall subject the recipient to appropriate sanctions by the Corporation.

(c) Such records shall be retained for a minimum of three years or until resolution of all audit questions pertaining thereto, whichever period is longer. Recipients shall keep a statistical record of the number of aliens found eligible and ineligible and the number of persons found eligible who subsequently were discovered to have been ineligible.

§ 1626.10 Special eligibility question.

(a) *Micronesia.* The residents of the Trust Territory of the Pacific Islands (Micronesia) currently receive legal assistance under the Legal Services Corporation Act. As Congress has expressed no intention to exclude them, the Corporation deems all citizens and permanent residents of Micronesia eligible to receive legal assistance provided they are otherwise eligible under the Act.

(b) *Cross-Border Indian Tribes.*—(1) All Canadian-born American Indians at least 50% Indian by blood are eligible to receive legal assistance provided they are otherwise eligible under the Act.

(2) Members of the Texas Band of Kickapoo are eligible to receive legal assistance provided they are otherwise eligible under the Act.

Dated: April 28, 1983.

Alan R. Swendiman,

General Counsel.

[FR Doc. 83–11786 Filed 4–29–83; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 30, 151, and 153

[CGD 81-078]

Safety Rules for Self-Propelled Vessels Carrying Hazardous Liquids

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to revise the rules for self-propelled vessels carrying hazardous liquids. The proposed rule revises and adds to the list of cargoes regulated under Parts 30, 151, and 153, and includes carriage requirements for these new cargoes. In Part 153 it will correct editorial errors, clarify provisions that are confusing, delete provisions that are impractical, relax certain provisions, and add a number of new provisions. In general, the changes are in keeping with comparable standards adopted by the International Maritime Organization (IMO, formerly the Inter-Governmental Maritime Consultative Organization or IMCO) in the ninth set of amendments to the IMO Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IMO Chemical Code), Resolution A.212.

DATES: Comments must be received on or before July 1, 1983.

ADDRESS: Comments should be submitted to: Commandant (G-CMC/44) (CGD 81-078), U.S. Coast Guard, Washington, D.C. 20593. Between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday, comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC/44), Room 4420, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Query, Office of Merchant Marine Safety (G-MTH-1/12), Room 1206, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-1217).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 81-078), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. If an acknowledgment is desired, a stamped addressed postcard should be enclosed. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one will be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in drafting this proposal are: Mr. Robert M. Query, Project Manager, Office of Merchant Marine Safety and Mr. Michael N. Mervin, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulation

The proposed rule corrects the present listings of cargoes regulated under 46 CFR Subchapter D and adds several newly classified flammable or combustible cargoes to the listings in the table in § 30.25-1 and Table 151.01-10(d) of Title 46. It adds a number of new hazardous chemical cargoes to table I of Part 153 and modifies some of the requirements applying to cargoes already listed. The proposed modifications to carriage requirements for cargoes presently listed in table I are the result of the Coast Guard's reevaluation of the hazards of some cargoes. The chemical data are in the public docket and are available for review by interested parties. The additions and changes to table I are generally comparable to additions, deletions and changes adopted by IMO in the ninth set of amendments to the IMO Chemical Code and subsequent cargo updates through May 1982. Copies of the ninth set of amendments and the new IMO cargo data have been included in the public docket.

The proposed rule will correct the electrical regulation citation in § 153.8(b)(2) to show the new Subchapter J citation for the submission of electrical plans. To be consistent with the first set of amendments to the 1974 Safety of Life at Sea Convention (SOLAS '74), §§ 153.200 and 153.202 are to be relaxed and incorporated into one section, § 153.201. The proposed rule will clarify §§ 153.372, 153.408, and 153.530(h) and (j), simplify the requirements in § 153.907, and remove §§ 153.200, 153.202, 153.530(q), 153.908, and 153.914.

Finally, the proposed rule will clarify confusing provisions, delete impractical requirements, and make editorial changes.

Comments on Specific Sections

Section 30.25-1 Cargoes carried in vessels certificated under the rules of this subchapter; and Table 151.01-10(d) Cargoes to be regulated by Subchapter D. The table in § 30.25-1 and Table 151.01-10(d) contain identical listings of flammable and combustible cargoes which may be transported in vessels certificated under Subchapter D. The Coast Guard has recently evaluated and classified several new cargoes as flammable or combustible liquids subject to Subchapter D. These cargoes are proposed to be added to the table in § 30.25-1 and Table 151.01-10(d). Also, these tables are proposed to be revised to correct misspellings of cargo names and misprints in the Code of Federal Regulations.

Iso-Propyl ether was removed from the table in § 30.25-1 by a final rule that appeared in the **Federal Register** of May 17, 1982; however, it was not removed from Table 151.01-10(d). This proposal removes "Propyl ether (iso-)" from Table 151.01-10(d).

Section 153.2 Definitions. A cross reference to the existing definition of "control space" in § 30.10-19a would be added. The definition of "Independent" as applied to tank overflow control systems would be moved to § 153.408, the only section in which the term is used.

Section 153.8 U.S. flag vessel endorsement application. The Coast Guard is proposing to amend § 153.8(b)(2) to correct the citation for the submittal of electrical plans required for plan review.

Table I—Table of Minimum Requirements. Since the most recent update of table I, the Coast Guard has evaluated approximately thirty-seven new hazardous cargoes under the IMO Criteria for Hazard Evaluation of Bulk Chemicals (annex to the IMO Chemical Code, 1980 edition). Thse cargoes have been adopted by IMO and are proposed for incorporation into table I.

IMO is removing chloroprene from Chapter VI of the IMO Chemical Code because of potential problems with cargo stability under the present carriage conditions. Since the Coast Guard is not aware of any company shipping chloroprene in bulk by tankships, chloroprene is proposed to be removed from table I. The Coast Guard will consider reinstating chloroprene, if removed, after reevaluation of data on the cargo.

The cargo names for "Benzene" and "Phenol" are proposed to be amended to read "Benzene, and hydrocarbon mixtures containing 10 per cent or more

Benzene," and "Phenol/Phenol solutions." These changes would encompass a large number of cargoes that the Coast Guard had previously classified as hazardous (i.e. Petroleum hydrocarbon polymer, Pyrolysis gasoline, Phenol hydrate, etc.). The gauging requirement for "(n-) Butyl ether" is proposed to be relaxed to restricted gauging on the basis of the IMO standard. The "Fire protection system" column entry for a number of cargoes is proposed to be revised to conform with the IMO and industry recommendations.

The carriage requirements for propylene oxide are proposed to be revised to conform to those adopted by the tenth session of the IMO Subcommittee on Bulk Chemicals for insertion into the IMO Chemical Code in May 1982. (See the discussion under §§ 153.530 and 153.1010.)

Cargo pumprooms through which motor fuel anti-knock compounds are transferred present a high risk of personnel exposure to lead or lead alkyls. The Coast Guard is proposing to require that these pumprooms have ventilation rates meeting § 153.316.

Sections 153.200 Portlights, wheelhouse windows, and wheelhouse doors; 153.201 Openings to accommodation, service or control spaces; and 153.202 Location of doors and airports on deckhouses and superstructures. The proposed § 153.201 incorporates the existing §§ 153.200 and 153.202 and relaxes the distance aft of the superstructure's athwartship bulkhead to any opening. The proposed § 153.201 will state that openings to accommodation, service or control spaces must be at least L/25 or 3.00m (approx. 10 ft) from the athwartship bulkhead facing the cargo area, whichever is farther, except that the distance need not exceed 5m (approx. 16.4 ft). This revision will make the proposed § 153.201 consistent with the first set of amendments to SOLAS '74, 46 CFR 154.330 and the IMO Gas Carrier Code, Resolution A.328. Sections 153.200 and 153.202 are proposed to be deleted.

Section 153.370 Minimum relief valve setting for ambient temperature cargo tanks. The proposed rule makes an editorial change to correct the spelling of "ambient".

Section 153.372 Gauges and vapor return for cargo vapor pressures exceeding 100kPa (approx. 14.7 psia). At present cargoes whose vapor pressure exceeds 100kPa at 37.8°C (approx. 14.7 psia at 100°F) are not designated by referencing § 153.372 as suggested by § 153.970(c)(1). These high vapor pressure cargoes would be designated by modifying the section's introductory language and by making a reference to this section from table I.

Sections 153.408 Tank overflow controls; and 153.968 Cargo transfer conference. Section 153.408(d) contains an operational requirement to have the persons in charge of the cargo transfer for the vessel and facility agree to use a certain signal to initiate shutdown procedures on the vessel and facility. The Coast Guard is proposing to move this operational requirement to a more appropriate location, § 153.968(b)(5).

Sections 153.430 Heat transfer systems: general; and 153.436 Heat transfer fluids. The introductory language to § 153.430 would be revised to limit the requirements applying to cargo cooling systems to those cooling systems required by the part. The language was inadvertently changed with an earlier amendment. Section 153.436 would be rewritten to clarify it and to correct the wording of the paragraph limiting the flashpoint of the heat transfer fluid.

Sections 153.530 Special requirements for alkylene oxides; and 153.1010 Alkylene oxides. The carriage requirements for propylene oxide were reconsidered at the tenth session of the IMO Subcommittee on Bulk Chemicals in May 1982. Based on the safety record for propylene oxide carriage in integral gravity tanks, IMO deleted the recommendation that propylene oxide be carried in independent gravity tanks on vessels constructed after 1 January 1982. However, an operational requirement to check an integral gravity tank for cracks before it is loaded with propylene oxide was added. Based on the IMO recommendations, the Coast Guard proposes to delete § 153.530(q) and to add the operational requirement mentioned to § 153.1010(a).

IMO also clarified the void space monitoring requirement for oxygen content to allow the use of portable equipment. Section 153.530(h) is proposed to be revised to allow the use of portable sampling equipment.

The proposed rule clarifies § 153.530(j) by replacing the words "entirely separate" with "independent." The proposed paragraph (j) will conform to the IMO Chemical Code standard.

Section 153.907 Cargo information cards, and § 153.908 Shipping document. Cargo information cards with printing on one side are generally not available. The Coast Guard is proposing to simplify cargo information requirements and consolidate them in § 153.907. Section 153.908 would then be deleted. Section 153.914 would be deleted since it has been viewed as a requirement that the vessel supply cargo information to the shore facility and has not been practical. The shore facility is still required to have cargo information by the requirements applying to such facilities under Title 33.

Section 153.1065 Sodium chlorate solutions. Sodium chlorate solutions are very reactive. Contact with organic substances, sulfur, sulfides, powdered metals, phosphorus or ammonium compounds can cause fire and explosion. When in contact with strong acids, chlorine dioxide may be released. Sodium chlorate solutions, when spilled or mixed with small amounts of impurities, become very sensitive to shock and friction if allowed to dry. They decompose with an exothermic release of oxygen at 300° F. For these reasons, it is essential for vessel safety that tanks be washed prior to loading and spilled solutions be washed away. The proposed rule would make these safety considerations operational requirements.

Regulatory evaluation

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). A draft regulatory evaluation has been included in the public docket. Copies may be obtained from Commandant (G–CMC/44), U.S Coast Guard, 2100 2nd St., S.W., Washington, D.C. 20593. This proposed rulemaking will have a minimal economic impact on the U.S. economy. Currently, there are no U.S. chemical tankships that will have to meet more stringent requirements. It is anticipated that there will be a minor benefit by allowing the carriage of additional cargoes; however, the number of variables in this trade precludes quantifying the result.

Regulatory Flexibility Analysis

The proposed rulemaking has been evaluated under the Regulatory Flexibility Act (94 Stat. 1164) for its impact on small entities. Since there will be no costs imposed on U.S. vessel owners and the anticipated minor benefits will primarily be realized in the bulk shipment of chemicals, the economic impact on small entities will be minimal. Therefore, it is certified that the rule would not, if promulgated, have a significant economic impact on a substantial number of small entities.

Environmental Analysis

The proposed rulemaking has been evaluated in accordance with Commandant Manual Instruction M16475.1A, National Environmental Policy Act Implementing Procedures, and has been found to be categorically excluded from further environmental documentation under Sections 2.B.3.g and 2.B.3.h. A copy of the Categorical Exclusion Determination statement has been placed in the public docket.

List of Subjects

46 CFR Part 30

Administrative practice and procedure, Foreign relations, Hazardous materials transportation, Marine safety, Penalties, Tank vessels, Barges.

46 CFR Part 151

Barges, Flammable material, Hazardous materials transportation, Marine safety.

46 CFR Part 153

Hazardous materials transportation, Marine safety, Tank vessels.

PART 30—GENERAL PROVISIONS

In consideration of the foregoing, Chapter I of Title 46, Code of Federal Regulations, is proposed to be amended as follows:

§ 30.25-1 [Amended]

The Table in § 30.25–1 is amended by:

1. Revising the following cargo names to read as follows:

Alkyl Benzene Sulfonic Acid (4% or less).
Diethylbenzene.
Diglycidyl Ether of Bisphenol A.
Jet Fuel:
JP–1 (Kerosene)
JP–3.
JP–4.
JP–5 (Kerosene, Heavy).
Nonyl Phenol Sulfide (90% or less).
Xylene (meta-, para-, ortho-).

2. Placing the following cargo names in proper alphabetical order:

Cyclopentadiene Polymers.
Sulfolane.

3. Adding the following new cargoes in proper alphabetical order.

Diisopropyl Naphthalene.
Dimethyl Polysiloxane.
Dipropylene Glycol Dibenzoate.
Tallow Fatty Acid.
Tributyl Phosphate.
Triethylene Glycol Butyl Ether Mixture.
Triethylene Glycol Ether Mixture.

PART 151—UNMANNED BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES

§ 151.01-10 [Amended]

The Table in § 151.01–10(d) is amended by:

4. Removing "Propyl ether (iso-)".

5. Revising the following cargo names to read as follows:

Alkyl Benzene Sulfonic Acid (4% or less).
Diethylbenzene.
Diglycidyl Ether of Bisphenol A.
Nonyl Phenol Sulfide (90% or less).
Xylene (meta-, para-, ortho-).

6. Placing the following cargo names in proper alphabetical order:

Cyclopentadiene Polymers.
Sulfolane.

7. Adding the following new cargoes in proper alphabetical order to Table 151.01–10(d):

Diisopropyl Naphthalene.
Dimethyl Polysiloxane.
Dipropylene Glycol Dibenzoate.
Tallow Fatty Acid.
Tributyl Phosphate.
Triethylene Glycol Butyl Ether Mixture.
Triethylene Glycol Ether Mixture.

PART 153—SAFETY RULES FOR SELF-PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS

8. In § 153.2, by removing the definition of "independent" as applied to tank overflow control systems and by adding in alphabetical sequence the following definition:

§ 153.2 Definitions.

* * * * *

"Control space" is defined in § 30.10–19a of this chapter.

* * * * *

9. By revising § 153.8(b)(2) to read as follows:

§ 153.8 U.S. flag vessel endorsement application.

* * * * *

(b) * * *

(2) The plans and information listed in §§ 54.01–18, 56.01–10, 91.55–5(a), (b), (d), (g) and (h), and 110.25–1 of this chapter; and

* * * * *

10. By revising in table I to Subpart A the following entries for propylene oxide to read as follows:

Table I—[Amended]

Cargo name * * * Fire protection system * * * Special requirements

* * * * *

By removing "Chloroprene" from table I.

12. By amending the cargo name entry in table I for "Benzene" to read "Benzene, or hydrocarbon mixtures containing 10 pct or more benzene".

13. By amending the cargo name entry in table I for "Phenol" to read "Phenol or solutions with 5% or more phenol".

14. By amending the table I column entry under "Gauge" to read "Restr." for "(n-) Butyl ether."

15. By adding "D" to the table I column entry under "Fire protection system" for the following cargoes:

(n-) Butyl ether	Coal tar naphtha
Creosote	Cyclohexylamine
(iso-, n-) Decyl acrylate	Dibutylamine
Dichlorobenzene	Diethylethanolamine
Dimethylamine (40 pct or less)	Dimethylethanolamine
Dimethylformamide	Ethylene chlorohydrin
Ethyl methacrylate	2-Methyl-5-ethyl pyridine
(iso-) Propylamine	(n-) Propylamine

16. By amending the table I column entry under "Fire protection system" to read "A,B,C,D" for the following cargoes:

alpha-Methyl styrene	(mono-) Nitrobenzene
Vinyl toluene	

17. By amending the table I column entry under "Fire protection system" to read "A,D" for the following cargoes:

Butyl methacrylate	Naphthalene (liquid)

18. By adding ".236(a),(g)" in proper numerical sequence to the "Special requirements" column of table I for "Tetraethylene pentamine".

19. By adding ".316" in proper numerical sequence to the "Special requirements" column of table I for "Motor fuel antiknock compounds containing lead alkyls."

20. By adding ".372" in proper numerical sequence to the "Special requirements" column of table I for the following cargoes:

Ethyl ether	Isoprene
Methyl formate	(iso-) Propylamine
Propylene oxide	Vinyl ethyl ether
Vinylidene chloride	

21. By adding ".440" in proper numerical sequence to the "Special requirements" column of table I for "Naphthalene (liquid)" and "Phenol or solutions with 5% or more phenol".

22. By removing and reserving footnote 9, and revising footnote 8 at the end of table I to read as follows:

For details see these sections:

* * * * *

[8] Dry chemical should not be used because of the possibility of explosion.

[9] (Reserved).

* * * * *

23. By adding the following new cargoes and their corresponding column entries in proper alphabetical order to table I:

TABLE I.—TABLE OF MINIMUM REQUIREMENTS

Cargo name[1]	Cargo containment system[2]	Vent height[3]	Vent[4]	Gauge[5]	Fire protection system[6]	Special requirements	Electrical hazard class and group[7]
Acrylamide solution (50 pct or less)	II	NR	Open	Closed	NSR	.409, .525(a), (c), (d), (e), .912(a)(1), .1002(a), .1004, .1020.	NA.
2-(2-Aminoethoxy) Ethanol	III	NR	Open	Open	A,C,D	.236(b), (c), .409	NA.
Benzenesulfonyl	III	4m	PV	Restr.	B,D	.236(a), (b), (c), (g), .409, .526	I-D.
Cetyl-Eicosyl Methacrylate	III	NR	Open	Open	A,C,D	.912(a)(1), .1002(a), (b), .1004	NA.
(o-, m-, p-)Chlorotoluene	III	4m	PV	Restr.	B,C	.526	I-D.
Cresylate spent caustic (mixtures of cresols and caustic soda solution.	III	NR	Open	Open	NSR	.236(a), (c), 933	NA.
Diammonium salt of zinc ethylenediamine tetraacetic acid solution.	III	NR	Open	Open	NSR	.236(a), .238(a)	I-B.
2,2'-Dichloroisopropyl ether	II	B/3	PV	Restr.	B,C,D	236(a), (b), .316, .408, .525, .526, .1020.	I-D.
2,4-Dichlorophenol	III	4m	PV	Restr.	B,C,D	.236(a), (b), (c), (g), .409, .500, .501, .526, .933.	NA.
Dichloropropene/Dichloropropane mixtures	II	B/3	PV	Restr.	B	.316, .336, .408, .409, .526, .527	I-D
2,2-Dichloropropionic acid	III	4m	PV	Restr.	A	.236(a), .238(c), .266, .500, .501, .554	NA.
Diethyl sulfate	II	4m	PV	Closed	A,D	236(a), (c), (d), .409, .526	NA.
Di-n-propylamine	III	4m	PV	Restr.	A	236(b), (c), .409, .525, .526, .1020	I-C.
Dodecyl methcrylate	III	NR	Open	Open	A,C	236(b), (c), .912(a)(1), .1004	I-D.
Dodecyl pentadecyl methacrylate	III	NR	Open	Open	A,C,D	912(a)(1), .1002(a), (b), .1004	NA.
Ethylamine solution (70 pct or less)	II	B/3	PV	Closed	A,C	236(a), (b), (c), .408, .525(a), (c), (d), (e), .526, .527, .1020.	I-D.
N-Ethylbutylamine	III	4m	PV	Restr.	A	236(a), (b), (c), (g), .409, .525(a), (c), (d), (e), .526, .1020.	I-C.
N-Ethylcyclohexylamine	III	4m	PV	Restr.	A,C	236(a), (b), (c), (g), .409, .526	I-C.
Ethylidene norbornene	III	B/3	PV	Restr.	B,C,D	236(b), .409, .526	NA.
Formaldehyde, Methanol mixtures (Formaldehyde greater than 50 pct in Methanol).	III	4m	PV	Closed	A	409, .526, .527	I-C
Glutaraldehyde solution (50 pct or less)	III	NR	Open	Open	NSR	None	NA.
Hexamethylenediamine solution	III	4m	PV	Restr.	A	236(b), (c), .409, .526	I-D.
Maleic anhydride[8]	III	4m	PV	Restr.	A,C	None	NA.
Methylamine solution (42 pct or less)	II	B/3	PV	Restr.	A,C,D	236(a), (b), (c), (g), .316 .408, .409, .525, .526, .527, .1020	I-D.
2-Methyl-6-ethyl aniline	III	NR	Open	Open	B,C,D	None	NA.
2-Methylpyridine	II	4m	PV	Closed	A,C	236(b), .409, .525(a), (c), (d), (e), .1020	I-D.
(o-) Nitrochlorobenzene	II	B/3	PV	Closed	B,C,D	316, .336, .408, .525, .526, .1020	NA.
Sodium chlorate solution (50 pct or less)	III	NR	Open	Open	NSR	409, .933, .1065	NA.
Sodium borohydride (15 pct of less)/Sodium hydroxide solution.	III	NR	Open	Open	NSR	236(a), (b), (c), (g), .933	NA.
Sodium-2-mercaptobenzothiazol solution	III	NR	Open	Open	NSR	236(a), (b), (c), (g), .933	NA.
Toluenediamine	II	B/3	PV	Closed	B,C,D	236(a), (b), (c), (g), .316, .408, .525, .526, .527, .933, .1020	NA.
(o-) Toluidine	II	B/3	PV	Closed	A,C	316, .408, .525, .526, .933, .1020	NA.
1,2,4-Trichlorobenzene	III	4m	PV	Restr.	C	409, .526	I-D
1,2,3-Trichloropropane	II	B/3	PV	Closed	B,C,D	316, .408, .525, .526, .1020	I-D.
Trimethylacetic Acid	III	4m	PV	Restr.	A,C	238(a), .266, .554	I-D.
Trimethylhexamethylene diamine (2,2,4- and 2,4,4- isomers).	III	NR	Open	Open	A,C	236(a), (b), (c), (g), .409	NA.
Trimethylhexamethylene disocyanate (2,2,4- and 2,4,4- isomers)[11].	II	B/3	PV	Restr.	A,C	316, .409, .500, .501, .525, .526, .602, .1000, .1020.	NA.

§ 153.200 [Removed]

24. By removing § 153.200.

25. By adding § 153.201 to read as follows:

§ 153.201 Openings to accommodation, service or control spaces.

(a) Except as allowed in paragraphs (b) and (c) of this section, entrances, ventilation intakes and exhausts, and other openings to accommodation, service, or control spaces, must be located on a house bulkhead not facing the cargo area as follows:

(1) At least 3m aft of the house bulkhead that faces the cargo area if the vessel length is less than 75 meters.

(2) At least L/25 aft of the house bulkhead that faces the cargo area if the vessel length is between 75 and 125 meters.

(3) At least 5m aft of the house bulkhead that faces the cargo area if the vessel length is more than 125 meters.

(b) Fixed port lights, wheelhouse doors, and windows need not meet the location requirements specified in paragraph (a) if they do not leak when tested with a fire hose at 207 kPa gauge (30 psig).

§ 153.202 [Removed]

26. By removing § 153.202.

27. By revising § 153.370 to read as follows:

§ 153.370 Minimum relief valve setting for ambient temperature cargo tanks.

The relief valve setting for a containment system that carries a cargo at ambient temperature must at least equal the cargo's vapor pressure at 46°C (approx. 115°F).

28. By revising the introductory text of § 153.372 to read as follows:

§ 153.372 Gauges and vapor return for cargo vapor pressures exceeding 100kPa (approx. 17.7 psia).

When table I references this section, the containment system must have a—

* * * * *

29. By revising § 153.408 to read as follows:

§ 153.408 Tank overflow control.

(a) When table I refers to this section, a cargo containment system must have a cargo high level alarm meeting § 153.409 and one of the following:

(1) A second high level (cargo overflow) alarm.

(2) A system that automatically stops cargo flow to the tank (automatic shutdown system).

(b) The high level alarm and the cargo overflow alarm or automatic shutdown system must—

(1) be independent of one-another; and

(2) operate on loss of power.

(c) The cargo overflow alarm or the automatic shutdown system must—

(1) operate at a cargo level that allows shutdown of the loading operation before the cargo tank overflows; and

(2) allows sufficient time to avoid surge pressures exceeding the working pressure specified in § 153.294(b).

(d) A tank overflow alarm must be marked with the legend "Tank Overflow Alarm" in lettering as specified for the warning sign in § 153.955.

(e) The alarm must be audible and visible in that part of the deck where the containment systems are located and at the point where cargo loading is controlled on the tankship.

(f) The automatic shutdown system or tank overflow alarm must be able to be checked for proper operation from the tank (e.g., by generating the alarm signal at the tank gauge connection).

(g) In this section, "independent" as applied to two systems means that one system will operate with a failure of any part of the other system except high level power sources and electrical feeder panels. Independent systems include those having separate signal or low level power runs within the same conduit.

30. By revising the introductory language of § 153.430 to read as follows:

§ 153.430 Heat transfer systems: general.

Each cargo cooling system required by this part and each cargo heating system must—

* * * * *

31. By revising § 153.436 to read as follows:

§ 153.436 Heat transfer fluids: flashpoint and compatibility with cargo.

(a) A cargo heating system must have a control that prevents the temperature of the heat transfer fluid from exceeding its flashpoint.

(b) A heat transfer fluid separated from the cargo by only one wall (for example, the heat transfer fluid in a coil within a tank) must be compatible with the cargo under the standards prescribed for compatibility between two cargoes in part 150 of this chapter.

32. By revising § 153.530(h) and (j) to read as follows:

§ 153.530 Special requirements for alkylene oxides

* * * * *

(h) The cargo containment system and those spaces listed in paragraphs (k) and (l) must have an arrangement to allow sampling the atmosphers of the spaces prescribed by § 153.1010(c).

* * * * *

(j) The venting system must be independent of other containment or tankship systems.

* * * * *

§ 153.530 [Amended]

33. By removing § 153.530(q)

§ 153.900 [Amended]

34. By changing the footnote number in § 153.900 to read "5".

35. By revising §153.907 to read as follows:

§ 153.907 Cargo information.

The master shall ensure that the following information for each cargo carried under this part is readily available to those on the tankship engaged in cargo operations:

(a) The name of the cargo as listed in table I.

(b) A description of the cargo's appearance and odor.

(c) Hazards in handling the cargo.

(d) Any special handling procedures for the cargo, such as inerting.

(e) Procedures to follow if the cargo spills or leaks.

(f) Procedures to follow with a person who is exposed to the cargo.

(g) A list of fire fighting procedures and extinguishing agents effective with fires involving the cargo.

(h) Shipper's name.

(i) Loading point.

(j) Approximate quantity of cargo.

(k) Tank in which the cargo is located.

(l) The name of the agent in the United States authorized to accept legal process.

§ 153.908 [Removed]

36. By removing § 153.908.

§ 153.914 [Removed]

37. By removing § 153.914.

38. By revising § 153.968(b)(5) to read as follows:

§ 153.968 Cargo transfer conference.

* * * * *

(b) * * *

(5) If the vessel is equipped with the tank overflow alarm prescribed in § 153.408(c), a procedure for shutdown of shore pumps, shore valves, and ship's valves that prevents piping systems pressures from exceeding those for which the piping system is designed.

40. Section 153.1010 is amended by redesignating paragraphs (a)(1) and (a)(2) as (a)(2) and (a)(3), respectively, and adding a new paragraph (a)(1) to read as follows:

§ 153.1010 Alkylene oxides

(a) * * *

(1) Inspect each integral gravity tank in which alkylene oxides are to be loaded and make sure the tank is free of cracks;

* * * * *

41. By adding a new § 153.1065 to read as follows:

§ 153.1065 Sodium chlorate solutions.

(a) No person may load sodium chlorate solutions into a containment system that previously carried another cargo unless the containment system is thoroughly washed before loading.

(b) The person in charge of cargo transfer shall ensure that spills of sodium chlorate solutions are immediately washed away.

(46 U.S.C. 391a; 49 U.S.C. 1803; 49 CFR 1.46 (n)(4) and (t))

Dated: December 27, 1983.

Clyde T. Luck,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc 83-11372 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21, 22, 23, 74, 78, 81, 87, 90, 94, and 150

[Gen. Docket No. 82-334]

Establishment of a Spectrum Utilization Policy for the Fixed and Mobile Services' Use of Certain Bands Between 947 MHz and 40 GHz; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: The FCC has granted in part Motions file by Hughes Aircraft Company, Electronic Industries Association, Rockwell International Corporation and M/A-COM, Inc. for extension of time for Reply Comments in General Docket 82-334, establishment of a spectrum utilization policy for the fixed and mobile services' use of certain bands between 947 MHz and 40 GHz. The Motions were granted in part to provide interested parties additional time to adequately and fairly respond to technical analyses and alternative proposals received in the initial Comments; the full amount of time requested could not be granted due to Commission deadlines for future work in the Docket.

DATES: The deadline for Reply Comments is extended to May 23, 1983.

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

FOR FURTHER INFORMATION CONTACT: Donald Draper Campbell, Office of Science and Technology (202) 653–8177.

Order Extending Time for Reply Comments

In the matter of Establishment of a spectrum utilization policy for the fixed and mobile services' use of certain bands between 947 MHz and 40 GHz; Gen Docket 82–334.

Adopted: April 18, 1983.
Released: April 20, 1983.

By the Deputy Chief Scientists.

1. On January 13, 1983, the Commission adopted and released a *Notice of Proposed Rule Making* [FCC 83–2] *(NPRM)* in the above captioned proceeding (February 15, 1983; 48 FR 6730). The *NPRM* imposed Comment and Reply Comment dates of March 25, 1983, and April 25, 1983, respectively. The Commission stated in the *NPRM* that these dates were established because of the need to complete action by September 1983 in providing alternative spectrum for fixed service licensees displaced from 12 HGz. The Commission also stated that it did not expect to grant extensions of the filing dates.

2. On April 12, 1983, the Commission received a Motion for Extension of *Time to File Reply Comments* (*Motion*) from Hughes Aircraft Company, Microwave Communications Products (Hughes-MCP). The petitioner states that it needs an additional sixty (60) days to prepare Reply Comments. It notes that the Commission, through the Acting Chief Scientist, denied all requests for extensions of time of the March 25 Comment date,[1] but states that the circumstances surrounding the instant request are quite different from those previously made. Hughes goes on to state "Interested parties such as Hughes-MCP cannot be expected to digest, analyze and comment intelligently on the many detailed technical issues which have been raised in such voluminous initial comments in such a short period."

[1] *Denial of a Joint Motion for an Extension of Time and Modification of Procedures*, released March 7, 1983, in response to a petition filed by the American Petroleum Institute, Association of American Railroads and Utilities Telecommunications Council; *Denial of Petition of the Los Angeles County Sheriff's Department and Los Angeles County Department of Communications to Extend Time to File Comments*, released March 16, 1983; and *Denial of Request for Extension of Time for Filing Comments*, released March 25, 1983, in response to a petition filed by the County of Orange, California, Communications Division.

3. The Commission also received a *Request for Extension of Time for Filing Reply Comments* from the Fixed Point-to-Point Section of the Telecommunications Group of the Electronic Industries Association (EIA), filed April 14, 1983; a *Plea for Extension of Time for Filing Reply Comments* from Rockwell International Corporation (Rockwell), filed April 15, 1983; and a *Request for Extension of Time* from M/A-COM, Inc. (M/A-COM), filed April 15, 1983. EIA requests that the Reply Comment date be extended to June 30, 1983, Rockwell requests that the date be extended to May 31, 1983, and M/A-COM requests an extension to May 25, 1983. Their justifications parallel that of Hughes-MCP regarding volume and complexity of the Comments. Rockwell and M/A-COM also note that they had trouble locating and obtaining copies of the Comments in the Commission's public reference room.

4. Comments were received from about 170 parties and total about 1665 pages. Some of these contain complex technical analyses and present alternatives to the Commission's proposals. The Commission believes that there is merit in providing additional time for interested and affected parties to perform responsive analyses leading to thoughtful, well organized comments. Such Reply Comments would be more useful to the Commission in formulating a speedy yet comprehensive decision in this proceeding.

5. The Commission made a commitment in Docket 80–603 to provide replacement spectrum for displaced 12 GHz licenses by September 1983. If the Commission is to meet this deadline, it cannot grant the total additional time requested by the petitioners. However, the Commission feels that an extension of time to May 23, 1983, is reasonable.

6. Accordingly, the requests for Extension of Time to File Reply Comments filed by Hughes Aircraft Company, Electronic Industries Association Rockwell International Corporation, and M/A-COM, Inc. in this proceeding are hereby granted in part pursuant to § 0.241(d) of the Commission's Rules. The date for filing Reply Comments is extended from April 25, 1983 to May 23, 1983.

Majorie S. Reed,

Deputy Chief Scientist.

[FR Doc. 83–11510 Filed 4–29–83; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Rulemaking Petition

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

ACTION: Denial of rulemaking petition.

SUMMARY: This notice denies a petition filed by Mr. Carl Seashore to amend Federal Motor Vehicle Safety Standard (FMVSS) 111 to permit the use of an automated rearview mirror system he has developed for passenger cars. This mirror system would automatically change its alignment depending on vehicle speed and would also change position when the vehicle turn signal is activated. Since the agency lacks information on the safety performance of this system and the petitioner was unable to provide such information, this petition is being denied. However, several aspects of the petitioner's mirror system are currently the subject of ongoing agency research activities. Depending on the results of this research, it is possible that FMVSS 111 could be amended in the future to permit the use of a version of the petitioner's system.

FOR FURTHER INFORMATION CONTACT: Kevin Cavey, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202)–426–2153).

SUPPLEMENTARY INFORMATION: On September 3, 1982, Mr. Carl Seashore petitioned NHTSA to amend FMVSS 111 to permit the use of a mirror system he designed. FMVSS 111 currently requires that exterior mirrors must be planar (flat), except that exterior passenger side spherically convex mirrors may be used in passenger cars and light trucks, multipurpose passenger vehicles, and buses other than school buses with a gross vehicle weight rating of 10,000 pounds or less. The reason for the prohibition against the use of certain non-planar mirror surfaces is that such surfaces may produce distorted images which could mislead drivers as to the location and velocity of objects viewed in the mirror. However, convex mirrors do have the advantage of providing a wider field of view than a plane mirror of similar size.

Mr. Seashore's system involves using exterior convex mirrors on each side of

the vehicle. These mirrors would be mounted forward on the vehicle's fenders, rather than the more typical door mounting. The use of convex mirrors on each side of the vehicle is intended to provide a wider field of view than currently used mirrors and to provide equal image sizes in each mirror. The forward mounting is intended to permit the driver to look in the mirrors while still retaining a forward view, rather than having to look far to the side and perhaps lose sight of hazards in the path of the vehicle. The Seashore system is also automated, permitting automatic reorientation of the mirror, and thereby the field of view, as driving speed varies and for turns.

Many of the aspects of the Seashore recommended system are the subject of ongoing agency research and will be further considered by the agency. These aspects include the use of convex mirrors on each side of the vehicle and the forward mirror mounting position. However, the agency is concerned that the automated movement of the mirrors may present safety concerns. For example, the sudden movement of the automated mirror might cause the driver to become confused as to the location and velocity of an overtaking vehicle. Further, the reliability of such a system is unknown, particularly in adverse weather conditions where ice or snow could impede the movement of the mirror. Therefore, the agency is denying this petition. Should the agency's research demonstrate that the use of convex mirrors on each side of the vehicle and forward mirror mounting promote rearward visibility, FMVSS 111 could be amended to permit the use of a version of the Seashore proposed system, albeit one without the automated features.

(Sec. 124, Pub. L. 89-492, 88 Stat. 1470 (15 U.S.C. 1410a); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on April 22, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-11503 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 574

[Docket No. 80-20; Notice 2]

Tire Identification and Recordkeeping

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

ACTION: Notice of termination of rulemaking.

SUMMARY: This notice terminates the rulemaking action begun by this agency when it published a notice of proposed rulemaking (NPRM) to require that tire manufacturers mold the tire identification number on the outward-facing sidewalls of all passenger car and light truck tires. The agency has no evidence showing that significant safety benefits would result from the proposed action, or even that there would be any safety benefits at all.

FOR FURTHER INFORMATION CONTACT: Arturo Casanova, Office of Vehicle Safety Standards, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1715)

SUPPLEMENTARY INFORMATION: Two years ago, the NHTSA published an NPRM (45 FR 82293; December 15, 1980) proposing that the tire identification number, which tire manufacturers are required to mold into or onto one of the sidewalls of each tire they manufacture, be required to appear on the whitewall side of whitewall tires and on both sidewalls of blackwall tires for all pasenger car and light truck tires. This proposed requirement was intended to make it easier for consumers to check their tire identification numbers. These numbers are used by tire manufacturers to help identify and recall the tires that are found to contain a safety defect or to fail to comply with an applicable Federal motor vehicle safety standard. The agency believed that adoption of the amendment would increase the response to tire recall campaigns. Ultimately, the agency anticipated that this action would reduce the chances of potentially unsafe tires being used on the public roads.

Before making this proposal, NHTSA sent special orders to nine tire manufacturers to determine what technical problems might be posed by such a requirement and to obtain estimates by the manufacturers of the costs associated with such a requirement. Based on its evaluation of these responses, NHTSA determined that such a requirement would impose costs of between $4.25 million and $5.9 million.

The agency was not able to provide a quantified estimate of the benefits to be gained from the proposed requirement. The data relied upon by the agency in issuing the proposal consisted solely of anecdotal comments by 13 consumers on diffuculties they experienced in locating tire identification numbers. These 13 comments were among about 9,500 responses received by the agency in response to a survey in which it sent questionnaires to approximately 100,000 consumers. Thus, only 0.013 percent of the questionnaire recipients and 0.14 percent of the respondents reported this type of difficulty. Prior to issuing the proposal, the agency did not have any data or perform any analysis regarding the extent to which the proposed requirement would increase the number of people who find the identification number on their tires, the number of those people who respond to a recall, or the number of potentially defective or noncomplying tires that would be removed from service.

Even after consideration of the comments on the proposal, NHTSA is still unable to provide any estimate of expected benefits. No additional data regarding benefits were obtained by the agency as a result of the comment process.

Accordingly, since the agency is unable to determine that adoption of the proposal would significantly contribute to motor vehicle safety and since the compliance costs would be $4.25 to $5.9 million, the agency has decided to terminate this rulemaking.

List of Subjects in 49 CFR Part 574

Labeling, Motor vehicle safety, Motor vehicles, Reporting requirements, Rubber and rubber products, Tires.

Issued on April 22, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-11492 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 48, No. 85
Monday, May 2, 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

Federal Grain Inspection Service

Renewals of Designation of Cedar Rapids Grain Service, Inc. (IA), Champaign-Danville Grain Inspection Departments, Inc. (IL), and Springfield Grain Inspection Department (IL)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the renewals of designation of the Cedar Rapids Grain Service, Inc. (Cedar Rapids), Champaign-Danville Grain Inspection Departments, Inc. (Champaign-Danville), and Springfield Grain Inspection Department (Springfield) as official agencies responsible for providing inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act).

EFFECTIVE DATE: June 1, 1983.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

The December 1, 1982, issue of the **Federal Register** (47 FR 54128) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Cedar Rapids', Champaign-Danville's, and Springfield's designations would terminate on May 31, 1983, and requesting applications for designation as the agency to provide official services within each specified geographic area. Applications were to be postmarked by January 3, 1983.

Cedar Rapids, Champaign-Danville, and Springfield were the only applicants for each respective designation.

FGIS announced the names of these applicants and requested comments on them in the February 1, 1983, issue of the **Federal Register** (48 FR 4496). Comments were to be postmarked by March 18, 1983.

No comments were received regarding Cedar Rapids' and Champaign-Danville's designation renewal. One comment was received from a grain firm discussing the timeliness of service the firm received from Springfield. This situation has resolved to the mutual satisfaction of both the firm and Springfield.

After evaluating all available information in regard to the designation criteria in Section 7(f)(1)(A) of the Act, and in accordance with Section 7(f)(1)(B), FGIS has determined that Cedar Rapids, Champaign-Danville, and Springfield are able to provide official services in the geographic areas for which their designations are being renewed. Each assigned area is the entire geographic area, as previously described in the December 1 issue of the **Federal Register.**

Effective June 1, 1983, and terminating May 31, 1986, the responsibility for providing official inspection services in each specified geographic area is assigned to Cedar Rapids, Champaign-Danville, and Springfield, respectively.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency to conduct official inspection and where the agency and one or more of its licensed inspectors are located. In addition to the specified service points within the assigned geographic area, the agencies will provide official services not requiring a licensed inspector to all locations within their geographic area.

Interested persons may contact the Regulatory Branch, specified in the address section of this notice, to obtain a list of the specified service points. Interested persons also may obtain a list of the specified service points by contacting the agencies at the following addresses:

Cedar Rapids Grain Service, Inc., 1120 2nd Street, SW., Cedar Rapids, IA 52401

Champaign-Danville Grain Inspection Departments, Inc., 527 East Main Street, Danville, IL 61832

Springfield Grain Inspection Department, 1301 North Fifteenth Street, Springfield, IL 62702

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: April 20, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83-11027 Filed 4-29-83; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Applicants for Designation in the Areas Currently Assigned to William F. Christen Grain Inspection (IN), Fremont Grain Inspection Department, Inc. (NE), and Titus Grain Inspection, Inc. (IN)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency in the areas currently assigned to William F. Christen Grain Inspection, Fremont Grain Inspection Department, Inc., and Titus Grain Inspection, Inc.

DATE: Comments to be postmarked on or before June 16, 1983.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

The March 1, 1983, issue of the **Federal Register** (48 FR 8519), and as corrected, the April 1, 1983, issue of the **Federal Register** (48 FR 14017), contained a notice from the Federal Grain Inspection Service requesting applications for designation to perform official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to the official agencies. Applications were to be postmarked by April 15, 1983.

William F. Christen Grain Inspection (Christen), the only applicant, requested designation for all of the geographic area currently assigned to that agency. Titus Grain Inspection, Inc. (Titus), the only applicant, requested designation for all of the geographic area currently assigned to that agency. Each agency applied for a renewal of designation for a 3-year period.

There were two applicants for the Fremont Grain Inspection Department, Inc. (Fremont), designation. Fremont requested designation for all of the geographic area currently assigned to that agency and applied for a renewal of designation for a 3-year period. Sioux City Inspection and Weighing Agency, Inc. (Sioux City), an official agency, applied for a portion of Fremont's geographic area, as follows: Clay (west of U.S. Route 71); Dickinson (west of U.S. Route 71); O'Brien (north of B24 and east of U.S. Route 59); and Osceola (east of U.S. Route 59) Counties, Iowa. If designated, this action would result in an amendment to Sioux City's currently assigned geographic area in accordance with Section 800.207 of the regulations under the Act.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants for designation. All comments must be submitted to the Regulations and Directives Management Staff, specified in the address section of this notice, and postmarked not later than June 16, 1983.

Consideration will be given to comments and to other available information before a final decision is made in this matter. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: April 20, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83-11028 Filed 4-29-83; 8:45 am]

BILLING CODE 3410-EN-M

Request for Applicants for Designation To Perform Official Services in the Geographic Area Currently Assigned to Cairo Grain Inspection Agency

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as amended (Act), designations of official agencies shall terminate not later than triennially and may be renewed in accordance with the criteria and procedures prescribed in the Act. This notice announces that the designation of one agency will terminate, in accordance with the Act, and requests applications from parties, including the agency currently designated, who are interested in being designated as an official agency to conduct official services in the geographic area currently assigned to the specified agency. The official agency is Cairo Grain Inspection Agency.

DATE: Applications to be postmarked on or before June 1, 1983.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, D.C. 20250. All applications submitted pursuant to this notice will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) of the Act (7 U.S.C. 71 *et seq.*, at 79(f)(1)) specifies that the Administrator of the Federal Grain Inspection Service (FGIS) is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official services after a determination is made that the applicant is better able than any other applicant to provide such official services in an assigned geographic area.

Cairo Grain Inspection Agency, 4007 Sycamore Street, Cairo, Illinois 62914, was designated as an official agency under the Act for the performance of inspection functions on August 31, 1978.

The agency's designation will terminate on October 31, 1983. This date reflects administrative extensions of official agency designations, as discussed in the July 16, 1979, issue of the **Federal Register** (44 FR 41275). Section 7(g)(1) of the Act states generally that official agencies' designations shall terminate no later than triennially and may be renewed according to the criteria and procedures perscribed in the Act.

The geographic area presently assigned to Cairo, in Illinois, Kentucky, and Tennessee, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the following:

In Illinois, the area is bounded on the North by State Route 150 from the Mississippi River north to State Route 3; State Route 3 southeast to State Route 149; State Route 149 east to State Route 13; State Route 13 southeast to U.S. Route 51; U.S. Route 51 south to Union county. The area also includes the following Counties: Alexander, Johnson, Hardin, Massac, Pope, Pulaski, and Union.

In Kentucky, the area includes the following Counties: Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg.

In Tennessee, the area includes the following Counties: Benton, Dickson, Henry, Houston, Humphreys, Lake, Montgomery, Obion, Stewart, and Weakley.

The following locations, outside of the foregoing contiguous geographic area, are presently assigned to Cairo and are part of the area that may be assigned to the applicant selected for designation: Hopkinsville Elevator Company, Inc., Hopkinsville; and the L&N Railroad siding on Alternate U.S. Route 41 five miles southeast of Hopkinsville, Christian County, Kentucky.

Exceptions to the described geographic area are the following locations situated inside Cairo's area which have been and will continue to be served by Memphis Grain and Hay Association: Continental Grain Co., Tiptonville; West Tennessee Soya, Tiptonville; and Planters Gin, Ridgely, all in Lake County, Tennessee.

Interested parties, including Cairo, are hereby given opportunity to apply for designation as the official agency to perform the official services in the geographic area, as specified above, under the provisions of section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder. Designation in the specified geographic area is for the period beginning

November 1, 1983, and ending October 31, 1986. Parties wishing to apply for this designation should contact the Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than June 1, 1983 to be eligible for consideration.

In making a determination as to which applicant will be designated to provide official services in a geographic area, consideration will be given to applications submitted and other available information.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873, (7 U.S.C. 79))

Dated: April 20, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83-11029 Filed 4-29-83; 8:45 am]

BILLING CODE 3410-EN-M

Forest Service

Colville National Forest Grazing Advisory Board; Meeting

The Colville National Forest Grazing Advisory Board will meet at 2 p.m. on May 6 at the Federal Building Conference Room, 695 So. Main Street, Colville, MA, 99114. The purpose of this meeting is to discuss range allotment management planning and to review the projects which will receive funding from Range Betterment Fund monies in 1983.

The meeting is open to the public. Persons who wish to attend should notify Gary Oliverson, Colville National Forest, at the above address. Written statements may be filed with the committee before or after the meeting.

Dated: April 11, 1983.

William D. Shenk,

Forest Supervisor.

[FR Doc. 83-11570 Filed 4-29-83; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

Time and Place: May 17, 1983, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C.

Agenda: General Session:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of the foreign availability research contract progress—Scientific Applications Staff.

(4) Review of the world computing data base status.

(5) Discussion of foreign availability test cases to be submitted to Commerce on:

(a) Microprocessors;

(b) Floppy disk drives.

(6) Discussion of the legislative activity on the Export Administration Act for 1983.

(7) Discussion of the long term 1983 agenda.

Public Participtation: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: April 26, 1983.

Milton Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 83-11534 Filed 4-29-83; 8:45 am]

BILLING CODE 3510-25-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee.

The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to: (1) Maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

Time and Place: May 17, 1983, at 1:30 p.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and properly classified under Executive Order 12356. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: April 26, 1983.

Milton Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 83-11533 Filed 4-29-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; Chloropicrin From the People's Republic of China

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping investigation to determine whether chloropicrin from the People's Republic of China is being, or is likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of chloropicrin 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 May 23, 1983, and we will make ours on or before September 13, 1983.

EFFECTIVE DATE: May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Michael Ready or Loc Nguyen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-2613 or 377-0167.

Petition

On April 6, 1983, we received a petition filed by counsel on behalf of LCP Chemicals & Plastics, Inc. and Niklor Chemical Company, Inc. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitioners allege that imports from the People's Republic of China of chloropicrin are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 732 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act) and that these imports are materially injuring, or are threatening to materially injure, a United States industry.

The petitioners further allege that the People's Republic of China is a state-controlled economy country within the meaning of the Act. They allege that sales of chloropicrin in the People's Republic of China 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 purpose of determining the foreign market value of this product. The petition suggests Japan as a possible surrogate country.

The allegation of sales at less than fair value is supported by information on foreign market value and United States price obtained by the petitioners from a trading company in Japan. The petition also includes United States price information obtained from an American firm which unsuccessfully sought to purchase the product from the PRC.

Critical circumstances have also been alleged under section 773(e) of the Act (19 U.S.C. 1673b(e)). We will make a determination regarding this issue on the date of our preliminary determination.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on chloropicrin and have found that it meets these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether chloropicrin from the People's Republic of China is being, or is likely to be, sold in the Unites States at less than fair value. If the investigation proceeds normally, we will make our preliminary determination by September 13, 1983.

Scope of the Investigation

The merchandise covered by this investigation is chloropicrin, also known as trichloronitromethane. Chloropicrin is currently classified under item number 408.1600, 408.2900 and 425.5290 of the Tariff Schedules of the United States Annotated.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC 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 that the ITC confirms 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 May 23, 1983, whether there is a reasonable indication that imports of chloropicrin from the People's Republic of China are materially injuring, or are threatening to materially injure, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, the investigation will proceed according to statutory procedures.

Judith H. Bello,

Acting Deputy Assistant Secretary for Import Administration.

April 26, 1983.

[FR Doc. 83-11648 Filed 4-29-83; 8:45 am]

BILLING CODE 3510-25-M

Applications for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, Room 1523, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 83-38. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Instrument: Faraday Rotator Glass Blanks, Type FR-5. Manufacturer: Hoya Corporation, Japan. Intended use of instrument: The instrument is intended to be used in the country's most advanced effort to demonstrate the

feasibility of the generation of usable power in a controlled thermonuclear fusion reaction. Experiments will be conducted using the NOVA 10-arm laser system to obtain isentropic compression of deuterium-tritium targets to greater than 10,000 times liquid density, thereby producing for the first time in any research facility thermonuclear reaction of as many as 10^{14} neutrons per microexplosion. Application received by Commissioner of Customs: November 3, 1982.

Docket No.: 83-141. Applicant: University of Minnesota, Minneapolis, MN 55455. Instrument: Electron Microscope, Model H-600-2 and Accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of instrument: The instrument is intended to be used in carrying out various research projects involving a wide range of biological materials. In addition, the instrument will be used in the course, Transmission Electron Microscopy Lab to provide the student with sufficient experience in electron microscopy techniques. Application received by Commissioner of Customs: March 10, 1983.

Docket No.: 83-8. Applicant: Associated Universities, Inc., National Radio Astronomy Observatory, Post Office Box 2, Green Bank, West Virginia 24944. Instrument: Electrical Transducer. Manufacturer: ERA Technology Limited, United Kingdom. Intended use of instrument: The instrument is intended to be incorporated into a 3.3 GHz radio astronomy receiver which is to be used to study natural radiation from molecules and electrons in space. Application received by Commissioner of Customs: October 18, 1982.

Docket No.: 83-174. Applicant: Riverside Methodist Hospital, 3535 Olentangy River Road, Columbus, OH 43214. Instrument: Electron Microscope, EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: The instrument is intended to be used for studies of kidney biopsies with emphasis on pathogenesis of renal diseases, undifferentiated malignant tumors as to their identity, origin and behavior, leukemias and malignant tumors of the lymphoid system. Also included in research will be specimens suitable for establishing and identifying viruses and viral-related disease. The instrument will also be used in various medical conferences and courses for further understanding of the pathogenesis of disease states and relationships of structural alteration to the clinical status of the patient. Application received by Commissioner of Customs: April 15, 1983.

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-11643 Filed 4-29-83; 8:45 am]

BILLING CODE 3510-25-M

Decision on Application for Duty-Free Entry of Scientific Instrument; Department of Agriculture

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 83-6. Applicant: U.S. Department of Agriculture, Systematic Entomology Laboratory, Room 4, Bldg. 003, Beltsville Agricultural Research Center-West, Beltsville, MD 20705. Instrument: Scanning Electron Microscope, S100T and Accessories. Manufacturer: Cambridge Instruments Ltd., United Kingdom. Intended use of instrument: See Notice on Page 53759 in the **Federal Registrer** of November 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (September 20, 1982).

Reasons: The foreign instrument provides X and Y stage movements of 100 millimeters (mm). The most closely comparable domestic instrument is the Model 1700/02 manufactured by AMRAY Incorporated, 160 Middlesex Turnpike, Bedford, MA 01730. The Model 1700/02 provides X stage movement of up to 55 mm and Y movement of up to 80 mm. The Department of Health and Human Services (HHS) advises in its memorandum dated March 2, 1983 that X and Y stage movements up to 100 mm are pertinent to the purposes for which the foreign instrument is intended to be used. HHS further advises that it knows of no domestic instrument of equivalent scientic value to the foreign instrument for its intended uses. We therefore find that the Model 1700/02 is not of equivalent scientific value to the foreign instrument for such purposes as this foreign instrument is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

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

Frank W. Creel,

Acting Director, Statutory Import Program Staff.

[FR Doc. 83-11644 Filed 4-29-83; 8:45 am]

BILLING CODE 3510-25-M

Decision on Application for Duty-Free Entry of Scientific Instrument; Georgia Institute of Technology

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 82-00376. Applicant: Georgia Institute of Technology, Procurement Office, 888 Hemphill Ave., NW., Atlanta, Georgia 30332. Instrument: Untuned Cavity Resonator, Model UR-1. Manufacturer: Ealing Research Ltd., United Kingdom. Intended use of instrument: See Notice on page 51436 in the **Federal Register** of November 15, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument measures optical properties of irregular shaped materials and provides broad

uniform spectral coverage (millimeter and far infrared). The National Bureau of Standards advises in its memorandum dated March 29, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-11647 Filed 4-29-83; 8:45 am]

BILLING CODE 3510-25-M

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

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 83-12. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, L-650, Livermore, CA 94550. Instrument: Streak Camera, Model C1370. Manufacturer: Hamamatsu Corporation, Japan. Intended use of instrument: See Notice on page 53759 in the **Federal Register** of November 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument has a quantum efficiency greater than or equal to 0.7 percent at 800 nanometers. The National Bureau of Standards advises in its memorandum dated April 4, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-11646 Filed 4-29-83; 8:45 am]

BILLING CODE 3510-25-M

Decision on Application for Duty-Free Entry of Scientific Instrument; Utah State University

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 83-34. Applicant: Utah State University, Department of Electrical Engineering, UMC 41, Logan, Utah 84322. Instrument: High Energy Excimer Pumped Dye Laser System, TE861S-3. Manufacturer: Lumonics, Inc., Canada. Intended use of instrument: See Notice on page 53083 in the **Federal Register** of November 24, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (June 29, 1982).

Reasons: The foreign instrument is a system composed of an excimer laser integrated to a dye laser. At the time the foreign instrument was ordered there were domestic manufacturers of excimer lasers who could combine their respective products with a dye laser produced by another manufacturer. However this would not constitute a "reasonable combination of instruments" within the meaning of § 301.5(d)(1)(i) of the regulations unless the domestic manufacture offering to furnish the combination undertakes to: (a) Functionally integrate the instruments as a single operating unit and (b) establish through appropriate test procedures the overall performance specifications of the excimer and dye laser system. (See decisions on Gas Chromatograph/Mass Spectrometer Docket Number 68-00516-01-11000, 33 FR 11097, August 3, 1968 and Docket Number 69-00116-01-11000, 34 FR 13336 and 13337, August 16, 1969.) We note that at the time of order of the foreign instrument there were no such domestic combinations manufactured in the United States. The foreign instrument has: (1) An excimer pump energy of 0.7 joules per pulse on xenon chloride at 20 pulses per second and (2) a dye laser linewidth less than or equal to 0.002 nanometers(nm) at 320 to 730nm and less than or equal to 0.003nm at 730 to 950nm. The National Bureau of Standards advises in its memorandum dated March 17, 1983 that: (1) The capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no combination of instruments or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no combination of other instruments or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-11645 Filed 4-29-83; 8:45 am]

BILLING CODE 3510-25-M

Computer Systems Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving: (A) Technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and Place: May 18, 1983, at 1:00 p.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Agenda: General Session:

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Industry priority issues on export controls.

(4) Report on current work program of the subcommittees:

(a) Foreign Availability;

(b) Hardware; and

(c) Licensing Procedures.

Executive Session:

(6) Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuamnt to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: April 26, 1983.

Milton Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 83-11611 Filed 4-29-83; 8:45 am]

BILLING CODE 3510-25-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

Time and Place: May 18, 1983, at 10 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Ave., N.W., Washington, D.C.

Agenda: General Session:

1. Minutes of the previous meeting.

2. Presentation of papers or comments by the public.

3. Remarks by the Chairman:

a. Proposal for an all-industry licensing procedures committee;

b. Meridian corporation interview program.

4. U.S. Customs Service: Rule making and quick response procedures.

5. Export Administration Act developments.

6. OEA response to letters on:

a. Procedures for exhibits.

b. Acceleration of post-COCOM procedures.

7. Report on Distribution License policies consideration.

Public Participation: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: April 26, 1983.

Milton Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 83-11612 Filed 4-29-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Change of Review Dates for OMB A–76 Study of Government Versus Contract Operation of the NOAA Logistics Supply Center

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice of intent to extend dates for OMB A–76 study.

SUMMARY: NOAA hereby notifies interested parties of its intent to extend the review period for the Office of Management and Budget Circular A–76 study of the NOAA Logistics Supply Center from 12/01/81—04/04/83 to 12/01/81—10/30/83. Reference Notice of Intent published March 11, 1982 in **Federal Register** Volume 47, Number 48, page 10617.

SUPPLEMENTARY INFORMATION: A contract may or may not result from this review/study. Results of the study will be made available to interested parties.

FOR FURTHER INFORMATION CONTACT: Samuel A. Lawrence, Director, Administrative and Technical Services.

NOAA, Department of Commerce, Washington, DC 20230. Telephone: (202) 377–1919.

Dated: April 26, 1983.

Francis J. Balint,

Chief, Information and Management Services Division.

[FR Doc. 83–11604 Filed 4–29–83; 8:45 am]

BILLING CODE 3510–08–M

Gulf of Mexico Fishery Management Council's ad hoc Shrimp/Stone Crab Advisory Subpanel; Meeting Amendment

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: The dates and location for the ad hoc Shrimp/Stone Crab Advisory Subpanel meeting, as published in the **Federal Register** on April 25, 1983, (48 FR 17638), have been amended as follows:

Separate public meetings will be convened for Shrimp and Stone Crab members on Tuesday, May 3, 1983, and Wednesday, May 4, 1983, respectively. Separate public meetings will be convened for Stone Crab and Shrimp members on Tuesday, May 10, 1983, and Wednesday, May 11, 1983, respectively, to define each fishery.

Public meetings of the entire advisory subpanel will be convened on Tuesday, May 24, 1983, and Tuesday, May 31, 1983, respectively, to address a solution to the conflict. All public meetings will convene at 9 a.m., and will adjourn at approximately 4 p.m.

The public meetings on May 3 and 4, will take place at the Holiday Inn, U.S. Highway 19, Weeki Wachee, Florida. The public meetings on May 10 and 11, will take place at the Pasco/Hernando Community College, Building F, 7025 State Road 587, New Port Richey, Florida. The public meetings on May 24 and 31, will take place at the Hernando/Pasco County Community College, Administration Building, U.S. 98, Brooksville, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, telephone: (813) 228–2815.

Dated: April 26, 1983.

Alfred J. Bilik,

Acting Chief, Fees, Permits and Regulations Branch, National Marine Fisheries Service.

[FR Doc. 83–11601 Filed 4–29–83; 8:45 am]

BILLING CODE 3510–22–M

Office of the Secretary

President's Private Sector Survey on Cost Control; Meeting

AGENCY: Office of the Secretary, Commerce.

ACTION: Notice of open meeting of the Subcommittee of the President's Private Sector Survey on Cost Control (PPSSCC).

SUMMARY: The Subcommittee was established by the Executive Committee of the PPSSCC to: (i) Review the recommendations submitted, including task force reports and public comments, and (ii) determine which recommendations should be made to the President and the Departments and Agencies.

Time and Place: May 17, 1983, begining at 3 p.m. The meeting will be held at the U.S. Department of Commerce Auditorium, First Floor, Herbert C. Hoover Building, 14th St. and Constitution Avenue, N.W., Washington, D. C. 20230.

Agenda:

1. Draft reports from the following Task Forces of the Survey will be discussed by Subcommittee members:
   A. Boards/Commissions—Business;
   B. Hospital Management;
   C. Federal Construction Management;
   D. Department of Labor;
   E. Real Property Management;
   F. Veterans Administration.
2. Comments and recommendations received from public and other interested parties will be discussed by Subcommittee members.

In compliance with Federal Advisory Committee Act and Freedom of Informatiion Act requirements, copies of the draft reports will be available on May 6 at the Department's Central Reference and Records Inspection Facility, Room 6628 Hoover Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Please call Ms. Geraldine P. LeBoo on (202) 377–3271 for information concerning fees and procedures for obtaining copies by mail.

SUPPLEMENTARY INFORMATION: The Subcommittee will hold additional public meetings in May and June, 1983. Exact dates will be noticed in the Federal Register. Copies of all materials, including Task Force reports, to be considered at these meetings will be available approximately two weeks prior to each meeting at the Department's Central Reference and Records Inspection Facility, address above.

Public Participation: the May 17 meeting will be open to the public. Seating will be on a first-come, first-served basis, up to the safe capacity of the meeting room. Media representatives are encouraged to call Mr. Malcolm Barr, Director, News Relations, Department of Commerce, 377–4901 to arrange for coverage of the meeting.

The public may file written statements for consideration by the Subcommittee any time before, at, or after the meeting. It is strongly recommended that statements concerning the matters to be considered at each meeting be filed before such meeting to ensure that they are considered by the Subcommittee before adoption of a report. The statements should be filed at the Department of Commerce's Central Reference and Records Inspection Facility, address and phone number as above. Because of the number of recommendations to be discussed, the meeting agenda will not include time for oral statements from public attendees. All public statements received will be available for public review.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Colson, Committee Control Officer for the Executive Committee of the President's Private Sector Survey on Cost Control, telephone (202) 466–4665.

Dated: April 26, 1983.

Marilyn S. McLennan,

Chief, Information Policy and Management Division, Office of the Secretary.

[FR Doc. 83–11626 Filed 4–29–83; 8:45 am]

BILLING CODE 3510–CW–M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, May 10, 1983 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 566–1066

Dated in Washington, D.C. April 26, 1983.

Charles H. Atherton,

Secretary.

[FR Doc. 83-11640 Filed 4-29-83; 8:45 am]

BILLING CODE 6330-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Levels for Certain Wool Textile Products From the Hungarian People's Republic Under a New Bilateral Agreement

April 27, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import levels for men's and boys' suit-type wool coats in category 433 and wool suits in category 443 and 444, produced or manufactured in Hungary, under a new bilateral agreement.

SUMMARY: On February 15 and 25, 1983, the Governments of the United States and the Hungarian People's Republic signed a new Bilateral Wool Textile Agreement. The new agreement establishes, among other things, levels of restraint for wool textile products in Category 433 during the twelve-month period which began on January 1, 1983 and for Categories 443 and 444 during the fifteen-month period which began on October 1, 1982 and extends through December 31, 1983. In the letter published below, the Chairman, Committee for the Implementation of Textile Agreements, directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool textile products in categories 433, 443, and 444, produced or manufactured in Hungary and exported during the periods indicated, in excess of the designated levels. The level of restraint for Category 433 has not been adjusted to account for any imports after December 31, 1982. The levels for Categories 443 and 444 have not been adjusted for any imports after September 30, 1982. Such charges will be made, as applicable, to account for periods which began on October 1, 1982 and January 1, 1983 and extend to the effective date of this action, as well as thereafter. A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175).

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

EFFECTIVE DATE: May 3, 1983.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4214).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 27, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasure, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Wool Textile Agreement of February 15 and 25, 1983, between the Governments of the United States and the Hungarian People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 3, 1983 and for the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 433, produced or manufactured in Hungary and exported during 1983, in excess of 7,350 dozen.[1]

You are also directed to prohibit, effective on May 3, 1983 and for the fifteen-month period which began on October 1, 1982 and extends through December 31, 1983, entry into the United States for comsumption and withdrawal from warehouse for consumption of wool textile products in Categories 443 and 444, produced or manufactued in Hungary and exported during that fifteen-month period in excess of the following levels of restraint:

[15-month level of restraint] [1]

Category	Dozens
443	8,740
444	6,209

[1] The levels of restraint have not been adjusted to reflect any imports after September 30, 1982.

Wool textile products in Category 433 which have been exported to the United States before January 1, 1983, or, in the case of Categories 443 and 444, before October 1, 1982, shall not be subject to this directive.

Textile products in Categories 433, 443, and 444 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels set forth above, except where noted, are subject to adjustment in the future according to the provisions of the bilateral agreement of February 15 and 25, 1983 between the Governments of the United States and the Hungarian People's Republic, which provide, in part, that: (1) Except for Category 433, the levels of restraint may be exceeded by not more than five percent during an agreement year, provided the increase is compensated for by an equivalent decrease in another specific limit, other than Category 433; (2) the levels may be increased for carryforward up to 6 percent of the applicable category limit; and (3) administrative arrangements or adjustment may be made to resolve minor problems arising in the implementation of the agreement.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175).

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

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

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-11649 Filed 4-29-83; 8:45 am]

BILLING CODE 3510-25-M

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

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of committee: Army Science Board (ASB).

Dates of meeting: Tuesday and Wednesday, May 17 and 18, 1983.

Times: 0830-1700 hours (closed)—both days.

Place: The Pentagon, Washington, D.C.

Agenda

The Army Science Board 1983 Summer Study on Future Development

Coal will have a meeting of its Equipping the Army Subpanel for classified briefings and discussions of same. Areas to be covered are innovations within ARRADCOM and TRADOC, interfaces between new equipment requirements and Mission Area Analyses (MAA), interface between doctrine and new equipment, and system constructs—the bridge between the technology base and AirLand Battle 2000. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5 U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695–3039 or 697–9703.

Maria P. Winters,

Acting Administrative Officer.

[FR Doc. 83-11744 Filed 4-29-83; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

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

Name of committee: Army Science Board (ASB).

Dates of meeting: Tuesday, Wednesday, and Thursday, May 17–19, 1983.

Times: 0830–1700 hours (closed)—all three days.

Place: Various West Coast facilities of private industry sector, all located in the Los Angeles, California area (see below).

Agenda

The Army Science Board Ad Hoc Subgroup on Intelligent Robotics will conduct facility visits of Hughes Research Laboratories (Malibu), Odetics (Anaheim), and the Naval Ocean Systems Command Laboratories (San Diego) for orientation in kicking off this important study effort. The Subgroup is examining applications for the U.S. Army of emerging technologies in the field of intelligent robotics. The Subgroup will also hold an Executive Session to discuss what has been briefed and demonstrated. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraphs (1 and 4) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and proprietary nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695–3039 or 697–9703.

Maria P. Winters,

Acting Administrative Officer.

[FR Doc. 83-11745 Filed 4-29-83; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

National Advisory Council on Vocational Education; Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of public meeting of the council.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend.

DATE: June 12, 1983, 9:00 a.m.–4:30 p.m.

ADDRESS: The Capitol Holiday Inn, 550 C Street SW., Columbia Ballroom North.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90–576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The meeting of the National Advisory Council, as announced, is open to the public, and the proposed Agenda will include presentations regarding:

Guidance and Counseling
Business/Education Cooperation
Recognition of Outstanding Handicapped Student
Committee Reports

Records are kept of the Council's proceedings, and are available for public inspection at the office of the National Advisory Council on Vocational Education from 9:00 a.m. to 5:00 p.m., 425 13th Street NW., Suite 412, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Virginia Solt, NACVE Staff, at above address. Telephone: (202) 376–8873.

Signed at Washington, DC on April 27, 1983.

James W. Griffith,

Executive Director, National Advisory Council on Vocational Education.

[FR Doc. 83-11577 Filed 4-29-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA–FC–83–011; FC Case Nos. 61045–9229–20–24 61045–9229–21–24 61045–9229–22–24]

Petition for Exemption and Availability; Capitol Cogeneration Co., Ltd.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption and availability of certification by Capitol Cogeneration Company, Ltd.

SUMMARY: On March 9, 1983, Capitol Cogeneration Company, Ltd. (Capitol), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for each of three identical electric powerplants from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.)* (FUA or the Act). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the **Federal Register** at 46 FR 59872 (December 7, 1981). Final rules governing the cogeneration exemption were revised on June 25, 1982. (47 FR 29209 (July 6, 1982)).

Capitol seeks exemptions for three 100 megawatt combustion turbine powerplants capable of using natural gas or No. 2 distillate oil to produce

electricity, each of which will be coupled with a heat recovery steam generator to produce high pressure process steam.

It is expected that all the net annual electric power generation of Capitol's turbine generators will be sold to Houston Lighting & Power Company (HL&P), making each cogeneration facility an electric powerplant pursuant to § 500.2 of the final rules.

Within thirty days of the receipt of the petition, ERA found it to be incomplete due to minor deficiencies and so notified Capitol. On April 18, 1983 additional data and information addressing the deficiencies were received from Capitol. ERA has determined that the amended petition appears to include sufficient evidence to support an ERA determination and it is therefore accepted pursuant to § 501.3 of the final rules. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and §§ 50.31 and 501.33 of the final rules, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. 20585, 8:00 a.m. to 4:00 p.m., Monday through Friday except Federal holidays.

ERA will issue a final order granting or denying the petition for exemptions from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register**.

DATE: Written comments are due on or before June 16, 1983. A request for a public hearing must be made within this same 45-day period.

ADDRESS: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA–093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Docket No. ERA–FC–83–011 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA–073G, Washington, D.C. 20585, Phone (202) 252–8162, or

Allan Stein, Esq., Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–222, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: Capitol proposes to construct and operate a cogeneration plant known as the Bayport Project located in Pasadena Industrial District, Pasadena, Harris County, Texas which will: (1) Generate electrical power for sale to HL&P, and (2) produce process steam for sale to Celanese Chimical Company. The proposed system will consist of three 100 megawatt gas turbine/generators, together with three heat recovery generators, which will utilize exhaust heat from the turbines to produce high pressure steam. The heat recovery generators will not be supplementally fired with additional fuel.

Capitol expects to sell all the net annual electric power generation of the turbine generators to HL&P. The sale of in excess of 50 percent of each facility's net annual electric power generation causes it to be classified as an electric powerplant under FUA, subject to the Title II construction and fuel use prohibitions.

Section 212(c) of the Act and § 503.37 of the final rules provide for permanent cogeneration exemptions from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1) of the final rules, Capitol has certified that:

1. The oil or gas to be consumed by each cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility, where the calculation of savings is in accordance with § 503.37(b) of the final rules; and

2. The use of a mixture of petroleum or natural gas and an alternate fuel in each cogeneration facility for which an exemption under § 503.38 of the final rules would be available, would not be economically or technically feasible.

In accordance with the evidentiary requirements of § 503.37(c), Capitol has also included as part of its petition:

1. Exhibits containing the basis for the certifications described above, and

2. An environmental impact analysis, as required under § 503.13 of the final rules.

In processing these exemptions, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of: (1) An Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed. Pursuant to § 501.3 of the final rules, ERA hereby accepts the petitioner's requet for permanent cogeneration exemptions for the Bayport Project units, described above. ERA retains the right, however, to request additional relevant information from the petitioner at any time during the pendency of these proceedings. As provided in § 503.3(b)(4) of the final rules, the acceptance of the petition by ERA does not constitute a determination that Capitol is entitled to the exemptions requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C. on April 25, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-11652 Filed 4-29-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board; Light Water Reactor Safety R&D Panel; Opening Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Light Water Reactor Safety R&D Panel of the Energy Research Advisory Board (ERAB).

Date and time: May 24–25, 1983 from 9 a.m. to 5 p.m.

Place: U.S. Department of Energy, 1000 Independence Avenue, SW., Room 4A–110, Washington, DC 20585.

Contact: Charles E. Cathey, U.S. Department of Energy, Office of Energy Research (ER–6), 1000 Independence Avenue,

SW., Washington, DC 20585, Telephone: 202/252-8933.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide longrange guidance in these areas to the Department.

Tentative Agenda:

- Discussions on the activities and current status of the subpanels on DOE and Foreign Research, NRC Research, and Private Sector and INPO Research.
- Panel discussions of the working draft chapters prepared by the subpanels.
- Public comment (10 minute rule).

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Charles E. Cathey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 25, 1983.

J. R. Young,

Director for Management, Office of Energy Research.

[FR Doc. 83-11655 Filed 4-29-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Research Advisory Board; Materials R&D Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Materials R&D Panel of the Energy Research Advisory Board (ERAB).

Date and Time: May 18, 1983 from 8 a.m. to 4 p.m.

Place: U.S. Department of Energy, 1000 Independence Avenue, SW., Room 4A-110, Washington, DC 20585.

Contact: William Woodard, U.S. Department of Energy, Office of Energy Research (ER-6), 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202/252-8933.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda:

- Discussion of Initial Working Outline for Draft Report.
- Reports on laboratory visits.
- Public comment (10 minute rule).

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact William Woodard at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 25, 1983.

J. Ronald Young,

Director for Management, Office of Energy Research.

[FR Doc. 83-11654 Filed 4-29-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Research Advisory Board; University Programs Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: University Programs Panel of the Energy Research Advisory Board (ERAB).

Date and Time: May 18-19, 1983 from 9 a.m. to 5 p.m.

Place: U.S. Department of Energy, 1000 Independence Avenue, SW., Room 8E-089, Washington, DC 20585.

Contact: Joan Snodderly, U.S. Department of Energy, Office of Energy Research (ER-6), 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202/252-8933.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda:

- Discussion of draft report.
- Public comment (10 minute rule).

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Joan Snodderly at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 25, 1983.

J. Ronald Young,

Director for Management, Office of Energy Research.

[FR Doc. 83-11653 Filed 4-29-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. RP72-110-029, et al.]

Algonquin Gas Transmission Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

April 27, 1983

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 11, 1983. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date and Company	Docket No.	Type filing
1/20/83 Algonquin Gas Transmission Co.	RP72-110-029	Report.
3/29/83 Trunkline Gas Co.	RP73-35-010	Do.
3/31/83 Natural Gas Pipe Line Co. of America.	RP80-11-011	Do.
4/11/83 Alabama-Tennessee Natural Gas Co.	RP73-77-021	Do.
4/18/83 National Fuel Gas Supply Corp.	RP80-135-026	Do.

[FR Doc. 83-11675 Filed 4-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-469-000]

Arizona Public Service Co.; Filing

April 27, 1983.

The filing Company submits the following:

Take notice that on April 19, 1983, Arizona Public Service Company (APS) tendered for filing as an initial rate schedule an Emergency Interruptible Transmission Service Agreement

between Southern California Edison Company and APS dated April 14, 1983. The emergency interruptible transmission service shall expire when the Moenkopi 500 kV line is back in service.

APS requests an effective date of April 3, 1983, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 12, 1983. Protests will be considered by the Commission in determining the appropriate action 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. 83-11676 Filed 4-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2042-000]

David B. Meeker; Application

April 27, 1983.

The filing individual submits the following:

Take notice that on April 21, 1983, David B. Meeker, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director: The Dayton Power & Light Company
Director: Square D 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 or 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 May 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11677 Filed 4-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-208-000]

Genstar Gas Recovery Systems, Inc., Marsh Road; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 27, 1983.

On March 7, 1983, Genstar Gas Recovery Systems, Inc., 177 Bovet Road, Suite 550, San Mateo, California 94402, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules. On March 31, 1983 supplementary information was filed regarding the facility.

The facility is located at Marsh Road Landfill, Menlo Park, California. The generating capacity of the facility is one megawatt. The primary energy source is landfill gas. the facility is the only small power production facility owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11678 Filed 4-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-207-000]

Genstar Gas Recovery Systems, Inc., Newby Island; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 27, 1983.

On March 7, 1983, Genstar Gas Recovery Systems, Inc., of 177 Bovet Road, Suite 550, San Mateo, California 94402, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules. On March 31, 1983 supplementary information was filed regarding the facility.

The facility is located at Newby Island Landfill, San Jose, California. The generating capacity of the facility is 1.5 megawatts. The primary energy source is landfill gas. The facility is the only small power production facility owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11679 Filed 4-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-51-001]

Great Lakes Gas Transmission Co.; Filing

April 27, 1983.

Take notice that on April 13, 1983, Great Lakes Gas Transmission Company (Great Lakes) submitted for filing Substitute Forty-Second-A Revised

Sheet No. 57 to its FERC Gas Tariff, First Revised Volume No. 1.

On March 31, 1983, Great Lakes filed Forty-Second-A Revised Sheet No. 57 to its FERC Gas Tariff, First Revised Volume No. 1, containing adjustments to rates to reflect the current cost of gas purchased by Great Lakes from TransCanada Pipelines Limited, and a revised surcharge rate resulting from unrecovered purchased gas cost for the period commencing September 1, 1982 and ending February 28, 1983. The requested effective date of Forth-Second-A Revised Sheet No. 57 was May 1, 1983, which is the next semi-annual purchase gas cost adjustment date for Great Lakes under the Commission's regulations.

On April 11, 1983, the Canadian government announced, effective April 12, 1983, a reduction in the Canadian border price of natural gas to $4.40 U.S. per MMBtu from $4.94 U.S. Per MMBtu.

The instant filing reflects the new border price. Also transmitted with the filing as Exhibit A are the details of the computations of the revised purchased gas cost adjustment. The surcharge and the GRI charge adjustments remain unchanged from those filing on March 31, 1983.

Great Lakes requests that Substitute Forty-Second-A Revised Sheet No. 57 become effective on May 1, 1983, instead of Forth-Second-A Revised Sheet No. 57. The effect of the reduction in the border price between April 12, 1983, and April 30, 1983 will be credited to Great Lakes unrecovered purchased gas adjustment Account No. 191 and will be included in the next surcharge to be effective November 1, 1983.

Great Lakes states that copies of the filing were served on all Great Lakes, customers, and the public service commissions of Minnesota, Wisconsin and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-11680 Filed 4-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA83-11-000]

Hamman Oil and Refining Co.; Application for Adjustment

Issued: April 27, 1983.

On April 6, 1983, Hamman Oil and Refining Co. (Hamman) filed with the Commission a "Petition for an Adjustment" under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) 15 U.S.C. 3301 *et seq.* (Supp. V 1982). Specifically, Hamman requests a finding that production from a well within 2.5 miles of the State Tract No. 36 No. 1 Well (State Well) for the 5 month period of January to May 1970 is not "production in commerical quantities" as defined in § 270.102 of the Commission's regulations. Further, Hamman seeks a finding that if such production is not in commercial quantities, the State Well is not within 2.5 miles of a "marker well" as that term is defined in section 2(5)(A) of the NGPA, and therefore may qualify for a section 102(c)(1)(B) well determination under the NGPA.

Hamman is the operator of the State Well, on State Tract No. 36, Lake Anahuac Field, Chambers County, Texas, and wishes to qualify that well for NGPA section 102 rates. Section 102(c)(1)(B)(i) requires that a well must be a "new well," as defined in NGPA section 2(3), and must be at least 2.5 miles from the nearest marker well in order to qualify for section 102 rates. A "marker well" is defined as any well from which natural gas was produced in commercial quantities at any time after January 1, 1970, and before April 20, 1977. Since the NGPA did not define "produced in commerical quantities" the Commission defined such term in § 270.102 of its regulations as "production of natural gas from a well or reservoir which is either: (A) Sold and delivered to one other than the operator; or (B) (subject to [a rebuttable presumption in] § 271.204(e)) retained by the operator, or any owner of the production at severance, for beneficial economic use."

Hamman asserts that of the 12 wells which are producing or have produced gas within a 2.5 mile radius of the State Well, measured from the surface projection of the bottom hole location, only one, in the Trinity Field, is a possible marker well, that may prevent the State Well from qualifying under section 102(c)(1)(B)(i). Hamman contends that since this Trinity Field well produced only 13,639 Mcf for the period January through May 1970 (the first 5 months of the marker well determination period), which was only 16.63 percent of its set allowable of 62,000 Mcf for the same period, this shows that the well was beginning to play out, and was probably unprofitable in 1970, and maintained only because it could be commingled with the producer's other production from wells in the area. Thus, Hamman alleges that this was "inadvertent" production, and should be disregarded as sufficient production to be designated "production in commerical quantities."

Hamman's request for an adjustment is based on an assertion that it would suffer inequitable treatment if the Commission finds that the alleged marker well's 5 months of production, which "inadvertently" overlapped the first 5 months of the marker well determination period, is production in commercial quantities. The alleged inequity which would result should the State Well be ineligible for section 102 rates, is that the necessary incentives to explore and develop the Lake Anahuac wildcat area, and in particular the sands in which the State Well was completed, would be unavailable. Hamman avers that to dissallow the requested adjustment would contravene the policy of the NGPA to encourage the development and production of natural gas.

The procedures applicable to the conduct of this adjustment proceeding are found in Rules 1101–1117, Subpart K of the Commission's Rules of Practice and Procedure, 18 CFR 385.1107–1117. Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with the provisions of Rule 214 (§ 385.214). All petitions to intervene must be filed within fifteen days after the publication of this notice in the Federal Register.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11681 Filed 4-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-81-010]

Michigan Wisconsin Pipe Line Co.; Filing of Post Audit Report

April 27, 1983.

Take notice that on April 12, 1983, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), pursuant to Article I of the Stipulation and Agreement dated October 25, 1982, in

Docket Nos. RP81–61 and RP82–80, which was approved by the Commission on February 10, 1983, submitted for filing its Post Audit Report setting forth the settlement cost of service for the Locked-In Period (twelve months ended October 31, 1982) and settlement base rates for resale, transportation and storage services all computed in accordance with Appendix A of the Stipulation and Agreement.

Michigan Wisconsin states that copies of the report were sent to all of Michigan Wisconsin's jurisdictional customers, interested state commissions and parties to the proceedings in Docket Nos. RP81–61 and RP82–80.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 or 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 May 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11682 Filed 4–29–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP81–49–010 and RP82–62–006]

Natural Gas Pipeline Company of America; Filing

April 27, 1983.

Take notice that on April 18, 1983, Natural Gas Pipeline Company of America (Natural), submitted for filing, to be effective April 1, 1983, copies of Substitute Fiftieth Revised Sheet No. 5, Substitute Nineteenth Revised Sheet No. 5A, and Substitute Eighth Revised Sheet No. 5B to be a part of Natural's FERC Gas Tariff, Third Revised Volume No. 1.

Natural states that a copy of the filing has beeen mailed to Natural's jurisdictional customers, all parties to Docket Nos. RP81–49–000 and RP82–62–000, and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83–11683 Filed 4–29–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP83–77–000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Petition of Northern Natural Gas Company for Waiver of FERC Gas Tariff

April 27, 1983.

Take notice that on April 25, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), filed a petition requesting a waiver of its FERC Gas Tariff so as to permit the Company a fifteen day extension of the time required to file its Semi-Annual ANGTS Rate Adjustment, reflecting changes in Northern Border transportation rates charged to Northern.

Northern states that granting of the requested waiver will allow it to make the ANGTS Rate Adjustment filing based upon the Commission's disposition of the Stipulation and Agreement resolving Northern's rate case in Docket No. RP82–71. This settlement currently is on the Commission's agenda for its April 27 meeting.

Northern states that the settlement in Docket NO. RP82–71 embodies a new rate design which will substantially affect the ANGTS Rate Adjustment filing and that it desires to make the required filing based upon the rates ultimately approved by the Commission. Furthermore, approval of its request will permit Northern and its customer utilities to forego multiple rate filings with this Commission and/or their respective state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a 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 385.11, 385.214). All such petitions or protests should be filed on or before May 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11684 Filed 4–29–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP77–62–000, RP80–97–000, RP81–54–000, RP81–56–000, RP82–10–000, and RP82–12–000]

Tennessee Gas Pipeline Co.; Denying Extension of Time

April 26, 1983.

On April 8, 1983, Tennessee Gas Pipeline Company (Tennessee) filed a motion for an extension of time to file Settlement Cost of Service, Settlement Base Tariff Rates and Unit Refund Amounts pursuant to the Stipulation and Agreement which was approved by Commission letter order issued June 23, 1982, in the above-docketed proceeding. In its April 8, 1983, motion, Tennessee requests that the filing date be postponed pending Commission consideration of a second Stipulation and Agreement which was filed by the company on April 6, 1983, in the above-proceeding and other Tennessee proceedings. On April 20, 1983, Commission Staff Counsel filed an answer stating his opposition to Tennessee's request.

Upon consideration, notice is hereby given that the motion is denied.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11685 Filed 4–29–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER83–470–000]

Wisconsin Power and Light Co.; Filing

April 27, 1983.

The filing Company submits the following:

Take notice that on April 19, 1983, Wisconsin Power and Light Company (WPL) tendered for filing an Agreement and three rate schedules dated February 14, 1983 between WPL and Wisconsin Public Power Incorporated System (WPPIS). WPL states that the Agreement and associated rate schedules are filed for the purpose of establishing the terms and conditions of sale and purchase of

wholesale power and energy and transmission services between WPL and WPPIS.

WPL request an effective date of March 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been provided to WPPIS and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 May 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11686 Filed 4-29-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2355-1]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 USC 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM-223); U.S. Environmental Protection Agency; 401 M Street SW.; Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Water Programs

• Title: Survey of Operating and Financial Characteristics of Community Water Systems (EPA ID 0371).

Abstract: EPA is following up its original survey of community water systems to complete unanswered quetions. The Agency will use this information for economic analysis of regulatory and nonregulatory alternatives.

Respondents: Public and privately-owned community water systems.

Pesticides Programs

• Title: Pilot Study: Pesticide Use Survey of Public Outdoor Use Areas (EPA ID 0604).

Abstract: EPA Is conducting a pilot study of local governments' usage of pesticides in outdoor areas. The data collected will ultimately affect regulatory decisions involving registration, data requirements and special studies.

Respondents: Local governments.

Agency Forms Cleared by OMB Between March 31 and April 8, 1983

EPA ID 0094, Recordkeeping of Supporting Date for Permit to Discharge Wastewater, was cleared April 7 (OMB #2000-0448).

EPA ID 0574, Premanufacture Notification Requirements, was cleared April 8 (OMB #2070-0012).

EPA ID 0808, Contingency Plans for Hazardous Waste Management Facilities, was cleared April 7 (OMB #2050-0011).

EPA ID 0809, Operating Record for Hazardous Waste Management Facilities, was cleared April 7 (OMB #2050-0013).

EPA ID 0820, Generator Requirements, was cleared on April 1 (OMB #2000-0412).

EPA ID 0969, Authorization of State Hazardous Waste Management Programs, was cleared April 7 (OMB #2000-0387).

EPA ID 1017, Survey of Nonferrous Metals Forming Industry (resubmission), was cleared March 31 (OMB #2040-0034).

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223) 401 M Street SW., Washington, D.C. 20460

and

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place NW., Washington, D.C. 20503.

Dated: April 22, 1983.

N. Phillip Ross,

Chief, Statistical Policy Staff.

[FR Doc. 83-11344 Filed 4-29-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-53048; TSH-FRL 2350-6]

Premanufacture Notices; Monthly Status Report for March 1983

Correction

In FR Doc. 83-10457, beginning on page 17134, in the issue of Thursday, April 21, 1983, make the following changes:

1. On page 17134, in the third column, the fourth line from the bottom should read "Dated: April 13, 1983."

2. On page 17135 in the table, in entry 83-538, "ester" should read "esters".

3. Also on page 17135, an entry should be inserted after 83-546; it should read "83-547 Generic name: Substituted phenolazo, substituted pyrazonlone. 48 FR 11501 (3/18/83) June 7, 1983."

4. On page 17136, in entry 83-473, remove "di-"; in entry 83-474 "di" should read "tri".

5. Also on page 17133, in entry 83-501, "condensation" should read: "condensation product".

BILLING CODE 1505-01-M

[OPTS-59116A; FRL 2356-5]

Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of TM-83-22, an application for test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

EFFECTIVE DATE: April 22, 1983.

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-204, 401 M St. SW., Washington, D.C. 20460; (202-382-3725).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and

disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and for the time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restrictions apply:

1. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

TME 83-22.

Initial Date of Receipt: February 2, 1983.

Notice of Receipt: February 16, 1983 (48 FR 6900).

Applicant: Confidential.

Chemical: Alkyl co-polyether (Generic).

Use: Confidential.

Import Volume: 15,000 kg.

Number of Customers: 3.

Exposure Information: There will be low potential for worker exposure to the new chemical substance during manufacture and processing operations. Worker exposure to the new chemical substance is expected to be minimal because of the low vapor pressure, use of protective clothing, and because of the short duration of manufacture (an estimated 5 days during the 1 year test marketing period). Worker exposure at customers' use sites is also expected to be low because of the automated application of the new chemical to an article.

Releases of the new chemical substance from manufacturing sites will be to publically owned treatment works (POTWs) and is expected to be low. The test market substance is expected to be released to water at customer's use sites after end use application.

Test Marketing Period: 1 year.

Commencing on: April 22, 1983.

Risk Assesment: There is some concern for health effects for the new chemical substance. However, concern is mitigated by the very low exposure potential during the test marketing period.

Chemicals analogous to the new chemical substance vary in ecotoxicity potential over a wide range. Based on uncertainty and the expected release of the new chemical substance to water, concerns were raised for possible aquatic toxicity. However, the Agency concludes that the test market substance has a low potential for aquatic toxicity based on results of toxicity tests conducted by the submitter in response to Agency concerns.

Public Comments: None.

The Agency reserves the right to rescind approval of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk to health or the environment.

Dated: April 22, 1983.

Marcia Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-11624 Filed 4-29-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59120A/59121A; TSH FRL 2356-4]

Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of TM-83-31, and TM-83-32, TM-83-33, and TM-83-34, four applications for test marketing exemptions (TME) under section 5 (h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Theodore C. Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-204, 401 M St. SW., Washington, D.C. 20460; (202-382-3725).

SUPPLEMENTARY INFORMATION: Section 5 (h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any ureasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and for the time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restrictions apply:

1. If the substance is shipped, the applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and msut make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

TME 83-31.

Date of Receipt: March 15, 1983.

Notice of Receipt: March 25, 1983 (48 FR 12590).

Applicant: Confidential.

Chemical: Sustituted acetamide.

Use: Confidential. The new chemical will be incorporated as a minor constituent in an article for use in commercial production.

Production Volume: 0.2 kg.

Worker Exposure: During manufacture and processing, dermal and inhalation exposure may occur for up to 5 days/year during manual transfer operations.

Test Marketing Period: 3 months.

Commencing on: April 25, 1983.

Risk Assessment: There are moderate health concerns for the new substance. It could also be potentially ecotoxic. However, these concerns are mitigated by the low human exposure and release. There will be no significant human exposure and release during manufacture and processing of the PMN substance. General exhaust, safety glasses and protective clothing will be used. After processing the substance will be contained in an article with no potential for human contact.

Public Comments: None.

TME 83-32.

Date of Receipt: March 15, 1983.

Notice of Receipt: March 25, 1983 (48 FR 12590).

Applicant: Confidential.

Chemical: Polyester polyurethane (Generic).
Use: Confidential.
Production Volume: 11,200 kg.
Number of Customers: 1.
Worker Exposure: Manufacture: dermal and eye, a total of 27 workers, up to 6 hours/day, up to 6 days/year. Processing: dermal and eye, a total of 15 workers, up to 6 hours/day, up to 6 days/year. Use: dermal and eye, 6 workers, 8 hours/day 45, days/year.
Test Marketing Period: 45 days.
Commencing on: April 25, 1983.
Risk Assessment: The Agency did not identify any significant health or environmental effects based on the information received from the submitter and other information presently available to the Agency. In addition, the production volume and potential for exposure and release are very low. The overall concerns, therefore, for health and ecotoxicity are low.
Public Comments: None.

TME 84-33.

Date of Receipt: March 15, 1983.
Notice of Receipt: March 25, 1983 (48 FR 12590).
Applicant: Confidential.
Chemical: Disubstituted heteromonocycle (Generic).
Use: Confidential.
Production Volume: 4,480 kg.
Worker Exposure: Manufacture: dermal and ocular, a total of 27 workers, up to 6 hours/day, up to 6 days/year. Processing: dermal and ocular, 48 workers, up to 6 hours/day, up to 6 days/year.
Test Marketing Period: 45 days.
Commencing on: April 25, 1983.
Risk Assessment: EPA has established that the new test market substance, submitted under TM-83-33, will not present an unreasonable risk of injury to health or to the environment under the specific conditions set out in the application. There are moderate health concerns for the new substance. The TME substance could also be potentially ecotoxic. However, these concerns are mitigated by the expected low worker exposure and low release to the environment. Furthermore, the TME chemical is expected to be poorly absorbed. Worker exposure to the new sustance during manufacturing and processing will be minimized by use of protective clothing and equipment. Release of the new substance to the environment will be low because of process controls.
Public Comments: None.

TME 83-34

Date of Receipt: March 18, 1983.
Notice of Receipt: April 1, 1983 (48 FR 14036).
Applicant: Confidential.
Chemical: Substituted alkane diols (Generic).
Use: Confidential.
Production Volume: 10,000 kg.
Worker Exposure: Manufacture and processing: dermal and ocular, a total of 25 workers, up to 10 hours/day, up to 22 days/year. Use: dermal, ocular and inhalation, a total of 10 workers, up to 8 hours/day, up to 45 days/year.
Test Marketing Period: 1 year.
Commencing on: April 25, 1983.
Risk Assessment: No significant health effects or significant environmental effects were identified for the TME substance. Furthermore, any concerns would be mitigated because of low worker exposure during manufacture, processing and use of the chemical and because of low releases to the environment. Releases from manufacture and processing are expected to be incinerated. Releases from use are to be landfilled or incinerated. Therefore, the Agency finds that the test marketing activity will not result in an unreasonable risk.
Public Comments: None.

The Agency reserves the right to rescind approval of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk to health or the environment.

Dated: April 25, 1983.

Marcia Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-11625 Filed 4-29-83; 8:45 am]
BILLING CODE 6560-50-M

[AMS-FRL-2354-8]

Petrocoal Fuel Waiver

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is soliciting comments, data, and analyses which can be of help in evaluating a petition and supplementary submission by the Motor Vehicle Manufacturers Association of the United States, Inc. (MVMA), seeking administrative reconsideration of EPA's grant of a waiver requested by Anafuel Unlimited (Anafuel) [1] for a proprietary fuel known as "Petrocoal."

[1] Subsequent to the grant of the waiver, Anafuel changed its name to American Methyl Corporation. To avoid confusion, this notice will refer to the company as Anafuel, in which name the waiver was granted.

DATE: Comments must be submitted by July 1, 1983.

ADDRESS: Copies of all public information on the waiver application and subsequent submissions, including the MVMA petition and supplementary submission requesting reconsideration of the waiver, are available for inspection in public docket EN-81-8 at the Central Docket Section (LE-131) of the Environmental Protection Agency, Gallery 1, West Tower, 401 M Street, S.W., Washington, D.C. 20460; (202) 382-7548, between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Chief, Fuels Section, Field Operations and Support Division, 401 M Street, S.W., Washington, D.C., 20460 at (202) 382-2635.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Clean Air Act (Act), 42 U.S.C. 7545(f)(1), states that effective upon March 31, 1977, it shall be unlawful for any manufacturer of any fuel or fuel additive to first introduce into commerce, or to increase the concentration in use of, any fuel or fuel additive for general use in light-duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act. Section 211(f)(4) of the Act, 42 U.S.C. 7545(f)(4), provides that the Administrator of the EPA, upon application of any manufacturer of any fuel or fuel additive, may waive the prohibitions established under section 211(f)(1), if the Administrator determines that the applicant has established that such fuel or fuel additive or a specified concentration thereof, or the emission products of such fuel or additive or specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act. If the Administrator does not act to grant or deny an application within 180 days of receipt of the application, the waiver authorized by section 211(f)(4) shall be treated as granted.

Anafuel submitted an application for a waiver for a proprietary fuel known as "Petrocoal" on February 20, 1981. A **Federal Register** notice was published April 13, 1981, 46 FR 21695,

acknowledging receipt of the application and soliciting comments. The 180-day review period provided by section 211(f)(4), scheduled to expire on August 19, 1981, was subsequently extended until September 28, 1981 by the consent of Anafuel and EPA. On September 28, 1981 the Administrator granted a waiver. A **Federal Register** notice of this decision was published on October 5, 1981, 46 FR 48975.

Under Section 307(b)(1) of the Act, judicial review of this Agency action was available only by the filling of a petition for review in the U.S. Court of Appeals for the District of Columbia within 60 days of the October 5, 1981 publication date. On December 4, 1981, within the required 60 days, MVMA on behalf of its member companies, and General Motors individually, filed petitions for review of the waiver grant in the U.S. Court of Appeals of the District of Columbia Circuit. On that day, MVMA also filed with EPA a petition seeking administrative reconsideration of EPA's decision. MVMA's administrative petition argued that: (1) The Petrocoal waiver was not in the public interest, (2) adverse consequences to vehicle manufacturers and individual car owners would result, and (3) the decision was contrary to applicable provisions of the Act.

Anafuel joined in the litigation, and over the next several months the parties discussed approaches to narrow or resolve the outstanding issues. Those discussions did not lead to an agreement, and on February 22, 1983, MVMA submitted to EPA a supplementary petition for reconsideration, referencing new data on the effects of methanol in gasoline on automotive evaporative emissions. These data were obtained primarily from studies performed for the Department of Energy and the Coordinating Research Council by Systems Control, Inc., and by E.I. duPont (DuPont) in connection with its August 25, 1982 waiver application to EPA, and from comments submitted by the California Air Resources Board in connection with DuPont's waiver application. On the basis of this evidence, MVMA argues that evaporative emissions with methanol gasoline blends are significantly higher than with gasoline, and cannot be controlled by fuel blending, even if their volatility is controlled.

In addition, subsequent information indicates that the fuel tested by the applicant and provided by the applicant to the Agency and to General Motors Corporation for testing, may not have been the fuel described in the waiver request.

Since the control of evaporative emissions by compliance to American Society for Testing and Materials (ASTM) specifications was a key assumption upon which the waiver was granted, and since the composition of the fuel described or tested is integral to the waiver decision, the new information brings into question the validity of the Agency's conclusion in the waiver grant.

EPA is accordingly considering whether administrative action is appropriat to modify or revoke the waiver under section 211(f) or to control or prohibit sale of Petrocoal under section 211(c), or whether the waiver should stand as granted. In order to give full and fair consideration to these issues, EPA Is hereby soliciting comments, data, and analyses which bear on the waiver or which can be of help in determining whether Petrocoal either produces any emission product which causes, or contributes to, air pollution which may reasonably be anticipated to endanger the public health or welfare, or which will impair to a significant degree the performance of any emission control device or system which is in general use or which is likely to be in general use in a reasonable time.

EPA will consider holding a public hearing on the MVMA petition and related issues if such hearing is requested and, in the opinion of EPA, is warranted. Any request for a public hearing must be received by (insert date 30 days after date of publication), and is to be submitted to public docket EN–81–8, Central Docket Section (LE–131), Environmental Protection Agency, Gallery 1, West Tower, 401 M Street, S.W., Washington, D.C. 20460. Any other submission in response to this notice must be received by July 1, 1983, and is to be submitted to the above docket.

Commenters desiring to submit proprietary information should segregate that information from other comments to the greatest extent possible, and label it "Confidential Business Information." Submissions containing such proprietary information should be sent directly to the Agency contact indicated above, and not to the Docket, to ensure that proprietary information is not inadvertently placed in the public docket.

Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2. If no claim of confidentiality accompanies the information when it is received by EPA it may be made available to the public without further notice to the commenter.

With the exception of proprietary information, all additional submissions in response to this notice will be placed in the docket and will be open for public inspection.

Dated: April 22, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83-11627 Filed 4-29-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Publishing of Quarterly Report on Travel Reimbursement Experiment

AGENCY: Federal Communications Commission.

ACTION: Notice

SUMMARY: In Public Law 97–259, the Congress authorized the Federal Communications Commission to accept reimbursement from non-government organizations for travel of employees of the Commission. The Federal Communication Commission must keep records of such travel by each event and prepare a report each quarter of all reimbursements allowed and provide copies of each quarterly report to the Senate Committee on Appropriations, House Committee on Appropriations, Senate Committee on Commerce, Science and Transportation, and the House Committee on Energy and Commerce. This must be done each quarter until September 30, 1985. In addition the Federal Commnications Commission must publish each quarterly report in **Federal Register** until September 30, 1983

DATE: This report is for the period from January 1, 1983 through March 31, 1983.

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

FOR FURTHER INFORMATION CONTACT: Geoffrey Sherman, Office of the Managing Director, (202) 632–6900.

SUPPLEMENTARY INFORMATION: The report for the quarter ending March 31, 1983 follows.

William J. Tricarico,

Secretary, Federal Communications Commission.

Federal Communications Commission Quarterly Report of Travel Reimbursement Experiment for Quarter Ending March 31, 1983, in Accordance With Public Law 97-259

Summary Report

Total Number of Sponsored Events: 15.

Total Number of Sponsoring Organizations: 15.

Total Number of Commissioners/Employees Attending: 22.

Total Amount of Reimbursement:	
Transportation	$5,934.00
Room	2,643.07
Board	490.38
Other Expenses	866.15
Total	9,933.60

Individual Event Reports Attached.

Individual Event Report

Sponsoring Organization (Name and Address): Washington Analysis Corporation, 1612 K Street NW., Washington, D.C. 20006.

Date of the Event: January 18, 1983.

Description of the Event: Speech before the Washington Analysis Corporation. Location: Kansas City, Mo.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Chief, Office of Plans and Policy.

Amount of Reimbursement:	
Transportation	$206.00
Room	0
Board	0
Other Expenses	18.00
Total	[1] 224.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): U.S. Council for International Business, 1212 Avenue of the Americas, New York, N.Y. 10036.

Date of the Event: January 11, 1983 to January 12, 1983.

Description of the Event: To speak before the Committee on Transborder Data Flows of the U.S. Council for International Business on recent developments in U.S. International Communications policy. Location: N.Y.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Assistant Bureau Chief, International Common Carrier Bureau.

Amount of Reimbursement:	
Transportation	$88.00
Room	—
Board	11.25
Other Expenses	46.00
Total	[1] 145.25

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): Communications Networks, Conference Management Group, Box 880, Framingham, Mass. 01701.

Date of the Event: January 30, 1983 to Febraury 1, 1983.

Description of the Event: To participate in Communications Networks Conference. Location: New Orleans, La.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Chief, Policy & Program Planning Division, Common Carrier Bureau.

Amount of Reimbursement:	
Transportation	$312.00
Room	55.00
Board	0
Other Expenses	0
Total	[1] 367.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): California Broadcasters Assn., 918 J. Street, Suite 201, Sacramento, Calif. 95814.

Date of the Event: January 10, 1983 to January 12, 1983.

Description of the Event: To attend the California Broadcasters Association Mid-Winter meeting. Location: Palm Springs, Calif.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Chief, Low Power Branch, Mass Media Bureau.

Amount of Reimbursement:	
Transportation	$384.00
Room	150.00
Board	75.00
Other Expenses	50.00
Total	[1] 659.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address) March Five, Inc., 30 East 42 Street, New York, N.Y. 10017.

Date of the Event: January 5, 1983.

Description of the Event: To address March Five Inc's annual luncheon for the broadcast press. Location: New York, N.Y.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Chief, Mass Media Bureau.

Amount of Reimbursement:	
Transportation	$88.00
Room	—
Board	—
Other Expenses	36.80
Total	[1] 124.80

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): NATPE, International, 310 Madison Avenue, Suite 1207, New York, N.Y. 10017.

Date of the Event: March 18, 1983 to March 21, 1983.

Description of the Event: To attend the 20th Annual NATPE Conference. Location: Las Vegas, Nev.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Chief, Mass Media Bureau.

Amount of Reimbursement:	
Transportation	$584.00
Room	225.00
Board	34.50
Other Expenses	50.00
Total	[1] 893.50

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): Association of Independent Television Stations, Inc., 1200 Eighteenth St., NW., Washington, D.C. 20036.

Date of the Event: January 12, 1983 to January 18, 1983.

Description of the Event: To address the Association of Independent Television Stations.

Location: Los Angeles, Calif.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Chief, Mass Media Bureau.

Amount of Reimbursement:	
Transportation	$387.00
Room	150.00
Board	0
Other Expenses	37.40
Total	[1] 574.40

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): Association of Independent Television Stations, Inc., 1200 Eighteenth St. NW., Washington, D.C. 20036.

Date of the Event: January 16, 1983 to January 18, 1983.

Description of the Event: To address the Association of Independent

Television Stations. Location: Los Angeles, Calif.

Number of Commissioners Attending: 1.

Number and Title of Employees Attending: 1, Commissioner Sharp.

Amount of Reimbursement:

Transportation	$308.00
Room	197.30
Board	0
Other Expenses	17.30
Total	[1]522.60

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): Georgia Association of Broadcasters, Northside Tower, Suite 604, 6065 Roswell Rd NE., Atlanta, GA. 30328.

Date of the Event: January 19, 1983.

Description of the Event: To address the 38th Annual Georgia Radio-Television Institute in Macon, GA.

Number of Commissioners Attending: 1.

Number and Title of Employees Attending: 1, Commissioner Sharp.

Amount of Reimbursement:

Transportation	$192.00
Room	0
Board	0
Other Expenses	7.00
Total	[1]199.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): Association of Independent Television Stations, Inc., 1200 Eighteenth St. NW., Washington, D.C. 20036.

Date of the Event: January 14, 1983 to January 18, 1983.

Description of the Event: To attend the Association of Independent Television Stations, Conference.

Location: Los Angeles, Calif.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Legal Assistant to Chairman, Office of the Chairman.

Amount of Reimbursement:

Transportation	$299.00
Room	0
Board	105.00
Other Expenses	78.40
Total	[1] 482.40

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): University of South Florida, Director, Administrative Services, School of Continuing Education, Tampa, Fla. 33620.

Date of the Event: January 24, 1983 to January 26, 1983.

Description of the Event: To participate in the 11th Annual International BICS Conference on Telecommunications Design.

Location: Tampa, Fla.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Attorney Adviser, Common Carrier Bureau.

Amount of Reimbursement:

Transportation	$178.00
Room	127.00
Board	41.73
Other Expenses	56.40
Total	[1] 403.13

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): NATPE International, 310 Madison Avenue, Suite 1207, New York, N.Y. 10017.

Date of the Event: March 18, 1983 to March 22, 1983.

Description of the Event: To attend, the 20th Annual NATPE Conference.

Location: Las Vegas, Nev.

Number of Commissioners Attending: 1.

Number and Title of Employees Attending: 1, Commissioner Quello.

Amount of Reimbursement:

Transportation	$378.00
Room	300.00
Board	
Other Expenses	46.50
Total	[1] 724.50

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): Texas Association of Broadcasters, 6201 Middle Fiskville Rd., P.O. Box 14787, Austin, Tex. 78761.

Date of the Event: February 15, 1983 to February 16, 1983.

Description of the Event: To address the Texas Association of Broadcasters.

Location: San Antonio, Tex.

Number of Commissioners Attending: 1.

Number and Title of Employees Attending: 1, Commissioner Sharp.

Amount of Reimbursement:

Transportation	$258.00
Room	74.90
Board	2.50
Other Expenses	16.08
Total	[1] 351.48

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): Federal Telecommunications, Inc., P.O. Box 271688, Tampa, Fla. 33688.

Date of the Event: February 22, 1983 to February 23, 1983.

Description of the Event: Participate in Seminar.

Location: Orlando, Fla.

Number of Commissioners Attending: 1.

Number and Title of Employees Attending: 1, Commissioner Jones.

Amount of Reimbursement:

Transportation	$258.00
Room	53.50
Board	21.00
Other Expenses	58.00
Total	[1] 390.50

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): ENTELEC, 83, c/o Keller and Heckman, 1150 17th St. NW., Suite 1000, Washington, D.C. 20036.

Date of the Event: March 28, 1983 to March 29, 1983.

Description of the Event: To address the 1983 ENTELEC Conference in Dallas, Tex.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Chief, Tariff Division, Common Carrier Bureau.

Amount of Reimbursement:

Transportation	$256.00
Room	48.15
Board	32.10
Other Expenses	27.40
Total	[1] 363.65

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): NATPE, International, 310 Madison Avenue, Suite 1207, New York, N.Y. 10017.

Date of the Event: March 17, 1983 to March 20, 1983.

Description of the Event: To attend the 20th Annual NATPE Conference.

Location: Las Vegas, Nev.

Number of Commissioners Attending: 1.

Number and Title of Employees Attending: 1, Commissioner Sharp.

Amount of Reimbursement:

Transportation	$249.00
Room	225.00
Board	0
Other Expenses	16.00
Total	[1] 490.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address) NATPE, International, 310 Madison Avenue, Suite 1207, New York, N.Y. 10017.

Date of the Event: March 18, 1983 to March 22, 1983.

Description of the Event: To attend the 20th Annual NATPE Conference. Location: Las Vegas, Nev.

Number of Commissioners Attending: 1.

Number and Title of Employees Attending: 1, Commissioner Rivera.

Amount of Reimbursement:

Transportation	$278.00
Room	296.80
Board	78.20
Other Expenses	100.00
Total	[1] 753.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): NATPE, International, 310 Madison Avenue, Suite 1207, New York, N.Y. 1007.

Date of the Event: March 18, 1983 to March 22, 1983.

Description of the Event: To attend the 20th Annual NATPE Conference. Location: Las Vegas, Nev.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Attorney Advisor, Office of Commissioner Rivera.

Amount of Reimbursement:

Transportation	$278.00
Room	296.80
Board	78.20
Other Expenses	86.37
Total	[1] 739.37

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): NATPE, International, 310 Madison Avenue, Suite 1207, New York, NY 10017.

Date of the Event: March 19, 1983 to March 22, 1983.

Description of the Event: To attend the 20th Annual NATPE Convention. Location: Las Vegas, Nev.

Number of Commissioners Attending: 1.

Number and Title of Employees Attending: 1, Commissioner Jones.

Amount of Reimbursement:

Transportation	$288.00
Room	118.72
Board	0
Other Expenses	12.50
Total	[1] 419.22

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): National Burglar & Fire Alarm Association, Inc., 1113 Fifteen St., NW.

Date of the Event: March 18, 1983 to March 19, 1983.

Description of the Event: To address the National Burglar & Fire Alarm Convention in Anaheim, Calif.

Number of Commissioners Attending: 1.

Number and Title of Employees Attending: 1, Commissioner Jones.

Amount of Reimbursement:

Transportation	$170.00
Room	75.00
Board	11.00
Other Expenses	31.00
Total	[1] 287.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): Illinois Telephone Association, 300 East Monroe Street, Springfield, Ill. 62701.

Date of the Event: March 30, 1983.

Description of the Event: To participate in a meeting on Access Charges (CC Docket 78–72). Location: Chicago, Ill.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Attorney Advisor, Common Carrier Bureau.

Amount of Reimbursement:

Transportation	$235.00
Room	75.00
Board	0
Other Expenses	75.00
Total	[1] 385.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): The National Institute for Low Power Television, 17 Washington Street, Norwalk, Conn 06854.

Date of the Event: January 23, 1983 to January 25, 1983.

Description of the Event: To participate in the LPTV conference and exposition for the Low Power Industry. Location: Anaheim, Calif.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Attorney Advisor, Mass Media Bureau.

Amount of Reimbursement:

Transportation	$260.00
Room	174.90
Board	0
Other Expenses	0
Total	[1] 434.90

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

[FR Doc. 83-11514 Filed 4-29-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-235]

Family Federal Savings and Loan Association, Shreveport, Louisiana; Final Action, Approval of Conversion Applications

Dated: April 16, 1983.

Notice is hereby given that on April 8, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Family Federal Savings and Loan Association, Shreveport, Louisiana, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-11659 Filed 4-29-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1631-R]

K. C. Air Freight Services Inc.; Order of Revocation

On April 18, 1983, K. C. Air Freight Services, Inc., 1633 Old Bayshore Hwy., Burlingame, CA 94010 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 1631-R.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981:

It is ordered, That Independent Ocean Freight Forwarder License No. 1631-R

issued to K. C. Air Freight Services, Inc., be revoked effective April 18, 1983.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1631–R issued to K. C. Air Freight Services, Inc. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon K. C. Air Freight Services, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-11650 Filed 4-29-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1400–R]

Pierce-Byron Inc.; Order of Revocation

On April 18, 1983, Pierce-Byron Inc., Suite 1301 Mall Bldg., 325 Chestnut Street, Philadelphia, PA 19108 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 1400–R.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, That Independent Ocean Freight Forwarder License No. 1400–R issued to Pierce-Byron Inc., be revoked effective April 18, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1400–R issued to Pierce-Byron Inc. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Pierce-Byron Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-11651 Filed 4-29-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1625]

San Juan Freight Forwarders, Inc.; Order of Revocation

On April 20, 1983, San Juan Freight Forwarders, Inc., Road No. 838, Km. 6.7, P.O. Box 3356, Cardina, P.R. 00630, surrendered its Independent Ocean Freight Forwarder License No. 1625 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(e) dated November 12, 1981:

It is ordered, That Independent Ocean Freight Forwarder Lincense No. 1625 issued to San Juan Freight forwarders, Inc. be revoked effective April 20, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon San Juan Freight Forwarders, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-11618 Filed 4-29-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 325–R]

Trans-Marine Freight Inc.; Order of Revocation

On April 15, 1983, Trans-Marine Freight Inc., Rm. 712–Whitney Bldg., New Orleans, LA 70130 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 325 effective April 15, 1983.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(e) dated November 12, 1981;

It is ordered, That Independent Ocean Freight Forwarder Lincens No. 325–R issued to Trans-Marine Freight Inc., be revoked effective April 15, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, That Independent Ocean Freight Forwarder License No. 325–R issued to Trans-Marine Freight Inc. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Trans-Marine Freight Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-11616 Filed 4-29-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2514]

Transport International Inc.; Order of Revocation

On March 14, 1983, Transport International Inc., 3778 N.E. 16th Street, Miami, FL 33160 surrendered its Independent Ocean Freight Forwarder License No. 2514 for revocation effective April 15, 1983.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commision Order No. 1 (Revised), section 10.01(e) dated November 12, 1981:

It is ordered, That Independent Ocean Freight Forwarder License No. 2514 issued to Transport International Inc. be revoked effective April 15, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Transport. International Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-11617 Filed 4-29-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 83–23]

Central National Corporation, Nantucket Navigation, Inc. and T. Smith & Son (Texas), Inc. v. Port of Houston Authority; Filing of Complaint and Assignment

Notice is given that a complaint filed by Central National Corporation, Nantucket Navigation, Inc. and T. Smith & Son (Texas), Inc. against Port of Houston Authority was served April 25, 1983. Complainants allege that respondent has violated section 17 of the Shipping Act, 1916, in connection with establishment of rules concerning responsibility for lost and damaged cargo.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. 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. 83-11650 Filed 4-29-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Great Western Financial Services, 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 Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Great Western Financial Services, Inc.*, Colorado Springs, Colorado; to acquire 100 percent of the voting shares or assets of The Western National Bank of Colorado, Colorado Springs, Colorado. Comments on this application must be received not later than May 26, 1983.

Board of Governors of the Federal Reserve System, April 26, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-11582 Filed 4-29-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company, Proposed de Novo Nonbank Activities; Citicorp

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(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 the application, interested person 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 or interests, or unsound banking practices." Any comment on the application 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 the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings 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 New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York New York (consumer finance and credit-related insurance activities; Minnesota): To establish a *de novo* office of Citicorp Homeowners, Inc. and a *de novo* office of Citicorp Person-to-Person Financial Center, Inc. at a shared location in Edina, Minnesota. The activities in which the *de novo* office of Citicorp Homeowners, Inc. proposes to engage are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health insurance by licensed agents or brokers, as required; the sale at retail of money orders and travelers checks, and the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortage life and mortgage disability insurance directly related to extensions of mortage loans. The *de novo* office of Citicorp Person-to-Person Financial Center, Inc. proposes to engage in operating as an office of and industrial loan company in the manner authorized by Minnesota law, including the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health insurance by licensed agents or brokers, as required; the issuing of thrift certificates and thrift passbook certificates; the sale at retail of money orders and travelers checks, and the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortage life and mortage disability insurance directly related to extensions of mortagage loans. The proposed service area for the *de novo* office of Citicorp Person-to-Person Financial Center, Inc. and the *de novo* office of Citicorp Homeowners, Inc. shall be comprised of the entire State of Minnesota for all the aforementioned proposed activities. Comments on this application must be received not later than May 26, 1983.

Board of Governors of the Federal Reserve System, April 26, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-11583 Filed 4-29-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Columbia Financial Corp., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Columbia Financial Corporation,* Bloomsburg, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Bloomsburg Bank-Columbia Trust Co., Bloomsburg, Pennsylvania. Comments on this application must be received not later than May 26, 1983.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *GenBanc, Inc.,* Genoa, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of The Genoa Banking Company, Genoa, Ohio. Comments on this application must be received not later than May 25, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *South Suburban Bancorp, Inc.,* Olympia Fields, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of The First Suburban Bank of Olympia Fields, Olympia Fields, Illinois. Comments on this application must be received not later than May 25, 1983.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *State Bancorp, Inc.,* Washington, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The State Bank of Washington, Washington, Indiana. Comments on this application must be received not later than May 26, 1983.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Byers Bancshares, Inc.,* Byers, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Byers, Byers, Texas. Comments on this application must be received not later than May 26, 1983.

F. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Dairyland Bancshares, Inc.,* Marshfield, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Citizens National Bank & Trust, Marshfield, Wisconsin. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. Comments on this application must be received not later than May 26, 1983.

2. *Pilot Bancorp, Inc.,* Pilot Grove, Iowa; to become a bank holding company by acquiring 80 percent of the voting shares of Pilot Grove Savings Bank, Pilot Grover, Iowa. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. Comments on this application must be received not later than May 25, 1983.

Board of Governors of the Federal Reserve System, April 26, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-11581 Filed 4-29-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Public Health Conference on Records and Statistics; Meeting

The Assistant Secretary for Health annnounces the dates and other information for the following conference scheduled to assemble during the month of August 1983:

Name: Public Health Comference on Records and Statistics.

Date and Time: August 22–24, 1983, 9:00 a.m.

Place: Capital Hilton Hotel, 16th and K Streets, N.W., Washington, D.C. 20036. Open to the Public (Registration required).

Purpose: The Nineteenth National Meeting of the Public Health Conference on Records and Statistics (PHCRS) is sponsored by the National Center for Health Statistics. This national Conference is recognized as one of the paramount meetings for workers in the field of public health statistics. The theme of the Conference is "Priorities in Health Statistics," and presentations and discussions on the program will include the following subjects: health promotion and disease prevention programs, goals, priorities, and data needs; programs regarding health care costs, such as the cost of cancer care and the National Medical Care Utilization and Expenditure Survey; vital registration and statistics; monitoring and evaluating health programs; statistical perspectives on the U.S. mental health service delivery system; and evaluating Medicare and Medicaid reimbursement eligibility and coverage.

Anyone wishing to obtain an agenda, registration information, or other relevant information concerning the Conference should contact: Program Development Staff, National Center for Health Statistics, Room 2–28, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone 301–436–7122.

April 18, 1983

Manning Feinleib,

Director, National Center for Health Statistics.

[FR Doc. 83-11657 Filed 4-29-83; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 36730]

Colorado; Realty Action, Noncompetitive Lease of Public Lands in Garfield County

The following described land is being considered for lease under Section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2762; 43 U.S.C. 1732) at no less than the appraised fair market rental which is estimated to be approximately $9,000 annually, or $750.00 per month.

Sixth Principal Meridian

T. 5 S., R. 93 W.,
Sec. 13, SE¼SE¼NE¼SW¼, E½E½SE¼SW¼, NE¼SE¼NW¼SE¼, S½S½NW¼SE¼, and SW¼SE¼;
Sec. 24, N½N½NE¼NE¼, and NE¼NE¼NE¼NW¼.

The area described aggregates approximately 75.0 acres in Garfield County.

The land is located five miles north of Rifle, Colorado, adjoining the existing Rifle Golf Course, near Rifle Gap.

Lease of the above described lands has been proposed by Rifle Gap Land Company of Rifle, Colorado to expand the existing nine hole Rifle Golf Course to eighteen holes, using some or all of the public land area described above and adjacent to their privately owned lands. The proposed use is consistent with Bureau of Land Management land use planning and with local planning and zoning.

The Bureau of Land Management is considering a longterm (approximately 10 years) noncompetitive lease to Rifle Gap Land Company dependent upon the company filing an application for lease and including information required by Title 43 Code of Federal Regulations, part 2920.52. The terms and conditions applicable to any lease issued under this notice are those in 43 CFR 2920.7. Special stipulations that would be included in a lease, as well as other information about the proposal, can be reviewed in the Bureau of Land Management Glenwood Springs Resource Area Office, 50629 Hwy. 6 and 24, P.O. Box 1009, Glenwood Springs, Colorado 81601, telephone (303) 945–2341.

The lessee would be required to reimburse the United States for reasonable administrative and other costs incurred by the United States in processing the lease and for monitoring construction, operation, maintenance, and rehabilitation of the facilities authorized. The reimbursement of costs would be in accordance with the provisions of 43 Code of Federal Regulations 2920.6.

For a period of 45 days from the date of publication of this notice in the **Federal Register** interested parties may submit comments to the District manager, Bureau of Land Management, Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado 81501. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination.

David A. Jones,

District Manager.

[FR Doc. 83-11632 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 83-21]

Draft Southern Malheur Grazing Management Environmental Impact Statement; Public Meetings and DEIS Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Public meeting on Southern Malheur grazing management DEIS.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act or 1969, the Department of the Interior has prepared a Draft Environmental Impact Statement for the Southern Malheur EIS area. The proposal involves implementing a livestock grazing program on public lands within the Southern Malheur EIS area of the Vale District in southeastern Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah Street, Portland, Oregon;
Bureau of Land Management, Vale District Office, 100 East Oregon Street, Vale, Oregon 97918;
Library, University of Oregon, Eugene, Oregon;
Library, Treasure Valley Community College, Ontario, Oregon;
Library, Portland State University, 727 SW Harrison, Portland, Oregon;
Malheur County Library, Ontario, Oregon; and
Library, Oregon State University, Corvallis, Oregon.

A limited number of copies are available upon request to the BLM Oregon State Office or the Vale District Office.

Informal public information meetings will be held at 7:30 p.m. on June 7, 1983 at the Lions Den in Jordan Valley, Oregon and at 7:30 p.m. on June 9, 1983 at the Bureau of Land Management Office in Vale, Oregon.

Written comments on the draft EIS may be sent to: District Manager, Bureau of Land Management, P.O. Box 700, Vale, Oregon 97918.

Comments should be postmarked on or before June 30, 1983 to be considered in preparation of the Final Southern Malheur EIS.

FOR FURTHER INFORMATION CONTACT: Gerry Fullerton, Oregon State Office, Telephone: (503) 231-6955.

Dated: April 13, 1983.

Stanley D. Butzer,

Deputy State Director for Lands and Renewable Resources.

[FR Doc. 83-11639 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-84-M

Ely District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L 94-579 that a meeting of the Ely District Grazing Advisory Board will be held Wednesday, June 8, 1983.

The meeting will convene at 10:00 a.m. (p.d.s.t.) in the conference room of the BLM District Office in Ely, Nevada. The agenda for the meeting will include: (1) Minutes of the previous meeting, (2) Schell MFP III decisions, (3) Schell Wilderness EIS, (4) status of Egan RMP, (5) allotment categorization, (6) update on wild horse program, (7) new grazing regulations and range management policy, (8) solicitor's opinion on water rights, (9) public comment period, (10) oil and gas exploration, and (11) Advisory Board concerns and recommendations.

The meeting is open to the public. Interested individuals may present oral statements to the Board at approximately 2:00 p.m. (p.d.s.t.). June 8, 1983. Written statements must be submitted to the Ely District Office by close of business June 7, 1983

Summary minutes of the Advisory Board meeting will be maintained at the District Office and available for public inspection and reproduction upon request.

DATE: June 8, 1983.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

FOR FURTHER INFORMATION CONTACT: Kathy Lindsey, 702-289-4865.

Dated: April 25, 1983.

George W. Cropper,

Acting District Manager.

[FR Doc. 83-11556 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-84-M

[C-0102703]

Colorado; Partial Termination of Withdrawal Application and Opening of Lands

April 25, 1983.

Bureau of Reclamation, United States Department of the Interior, filed applications for withdrawal and reservation of additional lands for the Fryingpan-Arkansas Project. Notices were published on March 16, 1967, as FR Doc. 67-2868, November 15, 1968, as FR Doc. 68-13976, June 11, 1969, as FR Doc. 69-6906, and October 7, 1971, as FR Doc. 71-14710. The applicant agency has cancelled these applications insofar as they affect the following described lands:

Sixth Principal Meridian

Paragraph 1.
T. 17 S., R. 68 W.,
Sec. 15, S½.
T. 12 S., R. 79 W.,
Sec. 5, lots 3, 4, S½NW¼, and SW¼;
Sec. 6, lots 1, 2, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼ excluding portion invaded by Patent Nos. 7142, 39736, 1086, and 3104;
Sec. 8, E½NE¼, excluding portion invaded by Patent No. 4581;
Sec. 9, W½W½, excluding portions invaded by Patent Nos. 1158, 4581, and 390409.
T. 9 S., R. 80 W.,
Sec. 19, lots 3, 4, and W½NE¼SW¼, excluding portions invaded by Patent Nos. 27851, 37897, 20726, 22546, 328238, 329245, and 16662;
Sec. 30, lot 1, excluding portions invaded by Patent Nos. 16662, 1000292, and 11144.
T. 10 S., R. 80 W.,
Sec. 7, lot 3.
T. 11 S., R. 80 W.,
Sec. 26, lot 9;
Sec. 36, lot 7.
T. 12 S., R. 80 W.
Sec. 1, E½ of lot 1.
T. 9 S., R. 81 W.,
Sec. 36, N½NE¼NW¼; and SE¼, excluding portions invaded by Patent Nos. 21589, 9474, and 22038.

The area described aggregates approximately 1,858 acres.

San Isabel National Forest

Paragraph 2.
T. 10 S., R. 80 W.,
Sec. 31, lot 3;

Sec. 32, SE¼SE¼.
T. 11 S., R. 80 W.,
Sec. 7, lot 1, E½NE¼, SW¼NE¼, and N½SE¼;
Sec. 28, W½W½SW¼;
Sec. 29, E½E½SE¼.
T. 9 S., R. 81 W.,
Sec. 10, N½N½, SW¼NE¼, S½NW¼, and SW¼;
Sec. 11, NE¼;
Sec. 15, SW¼;
Sec. 16, SE¼;
Sec. 20, NW¼;
Sec. 21, NE¼.
T. 11 S., R. 81 W.,
Sec. 25 SW¼NW¼, and W½SW¼, excluding portions invaded by Patent No. 22099;
Sec. 35, N½NE¼;
Sec. 36, NW¼NW¼.

The area described aggregates approximately 1,879 acres.

3. Therefore, pursuant to the regulations contained in 43 CFR 2310.1–4, at 10:00 a.m. on June 6, 1983, the public lands in paragraph one shall be open to operation of the public land laws generally, including location and entry under the U.S. mining laws, subject to valid existing rights, the provisions of existing withrawals, and the requirements of applicable law. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possessioin are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

4. Therefore, at 10:00 a.m. on June 6, 1983, the forest lands in paragraph two shall be open to such forms of disposition as may by law be made of national forest land, subject to valid existing rights.

The lands have been and will remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be directed to the Chief, Lands and General Mining Law Section, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-11603 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-84-M

[C-1262, C-0123847]

Colorado; Order Opening Lands Withdraw for Federal Power Projects 321 and 501

April 25, 1983.

The Federal Energy Regulatory Commission (formerly Federal Power Commission) issued an order dated September 23, 1980, vacating, in their entirety, orders which withdrew lands for transmission line project Nos. 321 and 501. This order affects the following described public and national forest lands:

Project No. 321

New Mexico Principal Meridian

1. All portions of the following described lands lying within 50 feet of the center line of the transmission line crossing these lands:

T. 45 N., R. 7 E.,
secs. 11, 14, 23, 24, 25.
T. 46 N., R. 7 E.,
sec. 1.
T. 47 N., R. 7 E.,
sec. 36.
T. 46 N., R. 8 E.,
secs. 7, 8, 17, 33.

Rio Grande National Forest

2. All portions of the following described lands lying within 50 feet of the center line of the transmission line crossing these lands:

T. 45 N., R. 7 E.,
sec. 12.
T. 47 N., R. 7 E.,
sec. 24.
T. 45 N., R. 8 E.,
secs. 5, 7, 8.
T. 46 N., R. 8 E.,
secs. 6, 20, 29, 32.
T. 47 N., R. 8 E.,
secs. 19, 20, 30.

The areas described aggregate approximately 166 acres which were withdrawn by Power Project 321.

Project 501

Sixth Principal Meridian

3. All portions of the following described lands lying within 50 feet of the center line of the transmission line crossing these lands:

T. 9 S., R. 79 W.,
secs. 1, 13, 14.

Pike National Forest

4. All portions of the following described lands lying within 50 feet of the center line of the transmission line crossing these lands:

T. 8 S., R. 78 W.,
sec. 31.
T. 9 S., R. 78 W.,
secs. 6 through 9, 15, 16, 18.

The areas described aggregate approximately 56 acres which were withdrawn by Power Project 501.

5. Therefore, at 10:00 a.m., on June 6, 1983, the public lands in paragraphs one and three shall be open to operation of the public land laws generally, subject to any valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. The State of Colorado has waived its preference right for highway right-of-way or material sites on the public land as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

6. Therefore, at 10:00 a.m., on June 6, 1983, the national forest land described in paragraphs two and four shall be open to such forms of disposition as may by law be made of national forest land.

Any valid applications received prior to the opening time and date shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and remain open to applications and offers under the mineral leasing law and to location and entry under the U.S. mining laws.

Inquiries concerning these lands should be directed to the Chief, Lands and General Mining Law Section, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Robert D. Dinsmore,

Chief, Branch of Lands and Mineral Operations.

[FR Doc. 83-11605 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Mines

Bureau Survey Form Submitted for Review

The extension for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget Interior Desk Officer at 202–395–7340.

Title: Nonmetallic Minerals Surveys
Bureau Form Number: 6–1151–MA ET AL
Frequency: Monthly, Quarterly, Annual
Description of Respondents: Producers and Consumers of Nonfuel Minerals and Materials
Annual Responses: 19,085
Annual Burden Hours: 23,691
Bureau Clearance Officer: Robert L. Miller, 202–634–1125

Dated: April 1, 1983.

Robert C. Horton,

Director.

[FR Doc. 83-11608 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-53-M

Bureau Survey Form Submitted for Review

The extension for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget Interior Desk Officer at 202-395-7340.

Title: Gas Well Data-Survey of Helium-Bearing Natural Gas

Bureau Form Number: 6-1579-A

Frequency: Annual

Description of Respondents: Companies and Individuals Involved in Natural Gas Industry

Annual Responses: 200

Annual Burden Hours: 50

Bureau Clearance Officer: Robert L. Miller, 202-634-1125

Dated: April 1, 1983.

Robert C. Horton,

Director.

[FR Doc. 83-11609 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-53-M

Bureau Survey Form Submitted for Review

The extension for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget Interior Desk Officer at 202-395-7340.

Title: Helium Distribution Contracts

Bureau Form Numbers: 6-1575-A, 6-1580-A, and 6-1581-A

Frequency: Annual

Description of Respondents: Industrial gas suppliers who elect to distribute Bureau of Mines helium

Annual Responses: 48

Annual Burden Hours: 24

Bureau Clearance Officer: Robert L. Miller, 202-634-1125

Dated: April 1, 1983.

Robert C. Horton,

Director.

[FR Doc. 83-11610 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-53-M

Fish and Wildlife Service

Issuance of Permit for Marine Mammals; Bolt Beranek & Newman Inc.

On March 11, 1983 a notice was published in the **Federal Register** (48 FR 10483), that an application had been filed with the Fish and Wildlife Service by Bolt Beranek and Newman Inc., Cambridge, MA for an amendment to their permit to use an air gun array by a seismic exploration vessel to provide acoustic response data for this type of sound source.

Notice is hereby given that on April 20, 1983, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Endangered Species Act of 1972 (16 U.S.C. 1539), the Fish and Wildlife Service issued a permit (PRT 2-9740), to Bolt Beranek and Newman subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Room 605, 1000 N. Glebe Road, Arlington, Virginia.

Dated: April 27, 1983.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 83-11614 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit, Receipt of Applications; San Diego Zoo et al.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT 2-10316

Applicant: San Diego Zoo, San Diego, CA

The applicant requests a permit to import two captive-born male mouse lemurs (*Microcebus murinus*) from the Rotterdam Zoo, Netherlands, for enhancement of propagation.

PRT 2-10315

Applicant: Woodland Park Zoo, Seattle, WA

The applicant requests a permit to import one pair of captive-born mouse lemurs (*Microcebus murinus*) from the Rotterdam Zoo, Netherlands, for enhancement of propagation.

PRT 2-10197

Applicant: Joe Savage, Los Angeles, CA

The applicant requests a permit to export and reimport one captive-bred leopard (*Panthera pardus*) for purposes of conservation exhibition.

PRT 2-10314

Applicant: Woodland Park Zoo, Seattle, WA

The applicant requests a permit to import one captive-born male jaguarundi (*Felis yagouaroundi*) from Blijdorp Zoo, the Netherlands, for enhancement of propagation.

PRT 2-10311

Applicant: Woodland Park Zoo, Seattle, WA

The applicant requests a permit to import one captive-born male gorilla (*Gorilla gorilla*) from Zoo Zurich, Switzerland, for enchancement of propagation.

PRT 2-10276

Applicant: Paul Nelson Seeley, Denver, CO

The applicant requests a permit to take larval fish of Colorado squawfish (*Ptychocheilus lucius*), humpback chub (*Gila cypha*) and bonytail chub (*G. elegans*) from Colorado River near DeBeque, CO, for scientific research.

PRT 2-10351

Applicant: Lincoln Park Zoo, Chicago, IL

The applicant requests a permit to import one captive-born mandrill (*Papio sphinx*) from the Ueno Zoo, Tokyo, Japan for enhancement of propagation.

PRT 2-10353

Applicant: Biosphere Educational Films, Monterey, CA

The applicant requests a permit to take (harass) through photography, endangered Hawaiian birds for enhancement of propagation and survival under the definition of Conservation Exhibition.

PRT 2-10341

Applicant: International Animal Exchange, Ferndale, MI

The applicant requests a permit to purchase in interstate commerce one female white-handed gibbon (*Hylobates lar*) from Seneca Park Zoo, Rochester, NY, for enhancement of propagation.

PRT 2-10347

Applicant: UTA Collection of Vertebrates, University of Texas, Arlington, TX

The applicant requests a permit to export and reimport accessioned museum specimens of Endangered and Threatened animals for scientific research.

PRT 2-10049

Applicant: Dr. Joel Friedman, Murray Hill, NJ

The applicant requests a permit to take blood samples from endangered sea turtles for scientific research.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the appropriate PRT 2 # when submitting comments.

Dated: April 27, 1983.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-11613 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Pacific Outer Continental Shelf (OCS); Getty Oil Co. et al.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of environmental documents prepared for proposed oil and gas operations on the Pacific OCS Region.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal Regulations 40 CFR (§ 1501.4 and § 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EAs) and findings of no significant impact (FONSIs), prepared by the Minerals Management Service for the following oil and gas activities proposed on the Pacific OCS Region. This listing includes all proposals for which environmental documents were prepared by the Pacific OCS Region in the 6-month period preceding this notice.

EXPLORATION PLANS

Operator	Location	FONSI date
Getty Oil Company	OCS-P 0394, 0395 (15 miles N.W. of Point Sal, California).	Oct. 1, 1982.
Conoco, Inc	OCS-P 0320 (8 miles W. of Point Conception, California).	Oct. 19, 1982.
ARCO Oil and Gas Company	OCS-P 0431, 0434, 0437 (6 miles W. of Purisima Point, California).	Nov. 12, 1982.
Penzoil Oil and Gas, Inc	OCS-P 0427, 0432 (3 miles W. of Purisima Point, California).	Do.
Exxon Company, U.S.A.	OCS-P 0329, 0461 (5 miles S. of El Capitan, California).	Do.
Phillips Petroleum Company	OCS-P 0436, 0439 (3 miles S.W. of Purisima Point, California).	Nov. 16, 1982.
Chevron U.S.A. Inc	OCS-P 0401, 0407, 0414 (13 miles W. of Point Sal, California).	Dec. 23, 1982.
Getty Oil Company	OCS-P 0449 (16 miles N.W. of Point Conception, California).	Do.
Phillips Petroleum Company	OCS-P 0408 (10 miles W. of Point Sal, California)	Dec. 29, 1982.
Gulf Oil Corporation	OCS-P 0412 (16 miles W. of Point Sal, California)	Feb. 4, 1983.
Chevron U.S.A. Inc	OCS-P 0393 (22 miles N.W. of Point Sal, California)	Feb. 8, 1983.
ARCO Oil and Gas Company	OCS-P 0444 (3 miles W. of Point Arguello, California).	Feb. 9, 1983.
Sun Exploration and Production Company	OCS-P 0231 (11 miles S. of Goleta Point, California).	Do.
Exxon Company, U.S.A.	OCS-P 0467 (8 miles S. of Goleta Point, California)	Do.
Exxon Company, U.S.A.	OCS-P 0436, 0440 (4 miles N.W. of Point Arguello, California).	Feb. 14, 1983.

The documents are available for inspection in the public information room at the Pacific OCS Region office. Persons interested in obtaining information about EAs and FONSIs proposed for activities on the Pacific OCS are encouraged to contact the Minerals Management Service office in the Pacific OCS Region.

FOR FURTHER INFORMATION CONTACT: Regional Supervisor, Field Operations, Pacific OCS Region, Minerals Management Service, 1340 West Sixth Street, Suite 160, Los Angeles, California 90017; (213) 688-7120.

SUPPLEMENTARY INFORMATION: The Minerals Management Service prepares EAs and FONSIs for proposals which relate to exploration for oil and gas resources on the Pacific OCS Region. The EAs examine the potential environmental effects of activities described in proposals and present Minerals Management Service's conclusions regarding the significance of those effects. EAs are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the Minerals Management Service finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Reid T. Stone,

Regional Manager.

[FR Doc. 83-11607 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Fredericksburg and Spotsylvania County Battlefield Memorial National Military Park; Draft General Management Plan; Meeting

AGENCY: National Park Service—Fredericksburg and Spotsylvania County Battlefield Memorial National Military Park.

ACTION: Notice of preplanning comment period and public meetings on draft general management plan.

SUMMARY: During the next 18 months the National Park Service will be developing a General Management Plan and Land Protection Plan which will guide the future of Fredericksburg and Spotsylvania Battlefields. During this process, the public will be asked to participate during several phases.

The first is the Preplanning Phase where the various management, land acquisition, and development issues are identified. To assist in this phase, the National Park Service has printed a Preplanning Newsletter containing a mail-in Public Response Form which will be available to the public in early May. In addition, two public meetings have been scheduled to solicit the public's views on issues.

Dates and Locations:

Tuesday, May 17, 1983, 7 p.m.

Fredericksburg Battlefield, Visitor Center, 1013 Lafayette Blvd., Fredericksburg, VA 22404

Thursday, May 19, 1983, 7 p.m.
Spotsylvania Sr. High School, Route 208, Spotsylvania, Va. 22553

Public comment during this phase of the planning process will be accepted until June 3, 1983. Comments should be addressed to: Superintendent, Fredericksburg and Spotsylvania County Battlefield Memorial National Military Park, P.O. Box 679, Fredericksburg, Va. 22404.

Dated: April 21, 1983.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 83-11584 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-70-M

Martin Luther King, Jr., National Historic Site and Preservation District; Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Martin Luther King, Jr., National Historic Site Advisory Commission will be held at 10:30 a.m. on Tuesday, May 24, 1983, at the Martin Luther King, Jr., Community Center, Conference Rooms A and B, 450 Auburn Avenue, N.E., Atlanta, Georgia 30312.

The purpose of the Martin Luther King, Jr., National Historic Site Advisory Commission is to consult and advise with the Secretary of the Interior on matters of planning, development and administration of the Martin Luther King, Jr., National Historic Site. The purpose of this meeting will be for the National Park Service to present the alternatives for the General Management Plan to the Commission.

The members of the Advisory Commission are as follows:

Mr. William Allison, Chairman
Mr. John H. Calhoun, Jr.
Dr. Elizabeth A. Lyon
Mr. C. Randy Humphrey
Mrs. Christine King Farris
Mr. Handy Johnson, Jr.
Mr. Howard H. Arnold, III
Mrs. Freddye Scarborough Henderson
Mrs. Millicent Dobbs Jordan
Mr. John W. Cox
Reverend Joseph L. Roberts, Jr.
Mrs. Coretta Scott King, Ex Officio Member
Director, National Park Service, Ex Officio Member

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Janet C. Wolf, Superintendent, Martin Luther King, Jr., National Historic Site, 522 Auburn Avenue, N.E., Atlanta, Georgia 30312, Telephone 404/221-5190 Minutes of the meeting will be approximately 4 weeks after the meeting.

Dated: April 22, 1983.

Neal G. Guse,

Acting Regional Director, Southeast Region.

[FR Doc. 83-11602 Filed 4-29-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[No. 38998]

Motor Carriers; Allied Van Lines, Inc.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final exemption of existing operations and provisional exemption of future operations.

SUMMARY: The provisional exemption of petitioner's existing operations granted at 47 FR 56424 (December 16, 1982) is made final. Additionally, in accordance with current Commission policy, a provisional exemption of petitioner's future contracts is granted.

DATES: Comments are due on May 17, 1983. The provisional exemption of petitioner's future contracts will become final on June 1, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: No. 38998, Room 2139, Interstate Commerce Commission, Office of Proceedings, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Elaine Dobbins, (202) 275-6272
or
Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Infosytems, Inc., Room 2227, 12th and Constitution Ave., N.W., Washington, D.C. 20423, or call 289-4357 in the DC metropolitan area or toll free (800) 424-5403.

Decided: April 25, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11506 Filed 4-29-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on May 4, 1983. Petitions for reconsideration must be filed by April 25, 1983. Petitions for stay must be filed by April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, D.C. 20423; or call (202) 289-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

Decided: April 22, 1983.

Agatha L. Mergenovich,

Secretary.

[No. MC-F-15100]

Pick's Pack Hauler, Inc—Purchase Exemption—Nebraska Carriers, Inc.

Addresses:
Send pleadings to:
(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative: A. J. Swanson, Quaintance, Swanson & Johnson, P.O. Box 1103, Sioux Falls, SD 57101.

Pleadings should refer to No. MC-F-15100.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Pick's Pack Hauler of a portion of the operating rights of Nebraska Carriers, Inc. in No.

MC–153207 (Sub-No. 4) X, Part (3) and the corresponding underlying authority.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett.

[No. MC–F–15133]

Algocen Transport Holdings Limited—Continuance in Control Exemption—Thibodeau—Finch Express Limited and Algocen Transport, Inc.

Addresses:

Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013.

Pleadings should refer to No. MC–F–15133.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(5), the continuance in control by Algocen Transport Holdings Limited of Thibodeu-Finch Express Limited (No. MC–129573) and Algocen Transport, Inc. (No. MC–166343).

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[FR Doc. 83–11598 Filed 4–29–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision Notice; 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 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.

By the Commission, Review Board Number 1, Members: Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 4, (202) 275–7669.

Volume No. OP4–FC–251

MC–FC–81361. By decision of April 21, 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 CALIFORNIA FREIGHT EXPEDITERS, a corporation, Hayward, CA, of Certificate No. MC–121766 (Sub-No. 2), issued May 5, 1982, to S. ROSS TRUCKING COMPANY, INC., Hayward, CA, authorizing the transportation of (A) over irregular routes, general commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, OR, and WA; and (B) over regular routes, transporting general commodities (except classes A and B explosives, household goods, commodities in bulk and those requiring special equipment) (1) between Santa Rosa and Los Angeles, CA, over U.S. Hwy 101, serving all intermediate points and off-route points in Sonoma, Marin, San Francisco, San Mateo, Santa Clara, Monterey, San Louis Obispo, Santa Barbara, Ventura and Los Angeles Counties, CA, (2) between San Francisco and Roseville, CA, over Interstate Hwy 80, serving all intermediate and off-route points in San Francisco, Alameda, Contra Costa, Solano, Yolo, and Sacramento Counties, CA, (3) between junction California Hwy 4 and Interstate Hwy 80 (near Pinole, CA) and Stockton, CA, over California Hwy 4, serving all intermediate and off-route points in Contra Costa and San Joaquin Counties, CA, (4) between Sacramento, CA, and the California-Mexico border, over interstate Hwy 5, serving all intermediate and off-route points in Sacramento, San Joaquin, Stanislaus, Merced, Fresno, Kings, Kern, Ventura, Los Angeles, Orange and San Diego Counties, CA, (5) between San Francisco and San Luis Obispo, CA, over California Hwy 1, serving all intermediate and off-route points in San Francisco, San Mateo, Santa Cruz, Monterey and San Luis Obispo Counties, CA, (6) between Sacramento and Wheeler Ridge, CA, over California Hwy 99, serving all intermediate and off-route points in Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare and Kern Counties, CA, (7) between Los Angeles and Indio, CA, over Interstate Hwy 10, serving all intermediate and off-route points in Los Angeles, San Bernardino and Riverside Counties, CA, (8) between junction Interstate Hwys 15E and 10 (near Colton, CA) and San Diego, CA, over interstate Hwy 15E and Temporary Interstate Hwy 15E, serving all intermediate and off-route points in San Bernardino, Los Angeles, Riverside and San Diego Counties, CA, and (9) between junction Interstate Hwys 580 and 80 and junction Interstate Hwys 580 and 5, over Interstate Hwy 580, serving all intermediate and off-route points in Alameda, Contra Costa and San Joaquin Counties, CA. Transferee holds Certificate No. MC–127434. Representative: Ann M. Pougiales, 100 Bush St., 21st Floor, San Francisco, CA 94104, attorney for applicants.

[FR Doc. 83–11592 Filed 4–29–83; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–F–15321]

Motor Carriers; Grand Trunk Corp.—Control—the Milwaukee Motor Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of application.

SUMMARY: The Grand Trunk Corporation (GTC) seeks authority under 49 U.S.C. 11343 to acquire indirect control of The Milwaukee Motor Transportation Company (MMT) through ownership of the capital stock of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW). MMT is wholly-owned by MILW.

This application is directly related to MILW's Amended Plan of

Reorganization filed with the Commission under section 77 of the Bankruptcy Act. Notice of the Amended Plan is published in this issue of the **Federal Register** under Finance Docket No. 28640 (Sub-No. 9), *Chicago, Milwaukee, St. Paul and Pacific Railroad Company—Reorganization—Acquisition by Grand Trunk Corporation.*

DATES: The procedural schedule established in Finance Docket No. 28640 (Sub-No. 9) will apply to this proceeding. Comments on the Amended Plan of Reorganization are due May 27, 1983.

ADDRESSES: An original and 20 copies of all pleadings referring to Finance Docket No. 28640 (Sub-No. 9) should be sent to: Rail Section, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423.

and one copy to applicants' representatives:

Robert H. Wheeler, Isham, Lincoln & Beale, Three First National Plaza, Suite 5200, Chicago, IL 60602

and

Basil Cole, Dechert, Price & Rhoads, 1730 Pennsylvania Ave., NW., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275–7245

or

Joseph C. Levin, (202) 275–7936.

SUPPLEMENTARY INFORMATION: The operating rights sought to be controlled include general commodity authority over regular routes between points in WI, IL, IN, KY, MI, MO, KS, IA, NE, MN, ND, SD, MT, ID, WA and OR, which are in part restricted to service which is auxiliary to, or supplemental to rail service, and are subject to various keypoint restrictions, as authorized in Certificate No. MC–19778 and subnumbers thereunder. The operating authority sought to be controlled also includes irregular route authority for commodities generally used in building construction projects and is generally concentrated in MT, SD and surrounding states.

The complete procedural schedule and additional information are contained in the Commission's decision in Finance Docket No. 28640 (Sub-9). To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Decided: April 25, 1983.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11594 Filed 4-29-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers 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** 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 carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

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, water carrier dual operations, 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.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 to Title 49 of the United States Code.

These presumptions 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 satisfied 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.

Agatha L. Mergenovich,

Secretary.

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 is for a named shipper "under contract." Applications filed under 49 U.S.C.

10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 5 at (202) 275-7289.

Volume No. OP5-196

Decided: April 21, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

W-1369, filed April 12, 1983. Applicant: JAMES OTIS PEARCY, d.b.a. PEARCY MARINE, 18128 Bal Harbour Dr., Houston, TX 77058. Representative: James Otis Pearcy, (same address as applicant), (713) 333-5793. Transporting *general commodities* (except classes A and B explosives), between ports in WA and AK (except Anchorage).

Note.—This application contemplates operations which should result in decreased energy consumption in comparison with existing energy consumption in the affected area. To the extent traffic will be diverted from existing transportation modes, greater energy efficiencies may be obtained without disruption to existing patterns of energy distribution or to development of energy resources. The application is, in all respects, consistent with prevailing goals and objectives of the National Energy Policy.

MC 31389 (Sub-345), filed April 11, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: Daniel R. Simmons, (same address as applicant), (919) 721-2433. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with American Greetings Corporation, of Cleveland, OH.

MC 31389 (Sub-346), filed April 11, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: Daniel R. Simmons, (same address as applicant), (919) 721-2433. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Emerson Electric Co., of St. Louis, MO.

MC 31389 (Sub-347), filed April 11, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: Daniel R. Simmons, (same address as applicant), (919) 721-2433. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Purolator Products, Inc., of Rahway, NJ.

MC 31389 (Sub-348), filed April 11, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: Daniel R. Simmons, (same address as applicant), (919) 721-2433. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Dayco Corporation, of Dayton, OH.

MC 35628 (Sub-452), filed April 8, 1983. Applicant: IMFS, INC., d.b.a. INTERSTATE SYSTEM, 110 Ionia Avenue, NW., Grand Rapids, MI 49503. Representative: Michael P. Zell, (same address as applicant), (616) 774-0400. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Montery Mills, Inc., of Janesville, WI, Gould Inc., Electric Motor Division of St. Louis, MO, Toastmaster, Inc., of Columbia, MO, Hills Department Stores, Div., of S.C.O.A. Industries, of Canton, MA, Ingersoll-Rand Company, of Piscataway, NJ, The Kroger Co. of Cincinnati, OH, and B. F. Goodrich, of Cleveland, OH.

MC 37248 (Sub-27), filed April 11, 1983. Applicant: VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, V-C Drive, P.O. Box 4988, Martinsville, VA 24115-4988. Representative: N. Oakley Lewis (same address as applicant), 703-638-8721. Transporting *general commodities* (except classes A and B explosives and household goods), between points in OH, on the one hand, and, on the other, points in Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblin, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Unicoi, Union, and Washington Counties, TN, and DE, GA, MD, NJ, NC, PA, SC, VA, WV and DC.

MC 79658 (Sub-64), filed April 11, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), 812-424-2222. Transporting *household goods, furniture and fixtures,* and *medical diagnostic equipment,* between points in the U.S. (except AK and HI), under continuing contract(s) with Diasonics, Inc., of Milpitas, CA.

MC 79658 (Sub-65), filed April 11, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), (812) 424-2222. Transporting *medical and scientific instruments and component parts, accessories and supplies,* between points in the U.S. (except AK and HI), under continuing contract(s) with ADAC Laboratories, Inc., of Sunnyvale, CA.

MC 124579 (Sub-35), filed April 8, 1983. Applicant: WIKEL BULK EXPRESS, INC., 10216 St., Rt. 13, Huron, OH 44839. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *malt beverages,* between points in Erie, Huron, Lorain, Ottawa and Sandusky Counties, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 144678 (Sub-47), filed April 11, 1983. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th St., Overland Park, KS 66210. Representative: Harold H. Clokey, 9393 West 110th St., 5th floor, Overland Park, KS 66210, (913) 648-5540. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk, between points in the U.S. (except AK and HI), under continuing contract(s) with Rohm and Haas Company, of Philadelphia, PA.

MC 146257 (Sub-2), filed April 8, 1983. Applicant: BEST WAY TRANSPORT, INC., 1307 S. Elizabeth Street, Kokomo, IN 46901. Representative: Walter F. Jones, Jr., 1111 E. 54th St., Suite 155, Indianapolis, IN 46220, (317) 257-4066. Transporting *machinery and metal products,* between points in IN, IL, KY, OH, and MI, on the one hand, and, on the other, points in AL, CO, GA, IL, IN, IA, KY, MI, MN, MO, NC, OH, OK, PA, TN, WI, SC, and WI.

MC 143418 (Sub-1), filed April 11, 1983. Applicant: JIM ALLGOOD, d.b.a. ALLGOOD TRUCKING, 9200 Ave. 264, Tulare, CA 93274. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667-8107. Transporting (1) *lumber and wood products,* between points in CA and OR on the one hand, and, on the other, points in AZ, NM, CO, and TX. (2) *building materials,* between points in AZ, on the one hand, and, on the other, points in CA, UT, TX, and OK, (3) *chemicals and related products,* (a) between points in CA, OR, WA, and AZ and (b) between points in CA, OR, WA, and AZ, on the one hand, and, on the other, points in NM, NV, UT, ID, MT, WY, CO, TX, MD, GA, AL, and FL. (4) *rubber and plastic products, wax, and ores and minerals,* between points in CA, OR, and WA, on the one hand, and, on the other, points in CA, OR, WA, AZ,

NM, NV, UT, ID, MT, WY, and CO, and (5) *metal products* and *farm products*, between points in AZ, on the one hand, and, on the other, points in CA, OR, NM, UT, CO, NV, TX, ID, MD, GA, AL, and FL.

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP-151

Decided: April 26, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 97310 (Sub-42), filed April 21, 1983. Applicant: SHARRON MOTOR LINES, INC., 3730 1st Avenue South, Birmingham, AL 35222. Representative: Donald B. Sweeney, Jr., P.O. Box 2366, Birmingham, AL 32501, (205) 254-3880. Transporting *general commodities* (exept classes A and B explosives, household goods and commodities in bulk), between points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, TN, TX, VA and WV.

MC 116791 (Sub-27), filed April 21, 1983. Applicant: FARMERS ELEVATOR OF KENSINGTON, MINNESOTA, INC., P.O. Box 184, Kensington, MN 56343. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424. Transporting *such commodities* as are dealt in by manufacturers and distributors of twine, between Minneapolis, MN, and points in St. Louis County, MN, and Douglas County, WI, on the one hand, and, on the other, points in MN, ND, SD, IA, WI, and MT.

MC 119560 (Sub-25), filed April 15, 1983. Applicant: SOUTHERN BULK HAULERS, INC., P.O. Box 278, Harleyville, SC 29448. Representative: John F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania Ave., & 13th St., N.W., Washington, DC 20004, (202) 628-4600. Transporting *fertilizer and fertilizer materials*, between points in DE, GA, MD, NC, NJ, PA, SC, TN and VA.

MC 121631 (Sub-6), filed April 18, 1983. Applicant: MARSHFIELD DRAYAGE COMPANY, P.O. Box 50, George St., Marshfield, MO 65706. Representative: Elvin S. Douglas, Jr., P.O. Box 280, Law Bldg., Harrisonville, MO 64701, (816) 884-3238. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (1) between Springfield, MO, and Salem, MO, from Springfield over Interstate Hwy 44 to Rolla, MO, then over MO Hwy 72 to Salem, and return over the same route, (2) between Springfield, MO, and Buffalo, MO, over U.S. Hwy 65, (3) between Lebanon, MO, and Gravois Mills, MO, over MO Hwy 5, and (4) between Camdenton, MO, and Eldon, MO, over U.S. Hwy 54, serving all intermediate points in (1) through (4) above, and the off-route points of Crocker and Richland, MO, in (1) above.

MC 147851 (Sub-17), filed April 18, 1983. Applicant: KWESVA, INC., 2101 South 9th Street, Louisville, KY 40208. Representative: Herbert D. Liebman, 403 West Main Street, P.O. Box 478, Frankfort, KY 40602, (1-502) 875-3493. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 153891 (Sub-1), filed April 18, 1983. Applicant: FLEXIBLE TRANSPORT, INC., 610 High Street, Wisconsin Rapids, WI 54494. Representative: Carl L. Steiner, 135 South LaSalle Street, Chicago, IL 60603, (312) 236-9375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 159780 (Sub-2), filed April 19, 1983. Applicant: R. W. TINNEY, INC., P.O. Box 151, Freemont-Perrysburg Road, Perrysburg, OH 43551. Representative: John L. Alden, 1396 West Fifth Ave., Columbus, OH 43212, (614) 481-8821. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Chicago, IL, and points in IN, MI, and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164221 (Sub-1), filed April 19, 1983. Applicant: J & V, INC., Route 11, Box 465, Lake Charles, LA 70601. Representative: Emray Delafose (same address as applicant), (318) 855-7368. Transporting (1) *lumber and wood products, (2) petroleum, natural gas and their products, and (3) chemicals and related products*, between points in AL, AR, LA, OK, MS, and TX.

MC 166960 (Sub-1), filed April 21, 1983. Applicant: RANGER TRANSFLEET, INC., P.O. Box 19060, Jacksonville, FL 32245. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522-0900. Transporting *classes A and B explosives*, between points in the U.S. (except AK and HI). Condition: Any certificate issued in this proceeding shall expire 5 years from the date of issuance.

MC 167480, filed April 18, 1983. Applicant: D. W. FORD COMPANY, INC., School St., Box 102, Northwood, NH 03261. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742-3530. Transporting (1) *machinery*, (2) *metal products*, (3) *commodities* which because of their size or weight require the use of special handling or equipment, (4) *transportation equipment*, and (5) *contractors' equipment, materials, and supplies*, between points in the U.S. (except HI).

MC 167500, filed April 18, 1983. Applicant: CH-AN, INC., 424 South Altona Holstein, IA 51025. Representative: Robert R. Rydell, 1020 Midland Financial Bldg., Des Moines, IA 50309, (515) 288-9765. Transporting (1) *chemcials and related products, and (2) fertilizers*, (a) between points in IA, on the one hand, and, on the other, points in MN, NE, ND, SE and WI, (b) between points in NE, on the one hand, and, on the other, points in IA, SD and KS, and (c) between points in MN, on the one hand, and, on the other, points in ND, SD and WI.

MC 167551, filed April 20, 1983. Applicant: DIXIE LINE, INC., 1708 Mt. Zion Ave., Gadsden, AL 35901. Representative: Sandra E. Armstrong (same address as applicant), (205) 546-3388. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AL, AR, FL, GA, LA, MS, NC, SC, TN, TX, and VA.

[FR Doc. 83-11599 Filed 4-29-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the

service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-257

The following applications were filed in Region 1. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway St., Room 501, Boston, MA 02114.

MC 158004 (Sub-1–3TA), filed April 19, 1983. Applicant: ADVANCED DELIVERY SYSTEMS, INC., 16 Cross Highway, Westport, CT 06880. Representative: Robert J. Cunningham (same as applicant). *Contract carrier:* irregular routes: *Such merchandise as is dealt in and used by home furnishings and appliance stores* from South Windsor, CT to points in CT, NY, RI, MA, NH, and VT, under continuing contract(s) with Nassau Furniture Co. of South Windsor, CT. Supporting shipper: Nassau Furniture Co., 1315 John Fitch Blvd., South Windsor, CT 06174.

MC 140349 (Sub-1–4TA), filed April 15, 1983. Applicant: COPE/BESTWAY EXPRESS, INC., 2024 Harvey Road, Grand Island, NY 14072. Representative: D. Thomas Cope (same as applicant). *Contract carrier:* irregular routes: *(1) Tires and crude rubber (except in bulk)* between Erie County, NY and points in the U.S. (except AK and HI) under continuing contract(s) with Dunlop Tire and Rubber Corp., Buffalo, NY; *(2) Plastic and plastic materials (except in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with Reichhold Chemicals, Inc., Varcum Chemicals Division, Niagara Falls, NY; *(3) Steel wire nails and wire carriers* between points east of the Mississippi River (except AK and HI) under continuing contract(s) with New York Wire Mills, Inc., Tonawanda, NY; *(4) Abrasive grain and abrasive products (except in bulk)* between Niagara Falls, NY, Westfield, MA and various points in the U.S. (except AK and HI) under continuing contract(s) with General Abrasive Division Dresser Industries Inc., Niagara Falls, NY; *(5) Sponges and mop heads* between Erie County, NY and points throughout the U.S. (except AK and HI) under continuing contract(s) with O-Cel-O Division of General Mills, Inc., Tonawanda, NY; *(6) Phenolic polymers and resins (except in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with Polymer Applications, Inc., Tonawanda, NY. Supporting shipper(s): There are six statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 167484 (Sub-1–1TA), filed April 19, 1983. Applicant: DAVID & LINDA MERCHANT, d.b.a. D. L. MERCHANT, 6E Royal Parke, 86 Pinecrest Drive, Essex Junction, VT 05452. Representative: Linda Merchant (same as applicant). *Contract carrier:* irregular routes: *Petroleum products,* from Boston, MA, Portland, ME, Albany and Rensselaer, NY and their respective Commercial Zones, to points in Franklin, Chittenden, Washington, Orleans, and Rutland Counties, VT, under continuing contract(s) with S. B. Collins, Inc., of St. Albans, VT. Supporting shipper: S. B. Collins, Inc., P.O. Box 866, 54 Lower Welden, St. Albans, VT 05478.

MC 144839 (Sub-1–1TA), filed April 14, 1983. Applicant: MURRAY'S EXPRESS, INC., Concord Industrial Park, South Main Street, Concord, NJ 03301. Representative: Guy H. Postell, Esq., Suite 675, 3384 Peachtree Road, N.E., Atlanta, GA 30326. *Contract carrier:* irregular routes: *Such merchandise, equipment and supplies used, sold or distributed by a manufacturer of cosmetics* between Concord, NH and Lewiston, ME, on the one hand, and, on the other, Penobscot, Kennebec, Waldo, Androscoggin, Sagadahoc, Cumberland, Oxford, and York Counties, ME under continuing contract(s) with Avon Products, Inc., New York, NY. Supporting shipper: Avon Products, Inc., 2100 Ogletown Road, Newark, DE 19711.

MC 3647 (Sub-1–7TA), filed April 19, 1983. Applicant: NJ TRANSIT BUS OPERATIONS INC., 180 Boyden Avenue, Maplewood, NJ 07040. Representative: Irwin I. Kimmelman, Atty. Gen. of NJ, By: John F. Ward, Deputy Atty. Gen., McCarter Highway and Market Street, P.O. Box 10009, Newark, NJ 07101. *Common carrier:* regular routes: *Passengers* between points in Howell Township, NJ serving all intermediate points: From Jct U.S. Hwy 9 and access road to Aldrich Road, then over Aldrich Road to jct Pinewood Road, then over Pinewood Road to jct Windeler Road, then over Windeler Road to jct Georgia Tavern Road, then over Georgia Tavern Road to jct U.S. Hwy 9 and return over the same route. Applicant proposes to join above described route with existing authorized route. Supporting shipper(s): There are 26 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 94990 (Sub-1–1TA), filed April 19, 1983. Applicant: NASSAU WORLD WIDE MOVERS, INC., 57 Central Avenue, Farmingdale, NY 11735. Representative: David Earl Tinker, Esq., 1000 Connecticut Avenue, NW. Suite 1112, Washington, DC 20036–5391. *Contract carrier:* irregular routes: *Household goods* between points in the U.S. under continuing contract(s) with the American International Group of New York, NY; the Episcopal Church Center, New York, NY; Estee Lauder, Inc. of New York, NY; the Hertz Corporation of New York, NY; Interconex, Inc. of New York, NY. Supporting shipper(s): The American International Group, 70 Pine Street, New York, NY 10270; The Episcopal Church Center, 815 Second Avenue, New York, NY 10017; Estee Lauder, Inc., 767 Fifth Avenue, New York, NY 10153; The Hertz Corporation, 660 Madison Avenue, New York, NY 10021; Interconex, Inc., 52 Vanderbilt Avenue, New York, NY 10017.

MC 167434 (Sub-1–1TA), filed April 15, 1983. Applicant: R. L. OWENS, INC., Old Homestead Highway, Swanzey Center, NH 03431, Mailing address, P.O. Drawer G, Keene, NH 03431. Representative: Decato and Cirone, P.A., Albert J. Cirone, Jr., 23 Bank Street, Lebanon, NH 03766. *Contract carrier:* irregular routes: *Class A, B and C explosives, blasting materials, blasting supplies and related articles used in connection with explosives* under continuing contract(s) with Hercules Incorporated of Wilmington, DE between points in MA, ME, NH, VT, CT and NY. Supporting shipper: Hercules Incorporated, 910 Market Street, Wilmington, DE 19899.

MC 167407 (Sub-1–1TA), filed April 14, 1983. Applicant: DICK JENNINGS, d.b.a. P & J TRUCKING, 117 Conant Street, Nashua, NH 03062. Representative: Hughan R. H. Smith, 26 Kenwood Street, Lawrence, MA 01841. *Contract carrier:* Irregular routes: *Coal, glass, scrap steel and aluminum products,* between points in MA, CT, RI, VT, NH, ME, NY, NJ, PA and OH, under continuing contract(s) with container recovery corporation of Nashua, NH 03063. Supporting shipper: Container Recovery Corporation, 12 Celina Avenue, Nashua, NH 03063.

MC 167410 (Sub-1–1TA), filed April 14, 1983. Applicant: TRI-STATE TRANSPORT COMPANY, 102 Meadow Street, Rutland, VT 05701. Representative: David W. Patch, 4 Woodland Drive, Rutland, VT 05701. *Contract carrier:* irregular routes: *Petroleum products,* between points in NY, VT, and MA, under continuing contract(s) with Hugh Duffy Coal Co. of Rutland, VT; Patch's Petroleum Co., Inc., of Rutland, VT; Heaslip Fuels Inc. of Manchester, VT; and Owner Services Inc. of Proctor, VT. Supporting shipper(s): Hugh Duffy Coal Co., Box 201, Rutland, VT 05701; Patch's Petroleum Co., Inc., 102 Meadow Street, Rutland, VT 05701; Heaslip Fuels, Inc., P.O. Box 757, Manchester Center, VT 05255; Owner Services Inc., 41 School Street, Proctor, VT 05765.

MC 151583 (Sub-1–7TA), filed April 19, 1983. Applicant: UTF CARRIERS, INC., Benson Road, Middlebury, CT 06749. Representative: James M. Burns, 1365 Main Street, Suite 403, Springfield, MA 01103. *Contract carrier:* irregular routes: *Tires and related materials,* between points in the U.S., except AK and HI, under continuing contract(s) with Dunlop Tire of Buffalo, NY. Supporting shipper: Dunlop Tire, P.O. Box 1109, Buffalo, NY 14240.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, PHILADELPHIA, PA 19106.

MC 167479 (Sub-II–1TA), filed April 19, 1983. Applicant: DARL ALTMAN d.b.a. ALTMAN TRUCKING, 1207 Albon Rd., Holland, OH 43528. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375. (1) *Salt* from Detroit, MI, to the facilities of Wabash Alloyds, Inc., located at or near Wabash, IN; (2) *aluminum scrap* from points in IL, KY, MI, OH, TN and WI to the facilities of Wabash Alloyds, Inc., located at or near Wabash, IN; and (3) *cullet and processed glass* from the facilities of Lee Wiggins Trucking, Inc., located at or near Detroit, MI, to points in IL, IN, OH and PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Wabash Alloyds, Inc. U.S. Hgwy. 24 W., Wabash, IN 46992 and Lee Wiggins Trucking, Inc., 14031 Lowdell, Detroit, MI 48217.

MC 166841 (Sub-II–1TA), filed April 18, 1983. Applicant: AREA DISTRIBUTION, INC., 6225 Promler NW., North Canton, OH 44720. Representative: Albert Thompson, P.O. Box 1442, Canton, OH 44708. Contract irregular: Tile, Clay or Earthenware, and Materials, Equipment and Supplies Used in the Manufacture and Distribution of the Above Named Products, (1) Between the facilities of United States Ceramic Tile Co., East Spara and Canton, OH on the one hand and on the other points in AL, AR, AZ, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NB, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, VA, WV, WI, AND WY; and (2) Between the facilities of Houston Ceramics, Houston, MI on the one hand and on the other points in AL, AR, AZ, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NB, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, VA, WV, WI, AND WY; Under Continuing Contracts with United States Ceramic Tile, East Sparta, Ohio and Houston Ceramics, Inc., Houston, MI for 270 Days. An Underlying ETA Seeks 120 Days Authority. Supporting shippers: United States Ceramic Tile, 10233 Sandyville Road S.E., East Sparta, OH 44626 and Houston Ceramics, Inc., 506 Jamison St., Houston, MI 38851.

MC 146117 (Sub-II–1TA), filed April 14, 1983. Applicant: D.C., INC., 712 South York St., Mechanicsburg, PA 17055. Representative: Guy H. Postell, Suite 675, 3384 Peachtree Rd., NE., Atlanta, GA 30326. Contract, irregular, *Merchandise, equipment and supplies used, sold or distributed by a manufacturer of cosmetics,* between York, PA, on the one hand, and on the other, Frederick, Carroll, Washington and Allegheny Counties, MD; Frederick, Clarke and Warren Counties, VA; and, Berkeley, Jefferson, Morgan, Hampshire and Hardy Counties, WV, under continuing contract(s) with Avon Products, Inc., New York, NY. Supporting shipper: Avon Products, Inc., 2100 Ogletown Rd., Newark, DE, 19711.

MC 167312 (Sub-II–1TA), filed April 11, 1983. Applicant: DENNIS G. TENNEY, d.b.a. DENNIS TENNEY TRUCKING CO., Rte. 7, Box 221, Buckhannon, WV 26201. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526. Contract, irregular: *General commodities, except household goods and class A & B explosives,* between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Coastal Lumber Co. Supporting shipper(s): Coastal Lumber Co., P.O. Box 629, Weldon, NC 27890.

MC 167453 (Sub-II–1TA), filed April 18, 1983. Applicant: EVERGREEN, INC., P.O. Box 138, Berlin Heights, OH 44814. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *General commodities* (except Classes A and B explosives, commodities in bulk and household goods) between points in the U.S. (except AK and HI), for 270 days. Supporting shippers: There are 36 supporting shippers. Their statements may be examined in the Phila. ICC office.

MC 125294 (Sub-II–1TA), filed April 11, 1983. Applicant: HILLDRUP TRANSFER AND STORAGE CO., INC., 300 Central Rd., Fredericksburg, VA 22401. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Household goods as defined by the Commission,* between points in the U.S. (except AK and HI), restricted to the transportation for the U.S. Government. An underlying ETA seeks 120 days authority. There are six statements in support of the application which may be examined at the Philadelphia Regional Office.

MC 166945 (Sub-II–1TA), filed April 7, 1983. Applicant: KUNDLA WESTERN BEEF CO., INC., R.D. 5, Box 149, Moscow, PA 18444. Representative: Thomas J. Foley, Jr., Connell Bldg., 8th Fl., Scranton, PA 18503. *Hides, skins, meat by products, food and related products* between points in the U.S. in and east of KS, ND, NE, OK, SD and TX. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are eight support statements to this application which may be examined at the Philadelphia Regional Office.

MC 167313 (Sub-II–1TA), filed April 11, 1983. Applicant: LAWRENCE F. TOOLEY, JR. d.b.a. L & Y TRUCK LINES, 2770 Freeman Mill Rd., Suffolk, VA 23438. Representative: Frank L. Willard, Suite No. 1001, First & Merchants National Bank Bldg., Norfolk, VA 23510. Contract, irregular: (1) *irrigation and farming equipment and related material,* between points in VA, NC, SC, GA, AL, MS, TN and LA; and (2) *landscape bark products, including horticultural mulches* between points in NC and VA, on the one hand, and, on the other, points in NC, VA, MD, DE, NJ, PA, NY, RI, CT and DC, for 270 days. Supporting shippers: (1) Hobbs-Adams Engineering Co., P.O. Box 1833, Suffolk, VA 23434; (2) Baker Landscape Products, Inc., P.O. Box 404, Winton, NC 27986.

MC 107403 (Sub-II–46TA), filed April 8, 1983. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). Contract, Irregular: *Chemicals, in bulk, in tank vehicles,* from Spokane, WA to points in ID, MT, and WA, under continuing contract(s) with Great Western Chemical Co. An underlying ETA seeks 120 days authority. Supporting shipper: Great Western Chemical Co., N. 1402 Thierman, Spokane, WA 99206.

MC 2202 (Sub-II–35TA), filed April 18, 1983. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, D.C. 20814. Contract Irregular: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities in bulk) between points in the U.S., except AK and HI, under contract or contracts with Coronet Industries, Inc., Dalton, GA 30720, for 270 days. Supporting shipper: Coronet Industries, Inc., P.O. Box 1248, Dalton, GA 30720.

MC 165388 (Sub-II–1TA), filed April 8, 1983. Applicant: RONSON LEASING, INC., 1244R Manheim Pk., Lancaster, PA 17602. Representative: John W. Metzger, 49 N. Duke St., Lancaster, PA 17602. (1) *Food and food products* (a) between points in PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (b) between points in the states of MD, TX, WA, CA, NY and NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *School and paper supplies* between points in NY, on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks 120 days authority. Supporting shippers Bortz Chocolates, Inc., 1411 Moss St., Reading, PA 19604; Universal Foods Corp., 66 Broad St., Carlstadt, NJ 07072; and Prudential Feldco, Inc., 6315 Traffic St., Glendale, NY 11385.

MC 163752 (Sub-II–1TA), filed April 12, 1983. Applicant: TOTAL TRANSPORTATION CORPORATION, 429 Moon-Clinton Rd., Coraopolis, PA 15108. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *General commodities (except Classes A & B explosives, household goods as defined by the Commission, and commodities in bulk)* between points in Allegheny, Westmoreland, Beaver, Armstrong, Washington and Butler Counties, PA, on the one hand, and, on the other, New York, NY; Chicago, IL; Cleveland, OH; Baltimore, MD and Washington, DC, and their respective commercial zones. An underlying ETA seeks 120 days authority. Supporting shipper(s): Pittsburgh Process Equipment Co., 640 Long Rd, Pittsburgh, PA 15235; General Wire Spring Co., Thompson Ave, McKees Rocks, PA 15136; Duquesne Lithographing Co., 720 Second Ave, Pittsburgh, PA 15219; Shandon Southern Instruments, Inc., 515 Broad St, Sewickley, PA 15143; Woodings-Verona Tool Co., E. Railroad Ave, Verona, PA 15147.

The following applications were filed in region 6. Send Protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board (RMBC), 211 Main St., Suite 501, San Francisco, CA 94105.

MC 167545 (Sub-6–1TA), filed April 19, 1983. Applicant: MICHAEL G. GOLDEN d.b.a., BRIAN HEAD RESORTS, One Chalet Village Dr., Brian Head, UT 84719. Representative: Michael J. Golden (same as applicant). *Passengers* in special and charter, between points in NV and UT for 270 days. Supporting shippers: Trans World Air Lines, Las Vegas, NV.; Western Airlines, Las Vegas, NV., United Airlines, Las Vegas, NV.; Brian Head Enterprises, Inc., Brian Head, UT.

MC 163661 (Sub-6–1TA), filed April 18, 1983. Applicant: D G M DISTRIBUTORS, INC., 320 Bolton Hall Rd., San Diego, CA 92073. Representative: Donaciano Gomez Morales, 3605 Arruza St., San Diego, CA 92154. *Oil products in drums and cans, bottled and canned fruit juices, mineral water, food products and metal containers,* between points in Sacramento, Fresno, Los Angeles, Orange and San Diego Counties, CA, and points in between the port of entry on the internatonal boundary between the U.S. and the Republic of Mexico at San Ysidro, CA, for 270 days. Supporting shippers: There are five supporting shippers, their statements may be examined at the Regional office listed.

MC 167546 (Sub-6–1TA), filed April 20, 1983. Applicant: JAMES D. HERBEL d.b.a. EXPRESSIT, 1530 Johnston Ave., Richland, WA 99352. Representative: James D. Herbel, 3405 S. 176th Ave., Suite 117, Seattle, WA 98188. *Air freight and general commodity shipments (except Classes A & B explosives) weighing 100 pounds or less in a motor vehicle in which no one package exceeds 100 pounds* between points in the U.S., for 270 days. Supporting shipper: Horizon Air, Tri-cities Airport, Pasco, WA.

MC 167333 (Sub-6–1TA), filed April 20, 1983. Applicant: DAVID A. MUNNS d.b.a. DAVID A. MUNNS TRUCKING, Rt. 3, Box 361 Rexburg, ID 83440. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. *Chemicals and fertilizers* (except hazardous wastes) from points in MT, OR, UT, WA and WY to the facilities utilized by Camas Fertilizer at or near Rexburg, ID, for 270 days. Supporting shipper: Camas Fertilizer, Rt. 3, Box 356, Rexburg, ID 83440.

MC 167544 (Sub-6–1TA), filed April 19, 1983. Applicant: STATEWIDE CONSTRUCTION CO., INC., P.O. Box 176, Rawlins, WY 82301. Representative: David L. Welhouse (same address as applicant). *Stone, precast concrete, and building materials* between WY on the one hand and on the other points in the U.S. (except AK and HI) for 270 days. Supporting shippers: Colorado Lien Company, P.O.B. 1961, Ft. Collins, CO 80522; and Patchen Sheet Metal and Roofing Co., P.O.B. 1002, Rawlins, WY 82301.

MC 167543 (Sub-6–1TA), filed April 18, 1983. Applicant: DORIS M. PAULSRUD, d.b.a. WYOMING TOWING SERVICE, INC., P.O. Box 1017, Rawlings, WY 82301. Representative: (Same as applicant.) *Bulk Petroleum products and wrecker service for disabled and wrecked vehicles,* between points in UT and CO for 270 days. Supporting shippers: There are six shippers. Their statements may be examined at the Regional Office listed.

MC 138624 (Sub-6–7TA), filed April 22, 1983. Applicant: CLIFF REED, INC., 510 Willow Creek Rd., Corvallis, MT 59828. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. *Fertilizer,* from points in ID to points in WA and OR, for 270 days. Supporting shipper: Chevron Chemical Co., P.O. Box 6148, Kennewick, WA 99336.

MC 167588 (Sub-6–1TA), filed April 22, 1983. Applicant: D-A-M EXPRESS, INC., 142 No. Lincoln, Shelley, ID 83274. Representative: Dale Ball, (same as applicant). (1) *General Commodities* (except class A and class B, explosives and household goods), between points in WA, OR, CA, NV, ID, UT, AZ, MT, WY, CO, NM, SD, ND, NE, KS, OK and TX, for 270 days. Supporting shippers: Century Enterprises, 123 Cook St., Denver, CO 80206; Roberts Hardware and Roberts Elevator, Roberts, ID 83444.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11600 Filed 4-29-83; 8:45 am]

BILLING CODE 7035-01-M

[No. 38991]

Rail Carriers; Carolina Freight Carriers Corporation and Red Arrow Freight Lines, Inc.; Interline Division Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of agreement and request for comments.

SUMMARY: A petition has been filed by Carolina Freight Carriers Corporation and Red Arrow Freight Lines, Inc., seeking Commission approval of an agreement concerning interchange of traffic and division of revenues under 49 U.S.C. 10706(b)(2).

The petition may be inspected at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

DATES: Comments on this application should be filed on May 31, 1983.

ADDRESS: Send an original and 10 copies of comments to: No. 38991, Room 2139, Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Leonard L. Arnaiz (202) 275–7831, or Howell I. Sporn (202) 275–7691.

SUPPLEMENTARY INFORMATION: Under the provisions of 49 U.S.C. 10706(b)(2), common carriers subject to the Act may submit to the Commission for approval any agreement between or among two or more such carriers "concerning rates * * * divisions, or rules related to them * * *". If such agreement is approved, the antitrust laws do not apply to parties and other persons with respect to the making and carrying out of the agreement. An agreement will be approved if the Commission finds that the agreement fulfills each statutory requirement under section 10706(b)(3), unless the Commission finds that the agreement is inconsistent with the transportation policy set forth in 49 U.S.C. 10101(a).

Part I of the subject agreement provides that Carolina and Red Arrow will accept from the other all shipments tendered which are consigned to points on their lines, and/or the lines of their connections, subject to the provisions of the carriers' tariffs filed with the Commission. If contains provisions concerning such matters as the handling of extra or accessorial charges and undercharge adjustments.

Part II details the method by which the carriers will divide the revenues, other than accessorial charges, generated by operation of the agreement. It includes provisions governing division of both two-line and three-line revenues.

The Commission is presented with a novel issue since this is the first such agreement to be filed under section 10706(b)(2). While the subject agreement is embraced by the terms of that section, it is not clear that Commission approval is necessary for the operation of the agreement since numerous carriers presently operate under interline agreements similar to the one between Carolina and Red Arrow, and have not submitted those agreements for Commission review. Further, the statute does not require submission of the agreement to the Commission but merely states that carriers "may" submit their agreements to the Commission for approval. We are concerned that to grant unnecessary immunity could be inconsistent with the transportation policy of section 10101(a).

Comments are invited on the proposed agreement with special attention to the following: (1) Does this agreement fulfill each requirement under section 10706(b)(3), (2) Is the agreement consistent with the transportation policy set forth in 49 U.S.C. 10101(a), including whether the requested antitrust immunity is necessary? and (3) What other matters, if any, should be considered by the Commission in deciding whether to approve the agreement?

It does not appear that this action will significantly affect the quality of the human environment or conservation of energy resources. Comments on these issues are, however, invited.

(49 U.S.C. 10706(b)(2), and 10706(g))

Decided: April 25, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre concurred in the issuance of this notice.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11597 Filed 4-29-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 28640 (Sub-9)]

Rail Carriers; Chicago, Milwaukee, St. Paul and Pacific Railroad Company Reorganization; Acquisition By Grand Trunk Corporation

AGENCY: Interstate Commerce Commission.

ACTION: Acceptance of amended plan of reorganizaation and scheduling of proceedings.

SUMMARY: The Commission accepts the Amended Plan of Reorganization of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company filed under section 77 of the Bankruptcy Act, and sets a schedule for the proceedings.

DATES: Comments on the Amended Plan of Reorganization are due May 27, 1983. The complete procedural schedule is contained in the Commission's decision.

ADDRESSES: An original and 20 copies of all pleadings referring to Finance Docket No. 28640 (Sub-No. 9) should be sent to: Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423; and a copy to applicants' representatives:

Robert H. Wheeler, Isham, Lincoln & Beale, Three First National Plaza, Suite 5200, Chicago, IL 60602, and Basil Cole, Dechert, Price & Rhoads, 1730 Pennsylvania Ave., NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245, or Joseph C. Levin (202) 275–7936.

SUPPLEMENTARY INFORMATION: The complete procedural schedule for conduct of this proceeding and additional information are contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Notice of a related transaction in No. MC–F–15231 is published in this issue of the **Federal Register.** The Grand Trunk Western Company (GTW) also seeks authority under 49 U.S.C. 11103 to use certain terminal facilities. In Finance Docket No. 28640 (Sub-No. 9A), GTW seeks to use terminal facilities of Consolidated Rail Corporation. In connection with this proposal, GTW also seeks an exemption from 49 U.S.C. 10901, pursuant to 49 U.S.C. 10505, for the construction and operation of a connection between GTW and Conrail lines at Hays, IN. In Finance Docket No. 28640 (Sub-No. 9B), GTW seeks authority to use terminal facilities of the Indiana Harbor Belt Railroad and the Baltimore and Ohio Chicago Terminal Railroad Company in Chicago.

Decided: April 25, 1983.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11593 Filed 4-29-83; 8:45 am]

BILLING CODE 7035-01-M

[Application No. 8]

Rail Carriers; Chlorine Institute Rail Shippers Discussion Group

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of agreement and request for comments.

SUMMARY: An application for approval of an agreement under 49 U.S.C. 10706(a)(5)(A) has been filed by the Chlorine Institute Rail Shippers Discussion Group, on behalf of members who own or lease rail cars. The agreement would allow the members to discuss among themselves the amount of compensation to be charged rail carriers for the use of privately owned cars. The

Commission is seeking public comment prior to acting on the application.

DATES: An original and 10 copies of comments from interested parties should be filed by May 22, 1983.

ADDRESS: The application may be inspected at the Office of the Secretary, Interstate Commerce Commission, in Washington, D.C.

Comments should be addressed to: Rail Section, Room 5344, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: On March 18, 1983, the Chlorine Institute Rail Shippers Discussion Group filed an application for approval of an agreement that would permit its members to discuss among themselves the amount of compensation to be charged rail carriers for the use of privately owned cars.

Shippers entering into such agreements and seeking antitrust immunity must apply to the Commission for approval under 49 U.S.C. 10706(a)(5)(A). The Commission will approve an agreement only upon finding that it furthers the rail transportation policy set forth in 49 U.S.C. 10101a. If necessary, the Commission can impose conditions to further that policy. If the agreement is approved, the antitrust laws do not apply to parties and other persons with respect to making and carrying out the agreement.

Comments are invited on the proposed agreement, with special attention to the following subjects:

(1) How will this agreement further the transportation policy set forth in 49 U.S.C. 10101a? (Is the requested antitrust immunity necessary?)

(2) Are there any anti-competitive effects that may result because of the agreement?

(3) What safeguards, if any, are necessary to ensure that the proposed agreement will not have an undesirable anti-competitive effect or suppress competition among members of the organization?

(4) What other matters should the Commission consider in determining whether the agreement should be approved?

While it does not appear that this action will have a significant effect on the quality of the human environment or conservation of energy resources, comments on these issues are also invited.

(49 U.S.C. 10706(a)(5))

Dated: April 25, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11595 Filed 4-29-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 13, 1983, McNeilab, Inc., 803 East Fourth Street, Wilmington, Delaware 19801, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Raw Opium (9600)	II
Concentrate of Poppy Straw (9670)	II

As to the basic classes of controlled substances listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA **Federal Register** Representative (Room 1203), and must be filed no later than June 1, 1983.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: April 20, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-11637 Filed 4-29-83; 8:45 am]

BILLING CODE 4410-09-M

Importers of Controlled Substances; Registration

By Notice dated October 5, 1982, and published in the **Federal Register** on October 14, 1982, (47 FR 45999), U.S. Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Lysergic Acid Diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
4-Methyl-2,5-Dimethoxy-Amphetamine (7395)	I
Psilocybin (7437)	I
Psilocin (7438)	I
DL-Methyl-2-Brom-LSD (7340)	I

No comments or objections have been received. Therefore, pursuant to Section 1008 (a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations § 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: April 20, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control Drug Enforcement Administration.

[FR Doc. 83-11636 Filed 4-29-83; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 13, 1983, NcNeilab, Inc., 893 East Fourth Street,

Wilmington, Delaware 19801, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Codeine (9050)	II
Morphine (9300)	II
Thebaine (9333)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA **Federal Register** Representative (Room 1203), and must be filed no later than June 1, 1983.

Dated: April 20, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control Drug Enforcement Administration.

[FR Doc. 83-11638 Filed 4-29-83; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities; Arts and Artifacts Indemnity Panel Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at Old Post Office Building, 1100 Pennsylvania Avenue, NW., from 9:00 a.m. to 5:30 p.m. on May 18, 1983.

The purpose of the meeting is to review applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities for exhibitions beginning after July 1, 1983.

Because the proposed meeting will consider commercial and financial data and because it is important to keep values of objects, methods of transportation and security measures confidential, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 16, 1978, I have determined that the meeting would fall within exemptions (4) and (9) of 5 U.S.C. 552(b)(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen McCleary, National Endowment for the Humanities, Washington, D.C. 20506.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83-11560 Filed 4-29-83; 8:45 am]

BILLING CODE 7536-01-M

National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a a meeting of the National Council on the Arts will be held on May 13-14, 1983 from 9:00 a.m.-5:30 p.m. in the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW. (Council Room, Room #M-04, first floor, 12th Street entrance), Washington, D.C.

A portion of this meeting will be open to the public on Friday, May 13, 1983 from 9:00 a.m.-5:30 p.m. and Saturday, May 14, 1983 from 1:45-5:30 p.m. Topics for discussion will include Program Reviews & Guidelines discussions for State Programs, Literature, and Music Recording; touring & presenting; cross-cutting program issues; international activities; mission statement and health of the fields.

The remaining sessions of this meeting on Saturday, May 14, 1983 from 9:00 a.m.-12:30 p.m. are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **FEDERAL REGISTER** of February 13, 1980 these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: April 21, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-11559 Filed 4-29-83; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Forms Submitted to OMB for Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, NSF is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 357-9421.

OMB Officer: Gwendolyn Pla, (202) 395-7313.

Title: Evaluation study of NSF's *Five-Year Outlook on Science and Technology.*

Affected Public: Individuals on mailing list who receive copies of the *Outlook* report.

Number of Responses: 2,600; total number of hours, 1,300.

Abstract: The Five-Year Outlook on Science and Technology is required in Title II of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (Pub. L. 94-282). Three volumes of reports have been prepared since 1979. The present study will measure the effectiveness of reports in meeting the legislative mandate.

Herman G. Fleming,

OMB Clearance Officer.

[FR Doc. 83-11580 Filed 4-29-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Decay Heat Removal Systems; Meeting

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting on May 18, 1983 in Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will discuss generic safety issues associated with decay heat removal and a draft Brookhaven National Laboratory Report, "Grouping of LWRs According to their Decay Heat Removal Capability".

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that

appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, May 18, 1983—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Anthony Cappucci (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., e.d.t.

Dated: April 27, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-11661 Filed 4-29-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Human Factors; Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on May 19, 1983, Room 1046, 1717 H Street, NW., Washington, DC.

In accordance with the procedures outlined in the Federal Register on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings wil be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, May 19, 1983—8:30 a.m. until the conclusion of business.

The Subcommittee will meet:

(a) To review the priorities assigned in NUREG–0933, A Prioritization of Generic Safety Issues, to human factors related safety issues;

(b) To review proposed human factors related modifications to the "General Design Criteria for Nuclear Power Plants," 10 CFR Part 50 Appendix A;

(c) To be briefed by the Office of Inspection and Enforcement on recent activities at the NRC's incident response center;

(d) To review the Human Factors Research Budget for FY 1985 and 1986; and

(e) To discuss Dr. G. Salvendy's proposal for training human factors engineers relative to the safe design and operation of nuclear power plants.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, David Fischer (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., e.s.t.

Dated: April 27, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-11660 Filed 4-29-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–293]

Boston Edison Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR–35 issued to Boston Edison Company (the licensee) which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is efffective as of the date of issuance.

The amendment modifies the Technical Specifications (TSs) to incorporate: (1) A clarification to TSs 3.7.A.4.a(3) and 4.7.A.4.a(3), and their associated bases, to reflect the installation of alarm switches on the torus-drywell vacuum breakers and to describe in detail the applicable torus-drywell vacuum breaker alarm (2) corrections of an incorrect reference to a safety limit MCPR of 1.06 and (3) a change to the reporting requirements of TS 6.9.A.2 to reflect the guidance contained in Regulatory Guide 10.1 (Revision 4) regarding the addressee for monthly operating reports.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since it does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see: (1) The application for amendment dated January 14, 1983, (2) Amendment No. 68 to License No. DPR–35, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 22nd day of April 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83-11662 Filed 4-29-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment revises Technical Specifications to change the particle size distribution specified for in-place testing of HEPA filters in the fuel and control room filter systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated October 22, 1982, (2) Amendment No. 69 to License No. DPR-23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of April 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-11663 Filed 4-29-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-358]

Cincinnati Gas & Electric Co. and William H. Zimmer Nuclear Power Station; Issuance of Director's Decision

By petition dated August 20, 1982, as supplemented on October 18, 1982, the Miami Valley Power Project (MVPP) requested that, among other things, the Commission order an immediate suspension of construction of the William H. Zimmer Nuclear Power Station. The petition has been considered under the provisions of 10 CFR 2.206.

The petition contains numerous allegations and supporting exhibits concerning deficiencies in construction of the Zimmer project and inadequacies in the quality assurance (QA) program for construction.

On November 12, 1982, the Commission issued an Order to Show Cause and Order Immediately Suspending Construction to Cincinnati Gas & Electric Company (CG&E), pursuant to 10 CFR 2.202. CLI-82-33, 16 NRC——(November 12, 1982), published in 47 FR 51959 (November 18, 1982). The order required an immediate halt to safety-related construction on the Zimmer Station and required the licensee to show cause why the suspension should not continue pending review and implementation of proposals to improve the licensee's management of the project, to verify the quality of construction work, and to ensure that any future construction conforms to the Commission's requirements. Because the Commission's order imposes remedies substantially similar to those requested by MVPP, its petition has been granted in part and denied in part pursuant to 10 CFR 2.206.

The reasons for the denial in part are explained in the "Director's Decision" under 10 CFR 2.206 (DD-83-02) which is available for public inspection in the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., and at the Clermont County Library, Third and Broadway Streets, Batavia, Ohio 45103.

A copy of the decision has been filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided in this regulation, the decision will become the final action of the Commission Twenty-five (25) days after issuance, unless the commission on its own motion institutes review of the decision within that time. The Commission has extended the time within which to review this decision until May 9, 1983.

Dated at Bethesda, Maryland, this 26th day of April 1983.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 83-11668 Filed 4-29-83; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) the following information collection requirements for clearance under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: New

2. The title of the information collection: 10 CFR 20.402, Theft or Loss of Licensed Material

3. The form number if applicable: NA

4. How often the collection is required: On occasion

5. Who will be required or asked to report: NRC Licensees

6. An estimate of the number of responses: 60

7. An estimate of the total number of hours needed annually to complete the requirement or request: 96

8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: NA.

9. Abstract: The proposed rule would require licensees to report the loss or theft of all licensed material above an amount specified in the proposed rule.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer Jefferson B. Hill, (202) 395-7340.

NRC CLearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland this 26th day of April 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-11671 Filed 4-29-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Granting of Relief From ASME Section XI Inservice Inspection Requirement

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Florida Power and Light Company (the licensee). The relief relates to the inservice inspection examination requirements and the acceptability of alternative methods at the Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of the date of issuance.

The relief permits the licensee to perform inservice inspections in a manner or on a schedule different from that prescribed in Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda, as required by 10 CFR Part 50, because of inaccessibility, configuration of components, radiation level, or other valid reasons.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this relief.

For further details with respect to this action, see: (1) The application for relief dated February 25, 1977, as revised April 28, December 9, 1977, April 10, November 15, 1978, March 6, September 18, 1979, October 15, 1980, and June 14, 1982, (2) the Commission's letter dated April 26, 1983,. and (3) Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of April 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 83-11664 Filed 4-29-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendments To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR-58 and Amendment No. 54 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee) which revised Technical Specifications for operation of the Donald C. Cook Nuclear Plant, Units Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications for oxygen content in the waste decay tanks and makes several administrative corrections which were inadvertently overlooked in the Technical Specifications issued by Amendment Nos. 69 and 51 dated February 7, 1983 for Units 1 and 2, respectively.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated April 14, 1983, (2) Amendment Nos. 72 and 54 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 25th day of April 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 83-11665 Filed 4-29-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 88 to facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to incorporate the limiting conditions for operation during fuel cycle 7 by: (1) Adding the Maximum Axial Planar Linear Heat Generation Rate (MAPLHGR) operating limits based on the General Electric (GE) analysis for the two new bundle types (P8DRB299 and P8DRB284H) added to the core; and (2) changing Minimum Critical Power Ratio (MCPR) operating limits based on the GE analysis for both 8x8 and P8x8R fuel types.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The

Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The commission has determined that the issuance of this amedment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d) (4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated January 14, 1983, as supplemented April 7, 1983, (2) Amendment No. 88 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of April 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83-11686 Filed 4-29-83; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.15, Revision 1, "Standard Format and Content of License Applications for Storage Only of Unirradiated Power Reactor Fuel and Associated Radioactive Material," describes the detailed information that is needed by the NRC staff in its review of an application for a license to authorize the receipt, possession, and storage of unirradiated fuel assemblies and associated radioactive materials for eventual use in a nuclear power reactor and suggests a format for its presentation.

Comments and suggestions in connection with: (1) Items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 25th day of April 1983.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-11059 Filed 4-29-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-280]

Virginia Electric and Gas Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 87 to Facility Operating License No. DPR-32 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit No. 1 (the facility) located in Surry County, Virginia. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to raise the control rod bank insertion limits.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR ChapterI, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated April 14, 1983, (2) Amendment No. 87 to License No. DPR-32, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. And at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of April 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-11067 Filed 4-29-83; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan: Avnet, Inc. et al.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of withdrawal of request.

SUMMARY: On November 17, 1982, the Pension Benefit Guaranty Corporation published a notice of pendency in the **Federal Register**, 47 FR 51835, soliciting public comment on a joint request PBGC had received from Avnet, Inc. and Carol Cable Company, Inc. ("Avnet") for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974. The effect of this notice is to advise interested persons

that Avnet has withdrawn this request. Accordingly, PBGC will take no further action on the request.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254–4862. (This is not a toll-free number.)

Issued at Washington, D.C. on this 27th day of April 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-11687 Filed 4-29-83; 8:45 am]

BILLING CODE 7708-01-M

Consideration of Blanket Approval of Certain Plan Amendments Requiring PBGC Approval Under Act Section 4220

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Request for public comment.

SUMMARY: This notice advises the public of and seeks comment on the Pension Benefit Guaranty Corporation's proposal to grant blanket approvals for two types of plan amendments that require PBGC approval under section 4220 of the Employee Retirement Income Security Act of 1974, as amended. Under section 4220, certain plan amendments adopted after April 28, 1983 may not be put into effect without PBGC approval. PBGC shall disapprove an amendment if it finds that the amendment creates an unreasonable risk of loss to plan participants and beneficiaries or to PBGC. PBGC has tentatively determined that two of the amendments subject to its approval can never create an unreasonable risk of loss to participants or to PBGC. Therefore, PBGC is considering granting a blanket approval for these amendments, thus eliminating the need for plan sponsors to request individual approval. The effect of this notice is to solicit the views of the public on these proposed blanket approvals under section 4220.

DATE: Comments must be submitted on or before June 16, 1983.

ADDRESS: All written comments should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. Comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: J. Ronald Goldstein, Attorney, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006; (202) 254–4862.

SUPPLEMENTARY INFORMATION: Under section 4220(a) of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act, certain amendments to multiemployer pension plans adopted after April 28, 1983 may only be put into effect with the approval of the Pension Benefit Guaranty Corporation or if the PBGC fails to disapprove the amendment within 90 days after receipt of a copy of the amendment and the request for approval. Under section 4220(c), PBGC shall disapprove an amendment if it determines that the amendment creates an unreasonable risk of loss to plan participants and beneficiaries or to PBGC. These rules apply to plan amendments authorized by sections 4201–4219 of the Act. Contemporaneously with the publication of this notice, PBGC is also publishing a notice listing the amendments covered by section 4220.

In reviewing the covered amendments, PBGC has tentatively determined that two of them can never have the effect of creating an unreasonable risk of loss to plan participants and beneficiaries or to PBGC. Therefore, PBGC is considering granting a blanket approval for these amendments. This would benefit the affected plans by eliminating the need for the plan sponsor to submit the amendment for PBGC approval. It would similarly remove an administrative burden for PBGC. The two amendments under consideration are those authorized by sections 4203(c)(4) and 4205(c) of the Act.

Section 4203(c) provides a special withdrawal rule for plans that primarily cover employees in the entertainment industry ("entertainment plan"). Under the special rule, an employer that is obligated to contribute to such a plan for work performed in the entertainment industry, primarily on a temporary or project-by-project basis, is considered to have withdrawn only if—

(i) The employer ceases to have an obligation to contribute under the plan, and

(ii) Continues (or resumes within 5 years) to perform work in the jurisdiction of the plan of the type for which contributions were previously required without contributing to the plan for such work.

Section 4203(c)(4) permits an entertainment plan to adopt an amendment under which the special withdrawal rule will not apply to a group or class of otherwise eligible employers; instead, the general withdrawal rules of section 4203(a) will apply to that group or class of employers. The effect of a section 4203(c)(4) amendment would be to broaden the circumstances under which certain entertainment industry employers incur liability as a result of a cessation of contributions to the plan. For example, in a plan adopting the section 4203(c)(4) amendment, going out of business would constitute a withdrawal for employers covered by the amendment.

Therefore, because a section 4203(c)(4) amendment broadens the events that give rise to withdrawal liability in an entertainment plan, PBG has tentatively concluded that the adoption of this amendment cannot create an unreasonable risk of loss to plan participants and beneficiaries or to the PBGC. Accordingly, since this amendment would never satisfy the standard for disapproval under section 4220(c), a blanket approval for all such amendments is appropriate.

PBGC notes that this approval would cover a plan's adoption of a section 4203(c)(4) amendment, but not a subsequent repeal of the amendment. If a plan adopted a section 4203(c)(4) amendment under a blanket approval from PBGC and later decided to repeal or limit the application of the amendment, that later action would be subject to PBGC approval under section 4220.

Section 4205(c)(1) of the Act allows a retail food industry plan to be amended to substitute "35 percent" for the "70 percent" partial withdrawal liability rule of section 4205(b)(1)(A). Under the generally applicable 70 percent rule, an employer incurs a partial withdrawal from a plan if the employer's contribution base units in each of 3 consecutive years do not exceed 30 percent of the employer's contribution base units for the high base year. Section 4205(c)(1) permits a retail food industry plan (*i.e.*, a plan in which the majority of the covered employees are employed in the retail food industry) to be amended to provide that an employer incurs a partial withdrawal if in each of 3 consecutive years, its contribution base units do not exceed 65 percent of its contribution base units for the high base year. Thus, this amendment will result in a partial withdrawal for smaller declines in covered work than would result under the statutory rule (a 35

percent decline as compared to a 70 percent decline).

Under section 4205(c)(2), an amendment adopted under paragraph (c)(1) must also include rules for "the equitable reduction of withdrawal liability in any case in which the number of the plan's contribution base units, in the 2 plan years following the plan year of withdrawal of the employer, is higher than" the plan's contribution base units immediately after the partial withdrawal. Therefore, the employer's liability for its partial withdrawal is reduced under this amendment only when the plan's overall number of contribution base units has increased by more than the amount necessary to offset the employer's decline in covered work under the plan.

Therefore, the effect of an amendment under section 4205(c) will always be to provide a retail food industry plan with at least as much, and usually greater, protection against declines in covered work than is provided by the statutory rule. Accordingly, PBGC has tentatively determined that such an amendment cannot create an unreasonable risk of loss to plan participants and beneficiaries or to the PBGC and should therefore, be granted a blanket approval by PBGC.

Similar to amendments under section 4203(c)(4), this approval would extend only to the adoption of a section 4205(c) amendment and not to its subsequent repeal. The latter would be subject to PBGC approval under section 4220. Adjustments to the provisions for reduction of liability under section 4205(c)(2) would be covered by the general approval since, given the parameters set forth in section 4205(c)(2), such adjustments cannot negate the overall protective effect of the amendment.

As a final point, PBGC stresses that the blanket approval that would be granted to amendments authorized by sections 4203(c)(4) and 4205(c) would operate only with respect to amendments properly adopted pursuant to those sections. Plan amendments that do not comply with the conditions contained in sections 4203(c)(4) and 4205(c) are not authorized by those sections and are therefore without effect. This result would not be altered by PBGC's decision to grant the proposed blanket approvals discussed herein.

PBGC requests all interested persons to comment on these proposed actions. All comments will be made part of the record. Comments must be submitted by June 16, 1983.

Issued at Washington, D.C. on this 26th day of April 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-11579 Filed 4-29-83; 8:45 am]

BILLING CODE 7708-01-M

Multiemployer Pension Plan Amendments Requiring PBGC Approval After April 28, 1983

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Interpretation.

SUMMARY: This notice sets forth a list of those plan amendments by multiemployer pension plans which, if adopted after April 28, 1983, may not be put into effect without the approval of the Pension Benefit Guaranty Corporation. Section 4220 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act, provides that no plan amendment authorized by sections 4201–4219 of the Act that is adopted after April 28, 1983 may be put into effect, unless it is first approved by PBGC or PBGC fails to disapprove the amendment within 90 days after receipt of a copy of the amendment and request for approval. Because sections 4201–4219 authorize the adoption of a large number of plan amendments and rules, some pursuant to PBGC regulations and others not, there is uncertainty as to which of these actions will require PBGC approval after April 28, 1983. The effect of this notice is to provide the public with a listing of the specific amendments that are subject to this requirement.

DATE: The plan amendments listed in this notice must be submitted for PBGC approval if adopted after April 28, 1983.

ADDRESS: Inquiries concerning this notice and requests for approval of plan amendments should be submitted to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: J. Ronald Goldstein, Attorney, Office of the Executive Director, Policy and Planning (140), at the above address; (202) 254–4862.

SUPPLEMENTARY INFORMATION: Sections 4201–4219 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act, set forth rules relating to withdrawals from multiemployer pension plans and an employer's liability for a withdrawal. Those sections authorize various modifications to the statutory rules. In some instances, *e.g.* section 4203(f), the Pension Benefit Guaranty Corporation is authorized to promulgate regulations permitting plans to adopt certain amendments to the statutory rules. In other cases, *e.g.* section 4209(b), plans are authorized directly by the statute to adopt certain amendments. Finally, in some instances, *e.g.*, section 4219(c)(7), plans are authorized to vary the statutory requirements by plan rules, rather than by plan amendment.

Section 4220(a) of the Act provides that "if an amendment to a multiemployer plan authorized by any preceding section of this part is adopted more than 36 months after the effective date of this section (April 28, 1980), The amendment shall be effective only if the corporation approves the amendment, or, within 90 days after the corporation receives notice and a copy of the amendment from the plan sponsor, fails to disapprove the amendment." Excepted from this rule are amendments permitted by section 4211(c)(5) (dealing with the adoption of certain alternatives to the statutory methods for allocating a plan's unfunded vested benefits), which may be adopted only in accordance with that section (section 4220(b)). PBGC may disapprove an amendment submitted under section 4220(a) only if it determines that the amendment creates an unreasonable risk of loss to plan participants and beneficiaries or to PBGC (section 4220(c)).

Because of the multiplicity of plan amendments and rules covered by sections 4201–4219, the purpose of this notice is to clarify which are subject to section 4220.

Since section 4220(a) specifically refers to "an amendment" authorized by sections 4201–4219, it does not apply to plan rules that may be adopted under those sections. Further, if a plan chooses to implement by amendment an action that under sections 4201–4219 may be undertaken through plan rules, that amendment would not be subject to section 4220.

In addition, section 4220 applies only to plan amendments authorized directly by the statute, and not to those which are authorized pursuant to PBGC regulations. In those cases where sections 4201–4219 direct or permit PBGC to issue regulations allowing certain plan amendments, the regulations will contain whatever restrictions or conditions on the plan amendments PBGC deems necessary to protect plan participants and the multiemployer insurance system.

Accordingly, PBGC has determined that separate approval under section 4220 in that case is unnecessary to achieve such protection and would only create an additional administrative burden on multiemployer plans. Consequently, PBGC has determined that approval under section 4220 of the Act is required only for the following plan amendments:

1. *Section 4203(c)(4).* Allows an entertainment industry plan to amend itself to provide that the special entertainment withdrawal rule would not apply to a group or class of employers under the plan.

2. *Section 4203(b)(1)(B)(ii).* Permits a non-construction industry plan to amend itself to apply the special construction withdrawal rule to construction industry employers participating in the plan.

3. *Section 4205(c)(1).* Allows a retail food industry plan to be amended to substitute "35 percent" for "70 percent" partial withdrawal liability test.

4. *Section 4205(d).* Permits a plan described in section 404(c) of the Internal Revenue Code [1] to amend itself to provide other conditions for partial withdrawal liability.

5. *Section 4209(b).* Permits a plan to adopt by amendment the alternative statutory *de minimis* rule.

6. *Section 4210(b)(2).* Allows a non-construction industry plan to adopt by amendment the six-year "free look" rule.

7. *Section 4211(c)(1).* Permits plans (other than construction industry plans) to adopt by plan amendment one of the three statutory alternatives for determining the employer's share of unfunded vested benefits.

8. *Section 4211(c)(4)(D).* Requires a plan using the direct attribution method to adopt one of three statutory methods for determining the employer's allocable share of plan assets.

9. *Section 4211(d)(1).* Requires a plan described in section 404(c) of the Internal Revenue Code to use the rolling-5 allocation method unless an alternative is adopted by plan amendment.

10. *Section 4211(d)(2).* Sections 4204 (sale of assets), 4209 (*de minimis* rule), 4219(c)(1) (20 year cap on withdrawal liability payments) and 4225 (limitation on dissolution or complete sale of employer) do not apply to a section 404(c) plan unless the plan amends itself to provide otherwise.

11. *Section 4219(c)(1)(C)(ii)(I).* Allows a plan to adopt by amendment the statutory alternative for computing the annual withdrawal liability payment amount for plan years ending before 1986.

12. *Section 4219(c)(1)(C)(iii).* Permits a plan to amend itself to substitute a 5-year period (increasing by one year for each succeeding year up to 10) for the 10-year period used to compute the annual withdrawal liability amount under either the normal statutory formula or the alternative.

If a multiemployer pension plan adopts any of the above amendments after April 28, 1983, the amendment must be submitted for PBGC approval in accordance with section 4220, and may only be put into effect with PBGC's approval or if PBGC fails to disapprove the amendment within 90 days after submission, as provided under section 4220.

Issued at Washington, D.C. on this 26th day of April 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-11578 Filed 4-29-83; 8:45 am]

BILLING CODE 7708-01-M

[1] A plan established prior to January 1, 1954 as a result of an agreement between employer representatives and the United States during a period of government operation, under seizure powers, of the major part of the productive facilities of an industry.

SMALL BUSINESS ADMINISTRATION

[Application No. 04/04-5224]

Ellison Investment Group, Inc.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), has been filed by Ellison Investment Group, Inc. (Applicant), Route 5, Box 999X, Brooksville, Florida 33512, with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1983).

The officers, directors and sole shareholder of the Applicant are as follows:

President, Director, sole shareholder
Robert E. Ellison, 5301 Seminole Avenue, Tampa, Florida 33603
Vice President, Director
William G. Premaza, 18007 Hanna Road, Lutz, Florida 33549
Secretary, Treasurer, Director
James R. Ellison, 9404 N. 21st Street, Tampa, Florida 33612

The Applicant, a Florida corporation, will begin operations with $505,000 of paid-in capital derived from the sale of 1,000 shares of common stock.

The Applicant will conduct its activities primarily in the following Florida counties: Pasco, Polk, Pinellas and Hillsbrough.

Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Notice is hereby give that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for 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 Brooksville, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: April 26, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-11562 Filed 4-29-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0188]

Mercantile Dallas Corp.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Mercantile Dallas Corporation, 1704 Main Street, Dallas, Texas 75222, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C. 661 *et seq.)*, has filed an application with the Small Business Administration pursuant to Section 312 of the Act and covered by § 107.1004(b)(1) of the Regulations governing small business

investment companies (13 CFR 107.1004 (1983)), for approval of a conflict of interest transaction falling within the scope of the above Sections of the Act and Regulations.

The Licensee proposes to make a $1,425,000 five year, loan to Boorhem-Fields, Inc. (Boorhem-Fields), P.O. Box 1177, Paris, Texas 75460. Messers. William Boorhem and Joseph Fields, the principals in Boorhem-Fields, are both directors of Merchants and Planters Bank (M & P Bank) Sherman, Texas. M & P Bank is a subsidiary of Mercantile Texas Corporation, an Associate of the Licensee under Section 107.3 of the SBA Regulations, because it owns 10 or more percent of the stock of the Licensee. Because of these affiliations, the Licensee's proposed financing to Boorhem-Fields falls within the purview of § 107.1004 of the Regulations and requires SBA approval.

Notice is hereby given that any interested party may, not later than 15 days from the date of publication of this Notice, submit written comments to the Associate Administrator for Finance & Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Dallas, Texas and Paris, Texas areas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 22, 1983.

Edwin T. Holloway,

Associate Administrator for Finance & Investment.

[FR Doc. 83-11561 Filed 4-29-83; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council; Meeting

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area of Pittsburgh, will hold a public meeting at 9:30 a.m. on Wednesday, May 4, 1983, at the William Penn Hotel, Room 1266, 530 William Penn Place, Pittsburgh, Pennsylvania 15230, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Joseph M. Kopp, District Director, U.S. Small Business Administration, 960 Penn Avenue, Convention Tower, Fifth Floor, Pittsburgh, Pennsylvania 15222; (412) 644-4306.

Dated: April 25, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-11563 Filed 4-29-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/627]

Oceans and International Environmental and Scientific Affairs Advisory Committee; Partially Closed Meeting

The Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee will meet at 9:00 a.m., Tuesday, May 24, 1983, in Room 1408, Department of State, Washington, D.C.

At this meeting, officers responsible for Antarctic affairs in the Department of State will discuss key issues and problems involving the Antarctic in the context of current domestic and international developments. This session will be open to the public. The public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussions according to the instructions of the Chairman. As access to the Department of State is controlled, persons wishing to attend the May 24 meeting should enter the Department through the Diplomatic ("C" Street) Entrance. Department officials will be at the Diplomatic Entrance to escort attendees to Room 1408.

The Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee will also meet on Monday, May 23, 1983, at the National Academy of Sciences, 2101 Constitution Avenue, NW., in sessions which will not be open to the public. As these sessions will include discussion of classified material, they have been closed pursuant to Section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(1) and 5 U.S.C. 552b(c)(9)(B). The disclosure of classified material and revelation of considerations which go into policy development would substantially undermine and frustrate the U.S. position in future negotiations. The purpose of these discussions will be to elicit views concerning the further development of United States policy regarding Antarctic resources, particularly Antarctic mineral resources. This portion of the meeting will include classified briefings and examination and discussion of classified documents pursuant to Executive Order 12356.

Requests for further information on the meetings should be directed to R. Tucker Scully of OES/OPA, Room 5801, Department of State. He may be reached by telephone on (202) 632-3262.

Dated: April 19, 1983.

James L. Malone,

Chairman.

[FR Doc. 83-11606 Filed 4-29-83; 8:45 am]

BILLING CODE 4710-09-M

Office of the Secretary

[Public Notice 861]

Privacy Act of 1974; Proposed Amendments to Medical Records System

Notice is hereby given that the Department of State proposes two amendments to the existing medical records system pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a(o)) and the Office of Management and Budget Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975 (40 FR 45887, October 3, 1975).

The first amendment provides for maintaining medical records in health units at overseas posts on employees and dependents covered by the Department of State's Medical Program. These records will be composed primarily of medical information acquired at post and supporting information on employees and their dependents when seen in consultation by a Foreign Service Medical Officer or Foreign Service Nurse. The information in these records will ultimately be consolidated in each person's medical record maintained by the Department of State, Washington, D.C.

The second amendment provides for a change in configuration in the medical record system to allow for partial automation in the retrieval of medical information now contained on hard copy and microfilm. This change will assist in the 17,000 Medical Clearance decisions made each year by facilitating information retrieval and matching medical problems of individuals with overseas conditions. In addition, the change will help to improve medical care for overseas employees and their dependents by identifying health problems and facilitating followup. It will also fully support epidemiological health studies and provide the capability to follow health trends in persons assigned overseas.

Any persons interested in commenting on this modified system of medical records may do so by submitting comments in writing to the Information and Privacy Coordinator, Foreign Affairs Information and Management

Center, Room 1239, Department of State, 2201 C Street, N.W., Washington, D.C. 20520. If no comments are received within 60 days of the publication of this notice, these amendments to the medical records system will go into effect.

The proposed amended Medical Records System, State-24, will read as set forth below.

Dated: April 19, 1983.

Jerome W. Van Gorkom,

Under Secretary of State for Management.

STATE-24

SYSTEM NAME:

Medical Records.

SYSTEM LOCATION:

Department of State, 2201 C Street, N.W., Washington, D.C. 20520 and Health Units at Overseas Posts.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and dependents of the Department of State, the Agency for International Development, the U.S. Information Agency, ACTION, and other agencies under the Medical Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of Medical examinations and related documents; reports of treatments and other health services rendered to individuals; narrative summaries of hospital treatments; personal medical histories; reports of on-the-job injuries or illnesses; employee assignment histories; and reports on medical evacuation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 911, 912; 22 U.S.C. 1156–1159; 42 U.S.C. 4561; 21 U.S.C. 1180; 22 U.S.C. 3926; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in these records is used to effectively administer the Department of State's medical program. These records are utilized and reviewed by medical and administrative personnel of the Office of Medical Services on a need-to-know basis in normal day-to-day operations. These Medical Files are not available to other offices in the Department of State, the Agency for International Development, the U.S. Information Agency, ACTION, or other participating agencies. Records are released only with the written permission of the subject individual to private physicians, hospitals, legal representatives, congressional representatives, and others under the premise of the "Prudent Physician Rule." Also see "Routine Uses" paragraphs of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy, microfiche; and computer media.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in restricted areas, access to which is limited to authorized personnel.

RETENTION AND DISPOSAL:

Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Information and Privacy Coordinator, Room 1239, Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Officer, Medical Services, Room 2909, Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

NOTIFICATION PROCEDURE:

Individuals who have cause to believe that the Office of Medical Services might have records pertaining to them should write to the Information and Privacy Coordinator, Room 1239, Department of State, 2201 C Street, N.W., Washington, D.C. 20520. The individual must specify that she/he wishes the records of the Office of Medical Services to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the agency served by the medical program with which the individual was or is an employee or a dependent, and the approximate dates of such employment or dependency.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or amend records pertaining to them should write to the Information and Privacy Coordinator (Address above).

CONTESTING RECORD PROCEDURES:

(See above).

RECORDS SOURCE CATEGORIES:

The Individual; hospitals; clinics; private physicians, medical professionals employed by the Department of State.

[FR Doc. 83-11889 Filed 4-29-83; 8:45 am]

BILLING CODE 4710-10-M

SYNTHETIC FUELS CORPORATION

Competitive Solicitation For Gulf Province Lignite Gasification Projects

AGENCY: Synthetic Fuels Corporation.

ACTION: Issuance of competitive solicitation for Gulf Province Lignite Gasification Projects.

SUMMARY: Notice is hereby given that on April 25, 1983, the United States Synthetic Fuels Corporation issued a Competitive Solicitation for Gulf Province Lignite Gasification Projects soliciting proposals for synthetic fuel projects to be assisted under Title I, Part B, of the Energy Security Act of 1980 (Pub. L. 96–294).

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Ralph L. Bayrer, Vice President for Projects, United States Synthetic Fuels Corporation, 2121 K Street, NW., Washington, D.C. 20586; (202) 822–6336.

For Copies of the Solicitation, Contact: Catherine McMillan, Director of Public Disclosure, United States Synthetic Fuels Corporation, 2121 K Street, NW., Washington, D.C. 20586; (202) 822–6336.

Synthetic Fuels Corporation.

Jimmie R. Bowden,

Executive Vice President.

[FR Doc. 83-11556 Filed 4-29-83; 8:45 am]

BILLING CODE 0000-00-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Implementation of Emergency Jobs Legislation

Funds approved under the emergency jobs legislation enacted on March 24, 1983, (referred to in this Notice as the "jobs legislation"), will be administered by the Federal Aviation Administration (FAA) in accordance with the applicable provisions of the Surface Transportation Assistance Act of 1982 (STAA) (Pub. L. 97–424), the emergency jobs legislation itself, as well as the requirements of the Airport and Airway Improvement Act of 1982 (AAIA) (Pub. L. 97–248, 49 U.S.C.

2201 *et seq.*). Notice is hereby given that the FAA is implementing a plan of fund distribution in accordance with the requirements of these statutes.

The STAA added new discretionary authority to the Airport Improvement Program (AIP) by amending section 507(a) of the AAIA. This amendment specifies that these funds are to be used only for construction, reconstruction, or repair begun after enactment of this amendment (January 6, 1983). It further specifies that preference is to be given to projects that increase safety or capacity. FAA field personnel will assist sponsors where necessary in determining project eligibility under this amendment.

The emergency jobs legislation amended section 302 of the Department of Transportation and Related Agencies Appropriation Act of 1983 (Pub. L. 97–369) by increasing the obligational ceiling for airport grants by $150 million, so that the ceiling is now $750 million. This amendment also states that first consideration is to be given to projects where the preappliction is filed with the FAA on or before June 1, 1983.

Section 101(b)(5) of the jobs legislation specifies that grants for airport development (referred to in the legislation as "Rebuilding Aviation Infrastructure") made from the $150 million in jobs legislation funds are to be distributed in accordance with sections 101 (b)(1) or (b)(4). The FAA has determined that section 101(b)(1) is applicable to the Airport Improvement Program.

Section 101(b)(1)(A) of the jobs legislation specifies that one-third of the funds ($50 million) will be distributed for use within the 50 states, the District of Columbia, and Puerto Rico based on the relative number of unemployed individuals in each state. This distribution is to be made as follows:

Alabama	$1,128,688
Alaska	99,535
Arizona	582,728
Arkansas	436,409
California	5,639,800
Colorado	567,795
Connecticut	516,484
Delaware	95,279
District of Columbia	127,547
Florida	1,961,361
Georgia	846,057
Hawaii	100,908
Idaho	220,872
Illinois	2,973,119
Indiana	1,406,138
Iowa	598,534
Kansas	354,103
Kentucky	774,726
Louisiana	802,172
Maine	194,268
Maryland	747,839
Massachusetts	1,014,904
Michigan	2,850,386
Minnesota	857,268
Mississippi	494,632
Missouri	947,724
Montana	158,274
Nebraska	242,397
Nevada	235,029
New Hampshire	162,452
New Jersey	1,264,697
New Mexico	246,382
New York	2,970,365
North Carolina	1,136,005
North Dakota	111,447
Ohio	2,904,279
Oklahoma	429,344
Oregon	697,058
Pennsylvania	3,164,692
Puerto Rico	907,088
Rhode Island	231,772
South Carolina	673,177
South Dakota	94,795
Tennessee	1,134,514
Texas	2,540,015
Utah	254,289
Vermont	82,007
Virginia	943,598
Washinton	1,066,314
West Virginia	619,406
Wisconsin	1,275,817
Wyoming	95,531

In addition, section 101(b)(1)(B) of the jobs legislation specifies that one-sixth of the funds ($25 million) will be distributed for use among "long-term unemployment states" based on the relative number of qualified long-term unemployed individuals in each state. This distribution is to be made as follows:

Alabama	$929,057
Arizona	479,661
Arkansas	359,221
California	4,642,288
District of Columbia	104,988
Illinois	2,447,263
Indiana	1,157,434
Kentucky	637,700
Louisiana	660,292
Michigan	2,346,239
Mississippi	407,147
Nevada	193,459
New Mexico	202,804
Ohio	2,390,599
Oregon	573,770
Pennsylvania	2,604,953
Puerto Rico	746,652
Rhode Island	190,778
South Carolina	554,112
Tennessee	933,852
Washington	877,715
West Virginia	509,852
Wisconsin	1,050,164

Section 101(b)(1)(C) of the jobs legislation specifies that the remaining half of the funds ($75 million) is to be distributed in accordance with the provisions of the AAIA, as amended; that is, treated as discretionary funds.

Finally, section 101(c) of the jobs legislation requires that grantees receiving funds appropriated under this act, the extent practicable, maximize the creation of new employment opportunities to individuals who were unemployed at least 15 of the 26 weeks preceding enactment of the jobs legislation (March 24, 1983). This section also requires obligation and disbursement of funds as rapidly as possible. The AIP job legislation funds will be administered to accomplish these two objectives through appropriate certification from grantees at the time of preapplication submission. The language of this certification will read as follows:

"With respect to the airport development project for which this preapplication is submitted, the sponsor makes the following certifications: (1) The sponsor shall, to the extent practicable, utilize Federal funds received to accomplish this project in a manner which maximizes immediate creation of new employment opportunities to individuals who were unemployed at least 15 of the 26 weeks immediately preceding the date of enactment of the "Emergency Jobs Legislation" enacted on March 24, 1983; and (2) The sponsor further certifies that Federal funds received to accomplish this project will be disbursed as rapidly as possible so as to provide prompt assistance for the unemployed.

Date of certification: _____

Signature of representative of airport sponsor: _____

Name of Sponsor: _____

For additional information, contact the FAA Regional Airports Division serving your state. The FAA contacts and the states they serve are as follows:

Vincent Scarano, (617) 273–7233—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Louis DeRose, (212) 917–12145—Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia.

Robert Winsor, (312) 694–7385—Illinois, Indiana, Michigan, Minnesota, North Dakota, Ohio, South Dakota, Wisconsin.

Arthur Weathers, (404) 763–7756—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee.

Gene Faulkner, (817) 877–2621—Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Melvin Fischer, (816) 374–6873—Iowa, Kansas, Missouri, Nebraska.

George Buley, (206) 767-2633—Colorado, Idaho, Montana, Oregon, Utah, Washington, Wyoming.
Gerald Dallas, (213) 536-6243—Arizona, California, Hawaii, Nevada.
Floyd Pattison, (907) 271-5440—Alaska.

Issued in Washington, D.C., on April 21, 1983.

Paul L. Galis,

Director, Office of Airport Planning and Programming.

[FR Doc. 83-11463 Filed 4-29-83; 8:45 am]
BILLING CODE 4910-13-M

Federal Railroad Administration

[FRA Waiver Petition Dockets HS-83-1 through HS-83-7]

Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that seven railroads have petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a[e]). Each petition requests that the individual railroad be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

Each railroad seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. Each petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, each petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption. The railroads seeking this exemption are as follows:

Dakota Rail, Docket Number HS-83-1
Duluth and Northestern Railroad, Docket Number HS-83-2
Great Southwest Railroad, Docket Number HS-83-3
Algers, Winslow and Western Railroad, Docket Number HS-83-4
City of Prineville Railway, Docket Number HS-83-5
North Central Oklahoma Railway, Docket Number HS-83-6
Andalusia and Conecuh Railroad, Docket Number HS-83-7

Interested persons are invited to participate in these proceedings by submitting written views and comments. FRA has not scheduled an opportunity for oral comments since the facts do not appear to warrant it. Communications concerning these proceedings should identify the appropriate Docket Number (e.g., Docket Number HS-83-1) and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before January 10, 1983, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 7321A, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C. on April 26, 1983.

Joseph W. Walsh,

Associate Administrator for Safety.

[FR Doc. 83-11615 Filed 4-29-83; 8:45 am]
BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP82-15; Notice 2]

B. F. Goodrich Co.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by B. F. Goodrich Company of Akron, Ohio, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on August 12, 1982, and an opportunity afforded for comment (47 FR 35062).

Paragraph S6.5(c) of Standard No. 119 requires tires to be marked with the tire size designation as listed by, among other organizations, the Tire and Rim Association (T&RA). Several years ago T&RA added the suffix "LT" denoting light truck application to tire size 8-17-5 load range "D" Extra Miler XL tires. This information was not added to three of petitioner's molds, and consequently since 1979 more than 21,000 tires have been produced lacking the suffix.

Petitioner argued that the noncompliance was inconsequential because the size has been specified and used only for light truck application and it is aware of no problems or complaints arising from the omission.

No comments were received on the petition.

NHTSA's review of the 1982 T&RA yearbook verifies that the tire in question, 8-17.5, has been specified to be used only for light truck applications and service. No passenger car tires of this size are produced by domestic manufacturers, nor do 17.5 inch rims exist for passenger cars. Since no confusion apparently exists in the market place and there have been no reports of accidents or erroneous installations, petitioner is judged to have met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby granted.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 22, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-11468 Filed 4-29-83; 8:45 am]
BILLING CODE 4910-59-M

[Docket No. IP82-14; Notice 2]

B. F. Goodrich Co.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by B. F. Goodrich Co. of Akron, Ohio, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 3181 et seq.) for a noncompliance with 49 CFR 571.109, *New Pneumatic Tires-Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on August 12, 1982, and an opportunity afforded for comment (47 FR 35062).

Paragraphs S4.3 (b) and (c) of Standard No. 109 require that the sidewall of each passenger car tire be labeled with the composition of the cord materials used in the plies branded on both sides of the tire. Goodrich produced approximately 325 tires with

ply information appearing on one side only. The tire in question is the P235/75R15 XLM blackwall.

Goodrich argued that the noncompliance is inconsequential because the failure to label has no impact upon safety, and the tires otherwise comply with Standard No. 109.

No comments were received on the petition.

The tires in question are certified as conforming to Standard No. 109. Thus, there is no compromise to safety in the choice of cord materials used in these tires. The absence on one sidewall of information concerning cord materials should not cause any confusion among consumers since they select tires primarily on the basis of method of construction (radial, bias) instead of materials (nylon, rayon, polyester, etc.). Further, although it is important to ensure that tires on the same axle are matched in terms of method of construction, differences in materials do not present the same concerns. Accordingly, petitioner has met its burden of persuasion that the noncompliance herein discussed is inconsequential as it relates to motor vehicle safety and its petition is hereby granted.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 22, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-11450 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP83-3; Notice 1]

General Motors Corp.; Receipt of Petition for Determination of Inconsequential Noncompliance With Vehicle Identification Number Regulation

General Motors Corporation of Warren, Michigan, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.115, *Vehicle Identification Number*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

GM has determined that 61 of its 1982 model Chevrolet C-10 and K-10 trucks, and GMC C-15 and K-15 trucks have an incorrect gross vehicle weight rating designator in the vehicle identification number, required by Motor Vehicle Safety Standard No. 115. The designator incorrectly given is "C", indicating a GVWR of 4001 to 5000 pounds, while the correct letter is "E", as the trucks actually have a GVWR of 6200 pounds.

Petitioner argues that the noncompliance is inconsequential as it relates to motor vehicle safety since it would not result in a potential overloading, nor does it jeopardize traceability of the vehicles in the event of a recall. The trucks are intended to carry a load greater than that indicated in the erroneous character, and the uniqueness of the VIN's assure traceability of the trucks. Nevertheless, GM intends to provide the owners of the 61 trucks with a letter informing them of the error to minimize possible difficulties with State registration. The National Auto Theft Bureau will also be informed.

Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corporation, described above. Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Nelson Erickson and Taylor Vinson, respectively.

Comment closing date: June 1, 1983.

(Sec. 102, Pub. L. 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 22, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-11447 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP82-17; Notice 2]

General Motors Corp.; Grant of Petition for Determination of Inconsequentiality

This notice grants the petition by General Motors Corp. of Warren, Michigan ("GM" herein), to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.110, Motor Vehicle Safety Standard No. 110, *Tire Selection and Rims for Passenger* Cars. The basis of the petition was that noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of this petition was published on September 16, 1982, and an opportunity afforded for comment (47 FR 40970).

Approximately 23,428 1982 model Oldsmobile Toronado passenger cars equipped with front bench seats may carry tire inflation placards (required by Standard No. 110) with an incorrect seating capacity and vehicle capacity weight. The placards indicate that the front seating capacity is two persons when the correct capacity is three, that the occupant capacity is five when actually it is six, and that the total vehicle capacity weight is 920 pounds when it is 1070 pounds.

GM argues that the incorrect seating capacity noncompliance is inconsequential because it is obvious to anyone comparing the tire placard to the actual front seating accommodations that the placard must be in error. Further, even if the vehicle were loaded with an additional 150 pounds beyond that specified on the placard, its tire load limits would not be exceeded, because the vehicle would be loaded to the design capacity proper for six-passenger Toronados. The error has now been corrected.

One comment was received on the petition, supporting it.

Petitioner has shown that when the vehicle is loaded with an additional 150 pounds beyond that specified on the placard, the vehicle is at the design capacity specified for six-passenger Toronados, and that the tire load limits will not be exceeded. Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

The engineer and attorney primarily responsible for this notice are P. L. Moore and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 22, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-11449 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Treasury Current Value of Funds Rate

AGENCY: Bureau of Government Financial Operations, Fiscal Service, Treasury.

ACTION: Notice of rate for use in Federal debt collection and discount evaluation.

SUMMARY: Pursuant to Section II of the Debt Collection Act of 1982 (31 U.S.C. 3717), the Secretary of the Treasury is responsible for computing and publishing the percentage rate to be used in assessing interest charges for outstanding debts on claims owed the Government. Treasury's Cash Management Regulations (I TFM 6-8000) also prescribe use of this rate by agencies as a comparison point in evaluating the cost-effectiveness of a cash discount. Notice is hereby given, therefore, that the applicable rate will change from 13% to 11% for the fourth quarter of FY 1983.

DATES: The rate will be in effect for the period beginning on July 1, 1983 and ending on September 30, 1983.

FOR FURTHER INFORMATION CONTACT: Inquires should be directed to the Cash Management Regulations and Compliance Staff, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex No. 1, PB-711, Washington, D.C. 20226, Telephone: 202/634-5131.

SUPPLEMENTARY INFORMATION: The rate reflects the current value of funds to the Treasury for use in connection with Federal cash management systems and is based on investment rates set for purposes of Pub. L. 95-147, 91 Stat. 1227. Computed each year by averaging investment rates for the twelve-month period ending every September 30 for applicability effective January 1, the rate is subject to quarterly revisions if the annual average, on a moving basis, changes by 2 per centum. The rate in effect for the fourth quarter of FY' 83 reflects the average investment rates for the twelve-month period ended March 31, 1983. The applicable rate will be published on or around the end of the first month of a given quarter for use during the succeeding calendar quarter.

Dated: April 26, 1983.

Russell D. Morris,

Assistant Commissioner.

[FR Doc. 83-11574 Filed 4-29-83; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Advisory Committee on Former Prisoners of War; Meeting

The Veterans Administration gives notice under 38 U.S.C. 211 that a meeting of the Advisory Committee on Former Prisoners of War will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420, June 1 and 2, 1983. The purpose of the Committee is to consult with and advise the Administrator of Veterans' Affairs on the administration of benefits under title 38, United States Code, for veterans who are former prisoners of war and on the needs of such veterans with respect to compensation, health care, and rehabilitation.

The session will convene at 9 a.m. each day. The June 1st session will be held in Room 817, and the June 2nd session will be held in the Omar N. Bradley Conference Room. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Miss Linda Gardner, Administrative Assistant to the Chief Benefits Director, Veterans Administration Central Office (phone 202/389-2455) prior to May 20, 1983.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. H. B. Mars, Deputy Director, Compensation and pension Service, Department of Veterans Benefits, Room 400, Veterans Administration Central Office. Submitted material must be received at least five days prior to the meeting. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Summary minutes of the meeting and rosters of the Committee members may be obtained from Miss Linda Gardner at the aforementioned address.

Dated: April 22, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-11572 Filed 4-29-83; 8:45 am]

BILLING CODE 8320-01-M

Advisory Committee on Women Veterans; Establishment

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) and Office of Management and Budget Circular A-63, as revised, and after consultation with the Administrator, General Services Administration, the Administrator of Veterans Affairs has determined that the establishment of the Advisory Committee on Women Veterans is necessary and in the public interest.

The Committee is being established to review existing information, render expert advisory opinions, and make recommendations to the Administrator's staff concerning the needs of women veterans with respect to health care, rehabilitation benefits, compensation, outreach programs and other programs adminstered by the Veterans Administration. The Committee will be composed of persons from within and outside the Federal Government to be broadly representative of the special population and to possess expertise in the diverse areas of concern.

Comments of interested persons concerning the establishment of this committee or recommendations for membership may be submitted to Susan H. Mather, M.D., Medical Service (111), Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420, phone (202) 389-2450.

Dated: April 25, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-11571 Filed 4-29-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 85
Monday, May 2, 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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Securities and Exchange Commission	4

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m. Wednesday, May 4, 1983.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Mid-Year Review: Smoke Detectors; PPPA Data Needs*
   The Commission will consider fiscal year 1983 resource issues relating to (1) Smoke Detector Project, and (2) PPPA data needs.
2. *Hazardous Dyes; Status Report*
   The staff will brief the Commission on the current status of the Hazardous Dyes Project. The purpose of this project is to identify dyes which may be potentially hazardous to consumers.
3. *Gas Heating System Project: Status Report*
   The staff will brief the Commission on document relating to the Gas Heating Systems Year End Report for fiscal year 1982 and provide an update on current activities related to gas heating systems.

For a recorded message containing the latest agenda information, call 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207; 301-492-6800.

[S-618-83 Filed 4-28-83; 3:06 pm]

BILLING CODE 6355-01-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

April 27, 1983.

TIME AND DATE: 10 a.m., Wednesday, May 4, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

Emery Mining Corporation, Docket Nos. WEST 82-48, WEST 82-80, and WEST 81-400-R. (Issues include whether the judge erred in concluding that 30 CFR 48.8(a) requires that miners' refresher training be given on a calendar year basis, and, on those grounds, vacating a withdrawal order.)

Freeman United Coal Mining Co., Docket No. LAKE 82-3; Petition for Discretionary Review. (Issues include whether the judge erred in finding violations of 30 CFR 75.316 and 30 CFR 75.301.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5632.

[S-617-83 Filed 4-28-83; 2:25 pm]

BILLING CODE 6735-01-M

3

NUCLEAR REGULATORY COMMISSION

DATE: Friday, April 29, 1983 and Week of May 2, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED:

Friday, April 29:

2:00 p.m.:
Briefing on Uranium Mill Tailing Standards (Public Meeting)

Wednesday, May 4:

10:30 a.m.:
Briefing on the State of the Nuclear Industry (Public Meeting)
1:30 p.m.:
Discussion of Possible Enforcement Action (Closed—Exemption 5)
3:15 p.m.:
Discussion of Indian Point (Closed—Exemption 10)

Thursday, May 5:

10:00 a.m.:
Discussion of Kerr-McGee v. NRC and Consolidated Cases (Mill Tailings Case) (Closed—Exemption 10)

ADDITIONAL INFORMATION:

Affirmation of Review of ALAB-701; Waste Confidence Order; and Rule on Extended Spent Fuel Storage scheduled for April 21, *postponed.*

On April 21 the Commission voted 4-0 (Commissioner Asselstine not present) to hold Affirmation of 10 CFR Part 50, held that day.

Discussion of Regulatory Reform Task Force—Administrative Proposals—Backfit Rule scheduled for April 27, *postponed.*

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634-1410.

April 27, 1983.

Walter Magee,

Office of the Secretary.

[S-619-83 Filed 4-29-83; 3:42 pm]

BILLING CODE 7590-01-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 will hold the following meeting during the week of May 2, 1983, at 450 5th Street, N.W., Washington, D.C.

A closed meeting will be held on Tuesday, May 3, 1983, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans, Longstreth and Treadway voted

to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 3, 1983, at 10 a.m., will be:

Litigation matter.
Formal order of investigation.
Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive action.
Institution of administrative proceedings of an enforcement nature.
Settlement of injunctive actions.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Michael Lefever at (202) 272–2468.

April 28, 1983.

[S-616-83 Filed 4-28-83; 11:17 am]

BILLING CODE 8010-01-M

federal register

Monday
May 2, 1983

Part II

Department of Education

Handicapped Research; Research and Training Centers

DEPARTMENT OF EDUCATION

Additional Final Funding Priorities for Research and Training Centers for the National Institute of Handicapped Research for Fiscal Year 1983

AGENCY: Education Department.

ACTION: Additional Final Funding Priorities for Research and Training Centers for the National Institute of Handicapped Research For Fiscal Year 1983.

SUMMARY: The Secretary announces final priorities for research to be supported by the National Institute of Handicapped Research (NIHR) in fiscal year 1983. NIHR program regulations authorize the Secretary to establish priorities by reserving funds to support particular research activities (See 34 CFR 352.32). Departmental administrative regulations require that if priorities are not already established within program regulations, they must first be proposed for public comment before they are announced as final. These priorities were published as proposed priorities for fiscal year 1983 in the **Federal Register** on December 1, 1982 (47 FR 54142). These final priorities inform potential grant applicants and others of the additional research priorities in which NIHR intends to hold competitions for Research and Training Centers in fiscal year 1983.

EFFECTIVE DATE: Unless Congress takes certain adjournments, these priorities will take effect 45 days after publication in the **Federal Register**. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Edythe Glazer, National Institute of Handicapped Research, 330 C Street, SW., Room 3511, Washington, D.C. 20202. Telephone: (202) 245–0555, TTY for deaf individuals (202) 472–4217.

SUPPLEMENTARY INFORMATION: The following two priorities were proposed for fiscal year 1983 in the **Federal Register** (47 FR 54142, December 1, 1982) and public comment was invited. In that Notice, the public was advised that these two priorities had been proposed and finalized, with somewhat different wording, for fiscal year 1982, but that none of the applications received was deemed worthy of funding by the agency's scientific review process. However, because of the importance of these priority areas, the Secretary proposed them again for fiscal year 1983 and received public comments which are discussed under the "Summary of Comments and Responses" section of this Notice, along with the modifications that have been amde as a result of the comments.

Program Information: NIHR is authorized to support research and related activities in a variety of program areas and through several program authorities. The two priorities identified in this announcement are for Research and Training Centers (RTCS), which are described below.

Research and Training Centers (RTCs) conduct coordinated and advanced programs of rehabilitation research, and provide training to rehabilitation personnel engaged in research or the provision of services. RTCs must be operated in collaboration with institutions of higher education and must be associated with a rehabilitation service program. Ideally each Center conducts a program of research, scientific evaluation, and training activities in an area which contributes substantially to the solution of problems in that area, advances the state-of-the-art, and becomes a recognized Center of excellence in a given subject area. Each Center is encouraged to develop practical applications for all of its research findings through a scientific evaluation process which tests and validates its findings, as well as related findings of other Centers. Center training programs generally disseminate and encourage the utilization of new rehabilitation knowledge through such means as development of or contribution to undergraduate and graduate texts and curricula, in-service training, and continuing education.

Funding Priorities

• *Improving Rehabilitation Services for Handicapped Persons in the Pacific Basin, including the U.S. Territories, American Samoa, Guam, and all of the Islands of Hawaii.*

The Center to be funded must investigate, develop and test innovative methods in the delivery of appropriate rehabilitation services in remote geographic locations.

This will require an assessment of need based on the collection and analysis of reliable data on the incidence and prevelence of disability, including an analysis of the characteristics and situational factors associated with disabilities and the demographic distribution of disability among the population and its subgroups, and the development of methods for identifying, locating and gaining access to and for handicapped individuals. Such a Center must also develop methods for the involvement of existing professional and paraprofessional personnel, utilizing innovative training and referral methods to assure that the most appropriate and cost-effective systems are developed for the delivery of rehabilitation services.

The Center must demonstrate through affiliation and involvement with all agencies authorized and required to provide rehabilitation services in these areas that the successful results of research will be adopted and utilized by those agencies in the provision of appropriate and coordinated rehabilitation and related services to meet the unique rehabilitation needs of handicapped individuals in the Pacific Basin.

• *Improving Rehabilitation for Native Americans.*

While the prevalence of disabling conditions among Native Americans is generally acknowledged to be high, it is apparent that Native Americans are often isolated from rehabilitation services by linguistic, cultural, attitudinal, and geographic barriers which may not be evident to either the disabled person or the service agency. Research is needed to assess the need for rehabilitation services and the unique service delivery problems experienced by disabled Native Americans of all ages and by the service delivery system. The proposed Research and Training Center must determine the incidence and prevalence of disability among Native Americans and identify related factors such as demographic characteristics, vocational history, geographic distribution, and type of service system contacts, and analyze rehabilitation service needs. Culturally sensitive methods must be developed to assess client potential and rehabilitation needs and to develop appropriate rehabilitation and training approaches to meet those needs. The Center must also develop methods to evaluate the perceived barriers to appropriate service delivery and design and test improved models of service delivery. Particular attention should be given to solutions to comprehensive needs of disabled Native American children for habilitation and rehabilitation.

Such a Center must involve Native American organizations and individuals in various capacities in all facets of the development and operation of the Center, and applicants must include evidence of the involvement of Native American organizations in policymaking and administration of the RTC. It is also important that such a Center form a network of linkages with the various service delivery systems which relate to Native Americans, including Federal, regional, tribal, State, local, and private agencies in order to demonstrate methods of diffusing findings and

utilizing existing resources to improve services.

Such a Center must provide training to rehabilitation service providers, researchers, and managers/policymakers to increase their sensitivity to the unique rehabilitation needs of Native Americans and their awareness of innovative methods to meet these needs. This training should involve collaborative sponsorship with other Research and Training Centers, as well as with public, private, and tribal rehabilitation, health, and human services agencies.

The Center is expected to develop materials to enhance consumer and public education on rehabilitation needs of disabled Native Americans for use by disabled Native Americans and others.

All new research instruments, service delivery models, training packages, and educational materials should be appropriately tested and validated.

Each of these Centers will be funded for a period of up to 60 months and in an amount up to $300,000.

Summary of Comments and Responses

On December 1, 1982, the Secretary published in the **Federal Register** these proposed priorities for public comments. Summaries of the comments received and the Secretary's responses to these comments are printed below.

Comment: Several commenters emphasized the importance of involving Native American organizations in the operation of the RTC. One commenter suggested that competition be restricted to Native American groups, and one suggested that evidence of tribal endorsement be required on every application. Another commenter wanted priority consideration to applications from Native American groups.

Response: Some change has been made. NIHR legislation and regulations specify types of institutions which are eligible applicants for RTC awards and Departmental regulations do not permit NIHR to exclude any statutorily eligible applicants from competition. However, the priority has been modified to state even more emphatically that evidence of Native American involvement in all phases of the RTC, including policymaking and administration, is required if the application is to be considered responsive to the priority.

Comment: Seven commenters urged that the RTC focus in some way on the problems of handicapped Native American children, while one mentioned the elderly as another population for special attention.

Response: Some change has been made. The priority has been modified to state that the RTC should include attention to the habilitation and rehabilitation needs of disabled Native American children. However, the Secretary believes that a comprehensive approach to the unique needs of the Native American population is needed and within the finite resources of the proposed Center, does not intend to specify further conditions requiring focus on subpopulations.

Comment: Several commenters empahsized the need for cultural and linguistic sensitivity, integration of Native American healing practices, and providing cultural support for patients removed from the normal environment.

Response: No change has been made. The priority emphasized culturally sensitive techniques and practices. It is not the Secretary's intention to further limit the responses of applicants as to the best ways to approach culturally suitable practices and research.

Comment: Some commenters suggested focusing on or requiring attention to, specific disabilities such as otitis media, sensory deficits, and fetal alcohol syndrome among Native Americans.

Response: No change has been made. The Secretary is interested in research to meet a full spectrum of rehabilitation needs and does not intend to restrict researchers in their proposed approaches to the problem.

Comment: Several commenters suggested that there be a clear empahsis on vocational rather than medical rehabilitation in the RTC on Native Americans.

Response: No change has been made. The secretary points to the empahsis of the priority on improved models of service delivery for comprehensive rehabilitation services.

Comment: Some commenters emphasized the need for training of rehabilitation professionals, particularly culturally relevant training.

Response: No change has been made. The priority clearly requires that training be culturally sensitive and appropriate.

Comment: One commenter opposed the funding as possibly setting a precedent for establishing RTCs in geographic or ethnic areas, when in the respondent's opinion RTCs should approach rehabilitation problems on a more universal scope.

Response: No change has been made. The Secretary has stated the justification for focusing on unique rehabilitation needs of these two populations to include the unique cultural and geographic isolation; frequency of disabling conditions; poor access to service or inadequate service delivery mechanisms; and the clear guidance of the Congress that NIHR undertake these activities. Further, the Secretary believes that service delivery models developed by these Centers should have broad application to other rural and dispersed populations.

(Catalog of Federal Domestic Assistance No. 84.133—National Institute of Handicapped Research)

(20 U.S.C. 762)

Dated: April 22, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-11619 Filed 4-29-83; 8:45 am]

BILLING CODE 4000-01-M

Application Notice for Transmittal of Applications for Research and Training Centers for Fiscal Year 1983

AGENCY: Education Department.

ACTION: Application notice for transmittal of applications for research and training centers for fiscal year 1983.

SUMMARY: Applications are invited for new Rehabilitation Research and Training Centers for fiscal year 1983 under the National Institute of Handicapped Research in the two priority areas stated below.

Authority for this program is contained in Section 204(b)(1) of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 762(b)(1)).

Closing Date for Transmittal of Applications: Applications for grant awards must be mailed or hand delivered by June 30, 1983.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.133, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

An applicant must show proof of mailing, consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S., Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered. Amendments received after the closing date also will not be considered in the review of the application.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:00 a.m. and 4:30 p.m. (Washington, D.C. time), daily except Saturdays, Sundays, and Federal holidays. An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: NIHR is authorized to support research and related activities under several program authorities. The priorities identified in this Notice cover research and related activities to be conducted through Rehabilitation Research and Training Centers (RTCs). A description of the RTC program is contained in the Notice of Additional Final Funding Priorities for Fiscal Year 1983 published in this issue of the **Federal Register**. Awards are made under this program to States and public or private agencies and organizations including institutions of higher education.

NIHR is permitted to make awards for periods up to 60 months. It is the intention of NIHR to provide financial assistance to successful applicants through grants or cooperative agreements. If, at the time of the award, NIHR determines that substantial Federal programmatic involvement is warranted, it will negotiate cooperative agreements with the successful applicants.

The purpose of the awards is to support the establishment and operation of Rehabilitation Research and Training Centers to conduct coordinated and advanced programs of rehabilitation research and to train rehabilitation research personnel and service providers.

Available Funds: NIHR expects to fund new Centers in each of these two priority areas.

- Improving Rehabilitation Services for Handicapped Persons in the Pacific Basin, including the U.S. Territories, American Samoa, Guam, and all of the Islands of Hawaii.
- Improving Rehabilitation for Native Americans

A full description of each priority area is contained in the Notice of Additional Final Funding Priorities for Research and Training Centers for Fiscal Year 1983 which is published in this issue of the **Federal Register.**

The Secretary intends to fund at least one grant or cooperative agreement in an amount up to $300,000 in each of these two areas, assuming satisfactory applications and continued availability of funds. However, this Notice does not bind the U.S. Department of Education to fund projects in any or all of these areas, or to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulation.

Application Forms: Application forms and further information may be obtained by writing to or calling the National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building, Room 3511, 330 C Street, S.W., Washington, D.C. 20202. (Attention: Peer Review Unit); 202/245-0555.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

Applicable Regulations: Regulations governing the program include the following:

(a) Education Department General Administrative Regulations (EDGAR) 34 CFR Parts 74, 75, 77, and 78; and

(b) National Institute of Handicapped Research Regulations, 34 CFR Parts 350 and 352; and

(c) The Additional Final Funding Priorities for Research and Training Centers for the National Institute of Handicapped Research for Fiscal Year 1983 which are published in this issue of the **Federal Register**; and

(d) Applicants for fiscal year 1983 grants should base their applications on Section 204(b)(1) of the Act, applicable NIHR regulations in 34 CFR Parts 350 and 352, and EDGAR.

FOR FURTHER INFORMATION CONTACT:
Ms. Edythe Glazer, National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building, Room 3511, 330 C Street, S.W., Washington, D.C. 20202. Telephone: 202/245-0555, TTY for deaf individuals 202/472-4217.

(29 U.S.C. 762)

(Catalog of Federal Domestic Assistance No. 84.133—National Institute of Handicapped Research)

Dated: April 22, 1983.

George A. Conn,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 83-11620 Filed 4-29-83; 8:45 am]
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Monday
May 2, 1982

Part III

Department of Transportation

Federal Aviation Administration

Motor Vehicles Carrying Passengers for Hire on Washington National Airport

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 159

[Docket No. 23623; Notice No. 83-4]

Motor Vehicles Carrying Passengers for Hire on Washington National Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice proposes the establishment of a permit system for taxicab drivers picking up passengers at Washington National Airport. Taxicab service at National Airport is an important component of ground transportation to the Airport, and taxicab traffic at the Airport is substantial. Existing FAA regulations, and the taxicab regulations of local jurisdictions in the Washington, D.C. area, have proven insufficient to maintain a desirable quality of service to the public and the efficient control of taxicab operations at the Airport. The proposed permit requirement is intended to enhance the quality of taxicab service to Airport patrons and to promote the operational control of taxicab dispatching and traffic on the Airport.

DATES: Comments must be submitted on or before July 11, 1983.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24), Docket No. 23623, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 915G, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments must be marked: Docket No. 23623. Comments received may be inspected at Room 915G between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Edward Faggen, Legal Counsel, AMA-7, Hangar 9, Washington National Airport, Washington, D.C. 20001, Telephone: (703) 557-8123.

SUPPLEMENTARY INFORMATION:

Comments Invited

This Advance Notice of Proposed Rulemaking is being issued in accordance with the FAA's policy of encouraging the early public participation in rulemaking proceedings. An ANPRM is issued when FAA finds there is a need to consider rulemaking but the resources of the FAA and reasonable outside inquiry do not yield a sufficient basis to propose a specific course of action. It would be helpful, therefore, to invite public participation in identifying and selecting a course of action before an NPRM is developed and issued.

Interested persons are invited to participate in these preliminary rulemaking procedures by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking further rulemaking action. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 23623." The postcard will be date/time stamped and returned to the commenter. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. If it is determined to be in the public interest to proceed with further rulemaking after considering the available data and comments received in response to this Advance Notice, a Notice of Proposed Rulemaking will be issued.

Availability of ANPRM

Any person may obtain a copy of this ANPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center (APA-430), 800 Independence Avenue, SW., Washington, D.C. 20591 or by calling (202) 426-8058. Communications must identify the notice number of this ANPRM. Persons interested in being placed on the mailing list for future ANPRM's and NPRM's should also request a copy of Advisory Circular No. 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

Washington National Airport is owned and operated by the Federal Government. The Secretary of Transportation has control over and responsibility for the care, operation, maintenance, and protection of the Airport, and the authority to promulgate rules and regulations necessary for this purpose. (Act of June 29, 1940, 54 Stat. 686, as amended by 61 Stat. 94; 72 Stat. 731; and 80 Stat. 931). This responsibility has been delegated to the Administrator, Federal Aviation Administration (FAA), and redelegated, in part, to the Director, Metropolitan Washington Airports.

Ground transportation connections at airports are an essential component of air travel. At National Airport, more than 1,200,000 taxicab trips are made from the Airport to area destinations each year, many with multiple passengers, and roughly 25 percent of air passengers at the Airport use taxicabs for the ground transportation segment of their air travel. Transportation by taxicab is especially prominent at National Airport because of the Airport's close proximity to Washington metropolitan area business centers and the high proportion of business travelers using the Airport.

As proprietor of National Airport, FAA has taken an active role in the planning and accommodation of all forms of ground transportation services at the Airport: private auto, limousine, and metrorail as well as taxicab. Efforts to manage taxicab service at the Airport have taken various forms. Taxicabs presently serve National Airport under an "open" cab system by which any locally licensed taxicab driver may pick up passengers at the Airport upon entry into the dispatching system and payment of a $.50 fee. For several years prior to 1974, however, responsibility for the availability of taxicabs for passenger pick-up was delegated by contract to a single concessionaire. The concessionaire employed individual drivers to provide taxi services from the Airport. FAA regulations prohibited non-contract drivers from picking up passengers at the Airport except in response to a pre-arranged request.

This "closed" taxicab system provided FAA with a relatively high degree of control over the number of authorized cabs, the conduct of contract drivers, and the condition of contract taxicab vehicles. The major disadvantage of the closed system was that the supply of the concessionaire's taxicabs was often insufficient to handle passenger demand, resulting in overloading of cabs and the necessity to call in non-concession cabs. Further, the closed system required the uneconomical practice of "dead heading" by the non-concession cabs that were forced to return from the Airport without a fare. Consequently, the system fostered considerable unauthorized soliciting of passengers. Drives who were not associated with

the concessionaire often attempted to solicit fares at the Airport without regard to FAA-desgnated pickup areas or concession rights. This resulted in serious obstruction of traffic on the Airport and placed a strain on the Airport police force.

In January, 1974, FAA terminated the closed taxi concession and amended Airport regulations (now 14 CFR 159.2) to provide for an open taxi system. A subsequent amendment to Part 159 in May 1976 (41 FR 19623) established the system that is in effect today. Taxicab pick-up zones were established, and, as part of a roadway improvement program, improved exclusive taxicab feeder lanes were developed to segregate traffic in the terminal area. Under the present open system, any taxi driver who is licensed to operate a taxicab in the City of Alexandria, the City of Falls Church, Arlington County, Fairfax County, Montgomery County, Prince Georges County, or the District of Columbia can pick up passengers for hire at the Airport in the taxicab pick-up zone upon payment of a $.50 fee per trip and compliance with certain regulations. Taxicabs discharging passengers, or picking up a particular passenger outside of the designated pick-up zone in response to a prior call, are not required to enter the dispatching system or to pay the $.50 fee. Dispatching of cabs is performed by a contractor who is reimbursed out of the proceeds of the $.50 fee.

Present Situation

In many respects, the open taxicab system at National Airport has been satisfactory. The system has been especially successful in providing an adequate number of taxicabs to meet passenger demand at all times, including peak and off-peak hours. Moreover, this continuous availability of taxicabs has resulted from prevailing supply and demand conditions, and has not required intervention by FAA. The availability of an adequate supply of taxicabs is a key component of the quality of taxicab service provided to arriving air passengers. Due to the large number of licensed taxi drivers in the area, an open cab system can best meet the extensive demand for cabs at the Airport.

The open cab system in its present configuration is not without problems, however. Most complaints received concern the conduct of individual drivers. Frequent complaints are received about drivers for abusive or inconsiderate behavior toward passengers; for overcharging of passengers; for the refusal to take passengers assigned by the dispatcher, particularly to short-haul destinations with lower fares; for the soliciting of additional passengers after one passenger or group has been loaded; for engaging in arguments with dispatchers and for failure to obey the dispatcher's directions; and for blocking roadways and parking areas while waiting to enter the cab line.

Between January 1979, and December 1981, FAA received more than 200 written complaints relating to the conduct of taxi drivers at the Airport. Of these complaints, the greatest number related to discourteous or abusive conduct by drivers (89) and overcharging (66). The Washington Metropolitan Area Transit Commission, which regulates fares on taxi trips between theAirport, the District, and Maryland, received more than 850 complaints between July 1979 and June 1982 from taxicab passengers relating to National Airport taxi trips, and the number of such complaints has increased each year. The taxicab licensing agencies of the various local jurisdictions whose drivers serve the Airport have also received complaints on their respective drivers, although FAA does not routinely receive copies of such complaints. It can reasonably be assumed that for each formal written complaint received, several other persons with similar grounds to complain did not do so. The substantial number and chronic nature of the complaints received is an indication that service to taxicab passengers at National Airport, while virtually always available, is not being provided at a desirable level of quality.

Soliciting for passengers by drivers is a problem not directly reflected by passenger complaints. Drivers continue to solicit and pick up passengers without entering the system, to avoid waiting in the cab line and paying the fee. In addition to the resulting loss of revenue, and the unfairness to drivers waiting properly in line, soliciting adds to the serious congestion problems at the Airport. The curbside space available for pick-up and discharge of vehicle passengers in front of the passenger terminals at National Airport is extremely limited, and must accommodate private vehicles, limousines, and buses as well as taxicabs. Taxicab drivers who stop to solicit passengers in areas other than FAA-designated taxi loading areas block lanes of roadway and obstruct the flow of traffic past the terminals.

An additional problem brought to FAA's attention by observation and verbal complaint, but not represented by a substantial number of formal complaints, is the lack of knowledge of the local area on the part of some taxi drivers. Licensing tests administered by some local jurisdictions to test the knowledge of new taxi drivers have not adequately addressed this problem, in part because drivers may operate on trips between National Airport and local points which are totally outside of the driver's licensing jurisdiction.

Finally, there are often many more taxicab vehicles on the Airport than the cab system can handle efficiently. The cab lines and loading areas at the Main Terminal, North Terminal, and Commuter Terminal can accommodate a total of approximately 375 vehicles at the present time. Often many more than 375 cabs are on the Airport at one time, with the overflow cabs cruising the roadways or waiting in parking and loading areas until they can enter the cab line. This overflow is a significant cause of traffic congestion on the Airport which results in delays to Airport users and to the cab drivers themselves.

The need to improve the quality of Airport ground transportation service to the traveling public, and to provide more efficient movement and control of vehicle traffic on the Airport, has caused FAA as proprietor of National Airport to issue this ANPRM. By its consideration of rulemaking related to the regulation of driver conduct, FAA is not suggesting that the actions of taxi drivers constitute the only problem with taxi service at National Airport, nor is FAA suggesting that all taxi drivers or even a majority of drivers routinely violate Airport regulations. For example, as a result of heavy private vehicle traffic at the Airport and the limited space available to accommodate that traffic, the vehicle lanes in front of the terminals are extremely congested. This congestion makes traffic control difficult and causes delay for taxi passengers as well as other Airport patrons. Additionally, the Airport taxi dispatching operation can affect the quality of service provided to taxi passengers, independent of the conduct of the taxi drivers. For these reasons, FAA is investigating ways to upgrade taxi facilities and ways to improve the efficiency of the taxi dispatching system at the Airport, as well as considering the revision of driver regulation.

However, driver misconduct has been a sufficient contributing source of the problem to indicate the need for specific regulatory action, in conjunction with related efforts to improve facilities and dispatching operations.

Present Enforcement

Cab drivers who operate at National Airport are subject to regulation from three sources: first, the authority exercised by the driver's licensing jurisdiction (i.e., city or county); second, the regulation of interstate fares by the Washington Metropolitan Area Transit Commission (WMATC); and third, the FAA Airport police enforcement of the Federal regulations applicable to the Airport, including traffic and dispatching regulations. Despite these controls FAA has not achieved the desired levels of service and traffic management at the Airport. This is apparently due not only to the nature of the problem but also to the unique taxicab jurisdictional situation existing at National Airport.

Each of the seven licensing jurisdictions listed in 14 CFR Part 159, at § 159.2(c)(4), maintains some degree of regulation of taxicab drivers. Regulations typically cover fares, driver qualifications and conduct, insurance, and condition of vehicles. However, there are distinct limitations on the authority of the local jurisdictions to regulate taxi service at National Airport. First, and most basic, the authority of each local jurisdiction is limited to drivers licensed in that jurisdiction. Since drivers from all seven jurisdictions conduct business at the Airport, no one jurisdiction has any overall interest in or authority over the taxicab situation at the Airport.

Second, of the seven licensing jurisdictions only Arlington County has any claim to territorial jurisdiction over taxicab driver conduct on the Airport. The Airport is located within the boundaries of Arlington County, and, presumably, the County can take action (such as suspension or revocation) against Arlington County-licensed taxi drivers for their actions on the Airport. The authority of the other six jurisdictions to take any action against drivers for their conduct at the Airport is less clear. Alexandria, Falls Church, and Fairfax County apparently have such authority under a Virginia State law enacted expressly for that purpose. (Code of Virginia, Title 56, Section 56–291.3:6). By contrast, the District of Columbia and Montgomery County and Prince Georges County, Maryland, apparently have no express jurisdiction over a taxicab operating between their respective jurisdictions and the Airport. All such trips are interstate. Also, acts that are violations of local taxi regulations on Airport trips (such as overcharging or refusal to carry) often occur outside of the boundaries of those licensing jurisdictions. In summary, it is unclear to what extent any or all of the seven licensing jurisdictions have sufficient authority to take enforcement actions against their licensed taxi drivers for conduct associated with National Airport operations. Even where such authority exists, it has rarely resulted in the impositions of sanctions on drivers for Airport-related incidents.

In contrast to the local governments involved, WMATC does have certain express regulatory authority over taxi trips between National Airport and points in the District of Columbia and Montgomery and Prince Georges Counties. WMATC regulation is limited to fares and insurance, however, and the Commission's enforcement actions have been addressed primarily to cases of egregious overcharging on trips between the Airport and the District. Because WMATC does not license taxi drivers or grant interstate taxi operating authority, it has no power to revoke that authority. To enforce its rules, WMATC, under the terms of the Washington Metropolitan Area Transit Regulation Compact, must institute a suit in U.S. District Court to enjoin the violating driver from continuing to violate the regulations, or to have the violator's interstate operating authority revoked by court order. The WMATC has increased its efforts to impose sanctions on drivers who violate Commission regulations, and has been successful in several cases decided to date. However, the number of enforcement actions has been small, and, the Commission's limited power and resources to enforce overcharging violations have not tended to deter other kinds of unacceptable conduct by taxi drivers at the Airport. Also, WMATC has no authority with respect to taxi trips entirely within Virginia, which encompasses many of the taxi trips originating at the Airport.

The third and most direct source of control of taxicab operations on the Airport is through enforcement of Federal laws and regulations by FAA Airport police. FAA regulations pertaining to taxicabs at National and Dulles Airports are set forth at 14 CFR 159.2 and 159.4. The Airport Taxicab regulations are specific in defining prohibited conduct, and there is no question as to the authority of the Airport police to enforce the regulations. However, FAA regulation has not been entirely successful either in controlling excess taxicab traffic or in deterring driver misconduct.

At present, FAA enforcement of Airport regulations is accomplished through the Federal court system. There is no procedure for seeking civil penalties for violation of the Airport taxi regulations. Pursuant to 14 CFR 159.191(a), any person who willfully and knowingly violates any rule in Part 159 is guilty of a misdemeanor, and shall be fined not more than $500.00, or imprisoned for not more than 6 months, or both. (Section 159.191(b), which permits the Airport Manager to exclude such a person from the Airport "when necessary under the circumstances," is not considered by FAA to be sufficient specific authority for the routine suspension or revocation of a violator's Airport operating privileges.) In most cases, suspected violators are ticketed by issuance of a Traffic Violation Notice. Defendants are assigned a hearing date which is usually about six weeks after the violation. The hearing is held before a U.S. Magistrate of the U.S. District Court for the Eastern District of Virginia, Alexandria Division. In accordance with Federal law, the defendant may elect to proceed with hearing before the Magistrate or to have his case heard befoe a judge of the U.S. District Court.

Since violation of the taxicab regulations is a misdemeanor, drivers may be cited (or arrested) only by a police officer who actually witnesses the violation or who has obtained a warrant for the arrest of the driver. The probability that an Airport police officer will witness any particular violation of § 159.2 is rather low, due to the limited number of officers available at any given time for a curbside duty station. In theory, officers acting on a third-party complaint such as the complaint of a taxi passenger could obtain an arrest warrant from the U.S. Magistrate, upon a showing of probable cause. As a practical matter, however, this procedure is not frequently invoked for violations of Airport taxicab regulations.

When a violation is witnessed and the driver cited, the violation must be prosecuted by the office of the United States Attorney for the Eastern District of Virginia, before the U.S. Magistrate or in U.S. District Court, in the same manner as any other misdemeanor. The U.S. Attorney's office is responsible for all of Federal prosecutions in the Eastern District of Virginia (and for many civil matters). While Airport taxicab cases tend to be of relatively less importance than many other Federal criminal cases, the number of Airport taxi cases is extremely large. In the U.S. Magistrate's Court in Alexandria, one day each week is devoted exclusively to cases from National and Dulles Airports, with hearings conducted in two or three courtrooms simultaneously. Approximately 75 percent of these cases

involve violations of Part 159 by taxi drivers at National Airport. The number of citations may exceed the capacity of the system, and cases have to be dropped for lack of time and resources to prosecute them.

If a taxicab driver is convicted of a violation of § 159.2, the fine generally imposed is $25.00, and is not of consequence to the violator. A conviction is often not recorded by the local licensing jurisdiction or hack commission, so a taxicab driver may be convicted of violating Airport taxicab regulations without affecting his driver's license or taxicab operating authority. While FAA intends to improve coordination with local jurisdictions on taxi regulation, referral of Part 159 convictions to local licensing agencies would not substantially improve the Airport taxi situation. First, as previously noted, enforcement of Airport-related violations by the local jurisdictions has not been frequent in any case. Second, many Airport regulations are unique to the Airport (e.g., the requirement to obey dispatchers and the prohibition on soliciting). Violations of these rules would not constitute violations of local regulations for which local disciplinary action could be taken. Finally, and such enforcement would vary from jurisdiction to jurisdiction, and would be entirely beyond FAA control or influence.

By FAA's observation there has been no lack of diligence and effort on the part of the law enforcement, prosecuting, or judicial components of the Federal criminal justice system with respect to handling of Airport taxicab cases. However, given the frequency and repetitive nature of the violations of § 159.2, it appears that the existing remedies are too limited and the procedures too cumbersome to assure consistent and adequate redress for violations of the airport taxicab regulations.

Proposed Regulation

In consideration of the above, it is FAA's conclusion that action is necessary to improve the present taxicab situation at National Airport, and that any fine-tuning of present enforcement mechanisms would be insufficient to bring about the improvements desired. Accordingly, FAA is actively considering the establishment of a licensing or permit requirement for taxicab drivers who pick up passengers for hire at National Airport. If a permit system is found not to be feasible, alternative consideration may be given to adopting some form of a "closed" system as existed prior to 1974. As previously noted, FAA does not consider taxi driver regulation to be the only aspect of the Airport taxi situation which needs to be addressed. The taxi permit system would, therefore, be an integral part of a larger program directed toward improvement of taxi facilities and passenger services generally.

The Airport taxi permit would apply only to taxicab drivers who carry passengers for hire from the Airport. The permit requirement would be in addition to all present licensing requirements of local jurisdictions and of WMATC, and would not replace any of those requirements or diminish the responsibility of those bodies for enforcement of their respective laws and regulations. At present, only taxi drivers licensed in one of the seven local jurisdictions listed in § 159.2(c)(4) may pick up passengers at the Airport. This would not be changed, and FAA would not undertake to license drivers or grant permits to drivers who were not already licensed by one of the local jurisictions listed. The permit program would impose the minimum burden possible on Airport taxi drivers consistent with its purpose.

In essence, the Airport taxi permit would represent permission for the individual driver to conduct business on the Airport. By displaying the permit, a taxi driver could continue to pick up passengers within the established dispatching system and otherwise operate as at present, in accordance with Airport taxi regulations. In the event a taxi driver is found, after a hearing of the facts, to have violated Airport taxi regulations, the permission granted by the permit would be temporarily suspended or revoked. During the suspension or revocation, the driver could continue to conduct business as a taxicab driver in accordance with the license issued by his own licensing jurisdiction, but could not pick up passengers at the Airport. Because the issuance of permits and the sanctions imposed under the permit program would be entirely administrative in nature, drivers would enjoy the procedural protections for civil proceedings embodied in administrative law, but not those attendant to the criminal process.

FAA believes the public would benefit from an Airport taxi permit program because the program would improve the ability of FAA to deal effectively with drivers who disregard the Airport's regulations. The sanctions of suspension or revocation of a driver's Airport taxi permit would be a direct and efficient deterrent to misconduct by drivers interested in continuing to serve the Airport. At present, no comparable deterrent exists. Additionally, suspension and revocation will reduce the public's exposure to drivers who violate Airport regulations; the worse a driver's conduct, the greater the duration and frequency of that driver's exclusion from the Airport.

FAA believes there will be a net benefit to taxicab drivers as well as to the general public from an Airport taxi permit program. Each time a driver unlawfully solicits passengers, or double loads a cab, or avoids the cab line and the toll gate, he does so to the detriment of all the drivers who enter the system properly and take the passenger assigned by the dispatcher. A system which removes from the Airport those drivers who disobey Airport regulations effectively rewards those drivers who follow the rules. If all taxi passengers are loaded within the system, one individual or pre-formed group to a cab, a driver in the cab line will move up more quickly and will be able to obtain more fares in a given period of time.

Taxi drivers will not avoid the controls and sanctions exercised by FAA under the permit system simply by attempting to operate without a permit. First, the right to operate within and utilize the Airport taxi dispatching system will be a substantial incentive to obtain a permit, and the number of taxi drivers who refuse to apply for a permit can be expected to be small. Second, the few drivers who do attempt to solicit without permits, or with suspended or revoked permits, will be subject to the enforcement procedures presently in effect with sanctions imposed by the U.S. Magistrate. FAA believes this enforcement will be more effective than at present because fewer violators will be involved, and because the requirement to display a permit will make it relatively easy for police officers to identify individuals who do not have the right to pick up passengers at the Airport.

FAA contemplates that the Airport taxicab permit program would incorporate the following basic features:

1. Airport taxi permits would be issued to persons currently licensed as taxi operators by Alexandria, Falls Church, Arlington County, Fairfax County, Montgomery County, Prince George's County, or the District of Columbia who apply for the Airport taxi permit and pay an application fee. The fee would cover at a minimum the direct and allocated costs of administering the permit program, and would be payable upon initial application and annually thereafter. It is contemplated that the

fee would be in the vicinity of $100 per year. As an alternative to issuing permits to all applicants, the number of Airport taxi permits may be limited in some manner to help relieve the problems of overcrowding and insufficient space at the Airport for waiting cabs.

2. Permits would consist of an ID card with a photograph of the holder. Permit cards would be issued to individual drivers but would remain the property of the Government. A taxi driver would not be permitted to enter the taxi lanes to pick up passengers at the Airport without displaying a permit to police officers or dispatchers. In the event an electronic gate control system is installed in the cab lanes, the permit cards could be made machine-readable to provide automatic admission of drivers holding current permits. Permits would not be transferrable, and therefore would not constitute a property right which could be bought and sold by drivers, as in the taxi "medallion" systems established by some municipalities.

3. Grounds for suspension or revocation of permits would be the violation of the provisions of § 159.2. Maximum sanctions for violation of Airport taxi regulations would be specified for each particular offense. Sanctions would range from suspension of the driver's Airport taxi permit from 5 days to 6 months to revocation of the permit for one year. Repeat offenses would incur a longer suspension than a first offense. Revocation would be imposed for certain serious violations or for accumulation of a certain number of suspensions. The sanctions which could be imposed under the permit program would apply only to the taxi regulations set forth in § 159.2, and could not be applied for violation of other sections of Part 159, for example Subpart B—Motor Vehicle Rules. The existing criminal enforcement provisions of Part 159 would remain in effect for all sections of this Part, including § 159.2.

4. A licensed taxicab driver who violated § 159.2 would be issued a "hack complaint," similar to a traffic ticket, by an FAA Airport police officer. An officer could issue a hack complaint upon witnessing a violation himself or upon the complaint of a third party, such as a taxi dispatcher or passenger. The hack complaint would specify the charge and hearing date.

5. The driver would be required to appear at a hearing before a designated hearing officer at a location provided by FAA at National Airport. The driver would be entitled to be represented by counsel and to call witnesses. If the driver is found to have violated § 159.2, the appropriate sanction would be imposed by the hearing officer, and the driver's Airport taxi permit would be surrendered to the hearing officer at the hearing.

6. After a permit suspension, a driver could pick up his permit at the Airport immediately upon expiration of the suspension period. After a permit revocation, the driver could reapply for a permit after expiration of the revocation period.

7. A driver whose permit was suspended or revoked could appeal that decision to the Director, Metropolitan Washington Airports, or to an administrative board composed of Airport and/or Department of Transportation officials, within a specified time after the hearing. The decision of the Director or the board would represent final agency action, and would be appealable under Section 10 of the Administrative Procedures Act, 5 U.S.C. 701 *et seq.* Both the hearing and the appeal would be conducted in accordance with the requirements of section 9 of the Administrative Procedures Act, 5 U.S.C. 558, and with the general requirements of administrative law, but not necessarily with the specific provisions of Sections 5, 7, and 8 of the Act, 5 U.S.C. 554, 556, and 557.

List of Subjects in 14 CFR Part 159

Airports, Taxicabs and taxicab licensing.

Regulatory Flexibility Act Consideration

The Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354, 94 Stat. 1164; Chapter 6 of the Administrative Procedure Act, 5 U.S.C. 601 *et seq.*), requires FAA to meet certain requirements with respect to FAA rules which have a "significant economic impact on a substantial number of small entities." Individual taxi drivers, or at least those who own and drive their own cabs, could be considered "small entities" for this purpose. Inasmuch as several thousands of taxi drivers in the Washington, D.C., metropolitan area serve National Airport on a full-time or part-time basis, an Airport taxicab permit program would have an impact on a "substantial number" of drivers.

Whether this impact is a "significant economic impact" on those drivers is less clear. In terms of proportionate costs, the annual fee would probably be less than one percent of a full-time owner/operator's annual costs. In absolute terms, payment of a $100.00 fee (for example) once each year would be a minimal burden on drivers conducting business at National Airport. Equivalent or higher fees for airport taxi licenses are not uncommon: e.g., Baltimore/Washington International Airport, $200.00 per year; New Orleans International Airport, $200.00 per year; San Diego International Airport, $200.00 per year; Spokane International Airport, $250.00 per year. Moreover, the negative economic impact of the annual fee and the time required to obtain the permit (approximately one hour each year) would be offset by any gain realized in operating efficiency as a result of the permit program. For example, if the reduction of unlawful soliciting of fares results in more rapid movement of the taxi line, then drivers using the line will be assigned more fares in a given period of time, and will earn more income.

An alternate impact could be realized by drivers who were unable to obtain an airport taxi permit if the number of permits were limited in some manner. Such drivers could continue to conduct business off the airport and to bring passengers to the airport. Therefore, the impact in each case would be limited to the amount of each driver's income earned by picking up passengers at the airport, less the amount the driver could earn off-airport over the same period of time.

Because it is unclear whether the impacts of an Airport taxi permit program would meet the threshold requirements for a Regulatory Flexibility Analysis, FAA is requesting information on the economic impacts and benefits for individual taxi drivers.

Request for Information

Persons responding to this notice are invited to specifically address the following questions and supply any other information they consider pertinent to FAA's decision on further rule making on this subject:

1. What impact, if any, would an Airport taxi permit system have on the licensing of taxi operators and enforcement of taxi regulations by the Washington Metropolitan Area Transit Commission and the local jurisdictions in the Washington, D.C., area?

2. What would be the economic impact of an annual Airport taxi permit fee on the level of fares set by WMATC and the Washington, D.C., area local jurisdictions which regulate taxi fares?

3. What would be the impacts of an Airport taxi permit requirement on individual taxicab drivers who conduct business at National Airport, including economic, operational, and service impacts?

4. If the number of permits were limited, what would be the economic impact on individual drivers who were unable to obtain permits? Specifically,

what portion of total income do local taxi drivers earn picking up passengers at National Airport? How much more income, if any, do drivers earn picking up passengers on the Airport than they could earn off-airport in the same period of time?

5. Should FAA establish an additional permit requirement for taxicab vehicles as well as for taxi drivers?

6. How should the adjudication and appeal of proposed sanctions be conducted? What specific elements of administrative procedure are required and/or desirable for incorporation in the administrative hearing and appeal process?

7. Should a written test on Airport procedures and regulations, and/or knowledge of the metropolitan area be a prerequisite to issuance of an Airport taxi permit?

8. Should the number of Airport taxi permits issued by limited? If so: (a) How should that number be determined? (b) What allocation method should be used (e.g., first-come first-served, an allotment to each local jurisidction, etc.)?

9. Would a closed taxicab system, under which one or more contracts were awarded for exclusive taxicab service from the Airport, be a practical alternative to a permit system if a permit system is determined not to be acceptable?

10. What other improvements should FAA consider implementing to provide better consumer protection of Airport taxi passengers and to permit taxi drivers to operate more efficiently and to better serve Airport patrons? For example, should a short-haul system be established that gives a preference to drivers that have previously waited in line for a lower fare short-haul?

(Secs. 2 and 4 of the Act for the Administration of Washington National Airport, 54 Stat. 686 as amended by 61 Stat. 94; sec. 313 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1359); sec. 6, Department of Transportation Act (49 U.S.C. 1655))

Note.—The FAA has determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The regulatory impact of the proposal is judged to be minimal and a detailed evaluation is not required.

Issued in Washington, D.C. on March 24, 1983.

James A. Wilding,

Director, Metropolitan Washington Airports.

[FR Doc. 83-11688 Filed 4-29-83; 8:45 am]

BILLING CODE 4910-13-M

federal register

Monday
May 2, 1983

Part IV

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 881]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 26, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary

NOTICE OF DETERMINATIONS — VOLUME 881
ISSUED APRIL 26, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ABRAXAS PETROLEUM CORP				RECEIVED:	04/06/83	JA: TX			
8330737	F-01-48378	4228330832		103		BAKER "A" #1	ENCINAL (OLMOS 8200')	200.0	VALERO TRANSMISSI
-AMERICAN CRUDE INC				RECEIVED:	04/06/83	JA: TX			
8330956	F-03-065325	4220131344		103		GULF-TAYLOR #1	PIERCE JUNCTION	100.0	LONE STAR GAS CO
8330955	F-03-065323	4220131398		103		INTERNATIONAL DISPOSAL CORP #1	PIERCE JUNCTION	60.0	LONE STAR GAS CO
-AMERICAN PETROFINA COMPANY OF TEXAS				RECEIVED:	04/06/83	JA: TX			
8330738	F-02-50129	4205731150		103		D W MEEKS "B" #1	SHERIFF EAST (8900-A)	150.0	HOUSTON PIPE LINE
-AMOCO PRODUCTION CO				RECEIVED:	04/06/83	JA: TX			
8330851	F-03-064424	4232131260		103		J E THOMPSON #11	LUCKY (10,250)	140.0	TENNESSEE GAS PIP
8330998	F-06-065496	4220330971		102-4		J G CHAPMAN GAS UNIT "B" #3	WOODLAWN (TRAVIS PEAK	0.1	EAST TEXAS INDUST
8330826	F-06-063512	4220330943		103	107-TF	JONES GAS UNIT #4	WOODLAWN (COTTON VALL	270.0	TEXAS GAS TRANSMI
8330913	F-03-065086	4224531617		103		KEITH & DOWLEH #30	BEAUMONT WEST	27.0	AMOCO GAS CO
8330856	F-8A-064512	4221933605		103		LEVELLAND UNIT #759	LEVELLAND	0.6	AMOCO PRODUCTION
8330855	F-8A-064508	4221933604		103		LEVELLAND UNIT #761	LEVELLAND	0.7	AMOCO PRODUCTION
8330854	F-8A-064507	4221933622		103		LEVELLAND UNIT #812	LEVELLAND	0.0	AMOCO PRODUCTION
8331000	F-08-065508	4200333367		103		UNIVERSITY MCFARLAND QUEEN CON #1-8	MCFARLAND (QUEEN)	0.0	PHILLIPS PETROLEU
8330770	F-02-59952	4246931699		102-4		V H WEBER #1	WEBER	109.0	DELHI GAS PIPELIN
8330919	F-03-065135	4205132289		102-4		WARREN THOMAS UNIT #1	CALDWELL (AUSTIN CHAL	26.0	FERGUSON CROSSING
-ANDERSON PETROLEUM INC				RECEIVED:	04/06/83	JA: TX			
8330752	F-7C-56143	4243532736		103	107-TF	JOE FRIEND ESTATE 3-27A	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
8330830	F-7C-063752	4210534016		103	107-TF	JOHN MITCHELL ESTATE "A" 3-56A	OZONA (CANYON SAND)	100.0	ANDERSON PIPELINE
8330831	F-7C-063753	4210533823		103	107-TF	JOHN MITCHELL ESTATE "A" 4-56	OZONA (CANYON SAND)	100.0	ANDERSON PIPELINE
-APD CO				RECEIVED:	04/06/83	JA: TX			
8330911	F-03-065068	4229131513		102-4		GRACE BLANCH #1	NOLTE MARSH (NB-2 SD)	548.0	DOW CHEMICAL CO
-APEX PETROLEUM INC				RECEIVED:	04/06/83	JA: TX			
8330858	F-7B-064552	4208333264		102-4		JOHN E WOLF #10	WOLF (SERRATT LOWER)	37.0	EL PASO HYDROCARB
8330775	F-7B-60514	4208332183		102-4		JOHN E WOLF #2-A (19174)	WOLF (SERRATT)	0.0	ODESSA NATURAL CO
8330925	F-7B-065249	4208333263		102-4		JOHN E WOLF #9 (103338)	WOLF (SERRATT LOWER)	14.0	EL PASO HYDROCARB
-ARCADIA REFINING CO				RECEIVED:	04/06/83	JA: TX			
8330732	F-06-42461	4236531370		102-4		MARY B MCLAURIN #1	PANOLA E (TRAVIS PEAK	0.0	UNITED GAS PIPELI
-ARCO OIL AND GAS COMPANY				RECEIVED:	04/06/83	JA: TX			
8330758	F-04-58093	4213135811		102-4		ARCO HUMBLE FEE GAS UNIT #3	SEVEN SISTERS EAST (N	200.0	TEXAS EASTERN TRA
8330907	F-04-065050	4221531292		102-4		FRANK E CHESTNUT GAS UNIT #4	TABASCO (VICKSBURG 10	400.0	TENNESSEE GAS PIP
8330761	F-03-58420	4219931742		103		G W BROOKS #53	SLESSINGER (10,000 FT	350.0	TEXAS EASTERN TRA
-AUSTIN OIL & MINERAL				RECEIVED:	04/06/83	JA: TX			
8330774	F-03-60430	4205100000		102-4		F OWEN #1	HOOKER CREEK NAVARRO	10.6	FERGUSON CROSSING
-CALIX CORP				RECEIVED:	04/06/83	JA: TX			
8330771	F-01-60048	4217731326		102-4		EMILY UNIT #1 RR ID# N/A	PEACH CREEK	24.0	VALERO TRANSMISSI
-CARTER ENERGY CORP				RECEIVED:	04/06/83	JA: TX			
8330904	F-09-065016	4249732483		103		G W OATES #3	BOONSVILLE (BEND CONG	110.0	NATURAL GAS PIPE
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	04/06/83	JA: TX			
8330874	F-7C-064783	4245130465		108		A H DUFF ESTATE #1	DOVE CREEK (CANYON D)	10.0	NORTHERN NATURAL
8330873	F-7C-064782	4245130522		108		A H DUFF ESTATE "B" #1	DOVE CREEK (CANYON D)	11.0	NORTHERN NATURAL
8330877	F-08-064789	4238331796		108		ESTELLE COUNCIL "70" #3	CONGER SW (PENN)	7.0	NORTHERN NATURAL
8330776	F-04-60664	4235532072		102-4	103	HELEN P AUSTIN #2-L	STRATTON (K-41) PROSP	299.2	TENNESSEE GAS PIP
8330876	F-08-064786	4217331070		108		I W TERRY "A" #5	CONGER SW (PENN)	9.8	NORTHERN NATURAL

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8330862	F-01-064626	4213700000		108		M J SMITH "46" #1	ROCKSPRINGS WEST	12.0	PRODUCER'S GAS CO
8330875	F-01-064784	4213700000		108		ROCKSPRINGS "50" #1	ROCKSPRINGS WEST	6.0	PRODUCER'S GAS CO
8330747	F-03-54267	4205100000		102-2		W O WARD #2	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
-CHASE-MANN PETROLEUM INC				RECEIVED:	04/06/83	JA: TX			
8330982	F-7B-065422	4213334584		102-4		CHARLES G PENCE - P C #3B #17942	CAMERON P (MARBLE FAL	17.6	EL PASO HYDROCARB
-CHEVRON U S A INC				RECEIVED:	04/06/83	JA: TX			
8330966	F-8A-065388	4241532288		103		SACROC UNIT #32-27	KELLY-SNYDER	83.0	EL PASO NATURAL G
-CHISHOLM OIL INVESTMENTS				RECEIVED:	04/06/83	JA: TX			
8330808	F-01-062739	4217731369		102-2		JIMMIE #1	CHRISTIAN (6800)	0.0	TIPPERARY CORP
-CITIES SERVICE COMPANY				RECEIVED:	04/06/83	JA: TX			
8330899	F-01-064961	4246530412		102-3		WEST "C" #2	MASSIE (STRAWN)	183.0	
-COASTAL OIL & GAS CORP				RECEIVED:	04/06/83	JA: TX			
8330892	F-10-064920	4237530885		103		MASTERSON "C" 11-10J	PANHANDLE (RED CAVE)	18.0	COLORADO INTERSTA
-CONCHO OPERATING CO				RECEIVED:	04/06/83	JA: TX			
8330914	F-7B-065117	4242933297		102-4		MCCLESKEY #1	MCCLESKEY (BOND)	500.0	WARREN PETROLEUM
8330989	F-7B-065059	4242933452		103		MCCLESKEY #4	STEPHENS COUNTY REGUL	250.0	WARREN PETROLEUM
-CONOCO INC				RECEIVED:	04/06/83	JA: TX			
8330759	F-04-58199	4250531552		103	107-TF	BELIA R BENAVIDES "B" #4	HUNDIDO (LOBO)	0.0	UNITED TEXAS TRAN
8330908	F-08-065055	4213534064		103		J L JOHNSON #28 (01554)	FOSTER	1.1	EL PASO HYDROCARB
8330756	F-04-57411	4250531500		103	107-TF	SANCHEZ-MCMURREY #8	HUNDIDO (LOBO)	0.0	TRANSCONTINENTAL
8330751	F-04-56063	4247933343		102-2	107-TF	VAQUILLAS RANCH "A" #24	VAQUILLAS RANCH (GATO	0.0	E I DUPONT DENEMO
8330773	F-04-60326	4247933409		102-2	107-TF	VAQUILLAS RANCH "A" #27	GATO CREEK (9800')	0.0	E I DUPONT DE NEM
8330949	F-08-065311	4238931350		103		W E BELL "44" #14 (27756)	JESS BURNER (DELAWARE	65.7	EL PASO NATURAL G
-COSTA RESOURCES INC				RECEIVED:	04/06/83	JA: TX			
8330754	F-08-56596	4210300000		102-4		ROGERS #2	COSTA (CLEARFORK UPPE	182.5	PERRY PIPELINE CO
8330755	F-08-56597	4210332939		102-4		ROGERS #7	COSTA (CLEARFORK UPPE	0.0	PERRY PIPELINE CO
-CROMERA OIL & GAS CO				RECEIVED:	04/06/83	JA: TX			
8330898	F-7B-064955	4241734771		102-4		JOHN SEDWICK #11	CROMERA (MORAN)	3.7	WARREN PETROLEUM
8330886	F-7B-064904	4241734869		102-4		JOHN SEDWICK #9	CROMERA (MORAN)	3.6	WARREN PETROLEUM
-DAVID MARTIN PHILLIP				RECEIVED:	04/06/83	JA: TX			
8330926	F-03-065269	4228700000		108		GUTHRIE #1 067544	NOACK COWHERD (SEG B)	0.0	PRODUCERS GAS CO
8330927	F-03-065270	4228700000		108		JAMES Q GUTHRIE #2 069549	NOACK COWHERD (SEG B)	5.0	PRODUCERS GAS CO
-DELTA DRILLING CO				RECEIVED:	04/06/83	JA: TX			
8330785	F-06-61046	4242300000		102-4		CALDWELL #1	CHAPEL HILL (TRAVIS P	0.0	ETEXAS PRODUCERS
8330816	F-03-062946	4233900000		102-4	103	CREIGHTON #1	SPLENDORA	0.0	
-DEVON ENERGY CORP				RECEIVED:	04/06/83	JA: TX			
8330828	F-08-063658	4230130362		102-4	103	MRS FRANCES HUBBARD #1	HUBBARD (CHERRY CANYO	568.0	UNITED TEXAS TRAN
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	04/06/83	JA: TX			
8330868	F-10-064693	4229531178		102-4		CLARENCE H PARKER #1-616	LIPSCOMB E	0.0	
8330820	F-10-063210	4235731324		103		DREW ELLIS #3	ELLIS RANCH (CLEVELAN	365.0	NATURAL GAS PIPEL
8330867	F-10-064692	4229531207		102-4		VESTER L SMITH #2	LIPSCOMB E	0.0	
-DRIVER OIL & GAS INC				RECEIVED:	04/06/83	JA: TX			
8330783	F-02-60948	4246931885		103		DRIVER OIL & GAS F H BURNS "A" #2	PRIDHAM LAKE VICTORIA	91.0	SUNBURST ENERGIES
-DSK PRODUCERS				RECEIVED:	04/06/83	JA: TX			
8330924	F-7B-065248	4208332735		108		CLYDE HAYNES #3	COLEMAN COUNTY REGULA	6.0	EL PASO HYDROCARB
-DYCO PETROLEUM CORPORATION				RECEIVED:	04/06/83	JA: TX			
8330790	F-10-61287	4221100000		103		MEADOWS #1-5	BUFFALO WALLOW (GRANI	2.0	WESTAR TRANSMISSI
8330789	F-10-61286	4248330975		103		WALKER #1-30	WILDCAT (UPPER MORROW	60.0	WESTAR TRANSMISSI
-DYNE OIL & GAS INC				RECEIVED:	04/06/83	JA: TX			
8330797	F-10-61842	4223300000		108		BUSH #2 WELL LEASE NO 03060	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
8330798	F-10-61841	4223300000		108		DAVIS #1 LEASE NO 03225	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
8330796	F-10-61840	4223300000		108		NOBLE #1 LEASE NO 00995	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
8330795	F-10-61839	4223300000		108		NOBLE #3 LEASE NO 00995	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
-E ANTLE				RECEIVED:	04/06/83	JA: TX			
8330978	F-09-065416	4250300000		108		MCWILLIAMS #1 076051	YOUNG COUNTY REGULAR	20.0	LONE STAR GAS CO
-EDWIN H MAGRUDER JR				RECEIVED:	04/06/83	JA: TX			
8330946	F-08-065305	4213533847		103		R B COWDEN #1	GOLDSMITH N (SAN ANDR	10.0	PHILLIPS PETROLEU
-ENERGETICS INC				RECEIVED:	04/06/83	JA: TX			
8330944	F-10-065297	4234130879		103		MASTERSON G-29 (03839)	PANHANDLE (RED CAVE)	1.3	COLORADO INTERSTA
8330943	F-10-065296	4234130880		103		MASTERSON G-30 (03839)	PANHANDLE (RED CAVE)	1.6	COLORADO INTERSTA
8330942	F-10-065295	4234130881		103		MASTERSON G-31	PANHANDLE (RED CAVE)	1.6	COLORADO INTERSTA
8330941	F-10-065294	4234130882		103		MASTERSON G-32 (03839)	PANHANDLE (RED CAVE)	0.2	COLORADO INTERSTA
8330940	F-10-065293	4234130883		103		MASTERSON G-33 (03839)	PANHANDLE (RED CAVE)	1.8	COLORADO INTERSTA
8330939	F-10-065292	4234130884		103		MASTERSON G-34 (03839)	PANHANDLE (RED CAVE)	2.0	COLORADO INTERSTA
8330938	F-10-065291	4234130885		103		MASTERSON G-35	PANHANDLE (RED CAVE)	1.8	COLORADO INTERSTA
8330937	F-10-065290	4234130886		103		MASTERSON G-36 (03839)	PANHANDLE (RED CAVE)	1.8	COLORADO INTERSTA
8330936	F-10-065280	4234130887		103		MASTERSON G-37 (03839)	PANHANDLE (RED CAVE)	4.9	COLORADO INTERSTA
8330935	F-10-065288	4234130888		103		MASTERSON G-38 (03839)	PANHANDLE (RED CAVE)	7.2	COLORADO INTERSTA
8330934	F-10-065287	4234130897		103		MASTERSON G-39 (03839)	PANHANDLE (RED CAVE)	8.7	COLORADO INTERSTA
8330933	F-10-065286	4234130899		103		MASTERSON G-40 (03839)	PANHANDLE (RED CAVE)	7.7	COLORADO INTERSTA
8330932	F-10-065285	4237530898		103		MASTERSON G-42 (03839)	PANHANDLE (RED CAVE)	2.6	COLORADO INTERSTA
-ENERGY RESERVES GROUP INC				RECEIVED:	04/06/83	JA: TX			
8330973	F-7C-065410	4223530798		108		ELA C SUGG "D" #168	SPRABERRY (TREND AREA	9.2	INTERNORTH INC
8330970	F-7C-065407	4223530527		108		ELA C SUGG 68 #4	SPRABERRY (TREND AREA	7.7	INTERNORTH INC
8330975	F-7C-065412	4223530526		108		ELA C SUGG 69 #2	SPRABERRY (TREND AREA	6.5	INTERNORTH INC
8330971	F-7C-065408	4223530526		108		ELA C SUGG 69 #4	SPRABERRY (TREND AREA	5.6	INTERNORTH INC
8330968	F-7C-065405	4223510585		108		O L GREER "C" #2	CALVIN DEAN	15.3	UNION TEXAS PETRO
8330974	F-7C-065411	4223531783		108		ONA WELLS #3	CALVIN DEAN	12.8	UNION TEXAS PETRO
8330972	F-7C-065409	4223511056		108		RUPERT P RICKER "KO" #5	CALVIN DEAN	3.0	UNION TEXAS PETRO
8330969	F-09-065406	4207700000		108		SCHMITTOU #1	DILLIARD	2.6	CITIES SERVICE OI
-ENSERCH EXPLORATION INC				RECEIVED:	04/06/83	JA: TX			
8330760	F-09-58297	4249732415		103		ANNIE FOXALL #1	BOONSVILLE (BCG)	150.0	LONE STAR GAS CO
8330733	F-06-46663	4220300000		103		DELLA HUGHES #4	WHELAN	722.0	TEXAS EASTERN GAS
8330750	F-05-55341	4228900000		103		G W LEE "A" #9	NORTH BUFFALO FIELD	0.0	LONE STAR GAS CO
8330766	F-05-58979	4221330345		103		H P ADY "B" #4	TRI-CITIES	730.0	LONE STAR GAS CO
8330819	F-09-063181	4219730521		103		HENDRIX 19 #3	REPRIEVE	86.0	
8330746	F-09-52972	4249732392		103		J A RISH #1	MORRIS (CONSOLIDATED	0.0	LONE STAR GAS CO
8330762	F-09-58542	4249700000		103		WALTER DEWBRE #2-UT	BOONSVILLE (CADDO CON	44.0	LONE STAR GAS CO
-EXXON CORPORATION				RECEIVED:	04/06/83	JA: TX			
8330948	F-08-065308	4213534052		103		AUGUSTA BARROW #25	HENCE (GRAYBURG)	1.0	
8330884	F-10-064894	4235735608		108		B W SCHWALM #2	DUDE WILSON (MORROW U	13.0	TRANSWESTERN PIPE
8330989	F-10-065452	4221131146		108		CAMPBELL-SANTA FE UNIT #2	MENDOTA	17.0	TRANSWESTERN PIPE
8330931	F-03-065275	4207131366		103		H A GRIPON A/C1 #33	ANABUAC	9.0	ARMCO STEEL CORP
8330863	F-08-064630	4210300000		108		J B TUBB A/C 2 #7	SAND HILLS	10.0	EL PASO NATURAL G
8330953	F-04-065319	4227331397		103		K R ALAZAN 342 (103503)	MADERO (J-24)	250.0	ARMCO STEEL CORP
8330842	F-7C-064039	4243131177		103		LOU E JOHNSON ESTATE A/C 1 #36	JAMESON (STRAWN)	10.8	KOCH HYDROCARBON
8330845	F-04-064112	4242731656		102-4		MCGILL BROS 485 (ID PENDING)	KELSEY SE (30-H)	110.0	TRUNKLINE GAS CO
8330895	F-08-064949	4200333260		103		MEANS-QUEEN #1 OIL UNIT #1353	MEANS (QUEEN SAND)	15.0	PHILLIPS PETROLEU
8330917	F-04-065130	4226130477		103		MRS S K EAST 105-D (ID PENDING)	RITA (5-P II)	91.0	NATURAL GAS PIPEL
8330996	F-10-065489	4219535175		108		S P & K K JACKSON "D" #1	HANSFORD	20.0	NORTHERN NATURAL
8330912	F-04-065081	4204731144		102-4		SANTA FE RANCH 77 (ID PENDING)	SANTA FE SOUTH (5 UPP	456.0	NATURAL GAS PIPEL
8330894	F-08-064944	4200333371		103		STATE UNIVERSITY HUTEX CONS #20	HUTEX (DEVONIAN)	4.0	PHILLIPS PETROLEU
8330990	F-10-065453	4242100000		108		TEXAS-HUGOTON GU 18#1	TEXAS-HUGOTON	20.0	TRANSWESTERN PIPE
8330918	F-04-065131	4213135860		103		V KOHLER A-143 #09632	KOHLER N E (MIRANDO #	25.9	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-EZEKIEL ENERGY INC				RECEIVED:	04/06/83	JA: TX			
8330880	F-10-064833	4206531269		103		KELLY #1-1	PANHANDLE CARSON	110.0	GETTY OIL CO
-FAGADAU ENERGY CORP				RECEIVED:	04/06/83	JA: TX			
8330930	F-7B-065274	4242933259		102-4		C W WULFJEN #2 RRC #17603	FOUR J (CONGL 3650')	48.0	WARREN PETROLEUM
8330928	F-7B-065272	4242933213		102-4		CURRY ESTATE "A" #2 RRC #18183	FOUR J (CONGL 3650')	48.0	WARREN PETROLEUM
8330929	F-09-065273	4207732766		102-4		HALSELL RANCH "B" #1 RRC #22914	HENRIETTA S W (SIMPSO	48.0	BLUEGROVE GASOLIN
-FALCON PETROLEUM COMPANY				RECEIVED:	04/06/83	JA: TX			
8330916	F-10-065127	4235731233		103		BRYAN #1 M/A	HERMANN	21.9	PHILLIPS PETROLEU
-FOREST OIL CORPORATION				RECEIVED:	04/06/83	JA: TX			
8330882	F-04-064849	4247932678		107-TF		L WINCH ST #4	MUJERES CREEK (LOBO 1	99.0	UNITED TEXAS TRAN
8330881	F-04-064848	4247932642		107-TF		RUSSELL WINCH ST #3	MUJERES CREEK (LOBO 3	185.0	UNITED TEXAS TRAN
-FORTUNE & PANCAKE				RECEIVED:	04/06/83	JA: TX			
8330781	F-7B-60852	4215300089		103		E L GARRETT #1 (101669)	BROWN COUNTY REGULAR	61.0	SOUTHWESTERN GAS
-FRAC INC				RECEIVED:	04/06/83	JA: TX			
8330976	F-08-065413	4200333876		103		UNIVERSITY "18" #4 #27312	GOLDSMITH NORTH (SAN	18.2	PHILLIPS PETROLEU
-GEODYNE RESOURCES INC				RECEIVED:	04/06/83	JA: TX			
8330893	F-10-064929	4229500000		102-4		M P CHEW #1	DARDEN	0.0	PHILLIPS PETROLEU
-GETTY OIL COMPANY				RECEIVED:	04/06/83	JA: TX			
8330823	F-05-063302	4216100000		102-4		FRANKLIN SCRULOCK "F" #1	INGRAM TRINITY (RODES	0.0	LONE STAR GAS CO
8330734	F-02-47145	4205700000		103	102-4	TEXAS STATE TRACT 94 #2	PANTHER REEF NW (K-3)	360.0	ALUMINUM CO OF AM
8330764	F-06-058765	4236500000		108-ER		WERNER-BRELSFORD #1	CARTHAGE	0.0	TEXAS GAS TRANSMI
8330986	F-8A-065438	4207900000		103		XIT UNIT #62-X	LEVELLAND SAN ANDRES	4.0	CITIES SERVICE CO
-GHR ENERGY CORP				RECEIVED:	04/06/83	JA: TX			
8330792	F-04-61449	4250531549		102-4		ASCHE #5	CHARCO (9200)	450.0	NATURAL GAS PIPEL
8330767	F-04-59125	4250531534		102-4	107-TF	B R BENAVIDES #3	BENAVIDES (LOBO)	750.0	VALERO TRANSMISSI
8330945	F-04-065302	4247932429		102-4		GLORIA BENAVIDES BMT "A" #1 #085346	LA ROSITA (LOBO)	150.0	NATURAL GAS PIPEL
8330801	F-04-62053	4250531562		102-4	107-TF	LUNDELL #B-2	MCASHILL (LOBO)	600.0	NATURAL GAS PIPEL
8330768	F-04-59379	4247932498		102-4	107-TF	LUNDELL #12	LUNDELL (LOBO 9200) P	700.0	VALERO TRANSMISSI
8330769	F-04-59492	4247933388		102-4	107-TF	LUNDELL #17	LUNDELL (LOBO)	750.0	VALERO TRANSMISSI
8330802	F-04-62054	4247933438		102-4	107-TF	LUNDELL #19	CARR (LOBO)	700.0	NATURAL GAS PIPEL
8330749	F-04-55091	4247933945		102-4	107-TF	MARKS MCLEAN "A" #1 #101204	MCLEAN (LOBO)	250.0	TRANSCONTINENTAL
-GRAND BANKS ENERGY CO				RECEIVED:	04/06/83	JA: TX			
8330807	F-08-062729	4217331332		103	107-TF	EDMONDSON #3	CONGER SW (PENN)	0.0	NORTHERN NATURAL
8330991	F-08-065461	4213534039		103		PARKER "A" #1	HARPER	9.4	PHILLIPS PETROLEU
-GRUY MANAGEMENT SERVICE CO				RECEIVED:	04/06/83	JA: TX			
8330806	F-04-062727	4242700000		102-4		I GUTIERREZ #1	SALINAS (2100')	90.0	ESPERANZA TRANSMI
-HAL FRANKLIN				RECEIVED:	04/06/83	JA: TX			
8330866	F-09-064655	4250300000		102-4		EDDLEMAN #7	JOHNSON (800)	54.0	MID-STATE GAS COR
-HARING ENERGY CO				RECEIVED:	04/06/83	JA: TX			
8330964	F-02-065382	4246931954		102-4		EVELYN LANGSTON ET AL UNIT #1	PATRICIA SOUTH (2950	120.0	DELHI GAS PIPELIN
-HENRY PETROLEUM CORP				RECEIVED:	04/06/83	JA: TX			
8330815	F-7C-062894	4210500000		102-4	103	SHOUBROUEK #1	DEMPSTER (STRAWN)	0.0	INTRATEX GAS CO
-HINTON PRODUCTION COMPANY				RECEIVED:	04/06/83	JA: TX			
8330788	F-03-61187	4237330536		102-4		ANICO #4	DAMASCUS (SEAMANS)	500.0	ST REGIS PAPER CO
-HNG OIL COMPANY				RECEIVED:	04/06/83	JA: TX			
8330814	F-04-062833	4247900000		103	107-TF	BRUNI MINERAL "B" #7	JUANITA (LOBO)	250.0	HOUSTON PIPE LINE
8330847	F-7C-064249	4243500000		103	107-TF	REINHARDT "6" #5	SAWYER (CANYON)	250.0	INTRATEX GAS CO
8330846	F-7C-064139	4243500000		103	107-TF	RICHARDSON "4" #3	SAWYER (CANYON)	60.0	INTRATEX GAS CO
8330784	F-7C-60985	4243500000		103	107-TF	SAWYER "144" #4	SAWYER (CANYON)	150.0	INTRATEX GAS CO
-HOPKINS & TATE				RECEIVED:	04/06/83	JA: TX			
8330896	F-06-064950	4240131552		103	107-TF	E H PEPPER #3	OAK HILL (COTTON VALL	730.0	TEXAS EASTERN TRA
-HUMBLE EXPLORATION CO INC				RECEIVED:	04/06/83	JA: TX			
8330903	F-03-065013	4214931261		102-2	103	ALVIN BOENKER #1	GIDDINGS	0.0	CLAJON GAS CO
8330757	F-03-57479	4214931296		102-2	103	BARBARA B #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8330748	F-03-54430	4214900000		102-2	103	JEAN DANIEL #1	GIDDINGS (EDWARDS GAS	0.0	PHILLIPS PETROLEU
-J C WILLIAMSON				RECEIVED:	04/06/83	JA: TX			
8330967	F-8A-065400	4250132207		102-4		SHARON STEEL #1	YOAKUM CENTER (DEVONI	7.3	SHELL OIL CO
-J M HUBER CORPORATION				RECEIVED:	04/06/83	JA: TX			
8330952	F-10-065315	4223300000		108		HERRING #2	WEST PANHANDLE	9.0	COLORADO INTERSTA
8330951	F-10-065314	4223300000		108		JAMIESON "B" #1	WEST PANHANDLE	9.0	COLORADO INTERSTA
8330950	F-10-065313	4234100000		108		OTIS PHILLIPS "B" #1	WEST PANHANDLE	14.0	COLORADO INTERSTA
-JAKE L HAMON				RECEIVED:	04/06/83	JA: TX			
8330981	F-7C-065421	4238331674		103		HUGHES #3	SPRABERRY	34.0	PHILLIPS PETROLEU
8330980	F-7C-065420	4238332384		103		HUGHES #4	SPRABERRY	64.0	PHILLIPS PETROLEU
-JAMES K ANDERSON INC				RECEIVED:	04/06/83	JA: TX			
8330871	F-7B-064752	4244132252		102-4		LAIL #7	E J NORTH (FRY)	400.0	UNION TEXAS PETRO
-JAY-LIN ENTERPRISES INC				RECEIVED:	04/06/83	JA: TX			
8330860	F-02-064566	4217531691		102-4		RAYBURN ET AL GAS UNIT #1	ANDER (FRIO 3000)	50.0	HOUSTON PIPELINE
-JOE B BARRETT				RECEIVED:	04/06/83	JA: TX			
8330765	F-7B-58737	4242933180		102-4		R G CHAMBERS #3	BERKELEY (CROSS PLAIN	40.0	EL PASO HYDROCARB
-JOHN L COX				RECEIVED:	04/06/83	JA: TX			
8330772	F-7C-060269	4246131943		103		NEAL "30-C" #1	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
-KEN PETROLEUM CORP				RECEIVED:	04/06/83	JA: TX			
8330787	F-02-61142	4239100000		107-PE		FAGAN #10	MCFADDIN (2000)	36.0	DELHI GAS PIPELIN
-KILLAM & HURD LTD				RECEIVED:	04/06/83	JA: TX			
8330857	F-04-064537	4247933340		102-4	107-TF	LILIA BRUNI SLAUGHTER #1	DOLORES CREEK (WILCOX	0.0	TRANSCONTINENTAL
-KIMBALL PRODUCTION COMPANY				RECEIVED:	04/06/83	JA: TX			
8330741	F-03-52453	4247730468		102-4		CLAY GAS UNIT #1	NE CLAY (DEEP)	300.0	
-L M YOUNG				RECEIVED:	04/06/83	JA: TX			
8330727	F-7B-26196	4204931730		102-4		YOUNG-BERG #1 (14583)	DALE (CADDO)	26.0	SIOUX PIPELINE CO
8330728	F-7B-26197	4204932119		102-4		YOUNG-BERG #2 (14583)	DALE (CADDO)	26.0	SIOUX PIPELINE CO
8330729	F-7B-26198	4204932238		102-4		YOUNG-BERG #3 (14583)	DALE (CADDO)	26.0	SIOUX PIPELINE CO
8330730	F-7B-26199	4204932295		102-4		YOUNG-BERG #4 (14583)	DALE (CADDO)	0.0	SIOUX PIPELINE CO
8330999	F-7B-065499	4204933190		102-4		YOUNG-BERG #7 (14583)	DALE (CADDO)	20.0	SIOUX PIPELINE CO
-LAMBERT HILLUB DRILLING CO				RECEIVED:	04/06/83	JA: TX			
8330987	F-03-065446	4205132380		102-4		AUSLEY #3	HOOKER CREEK (NAVARRO	20.5	FERGUSON CROSSING
-LEONARD BROTHERS OPERATING CO				RECEIVED:	04/06/83	JA: TX			
8330848	F-7B-064260	4214330153		108		M D STEWART UNIT "C" #1-A (078454)	STEWART (DUFFER)	1.0	LONE STAR GAS CO
-LYONS PETROLEUM INC				RECEIVED:	04/06/83	JA: TX			
8330883	F-03-064870	4204130837		102-2	103	ALLEN UNIT #1	BRYAN (WOODBINE) FIEL	110.0	FERGUSON CROSSING
-M BRAD BENNETT INC & RKH LTD				RECEIVED:	04/06/83	JA: TX			
8330954	F-08-065320	4238931318		102-4		COLLIE "B" #5	COLLIE (DELAWARE)	7.2	INTRATEX GAS CO
-MAC EXPLORATION & DRILLING CORP				RECEIVED:	04/06/83	JA: TX			
8330965	F-7B-065384	4204933164		102-4		LOLA HILL #1 (101172)	FROG (FRY)	4.0	LONE STAR GAS CO
-MAGRUDER LTD #1				RECEIVED:	04/06/83	JA: TX			
8330947	F-08-065306	4213533862		103		R B COWDEN #2	GOLDSMITH N (SAN ANDR	10.0	PHILLIPS PETROLEU
-MARATHON OIL COMPANY				RECEIVED:	04/06/83	JA: TX			
8330810	F-7C-062780	4238300000		103		UNIVERSITY "L" #9	FARMER (SAN ANDRES)	10.0	BIG LAKE GAS CORP
8330811	F-7C-062781	4210534209		103		UNIVERSITY "M" #9	FARMER (SAN ANDRES)	10.0	BIG LAKE GAS CORP
8330812	F-7C-062782	4210534197		103		UNIVERSITY "N" #10	FARMER (SAN ANDRES)	10.0	BIG LAKE GAS CORP
8330813	F-7C-062783	4238332359		103		UNIVERSITY "N" #11	FARMER (SAN ANDRES)	10.0	BIG LAKE GAS CORP
8330809	F-7C-062779	4238332360		103		UNIVERSITY "N" #9	FARMER (SAN ANDRES)	10.0	BIG LAKE GAS CORP
-MARK PRODUCING INC				RECEIVED:	04/06/83	JA: TX			
8330869	F-03-064738	4248132402		102-4		MILLER ILSE ET AL #2 (I D # NOT AS*	PROPOSED BONUS SOUTH	365.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MASTER DRILLING CO INC				RECEIVED:	04/06/83	JA: TX			
8330838	F-7C-063810	4239900000		102-4		DOROTHY GOTTSCHALK #1	BIG ED N (GARDNER LIM	4.0	LONE STAR GAS CO
8330897	F-7C-064954	4239932649		102-4		DOROTHY GOTTSCHALK #4	BIG ED N (GARDNER LIM	23.0	LONE STAR GAS CO
-MEADCO PROPERTIES				RECEIVED:	04/06/83	JA: TX			
8330800	F-7C-61968	4223531985		102-2		UT-39A- #1	ANDREW A (CANYON)	0.0	FARMLAND INDUSTRI
-MESA PETROLEUM CO				RECEIVED:	04/06/83	JA: TX			
8330755	F-04-48129	4247933128		102-4	107-TF	SALDIVAR ESTATE #8	LA ROSITA	750.0	UNITED TEXAS TRAN
-NEWBOURNE OIL COMPANY				RECEIVED:	04/06/83	JA: TX			
8330853	F-10-064443	4229530716		102-4		ECCLES UNIT #1 RRC I D #085399	LEAR (MORROW UPPER)	61.0	ENDEVCO INC
8330821	F-10-063218	4229531214		102-4	103	SOUTH BOOKER UNIT #3	HARMON (MORROW UPPER)	373.0	DELHI GAS PIPELIN
-MEYER FARMS INC				RECEIVED:	04/06/83	JA: TX			
8330740	F-10-51568	4206531015		103		COFFEE #3	PANHANDLE	51.0	GETTY OIL CO
-MITCHELL ENERGY CORPORATION				RECEIVED:	04/06/83	JA: TX			
8330786	F-09-61105	4249732408		103		C D SIPES #2	BOONSVILLE (BEND CONG	9.5	NATURAL GAS PIPEL
8330835	F-09-063805	4249700000		108		HATTIE B THOMAS #1 079312	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8330834	F-09-063803	4249700000		108		J J FRANK #1 052410	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8330803	F-7B-62433	4236700000		108		R F LAMINACK #1 #076591	LAKE MINERAL WELLS/40	0.0	NATURAL GAS PIPEL
8330837	F-7B-063807	4214300000		108		R T DRAKE #1 080607	MORGAN MILL (MARBLE F	0.0	ENERGY PIPELINE C
8330836	F-09-063806	4223700000		108		VERA HENDERSON #1 092169	HENDERSON RANCH (MARB	0.0	SOUTHWESTERN GAS
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	04/06/83	JA: TX			
8330906	F-08-065033	4230130375		102-4		W D JOHNSON 'E' #4	DIMMIT (CHERRY CANYON	0.0	INTRATEX GAS CO
-MORRIS STEPHENS				RECEIVED:	04/06/83	JA: TX			
8330870	F-09-064741	4223734726		103		CRAFT #2	WOODKIRK (STRAWN)	18.0	LONE STAR GAS CO
-MORRISON DRILLING & PRODUCING CO				RECEIVED:	04/06/83	JA: TX			
8330822	F-7C-063284	4239932553		102-4		CLARENCE EAGER #1	MORRISON (FRY)	0.0	LONE STAR GAS CO
-NORTH CENTRAL OIL CORPORATION				RECEIVED:	04/06/83	JA: TX			
8330782	F-03-60896	4204130675		102-2		BRIARCREST COUNTRY CLUB #1	KURTEN	116.0	FERGUSON CROSSING
8330777	F-03-60791	4204130722		102-2		PERKINS-YAGER UNIT 3 WELL 1 - 15817	KURTEN (WOODBINE)	116.0	FERGUSON CROSSING
8330779	F-03-60793	4204130686		102-2		PERKINS-YAGER UT 1 WELL 1 - 15284	KURTEN (WOODBINE)	116.0	FERGUSON CROSSING
8330778	F-03-60792	4204130743		102-2		PERKINS-YAGER UT 2 WELL 1 - #15751	KURTEN (WOODBINE)	116.0	FERGUSON-CROSSING
8330780	F-03-60794	4204130785		102-2		POLLY RANCH ESTATES INC	KURTEN	116.0	FERGUSON CROSSING
-OLYMPIA OIL CO INC				RECEIVED:	04/06/83	JA: TX			
8330915	F-7B-065119	4244132284		102-4		ALLYN "B" #1	LAKE ABILENE (4,000)	9.0	LONE STAR GAS CO
-PARKER & PARSLEY INC				RECEIVED:	04/06/83	JA: TX			
8330963	F-08-065380	4231732627		103		WOLCOTT "A" #2	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
-PEEJAY EXPLORATION INC				RECEIVED:	04/06/83	JA: TX			
8330910	F-7B-065063	4213334065		102-4		RATLIFF #1	FAIR (MARBLE FALLS LO	72.0	NORTHERN GAS PROD
-PEND OREILLE OIL & GAS CO				RECEIVED:	04/06/83	JA: TX			
8330921	F-03-065161	4216730895		102-4		JAMES E CHAPMAN GU #1	SAN LEON	675.3	
8330920	F-02-065160	4229733207		102-4		LENICE E PEEBLES #1-L	GEORGE WEST WEST	730.0	UNITED TEXAS TRAN
8330922	F-02-065163	4229733207		102-4		LENICE E PEEBLES #1-U	GEORGE WEST WEST	730.0	UNITED TEXAS TRAN
-PENNZOIL PRODUCING COMPANY				RECEIVED:	04/06/83	JA: TX			
8330961	F-04-065372	4235531376		108		MINNIE BROWN #5	AGUA DULCE (5350')	19.0	UNITED GAS PIPE L
8330962	F-02-065374	4239101110		108		W J FOX #29	GRETA (G-5)	20.0	UNITED GAS PIPE L
-PETROLEUM EQUITIES CORP				RECEIVED:	04/06/83	JA: TX			
8330833	F-7C-063768	4243532857		103	107-TF	SCHULTZ #5	INTERSTATE (CANYON)	73.0	PRODUCERS GAS CO
8330829	F-7C-063730	4243500000		102-4		SHULTZ #1	INTERSTATE (WOLFCAMP)	32.0	PRODUCERS GAS CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/06/83	JA: TX			
8330985	F-08-065434	4237133732		108		(27403) STOCKTON-B #1 (27403)	FORT STOCKTON SOUTH (	0.0	
8330891	F-08-064918	4200310752		108		EMBAR-B #37 (19710)	GOLDSMITH NO (SAN AND	0.0	EL PASO NATURAL G
8330984	F-08-065433	4213506425		108		NORTH PENWELL UNIT #147 (21556)	PENWELL	6.8	EL PASO NATURAL G
-POLK & PATTON INC				RECEIVED:	04/06/83	JA: TX			
8330739	F-03-50595	4205100000		102-2		GARDNER #2	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
-PRAIRIE PRODUCING CO				RECEIVED:	04/06/83	JA: TX			
8330901	F-05-064987	4237930104		102-4		G C HOPKINS #1 - 100892	S E GINGER (SMACKOVER	1095.0	
-PYRON EXPLORATION & DRILLING CORP				RECEIVED:	04/06/83	JA: TX			
8330753	F-09-56293	4250300000		102-2		BLOUNT #2	GRAHAM N E (BIG SALIH	68.0	MID-STATE GAS COR
-Q E D EXPLORATION INC				RECEIVED:	04/06/83	JA: TX			
8330902	F-7C-065008	4223532026		102-2	103	FARMAR-SUGG #5	LUCKY-MAG (CLEARFORK	9.0	FARMLAND INDUSTRI
-QUAHAH PETROLEUM INC				RECEIVED:	04/06/83	JA: TX			
8330988	F-08-065447	4243131159		102-4		BASSHAM #4	ROSE CREEK N (WOLFCAM	11.0	SUN EXPLORATION &
-R C HAGENS				RECEIVED:	04/06/83	JA: TX			
8330793	F-04-61740	4247933283		102-4		E P LEAL #2 (102976)	LEAL (YEGUA)	182.0	ESPERANZA TRANSMI
-REYNOLDS DRLG CO & ENI EXPL CO				RECEIVED:	04/06/83	JA: TX			
8330805	F-06-062696	4240131377		103	107-TF	ARNOLD-RUST #1	NORTH TATUM (COTTON V	0.0	UNITED GAS PIPE L
-RIDGE OIL CO				RECEIVED:	04/06/83	JA: TX			
8330878	F-7B-064829	4213334459		102-4	103	CONNER #1	RANGER NW (MARBLE FAL	31.3	COMPRESSOR RENTAL
8330879	F-7B-064830	4242933520		102-4	103	MILLER #1	RANGER NW (MARBLE FAL	25.0	COMPRESSOR RENTAL
-SAMSON RESOURCES COMPANY				RECEIVED:	04/06/83	JA: TX			
8330736	F-10-48319	4235730955		103		DODSON #3 - CLEVELAND	ELLIS RANCH (CLEVELAN	146.0	TRANSWESTERN PIPE
-SAXON OIL COMPANY				RECEIVED:	04/06/83	JA: TX			
8330844	F-7C-064109	4238332363		103		SANKEY #1	SPRABERRY (TREND AREA	31.0	PHILLIPS PETROLEU
-SHAR-ALAN OIL CO				RECEIVED:	04/06/83	JA: TX			
8330958	F-03-065361	4231300000		102-4		E L MCWHORTER #2	MADISONVILLE NE (GEOR	0.0	LONE STAR GAS CO
8330957	F-03-065360	4231300000		102-4		LOUISE BARRETT #1	MADISONVILLE NE(GEORG	0.0	LONE STAR GAS CO
-SHIELD RESOURCES INC				RECEIVED:	04/06/83	JA: TX			
8330804	F-03-062458	4247130241		102-4		RICKS #1-A	HUNTSVILLE NE	1000.0	SOUTH TEXAS GATHE
-SO-TEX PETROLEUM, INC.				RECEIVED:	04/06/83	JA: TX			
8330979	F-7B-065417	4244132091		102-4		NORTH CORNETT #1	SO-TEX (FRY)	5.0	UNION TEXAS PETRO
8330977	F-7B-065414	4244132309		102-4		NORTH CORNETT #4	SO-TEX (FRY)	58.0	UNION TEXAS PETRO
-SOUTHLAND ROYALTY CO				RECEIVED:	04/06/83	JA: TX			
8330959	F-08-065362	4210300000		108		EDWARDS FLD GBG UNIT #9-1	EDWARDS	7.4	PHILLIPS PETROLEU
8330960	F-08-065363	4210330125		108		MARY K STOKER #1	CRANE	18.0	PHILLIPS PETROLEU
-STALLWORTH OIL & GAS INC				RECEIVED:	04/06/83	JA: TX			
8330745	F-06-52879	4242330565		102-4	103	D D SHOFNER #2 (10653)	CHAPEL HILL (TRAVIS P	35.0	UNITED GAS PIPELI
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	04/06/83	JA: TX			
8330825	F-01-063393	4212732392		103		BIG WELLS (SAN MIGUEL) #713	BIG WELLS (SAN MIGUEL	0.0	HOUSTON PIPELINE
8330900	F-03-064981	4224531425		103		BROUSSARD & HERBERT #38	LABELLE SE (M-7520)	11.0	UNITED TEXAS TRAN
8330824	F-08-063390	4249500000		108		BROWN ALTMAN A/C-3 #11	KERMIT	3.0	CABOT CORP
8330865	F-06-064642	4236531489		103	107-TF	M LASHLEY GAS UNIT #2	CARTHAGE	0.0	DELHI GAS PIPE LI
8330840	F-01-063976	4231131660		102-4		OWENS GAS UNIT #1	HOSTETTER NORTH	157.0	TEXAS EASTERN TRA
8330841	F-8A-064031	4250132251		103		WASSON NORTH CLEARFORK UNIT #93	WASSON N E (CLEAR FOR	2.0	SHELL OIL CO
-T R HILL				RECEIVED:	04/06/83	JA: TX			
8330864	F-09-064639	4250300000		102-4		HARRISON WELL #1	SAUNDERS (MARBLE FALL	80.0	LONE STAR GAS CO
-TAYLOR OPERATING COMPANY				RECEIVED:	04/06/83	JA: TX			
8330888	F-09-064908	4223700000		102-4		CRUM-GAHAGAN OIL UNIT #1 (22198)	CRUM (MARBLE FALLS)	28.5	SOUTHWESTERN GAS
8330890	F-09-064910	4223700000		102-4		CRUM-REEVES OIL UNIT #1 (21240)	CRUM (MARBLE FALLS)	2.9	SOUTHWESTERN GAS
8330872	F-09-064780	4233700000		102-4		LA ANNA KALLENBACH #1 (22135)	KALLENBACH (CONGL)	21.2	J L DAVIS
8330889	F-09-064909	4223700000		102-4		P L CRUM OIL UNIT #1 (21353)	CRUM (MARBLE FALLS)	2.6	SOUTHWESTERN GAS
-TENNECO OIL COMPANY				RECEIVED:	04/06/83	JA: TX			
8330852	F-08-064441	4237133674		102-2		J A GREEN 4-1	PINON (DIMPLE)	0.0	LONE STAR GAS CO
-TEXACO INC				RECEIVED:	04/06/83	JA: TX			
8330818	F-04-063099	4235531476		103		J O CHAPMAN #123	MOBIL DAVID	365.0	TEXAS EASTERN TRA
8330839	F-8A-063821	4221933667		103		MONTGOMERY ESTATE DAVIES NCT-2 #93	LEVELLAND	0.0	AMOCO PRODUCTION

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8330827	F-8A-063530	4221933656		103		MONTGOMERY ESTATE DAVIES NCT-2 #97	LEVELLAND	25.6	AMOCO PRODUCTION
8330850	F-8A-064339	4241532294		108		P L FULLER NCT-1 #350	FULLER E CANYON	8.8	FULLER GASOLINE P
-THOMPSON J CLEO & JAMES CLED JR				RECEIVED:	04/06/83	JA: TX			
8330794	F-7C-61830	4210534141		103	107-TF	UNIVERSITY 32-11 #1	OZONA (CANYON SAND)	160.0	PRODUCERS GAS CO
-TOM L INGRAM				RECEIVED:	04/06/83	JA: TX			
8330923	F-08-065238	4200333280		103		SUN #2	FUHRMAN-MASCHO	36.5	PHILLIPS PETROLEU
-TXO PRODUCTION CORP				RECEIVED:	04/06/83	JA: TX			
8330861	F-8A-064604	4211531731		102-4		BURKETT #1	R G S (SPRABERRY)	20.0	TEXACO INC
8330817	F-08-06299	4222732956		103		FRYAR #2	BIG SPRING (FUSSELMAN	100.0	GETTY OIL CO
8330885	F-06-064896	4240131576		102-4		KANGERGA "B" #1	TALIAFERRO (PETTIT UP	0.0	
-U S OPERATING INC				RECEIVED:	04/06/83	JA: TX			
8330843	F-03-064051	4228731303		102-4		TYLER #1 RRC ID# N/A	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
-UNION OIL COMPANY OF CALIF				RECEIVED:	04/06/83	JA: TX			
8330993	F-8A-065467	4216532443		103		NORTH RILEY UNIT #16-R	RILEY NORTH	4.0	PHILLIPS PETROLEU
8330992	F-8A-065464	4216532453		103		NORTH RILEY UNIT #58-R	RILEY NORTH	1.0	PHILLIPS PETROLEU
8330994	F-01-065470	4210534245		102-2		PAMELA ACTON #2	MASSIE (STRAWN)	750.0	INTRATEX GAS CO
-VALERA OIL CO				RECEIVED:	04/06/83	JA: TX			
8330887	F-7B-064906	4208300000		108		M HARGETT 074211	COLEMAN COUNTY REGULA	6.0	UNION TEXAS PETRO
-W A SCHINDLER				RECEIVED:	04/06/83	JA: TX			
8330832	F-03-063766	4205132295		102-2		SCHINDLER-NOVOSAD #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-W E CARL				RECEIVED:	04/06/83	JA: TX			
8330791	F-03-61439	4208931322		102-4		ELSIE PENFIELD COOPER #2 #103226	EASTER S (8920)	50.0	TENNESSEE GAS PIP
-W H & S OIL CO				RECEIVED:	04/06/83	JA: TX			
8330859	F-7B-064557	4205931903		102-4		MCCLURE TR 1 #1	NICHOLAS (DUFFER)	7.0	EL PASO HYDROCARB
-WALKER OIL & GAS				RECEIVED:	04/06/83	JA: TX			
8330763	F-7B-58689	4204932335		102-4		M J BYRD #2	WILDCAT	23.0	ODESSA NATURAL CO
-WAYNE HARPER				RECEIVED:	04/06/83	JA: TX			
8330997	F-09-065493	4209732130		103		ROBINSON #1	SIVELLS BEND FIELD	25.0	SIVELLS GAS LTD
8330995	F-09-065471	4209732150		103		YATES "A" #2	SIVELLS BEND FIELD	30.0	SIVELLS GAS LTD
-WILLIAM PERLMAN				RECEIVED:	04/06/83	JA: TX			
8330731	F-7C-27776	4243500000		108		FIELDS "51" #1	SAWYER (CANYON)	20.0	EL PASO NATURAL G
8330744	F-7C-52682	4243500000		108		GEORGE BROCKMAN 37 #1	SAWYER (CANYON)	0.0	EL PASO HYDROCARB
8330743	F-7C-52681	4243532078		108		GEORGE BROCKMAN 64 #2	SAWYER (CANYON)	0.0	EL PASO HYDROCARB
8330742	F-7C-52678	4210531844		108		LILLIAM M HUDSPETH MEM HOSP A #2	WHITEHEAD (STRAWN)	0.0	EL PASO NATURAL G
-WILLIAMS PETROLEUM CO				RECEIVED:	04/06/83	JA: TX			
8330983	F-7B-065430	4236300000		103		LANDAR #12	BELDING (BEND CONGL)	500.0	TEXAS UTILITIES F
-WILSON ENERGY INC				RECEIVED:	04/06/83	JA: TX			
8330849	F-7C-064322	4210532789		108		MAGGIE NEAL #4	WEGER (NORTH)	0.1	J L DAVIS
-WOOLEY PETROLEUM				RECEIVED:	04/06/83	JA: TX			
8330905	F-09-065021	4249732484		103		HALL-BOOTH #1	ALVORD SOUTH (ATOKA)	7.3	TEXAS UTILITIES F
-ZERO CORP OF TEXAS				RECEIVED:	04/06/83	JA: TX			
8330799	F-01-61935	4228300000		102-4		SOUTH TEXAS SYNDICATE #33-1	MULA PASTURE N (4900)	1346.0	ESPERANZA TRANSMI

[FR Doc. 83-11672 Filed 4-29-83; 8:45 am]
BILLING CODE 6717-01-C

[Volume 882]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 26, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd. Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 882
ISSUED APRIL 26, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-SHELL OIL CO				RECEIVED:	04/06/83	JA: MI			
8331161		2113700000		102-4		STATE CORWITH 2-31	CORWITH 31	133.0	MICHIGAN CONSOLID
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-ALAN J ANTWEIL				RECEIVED:	04/06/83	JA: NM			
8331001		3002528036		103		MOBY #1 7-D-20S-38E	UNDESIGNATED DRINKARD	56.3	WARREN PETROLEUM
-EL PASO NATURAL GAS COMPANY				RECEIVED:	04/06/83	JA: NM			
8331005		3002500000		108		RHODES GSU #20	RHODES - YATES SEVEN	19.0	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED:	04/06/83	JA: NM			
8331004		3002506813		108		J N CARSON (NCT-A) #4	BLINEBRY	20.2	NORTHERN NATURAL
-HARVEY E YATES COMPANY				RECEIVED:	04/06/83	JA: NM			
8331006		3002527444		107-TF		MCDONALD UNIT #1	WILDCAT	0.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	04/06/83	JA: NM			
8331003		3001522789		108		IMGRAM JACKSON "BV" #7	EAGLE CREAK ATOKA MOR	0.0	TRANSWESTERN PIPE
8331002		3001522712		108		NILES "KA" COM #1	UND WOLFCAMP	0.0	TRANSWESTERN PIPE
OHIO DEPARTMENT OF NATURAL RESOURCES									
-AMTEX OIL AND GAS INC				RECEIVED:	04/05/83	JA: OH			
8331007		3408120416		103		MCDANNELS #1	SALEM	250.0	COLUMBIA GAS TRAN
8331008		3408120443		103		RED OAKS COUNTRY CLUB #1	SALEM	250.0	COLUMBIA GAS TRAN
-APPALACHIAN EXPLORATION INC				RECEIVED:	04/05/83	JA: OH			
8331009		3415321136		107-TF		R VAN HYNING #4	NORTON	54.8	
8331010		3415321235		107-TF		TENKE UNIT #1	COPLEY	45.6	
-ATLAS ENERGY GROUP INC				RECEIVED:	04/05/83	JA: OH			
8331011		3415521943		102-2	107-TF	KOVISTO #1	KINSMAN	0.0	COLUMBIA GAS TRAN
-ATWOOD RESOURCES INC				RECEIVED:	04/05/83	JA: OH			
8331012		3415723616		103	107-TF	DONALD LEVENGOOD #1	NEW PHILADELPHIA	15.0	
-BARVAL				RECEIVED:	04/05/83	JA: OH			
8331013		3410322373		103	107-TF	VALENTINE #3	WADSWORTH	0.8	JONES & LAUGHLIN
-BECK OIL & GAS CO				RECEIVED:	04/05/83	JA: OH			
8331014		3415121563		107-RT		TROESCHER #1	PARIS	0.0	COLUMBIA GAS TRAN
-BENNOC INC				RECEIVED:	04/05/83	JA: OH			
8331015		3401320470		103		HOWARD WISCH #1	BELLAIR	1.5	COLUMBIA GAS TRAN
-BERMAN J SHAFER				RECEIVED:	04/05/83	JA: OH			
8331016		3416923214		107-TF		EMANUEL J MILLER #1	SALT CREEK	7.5	COLUMBIA GAS TRAN
-BRALKO ENERGY INC				RECEIVED:	04/05/83	JA: OH			
8331018		3400721423		107-TF		ALBERT V HENDERSON & G P LANDWEHR #	SHEFFIELD	0.0	EAST OHIO GAS CO
8331019		3400721753		107-TF		JAMES ANDREGO #1	CHERRY VALLEY	56.0	PARK OHIO
8331017		3400721422		107-TF		JAMES CUSANO #1	SHEFFIELD	0.0	EAST OHIO GAS CO
-BRUSK JOINT VENTURE				RECEIVED:	04/05/83	JA: OH			
8331020		3411921815		107-RT		FISHER #3	MALTA	1.6	COLUMBIA GAS TRAN
8331021		3411921833		107-RT		MURPHY #1	MALTA	1.6	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO				RECEIVED:	04/05/83	JA: OH			
8331022		3407523090		108		MILDRED HOOPS #1		12.0	COLUMBIA GAS TRAN

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CARLTON OIL CORP				RECEIVED: 04/05/83 JA: OH					
8331023		3416726152	D	107-DV		PRYOR #1	GRANDVIEW	50.0	RIVER GAS CO
-CLARENCE SHERMAN				RECEIVED: 04/05/83 JA: OH					
8331024B		3407521714	D	107-RT		HERSHBERGER #2	CLARK	6.4	COLUMBIA GAS TRAN
8331024A		3407521714		103		HERSHBERGER #2	CLARK	6.4	COLUMBIA GAS TRAN
-CLINTON OIL CO				RECEIVED: 04/05/83 JA: OH					
8331146B		3415123838	D	107-TF		ARMITAGE UNIT #1-811	LAKE	10.0	
8331146A		3415123838		103		ARMITAGE UNIT #1-811	LAKE	10.0	
8331144		3412725883		103	107-TF	H HOPKINS #1-789	BEARFIELD	10.0	
8331145		3412725885		103	107-TF	J MAHON #2-794	BEARFIELD	10.0	
-CONGLETON HAYWARD				RECEIVED: 04/05/83 JA: OH					
8331085		3416721969		108		CONGLETON #1	CONGLETON FARM LIBERT	10.5	RIVER GAS CO
8331086		3416722025		108		CONGLETON #2	CONGLETON FARM LIBERT	0.1	RIVER GAS CO
-CUMBERLAND EXPLORATION INC				RECEIVED: 04/05/83 JA: OH					
8331025		3416727372		103		CARL MCDONALD #1	BARLOW	36.0	RIVER GAS CO
-DERBY OIL & GAS CORP				RECEIVED: 04/05/83 JA: OH					
8331026		3412725801		103		THOMAS WOLFE #2	READING	12.0	FORAKER GAS CO IN
-DOME ENERGY 82-2				RECEIVED: 04/05/83 JA: OH					
8331027		3409321189		107-TF		HUGHES #3	COLUMBIA	6.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP				RECEIVED: 04/05/83 JA: OH					
8331030		3400722062		103	107-TF	BEREGSAZY WELL #2	COLEBROOK	20.0	
8331031B		3405520238	D	107-RT		ERB #1	MIDDLEFIELD	18.0	COLUMBIA GAS TRAN
8331031A		3405520238		103		ERB #1	MIDDLEFIELD	18.0	COLUMBIA GAS TRAN
8331029		3400722040		103	107-TF	FETTERS UNIT #2	NEW LYME	18.0	
-ENERGY PRODUCTION INC				RECEIVED: 04/05/83 JA: OH					
8331032		3412122709		103	107-TF	ESCHMAN #2	CALDWELL	25.0	TEXAS EASTERN TRA
8331033		3412122741		103	107-TF	HARRIS #1	CALDWELL	20.0	TEXAS EASTERN TRA
-ENVIROGAS INC				RECEIVED: 04/05/83 JA: OH					
8331034		3400922707		103	107-TF	DRYDOCK COAL #33TR	TRIMBLE	27.3	
8331035		3400922734		103	107-TF	DRYDOCK COAL #52D	DOVER	18.2	
-EVERFLOW EASTERN INC				RECEIVED: 04/05/83 JA: OH					
8331038		3415123414		108		GARAUX #2	PIKE	0.0	
8331036		3413321037		108		PEPPARD-COLLINS #1	SHALERSVILLE	0.0	EAST OHIO GAS CO
8331037		3413321038		108		PEPPARD-COLLINS #2	SHALERSVILLE	0.0	EAST OHIO GAS CO
8331039		3415723800		103	107-TF	TUSCARAWAS COUNTY COMMISSIONERS #1	GOSHEN TOWNSHIP	0.0	
-FORAKER PRODUCING COMPANY INC				RECEIVED: 04/05/83 JA: OH					
8331040		3400921875		108		MILLER #2		4.0	
8331041		3400921885		108		MILLER #4		4.5	
8331043		3411924625		108		RITTBERGER #1		5.0	
8331042		3400921901		108		SEEVERS #1		10.0	
-G & W OIL & GAS CO				RECEIVED: 04/05/83 JA: OH					
8331084		3416723191		108		RONSHAUSEN & THOMAS #3		3.7	RIVER GAS CO
-GASEARCH INC				RECEIVED: 04/05/83 JA: OH					
8331044		3400722136		103	107-TF	KIRBY #1	CHERRY VALLEY	20.0	AMERICAN ENERGY S
8331045		3415522223		103	107-TF	STONEYBROOK #3	HUBBARD	20.0	YANKEE RESOURCES
-GRAHAM-MICHAELIS CORP				RECEIVED: 04/05/83 JA: OH					
8331066		3406920078		102-4		BARNES #1-5	RICHFIELD	50.0	
8331075		3406920094		102-2		BECK #1-28	DAMASCUS	36.0	
8331065		3406920077		102-2		CONN #1-31 "A"	DAMASCUS	4.0	
8331057		3406920058		102-4		CROHINGER #1-4	RICHFIELD	43.0	
8331053		3406920049		102-4		DENNIS 1-15	RICHFIELD	4.0	
8331048		3406920041		102-4		DIBLING #1-26	DAMASCUS	98.0	
8331074		3406920093		102-2		EBERLY #1-29	DAMASCUS	12.0	
8331078		3406920106		102-2		ECKEL #1-25	DAMASCUS	33.0	
8331063		3406920068		102-4		FOLLETT #1-5	RICHFIELD	25.0	
8331072		3406920088		102-4		FREY #1-32	DAMASCUS	25.0	
8331061		3406920065		102-4		GOODMAN #1-8	RICHFIELD	98.0	
8331058		3406920059		102-2		HOUSER #1-21	DAMASCUS	4.0	
8331069		3406920083		102-4		JOHNSON #1-33	DAMASCUS	33.0	
8331067		3406920080		102-4		JONES 1-5	RICHFIELD	16.0	
8331056		3406920055		102-4		JUNGE #1-27	DAMASCUS	16.0	
8331052		3406920047		102-4		KIEFFER #1-10	RICHFIELD	33.0	
8331068		3406920082		102-4		LANZER #1-33	DAMASCUS	8.0	
8331064		3406920069		102-2		LOVEWELL #1-6	RICHFIELD	16.0	
8331073		3406920092		102-2		MOTYCKA #1-31	DAMASCUS	28.0	
8331070		3406920084		102-4		MOWERY #1-32	DAMASCUS	50.0	
8331079		3406920107		102-2		NICKELS #1-26	DAMASCUS	50.0	
8331071		3406920086		102-4		NULTON #1-4 "A"	RICHFIELD	33.0	
8331047		3406920035		102-4		R SHEPARD #1-9	RICHFIELD	148.0	
8331059		3406920062		102-4		ROHRBAUGH #1-27	DAMASCUS	10.0	
8331076		3406920099		102-2		RUDOLPH #1-35	DAMASCUS	50.0	
8331054		3406920051		102-4		SHEPARD #1-3	RICHFIELD	13.0	
8331082		3406920115		102-2		SHUFELT #1-34	DAMASCUS	4.0	
8331049		3406920042		102-4		SHULL #1-11	RICHFIELD	41.0	
8331081		3406920112		102-2		SMITH #1-3	RICHFIELD	82.0	
8331062		3406920067		102-4		SONNENBERG #1-5	RICHFIELD	10.0	
8331060		3406920063		102-4		SONNENBERG #1-8	RICHFIELD	10.0	
8331046		3406920034		102-4		STAUB #1	RICHFIELD	2.0	
8331055		3406920052		102-4		STEPHENS #1-9	RICHFIELD	29.0	
8331050		3406920043		102-4		TONJES #1-22	DAMASCUS	33.0	
8331077		3406920100		102-2		WEASEL #1-35	DAMASCUS	4.0	
8331080		3406920109		102-2		WELLS #1-34	DAMASCUS	4.0	
8331051		3406920045		102-4		WENDT #1-10 "A"	RICHFIELD	74.0	
-GREENLAND PARTNERSHIP-82-2				RECEIVED: 04/05/83 JA: OH					
8331083		3407322661		103		STIVISON #1	MARION	20.0	COLUMBIA GAS TRAN
-HOPCO RESOURCES INC				RECEIVED: 04/05/83 JA: OH					
8331088		3403125022		103		DOUGHTY #A2	KEENE	5.0	
8331087		3403125021		103		RENFREW #2	KEENE	5.0	COLUMBIA GAS TRAN
-J O B INC				RECEIVED: 04/05/83 JA: OH					
8331089		3416727410		103		KRIS-MAR #2 - PW132	WARREN	7.3	RIVER GAS CO
-K S T OIL & GAS CO INC				RECEIVED: 04/05/83 JA: OH					
8331092		3415321269		103	107-TF	BLOSSOM #9	NORTHAMPTON	0.0	YANKEE RESOURCES
8331090		3415321104		103	107-TF	CARPER-BLOSSOM #1	NORTHAMPTON	0.0	YANKEE RESOURCES
8331093		3415321292		103	107-TF	K S U FOUNDATION #1	NORTHAMPTON	0.0	YANKEE RESOURCES
8331091		3415321248		103	107-TF	WHEATLEY #4	NORTHAMPTON	0.0	YANKEE RESOURCES
-LAKE REGION OIL INC				RECEIVED: 04/05/83 JA: OH					
8331095		3415123642		107-TF		L & S CARLSON #1	NIMISHILLEN	30.0	EAST OHIO GAS CO
8331094		3407523954		103		LUTHER & MADELINE LAHM #2	KNOX	10.0	EAST OHIO GAS CO
-LEADER EQUITIES INC				RECEIVED: 04/05/83 JA: OH					
8331096		3411926549		103	107-TF	MASON #1	MONROE	14.0	
-LESLIE OIL AND GAS CO INC				RECEIVED: 04/05/83 JA: OH					
8331097		3407522022		103		BOUGHMAN #1	KILLBUCK	20.0	COLUMBIA GAS TRAN
8331098		3407522023		103		BOUGHMAN #2	KILLBUCK	20.0	COLUMBIA GAS TRAN
8331099		3407522025		103		BOUGHMAN #4	KILLBUCK	20.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8331101		3415723303		107-RT		E SIMMERMON #2	WASHINGTON	20.0	EAST OHIO GAS CO
8331103		3415723321		107-RT		FLAY LYON 1	PERRY	20.0	EAST OHIO GAS CO
8331102		3415723320		107-RT		R & K GARDNER #1	PERRY	0.0	EAST OHIO GAS CO
8331100		3415723225		107-RT		TIDRICK-GARDNER #1	PERRY	20.0	EAST OHIO GAS CO
-LOMAK PETROLEUM INC				RECEIVED:	04/05/83	JA: OH			
8331104		3405524130		107-TF		DEAN & GRAY #1	BURTON	30.0	YANKEE RESOURCES
8331106		3405524160		107-TF		G TALCOTT #1	BURTON	30.0	YANKEE RESOURCES
8331107		3413322971		107-TF		J VISOCAN #1	NELSON	24.0	YANKEE RESOURCES
8331105		3405524140		107-TF		M REED #1-A	BURTON	30.0	YANKEE RESOURCES
-MCCLAIN OIL CO				RECEIVED:	04/05/83	JA: OH			
8331108		3408924603		103		GRAFT #3	HOPEWELL	0.6	NATIONAL GAS & OI
-MID-CON OIL COMPANY				RECEIVED:	04/05/83	JA: OH			
8331109		3408924598		103		HUPP GORDON #2	BOWLING GREEN	12.0	NATIONAL GAS & OI
8331110		3408924605		103		W M LAUTENSCHARGER #1	BOWLING GREEN	14.0	NATIONAL GAS & OI
-MILLER OIL & GAS CO				RECEIVED:	04/05/83	JA: OH			
8331111		3416923498		107-TF		I HERSHBERGER #1	PAINT	8.0	COLUMBIA GAS TRAN
-NEW FRONTIER EXPLORATION INC				RECEIVED:	04/05/83	JA: OH			
8331116		3406720576		103	107-TF	BOWERS-HUGHES UNIT #1	MONROE	14.0	TENNECO OIL CO
8331120		3415123754		103	107-TF	DONALD ROHR #2	WASHINGTON	18.0	YANKEE RESOURCES
8331112		3402920576		103	107-TF	ELIZABETH KREITZER #1	WEST	12.0	COLUMBIA GAS TRAN
8331122		3415123814		103	107-TF	GABRIC-ROHR UNIT #1	WASHINGTON	18.0	YANKEE RESOURCES
8331119		3412122954		103	107-TF	GEORGE SLATER #3	NOBLE	24.0	YANKEE RESOURCES
8331113		3402920917		103	107-TF	HERBERT EGLIE #1	WEST	12.0	COLUMBIA GAS TRAN
8331114		3402920918		103	107-TF	HERBERT EGLIE #2	WEST	12.0	COLUMBIA GAS TRAN
8331117		3412122559		103	107-TF	JOSEPH CROCK #3	ENOCH	24.0	COLUMBIA GAS TRAN
8331121		3415123772		103	107-TF	MAY-JOHNSON UNIT #1	WASHINGTON	18.0	YANKEE RESOURCES
8331118		3412122934		103	107-TF	MURL PICKENPAUGH #2	NOBLE	26.0	YANKEE RESOURCES
8331123		3415723799		103	107-TF	RAYMOND METZGER #1	WARWICK	22.0	YANKEE RESOURCES
8331115		3406720429		103	107-TF	SHEEHAN-SADOWSKI #1	MONROE	16.0	TENNECO OIL CO
-NOBLE OIL CORP				RECEIVED:	04/05/83	JA: OH			
8331125		3413322846		107-TF		FLICK-CHRISTENSEN #1	DEERFIELD	20.0	GENERAL ELECTRIC
8331124		3413322820		107-TF		KOHLER #1	NELSON	20.0	EAST OHIO GAS CO
-ORION ENERGY CORP				RECEIVED:	04/05/83	JA: OH			
8331126		3416923483		107-TF		BILLMAN #3	CHESTER	15.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED:	04/05/83	JA: OH			
8331150	OX-4098	3411926493		103	107-TF	JAMES TILLEY #1	SPRINGFIELD	11.0	
8331149	OX-3677	3403124894		103	107-TF	PAUL ROBINSON #3	BETHLEHEM	11.0	
-PARADOX OHIO LTD 82				RECEIVED:	04/05/83	JA: OH			
8331129		3411926558		103	107-TF	KARIL C & BARBARA J SAUNDERS #1	WAYNE	6.0	NATIONAL GAS & OI
-PAUL S FLEEMAN				RECEIVED:	04/05/83	JA: OH			
8331130		3416702246		108		GEORGE LAUER #1		1.4	COLUMBIA GAS TRAN
8331131		3416702255		108		HENRY WETZLER #1		1.4	COLUMBIA GAS TRAN
-POI ENERGY INC				RECEIVED:	04/05/83	JA: OH			
8331128		3400722082		103	107-TF	HRABAL UNIT #8	ANDOVER	60.0	
8331127		3400722081		103	107-TF	HRABAL UNIT #9	ANDOVER	60.0	
-QUAKER STATE OIL REFINING CORP				RECEIVED:	04/05/83	JA: OH			
8331132		3407322750		103		SUNDAY CREEK COAL CO #77	WARD	29.2	COLUMBIA GAS TRAN
-RELIANCE ENERGY				RECEIVED:	04/05/83	JA: OH			
8331028		3404520577		108		WINEGARDNER-MILLER #1		0.0	COLUMBIA GAS TRAN
-RIMCO OPERATING INC				RECEIVED:	04/05/83	JA: OH			
8331133		3416923457		103	107-TF	TRIVANOVICH #6	WOOSTER	12.0	EAST OHIO GAS CO
-RPJ ENERGY FUND MANAGEMENT INC				RECEIVED:	04/05/83	JA: OH			
8331134		3411926500		103	107-TF	BUNTING-DANIEL #1	UNION	50.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED:	04/05/83	JA: OH			
8331135		3416725195		103		PICKERING #1	MARIETTA	91.3	
-STOCKER&SITLER INC				RECEIVED:	04/05/83	JA: OH			
8331138		3411122745		107-DV		DRUM UNIT #2	OHIO	36.0	
8331136		3411122708		107-DV		ISALY UNIT #1	OHIO	37.0	
8331140		3416320556		107-DV		LOCKARD UNIT #4	CLINTON	22.0	COLUMBIA GAS TRAN
8331139		3411122832		107-DV		SCHULTHEISS UNIT #1A	LEE	37.0	
8331137		3411122741		107-DV		TISHER UNIT #1	OHIO	36.0	
-TEXACO INC				RECEIVED:	04/05/83	JA: OH			
8331141		3411523004		103		C R PHILLIS UNIT #2	HACKNEY POOL	0.0	TEXAS EASTERN TRA
8331143		3411523009		103		MURRAY-GANNON UNIT #2	HACKNEY POOL	510.3	TEXAS EASTERN TRA
8331142		3411523005		103		RALPH MORETZ UNIT #2	HACKNEY POOL	0.0	TEXAS EASTERN TRA
-THE GOODYEAR TIRE & RUBBER COMPANY				RECEIVED:	04/05/83	JA: OH			
8331148		3415321161		107-TF		GOODYEAR AKRON #5	SPRINGFIELD	35.0	EAST OHIO GAS CO
8331147		3415321055		107-TF		GOODYEAR AKRON NO 4	SPRINGFIELD	35.0	EAST OHIO GAS CO
-TOWNER PETROLEUM CO				RECEIVED:	04/05/83	JA: OH			
8331151		3401320478		103	107-TF	BATES G #1	FLUSHING	27.0	TENNESSEE GAS PIP
8331152		3405923088		103	107-TF	MOORE F E #1	JEFFERSON	27.0	TENNESSEE GAS PIP
8331153		3405923435		103	107-TF	SELLERS A #2	OXFORD	27.0	TENNESSEE GAS PIP
-VICTOR MCKENZIE				RECEIVED:	04/05/83	JA: OH			
8331154		3412725748		103	107-TF	C STOESSEL #1	MADISON	5.0	NATIONAL GAS & OI
-VIKING RESOURCES CORP				RECEIVED:	04/05/83	JA: OH			
8331157		3408520390		103	107-TF	BREWSTER #2	PERRY	30.0	
8331156		3408520388		103	107-TF	COLLINS #1	PERRY	30.0	
8331159		3408520421		103	107-TF	D LONG UNIT #1	PERRY	30.0	
8331158		3408520412		103	107-TF	DUGAN/BROCKWAY UNIT #1	PERRY	30.0	
8331155		3408520358		103	107-TF	LOSELY #2	PERRY	30.0	
-WILLIAM M TIPKA				RECEIVED:	04/05/83	JA: OH			
8331160		3410322908		103	107-TF	MAY-DICK #1	HINCKLEY	5.0	COLUMBIA GAS TRAN

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OKLAHOMA CORPORATION COMMISSION

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-ANADARKO PRODUCTION COMPANY				RECEIVED:	08/07/81	JA: OK			
8151061	9898	3509300000		103		BANE B #2		0.0	
8151075	11875	3500700000		102-4	103	JUDY B #1		0.0	
-ANDOVER OIL COMPANY				RECEIVED:	08/07/81	JA: OK			
8151068	11838	3501700000		102-2	103	BONEBRAKE #21-1		0.0	
-APOLLO PRODUCTION LTD				RECEIVED:	08/07/81	JA: OK			
8151074	10867	3507300000		102-4	103	GRELLNER #25-14		0.0	
-B R POLK INC				RECEIVED:	08/07/81	JA: OK			
8151052	8680	3508300000		103		SMITH #1		0.0	
-BROCK HYDROCARBONS INC				RECEIVED:	08/07/81	JA: OK			
8151076	8272	3504500000		102-4		THURMOND #1-36		0.0	
-CHASE EXPLORATION CORP				RECEIVED:	08/07/81	JA: OK			
8151056	9800	3507100000		103		HUBBARD #1-19		0.0	
8151059	9805	3507100000		103		KAHLE/WA #4 #2-24		0.0	
8151058	9804	3507100000		103		LEBEDA #2-35		0.0	
8151055	9799	3507100000		103		SCHIEBER #1-21		0.0	
8151057	9803	3507100000		103		SHAFER #2-21		0.0	
-CLIFFORD RESOURCES INC				RECEIVED:	08/07/81	JA: OK			
8151054	9763	3501700000		103		RUTH SMITH #1		0.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-COBRA OIL AND GAS CORPORATION				RECEIVED:	08/07/81	JA: OK			
8151049	8031	3505900000		102-4	103	AITKEN "4" #1		0.0	
-CROUCH PETROLEUM COMPANY				RECEIVED:	08/07/81	JA: OK			
8151051	8533	3502500000		102-4		CRONE #2-28		0.0	
-GEORGE RODMAN INC				RECEIVED:	08/07/81	JA: OK			
8151079	10054	3508700000		103		SHOBERT #1-23		0.0	
-JOSEPH I ONEILL JR				RECEIVED:	08/07/81	JA: OK			
8151078	10053	3500700000		108		SMITH #1		0.0	
-LONG ROYALTY CO				RECEIVED:	08/07/81	JA: OK			
8151050	8135	3501700000		103		YOUNG #1		0.0	
-M-T DRILLING CO				RECEIVED:	08/07/81	JA: OK			
8151069	11852	3508300000		102-2		EVANS #1		0.0	
-MUSTANG PRODUCTION CO.				RECEIVED:	08/07/81	JA: OK			
8151072	11960	3504500000		102-2		CROSS #1-17		0.0	
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	08/07/81	JA: OK			
8151077	10049	3507300000		108		OKLAHOMA F #1		0.0	
8151064	10151	3510900000		108		WEOC FLYNN #2 AKA FLYNN A #2		0.0	
8151065	10150	3501700000		108		WIEWEL A #1		0.0	
-S K TUTHILL & B J BARBEE				RECEIVED:	08/07/81	JA: OK			
8151066	11689	3515300000		102-2		HOLIDAY #1-28		0.0	
8151071	11942	3515300000		102-2		SIMPSON WALKER #1-27		0.0	
8151067	11692	3515300000		102-2		WELTY #1-9		0.0	
-SENECA OIL CO				RECEIVED:	08/07/81	JA: OK			
8151070	11889	3509300000		102-2	103	GARNEY #1-26		0.0	
-SERVICE DRILLING CO				RECEIVED:	08/07/81	JA: OK			
8151053	9706	3508300000		103		ORNDORFF #1-4		0.0	
-SUN OIL CO				RECEIVED:	08/07/81	JA: OK			
8151048	4329	3505300000		108-ER		S W WAKITA #4-1 AKA RALPH CONNERY *		0.0	
-TEXAS OIL & GAS CO				RECEIVED:	08/07/81	JA: OK			
8151073	11996	3500700000		102-4		SMYRES #1		0.0	
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:	08/07/81	JA: OK			
8151063	10036	3509300000		103		FAITH #1-23		0.0	
8151062	10034	3501700000		103		JUSTIN #1-26		0.0	
-VULCAN ENERGY CORP				RECEIVED:	08/07/81	JA: OK			
8151060	9633	3504700000		103		PRIBYL-CROKA #1		0.0	

[FR Doc. 83-11673 Filed 4-29-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 883]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 26, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, filed a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source date from the Form 121 for this and all previous notices is available on magnetic tape from the National technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservior on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS VOLUME 883
ISSUED APRIL 26, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION									
-ADAMS PETROLEUM ENTERPRISES CORP		RECEIVED:		04/06/83		JA: OK			
8331197	18050	3506321186		103		CALL YOUR BANKER #1	GREASY CREEK	146.0	TRANSOK PIPE LINE
-ANDOVER OIL COMPANY		RECEIVED:		04/06/83		JA: OK			
8331187	20873	3501121687		103		KEPHART #32-1		0.0	OKLAHOMA GAS PIPE
-ARCO OIL AND GAS COMPANY		RECEIVED:		04/06/83		JA: OK			
8331199	20770	3504700000		108		WILLIAMSON #1	SOONER TREND	16.4	EXXON CO U S A
-ARTESIAN OIL & GAS CORP		RECEIVED:		04/06/83		JA: OK			
8331205	19579	3504521039		102-4	103	KRIEGER #1-8		0.0	NORTHERN NATURAL
-BEARD OIL COMPANY		RECEIVED:		04/06/83		JA: OK			
8331193	20894	3507323591		103		GILBERT #1	SOONER TREND-DOVER EA	27.0	EXXON CO U S A
8331194	20896	3507323661		103		WALKER #1	SOONER TREND-DOVER WE	68.0	PHILLIPS PETROLEU
-C W SMITH & ASSOCIATES INC		RECEIVED:		04/06/83		JA: OK			
8331189	20878	3508121662		103		MOORE/OLIVER #3	S E DAVENPORT	20.0	MERIDIAN ENERGY I
-CITIES SERVICE COMPANY		RECEIVED:		04/06/83		JA: OK			
8331188	20875	3513921642		103		BUZZARD D #3	SOUTHEAST TRACY	44.6	NORTHERN NATURAL
-CORE OIL & GAS CORP		RECEIVED:		04/06/83		JA: OK			
8331198	18326	3513722607		103		MILLER #1-A	SHO-VEL-TUM	0.0	AMINOIL USA INC
-COTTON PETROLEUM CORPORATION		RECEIVED:		04/06/83		JA: OK			
8331196	23679	3505121339		107-DP		KENNETH #1	COTTONWOOD SW	0.0	UNITED GAS PIPELI
-DAMSON OIL CORPORATION		RECEIVED:		04/06/83		JA: OK			
8331184	20014	3505520446		108		THREADGILL #1	MANGUM	2.2	ARKANSAS LOUISIAN
-DAVIS OIL COMPANY		RECEIVED:		04/06/83		JA: OK			
8331164	19779	3512920721		102-2	103	A CROSS RANCH #1	RED MOON	0.0	EL PASO NATURAL G
8331163	19778	3510521163		102-2		TALKINGTON #1	EAKLEY	0.0	PANHANDLE EASTERN
-DONALD C SLAWSON		RECEIVED:		04/06/83		JA: OK			
8331182	19538	3506120460		102-4		SNOW #1-13	ARKOMA	600.0	ARKANSAS LOUISIAN
-FAY C WOOD		RECEIVED:		04/06/83		JA: OK			
8331201	19992	3508300000		103		MATHESON #1	SOONER TREND	7.0	EASON OIL CO
-HELMERICH & PAYNE INC		RECEIVED:		04/06/83		JA: OK			
8331165	19783	3503920600		102-2		DEAN #1-29	NW CARPENTER	700.0	
-HIGHLANDS GOODALL & GREER INC		RECEIVED:		04/06/83		JA: OK			
8331162	17664	3505300000		103		SCHUERMANN		0.0	CRA INC
-HPC INC		RECEIVED:		04/06/83		JA: OK			
8331200	20430	3503920351		103		MCNEIL #4-15	SOUTH THOMAS	64.5	TRANSOK PIPELINE
-INTERNORTH INC		RECEIVED:		04/06/83		JA: OK			
8331186	20752	3500720830		108		JETT #1-6	S E LOGAN	4.1	NORTHERN NATURAL
-JOE D DAVIS		RECEIVED:		04/06/83		JA: OK			
8331191	20881	3512120986		103		LIGON #1		0.0	ARKANSAS LOUISIAN
-JOHN P CASTLEMAN JR		RECEIVED:		04/06/83		JA: OK			
8331202	19611	3502520525		102-4		CASTLEMAN-MORELAND #1	NORTH EAST SAMPSEL	0.0	
-MOBIL OIL CORP		RECEIVED:		04/06/83		JA: OK			
8331179	20640	3501900000		108		C F ADAMS #19	SHO VEL TUM	0.8	LONE STAR GAS CO
-MORAN EXPLORATION INC		RECEIVED:		04/06/83		JA: OK			
8331177	19880	3501721804		102-2		FRY #1	SOUTHWEST YUKON	0.0	PHILLIPS PETROLEU
8331178	19906	3501721572		102-2		H & F REALTY #1	YUKON	0.0	PHILLIPS PETROLEU
8331175	19878	3501721805		102-2		LAWSON #1	YUKON	0.0	PHILLIPS PETROLEU

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8331176	19879	3501721806		102-2		LAWSON #2	SOUTH YUKON	0.0	PHILLIPS PETROLEU
8331170	19818	3501721576		102-2		MCCONNELL #1	YUKON	0.0	PHILLIPS PETROLEU
8331171	19819	3501721950		102-2		O G & E #1	YUKON	0.0	PHILLIPS PETROLEU
8331168	19816	3501722031		102-2		O G & E #2	WEST OKARCHE	0.0	PHILLIPS PETROLEU
8331206	19575	3501721762		102-2		SBC #3	YUKON	0.0	PHILLIPS PETROLEU
8331173	19821	3501722029		102-2		SMRCKA #1	SOUTHWEST YUKON	0.0	PHILLIPS PETROLEU
8331172	19820	3501722028		102-2		SMRCKA #3	SOUTHWEST YUKON	0.0	PHILLIPS PETROLEU
8331174	19823	3501722030		102-2		SMRCKA #4	SOUTHWEST YUKON	0.0	PHILLIPS PETROLEU
8331167	19815	3501722133		102-2		STEJSKAL #1	SOUTHWEST YUKON	0.0	PHILLIPS PETROLEU
8331169	19817	3501722099		102-2		VAUGHT #1	EAST YUKON	0.0	PHILLIPS PETROLEU
-OKLAHOMA PETROLEUM MANAGEMENT CORP		RECEIVED: 04/06/83 JA: OK							
8331203	19598	3503724179		102-2		QUIER C #2		0.0	PARKS ENERGY INVE
-PIONEER PRODUCTION CORPORATION		RECEIVED: 04/06/83 JA: OK							
8331166	19791	3500920455		102-2	103	IKE HALL #1-1	WILDCAT	0.0	EL PASO NATURAL G
-REYNOLDS EXPLORATION CO		RECEIVED: 04/06/83 JA: OK							
8331195	20906	3507323183		103		KATHERINE #1	SOONER TREND	0.0	CONOCO INC
8331180	20665	3507322975		103		SMITH #1	SOONER TREND	0.0	CITIES SERVICE CO
-ROBERT P LAMMERTS		RECEIVED: 04/06/83 JA: OK							
8331181	07742	3501700000		102-3		SCHROEDER #1-21	NORTH CONCHO	0.0	PHILLIPS PETROLEU
-SPECTRA ENERGY CORP		RECEIVED: 04/06/83 JA: OK							
8331204	19581	3500722340		102-4		KASPER #1	MOCANE-LAVERNE GAS AR	1.0	TRANSWESTERN PIPE
-TXO PRODUCTION CORP		RECEIVED: 04/06/83 JA: OK							
8331185	20447	3515100000		108		CASE #1	N W AVARD	66.0	CITIES SERVICE GA
8331192	20887	3504321425		103		WIDNEY #1	S HUCMAC	0.0	DELHI GAS PIPELIN
-W J FORREST M D		RECEIVED: 04/06/83 JA: OK							
8331183	19563	3501722148		102-2		FORREST #1	YUKON NORTHWEST	180.0	PHILLIPS PETROLEU
-WESTERN PACIFIC PETROLEUM INC.		RECEIVED: 04/06/83 JA: OK							
8331190	20880	3504723028		103		WINTERS #1-10	SOUTHEAST DOUGLAS	25.6	ARCO OIL & GAS CO
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-CABOT OIL & GAS CORP		RECEIVED: 04/06/83 JA: WV							
8331214		4701501046		108		B C EAKLE #1	PLEASANT	10.4	CABOT CORP
8331215		4701501047		108		B C EAKLE #2	PLEASANT	7.0	CABOT CORP
8331218		4701501074		108		B MAHOOD #2	PLEASANT	2.5	CABOT CORP
8331223		4700501361		103		BULL CREEK #10	PEYTON	18.0	TENNESSEE GAS PIP
8331233		4706700340		108		C FOREMAN #2	JEFFERSON	10.3	CABOT CORP
8331213		4701501148		108		CALDWELL-SHELTON #1	PLEASANT	10.0	CABOT CORP
8331212		4701501045		108		COCHRAN #1	PLEASANT	7.3	CABOT CORP
8331237		4701900278		108		DEITZ & LUTTRELL #1	VALLEY	10.0	CABOT CORP
8331207		4701501023		108		FRED G MORTON #3	PLEASANT	7.8	CABOT CORP
8331208		4701501024		108		HENRY A WALKER #1	PLEASANT	10.0	CABOT CORP
8331235		4706700292		108		HILL & LONG B-1	JEFFERSON	7.0	CABOT CORP
8331225		4709901757		103		HOARD BALDWIN A-1	STONEWALL	18.0	TENNESSEE GAS PIP
8331221		4701501129		108		J G MORTON #1	PLEASANT	2.8	CABOT CORP
8331234		4706700319		108		J M TULLY #1	FAYETTEVILLE	13.0	CABOT CORP
8331209		4701501027		108		JAMES JOHNSON #1	PLEASANT	7.0	CABOT CORP
8331236		4701900286		108		KANAWHA - GAULEY A-4	FALLS	7.8	CABOT CORP
8331222		4701900258		108		KANAWHA - GAULEY D-1	VALLEY	15.4	CABOT CORP
8331238		4701900259		108		KANAWHA - GAULEY D-2	FALLS	5.4	CABOT CORP
8331216		4701501063		108		M KEENEY #1	PLEASANT	4.0	CABOT CORP
8331219		4701501081		108		NINA MURPHY #1	PLEASANT	4.0	CABOT CORP
8331220		4701501127		108		NINA MURPHY #2	PLEASANT	3.5	CABOT CORP
8331211		4701501032		108		PAUL D MORTON #1	PLEASANT	11.4	CABOT CORP
8331224		4706700451		103		SECONDO DALPORTO #2	JEFFERSON	18.0	TENNESSEE GAS PIP
8331232		4706700349		108		T W BROUGHMAN #1	JEFFERSON	9.2	CABOT CORP
8331217		4701501064		108		THELMA YODER #1	PLEASANT	6.7	CABOT CORP
8331210		4701501029		108		W B STONE #3	PLEASANT	16.0	CABOT CORP
-CARSON PETROLEUM CORP		RECEIVED: 04/06/83 JA: WV							
8331226		4702103852		103		O R MICK #2	INDIAN FORK	35.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 04/06/83 JA: WV							
8331227		4705900848		108		CHARLES A HAMILL #11910	STAFFORD DISTRICT	18.0	GENERAL SYSTEM PU
8331228		4705900838		108		CHARLES A HAMILL 11880	STAFFORD DISTRICT	20.0	GENERAL SYSTEM PU
8331229		4703301084		108		MATHENY - CALKINS # 12383	UNION DISTRICT	20.0	GENERAL SYSTEM PU
8331230		4700501070		108		SIDNEY WHITE 12421	WASHINGTON DISTRICT	17.0	GENERAL SYSTEM PU
-ENERGEX OIL & GAS CORP		RECEIVED: 04/06/83 JA: WV							
8331231		4710700951		108		J KETTERMAN #1	WILLIAMS DIST	10.0	CONSOLIDATED GAS
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
**********									
-AMOCO PRODUCTION CO		RECEIVED: 04/06/83 JA: NM 4							
8331283	NM-1839-82	3004511687		108		GALLEGOS CANYON UNIT #241 (4TH)	BASIN DAKOTA	19.0	EL PASO NATURAL G
8331312	NM-1542-82	3004506981		108		GALLEGOS CANYON UNIT #90	BASIN DAKOTA	20.0	EL PASO NATURAL G
8331282	NM-1838-82	3003906341		108		JICARILLA CONTACT 155 #1	SOUTH BLANCO - PICTUR	14.0	NORTHWEST PIPELIN
8331249	NM-1883-82	3003920214		108		JICARILLA CONTRACT 155 #21	SOUTH BLANCO - PICTUR	10.0	NORTHWEST PIPELIN
8331286	NM-1837-82	3003906318		108		JICARILLA CONTRACT 155 #7	SOUTH BLANCO	10.0	NORTHWEST PIPELIN
8331246	NM-1886-82	3003906325		108		JICARILLA CONTRACT 155 #9	SOUTH BLANCO - PICTUR	14.0	NORTHWEST PIPELIN
8331311	NM-1548-82	3004506819		108		M N GALT "M" #1	BASIN DAKOTA	20.0	SOUTHERN UNION GA
8331247	NM-1884-82	3004508926		108		PAN AM FEDERAL GAS COM "B" #1	BASIN - DAKOTA	20.0	EL PASO NATURAL G
8331251	NM-1881-82	3004510918		108		UTE MOUNTAIN TRIBAL GAS COM "D" #1	UTE DOME - PARADOX	20.0	EL PASO NATURAL G
8331250	NM-1882-82	3003921591		108		VALENCIA CANYON UNIT #23	CHOZA MESA - PICTURED	2.0	EL PASO NATURAL G
-BERGE EXPLORATION INC		RECEIVED: 04/06/83 JA: NM 4							
8331257	NM1732-82107	3000561635		102-2	107-TF	DALE-FEDERAL #14	UNDESIGNED ABO	365.0	TRANSWESTERN PIPE
-BLACKWOOD & NICHOLS CO LTD		RECEIVED: 04/06/83 JA: NM 4							
8331241	NM 1878-82	3004525367		103		NORTHEAST BLANCO UNIT #73	BLANCO MESAVERDE	120.0	EL PASO NATURAL G
8331240	NM 1879-82	3004525357		103		NORTHEAST BLANCO UNIT #74	BLANCO MESAVERDE	150.0	EL PASO NATURAL G
-CHACE OIL COMPANY INC		RECEIVED: 04/06/83 JA: NM 4							
8331243	NM 1898-82	3004520651		103		CHACE APACHE 54-10	CHACON DAKOTA	15.0	EL PASO NATURAL G
-CONSOLIDATED OIL & GAS INC		RECEIVED: 04/06/83 JA: NM 4							
8331300	NM-1847-82	3004500000		108		NANCE #1	BASIN-DAKOTA	19.0	SOUTHERN UNION GA
-DEPCO INC		RECEIVED: 04/06/83 JA: NM 4							
8331284	NM-177982107	3000561756		102-2	107-TF	ROSE FEDERAL #1	PECOS SLOPES ABO	270.0	TRANSWESTERN PIPE
-EL PASO EXPLORATION CO		RECEIVED: 04/06/83 JA: NM 4							
8331310	NM 1411-82	3003922978		103		JICARILLA 115E #14A	BLANCO MESAVERDE	50.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY		RECEIVED: 04/06/83 JA: NM 4							
8331263	NM 1888-82	3004525425		103		ALLISON UNIT COM #60	BLANCO MESAVERDE	300.0	EL PASO NATURAL G
8331304	NM-1603-82	3004523283		108		ATLANTIC #13	BLANCO - PICTURED CLI	22.0	EL PASO NATURAL G
8331290	NM-1156-82	3004520669		108		HEATON #25	AZTEC - PICTURED CLIF	22.0	EL PASO NATURAL G
8331285	NM-1834-82	3004520608		108		HUERFANO UNIT #201	BASIN DAKOTA	20.0	EL PASO NATURAL G
8331289	NM-1186-82	3004512066		108		LACKEY A #4	AZTEC - PICTURED CLIF	20.0	EL PASO NATURAL G
8331292	NM-1109-82	3003906974		108		SAN JUAN 27-5 UNIT #48 PC & MV	SOUTH BLANCO - PICTUR	17.0	EL PASO NATURAL G
8331275	NM-1817-82	3003921866		108		SAN JUAN 28-5 UNIT #103	BASIN DAKOTA	18.4	EL PASO NATURAL G
8331262	NM 1889-82-A	3003923053		103		SAN JUAN 28-6 UNIT #94A (MV)	BLANCO MESAVERDE	190.0	EL PASO NATURAL G
8331261	NM 1889-82-B	3003923053		103		SAN JUAN 28-6 UNIT #94A (PC)	SOUTH BLANCO PICTURED	50.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8331274	NM-1812-82	3003920624		108		SAN JUAN 28-7 UNIT #193	BASIN - DAKOTA	20.9	EL PASO NATURAL G
8331291	NM-1152-82	3003921106		108		SAN JUAN 28-7 UNIT #213	LARGO - CHACRA	20.0	EL PASO NATURAL G
8331301	NM-1855-82	3004508806		108		SUNRAY #2	BLANCO - MESA VERDE	22.0	EL PASO NATURAL G
8331245	NM 1687-82	3004525338		103		SUNRAY #7	BLANCO PICTURED CLIFF	80.0	EL PASO NATURAL G
8331306	NM 1298-82	3004521135		108		SUNRAY H #3	BLANCO - PICTURED CLI	22.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:	04/06/83	JA: NM 4			
8331268	NM-1858-82	3004506480		108		JOHN CHARLES #2	SOUTH BLANCO PICTURED	20.0	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED:	04/06/83	JA: NM 4			
8331302	NM-1857-82	3002522324		108		C E LAMUNYON #20	TEAGUE BLINEBRY	10.5	EL PASO NATURAL G
8331244	NM 1903-82	3004525435		103		SAN JUAN "5" FEDERAL COM #2	BISTI FARMINGTON	0.0	EL PASO NATURAL G
-KIMBELL OIL COMPANY				RECEIVED:	04/06/83	JA: NM 4			
8331299	NM-184582107	3003923059		103	107-TF	SALAZAR #5	BALLARD PICTURED CLIF	100.0	EL PASO NATURAL G
8331298	NM-184482107	3003923060		103	107-TF	SALAZAR #6	BALLARD PICTURED CLIF	100.0	EL PASO NATURAL G
8331267	NM-1843-107	3003923064		103	107-TF	SALAZAR #7	BALLARD PICTURED CLIF	100.0	EL PASO NATURAL G
8331296	NM-184282107	3003923061		103	107-TF	WARREN #6	BALLARD PICTURED CLIF	100.0	EL PASO NATURAL G
8331288	NM-184182107	3003923058		103	107-TF	WARREN #7	BALLARD PICTURED CLIF	100.0	EL PASO NATURAL G
8331287	NM-184082107	3003923066		103	107-TF	WARREN 8	SOUTH BLANCO PICTURED	100.0	EL PASO NATURAL G
-MESA PETROLEUM CO				RECEIVED:	04/06/83	JA: NM 4			
8331294	NM-1450-82	3001523194		108		ANTELOPE FEDERAL #1	WILDCAT	19.0	NORTHERN NATURAL
8331260	NM1892-82107	3000561657		102-2	107-TF	CHINA FEDERAL #9	UNDESIGNATED ABO	700.0	
8331323	NM-1681-82	3004500000		108		FEDERAL #4	SOUTH BLANCO P C	19.0	EL PASO NATURAL G
8331242	NM1893-82107	3000561518		102-2	107-TF	LODEWICK FEDERAL #5	PECOS SLOPE ABO	700.0	
8331314	NM-1652-82	3001522940		108		RUNYAN FEDERAL #2	WILDCAT	3.1	NORTHERN NATURAL
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	04/06/83	JA: NM 4			
8331281	NM-1819-82	3003923037		103		LINDRITH 'B' UNIT #23	CHACON-DAKOTA ASSOCIA	73.0	EL PASO NATURAL G
8331239	NM-1888-82	3004509323		108		STEPHENS GAS UNIT #1	BASIN DAKOTA	20.4	NORTHWEST PIPE LI
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	04/06/83	JA: NM 4			
8331303	NM-0790-82	3003907792		108		SAN JUAN 30-5 #27 DK & MV	BASIN MESAVERDE & DAK	0.0	EL PASO NATURAL G
-PREMIER PRODUCTION CO				RECEIVED:	04/06/83	JA: NM 4			
8331253	NM 1911-82	3001524125		103		YATES PREMIER FEDERAL #3	UNDESIGNATED QUEEN-GR	108.0	PHILLIPS PETROLEU
-QUANAH PETROLEUM INC				RECEIVED:	04/06/83	JA: NM 4			
8331273	NM-1766-82	3001523956		103		HAY 'A' FEDERAL #1	WILDCAT	300.0	EL PASO NATURAL G
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:	04/06/83	JA: NM 4			
8331295	NM-1628-82	3004505767		108		FOSTER #2	BALLARD PICTURE CLIFF	14.0	GAS CO OF NEW MEX
8331293	NM-1621-82	3004512072		108		HODGES #11	BASIN DAKOTA	15.4	EL PASO NATURAL G
8331315	NM-1660-82	3003900000		108		JICARILLA "A" #1	TAPACITO PICTURE CLIF	0.8	GAS CO OF NEW MEX
8331266	NM-1673-82	3003920851		108		JICARILLA "A" #16	TAPACITO PICTURE CLIF	15.2	GAS CO OF NEW MEX
8331319	NM-1664-82	3003921002		108		JICARILLA "A" #19	TAPACITO PICTURE CLIF	10.0	GAS CO OF NEW MEX
8331316	NM-1659-82	3003900000		108		JICARILLA "A" #2	TAPACITO PICTURE CLIF	12.0	GAS CO OF NEW MEX
8331321	NM-1665-82	3003921776		108		JICARILLA "A" #20	TAPACITO PICTURE CLIF	8.7	GAS CO OF NEW MEX
8331297	NM-1658-82	3003906419		108		JICARILLA "A" #5	TAPACITO PICTURE CLIF	6.9	GAS CO OF NEW MEX
8331324	NM-1674-82	3003906371		108		JICARILLA "A" #6	TAPACITO PICTURE CLIF	5.0	GAS CO OF NEW MEX
8331313	NM-1661-82	3003921519		108		JICARILLA "B" #10	TAPACITO PICTURE CLIF	1.4	GAS CO OF NEW MEX
8331318	NM-1663-82	3003900000		108		JICARILLA "B" #4	TAPACITO PICTURE CLIF	0.7	GAS CO OF NEW MEX
8331317	NM-1662-82	3003906306		108		JICARILLA "B" #6	TAPACITO PICTURE CLIF	5.1	GAS CO OF NEW MEX
8331322	NM-1667-82	3003900000		108		JICARILLA "C" #2	TAPACITO PICTURE CLIF	11.2	GAS CO OF NEW MEX
8331320	NM-1668-82	3003921546		108		JICARILLA "C" #5	TAPACITO PICTURE CLIF	19.5	GAS CO OF NEW MEX
8331309	NM-1616-82	3004506173		108		NAVAJO INDIAN "C" #1	SOUTH BLANCO PICTURE	0.9	GAS CO OF NEW MEX
8331308	NM-1615-82	3004511744		108		NEWSOM #15	BASIN DAKOTA	12.8	EL PASO NATURAL G
8331305	NM 0760-82	3004524561		103		NEWSOM "A" #13	BALLARD	105.0	GAS CO OF NEW MEX
8331307	NM-1622-82	3004512140		108		NICKSON #16	BASIN DAKOTA	18.6	EL PASO NATURAL G
-TENNECO OIL COMPANY				RECEIVED:	04/06/83	JA: NM 4			
8331255	NM 1908-82	3003922899		103		JICARILLA B 5E	UNDESIGNATED MESAVERD	90.0	NORTHWEST PIPELIN
8331254	NM 1908-82-B	3003922890		103		JICARILLA B 5E	BASIN DAKOTA	95.0	NORTHWEST PIPELIN
-UNC TEXAS INC				RECEIVED:	04/06/83	JA: NM 4			
8331259	NM 1912-82	3003923089		103		BETTY 'C' 6-31	LYBROOK-GALLUP	0.0	MESA PETROLEUM CO
-UNICOM PRODUCING CO				RECEIVED:	04/06/83	JA: NM 4			
8331252	NM 1914-82	3004525057		103		ALBRIGHT 7-E	BLANCO MESAVERDE	953.0	EL PASO NATURAL G
8331280	NM 1776-82	3003922511		103		JICARILLA 'G' #4-E	BASIN DAKOTA	946.0	GAS CO OF NEW MEX
8331272	NM 1752-82-A	3003980000		103		JICARILLA "F" #6	BLANCO MESAVERDE	226.0	GAS CO OF NEW MEX
8331264	NM-1750-82-B	3003922058		103		JICARILLA "G" 7-M	BASIN DAKOTA	435.0	GAS CO OF NEW MEX
8331258	NM-1750-82	3003922058		103		JICARILLA "G" 7-M	BLANCO MESAVERDE	361.0	GAS CO OF NEW MEX
8331277	NM-1761-82	3004525004		103		MADDOX FEDERAL "D" #1-E	BASIN DAKOTA	667.0	EL PASO NATURAL G
8331279	NM 1774-82	3004525005		103		MCGEE 1-E	BASIN DAKOTA	822.0	EL PASO NATURAL G
8331276	NM 1775-82	3004506008		103		NEWSOM 'B' #1-R	BALLARD PICTURED CLIF	104.0	GAS CO OF NEW MEX
8331278	NM-1758-82	3004525053		103		NEWSOM 'B' #8-E	BASIN DAKOTA	113.7	EL PASO NATURAL G
8331256	NM-1749-82	3004524563		103		NICKSON 11-E	BALLARD PICTURED CLIF	187.0	GAS CO OF NEW MEX
-UNION TEXAS PETROLEUM				RECEIVED:	04/06/83	JA: NM 4			
8331265	NM 1752-82-B	3003982206		103		JICARILLA "F" #6	SOUTH BLANCO PICTURED	486.0	GAS CO OF NEW MEX
-YATES PETROLEUM CORPORATION				RECEIVED:	04/06/83	JA: NM 4			
8331270	NM-186782107	3000561689		102-2	107-TF	ALBITUS "TH" FEDERAL #4	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8331271	NM-186882107	3000561744		102-2	107-TF	HUCKABY "TJ" FEDERAL #1	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8331248	NM1869-82107	3000561776		102-2	107-TF	MIKE HARVEY "TR" FEDERAL #2	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8331269	NM-186682107	3000561748		102-2	107-TF	VERBENA "UV" FEDERAL #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE

[FR Doc. 83-11674 Filed 4-29-83; 8:45 am]

BILLING CODE 6717-01-C

federal register

Monday
May 2, 1983

Part V

National Science Foundation

Policies and Procedures for Inventions and Patents Resulting From Grants, Cooperative Agreements, and Contracts; Final Rule

NATIONAL SCIENCE FOUNDATION

45 CFR Part 650

Policies and Procedures for Inventions and Patents Resulting From Grants, Cooperative Agreements, and Contracts

AGENCY: National Science Foundation.

ACTION: Final rule with request for comments.

SUMMARY: This regulation revises the current NSF patent regulation to bring NSF patent policies and procedures into compliance with the Presidential Memorandum entitled "Government Patent Policy" issued on February 18, 1983. The policies and procedures set forth apply to all contracts, grants, and cooperative agreements awarded by the Foundation after April 30, 1983.

DATES: The effective date of this amendment is April 30, 1983. Comments, however, are welcome and will be considered in making future revisions to this regulation.

ADDRESS: All comments should be addressed to: NSF Intellectual Property Attorney Office of the General Counsel, Room 501 National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: John Chester, NSF Intellectual Property Attorney, at (202) 357–9447. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: This amendment revises the current NSF patent regulation published in the **Federal Register** on August 30, 1982, at 47 FR 38124 and at 45 CFR Part 650. It brings NSF patent regulations into compliance with the Presidential Memorandum entitled "Government Patent Policy" issued February 18, 1983, by eliminating disparate treatment of those grantees and contractors not covered by Chapter 38 of Title 35 of the United States Code (commonly called the "Bayh-Dole Act"). No significant change is made to the policies or procedures affecting grantees and contractors who are covered by the Bayh-Dole Act.

As stated in the revised § 650.1, this regulation applies to all grants, cooperative agreements, and contracts awarded by the Foundation after April 30, 1983. A separate patent regulation for contracts may be published following the issuance of the Federal Acquisition regulations.

Because it merely implements the direction of the Presidential Memorandum and continues current NSF policies, public comments were not obtained before making this regulation effective.

The Foundation has determined that this regulation is not a major rule as defined in Executive Order 12291 of February 17, 1981 (3 CFR 1981 Comp., p. 127).

List of Subjects in 45 CFR Part 650

Government procurement, Grant programs—science and technology, Inventions and patents, Nonprofit organizations, Small businesses.

Edward A. Knapp,

Director.

Accordingly, Title 45 of the Code of Federal Regulations is amended by revising Part 650 to read as follows:

PART 650—PATENTS

Sec.

650.1 Scope of part.
650.2 National Science Foundation patent policy.
650.3 Source of authority.
650.4 Standard patent rights clause.
650.5 Special patent provisions.
650.6 Awards not primarily for research.
650.7 Awards affected by international agreements.
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650.11 Inventions also supported by another Federal agency.
650.12 Utilization reports.
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650.14 Exercise of march-in rights.
650.15 Request for conveyance of title to NSF.
650.16 Appeals.
650.17 Background rights.
650.18 Subcontracts.
650.19 Retroactive application.
650.20 Delegation of authority.
Appendix A—Optional format for confirmatory license.

Authority: 35 U.S.C. 200 *et seq.*, commonly called the Bayh-Dole Act, as implemented by Office of Management and Budget Circular A–124; Secs. 11(e) and 12(a) of the National Science Foundation Act, as amended (42 U.S.C. 1870(e) and 1871(a)); and the Presidential Memorandum entitled "Government Patent Policy", issued February 18, 1983.

§ 650.1 Scope of part.

This part contains the policies, procedures, and clauses that govern allocation of rights to inventions made in performance of NSF-assisted research. It applies to all funding agreements entered into by the Foundation after April 30, 1983, that relate to performance of scientific or engineering research. Although not published as part of the Federal Procurement Regulations (Title 41 of the Code of Federal Regulations), this part is consistent with those regulations and its provisions apply to contracts as well as to grants and cooperative agreements.

§ 650.2 National Science Foundation patent policy.

As authorized by the National Science Board at its 230th meeting, October 15–16, 1981, the Director of the National Science Foundation adopted the following statement of NSF patent policy.

(a) As required by the Bayh-Dole Act and the Presidential Memorandum entitled "Government Patent Policy" issued February 18, 1983, the Foundation will use the Patent Rights clause prescribed by the Office of Management and Budget in all its funding agreements for the performance of experimental, developmental, or research work, including contracts for the operation of Government-owned research facilities, *unless* the Foundation determines that some other provision would better serve the purposes of that Act or the interests of the United States and the general public.

(b) In funding agreements covered by a treaty or agreement that provides that an international organization or foreign government, research institute, or inventor will own or share patent rights, the Foundation will acquire such patent rights as are necessary to comply with the applicable treaty or agreement.

(c) The Foundation will claim no rights to inventions in funding agreements made primarily for the support of education or training, such as fellowships and traineeships. A disclaimer of interest in inventions will be included in such awards.

(d) If an awardee elects not to retain rights to an invention, the Foundation will allow the inventor to retain the principal patent rights unless the awardee shows that it would be harmed by that action.

(e) The Foundation will normally allow any patent rights not wanted by the awardee or inventor to be dedicated to the public through publication. However, if another Federal agency is known to be interested in the relevant technology, the Foundation may give it an opportunity to review and patent the invention so long as that does not inhibit the dissemination of the research results to the scientific community.

(f) The Foundation will waive the restrictions imposed by the Bayh-Dole Act on the assignment or exclusive licensing of NSF-supported inventions by a nonprofit organization when that appears to serve the policy and objective of the Act. For identified inventions, the Foundation will waive the restrictions if the nonprofit organization obtains from the prospective assignee or licensee a firm commitment to develop and commercialize the invention. In any industry-university joint research award, the Foundation will waive the restrictions at the time of award if the nonprofit organization shows that they are unfair considering the industrial participant's contribution or that the project will not be undertaken unless they are waived.

(g) In funding agreements not controlled by the Bayh-Dole Act, the Foundation will waive any of the rights or conditions normally reserved or imposed if the grantee or contractor demonstrates (i) that the interests

of the United States and the general public will be better served thereby, or (ii) that it is making a substantial contribution of funds, facilities, or equipment to the work performed under the funding agreement.

(h) As far as practical, the Foundation will apply the intent of this policy to funding agreements entered into before the effective dates of the Bayh-Dole Act and the Presidential Memorandum.

§ 650.3 Source of authority.

(a) 35 U.S.C. 200 *et seq.*, commonly called the Bayh-Dole Act, took effect on July 1, 1981. That law controls the allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, during federally-supported experimentation, research, or development. Government-wide implementing regulations are contained in Office of Management and Budget Circular A–124, dated February 10, 1982.

(b) Section 11 (e) of the National Science Foundation Act of 1950, as amended, (42 U.S.C 1870(e)) provides:

> The Foundation shall have the authority * * * to do all things necessary to carry out the provisions of this Act, including, but without being limited thereto, the authority— * * *(e) to acquire by purchase, lease, loan, gift, or condemnation, and to hold and dispose of by grant, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this Act.

(c) Section 12(a) of the NSF Act (42 U.S.C. 1871(a)) provides:

> Each contract or other arrangement executed pursuant to this Act which relates to scientific research shall contain provisions governing the disposition of inventions produced thereunder in a manner calculated to protect the public interest and the equities of the individual or organization with which the contract or other arrangement is executed * * *.

(d) The Presidential Memorandum entitled "Government Patent Policy" issued February 18, 1983, directs Federal agencies, to the extent permitted by law, to apply to all research performers the policies of the Bayh-Dole Act. Under the provisions of the National Science Foundation Act quoted above, the Foundation is permitted to apply the Bayh-Dole policies without restriction.

§ 650.4 Standard patent rights clause.

(a) The following Patent Rights clause will be used in every funding agreement awarded by the Foundation that relates to scientific or engineering research unless a special patent clause has been negotiated (see § 650.5).

Patent Rights (April 1983)

a. Definitions

(1) "Invention" means any invention or discovery which is or may be patentable or otherwise protectable under title 35 of the United States Code.

(2) "Subject invention" means any invention of the grantee conceived or first actually reduce to practice in the performance of work under this grant.

(3) "Practical application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.

(4) "Made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(5) "Small business firm" means a small business concern as defined at section 2 of Pub. L. 85–536 (15 USC 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standard for small business concerns involved in Government procurement and subcontracting at 13 CFR 121.3–8 and 13 CFR 121.3–12, respectively, will be used.

(6) "Nonprofit organization" means a university or other institution of higher education or an organzation of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 USC 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 USC 501(a)) or any nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

b. Allocation of Principal Rights

The grantee may retain the entire right, title, and interest throughout the world to each subject invention subject to the provisions of this clause and 35 U.S.C. 203. With respect to any subject invention in which the grantee retains title, the Federal Government shall have a non-exclusive, non-transferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world. If the award indicates it is subject to an identified international agreement or treaty, the Foundation also has the right to direct the grantee to convey to any foreign participant such patent rights to subject inventions as are required to comply with that agreement or treaty.

c. Invention Disclosure, Election of Title and Filing of Patent Applications by Grantee

(1) The grantee will disclose each subject invention to the National Science Foundation (NSF) within two months after the inventor discloses it in writing to grantee personnel responsible for the administration of patent matters. The disclosure to NSF shall be in the form of a written report and shall identify the grant under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding of the nature, purpose, operation, and, to the extent known, the physical, chemical, biological or electrical characteristics of the invention. The disclosure shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to NSF, the grantee will promptly notify NSF of the acceptance of any manuscript describing the invention for publication or of any on sale or public use planned by the grantee.

(2) The grantee will elect in writing whether or not to retain title to any such invention by notifying NSF within twelve months of disclosure to the grantee; provided that in any case where publication, on sale or public use has initiated the one year statutory period wherein valid patent protection can still be obtained in the United States, the period for election of title may be shortened by NSF to a date that is no more than 60 days prior to the end of the statutory period.

(3) The grantee will file its initial patent application on an elected invention within two years after election or, if earlier, prior to the end of any statutory period wherein valid patent protection can be obtained in the United States after a publication, on sale or public use. The grantee will file patent applications in additional countries within either ten months of the corresponding initial patent application, or six months from the date when permission is granted by the Commissioner of Patents and Trademarks to file foreign patent applications when such filing has been prohibited by a Secrecy Order.

(4) Requests for extension of the time for disclosure to NSF, election, and filing may, at the discretion of NSF, be granted.

d. Conditions When the Government May Obtain Title

(1) The grantee will convey to NSF, upon writen request, title to any subject invention:

(i) If the grantee fails to disclose or elect the subject invention within the times specified in c. above, or elects not to retain title.

(ii) In those countries in which the grantee fails to file patent applications within the times specified in c. above; provided, however, that if the grantee has filed a patent application in a country after the times specified in c. above but prior to its receipt of the written request of NSF the grantee shall continue to retain title in that country.

(iii) In any country in which the grantee decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in a reexamination or opposition proceeding on, a patent on a subject invention.

e. Minimum Rights to Grantee

(1) The grantee will retain a nonexclusive, royalty-free, license throughout the world in each subject invention to which the Government obtains title except if the grantee fails to disclose the subject invention within the times specified in c. above. The grantee's license extends to its domestic subsidiaries and affiliates, if any, within the corporate structure of which the grantee is a party and includes the right to grant sublicenses of the same scope to the extent the grantee was legally obligated to do so at

the time the grant was awarded. The license is transferable only with the approval of NSF except when transferred to the successor of that part of the grantee's business to which the invention pertains.

(2) The grantee's domestic license may be revoked or modified by NSF to the extent necessary to achieve expeditious practical application of the subject invention pursuant to an application for an exclusive license submitted in accordance with applicable provisions in the Federal Property Management Regulations. This license will not be revoked in that field of use or the geographical areas in which the grantee has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of NSF to the extent the grantee, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, NSF will furnish the grantee a written notice of its intention to revoke or modify the license, and the grantee will be allowed thirty days (or such other time as may be authorized by NSF for good cause shown by the grantee) after the notice to show cause why the license should not be revoked or modified. The grantee has the right to appeal, in accordance with applicable regulations in the Federal Property Management Regulations concerning the licensing of Government-owned inventions, any decision concerning the revocation or modification of its license.

f. Grantee Action To Protect Government's Interest

(1) The grantee agrees to execute or to have executed and promptly deliver to NSF all instruments necessary to: (i) establish or confirm the rights the Government has throughout the world in those subject inventions for which the grantee retains title, and (ii) convey title to NSF when requested under paragraph d. above, and to enable the Government to obtain patent protection throughout the world in that subject invention.

(2) The grantee agrees to require, by written agreement, its employees, other than clerical and non-technical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the grantee each subject invention made under this grant in order that the grantee can comply with the disclosure provisions of paragraph c. above, and to execute all papers necessary to file patent applications on subject inventions and to establish the Government's rights in the subject inventions. The disclosure format should require, as a minimum, the information requested by c.(1) above. The grantee shall instruct such employees through the employee agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) The grantee will notify NSF of any decision not to continue prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than thirty days before the expiration of the response period required by the relevant patent office.

(4) The grantee agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a subject invention, the following statement: "This invention was made with Government support under (identify the grant) awarded by the National Science Foundation. The Government has certain rights in this invention."

(5) The grantee or its representative will complete, execute, and forward to NSF a confirmation of a License to the United States Government within two months of filing any domestic or foreign patent application.

(6) The grantee or its representative will forward to NSF a copy of any United States patent covering a subject invention within two months after it is issued.

g. Subcontracts

(1) The grantee will include this clause, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental, or research work. The subcontractor will retain all rights provided for the grantee in this clause, and the grantee will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontrator's subject inventions.

(2) In the case of subcontracts, at any tier, when the prime award by the Foundation was a contract (but not a grant or cooperative agreement), NSF, subcontractor, and contractor agree that the mutual obligations of the parties created by this clause constitute a contract between the subcontractor and the Foundation with respect to those matters covered by this clause.

h. Reporting on Utilization of Subject Inventions

The grantee agrees to submit on request periodic reports no more frequently than annually on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the grantee or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the grantee, and such other data and information as NSF may reasonably require. The grantee also agrees to provide additional reports in connection with any march-in proceedings undertaken by NSF in accordance with paragraph j. of this clause. To the extent data or information supplied under this section is considered by the grantee, its licensee or assignee to be privileged and confidential and is so marked, NSF agrees that, to the extent permitted by 35 USC 202(c)(5), it will not disclose such information to persons outside the Government.

i. Preference for United States Industry

Notwithstanding any other provision of this clause, the grantee agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by NSF upon a showing by the grantee or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

j. March-in Rights

The grantee agrees that with respect to any subject invention in which it has acquired title, NSF has the right in accordance with procedures in OMB Circular A-124 and NSF regulations at 45 CFR 650.13 to require the grantee, an assignee or exclusive licensee of a subject invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the grantee, assignee, or exclusive licensee refuses such a request, NSF has the right to grant such a license itself if NSF determines that:

(1) Such action is necessary because the grantee or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use;

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the grantee, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the grantee, assignee, or licensee; or

(4) Such action is necessary because the agreement required by paragraph i. of this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of such agreement.

k. Special Provisions for Grants With Nonprofit Organizations

If the grantee is a nonprofit organization, it agrees that:

(1) Rights to a subject invention in the United States may not be assigned without the approval of NSF, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention (provided that such assignee will be subject to the same provisions as the grantee);

(2) The grantee may not grant exclusive licenses under United States patents or patent applications in subject inventions to persons other than small business firms for a period in excess of the earlier of:

(i) Five years from first commercial sale or use of the invention, or

(ii) Eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, unless on a case-by-case basis NSF approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use will not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention will not be deemed to end the exclusive period to different subsequent products covered by the invention;

(3) The grantee will share royalties collected on a subject invention with the inventor; and

(4) The balance of any royalties or income earned by the grantee with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions, will be utilized for the support of scientific research or education.

l. Communications

All disclosures, elections, confirmations of the Government license, copies of patents, and other routine communications should be sent to the NSF Patent Paralegal, Office of the General Counsel, National Science Foundation, 20550. Requests for waivers and other exceptional communications with the Foundation regarding this clause should be addressed to the NSF Intellectual Property Attorney, Office of the General Counsel, National Science Foundation, Washington, DC, 20550.

(b) When the above clause is used in a funding agreement other than a grant, "grant" and "grantee" may be replaced by "contract" and "contractor" or other appropriate terms.

§ 650.5 Special patent provisions.

(a) At the request of the prospective awardee or on recommendation from NSF staff, the NSF Intellectual Property Attorney, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, many negotiate special patent provisions:

(1) When the NSF Intellectual Property Attorney determines that restriction or elimination of the right of a prospective awardee to retain title to any subject invention will better promote the policy and objectives of Chapter 38 of Title 35 of the United States Code or the National Science Foundation Act (The NSF Intellectual Property Attorney will prepare the report to the Comptroller General if required by Part 7.b. of OMB Circular A-124.);

(2) When a prospective awardee that is not a small business firm or domestic nonprofit organization shows that any of the rights or conditions normally reserved or imposed by the clause in § 650.4(a) should be waived because:

(i) The interests of the United States and the general public will be better served thereby as, for example, where the prospective awardee is uniquely or highly qualified but cannot or will not accept the standard Patent Rights clause; or

(ii) The prospective awardee is making a substantial contribution of funds, facilities, or equipment to the work performed under the award;

(3) When the research is to be performed outside the United States; or

(4) When other exceptional circumstances exist.

§ 650.6 Awards not primarily for research.

(a) Awards not primarily intended to support scientific or engineering research need contain no patent provision. Examples of such awards are travel and conference grants.

(b) NSF fellowships and traineeships are primarily intended to support education or training, not particular research, and the Foundation claims no rights to inventions made by fellows or trainees. The following provision will be included in each fellowship or traineeship program announcement and made part of the award:

Intellectual Property Rights

The National Science Foundation claims no rights to any inventions or writings that might result from its fellowship or traineeship awards. However, fellows and trainees should be aware that the NSF, another Federal agency, or some private party may acquire such rights through other support for particular research. Also, fellows and trainees should note their obligation to include an Acknowledgement and Disclaimer in any publication.

§ 650.7 Awards affected by international agreements.

(a) Some NSF awards are made as part of international cooperative research programs. The agreements or treaties underlying many of these programs require an allocation of patent rights different from that provided by the Patent Rights clause in § 650.4(a). Therefore, as permitted by part 8.d. of OMB Circular A-124, paragraph b. of the standard Patent Rights clause in § 650.4(a) has been modified to provide that the Foundation may require the grantee to transfer to a foreign government or research performer such rights in any subject invention as are contemplated in the international agreement. The award instrument will identify the applicable agreement or treaty.

(b) After an invention is disclosed to the Patent Paralegal, the recipient of an award subject to an international agreement will be informed as to what rights, if any, it must transfer to foreign participants. Recipients may also ask the Program Manager to provide them with copies of the identified international agreements before or after accepting an award.

§ 650.8 Requests for greater rights.

A "deferred determination" clause was routinely included in NSF awards made on or before March 31, 1983, and may occasionally be used as a special patent rights clause under § 650.5. Recipients of that clause may request that they be allowed to retain the principal patent rights to their subject inventions after those inventions are disclosed to the NSF Patent Paralegal. Such a request should be made as soon as possible after the invention is disclosed and should state the requestor's intention and, to the extent known, plans to commercialize the invention. The NSF Intellectual Property Attorney, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, will normally allow the inventing organization to retain the principal patent rights, subject to the terms and conditions imposed by the Patent Rights clause of § 650.4(a), unless he or she determines that would be inconsistent with the policies of the National Science Foundation Act of 1950, as amended; the 1983 Presidential Memorandum on "Government Patent Policy"; or, if applicable, the Bayh-Dole Act.

§ 650.9 Retention of rights by inventor.

If an awardee elects not to retain rights to an invention, the inventor may request the NSF Intellectual Property Attorney for permission to retain principal patent rights. Such requests should be made as soon as possible after the awardee notifies the NSF Patent Paralegal that it does not want to patent the invention. Such requests will normally be granted unless the awardee shows that it would be harmed by that action. As required by part 11. of OMB Circular A-124, the inventor will be subject to the same conditions that the awardee would have been, except that the special restrictions imposed on nonprofit organizations will not apply to the inventor.

§ 650.10 Unwanted inventions.

(a) The Foundation will normally allow any patent rights not wanted by the awardee of inventor to be dedicated to the public through publication. Except as provided in paragraph (b) of this section, the NSF Patent Paralegal will acknowledge a negative election by encouraging the awardee and inventor

to promptly publish all the research results.

(b) If the NSF Patent Paralegal or Program Manager believes that another Federal agency is interested in the relevant technology, the Patent Paralegal, after receiving the awardee's election not to patent and after ascertaining that the inventor also does not want to patent, may send a copy of the invention disclosure to that agency to give it an opportunity to review and patent the invention. Unless the agency expresses an interest in the invention within thirty days, the Patent Paralegal will acknowledge the awardee's negative election by encouraging prompt publication of all research results. If the agency does express an interest in patenting the invention, the Patent Paralegal, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, will transfer to it all rights to the invention.

§ 650.11 Inventions also supported by another Federal Agency.

Part 16.c. of OMB Circular A–124 provides that in the event that an invention is made under funding agreements of more than one agency, the agencies involved will, at the request of the grantee or contractor or on their own initiative, designate one agency to be responsible for the administration of the invention. Whenever the NSF Patent Paralegal finds that another Federal agency also supported an NSF subject invention, he or she will consult with the grantee or contractor and the other agency to determine if a single agency should be designated to administer the Government's rights in the invention. With the concurrence of the cognizant Program Manager and Grants or Contracts Officer, the Patent Paralegal may transfer to, or accept from, another Federal agency, all rights in a jointly-supported invention.

§ 650.12 Utilization reports.

Until the form for and frequency of the utilization reports required by paragraph h of the standard Patent Rights clause are established by the Lead Agency overseeing implementation of the Bayh-Dole Act (see part 10.a. of OMB Circular A–124), the Foundation will not normally request such reports. This section will be amended to describe the reporting requirements when they are established.

§ 650.13 Waivers.

(a) Requests for extension of time to disclose to the NSF Patent Paralegal, make an election to retain title to, or file a patent on a subject invention will be granted unless the NSF Intellectual Property Attorney determines that such an extension would either imperil the securing of valid patent protection or unacceptably restrict the publication of the results of the NSF-supported research.

(b) The restrictions on assignment and exclusive licensing by nonprofit organizations imposed by subparagraphs k(1) and k(2) of the Patent Rights clause in § 650.4(a) will be waived when that appears to serve the policy and objective of the Bayh-Dole Act. The NSF Intellectual Property Attorney may waive the restrictions either at the time of award or for an identified invention. Some circumstances under which the restrictions will normally be waived are described in section 6 of the NSF Patent Policy (§ 650.2).

(c) The preference for United States industry imposed by paragraph i of the clause in § 650.4(a) may be waived by the NSF Intellectual Property Attorney as provided in that paragraph.

(d) The NSF Intellectual Property Attorney may waive on behalf of the Foundation and the Government some or all of the rights normally reserved in a subject invention if the award under which the invention was made was not controlled by the Bayh-Dole Act and the inventing organization demonstrates that the NSF made a very limited contribution to the discovery or that the interests of the United States and the general public will be served thereby.

(e) Requests for waiver under this section should be addressed to the NSF Intellectual Property Attorney and should explain why waiver is justified under the stated criteria. The Intellectual Property Attorney will obtain the concurrence of the cognizant Program Manager and Grants or Contracts Officer before taking any action under this section. The requester will be given a written explanation of the reasons for denial of a request covered by this section.

§ 650.14 Exercise of march-in rights.

(a) The procedures established by this section supplement those prescribed by part 13. of OMB Circular A–124 and apply to all march-in rights held by the Foundation including those resulting from funding agreements not covered by the OMB Circular.

(b) Petitions requesting that the NSF exercise a march-in right should be addressed to the NSF Intellectual Property Attorney. Such petitions should:

(1) Identify the patent or patent application involved and the relevant fields of use of the invention;

(2) State the grounds for the proposed march-in;

(3) Supply evidence that one or more of the four conditions creating a march-in right (lack of practical application, unsatisfied health or safety needs, unmet requirements for public use, or failure to prefer United States industry) is present; and

(4) Explain what action by the Foundation is necessary to correct that condition.

(c) If evidence received from a petitioner or from the Foundation's administration of the Patent Rights clauses indicates that one or more of the four conditions creating a march-in right might exist, the NSF Intellectual Property Attorney will informally review the matter as provided in part 13.b. of OMB Circular A–124. If that informal review indicates that one or more of the four conditions creating a march-in right probably exists, the Intellectual Property Attorney will initiate a formal march-in proceeding by issuing a written notice to the patentholder. That notice will provide all the information required by part 13.c. of OMB Circular A–124. The patentholder may submit information and argument in opposition to the proposed march-in in person, in writing, or through a representative.

(d) If the NSF Intellectual Property Attorney determines that a genuine dispute over material facts exists, he or she will identify the disputed facts and notify the NSF General Counsel. The General Counsel will establish a cross-directorate fact-finding panel. The panel will establish its own fact-finding procedures, within the requirements of part 13.e. of OMB Circular A–124, based on the dimensions of the particular dispute. The Intellectual Property Attorney will serve as secretary to the panel, but will not take part in its deliberations. Written findings of facts will be submitted to the General Counsel, sent by certified mail to the patentholder, and made available to all other interested parties.

(e) The NSF General Counsel will determine whether and how the Foundation should exercise a march-in right as provided in part 13.g. of OMB Circular A–124.

§ 650.15 Request for conveyance of title to NSF.

(a) The procedures established by this section apply to the exercise of the Foundation's right under paragraph d. of the Patent Rights clause in § 650.4(a) to request conveyance of title to a subject invention if certain conditions exist.

(b) The NSF Intellectual Property Attorney may request the recipient of an NSF award to convey to the Foundation or a designee title in one or more countries to any invention to which the awardee has elected not to retain title. The Intellectual Property Attorney may also request immediate conveyance of title to a subject invention if the awardee fails (1) to submit a timely invention disclosure, (2) to make a timely election to retain patent rights, or (3) to file a timely patent application; but only if he or she determines that such action is required to preserve patent rights.

(c) The NSF Intellectual Property Attorney will informally review any apparent failure by an awardee to comply with the requirements of paragraph c. of the Patent Rights clause in § 650.4(a). The interested institution, the inventor, the patentholder, and any other interested party will be given an opportunity to explain why a particular invention was not disclosed, why an election was not made, or why a patent application was not filed. If the Intellectual Property Attorney determines that a genuine dispute over material facts exists, a cross-directorate fact-finding panel will be appointed by the General Counsel. The panel will establish its own fact-finding procedures, within the requirements of part 13.e. of OMB Circular A–124, based on the dimensions of the particular dispute. Written findings of facts will be submitted to the Intellectual Property Attorney, sent by certified mail to the patentholder, and made available to all other interested parties.

(e) The NSF Intellectual Property Attorney will determine whether the Foundation should request conveyance of title or if it should retain title obtained under § 650.15(b).

§ 650.16 Appeals.

(a) All actions by the NSF Intellectual Property Attorney under § 650.8 denying a request for greater rights, under § 650.13 denying a request for waiver, under § 650.14(d) denying the existence of a material dispute under § 650.15(e) requesting conveyance of title, or under § 650.19 refusing retroactive application of the Bayh-Dole Act may be appealed to the Director of the Foundation by an affected party within thirty days. A request under § 650.15(b) to immediately convey title to the Foundation may be appealed to the General Counsel by the titleholder within five days.

(b) In reviewing the actions of the NSF Intellectual Property Attorney, the Director, or his or her designee, will consider both the factual and legal basis for the action or determination and its consistency with the policies and objectives of the Foundation and, if applicable, the Bayh-Dole Act (35 U.S.C. 200 to 206) and OMB Circular A–124.

§ 650.17 Background rights.

The Foundation will acquire rights to a research performer's pre-existing technology only in exceptional circumstances where, due to the nature of the research being supported, the Foundation requires greater control over resulting inventions. The NSF Intellectual Property Attorney, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, will negotiate the background rights provision. If the affected awardee is a small business firm or nonprofit organization, the provision will conform to the requirements of the Bayh-Dole Act (35 U.S.C. 202(f)) as implemented by part 15 of OMB Circular A–124.

§ 650.18 Subcontracts.

Awardees should normally use the Patent Rights clause in § 650.4(a) in all subcontracts. At the request of the awardee or on recommendation from NSF staff, the Intellectual Property Attorney, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, may direct the awardee to insert into subcontracts relating to scientific research a patent provision other than that contained in § 650.4(a) of this regulation. Special patent provisions may be negotiated for subcontracts under § 650.5.

§ 650.19 Retroactive application.

The provisions of § 650.8 apply to all inventions disclosed after the effective date of this regulation under funding agreements that contain a deferred determination clause, including those awarded before July 1, 1981, to small business firms and nonprofit organizations. At the request of the awardee, the Intellectual Property Attorney, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, may also apply those provisions to inventions disclosed under awards which contain special patent clauses or were covered by an Institutional Patent Agreement with the Foundation.

§ 650.20 Delegation of authority.

The General Counsel is responsible for implementing this regulation and is authorized to make any exceptions to or extensions of the NSF Patent Policy as may be required by particular circumstances. The General Counsel will designate persons to serve as the NSF Intellectual Property Attorney and Patent Paralegal. Those individuals are authorized to carry out the functions assigned them by this regulation.

Appendix A to Part 650—Optional Format for Confirmatory License

The following format may be used for the confirmatory license to the Government required by subparagraph f(5) of the Patent Rights clause in § 650.4(a). The form given in 41 CFR 1–9.105(b) or any equivalent instrument may also be used.

License to the United States Government

This instrument confirms to the United States Government, as represented by the National Science Foundation, an irrevocable, nonexclusive, nontransferable, royalty-free license to practice or have practiced on its behalf throughout the world the following subject invention:

(invention title)
(inventor[s] name[s])
(patent application number and filing date)
(country, if other than United States)
(NSF Disclosure No.).

This subject invention was made with NSF support through:

(grant or contract number)
(grantee or contractor).

Principal rights to this subject invention have been left with the licensor.

Signed: _____
Name: _____
Title: _____
Date: _____

Accepted on behalf of the Government:

_____
NSF Patent Paralegal
Date: _____

[FR Doc. 83-11693 Filed 4-29-83; 8:45 am]
BILLING CODE 7555-01-M

Reader Aids

Federal Register
Vol. 48, No. 85
Monday, May 2, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations	
CFR Unit	202-523-3419
	523-3517
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Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419
Federal Register	
Corrections	523-5237
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Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MAY

19693-19866.....2

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

TABLE OF EFFECTIVE DATES AND TIME PERIODS—MAY 1983

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (see 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
May 2	May 17	June 1	June 16	July 1	August 1
May 3	May 18	June 2	June 17	July 5	August 1
May 4	May 19	June 3	June 20	July 5	August 2
May 5	May 20	June 6	June 20	July 5	August 3
May 6	May 23	June 6	June 20	July 5	August 4
May 9	May 24	June 8	June 23	July 8	August 8
May 10	May 25	June 9	June 24	July 11	August 8
May 11	May 26	June 10	June 27	July 11	August 9
May 12	May 27	June 13	June 27	July 11	August 10
May 13	May 31	June 13	June 27	July 12	August 11
May 16	May 31	June 15	June 30	July 15	August 15
May 17	June 1	June 16	July 1	July 18	August 15
May 18	June 2	June 17	July 5	July 18	August 16
May 19	June 3	June 20	July 5	July 18	August 17
May 20	June 6	June 20	July 5	July 19	August 18
May 23	June 7	June 22	July 7	July 22	August 22
May 24	June 8	June 23	July 8	July 25	August 22
May 25	June 9	June 24	July 11	July 25	August 23
May 26	June 10	June 27	July 11	July 25	August 24
May 27	June 13	June 27	July 11	July 26	August 25
May 31	June 15	June 30	July 15	August 1	August 29

CFR CHECKLIST; 1982/83 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1982/83. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $615 domestic, $153.75 additional for foreign mailing.

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46-51	7.50
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1200-end	6.50
15 Parts:	
0-299	6.50
16 Parts:	
0-149	7.00
150-999	7.00
CFR INDEX	9.50

CFR Unit (Rev. as of Apr. 1, 1982):

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17 Parts:	
0-239	8.50
240-end	8.00
18 Parts:	
1-149	8.00
150-399	8.50
400-end	7.50
19	9.50
20 Parts:	
1-399	6.50
400-499	8.00
500-end	8.50
21 Parts:	
1-99	7.00
100-169	7.50
170-199	7.50
200-299	5.50
300-499	8.50
500-599	8.00
600-799	6.00
800-1299	7.00
1300-end	5.50
22	9.00
23	7.50
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200-499	8.50
500-799	7.00
800-1699	7.50
1700-end	7.00
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30-39	7.00
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300-499	7.00
600-end	5.50
27 Parts:	
1-199	7.50
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28	8.00
29 Parts:	
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500-899	8.50
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1911-1919	5.50
1920-end	8.50
30 Parts	
0-199	8.00
200-end	10.00
31 Parts:	
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200-end	9.00
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40-399	13.00
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800-999	8.00
1000-end	7.00
33 Parts:	
1-199	9.00
200-end	8.00
34 Parts:	
1-399	13.00
400-end	8.50
35	6.50
36 Parts:	
1-199	7.00
200-end	7.50
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1000-3999	8.50
4000-end	7.00
44	7.50
45 Parts:	
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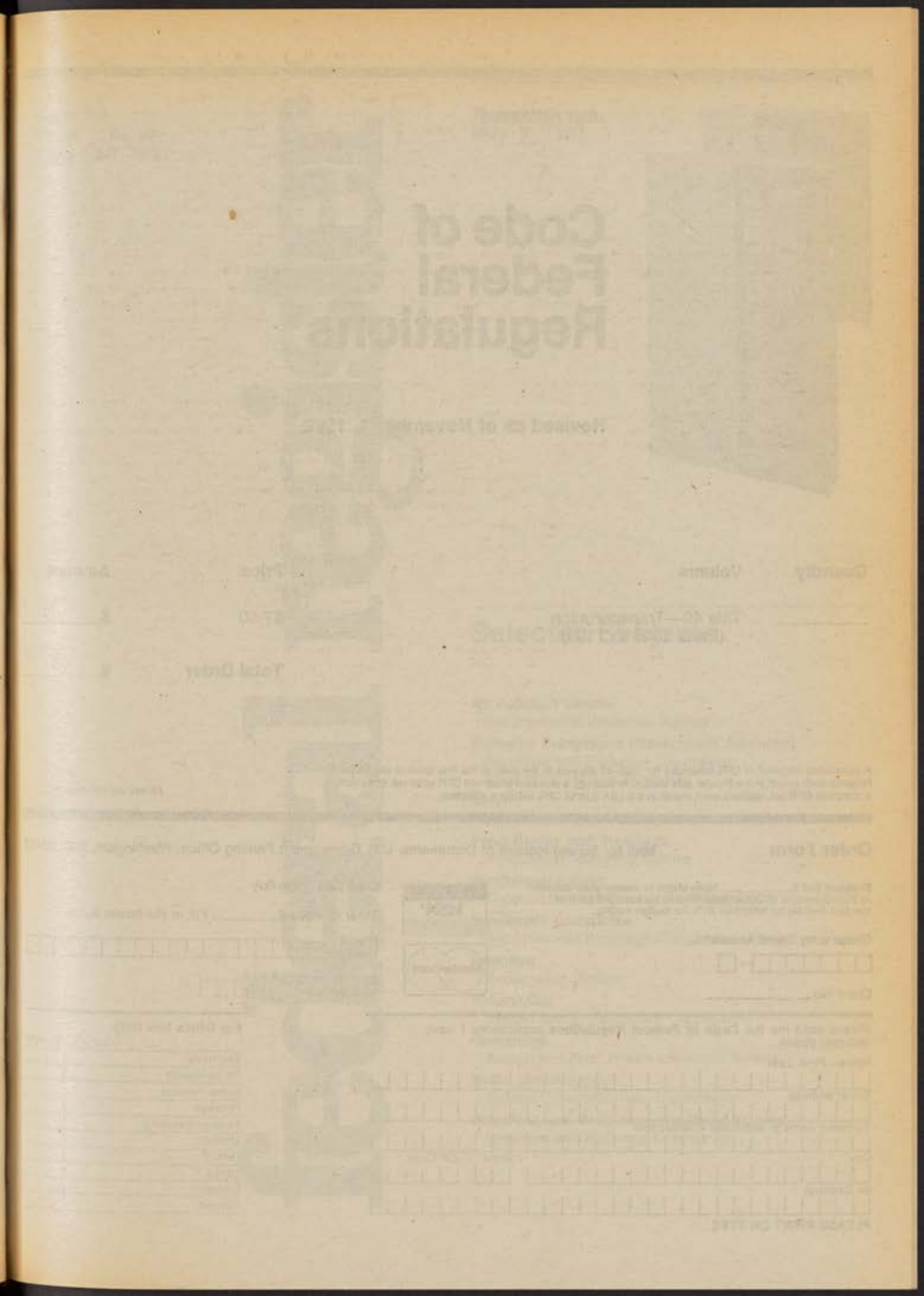
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Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing April 28, 1983





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