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Federal Register

Friday
June 10, 1983

Selected Subjects

Aged
ACTION

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Environmental Protection Agency

Animal Drugs
Food and Drug Administration

Coal Mining
Surface Mining Reclamation and Enforcement Office

Communications Common Carriers
Federal Communications Commission

Continental Shelf
Minerals Management Service

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Food Additives
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Food Grades and Standards
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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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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Tomatoes for Processing

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the voluntary U.S. Standards for Grades of Tomatoes for Processing. This amendment revises color evaluation procedures to permit color measurement to be determined by the type of electronic device specified in grower-processor contracts. Users of the standards will be given the option of utilizing a colorimeter of their choice, without ruling out use of currently specified instrumentation.

The Agricultural Marketing Service has the responsibility, in cooperation with industry, to maintain grade standards in line with current cultural and processing practices.

EFFECTIVE DATE: July 11, 1983.

FOR FURTHER INFORMATION CONTACT: David L. Priester, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5410.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "non-major" rule. It will not result in an annual effect of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets

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, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it reflects current marketing practices.

The current U.S. Standards for Grades of Tomatoes for Processing have been in effect since March 1973. These standards were developed to provide the processing industry with inspection procedures for determining the quality of grower deliveries to processors based on two factors: (1) Color measurement by use of photo-electric instrument (USDA Tomato Colorimeter) or subjective visual color evaluation of individual fruit; and (2) classification of defects. When using the colorimeter, the "Color Evaluation" section of the standards require that specific procedures be followed for color measurement using only USDA approved equipment.

Since 1973 processors have continued to improve processing equipment and have introduced new manufactured products. This has brought about a need for more flexibility in the type of color measurement equipment than that currently approved for use by the standards.

A proposal to amend these standards was published in the **Federal Register** on April 12, 1983 (48 FR 15633-15634) with a comment period ending May 12, 1983. Copies of the proposal were distributed to interested persons for review and comment. Responses were received from the following: Welch Foods, Inc., Westfield, New York; Keystone Foods, Inc., NorthEast, Pennsylvania; and, Purdue University Department of Horticulture, Indiana. All comments were in favor of the proposed changes. Changes are as follows:

(1) The "General" section is revised by deleting reference to the photo-electric instrument (USDA-Tomato Colorimeter).

(2) Applicable sections concerning color evaluation procedures are revised to require the equipment used in color evaluation be properly calibrated, and the type of device and procedures utilized to be specified in the grower-processor contract.

This rule establishes basic color measurement requirements with the flexibility necessary to adjust to advances is electronic colorimeter technology and meet the changing needs of the industry. Users of the standards will now have the option of using a colorimeter of their choice, without ruling out use of the currently specified instrumentation.

List of Subjects in 7 CFR Part 51

Fresh fruits, Vegetables and other products (Inspection, certification and standards).

PART 51—[AMENDED]

Accordingly 7 CFR Part 51 is amended as follows:

1. Revising § 51.3310 paragraph (a)(1) to read as follows:

§ 51.3310 General.

(a) * * *

(1) Color measurement by use of an electronic colorimeter instrument or subjective visual color evaluation of individual fruit; and,

* * * * *

2. Revising § 51.3311 paragraph (a)(2) (i) and (ii) to read as follows:

§ 51.3311 Category A.

* * * * *

(a) * * *

(2) * * *

(i) Electronic color determination shall be as specified in § 51.3317; or

(ii) Visual color analysis shall be as specified in § 51.3317.

* * * * *

3. Revising § 51.3312 paragraph (a)(2) (i) and (ii) to read as follows:

§ 51.3312 Category B.

* * * * *

(a) * * *

(2) * * *

(i) Electronic color determination shall be as specified in § 51.3317; or

(ii) Visual color analysis shall be as specified in § 51.3317.

* * * * *

4. Revising § 51.3313 paragraph (a) (2) (i) and (ii) to read as follows:

§ 51.3313 Category C.

* * * * *

(a) * * *
(2) * * *
(i) Electronic color determination shall be as specified in § 51.3317; or
(ii) Visual color analysis shall be as specified in §51.3317.
* * * * *

5. Revising § 51.3314 to read as follows:

§ 51.3314 Culls.

"Culls" are tomatoes which fail to meet the requirements of Category C and, when color evaluation is determined by means of an electronic instrument, includes tomatoes which are completely green.

6. Revising § 51.3317 to read as follows:

§ 51.3317 Color evaluation.

Color may be determined either by an electronic colorimeter or visually.

(a) Electonic color evaluation shall be the color value of a composite raw juice sample. The equipment used in such evaluation shall be properly calibrated, and the type of device and procedures utilized shall be specified in grower-processor contracts. The composite raw juice sample shall be extracted from tomatoes representative of the lot: Provided, that each tomato from which juice is extracted must show a definite change in surface color from green to tannish-yellow, pink, red, or a combination thereof.

(b) Visual analysis requires that each tomato be "fairly well colored" which means that at least two-thirds of the flesh of the tomato has good red color: Provided, that a tomato having flesh of a lighter shade of red shall be considered as "fairly well colored" if a sufficient amount of the flesh has a red color equivalent to that of a tomato with two-thirds good red color.

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended [7 U.S.C. 1622, 1624].)

Done at Washington, D.C. on June 6, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-15626 Filed 6-9-83; 8:45 am]
BILLING CODE 3410-02-M

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7 CFR Part 52

United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise the voluntary U.S. grade standards for frozen green and wax beans. The revision was developed by the U.S. Department of Agriculture at the request of the frozen food industry. The rule will: (1) Provide for multi-blanched (precooked) beans as a type of pack; (2) incorporate an on-line grading procedure; (3) separate "character" defects from other classified defects; (4) adjust the Acceptable Quality Levels (AQL) to be in line with the Regulations (7 CFR 52.38a–38c); (5) replace the dual grade nomenclature with single letter designations; (6) remove the factor of "color" as a classified defect while retaining the prerequisite factor of "brightness" and the classified factor of "blemished"; (7) provide separate definitions for green and wax bean character classifications; (8) reclassify fiber as a character defect; (9) reference "Flat type" beans as "Romano or Italian type" beans and redefine the character requirements; and (10) remove extraneous vegetable material as a classified defect and reassign it as a prerequisite factor. The effect of this rule will be to improve the standards and promote efficient and orderly marketing.

EFFECTIVE DATE: July 11, 1983.

FOR FURTHER INFORMATION CONTACT: Howard W. Schutz, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6248.

SUPPLEMENTARY INFORMATION: The rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations; or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C 601), because it reflects current marketing practices.

The U.S. Department of Agriculture (USDA) published proposed revisions of the U.S. Standards for Grades of Frozen Green Beans and Frozen Wax Beans in the **Federal Register** (43 FR 47755) on October 17, 1978, at the request of the American Frozen Food Institute (AFFI). AFFI is a non-profit frozen food trade association with a membership of approximately 120 processors and an associate membership of over 135 allied industries and over 225 marketing associates. Statistics for 1981 show a total U.S. pack of approximately 257.4 million pounds of frozen snap beans. AFFI members processed most of this production.

The 1978 proposal suggested the following revisions of the current grade standards for frozen beans: (1) Provide for multi-blanched (precooked) beans as a separate type of pack; (2) incorporate an on-line grading procedure to be compatible with the current lot attribute grading system; (3) separate character defects from other classified defects (such as blemished units, mechanical damage, stems, etc.) and provide for separate tolerances (character is defined as a measurement of the tenderness, maturity and firmness of the beans); (4) adjust the Acceptable Quality Levels (AQL) to be in line with those published in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products" (7 CFR 52.38a–38c); and (5) replace the dual grade nomenclature of "U.S. Grade A or U.S. Fancy," "U.S. Grade B or U.S. Extra Standard," and "U.S. Grade C or U.S. Standard" with single letter designations of "U.S. Grade A," "U.S. Grade B," and "U.S. Grade C," respectively.

For several years, many processors of frozen green and wax beans have been producing multi-blanched beans for use in frozen dinners, frozen mixed vegetables, frozen boil-in-bag items, etc. These beans do not have the bright appearance of regular blanched beans therefore, are downgraded using the current standards. This revision would disregard the quality factor of brightness for multi-blanched beans and allow for all quality grades to be assigned to the product.

Since the current standards were published, and on-line grading procedure for attributes was developed. Also a uniform set of AOL's was incorporated into the "Regulations" (7 CFR 52.38a–38c). The frozen food industry requested that the on-line procedure be incorporated into the frozen bean grade standards. By responding to this request, the AQL's in the standards are brought in line with those published in the Regulations.

The tolerances provided in the current standards were established for a combination of "character" (a

measurement of tenderness, maturity and firmness of the beans) and other "defects" (blemishes, mechanical damage, stems, etc.). Because of the importance of "character" in determining different levels of bean quality, there is a need to separate this factor from the other "defects."

Following the policy of making grade standards simpler to understand, the dual grade nomenclature is being replaced with single letter grades of "U.S. Grade A," "U.S. Grade B," and "U.S. Grade C."

In response to the proposed rule, comments were received from two frozen green and wax bean processors who generally favored the proposal. However, one processor objected to the separate classification of normal color changes which occur in snap beans with advancing maturity. USDA agreed that the factor of color, as defined in the proposal, was dependent upon the maturity of the beans and should be considered in evaluating character.

It was also determined that the defect, "fiber," was dependent upon the maturity of the beans. Therefore, fiber should be considered when evaluating "character."

Industry requested that "character" for green and wax beans be defined separately. It was shown that the two varietal types have different character traits at the same level of maturity.

On September 9, 1980, the USDA published in the **Federal Register** (45 FR 59325) a second notice of proposed rulemaking to revise the U.S. Standards for Grades of Frozen Green Beans and Frozen Wax Beans. The 1980 notice included all the provisions in the 1978 proposal and these additional revisions: (1) Remove color from the list of noncharacter classified defects and retain the prerequisite factor of brightness and the classified factor of blemished; (2) provide separate definitions for character classifications of frozen green beans and frozen wax beans; and (3) remove the defect factor of fiber from classified defects and consider it when evaluating the character of the frozen beans.

Two comments were also received regarding the 1980 proposal. One was submitted by the Iowa Consumers League favoring the proposal. The other, submitted by AFFI, also favored the 1980 proposal, but suggested that the reference to "flat type" beans be changed to "Romano or Italian type" since these are the only "flat type" varieties being freezer processed. The AFFI comments also stated that other types exist that may qualify as flat type beans but differ substantially in character structure. If these become commercially significant as a frozen product, they should be handled separately under the factor of character. The comment also suggested that the definitions for the different quality levels of character for "Romano or Italian type" beans should be redefined to more accurately describe this variety.

Another suggestion by AFFI was to remove the factor of "extraneous vegetable material" from classified defects and reassign it as a prerequisite quality factor while retaining the same quality levels. The justification for this was to provide better statistical protection for the processor and the consumer. The AQL for extraneous vegetable material (EVM) is very small, so if the sample size is increased substantially, the protection afforded is increased. By allowing EVM to stand on its own as a prerequisite factor, it is possible to increase the sample size above that recommended for other factors. This revision incorporates the AFFI suggestions.

List of Subjects in 7 CFR Part 52

Fruit and vegetable, Food grades, Standards.

PART 52—[AMENDED]

Accordingly, the revision of Subpart—*United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans* (7 CFR 52.2321 through 52.2334) will read as follows:

Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans

Sec.

52.2321 Product description.
52.2322 Styles.
52.2333 Style classification and tolerances.
52.2324 Types.
52.2325 Kinds of pack.
52.2326 Definitions of terms
52.2327 Recommended sample unit sizes.
52.2328 Grades.
52.2329 Factors of quality
52.2330 Classification of defects.
52.2331 Tolerances for defects.
52.2332 Sample size.
52.2333 Style requirement criteria.
52.2334 Quality requirement criteria.

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622, 1624).

Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans

§ 52.2321 Product description.

"Frozen green beans" and "frozen wax beans," hereinafter called "frozen beans," means the frozen product prepared from the clean, sound, succulent pods of the bean plant. The pods are stemmed, washed, blanched, sorted, and properly drained. The product is then frozen in accordance with good commercial practice and maintained at temperatures necessary or the preservation of the product.

§ 52.2322 Styles.

(a) *Whole* means frozen beans consisting of whole pods of any length.

(b) *Cut* means frozen beans consisting of pods that are cut transversely into pieces less than 7 cm (2¾ in) but not less than 1.9 cm ¾ in) in length.

(c) *Short cut* means frozen beans consisting of pods that are cut transversely into pieces less than 1.9 cm (¾ in) in length.

(d) *Mixed* means a mixture of two or more of the following styles of frozen beans: whole, cut, or short cut.

(e) *Sliced lengthwise* means frozen beans consisting of pods that are sliced lengthwise and may also be known as *French Style, French Sliced Julienne,* or *Shoestring.*

§ 52.2323 Style classification and tolerances.

(a) *General.* For the purpose of determining acceptance with the styles of *cut* and *short cut,* pieces are considered as "minor" or "major" defects according to their lengths as specified in Table I. Each "X" represents one (1) defect.

(b) *Requirements.* Tolerances for style requirements are contained in Tables II and III.

TABLE I.—STYLE DEFECT CLASSIFICATION

Style	Defect	Classification	
		Minor	Major
Cut	Each piece shorter than 1.3 cm (½ in) length.	X	
	Each piece longer than 7 cm (2¾ in) in length.		X
Short cut	Each piece 1.9 cm (¾ in) or longer but not longer than 4.5 cm (1¾ in) in length.	X	
	Each piece longer than 4.5 cm (1¾ in) in length.		X

TABLE II.—TOLERANCES FOR CUT STYLE

	Total [2]	Major
AQL [1]	20.0	2.5

[1] AQL expressed as percent defective.
[2] Total = Minor + Major.

TABLE III.—TOLERANCES FOR SHORT CUT STYLE

	Total [2]	Major
AQL [1]	20.0	0.65

[1] AQL expressed as percent defective.
[2] Total = Minor + Major.

§ 52.2324 Types.

The type of frozen beans is not incorporated in the grades of finished product, since it is not a factor of quality. The types of frozen beans are described as "round type" and "Romano or Italian type."

(a) *Round type* means frozen beans having a width not greater than 1½ times the thickness of the beans.

(b) *Romano or Italian type* means frozen beans having a width greater than 1½ times the thickness of the beans.

§ 52.2325 Kinds of pack.

The kind of pack of frozen beans is not incorporated in the grades of finished product, since it is not a factor of quality. The kinds of pack of frozen beans are described as "regular process," "multi-blanch process," and "special pack."

(a) *Regular process* means the frozen beans are processed in such a manner that the brightness is not affected by the process.

(b) *Multi-blanch process* means the frozen beans are intentionally processed in such a manner that the brightness is affected by the process.

(c) *Special pack* means the frozen bean pack intentionally contains beans of two or more varietal characteristics (such as a mixture of green and wax beans).

§ 52.2326 Definitions of terms.

(a) *Acceptable Quality Level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) *Blemished* means any unit that is affected by discoloration, or any other means to the extent that the appearance or eating quality is adversely affected:

(1) Slightly;

(2) Materially; or

(3) Seriously.

(c) *Brightness* means the extent that the overall appearance of the sample unit as a mass is affected by dullness. (Applies to "regular process" only).

(1) Grade A—not affected.

(2) Grade B—slightly affected.

(3) Grade C—materially affected.

(4) Substandard—seriously affected.

(d) *Character.*—(1) *Round type—Green Beans.*— (i) *Good character* means the pods are full fleshed; after cooking, the pods are tender and the seeds are not mealy.

(ii) *Reasonably good character* means the pods are reasonably fleshy; after cooking, the pods are tender and the seeds are not mealy.

(iii) *Fairly good character* means the pods have not entirely lost their fleshy structure; after cooking, the pods may contain edible fiber (no inedible fiber allowed) and the seeds may be slightly mealy.

(iv) *Poor character* means the beans fail the requirements for "fairly good character."

(2) *Round type—Wax Means.*—(i) *Good character* means the pods are full fleshed and may show slight breakdown of the flesh between seed cavities; after cooking, the pods are tender and the seeds are not mealy.

(ii) *Reasonably good character* means the pods are reasonably fleshy and may show substantial breakdown of the flesh between the seed cavities; after cooking, the pods are tender and the seeds are not mealy.

(iii) *Fairly good character* means the pods may show total breakdown of the flesh between the seed cavities with no definite seed pocket but still retain flesh on the inside pod wall; after cooking, the pods may contain edible fiber (no inedible fiber allowed) and the seeds may be slightly mealy.

(iv) *Poor character* means the beans fail the requirements for "fairly good character."

(3) *Romano or Italian type.*—(i) *Good character* means the pods have a full inner membrane, typical of the variety, and are tender after cooking.

(ii) *Reasonably good character* means the pods have a reasonably well developed inner membrane and are reasonably tender after cooking.

(iii) *Fairly good character* means the pods may lack an inner membrane and are fairly tender after cooking. The pods may contain edible fiber (no inedible fiber allowed).

(iv) *Poor character* means the beans fail the requirements for "fairly good character."

(4) *Fiber.*—(i) *Edible fiber* means fiber developed in the wall of the bean pod that is noticeable upon chewing but may be consumed with the rest of the bean material without objection.

(ii) *Inedible fiber* means fiber developed in the wall of the bean pod that is objectionable upon chewing and tends to separate from the rest of the bean material.

(e) *Defect* means any nonconformance of a unit(s) of product from a specified requirement of a single quality characteristic.

(f) *Detached stem* means the stem or portion of stem that attaches the beam pod to the vine stem and has become separated from the pod.

(g) *Extraneous vegetable material (EVM).*—(1) *Edible EVM* means tender, green, harmless, and edible vegetable material similar in color and texture to that of bean pods, including but not limited to:

(i) Leaves or portion of leaves or grass;

(ii) Material from plants other than the bean plant.

(2) *Inedible EVM* means any harmless plant material that is not tender, may not be green, may be tough, and includes but is not limited to:

(i) Discolored leaves or grass or portions thereof;

(ii) Bean stalk or vine material;

(iii) Material from plants other than the bean plant.

(h) *Flavor and odor.*—(1) *Good flavor and odor* means the product, after cooking, has a good characteristic flavor and odor and is free from objectionable flavors and odors of any kind.

(2) *Fairly good flavor and odor* means the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and odors of any kind.

(i) *Mechanical damage* means any unit that is broken or split in two parts, or has very ragged edges, or is crushed, or is damaged by mechanical means to such an extent that the appearance is seriously affected.

(j) *Sample unit* means the amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of two or more containers; or

(4) A portion of unpacked product.

(k) *Sloughing* means the separation of the outer layer of tissue from the bean pod giving a ragged or feathery appearance to the unit.

(l) *Small piece (Sliced lengthwise style only)* means a piece of pod less than 1.9 cm (¾ in) in the longest dimension and loose seeds and pieces of seeds.

(m) *Tough strings* mean strings or pieces of strings, removed from the cooked bean pod, that will support a 227 g (½ lb) weight for not less than five (5) seconds.

(n) *Unit* means a bean pod or any individual portion thereof.

(o) *Unsnipped unit* means a unit without an attached stem but with a stem collar that is hard or tough and would be objectionable upon eating.

(p) *Unstemmed unit* means a unit with the attached stem or portion thereof that attaches the pod to the vine stem.

§ 52.2327 Recommended sample unit sizes.

(a) In all styles, other than sliced lengthwise, a mechanically damaged unit that is broken into separate parts will be reassembled to approximate its original size and counted as one unit in the sample unit size.

(b) *Style requirements.* Requirements for cut and short cut styles are based on the recommended sample unit size of 200 units.

(c) *Quality requirements.* Requirements for factors of quality are based on the following recommended sample unit sizes for the respective style:

(1) *Classified defects and character defects.* (i) Sliced lengthwise style—250 g (8.8 oz).

(ii) Whole style—100 units.

(iii) All other styles—200 units.

(2) *Extraneous vegetable material defects (EVM).* (i) On-line grading only (all styles)—1419 g (50 oz). Optional—2838 g (100 oz). Optional—5675 g (200 oz).

(ii) Lot grading only (all styles)—Entire sample.

§ 52.2328 Grades.

(a) *U.S. Grade A* is the quality of frozen beans that:

(1) Meets the following prerequisites in which the beans:

(i) Have similar varietal characteristics (except "special packs");

(ii) Have a good flavor and odor;

(iii) Have a good overall brightness as a mass that is not affected by dullness ("Regular process" only);

(iv) Are practically free from small pieces for the style of "sliced lengthwise";

(v) Have an appearance or eating quality that is not materially affected by sloughing;

(vi) Are practically free from EVM;

(A) On-line grading—within the limits for defects as classified in Table VI and specified in Table XIII.

(B) Lot grading—Not more than two (2) pieces of EVM per 795 g (28 oz) of which not more than one (1) piece may be major.

(2) Is within the limits for defects as classified in Table IV or V and specified in Table VII, VIII, IX, X, XI, or XII, as applicable, for the style.

(b) *U.S. Grade B* is the quality of frozen beans that:

(1) Meets the following prerequisities in which the beans:

(i) Have similar varietal characteristics (except "special pack");

(ii) Have a good flavor and odor;

(iii) Have a reasonably good overall brightness as a mass which may be slightly dull ("Regular process" only);

(iv) Are reasonably free from small pieces for the style of "sliced lengthwise;"

(v) Have an appearance or eating quality that is not seriously affected by sloughing;

(vi) Are reasonably free from EVM;

(A) On-line grading—within the limits for defects as classified in Table VI and specified in Table XIII.

(B) Lot grading—Not more than two (2) pieces of EVM per 395 g (14 oz) of which not more than one (1) piece may be major.

(2) Is within the limits for defects as classified in Table IV or V and specified in Table VII, VIII, IX, X, XI, or XII, as applicable, for the style.

(c) *U.S. Grade C* is the quality of frozen beans that:

(1) Meets the following prerequisites in which the beans:

(i) Have similar varietal characteristics (except "special packs");

(ii) Have a fairly good flavor and odor;

(iii) Have a reasonably good overall brightness as a mass that may be dull but is off-color ("Regular process" only);

(iv) Are fairly free from EVM;

(A) On-line grading—within the limits for defects as classified in Table VI and specified in Table XIII.

(B) Lot grading—Not more than two (2) pieces of EVM per 200 g (7 oz) of which not more than one (1) piece may be major.

(2) Is within the limits for defects as classified in Table IV or V and specified in Table VII, VIII, IX, X, XI, or XII, as applicable, for the style.

(d) Substandard is the quality of frozen beans that fails to meet the requirements of *U.S. Grade C.*

§ 52.2329 Factors of quality.

The grade of frozen beans is based on requirements for the following quality factors:

(a) *Prerequisite quality factors.* (1) Similar varietal characteristics (except "special packs");

(2) Flavor and odor;

(3) Brightness ("Regular process" only);

(4) Freedom from small pieces in the "sliced lengthwise" style;

(5) Freedom from sloughing;

(6) Freedom from extraneous vegetable material (EVM).

(b) *Classified quality factors.* (1) Blemished;

(2) Mechanical damage (all styles except "sliced lengthwise");

(3) Workmanship;

(4) Tough strings;

(5) Character.

§ 52.2330 Classification of defects.

All defects, other than character defects, are classified as minor, major, or severe. All character defects are classified as reasonably good, fairly good, or poor. Each "X" in Tables IV and V represents "one (1) defect."

TABLE IV

Quality factor	Defects	Classification		
		Minor	Major	Severe
Classification of Defects (Other Than Character and EVM) Cut, Short Cut, Whole, Mixed Styles				
Blemished	Slightly (each unit).	X		
	Materially (each unit).		X	
	Seriously (each unit).			X.
Mechanical damage.	(Each reassembled unit).	X		
Workmanship	Unstemmed (each unit).			X.
	Detached stem (each unit).			X.
	Unsnipped unit (each unit).		X	
Tough strings	(Each unit)		X	
Sliced Lengthwise Style				
Blemished	Slightly (each 2.5 g).	X		
	Materially (each 2.5 g).		X	
	Seriously (each 2.5 g).			X.
Workmanship	Unstemmed (each unit).			X.
	Detached stem (each unit).			X.
	Unsnipped unit (each unit).		X	
Tough strings	(Each unit)		X	

TABLE V.—CLASSIFICATION OF CHARACTER DEFECTS, ALL STYLES

Quality factor	Defect	Reasonably good	Fairly good	Poor
Character.	"B" (each unit)	X		
	"C" (each unit)		X	
	"SSTD" (each unit)			X.

Note.—For sliced lengthwise style only—Each 2.5 g increment equals one (1) unit.

TABLE VI.—CLASSIFICATION OF EXTRANEOUS VEGETABLE MATERIAL (EVM), ALL STYLES

Quality factor	Defect	Classification	
		Minor	Major
Extraneous vegetable material.	Edible EVM (each piece).	X	
	Inedible EVM (each piece).		X.

§ 52.2331 Tolerances for defects.

TABLE VII.—ALL CLASSIFIED DEFECTS EXCEPT CHARACTER AND EVM CUT, SHORT CUT, AND MIXED STYLES (200 PLAN)

	Grade A			Grade B			Grade C		
	Total [4]	Major	Severe	Total [4]	Major	Severe	Total [4]	Major	Severe
AQL [1]	6.5	1.5	0.65	8.5	2.5	1.0	12.5	4.0	2.5

[1] AQL expressed as defects per hundred units.
[4] Total = Minor + Major + Severe.

TABLE VIII.—ALL CLASSIFIED DEFECTS EXCEPT CHARACTER AND EVM, WHOLE STYLE (100 PLAN)

	Grade A			Grade B			Grade C		
	Total [4]	Major	Severe	Total [4]	Major	Severe	Total [4]	Major	Severe
AQL [1]	10.0	2.5	1.0	15.0	4.0	2.5	20.0	6.5	4.0

[1] AQL expressed as defects per hundred units.
[4] Total = Minor + Major + Severe.

TABLE IX.—ALL CLASSIFIED DEFECTS EXCEPT CHARACTER AND EVM, SLICED LENGTHWISE STYLE (100 PLAN)

	Grade A			Grade B			Grade C		
	Total [4]	Major	Severe	Total [4]	Major	Severe	Total [4]	Major	Severe
AQL [1]	6.5	2.5	1.5	10.0	4.0	2.5	15.0	6.5	4.0

[1] AQL expressed as defects per hundred units (100—2.5 g increments in 250 g).
[4] Total = Minor + Major + Severe.

TABLE X.—CLASSIFIED DEFECTS FOR CHARACTER ONLY, CUT, SHORT CUT, AND MIXED STYLES (200 PLAN)

	Grade A			Grade B		Grade C
	Total [5]	Fairly good	Poor	Total [6]	Poor	Total [7]
AQL [5]	6.5	0.65	0.15	6.5	0.65	6.5

[5] AQL expressed as percent defective.
[6] Total = Reasonably good + Fairly good + Poor.
[6] Total = Fairly good + Poor.
[7] Total = Poor.

TABLE XI.—CLASSIFIED DEFECTS FOR CHARACTER ONLY, WHOLE STYLE (100 PLAN)

	Grade A	Total [5]		Grade B		Grade C
		Fairly good	Poor	Total [6]	Poor	Total [7]
AQL [5]	6.5	0.65	0.15	6.5	0.65	6.5

[5] AQL expressed as percent defective.
[6] Total = Reasonably good + Fairly good + Poor.
[6] Total = Fairly good + Poor.
[7] Total = Poor.

TABLE XII.—CLASSIFIED DEFECTS FOR CHARACTER ONLY, SLICED LENGTHWISE STYLE (100 PLAN)

	Grade A		Grade C
	Total [6]	Poor	Total [7]
AQL [5]	6.5	0.65	6.5

[5] AQL expressed as percent defective (100-2.5 g increments in 250 g).
[6] Total = Fairly good + Poor.
[7] Total = Poor.

TABLE XIII.—EXTRANEOUS VEGETABLE MATERIAL (EVM), ALL STYLES (ON-LINE ONLY), (50 PLAN—OPTIONAL 100/200 PLAN)

	TOLERANCES					
	Grade A	Total [8]	Grade B		Grade C	
		Major	Total [8]	Major	Total [8]	Major
AQL [1]	5.0	2.5	10.0	5.0	20.0	10.0

[1] AQL expressed as defects per hundred units.
[8] Total = Minor + Major.

§ 52.2332 Sample size.

The sample size used to determine whether the requirements of these standards are met shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1—52.83) for lot grading and on-line grading, as applicable.

§ 52.2333 Style requirement criteria.

(a) *Lot grading.* A lot of frozen beans is considered as meeting the requirements for style if the Acceptable Quality Levels (AQL) in Tables II and III, as applicable for the style, are not exceeded.

(b) *On-line grading.* A portion of production is considered as meeting the requirements for style if the Acceptable Quality Levels (AQL) in Tables II and III, as applicable for the style, are not exceeded.

(c) *Single sample unit.* Each single sample unit submitted for style evaluation will be treated individually and is considered as meeting the requirements for style if the Acceptable Quality Levels (AQL) in Tables II and III, as applicable for the style, are not exceeded.

§ 52.2334 Quality requirement criteria.

(a) *Lot grading.* A lot of frozen beans is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.1238 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables VII, VIII, IX, X, XI, and XII, as applicable for the style, are not exceeded.

(b) *On-line grading.* A portion of production is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.2328 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables VII, VIII, IX, X, XI, XII, and XIII, as applicable for the style, are not exceeded.

(c) *Single sample unit.* Each single sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.2328 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables VII, VIII, IX, X, XI, and XII, as applicable for the style, are not exceeded.

Done at Washington, D.C., on June 6, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-15472 Filed 6-9-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Lemon Reg. 415]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period June 12–18, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: June 12, 1983.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on June 7, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

Section 910.715 is added as follows:

§ 910.715 Lemon regulation 415.

The quantity of lemons grown in California and Arizona which may be handled during the period June 12, 1983, through June 18, 1983, is established at 315,000 cartons.

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

Dated: June 8, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-15866 Filed 6-9-83; 11:57 am]

BILLING CODE 3410-02-M

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7 CFR Part 966

Tomatoes Grown in Florida; Amendment To Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the continuing regulation § 966.323 to extend from June 11 to June 25, 1983, the ending date for the grade, size, pack, container and inspection requirements currently in effect for tomatoes grown in Florida. The extension is necessary due to a prolonged shipping season caused by

inclement weather in the production area.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT:
Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (7 CFR Part 966) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581–0073.

This action has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. It is designed to promote orderly marketing of the Florida tomato crop for the benefit of producers and consumers, and will not substantially affect cost for the directly regulated handlers.

Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR 966) regulate the handling of tomatoes grown in designated counties of Florida. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Florida Tomato Committee, established under the order, is responsible for its local administration.

At its annual meeting held on September 17, 1982, the Florida Tomato Committee recommended that grade, size, pack, container and inspection requirements be established for the 1982–83 season to promote orderly marketing by standardizing shipments and preventing tomatoes of lower quality and undesirable size from being distributed in fresh market channels. Since the Florida tomato marketing season generally extends from mid-October through the following mid-June, such requirements were established for the period October 13, 1982, through June 11, 1983.

Inclement weather in the production area delayed the growing season, however, and tomato shipments are now expected to continue through late June. For this reason, the committee unanimously recommended extending the ending date of the current regulation in a telephone vote conducted on June 3, 1983.

Findings. After consideration of all relevant matter it is hereby found that the following amendment will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after its publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these provisions effective as specified in that (1) this extension of current requirements is needed immediately to promote orderly marketing during the remainder of the marketing season and (2) growers and handlers have been informed of the amendment and compliance will require no special preparation which cannot be completed by the effective date herein.

List of Subjects in 7 CFR Part 966

Marketing agreements and orders, Tomatoes, Florida.

PART 966—[AMENDED]

Section 966.323 *Handling regulation* (47 FR 58213, December 30, 1982) is hereby revised as follows:

§ 966.323. Handling regulation.

During the period January 1, 1983, through June 25, 1983, this season and during the period October 10 through June 15 each season thereafter, no person shall handle any lot of tomatoes for shipment outside the regulated area unless they meet the requirements of paragraph (a) or are exempted by paragraphs (b) or (d).

* * * * *

(Approved by the Office of Management and Budget under Control No. 0581–0073)

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

Dated: June 8, 1983 to become effective upon publication.

D. S. Kuryloski,

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

[FR Doc. 83-15727 Filed 6-9-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 5

[Docket No. 83-24]

Change in Location of Head Office or Branch

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is amending its policy statements and procedures concerning the relocation of a national bank head office. This amendment is necessary to incorporate changes made by the Garn-St Germain Depository Institutions Act of 1982 (Act), Pub. L. 97-320 (October 15, 1982). This rulemaking eliminates unnecessary procedural requirements, installs the requirements of the Act, and clarifies other remaining requirements.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT:
Joseph W. Malott, Policy Analyst, Bank Organization and Structure (202) 447–1184, or Brenda Curry, Legal Advisory Services, (202) 447–1880, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219. Information also may be obtained from the Regional Director of Corporate Activities in any OCC district or regional office.

SUPPLEMENTARY INFORMATION: This final rule effects several regulatory changes necessitated by Act amendments to 12 U.S.C. 30. It implements aspects of the Act and clarifies Office requirements regarding relocations of head offices and branches.

A national bank which desires to relocate its head office to an authorized branch location (including both an approved but unopened branch and an existing branch site) within the limits of the city, town, or village in which the bank is situated must file a letter of notification with the appropriate district office (or regional office, if the bank is currently reporting to a regional office) before relocating. This final rule replaces a formal application process for this type of relocation with a simple notice requirement and eliminates Office approval. The national bank must submit a letter of notification to the appropriate district office and must include the new address and the effective date of relocation. There are no fees or forms required, nor will certificates be issued by the Office for this type of relocation. Further, a national bank is no longer required to publish a newspaper notice concerning the relocation, or to post a notice of the relocation in the bank lobby. Since no application is filed and the Office no longer approves this type of relocation, these notices will no longer be required.

A national bank which desires to relocate its head office to a location other than an authorized branch location within the limits of its city, town, or village must file an application

and receive Office approval. Shareholders owning two-thirds of the voting stock of the bank must approve a relocation outside the limits of the city, town or village and the bank's articles of association must be amended. The relocation cannot be more than 30 miles beyond the limits of the city, town, or village. A relocation of the head office to either an authorized or unauthorized location within the limits does not require shareholder approval or an amendment to the articles of association.

In addition to the amendments which incorporate the aspects of the Act, § 5.40 has been restructured. However, Office policy and procedures have not changed except as discussed above.

Adoption Without Notice and Comments

The Office has found that notice and public procedure concerning this rulemaking are unnecessary and contrary to the public interest. This rulemaking implements those statutory changes made by the Act, and alleviates an expensive, time-consuming regulatory procedure. The results are beneficial and delay in their implementation would be contrary to the public interest. Further this rule is effective immediately since it eliminates an application process and other restrictions no longer required by law.

Regulatory Flexibility Act Analysis

Because the Office has found that notice and public procedure concerning this rulemaking are unnecessary and contrary to the public interest, the provisions of the Regulatory Flexibility Act are not applicable. The Act does not apply when an agency is not required to issue a notice of proposed rulemaking under 5 U.S.C. 553 or any other statute. The amendments ease the application of existing regulation. The effect of the amendments is beneficial rather than adverse, and small entities will share the benefits of the amendments equally with larger institutions.

Regulatory Impact Analysis

The Office has determined that this final rule does not constitute a major rule within the meaning of Executive Order 12291. This final rule eases burdens imposed by regulations and will have no adverse effect on the operations of the depository institutions subject to it. As such, this final rule will not have an annual effect on the economy of $100 million or more, will not affect costs or prices for consumers, individual industries, government agencies or geographic regions, and will not have an adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 12 CFR Part 5

National banks, Administrative procedure and practice, Head office, Relocation.

PART 5—[AMENDED]

Accordingly, 12 CFR Part 5 is amended to read as follows:

1. The authority citation for 12 CFR Part 5 reads as follows:

Authority: 12 U.S.C. 1 *et seq.*

2. Section 5.40 is revised to read as follows:

§ 5.40 Change in location of head office or branch.

(a) *Authority.* A national bank may change the location of its head office in accordance with 12 U.S.C. 30, or change the location of a branch in accordance with 12 U.S.C. 36(e) and 12 U.S.C. 2901 *et seq.*, subject to the additional requirements below.

(b) *Policy.* It is the general policy of the Office to approve applications filed under this section, provided that approval is consistent with applicable law. As provided in § 5.13, the Office reserves the right to deny applications, or to grant approval subject to fulfillment of certain conditions, if: (1) There are significant supervisory concerns with respect to the applicant or any affiliated organization as defined by 12 U.S.C. 221a; or, (2) The applicant's record of helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the bank, is less than satisfactory; or, (3) Any financial or other business arrangement, direct or indirect, involving the head office or branch and bank insiders (directors, officers, employees, and shareholders owning or controlling, directly or indirectly, 10 percent or more of any class of the bank's voting stock) involves terms and conditions more favorable to the insiders than would be available in a comparable transaction with unrelated parties.

(c) *Rules of general applicability.* Sections 5.8, 5.9, 5.10 and 5.11 do not apply to a head office relocation to an authorized branch location within the limits of the city, town or village (paragraph (d)(1) of this section). All other relocations are subject to the requirements of these sections.

(d) *Head Office relocation.*—

(1) *To authorized branch location within city limits.* A national bank may change the location of its head office to an authorized branch location (approved or existing branch site) within the limits of the same city, town or village provided written notice is submitted to the appropriate district office prior to the relocation. The notice must include the new address of the head office and the effective date of the relocation.

(2) *To other than authorized branch location within city limits.* A national bank desiring to relocate its head office to a location (other than an authorized branch location) within the limits of its city, town, or village shall file an application to relocate on form CC 7027–01.

(3) *To location outside city limits.* A national bank desiring to relocate its head office to a location outside the limits of its city, town, or village shall file an application on form CC 7027–01. A relocation outside these limits requires the approval of shareholders owning two-thirds of the voting stock of the bank and an amendment to the bank's articles of association. The relocation cannot be more than 30 miles beyond the limits of the city, town or village in which the bank is located.

(4) *Retention of head office as branch.* A national bank desiring to retain the head office location as a branch must file a branch application on form CC 7021–01. A decision on the application will be made in accordance with §§ 5.30 or 5.31.

(e) *Branch relocation.* A national bank desiring to relocate a branch shall file an application. An application to relocate a branch is evaluated in essentially the same manner as an application to establish a branch.

(1) *Domestic branch.* Use form CC 7027–01. Refer to § 5.30 for evaluation criteria.

(2) *CBCT branch.* Use form CC 7021–01. Refer to § 5.31 for evaluation criteria.

(f) *Community.* In order to comply with 12 CFR 25.4(d), if the proposed relocated head office or branch will change the bank's existing community delineation, the applicant's board of directors must act upon any material change at its first regular meeting after the change, *i.e.*, the relocation of the office. In the application, the bank must indicate ways it intends to vary its lending policy, procedures or services at the proposed relocated office, if at all, and must discuss the extent to which services to the community surrounding the present location will be diminished, if at all.

(g) *Additional publication requirements for applications.* In

addition to the publication requirement of § 5.8(a), a notice must be published on the same day of two consecutive weeks in a newspaper of general circulation in the community in which the office to be relocated is located. In addition, a notice identical to that required by § 5.8(a) must be posted in the lobby of the office to be relocated on the date of the first publication in the newspaper, and must remain posted for 28 days.

(h) *Fees.* A filing fee of $500 is required with each application. No fee is required for a written notice.

(i) *Decision.* Written notification of the Office's decision on an application will be issued in accordance with § 5.13, except for CBCT branches, in which case the procedures stated in § 5.31(i) apply.

(j) *Commencement of business.* The relocation approval will expire if the subject office has not opened at the relocated site within 18 months (nine months for CBCT branches) after the date of preliminary approval. Extensions to this period generally are not granted; however, in the event of unusual circumstances, requests for extension may be submitted to the district office.

(k) *Authorization.* When all requirements and conditions are satisfied, authorization for the relocation will be granted.

(l) *Forms.* CC 7027–01: Instructions for Filing and Application to Relocate a Head Office or Domestic Branch.

(Approved by the Office of Management and Budget under control number 1557–0057.)

Dated: April 7, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-15677 Filed 6-9-83; 8:45 am]

BILLING CODE 4810-33-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

[Amdt. 40]

Definition of Small Business for Preferential Treatment in Purchase of Special Salvage Timber Sales (SSTS)

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations pertaining to the size standard for small business concerns to be eligible for preferential award of special salvage timber sales (SSTS). The rule change defines and limits the conditions under which subcontractors may be used for harvest of SSTS timber. It will also eliminate the award of contracts to brokers who do not participate in the actual performance of the contracts.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph E. Kernan, Director, Office of Natural Resource Sales Assistance, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416, Telephone: (202) 653–6586.

SUPPLEMENTARY INFORMATION: In connection with the sale of Government-owned special salvage timber designated by the U.S. Forest Service (USFS) as SSTS, a small business is a concern that:

(1) Is primarily engaged in the logging or forest products industry;

(2) Is independently owned and operated;

(3) Is not dominant in its field of operations; and

(4) Together with its affiliates, its number of employees has not exceeded 25 persons during any pay period for the past 12 months.

(5) Other regulatory restrictions are also applicable depending upon the eventual use to be made of timber. (See 13 CFR 121.3–9(c) (1), (2) and(3).

The SBA/USFS joint SSTS program is separate and distinct from the regular small business set-aside program involving USFS timber.

On March 7, 1983, (48 FR 9529), SBA published a proposed rule change to the size standard definition of a small business concern eligible for preferential award of an SSTS sale. Interested parties were given 30 days in which to submit comments. Three comments were received, all supporting the proposed change. One respondent did recommend a change to the regulation which was not a part of the proposed revision.

SBA hereby certifies that this rule does not constitute a major rule for the purpose of Executive Order 12291. In addition, this rule will not have a significant economic impact on a substantial number of small entities for the purpose of the Regulatory Flexibility Act. In this regard, the regulation will merely clarify that: (1) The SSTS program is intended to benefit small businesses; (2) that small businesses are required to perform SSTS contracts which they are awarded; and (3) that the program is not intended to permit large businesses to benefit as a result of subcontracts. Thus there will be no adverse impact upon small entities as a result of this regulation.

List of Subjects in 13 CFR Part 121

Small business.

PART 121—SMALL BUSINESS SIZE STANDARDS

Accordingly, pursuant to section 5 (b)(6) of the Small Business Act, 15 U.S.C 634(b)(6), 13 CFR 121.3–9 is amended as follows:

1. Paragraph (c)(2) is amended by adding the following new paragraph:

§ 121.3–9 [Amended]

(c) * * *

(2) * * *

(iii) It agrees that as an eligible logger, it will accomplish a significant portion of the logging operation, exclusive of hauling, with its own employees. Significant logging of timber means using its own employees to accomplish two or more of the following elements: (A) Felling and bucking, (B) yarding, (C) loading. It further agrees that such SSTS sale logging elements not accomplished with its own employees will be subcontracted only to concerns eligible for preferential award of an SSTS sale.

* * * * *

2. Paragraph (c)(3) is amended by revising paragraph (ii) and adding (iii) to read as follows:

* * * * *

(c) * * *

(3) * * *

* * * * *

(ii) It agrees that it will manufacture a significant portion of the logs with its own employees. Manufacture of logs means, at the minimum, a breakdown of the log into the rough cut of the finished product. The provision assumes that the successful bidder will remain a small business until the products have been manufactured. Accordingly, if, after acquiring the set-aside sale the bidder is purchased by, becomes controlled by, or merged with a large business, so much of such timber (or sawlogs therefrom) as is necessary shall be sold to one or more small businesses for compliance with the 30 percent (50 percent in Alaska) restriction. Any concern which self certifies as a small business concern for the purpose of award under a small business set-aside sale of government timber is expected to maintain evidence that it did so in good faith. Accordingly, such a concern will have to maintain for a period of 3 years the name, address, and size status of each concern to whom the timber or sawlogs were sold or disposed, and the log species, grades, and volumes involved. Such concern, and any subsequent small business concern that acquires the sawlogs, also shall require its small business purchasers to maintain similar records for a period of 3 years. Further, if the timber purchased is not to be resold in

the form of sawlogs but is to be manufactured into lumber or timbers by a concern other than the bidder, the bidder must maintain records to show the name, address, and size status of the concern manufacturing the sawlogs into lumber or timbers.

(iii) It further agrees that it will accomplish the logging of the SSTS timber, exclusive of hauling, with its own employees, or will subcontract such logging only to concerns eligible for preferential award of an SSTS sale.

(OMB Approval No. 0596-0021)

Dated: May 12, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-15670 Filed 6-9-83; 8:45 am]

BILLING CODE 8025-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1406

Provision of Performance and Technical Data for Coal and Wood Burning Appliances

Correction

In FR Doc. 83-12728 beginning on page 21898 in the issue of Monday, May 16, 1983, make the following correction:

On page 21914, center column, paragraph (c) of § 1406.1, in the tenth line, "after May 16, 1983" should have read "after May 16, 1984".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 82F-0181]

Indirect Food Additives: Polymers; Polysulfone Resins

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for changes in the specifications and testing procedure for polysulfone resins as articles or components of articles intended for repeated use in contact with food. This action is based on a petition filed by Union Carbide Corp.

DATES: June 10, 1983; objections by July 11, 1983.

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

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-344), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 29, 1982 (47 FR 28159), FDA announced that a food additive petition (FAP 2B3629) had been filed by Union Carbide Corp., River Rd., Bound Brook, NJ 08805, proposing that Part 177 (21 CFR Part 177) of the food additive regulations be amended to provide for a change in the molecular weight specifications and testing requirements for polysulfone resins as articles or components of articles intended for repeated use in contact with food.

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

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

The agency has previously considered the potential environmental effects of this rule as announced in the notice of filing published in the **Federal Register**. No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 177

Food additives, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 177 is amended in § 177.2500 by revising paragraphs (a) and (c), to read as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.2500 Polysulfone resins.

* * * * *

(a) For the purpose of this section, polysulfone resins (poly(oxy-*p*-phenylenesulfonyl-*p*-phenyleneoxy-*p*-phenyleneisopropylidene-*p*-phenylene)resins) (CAS Reg. No. 25154-01-2) consist of basic resins produced when the disodium salt of 4,4'-isopropylidenediphenol is made to react with 4,4'-diochlorodiphenyl sulfone such that the finished resins have a minimum number average molecular weight of 15,000, as determined by osmotic pressure in monochlorobenzene.

* * * * *

(c) Polysulfone resins, when extracted at reflux temperatures for 6 hours with the solvents-distilled water, 50 percent (by volume) ethyl alcohol in distilled water, 3 percent acetic acid in distilled water, and *n*-heptane, yields total extractives in each extracting solvent not to exceed 0.0078 milligram per square centimeter (0.05 milligram per square inch) of resin surface.

Note.—In testing the finished polysulfone resins, use a separate resin test sample for each required extracting solvent.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 11, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation becomes effective June 10, 1983.

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

Dated: June 2, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-15537 Filed 6-9-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Sulfaquinoxaline

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of supplemental new animal drug applications (NADA's) filed by Ralston Purina Co., providing for use of 3.44–percent and 12.85–percent solutions of sulfaquinoxaline in drinking water for chickens, turkeys, cattle, and calves to control or treat various diseases caused by certain pathogenic organisms. The supplemental NADA's provided revised labeling to conform with the National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Implementation (DESI) review of the products.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV–138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: Ralston-Purina Co. Checkerboard Square, St. Louis, MO 63199, filed supplements to NADA's 7–076 and 8–224 that provide for use of 3.44–percent and 12.85–percent solutions of sulfaquinoxaline for medication of chickens, turkeys, cattle, and calves. The products are used in drinking water for control of coccidiosis, fowl typhoid, and acute fowl cholera in chickens and turkeys and for control and treatment of coccidiosis in cattle and calves when the diseases are caused by certain pathogenic organisms.

The NAS/NRC-reviewed Ralston Purina's sulfaquinoxaline products and concluded that they are probably effective or effective for their intended uses. FDA concurred in the NAS/NRC findings (35 FR 11068, July 9, 1970; 48 FR 3962, January 28, 1983). Ralston Purina has submitted information to comply with the NAS/NRC review and has revised its labeling accordingly. On that basis, the supplemental NADA's are approved and the regulations are amended accordingly.

NADA's that pertain to identical products and reflect those conditions of use as set forth in this regulation do not require efficacy data as specified by § 514.1(b)(8)(ii) or § 514.111(a)(5)(ii)(*a*)(*4*) (21 CFR 514.1(b)(8)(ii) or § 514.111(a)(5)(ii)(*a*)(4)) of the animal drug regulations. In lieu of such data, approval may require bioequivalency or similar data as suggested in the guideline for submitting NADA's for NAS/NRC-reviewed generic drugs. The guideline is available from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. In addition, applications must be accompanied by a written commitment to undertake the human safety studies required by FDA.

These supplemental NADA's concern only the drug's effectiveness and its safety to the target animal. The human food safety aspects of sulfaquinoxaline are being evaluated separately (see 48 FR 3963; January 28, 1983).

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above), from 9 a.m. to 4 p.m., Monday through Friday.

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

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.2325a by revising paragraph (c), the introductory text of paragraph (e), and paragraph (e)(4)(ii) and by adding paragraph (e)(4)(iii), to read as follows:

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

§ 520.2325a Sulfaquinoxaline drinking water.

* * * * *

(c) *Sponsor.* (1) Use of a 25-percent soluble powder and a 20-percent solution has been granted to No. 000006 in § 510.600(c) of this chapter for use as provided for in paragraph (e) of this section.

(2) Use of 3.44-percent and 12.85-percent solutions has been granted to No. 017800 in § 510.600(c) of this chapter for use as provided for in paragraph (e)(1), (2), (3), (4)(i), and (4)(ii) of this section.

* * * * *

(e) *Conditions of use.* It is used in drinking water as follows:

* * * * *

(4) * * *

(ii) Administer at the 0.015-percent level for 3 to 5 days in drinking water medicated with sulfaquinoxaline solution.

(iii) In lieu of treatment as provided in paragraph (e)(4)(ii) of this section, administer 1 teaspoon of 25-percent sulfaquinoxaline soluble powder per day for each 125 pounds of body weight for 3 to 5 days in drinking water.

* * * * *

Effective date. June 10, 1983.

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

Dated: June 3, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-15538 Filed 6-9-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Sulfamethazine Sustained-Release Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Norden Laboratories, Inc., providing for safe and effective use of sulfamethazine sustained-release tablets in treating calves for certain infections caused by sulfamethazine-sensitive organisms.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Hines, Bureau of Veterinary

Medicine (HFV–133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: Norden Laboratories, Inc., Lincoln, NE 68501, filed NADA 126–232 providing for the safe and effective use of sustained-release tablets containing 8 grams of sulfamethazine for treating calves for bacterial pneumonia caused by *Pasteurella* spp., colibacillosis (bacterial scours) caused by *Escherichica coli*, and calf diphtheria caused by *Fusobacterium necrophorum*. Effectiveness of the product was established based on Norden's approved NADA 49–892, which is for the same product in a different tablet size. Norden also submitted data demonstrating that therapeutically effective blood plasma levels of free sulfamethazine are produced within 4 to 6 hours after administration of the drug and are sustained for up to 96 hours.

Animal safety in calves was established based on data showing the safety of doses containing up to three times the recommended dosage level. A tissue residue study established that use of the drug as proposed, with an 18-day withdrawal period, would result in no residues exceeding the negligible residue tolerance provided for in 21 CFR 556.670. Based on the data and information submitted, the NADA is approved and the regulations are amended accordingly.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 541.11(e)(2)(ii) (21 CFR 541.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environment impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f) (1) (iii) and (g)) may be seen in the Docket Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.2260c, to read as follows:

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

§ 520.2260c Sulfamethazine sustained-release tablets.

(a) *Sponsor.* See No. 011519 in § 510.600(c) of this chapter for use of an 8-gram sulfamethazine sustained-release tablet.

(b) *Conditions of use*—(1) *Amount.* 8 grams (1 tablet) per 45 pounds of body weight as a single dose.

(2) *Indications for use.* In calves for sustained treatment of pneumonia caused by *Pasteurella* spp., colibacillosis (bacterial scours) caused by *Escherichia coli;* and calf diptheria caused by *Fusobacterium necrophorum.*

(3) *Limitations.* If there is no response within 2 to 3 days, reevaluate therapy. Do not crush tablets. Treated animals must not be slaughtered for food within 18 days after the latest treatment. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. June 10, 1983.

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

Dated: May 31, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-15539 Filed 6-9-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

30 CFR Part 226

[Circular No. 2527]

Unit or Cooperative Agreements; Formation and Operation of Onshore Federal and Indian Oil and Gas Unit Plans

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will amend the regulations governing the formation and operation of onshore Federal and Indian oil and gas unit plans. The provisions are revised and modernized to eliminate unnecessary items and to incorporate certain modifications in recognition of changed circumstances which have evolved since 1951, when the part was last published in its entirety. The model unit agreement (30 CFR 226.12) for unproven areas is revised to incorporate all previously accepted modifications and those resulting from this rulemaking.

EFFECTIVE DATE: July 11, 1983.

ADDRESS: George F. Brown, Deputy Associate Director for Onshore Minerals Operations, Bureau of Land Management, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Daniels (703) 860–7535, (FTS) 928–7535, or Mr. Stephen H. Spector (703) 860–7969, (FTS) 928–7969.

SUPPLEMENTARY INFORMATION: The principal authors of this final rulemaking are Mr. Gerald R. Daniels and Mr. Stephen H. Spector, Reston, Virginia; Mr. Leo Kozola, Casper, Wyoming; and Mr. Joseph Lara, Albuquerque, New Mexico.

By Secretarial Order No. 3087, of December 3, 1982, the Secretary of the Interior transferred all onshore minerals management functions, except royalty management, on non-Indian lands from the Minerals Management Service (MMS) to the Bureau of Land Management (BLM). All such functions relating to Indian lands similarly were transferred to the BLM by an amendment to the Order.

These unitization regulations, as well as the non-royalty provisions of other onshore regulations contained in Chapter II, Title 30 of the Code of Federal Regulations will be transferred to Title 43 of the CFR at a later date.

The MMS published these regulations as proposed rulemaking on June 10, 1982 (47 FR 25252). Comments were invited for 45 days ending July 26, 1982. There were 25 separate comments received, including 16 from oil and gas operators, 4 from law firms with oil and gas practice, 2 from consultants involved in the formation of units, 1 from an oil and gas association, 1 from an organization which represents several Indian Tribes, and 1 from an agency of the Federal Government.

Most commenters felt the proposal adequately incorporated all approved modifications to unit agreements currently in use and one went as far as endorsing the proposal as published. However, most respondents recommended various technical, editorial or, in some cases, substantive modification to the proposal, which are discussed herein.

A generalized comment expressed by two operators related to oil and gas

operations in Alaska, particularly on the North Slope. They both expressed concern about a unit operator's ability to meet the time requirements in order to fulfill the obligations under a unit agreement in the Arctic region. We recognize that the model contained in these regulations may not address the unique operating conditions which may be encountered in Alaska. While we believe most of these concerns can be resolved by reliance on section 25 of the model, UNAVOIDABLE DELAY, it is also possible for field personnel in Alaska to authorize appropriate modifications in the language of the model agreement which address these concerns. However, we do not believe such provisions need be included in the model agreement, since most unitization proposals are for lands in the "lower 48."

Another area of general concern expressed by two commenters was the impact of Indian lands and leases on the formation and development of units. While the commenters urged opposite solutions to a perceived problem (one urged more and the other less direct Indian involvement in approval), they both seemed to agree that the proposed modification to section 226.7 was an improvement. We have not adopted the suggestion to include a provision for tribal consent in the regulations. The BLM will continue the past MMS practice of looking to the appropriate office of the Bureau of Indian Affairs (BIA) for contact with and consent by tribal of individual allottee lessors to unitization proposals involving Indian lands, and will continue to require final approval thereof by BIA, including appropriate tribal and allottee consent. In addition, since the Indian leases involved are issued under Federal law contained in Title 25 of the United States Code, reference to "tribal law" does not appear appropriate for these regulations. BLM will continue to incorporate all necessary modifications to proposed unit agreements and plans involving Indian lands which BIA provides to meet special situations. The suggestion to include some of the usual modifications in the model agreement has not been adopted since the vast majority of proposed agreements do not include Indian lands and § 226.12 is provided as a model to cover most situations. The inclusion of references to "Indian lands" or royalties due the "Indian tribe" is generally provided by the BIA prior to the agreement being presented for final approval.

The following comments are listed under the section of the proposed regulation to which they relate. Sections which received no comments or only editorial suggestions are not listed.

Definitions. (§ 226.2)

In the interest of facilitating possible future additions to this section and for uniformity with generally accepted practice, the definitions are now listed in alphabetical order and are listed without any individual designation (i.e., (a), (b), etc.) as they appeared in the proposed rulemaking.

Authorized Officer

The definition of the Deputy Minerals Manager has been replaced with a definition of "authorized officer." The recent transfer of the onshore minerals management functions from MMS to BLM makes this change appropriate; however, this should not impact the performance of the various unit approval functions by BLM. In a related change, the final rulemaking includes a definition for "Proper BLM office." This definition and that for "authorized officer" are identical to those found in Title 43 CFR Group 3000.

Participating area

Several commenters suggested that the definition of a "participating area" be expanded to eliminate uncertainty and different interpretations. While we agree that it would be desirable to have a precise definition that could be used in all cases to determine the participating area, we feel such a definition is not possible. Guidelines to eliminate field office inconsistencies will be developed and issued as soon as practical. However, the regulatory definition must be general enough to cover the diverse situations which actually are encountered by BLM in its administration of these regulations. A suggestion to modify the definition so that it conforms more closely with the content of section 11 of the model agreement has been adopted.

Designation of unit area; depth of test well. (§ 226.3)

A few commenters requested that the references to furnishing and protecting information should be made more specific and refer to the specific section of 30 CFR Part 221. In addition, a reference to land status omitted reference to Indian land. All requested revisions have been made.

Parties to unit agreement. (§ 226.5)

Several commenters recommended revising this section to eliminate the requirement to submit evidence no longer required by the leasing regulations of Title 43 of the CFR. This change has been adopted.

Qualification of unit operator. (§ 226.6)

This section has not been modified even though several commenters pointed to the proposed modification of the BLM's leasing regulations. When the change to Title 43 of the CFR becomes final, the basic "manner" of qualification will be changed; however, the reference in these regulations to such manner will remain correct. Should any future changes be made to the qualification section of the leasing rules, these also would be incorporated automatically by this provision.

Inclusion of non-Federal lands. (§ 226.7)

In addition to the general comments concerning Indian lands noted above, minor changes were made for clarity.

Approval of unit agreement. (§ 226.8)

Several commenters questioned the deletion of paragraph (b) from the existing § 226.8. Generally, they stated the provision authorized the waiver of portions of the operating regulations of 30 CFR Part 221 whenever: (i) Federal land constitutes less than 50 percent of the unitized land, (ii) the field is fully developed, and (iii) the Federal land has less than 50 percent of the estimated recoverable unitized substances. However, past experience has shown that relief under this provision has not been requested and even without the provision, the authorized officer can still apply or waive 30 CFR Part 221, as appropriate, with respect to a particular drilling operation on Federal or Indian land. As previously stated in the proposed rulemaking, we believe the benefit of operating under the same general control has been shown and that retention of the prior provision is unnecessary.

A few commenters stated that the current practice of accepting a non-Federal unit agreement when less than 10 percent of the unitized area is Federal land should be specifically authorized in the regulations. We agree, but believe a more appropriate section for such a provision is § 226.4, *Preliminary consideration of unit agreement*, and appropriate language has been included there.

Retroactive approval of a communitization agreement. (§ 226.9-1)

Several commenters suggested that while the provision may prove beneficial, it was inappropriate for inclusion in these regulations and should be included in Title 43 Group 3100. BLM's proposed rulemaking of June 30, 1982, includes an identical provision at 43 CFR 3105.2 (47 FR 28550, 28561). Therefore, this proposed

provision has been deleted from further consideration by this rulemaking.

Model onshore unit agreement for unproven area. (§ 226.12)

Several commenters recommended editorial changes, such as the capitalization of the section headings, punctuation and grammatical improvement. Where the established meaning of a provision is unaffected by the proposed change, the recommendation has been adopted. The recommended changes to individual sections of the model are discussed below:

Section 1. A few commenters suggested some change in the wording of this paragraph; however, as the existing wording is clear and effective, it has been retained.

Section 2(d). A commenter questioned the addition of language permitting use of a date, other than the agreed to effective date. Upon reconsideration, the proposed language has been dropped.

Section 2(e). Several commenters took exception to the elimination of that portion of section 2(e) of the modified agreements currently in use which provides for a 2-year extension beyond the 10-year period at which time contraction is required. While most commenters agreed that 10 years normally would be sufficient time to develop the unit area, they pointed to several instances when the 2-year extension was appropriate and had been utilized. There have not been any apparent abuses of this provision, and it has been shown to be of legitimate value in aiding conservation of the resource. Therefore, these comments are accepted and the modified language currently in use is retained and included in the regulation.

Sections 9 and 9(a). Several commenters indicated that these proposed provisions were unclear. The language had been included to indicate when operations begin. The suggestion to use only one term throughout the section has been adopted. It should now be clear that the obligations of this section are fulfilled when actual drilling operations are commenced and continued thereafter diligently.

Two commenters took exception to the use of the terms "penetrate" and "penetrated" in place of the existing terms "test" and "tested." The intent of the change was to provide more clarification. As the desired result apparently was not achieved, the existing terms have been retained.

The language of the proposed rulemaking would have changed the ability of the authorized officer to modify the drilling requirement from the model now in use. Several commenters questioned the appropriateness of limiting this discretion. While we continue to believe that fixed drilling requirements are in the public interest, we agree that the limitation of flexibility can result in actual hardship. Therefore, the language of the existing model has been retained.

The designation "9a" has been dropped from the optional multiple well provision so that the model will more clearly indicate that: (i) When multiple wells are required, it is part of the DRILLING TO DISCOVERY section, and (ii) in all cases, the last paragraph of section 9 will relate to unit termination.

The provision which includes voluntary termination of a unit agreement during the first year has been modified in both sections 9 and 20 to read "* * * during the first 6 months * * *." This change is made so that the provision will be consistent with the provision resulting in automatic termination for failure to commence the initial well within 6 months after the unit plan becomes effective, unless an extension has been granted. Several commenters expressed support for this provision. In fact, one commenter stated that "To obtain the benefits of unitization, the parties should be obligated to drill at least one obligation well."

Section 11. One commenter identified an inconsistency between the first and second paragraphs of this section. We agree that the provisions did not agree as to the inclusion of lands "which are necessary for unit operations" in a participating area. While the majority of participating areas include only those lands which are reasonably proved productive of unitized substances in paying quantities, some units require other land which is critical to unit operations to be included in a participating area. For example, these other lands may include those upon which an injection well is located. Therefore, to remove the ambiguity, the phrase "* * * which are necessary for unit operations" has been added to the second paragraph.

One commenter requested the relaxation of strict requirement that only the "* * * last approved public-land survey as of the effective date of each initial participating area" be utilized. We cannot agree. While not all officially recognized cadastral surveys are performed by Government employees, they are all *approved* in accordance with the system used since 1789 to provide for orderly transfer of our Nation's lands.

One commenter pointed out that the same basic concept was referred to twice in the section but with the use of two different terms. The use of the phrase "reasonably *estimated* to be productive" was said to be somewhat different than "reasonably *proved* to be productive." We agree and have changed the reference in the second paragraph to use "proved."

One commenter recommended additional language dealing with elimination of land from a participating area due to depletion of unitized substances. As we are not aware that the current language has presented any problem in administration, this suggested change was not adopted.

Section 13. This section had been rewritten in the proposed rulemaking so that the objective would be stated in simpler terms, recognizing that the current provision covers several possible well locations. One commenter expressed concern that the intent of the provision had been altered. We believe the new terms provide for drilling both to expand an existing participating area and to establish new ones, even when such drilling takes place from a surface location within a previously established participating area. However, to more precisely indicate the intent, the term "that" has been substituted for "the" in line eight of the first sentence. This should clarify the intent that the location of a well proposed pursuant to this section may not be within a participating area for the specific formation to be tested.

Section 15. One commenter requested that the second paragraph be continued as an optional provision. The modified model agreement now in use has not included this as an optional provision for many years. Therefore, the suggestion is not adopted since the change merely brings the model agreement into consistency with actual practice.

Section 17. Several commenters recommended that the language proposed for deletion from the existing model in the regulations be reinserted. This language provided for the payment of compensatory royalty. Because protective wells have long been preferred over the payment of compensatory royalty, the language in question has not appeared in modified models used by the petroleum industry and the government for many years. We agree that since compensatory royalty is an alternative method of dealing with drainage, the section would be more complete with the inclusion of such an option. However, to show clearly that in most cases, protection will be provided by the drilling of a well, the language

inserted has been modified slightly from that proposed.

Section 18. The text of the proposed rulemaking printed in the **Federal Register** erroneously carried a line in paragraph (e) which was to appear in paragraph (b). This has been corrected. A few commenters reiterated their assertion that the provision shown as section 18(h) should be deleted from the model agreement. It is felt that this provision has been included in the model for many years without major problems. In response to comments received as a result of the previous Notice of Intent, the provision was changed to be an optional rather than required term. We believe this provides the flexibility desired by all concerned parties.

Section 20. The effective date of the unit agreement continues to be the date executed on behalf of the Department. The provision relating to voluntary termination during the first year is modified as noted in discussion of § 9. In addition, several commenters recommended including the time frame contained in the leasing regulations (Title 43 CFR) in paragraph 20(c). This recommendation has been adopted.

Section 28. One commenter requested that this provision be changed back to the current language dealing with effective date. This suggestion is not adopted. The language of this section was changed to provide that subsequent joinders to an agreement will be effective as of the date filed, unless otherwise provided in the agreement. The change from effective on the first day of the month following filing was made in accordance with the decision of the Interior Board of Land Appeals (IBLA) in the case of *Bruce Anderson*, 30 IBLA 179 (May 19, 1977). In that decision, the IBLA held that a subsequent joinder was effective on the date filed for the purpose of preserving a lease which would otherwise expire on the last day of the month. However, for determining the benefits and obligations under the unit agreement, some other more appropriate date may be provided in the agreement. We agree with the commenter that the first of the following month would be "* * * preferred, from an accounting viewpoint * * *," but we believe the new provision allows the parties the flexibility of making another date controlling as to the parties, while the filing date will control as to the lessor.

E.O. 12291 Federal Regulation

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 because the existing regulatory scheme was found to be basically sound and required only minor revision to incorporate approved modifications to current agreement and to eliminate unnecessary provisions. In addition, the revision of § 226.9 has reduced the number of copies of most documents submitted to the authorized officer. This will provide a minor duplicating cost savings for the approximately 150 unit filings made annually.

Regulatory Flexibility Act

The Department has also determined that the rulemaking will not have a significant economic effect on a substantial number of small entities, and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The updating of 30 CFR 226 to more accurately reflect advances made in the past 30 years may result in some savings to those small operators and lessees who wish to enter into unit agreements.

Environmental Effects

It is hereby determined that this final rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

Paperwork Reduction Act

Unit agreements which conform to the model set out in § 226.12 of these regulations are basically contracts between the private parties and not an information collection requirement. It is submitted to BLM for approval to insure that the rights granted to each lessee of a Federal or Indian lease and the rights of the lessor are not adversely impacted through the joining of such a lease to a unit plan of operations. All operations continue to be conducted under 30 CFR Part 221 and the information collection requirements of that section apply to the unitized operations as if the unit area were a single, consolidated lease. The model agreement does not constitute information collection as defined by 44 U.S.C. 3502 and, therefore, does not require OMB approval.

List of Subjects in 30 CFR Part 226

Government contracts, Oil and gas reserves, Public lands—mineral resources.

Under the authority of the Act of February 25, 1920, as amended and supplemented (30 U.S.C. 189, 226j), and Executive Order 12291 (46 FR 13193), Part 226, Chapter II, Title 30 of the Code of Federal Regulations is revised as set forth below.

Dated: May 10, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

PART 226—ONSHORE OIL AND GAS UNIT AGREEMENTS

Sec.

226.1 Introduction and jurisdiction.
226.2 Definitions.
226.3 Designation of unit area; depth of test well.
226.4 Preliminary consideration of unit agreement.
226.5 Parties to unit agreement.
226.6 Qualifications of Unit Operator.
226.7 Inclusion of non-Federal lands.
226.8 Approval of unit agreement.
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226.11 Appeals.
226.12 Model onshore unit agreement for unproven areas.
226.13 Model Exhibit "A."
226.14 Model Exhibit "B."
226.15 Model collective bond.
226.16 Model for designation of successor unit operator by working interest owners.
226.17 Model for change in unit operator by assignment.

Authority: The Act of February 25, 1920 (30 U.S.C. 181, 189, 226(e), 226(j)), as amended.

§ 226.1 Introduction and jurisdiction.

(a) The regulations in this part prescribe the procedures to be followed and the requirements to be met by the owners of any right, title, or interest in Federal oil and gas leases (see § 226.2), and their representatives who wish to unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit plan for the development of any oil or gas pool, field, or like area, or any part thereof. All unit operations on Federal leases are subject to the regulations contained in 30 CFR Part 221, Onshore Oil and Gas Operations. All unit operations on non-Federal lands included within Federal unit plans are subject to the reporting requirements of 30 CFR Part 221.

(b) Subject to the supervisory authority of the Secretary, the administration of the regulations in this part shall be under the jurisdiction of the Authorized Officer (AO). In the exercise of his jurisdiction, the AO shall be subject to the direction and supervisory authority of the Director, Bureau of Land Management, who may exercise the jurisdiction of the AO.

§ 226.2 Definitions.

The following terms, as used in this part or in any unit agreement approved under the regulations in this part, shall

have the meanings here indicated unless otherwise defined in such unit agreement:

Authorized officer (AO). Any employee of the Bureau of Land Management who has been delegated the authority to perform the duties described in this Part.

Director. The Director of the Bureau of Land Management or any person authorized to act on the Director's behalf.

Federal lease. A lease issued under the Act of February 25, 1920, as amended (30 U.S.C. 181, et seq.); the Act of May 21, 1930 (30 U.S.C. 351–359); the Act of August 7, 1947 (30 U.S.C. 351, et seq.); or the Act of November 16, 1981 (Pub. L. 97–98, 95 Stat. 1070).

Participating area. That part of a unit area which is considered reasonably proven to be productive in paying quantities or which is necessary for unit operations and to which production is allocated in the manner prescribed in the unit agreement.

Proper BLM office. The Bureau of Land Management office having jurisdiction over the lands subject to the regulation in this Part. When two or more offices have jurisdiction over the lands to be unitized, the "proper BLM office" shall be the office having jurisdiction over the majority of the unit area when the unit is formed.

Secretary. The Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

Unit agreement (agreement). An agreement or plan for the development and operation which provides for the recovery of oil and/or gas from the lands made subject thereto, as a single consolidated entity without regard to separate ownerships and for the allocation of costs and benefits on a basis, as defined in the agreement or plan.

Unit area. The area described in an agreement as constituting the land logically subject to exploration and/or development under such agreement.

Unit operator. The person, association, partnership, corporation, or other business entity designated under a unit agreement to conduct operations on unitized land, as specified in such agreement.

Unitized land. Those lands within a unit area which are committed to an approved agreement or plan.

Unitized substances. Deposits of oil and gas contained in the unitized land which are recoverable in paying quantities by operation under and pursuant to an agreement.

Working interest. An interest held in unitized substances or in lands containing the same by virtue of a lease, operating agreement, fee title, or otherwise, under which, except as otherwise provided in the agreement, the owner of such interest is vested with the right to explore for, develop, and produce such substances. The rights delegated to the unit operator by the unit agreement are not regarded as a working interest.

§ 226.3 Designation of unit area; depth of test well.

An application for designation of an area as logically subject to development under a unit agreement and for determination of the depth of a test well may be filed by a proponent of such an agreement at the proper BLM office. Such application shall be accompanied by a map or diagram on a scale of not less than 2 inches to 1 mile, outlining the area sought to be designated under this section. The Federal, State, Indian and privately owned land should be indicated by distinctive symbols or colors. Federal and Indian oil and gas leases and lease applications should be identified by lease serial numbers. Geologic information, including the results of any geophysical surveys, and any other available information showing that unitization is necessary and advisable in the public interest should be furnished. If requested, geologic, geophysical and other related information so furnished will be treated as confidential in accordance with the provisions of 30 CFR 221.33. These data will be considered by the AO and the applicant will be informed of the decision reached. The designation of an area, pursuant to an application filed under this section, shall not create an exclusive right to submit an agreement for such area, nor preclude the inclusion of such area or any party thereof in another unit area.

§ 226.4 Preliminary consideration of unit agreement.

The model unit agreement set forth in § 226.12, is acceptable for use in unproven areas. Unique situations requiring special provisions should be clearly identified, since these and other special conditions may necessitate a modification of the model unit agreement set forth in § 226.12. Any proposed special provisions or other modifications of the model agreement should be submitted for preliminary consideration so that any necessary revision may be prescribed prior to execution by the interested parties. Where Federal lands constitute less than 10 percent of the total unit area, a non-Federal unit agreement may be used. Upon submission of such an agreement, the AO will take appropriate action to commit the Federal lands.

§ 226.5 Parties to unit agreement.

The owners of any right, title, or interest in the oil and gas deposits to be unitized are regarded as proper parties to a proposed agreement. All such parties must be invited to join the agreement. If any party fails or refuses to join the agreement, the proponent of the agreement, at the time it is filed for approval, must submit evidence of reasonable effort made to obtain joinder of such party and, when requested, the reasons for such nonjoinders. The address of each signatory party to the agreement should be inserted below the signature. Each signature should be attested by at least one witness if not notarized. The signing parties may execute any number of counterparts of the agreement with the same force and effect as if all parties signed the same document, or may execute a ratification or consent in a separate instrument with like force and effect.

§ 226.6 Qualification of unit operator.

A unit operator must qualify as to citizenship in the same manner as those holding interests in Federal oil and gas leases under the regulations at 43 CFR Group 3100. The unit operator may be an owner of a working interest in the unit area or such other party as may be selected by the owners of working interests. The unit operator shall execute an acceptance of the duties and obligations imposed by the agreement. No designation of or change in a unit operator will become effective until approved by the AO, and no such approval will be granted unless the successor unit operator is deemed qualified to fulfill the duties and obligations prescribed in the agreement.

§ 226.7 Inclusion of non-Federal lands.

(a) Where State-owned land is to be unitized with Federal lands, approval of the agreement by appropriate State officials must be obtained prior to its submission to the proper BLM office for final approval. When authorized by the laws of the State in which the unitized land is situated, appropriate provision may be made in the agreement, recognizing such laws to the extent that they are applicable to non-Federal unitized land.

(b) When Indian lands are included, modification of the unit agreement will be required where appropriate. Approval of an agreement containing Indian lands by the Bureau of Indian

Affairs must be obtained prior to final approval by the AO.

§ 226.8 Approval of unit agreement.

A unit agreement will be approved by the AO upon a determination that such agreement is necessary or advisable in the public interest and is for the purpose of more properly conserving natural resources. Such approval will be incorporated in a Certification-Determination document appended to the agreement (example in § 226.12). No such agreement will be approved unless the parties signatory to the agreement hold sufficient interests in the unit area to provide reasonably effective control of operations. Any modification of an approved agreement will require the prior approval of the AO.

§ 226.9 Filing of papers and number of counterparts.

(a) All papers, instruments, documents, and proposals submitted under this part should be filed in the proper BLM office.

(b) An application for designation of a proposed unit area and determination of the required depth of test well(s) shall be filed in duplicate. A like number of counterparts should be filed of any geologic data and any other information submitted in support of such application.

(c) Where a duly executed agreement is submitted for final approval, a minimum of four signed counterparts should be filed. The number of counterparts to be filed for supplementing, modifying, or amending an existing agreement, including change of unit operator, designation of new unit operator, establishment or revision of a participating area, and termination shall be prescribed by the AO.

(d) Two counterparts of a substantiating geologic report, including structure-contour map, cross sections, and pertinent data, shall accompany each application for approval of a participating area or revision thereof under an approved agreement.

(e) Three counterparts of all plans of development and operation shall be submitted for approval under an approved agreement.

(f) One approved counterpart of each instrument or document submitted for approval will be returned to the unit operator by the AO or his representative, together with such additional counterparts as may have been furnished by that purpose.

§ 226.10 Bonds.

In lieu of separate bonds required for each Federal lease committed to a unit agreement, the unit operator may furnish and maintain a collective corporate surety bond or a personal bond conditioned upon faithful performance of the duties and obligations of the agreement and the terms of the Federal leases subject thereto. Personal bonds shall be accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bonds, and by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the obligations assumed. The liability under the bond shall be for such amount as the AO shall determine to be adequate to protect the interests of the United States, and additional bond may be required whenever deemed necessary. The bond shall be filed with the AO. A form of corporate surety bond is set forth in § 226.15. In case of change of unit operator, a new bond must be filed or consent of surety to such change of unit operator must be furnished.

§ 226.11 Appeals.

A technical and procedural review may be requested pursuant to 30 CFR 221.72 and/or an appeal may be taken as provided in 30 CFR Part 290 of this chapter from any order or decision issued under the regulations in this part.

§ 226.12 Model onshore unit agreement for unproven areas.

Introductory Section
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UNIT AGREEMENT FOR THE DEVELOPMENT AND OPERATION OF THE

Unit area _____
County of _____
State of _____
No. _____

This agreement, entered into as of the ——— day of ———, 19— by and between the parties subscribing, ratifying, or consenting hereto, and herein referred to as the "parties hereto,"

WITNESSETH:

WHEREAS, the parties hereto are the owners of working, royalty, or other oil and gas interests in the unit area subject to this agreement; and

WHEREAS, the Mineral Leasing Act of February 25, 1920, 41 Stat. 437, as amended, 30 U.S.C. Sec. 181 et seq., authorizes Federal lessees and their representatives to units with each other, or jointly or separately with others, in collectively adopting and operating a unit plan of development or operations of any oil and gas pool, field, or like area, or any part thereof for the purpose of more properly conserving the natural resources thereof whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest; and

WHEREAS, the parties hereto hold sufficient interests in the ———— Unit Area covering the land hereinafter described to give reasonably effective control of operations therein; and

WHEREAS, it is the purpose of the parties hereto to conserve natural resources, prevent waste, and secure other benefits obtainable through development and operation of the area subject to this agreement under the terms, conditions, and limitations herein set forth;

NOW, THEREFORE, in consideration of the premises and the promises herein contained, the parties hereto commit to this agreement their respective interests in the below-defined unit area, and agree severally among themselves as follows:

1. ENABLING ACT AND REGULATIONS. The Mineral Leasing Act of February 25, 1920, as amended, supra, and all valid pertinent regulations including operating and unit plan regulations, heretofore issued thereunder or valid, pertinent, and reasonable regulations hereafter issued thereunder are accepted and made a part of this agreement as to Federal lands, provided such regulations are not

* Optional sections (in addition the penultimate paragraph of Section 9 is to be included only when more than one obligation well is required and paragraph (h) of section 18 is to be used only when applicable).

inconsistent with the terms of this agreement; and as to non-Federal lands, the oil and gas operating regulations in effect as of the effective date hereof governing drilling and producing operations, not inconsistent with the terms hereof or the laws of the State in which the non-Federal land is located, are hereby accepted and made a part of this agreement.

2. UNIT AREA. The area specified on the map attached hereto marked Exhibit A is hereby designated and recognized as constituting the unit area, containing ——— acres, more or less.

Exhibit A shows, in addition to the boundary of the unit area, the boundaries and identity of tracts and leases in said area to the extent known to the Unit Operator. Exhibit B attached hereto is a schedule showing to the extent known to the Unit Operator, the acreage, percentage, and kind of ownership of oil and gas interests in all lands in the unit area. However, nothing herein or in Exhibits A or B shall be construed as a representation by any party hereto as to the ownership of any interest other than such interest or interests as are shown in the Exhibits as owned by such party. Exhibits A and B shall be revised by the Unit Operator whenever changes in the unit area or in the ownership interests in the individual tracts render such revision necessary, or when requested by the Authorized Officer, hereinafter referred to as AO and not less than four copies of the revised Exhibits shall be filed with the proper BLM office.

The above-described unit area shall when practicable be expanded to include therein any additional lands or shall be contracted to exclude lands whenever such expansion or contraction is deemed to be necessary or advisable to conform with the purposes of this agreement. Such expansion or contraction shall be effected in the following manner:

(a) Unit Operator, on its own motion (after preliminary concurrence by the AO), or on demand of the AO, shall prepare a notice of proposed expansion or contraction describing the contemplated changes in the boundaries of the unit area, the reasons therefore, any plans for additional drilling, and the proposed effective date of the expansion or contraction, preferably the first day of a month subsequent to the date of notice.

(b) Said notice shall be delivered to the proper BLM office, and copies thereof mailed to the last known address of each working interest owner, lessee and lessor whose interests are affected, advising that 30 days will be allowed for submission to the Unit Operator of any objections.

(c) Upon expiration of the 30-day period provided in the preceding item (b) hereof, Unit Operator shall file with the AO evidence of mailing of the notice of expansion or contraction and a copy of any objections thereto which have been filed with Unit Operator, together with an application in triplicate, for approval of such expansion or contraction and with appropriate joinders.

(d) After due consideration of all pertinent information, the expansion or contraction shall, upon approval by the AO, become effective as of the date prescribed in the notice thereof or such other appropriate date.

(e) All legal subdivisions of lands (i.e., 40 acres by Government survey or its nearest lot or tract equivalent; in instances of irregular surveys, unusually large lots or tracts shall be considered in multiples of 40 acres or the nearest aliquot equivalent thereof), no parts of which are in or entitled to be in a participating area on or before the fifth anniversary of the effective date of the first initial participating area established under this unit agreement, shall be eliminated automatically from this agreement, effective as of said fifth anniversary, and such lands shall no longer be a part of the unit area and shall no longer be subject to this agreement, unless diligent drilling operations are in progress on unitized lands not entitled to participation on said fifth anniversary, in which event all such lands shall remain subject hereto for so long as such drilling operations are continued diligently, with not more than 90-days time elapsing between the completion of one such well and the commencement of the next such well. All legal subdivisions of lands not entitled to be in a participating area within 10 years after the effective date of the first initial participating area approved under this agreement shall be automatically eliminated from this agreement as of said tenth anniversary. The Unit Operator shall, within 90 days after the effective date of any elimination hereunder, describe the area so eliminated to the satisfaction of the AO and promptly notify all parties in interest. All lands reasonably proved productive of unitized substances in paying quantities by diligent drilling operations after the aforesaid 5-year period shall become participating in the same manner as during said first 5-year period. However, when such diligent drilling operations cease, all nonparticipating lands not then entitled to be in a participating area shall be automatically eliminated effective as the 91st day thereafter.

Any expansion of the unit area pursuant to this section which embraces lands theretofore eliminated pursuant to this subsection 2(e) shall not be considered automatic commitment or recommitment of such lands. If conditions warrant extension of the 10-year period specified in this subsection, a single extension of not to exceed 2 years may be accomplished by consent of the owners of 90 percent of the working interest in the current nonparticipating unitized lands and the owners of 60 percent of the basic royalty interests (exclusive of the basic royalty interests of the United States) in nonparticipating unitized lands with approval of the AO, provided such extension application is submitted not later than 60 days prior to the expiration of said 10-year period.

3. UNITIZED LAND AND UNITIZED SUBSTANCES. All land now or hereafter committed to this agreement shall constitute land referred to herein as "unitized land" or "land subject to this agreement." All oil and gas in any and all formations of the unitized land are unitized under the terms of this agreement and herein are called "unitized substances."

4. UNIT OPERATOR. ——— is hereby designated as Unit Operator and by signature hereto as Unit Operator agrees and consents to accept the duties and obligations of Unit Operator for the discovery, development, and production of unitized substances as herein provided. Whenever reference is made herein to the Unit Operator, such reference means the Unit Operator acting in that capacity and not as an owner of interest in unitized substances, and the term "working interest owner" when used herein shall include or refer to Unit Operator as the owner of a working interest only when such an interest is owned by it.

5. RESIGNATION OR REMOVAL OF UNIT OPERATOR. Unit Operator shall have the right to resign at any time prior to the establishment of a participating area or areas hereunder, but such resignation shall not become effective so as to release Unit Operator from the duties and obligations of Unit Operator and terminate Unit Operator's rights as such for a period of 6 months after notice of intention to resign has been served by Unit Operator on all working interest owners and the AO and until all wells then drilled hereunder are placed in a satisfactory condition for suspension or abandonment, whichever is required by the AO, unless a new Unit Operator shall have been selected and approved and shall have taken over and assumed the duties and obligations of Unit Operator prior to the expiration of said period.

Unit Operator shall have the right to resign in like manner and subject to like limitations as above provided at any time after a participating area established hereunder is in existence, but in all instances of resignation or removal, until a successor Unit Operator is selected and approved as hereinafter provided, the working interest owners shall be jointly responsible for performance of the duties of Unit Operator, and shall not later than 30 days before such resignation or removal becomes effective appoint a common agent to represent them in any action to be taken hereunder.

The resignation of Unit Operator shall not release Unit Operator from any liability for any default by it hereunder occurring prior to the effective date of its resignation.

The Unit Operator may, upon default or failure in the performance of its duties or obligations hereunder, be subject to removal by the same percentage vote of the owners of working interests as herein provided for the selection of a new Unit Operator. Such removal shall be effective upon notice thereof to the AO.

The resignation or removal of Unit Operator under this agreement shall not terminate its right, title, or interest as the owner of working interest or other interest in unitized substances, but upon the resignation or removal of Unit Operator becoming effective, such Unit Operator shall deliver possession of all wells, equipment, materials, and appurtenances used in conducting the unit operations to the new duly qualified successor Unit Operator or to the common agent, if no such new Unit Operator is selected, elected, to be used for the purpose of conducting unit operations hereunder. Nothing herein shall be construed as authorizing removal of any material,

equipment, or appurtenances needed for the preservation of any wells.

6. SUCCESSOR UNIT OPERATOR. Whenever the Unit Operator shall tender his or its resignation as Unit Operator or shall be removed as hereinabove provided, or a change of Unit Operator is negotiated by the working interest owners, the owners of the working interests according to their respective acreage interests in all unitized land shall, pursuant to the Approval of the Parties requirements of the unit operating agreement, select a successor Unit Operator. Such selection shall not become effective until:

(a) a Unit Operator so selected shall accept in writing the duties and responsibilities of Unit Operator, and

(b) the selection shall have been approved by the AO.

If no successor Unit Operator is selected and qualified as herein provided, the AO at his election may declare this unit agreement terminated.

7. ACCOUNTING PROVISIONS AND UNIT OPERATING AGREEMENT. If the Unit Operator is not the sole owner of working interests, costs and expenses incurred by Unit Operator in conducting unit operations hereunder shall be paid and apportioned among and borne by the owners of working interests, all in accordance with the agreement or agreements entered into by and between the Unit Operator and the owners of working interests, whether one or more, separately or collectively. Any agreement or agreements entered into between the working interest owners and the Unit Operator as provided in this section, whether one or more, are herein referred to as the "unit operating agreement." Such unit operating agreement shall also provide the manner in which the working interest owners shall be entitled to receive their respective proportionate and allocated share of the benefits accruing hereto in conformity with their underlying operating agreements, leases, or other independent contracts, and such other rights and obligations as between Unit Operator and the working interest owners as may be agreed upon by Unit Operator and the working interest owners; however, no such unit operating agreement shall be deemed either to modify any of the terms and conditions of this unit agreement or to relieve the Unit Operator of any right or obligation established under this unit agreement, and in case of any inconsistency or conflict between this agreement and the unit operating agreement, this agreement shall govern. Two copies of any unit operating agreement executed pursuant to this section shall be filed in the proper BLM office prior to approval of this unit agreement.

8. RIGHTS AND OBLIGATIONS OF UNIT OPERATOR. Except as otherwise specifically provided herein, the exclusive right, privilege, and duty of exercising any and all rights of the parties hereto which are necessary or convenient for prospecting for, producing, storing, allocating, and distributing the unitized substances are hereby delegated to and shall be exercised by the Unit Operator as herein provided. Acceptable evidence of title to said rights shall be deposited with Unit Operator and, together with this agreement, shall constitute and define the rights, privileges, and obligations of Unit Operator. Nothing herein, however, shall be construed to transfer title to any land or to any lease or operating agreement, it being understood that under this agreement the Unit Operator, in its capacity as Unit Operator, shall exercise the rights of possession and use vested in the parties hereto only for the purposes herein specified.

9. DRILLING TO DISCOVERY. Within 6 months after the effective date hereof, the Unit Operator shall commence to drill an adequate test well at a location approved by the AO, unless on such effective date a well is being drilled in conformity with the terms hereof, and thereafter continue such drilling diligently until the ——— formation has been tested or until at a lesser depth unitized substances shall be discovered which can be produced in paying quantities (to wit: quantities sufficient to repay the costs of drilling, completing, and producing operations, with a reasonable profit) or the Unit Operator shall at any time establish to the satisfaction of the AO that further drilling of said well would be unwarranted or impracticable, provided, however, that Unit Operator shall not in any event be required to drill said well to a depth in excess of —— feet. Until the discovery of unitized substances capable of being produced in paying quantities, the Unit Operator shall continue drilling one well at a time, allowing not more than 6 months between the completion of one well and the commencement of drilling operations for the next well, until a well capable of producing unitized substances in paying quantities is completed to the satisfaction of the AO or until it is reasonably proved that the unitized land is incapable of producing unitized substances in paying quantities in the formations drilled hereunder. Nothing in this section shall be deemed to limit the right of the Unit Operator to resign as provided in Section 5, hereof, or as requiring Unit Operator to commence or continue any drilling during the period pending such resignation becoming effective in order to comply with the requirements of this section.

The AO may modify any of the drilling requirements of this section by granting reasonable extensions of time when, in his opinion, such action is warranted.

** Multiple well requirements. Notwithstanding anything in this unit agreement to the contrary, except Section 25, UNAVOIDABLE DELAY, —— wells shall be drilled with not more than 6-months time elapsing between the completion of the first well and commencement of drilling operations for the second well and with not more than 6-months time elapsing between completion of the second well and the commencement of drilling operations for the third well, . . . regardless of whether a discovery has been made in any well drilled under this provision. Both the initial well and the second well must be drilled in compliance with the above specified formation or depth requirements in order to meet the dictates of this section; and the second well must be located a minimum of —— miles from the initial well in order to be accepted by the AO as the second unit test well, within the meaning of this section. The third test well shall be diligently drilled, at a location approved by the AO, to test the ——— formation or to a depth of —— feet, whichever is the lesser, and must be located a minimum of —— miles from both the initial and the second test wells. Nevertheless, in the event of the discovery of unitized substances in paying quantities by any well, this unit agreement shall not terminate for failure to complete the ——— well program, but the unit area shall be contracted automatically, effective the first day of the month following the default, to eliminate by subdivisions (as defined in Section 2(e) hereof) all lands not then entitled to be in a participating area.**

Upon failure to commence any well as provided for in this (these) section(s) within the time allowed, prior to the establishment of a participating area, including any extension of time granted by the AO, this agreement will automatically terminate. Upon failure to continue drilling diligently any well commenced hereunder, the AO may, after 15-days notice to the Unit Operator, declare this unit agreement terminated. The parties to this agreement may not initiate a request to voluntarily terminate this agreement during the first 6 months of its term unless at least one obligation well has been drilled in accordance with the provisions of this section.

10. PLAN OF FURTHER DEVELOPMENT AND OPERATION. Within 6 months after completion of a well capable of producing unitized substances in paying quantities, the Unit Operator shall submit for the approval of the AO an acceptable plan of development and operation for the unitized land which, when approved by the DMM, shall constitute the further drilling and development obligations of the Unit Operator under this agreement for the period specified therein. Thereafter, from time to time before the expiration of any existing plan, the Unit Operator shall submit for the approval of the AO a plan for an additional specified period for the development and operation of the unitized land. Subsequent plans should normally be filed on a calender year basis not later than March 1 each year. Any proposed modification or addition to the existing plan should be filed as a supplement to the plan.

Any plan submitted pursuant to this section shall provide for the timely exploration of the unitized area, and for the diligent drilling necessary for determination of the area or areas capable of producing unitized substances in paying quantities in each and every productive formation. This plan shall be as complete and adequate as the AO may determine to be necessary for timely development and proper conservation of the oil and gas resources in the unitized area and shall:

(a) Specify the number and locations of any wells to be drilled and the proposed order and time for such drilling; and

(b) Provide a summary of operations and production for the previous year.

**Provisions to be included only when a multiple well obligation is required.

Plans shall be modified or supplemented when necessary to meet changed conditions or to protect the interests of all parties to this agreement. Reasonable diligence shall be exercised in complying with the obligations of the approved plan of development and operation. The AO is authorized to grant a reasonable extension of the 6-month period herein prescribed for submission of an initial plan of development and operation where such action is justified because of unusual conditions or circumstances.

After completion of a well capable of producing unitized substances in paying quantities, no further wells, except such as may be necessary to afford protection against operations not under this agreement and such as may be specifically approved by the AO, shall be drilled except in accordance with an approved plan of development and operation.

11. PARTICIPATION AFTER DISCOVERY. Upon completion of a well capable of producing unitized substances in paying quantities, or as soon thereafter as required by the AO, the Unit Operator shall submit for approval by the AO, a schedule, based on subdivisions of the public-land survey or aliquot parts thereof, of all land then regarded as reasonably proved to be productive of unitized substances in paying quantities. These lands shall constitute a participating area on approval of the AO, effective as of the date of completion of such well or the effective date of this unit agreement, whichever is later. The acreages of both Federal and non-Federal lands shall be based upon appropriate computations from the courses and distances shown on the last approved public-land survey as of the effective date of each initial participating area. The schedule shall also set forth the percentage of unitized substances to be allocated, as provided in Section 12, to each committed tract in the participating area so established, and shall govern the allocation of production commencing with the effective date of the participating area. A different participating area shall be established for each separate pool or deposit of unitized substances or for any group thereof which is produced as a single pool or zone, and any two or more participating areas so established may be combined into one, on approval of the AO. When production from two or more participating areas is subsequently found to be from a common pool or deposit, the participating areas shall be combined into one, effective as of such appropriate date as may be approved or prescribed by the AO. The participating area or areas so established shall be revised from time to time, subject to the approval of the AO, to include additional lands then regarded as reasonably proved to be productive of unitized substances in paying quantities or which are necessary for unit operations, or to exclude lands then regarded as reasonably proved not to be productive of unitized substances in paying quantities, and the schedule of allocation percentages shall be revised accordingly. The effective date of any revision shall be the first of the month in which the knowledge or information is obtained on which such revision is predicated; provided, however, that a more appropriate effective date may be used if justified by Unit Operator and approved by the AO. No land shall be excluded from a participating area on account of depletion of its unitized substances, except that any participating area established under the provisions of this unit agreement shall terminate automatically whenever all completions in the formation on which the participating area is based are abandoned.

It is the intent of this section that a participating area shall represent the area productive of unitized substances known or reasonably proved to be productive in paying quantities or which are necessary for unit operations; but, regardless of any revision of the participating area, nothing herein contained shall be construed as requiring any retroactive adjustment for production obtained prior to the effective date of the revision of the participating area.

In the absence of agreement at any time between the Unit Operator and the AO as to the proper definition or redefinition of a participating area, or until a participating area has, or areas have, been established, the portion of all payments affected thereby shall, except royalty due the United States, be impounded in a manner mutually acceptable to the owners of committed working interests. Royalties due the United States shall be determined by the AO and the amount thereof shall be deposited, as directed by the AO, until a participating area is finally approved and then adjusted in accordance with a determination of the sum due as Federal royalty on the basis of such approved participating area.

Whenever it is determined, subject to the approval of the AO, that a well drilled under this agreement is not capable of production of unitized substances in paying quantities and inclusion in a participating area of the land on which it is situated in a participating area is unwarranted, production from such well shall, for the purposes of settlement among all parties other than working interest owners, be allocated to the land on which the well is located, unless such land is already within the participating area established for the pool or deposit from which such production is obtained. Settlement for working interest benefits from such a nonpaying unit well shall be made as provided in the unit operating agreement.

12. ALLOCATION OF PRODUCTION. All unitized substances produced from each participating area established under this agreement, except any part thereof used in conformity with good operating practices within the unitized area for drilling, operating, and other production or development purposes, for repressuring or recycling in accordance with a plan of development and operations which has been approved by the AO, or unavoidably lost, shall be deemed to be produced equally on an acreage basis from the several tracts of unitized land of the participating area established for such production. For the purpose of determining any benefits accruing under this agreement, each such tract of unitized land shall have allocated to it such percentage of said production as the number of acres of such tract included in said participating area bears to the total acres of unitized land in said participating area, except that allocation of production hereunder for purposes other than for settlement of the royalty, overriding royalty, or payment out of production obligations of the respective working interest owners, shall be on the basis prescribed in the unit operating agreement whether in conformity with the basis of allocation herein set forth or otherwise. It is hereby agreed that production of unitized substances from a participating area shall be allocated as provided herein regardless of whether any wells are drilled on any particular part or tract of the participating area. If any gas produced from one participating area is used for repressuring or recycling purposes in another participating area, the first gas withdrawn from the latter participating area for sale during the life of this agreement, shall be considered to be the gas so transferred, until an amount equal to that transferred shall be so produced for sale and such gas shall be allocated to the participating area from which initially produced as such area was defined at the time that such transferred gas was finally produced and sold.

13. DEVELOPMENT OR OPERATION OF NONPARTICIPATING LAND OR FORMATIONS. Any party hereto owning or controlling the working interest in any unitized land having thereon a regular well location may with the approval of the AO, at such party's sole risk, costs, and expense, drill a well to test any formation provided the well is outside any participating area established for that formation, unless within 90 days of receipt of notice from said party of his intention to drill the well, the Unit Operator elects and commences to drill the well in a like manner as other wells are drilled by the Unit Operator under this agreement.

If any well drilled under this section by a working interest owner results in production of unitized substances in paying quantities such that the land upon which it is situated may properly be included in a participating area, such participating area shall be established or enlarged as provided in this agreement and the well shall thereafter be operated by the Unit Operator in accordance with the terms of this agreement and the unit operating agreement.

If any well drilled under this section by a working interest owner that obtains production in quantities insufficient to justify the inclusion of the land upon which such well is situated in a participating area, such well may be operated and produced by the party drilling the same, subject to the conservation requirements of this agreement. The royalties in amount or value of production from any such well shall be paid as specified in the underlying lease and agreements affected.

14. ROYALTY SETTLEMENT. The United States and any State and any royalty owner who is entitled to take in kind a share of the substances now unitized hereunder shall be hereafter be entitled to the right to take in kind its share of the unitized substances, and Unit Operator, or the working interest owner in case of the operation of a well by a working interest owner as herein provided for in special cases, shall make deliveries of

such royalty share taken in kind in conformity with the applicable contracts, laws, and regulations. Settlement for royalty interest not taken in kind shall be made by working interest owners responsible therefor under existing contracts, laws and regulations, or by the Unit Operator on or before the last day of each month for unitized substances produced during the preceding calendar month; provided, however, that nothing in this section shall operate to relieve the lessees of any land from their respective lease obligations for the payment of any royalties due under their leases.

If gas obtained from lands not subject to this agreement is introduced into any participating area hereunder, for use in repressuring, stimulation of production, or increasing ultimate recovery, in conformity with a plan of development and operation approved by the AO, a like amount of gas, after settlement as herein provided for any gas transferred from any other participating area and with appropriate deduction for loss from any cause, may be withdrawn from the formation into which the gas is introduced, royalty free as to dry gas, but not as to any products which may be extracted therefrom; provided that such withdrawal shall be at such time as may be provided in the approved plan of development and operation or as may otherwise be consented to by the AO as conforming to good petroleum engineering practice; and provided further, that such right of withdrawal shall terminate on the termination of this unit agreement.

Royalty due the United States shall be computed as provided in 30 CFR Part 221 and paid in value or delivered in kind as to all unitized substances on the basis of the amounts thereof allocated to unitized Federal land as provided in Section 12 at the rates specified in the respective Federal leases, or at such other rate or rates as may be authorized by law or regulation and approved by the AO; provided, that for leases on which the royalty rate depends on the daily average production per well, said average production shall be determined in accordance with the operating regulations as though each participating area were a single consolidated lease.

15. RENTAL SETTLEMENT. Rental or minimum royalties due on leases committed hereto shall be paid by appropriate working interest owners under existing contracts, laws, and regulations, provided that nothing herein contained shall operate to relieve the leases of any land from their respective lessees obligations for the payment of any rental or minimum royalty due under their leases. Rental or minimum royalty for lands of the United States subject to this agreement shall be paid at the rate specified in the respective leases from the United States unless such rental or minimum royalty is waived, suspended, or reduced by law or by approval of the Secretary or his duly authorized representative.

With respect to any lease on non-Federal land containing provisions which would terminate such lease unless drilling operations are commenced upon the land covered thereby within the time therein specified or rentals are paid for the privilege of deferring such drilling operations, the rentals required thereby shall, notwithstanding any other provision of this agreement, be deemed to accure and become payable during the term thereof as extended by this agreement and until the required drilling operations are commenced upon the land covered thereby, or until some portion of such land is included within a participating area.

16. CONSERVATION. Operations hereunder and production of unitized substances shall be conducted to provide for the most economical and efficient recovery of said substances without waste, as defined by or pursuant to State or Federal law or regulation.

17. DRAINAGE. The Unit Operator shall take such measures as the AO deems appropriate and adequate to prevent drainage of unitized substances from unitized land by wells on land not subject to this agreement, which shall include the drilling of protective wells and which may include the payment of a fair and reasonable compensatory royalty, as determined by the AO.

18. LEASES AND CONTRACTS CONFORMED AND EXTENDED. The terms, conditions, and provisions of all leases, subleases, and other contracts relating to exploration, drilling, development or operation for oil or gas on lands committed to this agreement are hereby expressly modified and amended to the extent necessary to make the same conform to the provisions hereof, but otherwise to remain in full force and effect; and the parties hereto hereby consent that the Secretary shall and by his approval hereof, or by the approval hereof by his duly authorized representative, does hereby establish, alter, change, or revoke the drilling, producing, rental minimum royalty, and royalty requirements of Federal leases committed hereto and the regulations in respect thereto to conform said requirements to the provisions of this agreement, and, without limiting the generality of the foregoing, all leases, subleases, and contracts are particularly modified in accordance with the following:

(a) The development and operation of lands subject to this agreement under the terms hereof shall be deemed full performance of all obligations for development and operation with respect to each and every separately owned tract subject to this agreement, regardless of whether there is any development of any particular tract of this unit area.

(b) Drilling and producing operations performed hereunder upon any at the time, such lease shall be extended for 2 years, and so tract of unitized lands will be accepted and deemed to be performed upon and for the benefit of each and every tract of unitized land, and no lease shall be deemed to expire by reason of failure to drill or produce wells situated on the land therein embraced.

(c) Suspension of drilling or producing operations on all unitized lands pursuant to direction or consent of the AO shall be deemed to constitute such suspension pursuant to such direction or consent as to each and every tract of unitized land. A suspension of drilling or producing operations limited to specified lands shall be applicable only to such lands.

(d) Each lease, sublease, or contract relating to the exploration, drilling, development, or operation for oil or gas of lands other than those of the United States committed to this agreement which, by its terms might expire prior to the termination of this agreement, is hereby extended beyond any such term so provided therein so that it shall be continued in full force and effect for and during the term of this agreement.

(e) Any Federal lease committed hereto shall continue in force beyond the term so provided therein or by law as to the land committed so long as such lease remains subject hereto, provided that production of unitized substances in paying quantities is established in paying quantities under this unit agreement prior to the expiration date of the term of such lease, or in the event actual drilling operations are commenced on unitized land, in accordance with provisions of this agreement, prior to the end of the primary term of such lease and are being diligently prosecuted at that time, such lease shall be extended for 2 years, and so long thereafter as oil or gas is produced in paying quantities in accordance with the provisions of the Mineral Leasing Act, as amended.

(f) Each sublease or contract relating to the operation and development of unitized substances from lands of the United States committed to this agreement, which by its terms would expire prior to the time at which the underlying lease, as extended by the immediately preceding paragraph, will expire is hereby extended beyond any such term so provided therein so that it shall be continued in full force and effect for and during the term of the underlying lease as such term is herein extended.

(g) The segregation of any Federal lease committed to this agreement is governed by the following provision in the fourth paragraph of sec. 17(j) of the Mineral Leasing Act, as amended by the Act of September 2, 1960 (74 Stat. 781–784) (30 U.S.C. 226(j)):

"Any [Federal] lease heretofore or hereafter committed to any such [unit] plan embracing lands that are in part within and in part outside of the area covered by any such plan shall be segregated into separate leases as to the lands committed and the lands not committed as of the effective date of unitization: *Provided, however,* That any such lease as to the nonunitized portion shall continue in force and effect for the term thereof but for not less than two years from the date of such segregation and so long thereafter as oil or gas is produced in paying quantities."

*[(h) Any lease, other than a Federal lease, having only a portion of its lands committed hereto shall be segregated as to the portion committed and the portion not committed, and the provisions of such lease shall apply separately to such segregated portions commencing as of the effective date hereof. In the event any such lease provides for a lump-sum rental payment, such payment shall be prorated between the portions so segregated in proportion to the acreage of the respective tracts.

* Optional paragraph to be used only when applicable.

19. CONVENANTS RUN WITH LAND. The covenants herein shall be construed to be covenants running with the land with respect to the interests of the parties hereto and their successors in interest until this agreement terminates, and any grant, transfer or conveyance of interest in land or leases subject hereto shall be and hereby is conditioned upon the assumption of all privileges and obligations hereunder by the grantee, transferee, or other successor in interest. No assignment or transfer of any working interest, royalty, or other interest subject hereto shall be binding upon Unit Operator until the first day of the calendar month after Unit Operator is furnished with the original, photostatic, or certified copy of the instrument of transfer.

20. EFFECTIVE DATE AND TERM. This agreement shall become effective upon approval by the AO and shall automatically terminate 5 years from said effective date unless:

(a) upon application by the Unit Operator such date of expiration is extended by the AO, or

(b) it is reasonably determined prior to the expiration of the fixed term or any extension thereof that the unitized land is incapable of production of unitized substances in paying quantities in the formations tested hereunder, and after notice of intention to terminate this agreement on such ground is given by the Unit Operator to all parties in interest at their last known addresses, this agreement is terminated with the approval of the AO, or

(c) a valuable discovery of unitized substances in paying quantities has been made or accepted on unitized land during said initial term or any extension thereof, in which event this agreement shall remain in effect for such term and so long thereafter as unitized substances can be produced in quantities sufficient to pay for the cost of producing same from wells on unitized land within any participating area established hereunder. Should production cease and diligent drilling operations to restore production or new production are not in progress or reworking within 60 days and production is not restored or should new production not be obtained in paying quantities on committed lands within this unit area, this agreement will automatically terminate effective the last day of the month in which the last unitized production occurred, or

(d) it is voluntarily terminated as provided in this agreement. Except as noted herein, this agreement may be terminated at any time prior to the discovery of unitized substances which can be produced in paying quantities by not less than 75 per centum, on an acreage basis, of the working interest owners signatory hereto, with the approval of the AO. The Unit Operator shall give notice of any such approval to all parties herto. Voluntary termination may not occur during the first 6 months of this agreement unless at least one obligation well shall have been drilled in conformance accordance with Section 9.

21. RATE OF PROSPECTING, DEVELOPMENT, AND PRODUCTION. The AO is hereby vested with authority to alter or modify from time to time, in his discretion, the quantity and rate of production under this agreement when such quantity and rate are not fixed pursuant to Federal or State law, or do not conform to any Statewide voluntary conservation or allocation program which is established, recognized, and generally adhered to by the majority of operators in such State. The above authority is hereby limited to alteration or modifications which are in the public interest. The public interest to be served and the purpose thereof, must be stated in the order of alteration or modification. Without regard to the foregoing, the AO is also hereby vested with authority to alter or modify from time to time, in his discretion, the rate of prospecting and development and the quantity and rate of production under this agreement when such alteration or modification is in the interest of attaining the conservation objectives stated in this agreement and is not in violation of any applicable Federal or State law.

Powers is the section vested in the AO shall only be exercised after notice to Unit Operator and opportunity for hearing to be held not less than 15 days from notice.

22. APPEARANCES. Unit Operators shall, after notice to other parties affected, have the right to appear for and on behalf of any and all interests affected hereby before the Department of the Interior and to appeal from orders issued under the regulations of said Department, or to apply for relief from any of said regulations, or in any proceedings relative to operations before the Department, or any other legally constituted authority; provided, however, that any other interested party shall also have the right at its own expense to be heard in any such proceeding.

23. NOTICES. All notices, demands, or statements required hereunder to be given or rendered to the parties hereto shall be in writing and shall be personally delivered to the party or parties, or sent by postpaid registered or certified mail, to the last-known address of the party or parties.

24. NO WAIVER OF CERTAIN RIGHTS. Nothing contained in this agreement shall be construed as a waiver by any party hereto of the right to assert any legal or constitutional right or defense as to the validity or invalidity of any law of the State where the unitized lands are located, or of the United States, or regulations issued thereunder in any way affecting such party, or as a waiver by any such party of any right beyond his or its authority to waive.

25. UNAVOIDABLE DELAY. All obligations under this agreement requiring the Unit Operator to commence or continue drilling, or to operate on, or produce unitized substances from any of the lands covered by this agreement, shall be suspended while the Unit Operator, despite the exercise of due care and diligence, is prevented from complying with such obligations, in whole or in part, by strikes, acts of God, Federal, State, or municipal law or agencies, unavoidable accidents, uncontrollable delays in transportation, inability to obtain necessary materials or equipment in the open market, or other matters beyond the reasonable control of the Unit Operator, whether similar to matters herein enumerated or not.

26. NONDISCRIMINATION. In connection with the performance of work under this agreement, the Unit Operator agrees to comply with all the provisions of section 202 (1) to (7) inclusive, of Executive Order 11246 (30 FR 12319), as amended, which are hereby incorporated by reference in this agreement.

27. LOSS OF TITLE. In the event title to any tract of unitized land shall fail and the true owner cannot be induced to join in this unit agreement, such tract shall be automatically regarded as not committed hereto, and there shall be such readjustment of future costs and benefits as may be required on account of the loss of such title. In the event of a dispute as to title to any royalty, working interest, or other interests subject thereto, payment or delivery on account thereof may be withheld without liability for interest until the dispute is finally settled; provided, that, as to Federal lands or leases, no payments of funds due the United States shall be withheld, but such funds shall be deposited as directed by the AO, to be held as unearned money pending final settlement of the title dispute, and then applied as earned or returned in accordance with such final settlement.

Unit Operator as such is relieved from any responsibility for any defect or failure of any title hereunder.

28. NONJOINDER AND SUBSEQUENT JOINDER. If the owner of any substantial interest in a tract within the unit area fails or refuses to subscribe or consent to this agreement, the owner of the working interest in that tract may withdraw the tract from this agreement by written notice delivered to the proper BLM office and the Unit Operator prior to the approval of this agreement by the AO. Any oil or gas interests in lands within the unit area not committed hereto prior to final approval may thereafter be committed hereto by the owner or owners thereof subscribing or consenting to this agreement, and, if the interest is a working interest, by the owner of such interest also subscribing to the unit operating agreement. After operations are commenced hereunder, the right of subsequent joinder, as provided in this section, by a working interest owner is subject to such requirements or approval(s), if any, pertaining to such joinder, as may be provided for in the unit operating agreement. After final approval hereof, joinder by a nonworking interest owner must be consented to in writing by the working interest owner committed hereto and responsible for the payment of any benefits that may accrue hereunder in behalf of such nonworking interest. A nonworking interest may not be committed to this unit agreement unless the corresponding working interest is committed hereto. Joinder to the unit agreement by a working interest owner, at any time, must be accompanied by appropriate joinder to the unit operating agreement, in order for the interest to be regarded as committed to this agreement. Except as may otherwise herein be provided, subsequent joinders to this agreement shall be effective as of the date of the filing with the AO of duly executed counterparts of all or any papers necessary to establish effective commitment of any interest and/or tract to this agreement.

29. COUNTERPARTS. This agreement may be executed in any number of counterparts, no one of which needs to be executed by all parties, or may be ratified or consented to by separate instrument in writing specifically referring hereto and shall be binding upon all those parties who have executed such a counterpart, ratification, or consent hereto with the same force and effect as if all such parties had signed the same document, and regardless of whether or not it is executed by all other parties owning or claiming an interest in the lands within the above-described unit area.

*30. SURRENDER. Nothing in this agreement shall prohibit the exercise by any working interest owner of the right to surrender vested in such party by any lease, sublease, or operating agreement as to all or any part of the lands covered thereby, provided that each party who will or might acquire such working interest by such surrender or by forfeiture as hereafter set forth, is bound by the terms of this agreement.

If as a result of any such surrender, the working interest rights as to such lands become vested in any party other than the fee owner of the unitized substances, said party may forfeit such rights and further benefits from operations hereunder as to said land to the party next in the chain of title who shall be and become the owner of such working interest.

If as the result of any such surrender or forfeiture working interest rights become vested in the fee owner of the unitized substances, such owner may:

(a) accept those working interest rights subject to this agreement and the unit operating agreement; or

(b) lease the portion of such land as is included in a participating area established hereunder subject to this agreement and the unit operating agreement; or

(c) provide for the independent operation of any part of such land that is not then included within a participating area established hereunder.

If the fee owner of the unitized substances does not accept the working interest rights subject to this agreement and the unit operating agreement or lease such lands as above provided within 6 months after the surrendered or forfeited, working interest rights become vested in the fee owner; the benefits and obligations of operations accruing to such lands under this agreement and the unit operating agreement shall be shared by the remaining owners of unitized working interests in accordance with their respective working interest ownerships, and such owners of working interests shall compensate the fee owner of unitized substances in such lands by paying sums equal to the rentals, minimum royalties, and royalties applicable to such lands under the lease in effect when the lands were unitized.

An appropriate accounting and settlement shall be made for all benefits accruing to or payments and expenditures made or incurred on behalf of such surrendered or forfeited working interests subsequent to the date of surrender or forfeiture, and payment of any moneys found to be owing by such an accounting shall be made as between the parties within 30 days.

The exercise of any right vested in a working interest owner to reassign such working interest to the party from whom obtained shall be subject to the same conditions as set forth in this section in regard to the exercise of a right to surrender.

*31. TAXES. The working interest owners shall render and pay for their account and the account of the royalty owners all valid taxes on or measured by the unitized substances in and under or that may be produced, gathered and sold from the land covered by this agreement after its effective date, or upon the proceeds derived therefrom. The working interest owners on each tract shall and may charge the proper proportion of said taxes to royalty owners having interests in said-tract, and may currently retain and deduct a sufficient amount of the unitized substances or derivative products, or net proceeds thereof, from the allocated share of each royalty owner to secure reimbursement for the taxes so paid. No such taxes shall be charged to the United States or the State of —— or to any lessor who has a contract with his lessee which requires the lessee to pay such taxes.

*32. NO PARTNERSHIP. It is expressly agreed that the relation of the parties hereto is that of independent contractors and nothing contained in this agreement, expressed or implied, nor any operations conducted hereunder, shall create or be deemed to have created a partnership or association between the parties hereto or any of them.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed and have set opposite their respective names the date of execution.

Unit Operator

Working Interest Owners

Other Interest Owners

General Guidelines

1. Executed agreement to be legally complete.

2. Agreement submitted for approval must contain Exhibit A and B in accordance with models shown in §§ 226.13 and 226.14.

3. Consents should be identified (in pencil) by tract numbers as listed in Exhibit B and assembled in that order as far as practical. Unit agreements submitted for approval shall include a list of the overriding royalty interest owners who have executed ratifications of the unit agreement. Subsequent joinders by overriding royalty interest owners shall be submitted in the same manner, except each must include or be accompanied by a statement that the corresponding working interest owner has consented in writing to such joinder. Original ratifications of overriding royalty owners will be kept on file by the Unit Operator or his designated agent.

4. All leases held by option should be noted on Exhibit B with an explanation as to the type of option, i.e., whether for operating rights only, for full leasehold record title, or for certain interests to be earned by performance. In all instances, optionee committing such interests is expected to exercise option promptly.

5. All owners of oil and gas interests must be invited to join the unit agreement, and statement to that effect must accompany executed agreement, together with summary of results of such invitations. A written reason for all interest owners who have not joined shall be furnished by the unit operator.

6. In the event fish and wildlife lands are included, add the following as a separate section:

"Wildlife Stipulation. Nothing in this unit agreement shall modify the special Federal lease stipulations applicable to lands under the jurisdiction of the United States Fish and Wildlife Service."

7. In the event National Forest System lands are included within the unit area, add the following as a separate section:

"Forest Land Stipulation. Notwithstanding any other terms and conditions contained in this agreement, all of the stipulations and conditions of the individual leases between the United States and its lessees or their successors or assigns embracing lands within the unit area included for the protection of lands or functions under the jurisdiction of the Secretary of Agriculture shall remain in full force and effect the same as though this agreement had not been entered into, and no modification thereof is authorized except with the prior consent in writing of the Regional Forester, United States Forest Service, ——.

8. In the event National Forest System lands within the Jackson Hole Area of Wyoming are included within the unit area, additional "special" stipulations may be required to be included in the unit agreement by the U.S. Forest Service, including the Jackson Hole Special Stipulation.

9. In the event reclamation lands are included, add the following as a new separate section:

"Reclamation Lands. Nothing in this agreement shall modify the special, Federal lease stipulations applicable to lands under the jurisdiction of the Bureau of Reclamation."

10. In the event a powersite is embraced in the proposed unit area, the following section should be added:

"Powersite. Nothing in this agreement shall modify the special, Federal lease stipulations applicable to lands under the jurisdiction of the Federal Energy Regulatory Commission."

11. In the event special surface stipulations have been attached to any of the Federal oil and gas leases to be included, add the following as a separate section:

"Special surface stipulations. Nothing in this agreement shall modify the special Federal lease stipulations attached to the individual Federal oil leases."

12. In the event State lands are included in the proposed unit area, add the appropriate State Lands Section as separate section. (See 30 CFR 226.7(a))

13. In the event restricted Indian lands are involved, consult the AO regarding

*Optional sections and subsection. (Agreements submitted for final approval should not identify section or provision as "optional.")

appropriate requirements under 30 CFR 226.7(b).

Certification—Determination

Pursuant to the authority vested in the Secretary of the Interior, under the act approved February 25, 1920, 41 Stat. 437, as amended, 30 U.S.C. sec. 181, et seq., and delegated to the appropriate (Name and Title of authorized officer, BLM) Service under the authority of 30 CFR 226, I do hereby:

A. Approve the attached agreement for the development and operation of the ———, Unit Area, State of ———.

B. Certify and determine that the unit plan of development and operation contemplated in the attached agreement is necessary and advisable in the public interest for the purpose of more properly conserving the natural resources.

C. Certify and determine that the drilling, producing, rental minimum royalty, and royalty requirements of all Federal lease committed to said agreement are hereby established altered, changed, or revoked to conform with the terms and conditions of this agreement.

Dated ———.

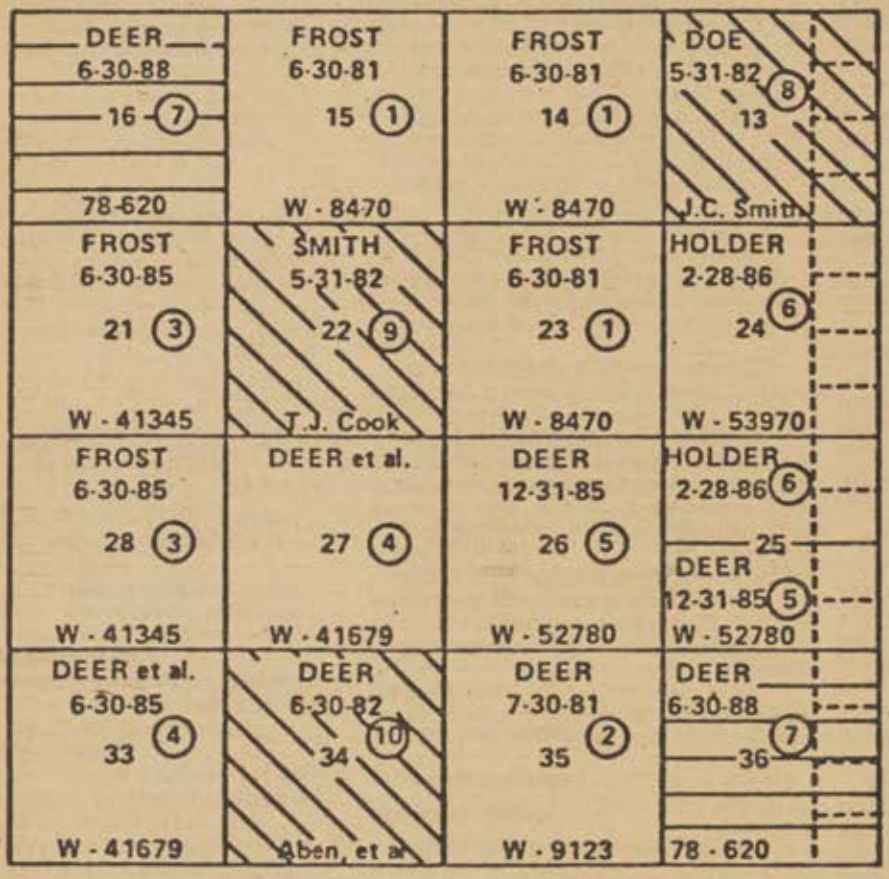
(Name and Title of authorized officer of the Bureau of Land Management)

BILLING CODE 4310-84-M

§226.13 ~~Model of Exhibit A~~ ——— Model Exhibit "A" 44

Company Name
Exhibit A
Swan Unit Area
Campbell County, Wyoming

R. 59 W.



(1) Means tract number as listed on Exhibit B

Public Land

State Land

Patented Land

Scale - Generally 2" = 1 mile.

Include acreage for all irregular sections and lots.

§ 226.14 **Model Exhibit "B"**

EXHIBIT B—SWAN UNIT AREA, CAMPBELL COUNTY, WYOMING

Tract No.	Description of land	No. of acres	Serial No. and expiration date of lease	Basic royalty and ownership percentage	Lessee of record	Overriding royalty and percentage	Working interest and percentage
	All in the area of T54N-R59W, 6th P.M.						
	Federal Land						
1	Sec. 14: All	1,920.00	W-8470, 6-30-81	U.S.: All	T.J. Cook 100%	T.J. Cook 2%	Frost Oil Co. 100%.
	Sec. 15: All						
	Sec. 23: All						
2	Sec. 35: All	640.00	W-9123, 7-30-81	U.S.: All	O.M. Odom 100%	O.M. Odom 1%	Deer Oil Co. 100%.
3	Sec. 21: All	1,280.00	W-41345, 6-30-85	U.S.: All	Max Pen 50%	Max Pen 1%	Frost Oil Co. 100%.
	Sec. 28: All				Sam Small 50%	Sam Small 1%	
4	Sec. 27: All	1,280.00	W-41679, 6-30-85	U.S.: All	Al Preen 100%	Al Preen 2%	Deer Oil Co. 50%.
	Sec. 33: All						Deer Oil Co. 50%.
5	Sec. 26: All	961.50	W-52780	U.S.: All	Deer Oil Co. 100%	J.G. Goodin 2%	Deer Oil Co. 100%.
	Sec. 25: Lots 3,4, SW¼, W½SE¼						
6	Sec. 24: Lots 1,2,3,4,W½, W½E½ (All)	965.80	W-53970, 2-28-86	U.S.: All	T.H. Holder 100%		T.H. Holder 100%.
	Sec. 25: Lots 1,2,NW¼, W½NE/4						
	6 Federal tracts 7,047.30 acres or 68.76% of unit area.						
	State Land						
7	Sec. 16: All	1,280.60	65-67430, 8-31-85	State: All	Deer Oil Co. 100%	T.T. Timo 2%	Deer Oil Co. 100%.
	Sec. 36: Lots 1, 2, 3, 4, W½, W½E½ (All).						
	1 State tract 1,280.60 acres or 12.49% of unit area.						
	Patented Land						
8	Sec. 13: Lots 1, 2, 3, 4, W½, W½E½ (All).	641.20	8-2-74	J.C. Smith: 100%	Doe Oil Co. 100%		Doe Oil Co. 100%.
9	Sec. 22: All	640.00	9-15-78	T.J. Cook: 100%	W.W. Smith 100%	Sam Spade 1%	W.W. Smith 100%.
10	Sec. 34: All	640.00	6-1-75	A.A. Aben: 75%, L.P. Carr: 25%.	Deer Oil Co. 100%		Deer Oil Co. 100%.
	3 Patented tracts 1,921.20 acres or 18.75% of unit area.						

Total: 10 tracts 10,249.10 acres in entire unit area.

§ 226.15 **Model collective bond.**

Collective Corporate Surety Bond

Know all men by these presents, That we, ——— (Name of unit operator), signing as Principal, for and on behalf of the record owners of unitized substances now or hereafter covered by the unit agreement for the ——— (Name of unit), approved ——— (Date) ——— (Name and address of Surety), as Surety are jointly and severally held and firmly bound unto the United States of America in the sum of ——— (Amount of bond) Dollars, lawful money of the United States, for the use and benefit of and to be paid to the United States and any entryman or patentee of any portion of the unitized land here-to-fore entered or patented with the reservation of the oil or gas deposits to the United States, for which payment, well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, administrators, successors, and assigns by these presents.

The condition of the foregoing obligation is such, that, whereas the Secretary of the Interior on ——— (Date) approved under the provisions of the Act of February 25, 1920, 41 Stat. 437, 30 U.S.C. secs. 181 *et seq.*, as amended by the Act of August 8, 1946, 60 Stat. 950, a unit agreement for the development and operation of the ——— (Name of unit and State); and

Whereas said Principal and record owners of unitized substances, pursuant to said unit agreement, have entered into certain covenants and agreements as set forth therein, under which operations are to be conducted; and

Whereas said Principal as Unit Operator has assumed the duties and obligations of the respective owners of unitized substances as defined in said unit agreement; and

Whereas said Principal and Surety agree to remain bound in the full amount of the bond for failure to comply with the terms of the unit agreement, and the payment of rentals, minimum royalties, and royalties due under the Federal leases committed to said unit agreement; and

Whereas the Surety hereby waives any right of notice of and agrees that this bond may remain in force and effect notwithstanding:

(a) Any additions to or change in the ownership of the unitized substances herein described;

(b) Any suspension of the drilling or producing requirements or waiver, suspension, or reduction of rental or minimum royalty payments or reduction of royalties pursuant to applicable laws or regulations thereunder; and

Whereas said Principal and Surety agree to the payment of compensatory royalty under the regulations of the Interior Department in lieu of drilling necessary offset wells in the event of drainage; and

Whereas nothing herein contained shall preclude the United States (from requiring an additional bond at any time when deemed necessary);

Now, therefore, if the said Principal shall faithfully comply with all of the provisions of the above-indentified unit agreement and with the terms of the leases committed thereto, then the above obligation is to be of no effect; otherwise to remain in full force and virtue.

Signed, sealed, and delivered this ——— day of ———, in the presence of:

Witnesses:

_____

(Principal)

_____

_____

_____

(Surety)

§ 226.16 Model for designation of successor unit operator by working interest owners.

Designation of successor Unit Operator ——— Unit Area, County of ———, State of ———, No. ———.

This indenture, dated as of the — day of ——, 19—, by and between ——, hereinafter designated as "First Party," and the owners of unitized working interests, hereinafter designated as "Second Parties,"

Witnesseth: Whereas under the provisions of the Act of February 25, 1920, 41 Stat. 437, 30 U.S.C. secs. 181, *et seq.*, as amended by the Act of August 8, 1946, 60 Stat. 950, the Secretary of the Interior, on the ——— day of ———, 19—, approve a unit agreement ——— Unit Area, wherein ——— is designated as Unit Operator, and

Whereas said ——— has resigned as such Operator [1] and the designation of a successor Unit Operator is now required pursuant to the terms thereof; and

Whereas the First Party has been and hereby is designated by Second Parties as

[1] Where the designation of a successor Unit Operator is required for any reason other than resignation, such reason shall be substituted for the one stated.

Unit Operator, and said First Party desires to assume all the rights, duties, and obligations of Unit Operator under the said unit agreement:

Now, therefore, in consideration of the premises hereinbefore set forth and the promises hereinafter stated, the First Party hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of the ——— unit agreement, and the Second Parties covenant and agree that, effective upon approval of this indenture by the (Name and Title of authorized officer, BLM) First Party shall be granted the exclusive right and privilege of exercising any and all rights and privileges as Unit Operator, pursuant to the terms and conditions of said unit agreement; said Unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

(Witnesses)

(Witnesses)

(First Party)

(Second Party)

I hereby approve the foregoing indenture designating ——— as Unit Operator under the unit agreement for the ——— Unit Area, this — day of ———, 19—.

Authorized officer of the Bureau of Land Management.

§ 226.17 Model for change in unit operator by assignment.

Change in Unit Operator ——— Unit Area, County of ———, State of ———, No. —. This indenture, dated as of the — day of ———, 19—, by and between ——— hereinafter designated as "First Party," and ——— hereinafter designated as "Second Party."

Witnesseth: Whereas under the provisions of the Act of February 25, 1920, 41 Stat. 437 30 U.S.C. secs. 181, *et seq.*, as amended by the Act of August 8, 1946, 60 Stat. 950, the Department of the Interior, on the — day of ———, 19—, approved a unit agreement for the ——— Unit Area, wherein the First Party is designated as Unit Operator; and

Whereas the First Party desires to transfer, assign, release, and quitclaim, and the Second Party desires to assume all the rights, duties and obligations of Unit Operator under the unit agreement; and

Whereas for sufficient and valuable consideration, the receipt whereof is hereby acknowledged, the First Party has transferred, conveyed, and assigned all his/its rights under certain operating agreements involving lands within the area set forth in said unit agreement unto the Second Party;

Now, therefore, in consideration of the premises hereinbefore set forth, the First Party does hereby transfer, assign, release, and quitclaim unto Second Party all of First Party's rights, duties, and obligations as Unit Operator under said unit agreement; and

Second Party hereby accepts this assignment and hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of said unit agreement to the full extent set forth in this assignment, effective upon approval of this indenture by the (Name and Title of authorized officer, BLM); said unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

(Witnesses)

(Witnesses)

(First Party)

(Second Party)

I hereby approve the foregoing indenture designating ——— as Unit Operator under the unit agreement for the ——— Unit Area, this — day of ———, 19—.

Authorized officer of the Bureau of Land Management

[FR Doc. 83-15680 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

30 CFR Part 256

Offshore Lessee/Payor; Payment by Electronic Funds Transfer (EFT)

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Interim rule with request for comments.

SUMMARY: The MMS is publishing an interim regulation requiring any offshore lessee/payor to remit payment to MMS by Electronic Funds Transfer (EFT), when the total payment on any given day to MMS at the Royalty Management Accounting Center (RMAC) Lakewood, Colorado, totals $50,000 or more for royalties and rentals. Payment of the four-fifth bonus and first year's rental shall also be made by EFT.

This remittance method will provide the U.S. Treasury with funds on the actual date of transfer rather than several days later, as is the case with current manual check clearing procedures. It will also significantly improve MMS internal controls for handling cash receipts.

DATES: Interim rule effective July 11, 1983. Comments must be received on or before August 9, 1983.

ADDRESS: Send written comments to Deputy Associate Director for Royalty Management (Policy), 12203 Sunrise Valley Drive, Mail Stop 660, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Mr. Orie L. Kelm, (703) 860–7511, (FTS) 928–7511.

SUPPLEMENTARY INFORMATION: This rule requires EFT payment utilizing the Treasury Financial Communications System (TFCS), when the aggregated amount paid to MMS on any given day is $50,000 or more for royalties and rentals. Payments to MMS by EFT for royalties and rentals shall begin only after payor is notified by RMAC. The four-fifths bonus amounts and first year's rentals are also to be paid by EFT, beginning January 1, 1984. Detailed instructions will be provided in the notice of each lease offering.

Payors will not be held responsible for late payments resulting from any third party, mechanical or systems failure of the TFCS. However, late payments resulting from a payor's action, such as improper coding instructions that he gives to his bank to authorize EFT, will be the payor's responsibility.

Daily payments to the RMAC for royalties and rentals totaling less than $50,000 may be made by check, bank draft, or money order payable to MMS. Because the payments for royalties, rentals, and the four-fifths bonus amount are often significant amounts, MMS intends to mandate the use of available technology for larger payments to ensure earlier funds availability for the Government. This interim rule will remain in effect until superseded by the final rulemaking to be published on or after January 1, 1984, after consideraton of comments.

In the past, the one-fifth bid deposit received by the Government has occasionally been returned to the high bidder due to later rejection of the bid for the convenience of the Government. The bid money was held by the Government and was returned without interest. This action places an unreasonable risk on bidders. This interim intends to provide for payment of any interest earned by the Government on the one-fifth bid deposit, if it is later returned for Government convenience. The Government is authorized to pay interest, but has never done so in such situations in the past. The amount of interest estimated to be payable is relatively small (4% of the amount estimated to be saved through use of EFT to remove the present check clearing float time advantage to industry). This provision will become effective for lease offerings after January 1, 1984.

Administrative Procedure Act

Because the overall savings to the Government is considered significant even after consideration of possible interest payments if the one-fifth deposit is returned for Government convenience, the Department of the Interior has determined that the public interest requires that this interim rule be implemented before receipt of comments. Publication of a proposed rulemaking before this interim rule would not be in the public interest because it would prevent the speedup of receipt of monies due the Government, and is waived under 5 U.S.C. 553(b).

Executive Order 12291

The Department has determined that this rule is not a major rule and does not, therefore, require the preparation of a regulatory impact analysis under Executive Order 12291 because it is estimated to result in a total economic effect of less than $5 million annually. The total and individual economic effect is not deemed significant.

Regulatory Flexibility Act

The Department has also determined that this interim rulemaking does not require a small entity flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because there will not be a substantial number of small entities affected and the economic impact on those affected will be insignificant.

National Environmental Policy Act of 1969

It is hereby determined that this interim rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

Paperwork Reduction Act of 1980

The Department has also determined that this interim rulemaking does not constitute any action requiring collection of data and, therefore, the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) does not apply.

List of Subjects in 30 CFR Part 256

Administrative practice and procedure, Banks and banking, EFT, Minerals royalties, Royalty accounting, Continental shelf, Government contracts, Oil and gas exploration, Pipelines, Public lands—mineral resources, Public lands rights-of-way, Reporting and record keeping requirements, Surety bonds.

Under the authority of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1221 *et seq.*), Part 256, Chapter II of Title 30 of the Code of Federal Regulations is amended as set forth below.

Dated: May 26, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

PART 256—OUTER CONTINENTAL SHELF MINERAL AND RIGHTS-OF-WAY MANAGEMENT; GENERAL

Section 256.13 is revised to read as follows:

§ 256.13 Payment.

(a) Payments for Royalties and Rents: All payors whose combined remittance (on payment due date) totals $50,000 or more in payment to MMS at the Royalty Management Accounting Center (RMAC), Lakewood, Colorado, for royalties and rents (note that bonuses and first year's rentals are separately considered under paragraph (c) of this section) must make payment by electronic funds transfer (EFT), utilizing the Treasury Financial Communications Systems (TFCS), unless otherwise directed by the Secretary. Payments to MMS by EFT for royalties and rentals shall begin only after payor is notified by RMAC.

(b) Each payor for those items in paragraph (a) of this section, whose combined remittance on any given day is less than $50,000 must use one of the following payment instruments made payable to MMS:

(1) Federal Reserve check
(2) Commercial check
(3) Money order
(4) Bank Draft

(c) Payment of bonus bid amounts and first year rental: Each bid must include a payment for the one-fifth bonus bid deposit amount unless otherwise directed by the Secretary. Detailed instructions of how to make payment with the bid will be included in the notice of each lease offering.

(1) Beginning with lease offerings held after January 1, 1984, the one-fifth bonus amount received from a high bidder shall be deposited into an interest bearing account pending issuance of the lease, in the Department of Treasury in an account created pursuant to an agreement between the Department of the Interior and Treasury. Investment of this amount by the Government does not indicate acceptance of the bid. The one-fifth bonus amounts submitted with bids other than the highest valid bid shall be returned to respective bidders after bids are opened, recorded and ranked. Return of such deposits will not affect the status, validity, or ranking of bids. The one-fifth bonus amount received from the high bidder and held by the Government, will be returned with actual interest earned, if the bid is subsequently rejected for Government convenience. The interest accrued during the period held in the account pending issuance of the lease will accrue to the Government when the lease is issued.

(2) The payment of the four-fifths bonus amount and the first year's rental shall be made to MMS by EFT unless otherwise directed by the Secretary. The payment by EFT must be received by Federal Reserve Bank of New York no later than noon, eastern standard time, on the 10th business day after receipt of the lease forms by the successful bidder. The lease will not be executed by the authorized officer until payment is received. Failure to remit by EFT, or as directed by the Secretary, within the time specified above will result in forfeiture of the one-fifth bonus amount and the lease will not be executed by the authorized officer. Payors will not be held responsible for late payment due to third, party, mechanical or systems failure of TFCS.

(d) Payments for pipeline rights-of-way and costs for grants of same, shall be remitted to MMS by cash, check, or bank draft unless otherwise directed by the Secretary.

(e) Payments for other items, such as filing charges and fees, shall be made to the manager of the appropriate Outer Continental Shelf field office by cash, check, or bank draft, payable to MMS unless otherwise directed by the Secretary.

[FR Doc. 83-15521 Filed 6-9-83; 8:45 am]
BILLING CODE 4310-MR-M

DEPARTMENT OF EDUCATION

34 CFR Part 668

Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Notice regarding implementation of final regulations for the Student Assistance General Provisions—Selective Service Registration Requirements.

SUMMARY: The Secretary of Education announces that the regulations on registration with Selective Service as a condition for receipt of student financial assistance will not be enforced by the Secretary while a preliminary injunction prohibiting the enforcement of these regulations is in effect.

FOR FURTHER INFORMATION CONTACT: Mr. William Moran, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Ave. SW. (Room 4100, Regional Office Building 3), Washington, D.C. 20202, (202) 245-2247.

SUPPLEMENTARY INFORMATION: On April 11, 1983, the Secretary of Education published regulations amending Subpart B of the Student Assistance General Provisions, 34 CFR Part 668, to implement section 113 of the Fiscal Year 1983 Defense Department Authorization Act (Pub. L. 97-252) 48 FR 15578-84. Section 113 provides that beginning with the 1983-1984 award year, any student who is required to be registered with Selective Service and fails to register is ineligible for student financial assistance provided through programs established under Title IV of the Higher Education Act.

These programs include the Pell Grant, Supplemental Educational Opportunity Grant (SEOG), College Work Study (CWS), National Direct Student Loan (NDSL), Guaranteed Student Loan (GSL), PLUS Loan, and State Student Incentive Grant Programs.

The regulations took effect on May 26, 1983. However, in accordance with a preliminary injunction issued by the United States District Court for the District of Minnesota, the Secretary will not enforce the regulations until the preliminary injunction is dissolved or modified. Another notice in the **Federal Register** will be published in the event of such dissolution or modification.

Dated: June 6, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-15601 Filed 6-9-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6377

[W-58830]

Wyoming; Partial Revocation of Phosphate Withdrawal

Correction

In FR Doc. 83-13169 beginning on page 22149 in the issue of Tuesday, May 17, 1983, make the following correction:

On page 22150, first column, in the land description for T. 39 N., R. 116 W., the last line of the entry for Sec. 19 should have read "NW¼NE¼ NW¼SE¼, and NW¼NW¼SE¼;"

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6529]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

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

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

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

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

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

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

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

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

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area[1]	Hazard area identified
New Jersey:				
Bergen County	Edgewater, borough of	340029	750925, emergency; 830410, regular	740802
Gloucester County	Harrison, township of	340205	750407, emergency; 830401, regular	740728
Sussex County	Hopatcong, borough of	340452	741210, emergency; 830401, regular	740628
Gloucester County	Pitman, borough of	340211	750716, emergency; 830401, regular	740315
New York:				
Chautauqua County	Kiantone, town of	361075	751210, emergency; 830401, regular	741018
Chenango County	Preston, town of	361306	761227, emergency; 830401, regular	750117

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area[1]	Hazard area identified
Pennsylvania:				
Schuylkill County	Ryan, township of	422019	750407, emergency; 830401, regular	741129
Chester County	West Fallowfield, township of	422602	750319, emergency; 830401, regular	750103
Schuylkill County	West Mahanoy, township of	420792	730516, emergency; 830401, regular	740628
Alabama: Etowah County	Gadsden, city of	010080	760412, emergency; 830404, regular	740308
California: San Mateo County	San Mateo County[2]	060311	750627, emergency; 830404, regular	741101
Florida: Nassau County	Callahan, town of	120171	760602, emergency; 830404, regular	740719
Iowa:				
Union County	Creston, city of	190264	741018, emergency; 830404, regular	740628
Shelby County	Harlan, city of	190248	740827, emergency; 830404, regular	740628
Mills County	Pacific Junction, city of	190206	741223, emergency; 830404, regular	0
Idaho: Nez Perce County	Nez Perce County[2]	160101	790222, emergency; 830404, regular	771025
Kansas: McPherson County	McPherson County[2]	200214	780830, emergency; 830404, regular	770628
Louisiana:				
Bossier Parish	Bossier City, city of	220033	740626, emergency; 830404, regular	740628
Iberia Parish	Delcambre, town of	220223	740701, emergency; 830404, regular	740405
Vermilion Parish	Erath, town of	220224	740626, emergency; 830404, regular	740308
Lafayette Parish	Scott, town of	220106	740924, emergency; 830404, regular	740628
Michigan: Calhoun County	Battle Creek, city of	260051	750702, emergency; 830404, regular	740719
North Dakota: Morton County	Flasher, city of	380069	750613, emergency; 830404, regular	741206
Nebraska: Saunders County	Yutan, village of	310406	750718, emergency; 830404, regular	760813
New Hampshire: Hillsborough County	Hancock, town of	330089	750425, emergency; 830404, regular	740531
New Jersey:				
Burlington County	Bass River, township of	340085	740123, emergency; 830404, regular	740510
Monmouth County	Freehold, township of	340297	730209, emergency; 830404, regular	740215
New York:				
Onondaga County	Cicero, town of	360572	740523, emergency; 830404, regular	741101
Cayuga County	Conquest, town of	360108	770624, emergency; 830404, regular	740816
Greene County	Jewett, town of	361114	800513, emergency; 830404, regular	771223
Herkimer County	Little Falls, city of	360310	740909, emergency; 830404, regular	740308
Pennsylvania: York County	Manheim, township of	422224	750421, emergency; 830404, regular	741227
Virginia:				
Tazewell County	Cedar Bluff, town of	510162	741129, emergency; 830404, regular	740510
Do	Richlands, town of	510163	741205, emergency; 830404, regular	760618
Vermont: Franklin County	Highgate, town of	500055	760127, emergency; 830404, regular	740531
West Virginia:				
Ohio County	Ohio County[2]	540149	751202, emergency; 830404, regular	741129
Wetzel County	Wetzel County[2]	540207	760116, emergency; 830404, regular	741220
Nevada: Lander County	Lander County[2]	320013	750626, emergency; 830405, regular	740726
Florida: Pasco County	Zephyrhills, city of	120235	750807, emergency; 830408, regular	740201
Georgia: Fulton County	Mountain Park, city of	130315	830408, emergency; 830408, regular	780113
New Jersey:				
Salem County	Elmer, borough of	340414	750519, emergency; 830408, regular	740628
Warren County	Independence, township of	340487	750815, emergency; 830408, regular	740726
New York:				
Chautauqua County	Arkwright, town of	361105	760518, emergency; 830408, regular	741018
Chenango County	Columbus, town of	361086	751118, emergency; 830408, regular	741018
Wayne County	Red Creek, village of	361548	800117, emergency; 830408, regular	750110
Pennsylvania: Chester County	Highland, township of	422239	770825, emergency; 830408, regular	741129
Nevada: Nye County	Nye County[2]	320018	760115, emergency; 830412, regular	741018
New Jersey: Salem County	Quinton, township of	340422	750428, emergency; 830415, regular	740809
California: Placer County	Placer County[2]	060239	830107, emergency; 830418, regular	770712
Colorado: Gunnison County	Gunnison, city of	080080	750618, emergency; 830418, regular	740322
Florida: Lake County	Clermont, city of	120133	750218, emergency; 830418, regular	740531
Kentucky: Floyd County	Allen, town of	210070	770414, emergency; 830418, regular	740123
Louisiana: Bossier Parish	Bossier Parish[2]	220031	750214, emergency; 830418, regular	770906
Maine: York County	Kennebunkport, town of	230170	750527, emergency; 830418, regular	741206
Michigan: Monroe County	Dundee, township of	260144	750429, emergency; 830418, regular	740222
Minnesota: Chisago County	Chisago County[2]	270682	750904, emergency; 830418, regular	771028
New Hampshire:				
Hillsborough County	Bennington, town of	330084	750725, emergency; 830418, regular	740308
Sullivan County	Cornish, town of	330155	750827, emergency; 830418, regular	741129
Do	Croydon, town of	330156	780324, emergency; 830418, regular	741129
Do	Plainfield, town of	330162	740816, emergency; 830418, regular	740329
Coos County	Stratford, town of	330039	750916, emergency; 830418, regular	740726
Grafton County	Wentworth, town of	330078	751030, emergency; 830418, regular	740816
New Jersey:				
Bergen County	Closter, borough of	340023	750605, emergency; 830418, regular	740908
Salem County	Lower Alloways Creek, township of	340416	750520, emergency; 830418, regular	740913
Sussex County	Newton, town of	340453	750311, emergency; 830418, regular	740628
Bergen County	Norwood, borough of	340057	750530, emergency; 830418, regular	740116
New York:				
Suffolk County	Huntington Bay, village of	361543	750114, emergency; 830418, regular	750207
Cayuga County	Montezuma, town of	360116	750808, emergency; 830418, regular	740531
Oneida County	New Hartford, town of	360535	740822, emergency; 830418, regular	740531
Suffolk County	Northport, village of	360801	740426, emergency; 830418, regular	740412
Do	Old Field, village of	361545	760615, emergency; 830418, regular	750725
Greene County	Tannersville, village of	360297	750715, emergency; 830418, regular	740607
Pennsylvania:				
Berks County	Spring, township of	421108	721013, emergency; 830418, regular	740913
Do	Wyomissing, borough of	421375	740628, emergency; 830418, regular	741122
Arkansas:				
Lonoke County	Cabot, city of	050309	750926, emergency; 830419, regular	770603
Perry County	Perryville, city of	050362	760312, emergency; 830419, regular	750418
Oklahoma:				
Leflore County	Arkoma, town of	400343	770203, emergency; 830419, regular	760813
Do	Cameron, town of	400271	770208, emergency; 830419, regular	760813
Missouri: Christian County	Nixa, city of	290078	830422, emergency; 830422, regular	740628
Washington: Pierce County	Bonney Lake, town of	530274	821014, emergency; 830426, regular	761029
Illinois: Scott County	Bluffs, village of	170608	830428, emergency; 830428, regular	740607
New Jersey: Camden County	Waterford, township of	340147	750715, emergency; 830429, regular	740628

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area[1]	Hazard area identified
California:				
Humboldt County	Arcata, city of	060061	750529, emergency; 830502, regular	740628
Alameda County	Fremont, city of	065028	710129, emergency; 830502, regular	750214
Colorado: Eagle County	Vail, town of	080054	760813, emergency; 830502, regular	780919
Louisiana: St. Charles Parish	St. Charles Parish [2]	220160	740208, emergency; 830502, regular	741101
Massachusetts:				
Worchester County	Grafton, town of	250306	750729, emergency; 830502, regular	740405
Plymouth County	Hull, town of	250269	721229, emergency; 830502, regular	761210
Maryland: Anne Arundel County	Anne Arundel County [2]	240008	720303, emergency; 830502, regular	741115
Michigan:				
Wayne County	Dearborn Heights, city of	260221	730112, emergency; 830502, regular	740719
Monore County	South Rockwood, village of	260320	750905, emergency; 830502, regular	740201
Oakland County	Troy, city of	260180	730223, emergency; 830502, regular	740628
Nebraska: Red Willow County	McCook, city of	310181	780206, emergency; 830502, regular	761119
New Jersey:				
Atlantic County	Galloway, township of	340008	740326, emergency; 830502, regular	750103
Ocean County	Manchester, township of	340382	731010, emergency; 830502, regular	741018
Do.	Tuckerton, borough of	340395	730809, emergency; 830502, regular	740301
New York:				
Steuben County	Bath, town of	360766	760331, emergency; 830502, regular	761001
Suffolk County	Westhampton Beach, village of	365345	710226, emergency; 830502, regular (revision)	720701
Ohio:				
Wood County	Grand Rapids, village of	390585	750219, emergency; 830502, regular	740301
Do.	Millbury, village of	390586	750618, emergency; 830502, regular	740301
Do.	Perrysburg, city of	390588	750827, emergency; 830502, regular	740322
Do.	Rossford, city of	390589	750827, emergency; 830502, regular	740301
Lawrence County	South Point, village of	390630	760209, emergency; 830502, regular	750103
Oklahoma: Washita County	New Cordell, city of	400224	750707, emergency; 830502, regular	740628
Pennsylvania:				
Cumberland County	Silver Spring, township of	420370	730302, emergency; 830502, regular	740315
Blair County	Tyrone, borough of	420164	730709, emergency; 830502, regular	731228
Texas: Jim Wells County	Jim Wells County [2]	481258	750721, emergency; 830502, regular	770610
Vermont: Washington County	East Montpelier, town of	500111	740618, emergency; 830502, regular	740614
Washington: Yakima County	Union Gap, city of	530229	750430, emergency; 830502, regular	740109
Texas: Hall County	Memphis, city of	480279	750707, emergency; 830502, regular	820810
Total is: 110				

[1] Key for reading fourth column (effective date): First two digits designate the year. Middle two digits designate the month. Last two digits designate the day.
[2] Unincorporated areas.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: May 26, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15440 Filed 6-9-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 64

[Docket No. FEMA 6530]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 3429, Bethesda, Maryland, 20034. Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C Street SW., Donohoe Building—Room 505, Washington, DC 20472.

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

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

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

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and

Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

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

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

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Alaska: Yukon-Koyukuk Division	Galena, city of	020124	Apr. 28, 1983, emergency	
Arkansas: Poinsett	Unincorporated areas	050172A	May 6, 1983, emergency	June 7, 1977.
Oklahoma: Oklahoma	do.	400466A	do.	July 13, 1982.
Indiana: Grant	do.	180435A	do.	May 19, 1978.
Colorado: Yuma	do.	080291	May 3, 1983, emergency	
New York: Putnam	Nelsonville, village of	36109A	do.	Dec. 16, 1977.
Tennessee: Fayette	Gallaway, town of	470048A	Jan. 28, 1976, emergency; July 5, 1982, regular; July 5, 1982, suspended; May 3, 1983, reinstated.	Dec. 13, 1974.
Utah: Utah	Spanish Fork, city of	490241	May 4, 1983, emergency	
Louisiana: Vernon	New Llano, town of	220340	May 12, 1983, emergency	Apr. 9, 1976.
Michigan: Kalamazoo	Oshtemo, charter township of	260736-New	do.	
New Hampshire: Coos	Milan, town of	330035	do.	June 28, 1974.
New York: Lewis	Harrisville, village of	361451B	May 16, 1983, emergency	Nov. 15, 1974 and May 28, 1976.
North Dakota:				
Richland	Ibsen, township of	380672-New	do.	
Bottineau	Haram, township of	380673-New	do.	
Colorado: Delta	Orchard City, town of	080256B	May 16, 1983, emergency; May 16, 1983, regular.	May 27, 1977 and July 16, 1981.
West Virginia: Raleigh	Mabscott, town of	540286	May 16, 1983, emergency	Nov. 20, 1981.
Arkansas: Crittenden	Unincorporated areas	050429A	May 16, 1983, emergency	Dec. 6, 1977.
Montana: Teton	do.	300168A	April 11, 1978, emergency; May 18, 1983, suspended; May 16, 1983, reinstated.	Nov. 22, 1977.
Iowa: Wapello	do.	190911A	May 23, 1983, emergency	Oct. 25, 1977.
New York: Montgomery	Nelliston, village of	360453C	May 13, 1976, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended; May 23, 1983, reinstated.	Apr. 30, 1976, July 1, 1977, Feb. 15, 1974.
Louisiana: Livingston Parish	French Settlement, village of	220117B	May 25, 1983, emergency	Oct. 25, 1974, Mar. 12, 1976 and Dec. 26, 1978.
New Hampshire: Cheshire	Chesterfield, town of	330183A	May 26, 1983, emergency	Dec. 13, 1977.
Colorado: Larimer	Loveland, city of	080103B	Sept. 18, 1975, emergency; Sept. 1, 1978, regular; Sept. 1, 1978, suspended; May 25, 1983, reinstated.	Mar. 1, 1974 and Dec. 17, 1976.
California: Alameda	Fremont, city of	065028	May 2, 1983, suspension withdrawn	Feb. 14, 1975, June 21, 1977, Oct. 9, 1973.
Colorado: Eagle	Vail, town of	080054B	do.	Sept. 19, 1978.
Connecticut: New Haven	New Haven, city of	090084C	do.	June 7, 1974, July 16, 1980.
Louisiana: St. Charles Parish	Unincorporated areas	220160B	do.	Nov. 1, 1974, June 28, 1977.
Maryland: Anne Arundel	do.	240008C	do.	Nov. 15, 1974, Nov. 9, 1979 and Aug. 4, 1978.
Massachusetts:				
Worcester	Grafton, town of	250306C	do.	Apr. 5, 1974, Mar. 14, 1980 and Oct. 15, 1976.
Plymouth	Hull, town of	250269B	do.	Dec. 10, 1976, Feb. 22, 1980.
Michigan:				
Wayne	Dearborn Heights, city of	260221B	do.	July 19, 1974, Oct. 17, 1975.
Monroe	South Rockwood, village of	260320B	do.	Feb. 1, 1974, June 27, 1975.
Minnesota: Houston	LaCrescent, city of	275237B	do.	July 20, 1973, July 1, 1974 and Nov. 28, 1975.
Nebraska: Red Willow	McCook, city of	310181A	do.	Nov. 19, 1976.
New Jersey:				
Atlantic	Galloway, township of	340006B	do.	Jan. 3, 1975, Apr. 30, 1976.
Ocean	Manchester, township of	340362B	do.	Oct. 18, 1974, June 4, 1976.
Do.	Tuckerton, borough of	340395B	do.	Mar. 1, 1974, June 25, 1976.
New York:				
Steuben	Bath, town of	360766B	do.	Aug. 20, 1974, Oct. 1, 1976.
Suffolk	Westhampton Beach, village of	365345D	do.	July 1, 1972, July 1, 1974 and Feb. 6, 1976.
Ohio:				
Wood	Grand Rapids, village of	390585B	do.	Mar. 1, 1974 and Jan. 30, 1976.
Do.	Perrysburg, city of	390589B	do.	Aug. 22, 1975.
Oklahoma: Washita	New Cordell, city of	400224B	do.	June 28, 1974, Feb. 11, 1977.
Pennsylvania:				
Cumberland	Silver Spring, township of	420370B	do.	Mar. 15, 1974, Nov. 12, 1976.
Blair	Tyrone, borough of	420164B	do.	Dec. 28, 1973, June 4, 1976
Texas:				
Galveston	Crystal Beach, township of	420164	do.	Sept. 30, 1976.
Do.	Uninc. areas	485470C	do.	Apr. 8, 1971, June 24, 1972, and July 1, 1974.
Jim Wells	do.	481258C	do.	June 10, 1977, June 17, 1980.
Washington: Yakima	Union Gap, city of	530229B	do.	Jan. 9, 1974, Jan. 30, 1976.
Wisconsin: Rock	Beloit, city of	555544B	do.	July 10, 1971, Apr. 23, 1976.
Illinois: Scott	Naples, village of	170609B	do.	Apr. 2, 1976, Jan. 9, 1974.
Michigan: Oakland	Troy, city of	260180C	do.	June 28, 1974 and June 7, 1974.
Ohio: Wood	Rossford, city of	390589B	do.	Mar. 1, 1974 and May 28, 1976.
Arkansas: Pulaski	Unincorporated areas	050179	May 16, 1983, suspension withdrawn	July 16, 1981.
Colorado: Gunnison	Gunnison, city of	080080	do.	Dec. 26, 1975.
Illinois:				
Jackson	Grand Tower, city of	170300	do.	June 8, 1979.
Franklin	West Frankfort, city of	170239	do.	Oct. 13, 1978.
Kansas: Barton	Great Bend, city of	200019	do.	Mar. 19, 1976.
Maryland: Worcester	Ocean City, town of	245207	do.	Feb. 6, 1976.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Massachusetts:				
Worcester	Fitchburg, city of	250304	do.	Oct. 3, 1975.
Kalamazoo	Portage, city of	260577	do.	Sept. 19, 1975.
Missouri: Jefferson	Unincorporated areas	290808	do.	July 29, 1980.
New Jersey:				
Ocean	Island Heights, borough of	340374	do.	July 19, 1974, Dec. 19, 1975 and June 15, 1979.
Bergen	Norwood, borough of	340057	do.	July 23, 1976.
New York:				
Steuben	Avoca, village of	360765	do.	Mar. 5, 1976.
Nassau	Baxter Estates, village of	360459	do.	Oct. 24, 1975.
Steuben	Cohocton, town of	360771	do.	May 28, 1976.
Do.	Cohocton, village of	360556	do.	Jan. 2, 1976.
Wayne	Galen, town of	361225	do.	Nov. 19, 1976.
Nassau	Lawrence, village of	360476	do.	Aug. 6, 1976.
Oneida	New York Mills, village of	360537	do.	June 7, 1974.
Greene	Prattsville, town of	360296	do.	Apr. 1, 1975.
Nassau	North Hempstead, town of	360482	do.	Apr. 15, 1977.
Westchester	Rye, city of	360931	do.	Apr. 01, 1980.
Tennessee:				
Knox	Knoxville, city of	475434	do.	Feb. 11, 1977.
Do.	Unincorporated areas	475433	do.	Mar. 18, 1977.
Michigan: Calhoun	Battle Creek, city of	260051	do.	Nov. 7, 1985.
Minnesota: Marshall	Stephen, city of	270273	May 15, 1983, suspension withdrawn	June 4, 1976 and May 17, 1974.
Illinois: Tazewell	Marquette Heights, city of	170650	May 16, 1983, suspension withdrawn	Sept. 28, 1979.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support.)

Issued May 26, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15441 Filed 6-9-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; Alabama et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are finalized for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 1229, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Anniston, Calhoun County (FEMA-6470)	Cane Creek	Approximately 100 feet downstream of Southern Railway.	*670
			Approximately 250 feet upstream of Weaver Road	*677
		Cave Creek	Approximately 60 feet downstream of Weaver Road	*675
			Just downstream of Cave Road	*688
			Just upstream of State Highway 21 southbound	*741
		Snow Creek	Approximately 200 feet downstream of Noble Street	*640
			Approximately 100 feet upstream of F Street	*660
			Approximately 150 feet upstream of Glen Addie Avenue.	*682
			Approximately 100 feet upstream of 16th Street	*706
		Hobson Creek	Just upstream of Front Avenue	*639
			Just downstream of McDaniel Street	*660
		Pilgrim Creek	Just upstream of Quintard Avenue (shallow flooding)	#1
			Just upstream of 7th Street	*759
			Approximately 70 feet upstream of Kirkwood Avenue	*773
		Golden Springs Branch	Approximately 220 feet upstream of Lyda Road	*668
			Just upstream of Choccolocco Road	*809
			Approximately 90 feet upstream of Golden Springs Road.	*857
			Just downstream of Shamrock Road	*864
		Boiling Springs Branch	Approximately 120 feet upstream of Rosetta Lane	*681
			Approximately 70 feet downstream of Greenbriar Drive	*683
		Dearmanville Branch	Just upstream of Greenbriar Drive	*671
			Approximately 70 feet upstream of Lera Drive Extension.	*757
		West Branch (Shallow Flooding)	Just upstream of Southern Railway	#1
		East Branch (Shallow Flooding)	Just upstream of 10th Street	#2
Maps available for inspection at Planning Office, City Hall, Anniston, Alabama 36202.				
Alabama	Unincorporated Areas of Calhoun County (FEMA-6470).	Cane Creek	Just upstream of Louisville and Nashville Railroad	*612
			Just upstream of Saks Road	*640
			Just upstream of Nielsen Street	*754
		Lenlock Branch	Just upstream of Glade Circle	*671
		Cave Creek	Approximately 100 feet downstream of 4th Avenue	*745
			Just downstream of 2nd Avenue	*765
		Remount Creek	Just upstream of Galloway Road	*714
			Just upstream of Baltzell Road	*715
			Just upstream of Summerall Gate Road	*771
		South Branch (Cane Creek)	Just upstream of 10th Street	*731
			Just upstream of 20th Street	*752
			Just upstream of 23rd Street	*785
			Just downstream of Rock Hollow Road	*847
		Ingram Creek	Just downstream of Rock Hollow Road	*813
		Choccolocco Creek	Just downstream of Boiling Springs Road	*617
		Snow Creek	Just upstream of U.S. Highway 431 and State Highway 21.	*631
		Golden Springs Branch	Approximately 80 feet upstream of U.S. Highway 431	*623
			Approximately 80 feet downstream of Greenbriar Drive	*658
		Boiling Springs Branch	Just upstream of Miller Lane	*656
		Dearmanville Branch	Approximately 340 feet upstream of Golden Springs Road.	*621
			Approximately 100 feet downstream of Southern Railroad.	*652
		Terrapin Creek	Just upstream of Southern Railway	*658
			Approximately 170 feet upstream of U.S. Highway 278	*661
		Mill Creek	Just upstream of Seaboard Coastline Railroad	*724
			Just downstream of State Highway 21	*752
		Mill Creek Tributary No. 1	Approximately 70 feet downstream of State Highway 21.	*714
			Just upstream of State Highway 21	*717
			Just downstream of Private Drive (approximately 1360 feet upstream of State Highway 21).	*733
		Nances Creek	Approximately 470 feet downstream of Southern Railway.	*662
			Just upstream of County Highway 70	*676
			Just downstream of Spencer Street	*684
		Nances Creek Tributary No. 2	Approximately 250 feet upstream of confluence with Nances Creek.	*663
		Tallasseehatchee Creek	Just upstream of State Highway 204	*607
		Little Tallasseehatchee Creek	Just downstream of Southern Railway	*629
			Just upstream of Southern Railway	*643
			Approximately 350 feet upstream of Alexandria Road	*645
Maps available for inspection at Civil Defense Office, 25 West Eleventh Street, and at the Calhoun County Courthouse, Anniston, Alabama 36201.				
Alabama	City of Hobson City, Calhoun County (FEMA-6470)	Park Creek	Just upstream of Church Street	*668
			Just upstream of Park Avenue	*694
		Hobson Creek	Just upstream of Church Street	*671
Maps available for inspection at City Clerk's Office, City Hall, 610 Park Avenue, Hobson City, Alabama 36201.				
Alabama	City of Tallassee, Elmore and Tallapoosa Counties (FEMA-6470).	Graveyard Creek	Approximately 200 feet upstream of Noble Street	*304
		Lewis Creek	Approximately 220 feet downstream of Friendship Road.	*274
Maps available for inspection at City Hall, 214 Varnett Boulevard, Tallassee, Alabama 36078.				
Alabama	City of Weaver, Calhoun County (FEMA-6470)	Cave Creek	Just downstream of Lett Street (Extended)	*751
Maps available for inspection at City Hall, 406 Anderson Street, Weaver, Alabama 37277.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Long Beach (City), Los Angeles County (FEMA-6470).	Pacific Ocean, San Pedro Bay	60 feet south from center of intersection of Seaside Walk with 66th Place.	*6
		Alamitos Bay	Center of intersection of Division Street with Pomona Avenue.	*6
		Los Cerritos Channel	At the intersection of channel with Pacific Coast Highway.	*6
		Pacific Ocean, San Pedro Bay	750 feet south from center of intersection of Ocean Boulevard with Alamitos Avenue.	*7
		Los Angeles River	At the intersection of channel with Queens Way	*7
		Shallow Flooding	Center of intersection of 7th Street with Prospect Avenue.	*9
		Shallow Flooding	Center of intersection of Cowles Street with San Francisco Avenue.	*9
Maps available for inspection at Engineering and Planning Department, 333 W. Ocean Boulevard, Long Beach, California.				
California	Placerville (City), El Dorado County (FEMA-6485)	Hangtown Creek Tributary	18 feet upstream from center line of Airport Road	*2145
		Cedar Ravine	21 feet upstream from center line of Darlington Avenue.	*1914
		Randolph Canyon	100 feet upstream from center of Camino, Placerville and Lake Tahoe Railroad.	*1926
		Hangtown Creek	At the intersection of Canal Street and Main Street	*1822
			At the intersection of Lucky Street and Broadway	*1911
Maps available for inspection at the Department of Community Development, 487 Main Street, Placerville, California.				
California	Pleasant Hill (City), Contra Costa County (FEMA-6485).	Mangini Creek	25 feet upstream of the centerline of Apollo Way	*73
		East Fork Grayson Creek	Intersection of Leslie Drive and Margie Drive	#2
Maps available for inspection at the Department of Comunity Planning, 3300 N. Main Street, Pleasant Hill, California.				
California	Redondo Beach (City), Los Angeles County (FEMA-6470).	Pacific Ocean	At Pleasure Pier	*6
			120 feet west from center of intersection of Harbor Drive and Diamond Street.	*4
			500 feet west from center of intersection of Hopkins Way and Yacht Club.	*9
		Shallgw Flooding	50 feet west from center of intersection of Ripley Avenue and Rindge Lane.	*82
			75 feet east from center of intersection of Goodman and Wylie Avenue.	*93
			Center of intersection of Vincent Street and South Irena Avenue.	*81
			150 feet south from center of intersection of South Juanita Avenue and Camino Real.	*120
			Center of intersection of Avenue H and Massena Avenue.	*63
Maps available for inspection at Engineering Department, 415 Diamond Avenue, Redondo Beach, California.				
Connecticut	Easton, Town, Fairfield County (Docket No. FEMA-6485).	Aspetuck River	Downstream corporate limits	*190
			Upstream Old Redding Road	*220
			Upstream State Route 68	*230
		Ballwall Brook	Confluence with Aspetuck River	*235
			Upstream Staples Road	*271
		Mill River	Downstream corporate limits	*118
			Upstream first crossing South Park Avenue	*142
			Upstream second crossing South Park Avenue	*164
		Morehouse Brook	Confluence with Mill River	*120
			Upstream Dogwood Drive	*155
			Approximately 800' upstream of Dogwood Drive	*209
			Upstream Second Dam	*259
			Upstream Delaware Road	*274
			Upstream corporate limits	*296
Maps available for inspection at the Town Hall, 274 Center Road, Easton, Connecticut.				
Florida	Punta Gorda (city), Charlotte County, FEMA-6485	Charlotte Harbor	At the intersection of Ann Street and Narranja Street	*8
			At the center of intersection of Bastia Court and Macedonia Drive.	*10
			At the center of intersection of Maud Street and West Marion Avenue.	*11
Maps available for inspection at the Building Department, 326 W. Marion Avenue, Punta Gorda, Florida.				
Idaho	Firth (city), Bingham County, FEMA-6442	Snake River	Intersection of Pine Avenue and Wilson Street	*4562
			Intersection of Park Avenue and Lincoln Street	*4563
			Intersection of U.S. Highway 91 and Goshen Junction Road.	*4565
Maps available for inspection at City Hall, Firth, Idaho.				
Illinois	(V) Elizabethtown, Hardin County, (Docket No. FEMA-6470).	Ohio River	Within corporate limit	*358
Maps available for inspection at the Clerk's Office, Elizabethtown, Illinois.				
Illinois	(C) Havana, Mason County, (Docket No. FEMA-6485).	Illinois River	Within the community	*453
Maps available for inspection at City Hall, 227 West Main Street, Havana, Illinois.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V) Hillview, Greene County, (Docket No. FEMA-6442).	Illinois River	Within the corporate limits	*443
		Hurricane Creek	Just upstream of Main Street	*443
			About 1.07 miles upstream of Main Street	*455
Maps available for inspection at the Office of the Clerk, Village Hall, Hillview, Illinois.				
Illinois	(C) Keithsburg, Mercer County, (Docket No. FEMA-6470).	Mississippi River	About 1.4 miles, downstream of confluence of Pope Creek.	*543
			About 0.9 mile upstream of confluence of Pope Creek	*544
Maps available for inspection at City Hall, Fourth and Main Streets, Keithsburg, Illinois.				
Illinois	(V) Mahomet, Champaign County, (Docket No. FEMA-6485).	Sangamon River	Just upstream of State Route 47	*684
			About 0.4 mile upstream of Interstate 74	*687
Maps available for inspection at the Clerk's Office, Village Hall, Mahomet, Illinois.				
Illinois	(C) Marion, Williamson County (Docket No. FEMA-6470).	Westernaire Creek	Just upstream of West Main Street	*421
			Just upstream of DeYoung Street	*432
		West Fork Westernaire Creek	At mouth at Westernaire Creek	*423
			About 1300 feet upstream of mouth	*426
		Campground Creek	Just upstream of West Main Street	*424
			Just upstream of Illinois Central Gulf Railroad	*428
		West Fork Campground Creek	At mouth at Campground Creek	*424
			Just downstream of Illinois Central Gulf Railroad	*424
		East Fork Campgraound Creek	Just upstream of West Main Street	*423
			About 1300 feet upstream of Halfway Road	*430
		Mule Creek	At mouth at Fairgrounds Creek	*426
			Just upstream of Harper Street	*436
			About 600 feet upstream of Madison Street	*441
		High School Tributary	At mouth at Crab Orchard Creek	*420
			Just upstream of South Carbon Street	*430
		North Fork High School	Mouth at High School Tributary	*423
			Just downstream of Hendrickson Street	*430
		Fairgrounds Creek	At mouth at Crab Orchard Creek	*424
			Just upstream of DeYoung Street	*438
		Westend Creek	At mouth at Fairgrounds Creek	*424
			Just upstream of Goodall Street	*436
		North Fork Westend Creek	At mouth at Westend Creek	*430
			Just upstream of Stockton Street	*438
		Crab Orchard Creek	About 100 feet upstream of confluence of High School Tributary.	*420
			About 300 feet upstream of Old Creal Springs Road	*427
			About 1900 feet downstream of DeYoung Street	*430
Maps available for inspection at the Clerk's Office, City Hall, 100 Tower Square Plaza, Marion, Illinois.				
Illinois	(V) Rockdale, Will County (Docket No. FEMA-6431)	Thorn Creek	About 100 feet downstream of Mound Road	*537
			At upstream corporate limit (Just downstream of Belleview Avenue).	*565
Maps available for inspection at the Clerk's Office, Municipal Building, Otis Avenue, Rockdale, Illinois.				
Illinois	(C) Rosiclare, Hardin County (Docket No. FEMA-6470).	Ohio River	At downstream corporate limits	*356
			At upstream corporate limits	*357
Maps available for inspection at City Hall, Main Street, Rosiclare, Illinois.				
Indiana	(C) Greensburg, Decatur County (Docket No. FEMA-6470).	Sand Creek	Downstream corporate limit	*910
			Upstream corporate limit	*924
		Gas Creek	About 0.2 mile downstream of Franklin Street	*907
			About 150 feet downstream of Franklin Street	*909
			Just upstream of Franklin Street	*916
			Just downstream of Conrail	*922
			Just upstream of Conrail	*928
			Abour 0.42 mile upstream of Barachel Lane	*943
		Unnamed Tributary to Muddy Fork	About 0.48 mile downstream of Michigan Avenue	*925
			Just downstream of Conrail	*935
Maps available for inspection at City Hall, Greensburg, Indiana.				
New Hampshire	Keene, City, Cheshire County (Docket No. FEMA-6243).	Ashuelot River	Downstream Corporate Limits	*472
			Upstream of Martell Court	*472
			Upstream of Martell Court	*472
			Upstream of Island Street	*472
			Upstream of State Route 9	*476
			Upstream of State Route 12A	*481
			Upstream Corporate Limits	*488
		Ash Swamp Brook	Downstream Corporate Limits	*472
			Upstream of Winchester Street	*472
			Approximately 650' downstream State Route 9	*475
			Approximately 600' upstream State Route 9	*483
			Approximately 100' upstream of West Street	*488
			Approximately 50' upstream of Boston and Maine Railroad.	*494
			At Arch Street	*500

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Beaver Brook	Confluence with Branch River	*472
			Upstream of Water Street	*476
			Approximately 100' downstream of George Street	*487
			Approximately 30' upstream of Old Concord Railroad	*555
			Upstream of State Route 10	*604
			Approximately 2,030' upstream of State Route 10	*680
			Upstream of State Route 9	*783
			Upstream of Stone Dam	*791
			Approximately 5,000' upstream of Stone Dam	*799
			Approximately 50' downstream of Sullivan Center Road.	*804
			Upstream Corporate Limits	*822
		Branch River	Confluence with Ashuelot River	*472
			Downstream of Main Street	*472
			Approximately 5,000' upstream of Main Street	*487
			Upstream of State Route 101	*520
			Confluence of Otter Brook	*555
		Otter Brook	Confluence with Branch River	*555
			Approximately 5,000' upstream of confluence with Branch River.	*604
			Approximately 100' upstream of Roxbury Road	*623
			Approximately 5,120' upstream of Roxbury Road	*669
		Minnewawa Brook	Confluence with Branch River	*555
			Approximately 100' upstream of Branch Road	*563
			Upstream Corporate Limits	*634
Maps available for inspection at the Planning Department, Keene City Hall, Keen, New Hampshire.				
New Jersey	Allenhurst, Borough, Monmouth County (Docket No. FEMA-6470.	Atlantic Ocean	Entire shoreline within community	*13
		Deal Lake	Entire shoreline within community	*11
Maps available for inspection at the Municipal Building, 125 Crolies Avenue, Allenhurst, New Jersey.				
New Jersey	Asbury Park, City, Monmouth County (Docket No. FEMA-6470).	Atlantic Ocean	Entire shoreline within community	*13
		Deal Lake	Entire shoreline within community	*11
		Sunset Lake	Entire shoreline within community	*10
		Lake Wesley	Entire shoreline within community	*10
Maps available for inspection at the City Hall, One Municipal Plaza, Asbury Park, New Jersey.				
New Jersey	Brielle, Borough, Monmouth County (Docket No. FEMA-6449).	Atlantic Ocean	Entire shoreline of Manasquan River	*10
			Glimmer Glass shoreline at Fisk Avenue	*10
			Roberts Swamp Brook upstream side of CONRAIL crossing.	*8
		Roberts Swamp Brook	Upstream side of Union Avenue	*9
			Downstream side of Old Bridge Road	*12
Maps available for inspection at the Municipal Building, 601 Union Lane, Brielle, New Jersey.				
New Jersey	Brigantine, City, Atlantic County (Docket No. FEMA-6470).	Atlantic Ocean	Entire Atlantic Ocean shoreline within community	*15
			Shoreline of Bonita Tideway at 35th Street (extended)	*10
			Shoreline of Steelman Bay at Travers Place (extended).	*13
			Shoreline of Steelman Bay at 13th Street (extended)	*11
Maps available for inspection at the City Hall, 1417 West Brigantine Avenue, Brigantine, New Jersey.				
New Jersey	Loch Arbour, Village, Monmouth County (Docket No. FEMA-6470).	Atlantic Ocean	Entire shoreline within community	*13
		Deal Lake	Entire shoreline within community	*11
Maps available for inspection at the the Municipal Building, 550 Main Street, Loch Arbour, New Jersey.				
New Jersey	Mansfield, Township, Warren County (Docket No. FEMA-6470).	Musconetcong River	Downstream corporate limits	*383
			Anthony Road (upstream side)	*395
			Penwell Dam (upstream side)	*416
			Stephensburg Road (upstream side)	*435
			Ruth Lane (upstream side)	*443
			Kings Highway (upstream side)	*468
			Newburgh Road (upstream side)	*484
			Upstream corporate limits	*492
		Pohatcong Creek	Downstream corporate limits	*473
			Willever Lake Dam (upstream side)	*494
			Hoffman Road (upstream side)	*504
			Jackson Valley Road, downstream crossing (upstream side).	*545
			Mitchell Road (upstream side)	*594
			Jackson Valley Road, upstream crossing (upstream side).	*667
			Smith Road (upstream crossing)	*714
			Jane Chapel Road (downstream side)	*780
		Hances Brook	Confluence with Musconetcong River	*443
			Walters Road (upstream side)	*466
			Hazen Road (upstream side)	*477
			Highland Avenue (upstream side)	*496
		Trout Brook	Confluence with Musconetcong River	*492
			Hatchery Road	*509
Maps available for inspection at the Municipal Building, Port Murray, New Jersey.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Ventnor, City, Atlantic County (Docket No. FEMA-6470).	Atlantic Ocean	Entire Atlantic Ocean shoreline within community	*15
			Shoreline of Beach Thorofare at Harvard Avenue, extended.	*10
			Entire shoreline of Shelter Island	*11
Maps available for inspection at the City Hall, Cambridge and Atlantic Avenues, Ventnor, New Jersey.				
New Mexico	City of Albuquerque, Bernalillo County (FEMA-6470)	Rio Grande	Just upstream of Rio Bravo Boulevard	*4,931
			Just downstream of Barelas Bridge	*4,945
		Rio Grande (East Overbank)	Approximately 1,200 feet upstream of Interstate Highway 25.	*4,901
		Arroyo de las Calabacillas	Just upstream of Golf Course Road	*5,145
		Tijeras Arroyo	Just upstream of the Atchison-Topeka and Santa Fe Railroad.	*4,944
			Just upstream of Broadway Boulevard	*4,962
			Just downstream of Four Hills Road	*5,546
Maps available for inspection at Municipal Development Department, Fourth Floor, City Hall, 400 Marquette Avenue, N.W., Albuquerque, New Mexico 87104.				
New Mexico	Unincorporated areas of Bernalillo County (FEMA-6470).	Rio Puerco	Just downstream of Interstate Highway 40	*5,259
		Unnamed Arroyo No. 1	Just downstream of Interstate Highway 40	*5,266
			Just upstream of Frontage Road	*5,282
		San Pedro Creek	Just upstream of extension of Erickson Road (Dip Section).	*6,633
			Just upstream of State Highway 14	*6,798
		Frost Arroyo	Just upstream of Private Drive (approximately 5,500' above confluence).	*6,644
			Just upstream of Private Drive (approximately 7,760' above confluence).	*6,664
Maps available for inspection at County Clerk's Office, County Courthouse Annex, 505 Central N.W., Albuquerque, New Mexico 87102.				
New York	Bayville, village, Nassau County (Docket No. FEMA-6470).	Long Island Sound	Entire shoreline within community	*17
			Oyster Bay Harbor shoreline from Bayville Bridge to Bayview Avenue (extended).	*13
		Mill Neck Creek	Mill Neck Creek shoreline extended to and including the Oak Neck Creek shoreline within community.	*12
Maps available for inspection at the Village Hall, 34 School Street, Bayville, New York.				
New York	Farmington, town, Ontario County (Docket No. FEMA-6485).	Ganargua Creek	Downstream corporate limits	*511
			Brownsville Road (upstream)	*538
		Mud Creek	Downstream corporate limits	*598
			Conrail (upstream)	*641
			Boughton Hill Road (County Route 41—Shortsville Road) (upstream).	*655
			Upstream corporate limits	*679
Maps available for inspection at the Town Hall, 1000 County Road #8, Victor, New York.				
New York	Gloversville, city, Fulton County (Docket No. FEMA-6449).	Cayadutta Creek	At downstream corporate limits	*727
			Downstream of East Pine Street	*779
			Upstream of Lincoln Avenue	*807
			Downstream of West Eleventh Avenue	*843
		Tributary A	Confluence with Cayadutta Creek	*791
			440' upstream of Rose Street	*825
Maps available for inspection at Office of the City Clerk, City Hall, Frontage Road, Gloversville, New York.				
New York	Hadley, town, Saratoga County (Docket No. FEMA-6470).	Hudson River	Downstream corporate limits	*559
			Downstream State Route 9N	*560
			Confluence of Sacandaga River	*561
Maps available for inspection at the Town Hall, 11418 Stoney Creek Road, Hadley, New York.				
New York	Macedon, village, Wayne County (Docket No. FEMA-6485).	Ganargua Creek	Downstream corporate limits	*457
			Upstream South Erie Street	*464
			Confluence of Trap Brook	*466
			Upstream corporate limits	*469
		New York State Barge Canal	Upstream State Route 350	*448
			Upstream Lock E-30	*464
		New York State Barge Canal Bypass Channel.	Downstream corporate limits	*448
			Upstream State Route 350	*462
			Upstream Railroad Avenue	*464
Maps available for inspection at the Village Hall, 106 Main Street, Macedon, New York.				
New York	Munnsville, village, Madison County (Docket No. FEMA-6470).	Oneida Castle	Downstream corporate limits	*632
			Upstream State Route 46	*664
			Upstream corporate limits	*668
Maps available for inspection at the residence of Honorable J. Jack Kern, Mayor, 5222 South Main Street, Munnsville, New York.				
New York	Oneida Castle, village, Oneida County (Docket No. FEMA-6470).	Oneida Creek	Downstream corporate limits	*429
			Upstream Conrail	*444
			Upstream Middle Road	*451
			Upstream corporate limits	*453
Maps available for inspection at the residence of Ms. Florence Sweatman, Village Clerk, 97 Seneca Street, Oneida, New York.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Oriskany, village, Oneida County (Docket No. FEMA-6470).	Oriskany Creek	Conrail (downstream side)	*419
			Downstream State Route 69	*422
			Upstream corporate limits	*429
		Mohawk River	Downstream corporate limits (extended)	*418
			Upstream corporate limits (extended)	*419
Maps available for inspection at the Village Clerk's Office, Municipal Building, Oriskany, New York.				
New York	Oyster Bay Cove, village, Nassau County (Docket No. FEMA-6485).	Oyster Bay Harbor	Entire shoreline within community	*15
		Oyster Bay Cove	Entire shoreline within community and area south of the Village of Oyster Bay Cove-Village of Cove Neck corporate limits, near Tiffany Road and Tiffany Creek.	*12
Maps available for inspection at 6 Birch Street, Locust Valley, New York.				
New York	Paris, town Oneida County (Docket No. FEMA-6470).	Sauquoit Creek	Downstream corporate limits	*737
			Upstream 1st dam	*758
			Upstream Pinnacle Road	*809
			Upstream Holman City Road	*877
			Upstream State Route 8 Culvert (1st crossing)	*897
			Downstream corporate limits of Village of Clayville	*930
			Upstream corporate limits of Village of Clayville	*1,050
			Upstream State Route 8 (2nd crossing)	*1,071
			Upstream State Route 8 (3rd crossing)	*1,096
			Upstream State Route 8 (4th crossing)	*1,151
			Upstream Reservoir Road	*1,179
			Approximately 0.75 mile upstream of Reservoir Road	*1,222
Maps available for inspection at the Town Clerk's Office, Sauquoit Valley Elementary School, Sulphur Spring Road, Sauquoit, New York.				
New York	Schenectady, city, Schenectady County (Docket No. FEMA-6470).	Mohawk Tiver	At downstream corporate limits	*226
			At upstream corporate limits	*232
Maps available for inspection at the City Clerk's Office, City Hall, Jay Street, Schenectady, New York.				
New York	Sherrill, city, Oneida County (Docket No. FEMA-6470).	Oneida Creek	Downstream corporate limits	*454
			Downstream of Kenwood Avenue	*470
			Upstream corporate limits	*486
Maps available for inspection at City Hall, 601 Sherrill Road, Sherrill, New York.				
New York	Stockbridge, town, Madison County (Docket No. FEMA-6470).	Oneida Creek	Downstream approximately 600 feet from County Road.	*605
			Upstream corporate limits.	*635
Maps available for inspection at the residence of Honorable Charles Young, Town Supervisor, 6065 Williams Road, Munnsville, New York.				
New York	Victor, town, Ontario County (Docket No. FEMA-6485).	Ganargua Creek	New York State Thruway (upstream side)	*544
			Plaster Mill Road (upstream side)	*
			CONRAIL bridge (upstream side)	*549
		Mud Creek	State Route 96 (upstream side)	*554
			Most downstream corporate limits	*564
			Upstream corporate limits	*598
		Irondequoit Creek	New York State Thruway (upstream side)	*682
			Abandoned railroad (upstream side)	*469
			Norris Street (upstream side)	*500
		Tributary to Irondequoit Creek	Wangum Road (upstream side)	*514
			Approximately .53 mile upstream Wangum Road	*500
Maps available for inspection at the Town Hall, 85 East Main Street, Victor, New York.				525
New York	Wawarsing, town, Ulster County (Docket No. FEMA-6442).	Rondout Creek	Downstream corporate limits	*253
			42nd Street (upstream)	*255
			U.S. Route 44, State Route 55 (upstream)	*258
			Foord Moore Road (upstream)	*262
			Port Ben Road (upstream)	*271
			Institution Road (upstream)	*284
			U.S. Route 209 (upstream)	*300
			Approximately 775' upstream of U.S. Route 209	*302
		Sandburg Creek	Confluence with Rondout Creek	*288
			Confluence of Fantine Kill	*300
			Upstream corporate limits crossing	*326
			Approximately 4,750' upstream of upstream corporate limits crossing.	*331
		Vernooy Kill	Confluence with Rondout Creek	*268
			U.S. Route 209, State Route 55 (upstream side)	*284
			Approximately 1,120' upstream of U.S. Route 209, State Route 55.	*296
Maps available for inspection at the Wawarsing Town Hall, 108 Canal Street, Ellenville, New York.				
New York	Whitestown, town, Oneida County (Docket No. FEMA-6470).	Mohawk River	Downstream corporate limits	*414
			Upstream Hayes Road	*417
			Upstream corporate limits	*420
		Sauquoit Creek	Confluence with Mohawk River	*414
			Downstream Oriskany Boulevard	*425

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream corporate limits	*455
		Mud Creek	Confluence with Sequoit Creek	*449
			Upstream corporate limits	*457
		Oriskany Creek	Confluence with Mohawk River	*419
			Downstream Pleasant Valley Road	*440
			At New York State Thruway	*459
			Upstream County Route C	*481
			Upstream corporate limits	*504
		Deans Creek	Confluence with Oriskany Creek	*471
			Upstream corporate limits	*462
Maps available for inspection at the Town Clerk's Office, 8 Park Avenue, Whitesboro, New York 13492.				
North Carolina	Unincorporated areas of Johnston County (FEMA-6485).	Neuse River	Approximately 2200 feet upstream of Secondary Road 1201.	*87
			Approximately 1500 feet upstream of Southern Railway.	*135
			Approximately 1200 feet upstream of State Highway 42.	*152
		Moccasin Creek	Approximately 600 feet upstream of Secondary Road 2541.	*86
			Approximately 500 feet upstream of Secondary Road 1007.	*90
			Approximately 400 feet upstream of Mill Dam (Washed Out).	*93
		Mill Creek	Approximately 300 feet upstream of Secondary Road 1009.	*99
			Just upstream of Secondary Road 1185	*105
		Mill Branch	Approximately 150 feet downstream of Secondary Road 1008.	*91
			Just upstream of Secondary Road 1008	*93
		Stone Creek	Approximately 350 feet downstream of State Highway 701.	*108
		Hannah Creek	Approximately 1200 feet upstream of Secondary Road 1185.	*109
			Just upstream of State Highway 701	*113
			Just downstream of Interstate Highway 95	*131
		Little River	Just upstream of Secondary Road 2320	*126
			Just upstream of Secondary Road 1001	*137
			Just upstream of Secondary Road 1934	*151
			Just upstream of Secondary Road 2123	*168
			Just upstream of State Highway 39	*179
		Buffalo Creek (East)	Just upstream of State Highway 39	*171
			Just downstream of State Highway 96	*183
			Just downstream of State Highway 42	*205
Maps available for inspection at County Planner's Office, 127 South Second Street, Smithfield, North Carolina 27577.				
North Carolina	Village of Walnut Creek Wayne County (FEMA-6485)	Walnut Creek	Just downstream of Mill Road	*72
			Just upstream of Dam located approximately 20,800 feet above mouth.	*88
		Walnut Creek Tributary B	Just upstream of Dam located approximately 2,450 feet above mouth.	*97
Maps available for inspection at the home of the Village Clerk, 612 Lake Shore Drive, Goldsboro, North Carolina 27532.				
North Carolina	Unincorporated areas of Wayne County (FEMA-6485).	Bear Creek	Just downstream of County Road 1715	*82
			Just downstream of County Road 1136	*93
			Just upstream of County Road 1136	*98
		Beaverdam Creek (Backwater from Neuse River).	Just upstream of County Road 1007	*83
		Brooks Swamp	Just downstream of County Road 1120	*105
			Just downstream of U.S. Highway 117	*117
		Brooks Swamp Tributary	Approximately 1,200 feet upstream of confluence with Brooks Swamp.	*108
		Buck Swamp	Just downstream of County Road 1324	*110
		Burden Creek	Just upstream of County Road 1225	*89
			Just downstream of County Road 1007	*91
		Burnt Mill Branch	Just downstream of County Road 1933	*113
			Just upstream of County Road 1933	*121
		Falling Creek	Just upstream of County Road 1008	*91
			Just downstream of U.S. Highway 13	*109
			Just upstream of County Road 1008	*114
			Just downstream of County Road 1105	*121
		Lee Branch	Just upstream of County Road 1135	*119
		Little River	Just upstream of State Highway 581	*95
			Just downstream of County Road 1234	*100
		Mill Branch	Just upstream of County Road 1008	*93
		Mill Creek (North)	Just downstream of County Road 1319	*96
		Mill Creek (South)	Just upstream of County Road 1200 (Flooding at this location is affected by backwater from Neuse River).	*85
		Moccasin Creek (Backwater from Neuse River).	Confluence with Neuse River	*84
		Nahunta Swamp	Just upstream of County Road 1532	*70
			Just upstream of County Road 1534	*78
			Just upstream of County Road	*97
			Just upstream of County Road 1324	*115
			Just upstream of County Road 1340	*119
		Northeast Cape Fear River	Just downstream of County Road	*90
			Just downstream of State Highway 403	*112

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of County Road 1558	*121
		Neuse River	Just downstream of State Highway 11	*61
			Just upstream of U.S. Highway 117	*73
			Just downstream of County Road 1008	*76
			Just upstream of County Road 1224	*84
		Peacock Branch	Just downstream of County Road 1324	*108
		Reedy Branch	Just upstream of County Road 1571	*105
		Sleepy Creek	Just downstream of County Road 1915	*76
			Just downstream of County Road 1933	*129
		The Slough	Just upstream of County Road 1535	*82
			Just upstream of County Road 1537	*111
		Slough Tributary	Just upstream of County Road 1545	*110
		Stoney Creek	Just upstream of County Road 1571	*101
			Just upstream of County Road 1523	*113
		Stoney Creek Tributary	Just downstream of County Road 1547	*105
		Thoroughfare Swamp	Just upstream of County Road 1120	*114
			Just downstream of County Road 1113	*115
		Thunder Swamp	Just upstream of County Road 1118	*120
			Just downstream of County Road 1117	*124
		Walnut Creek	Just upstream of County Road 1730	*60
			Just upstream of County Road 1728	*88
		Walnut Creek Tributary A	Just downstream of County Road 1719	*91
		Walnut Creek Tributary C	Just downstream of County Road 1728	*97
			Just upstream of County Road 1728	*102
		West Bear Creek	Just upstream of County Road 1719	*87
			Just upstream of County Road 1705	*103
		Yellow Marsh Branch	Just upstream of County Road 1127	*110
			Just downstream of U.S. Highway 17	*145
Maps available for inspection at County Planning Director's Office, County Administration Building, 115 South Williams Street, Goldsboro, North Carolina 27530.				
Ohio	(V) Dillonvale, Jefferson County (Docket No. FEMA-6470).	Short Creek	At downstream corporate limit	*733
			At upstream corporate limit	*741
		Piney Fork	About 1,350 feet downstream of State Highway 150	*732
			At upstream corporate limit	*741
Maps available for inpsection at the Mayor's Office, Village Hall, Main Street, Dillonvale, Ohio.				
Ohio	(V) Higginsport, Brown County (Docket No. FEMA-6470).	Ohio River	Within corporate limits	*511
Maps available for inspection at the Village Hall, Jackson Street, Higginsport, Ohio.				
Oregon	Yamhill County (Unincorporated areas) FEMA-6485	Willamette River	50 feet upstream from center of State Highway 219	*98
		Yamhill River	At the intersection of Lafayette Highway and Yamhill River.	*107
		North Yamhill River	At the intersection of Poverty Bend Road and North Yamhill River.	*113
		South Yamhill River	At the intersection of Three Mile Lane Highway and South Yamhill River.	*119
			20 feet upstream from center of Salmon River Highway.	*182
		Hess Creek	25 feet upstream from center of Mountain Drive	*183
		Chehalem Creek	Intersection of Dayton Avenue and Chehalem Creek	*99
			25 feet upstream from center of County Road 98	*147
		Palmer Creek	Confluence with West Fork Palmer Creek	*103
		West Fork Palmer Creek	25 feet upstream from center of Webfoot Road	*103
		Panther Creek	At confluence with Baker Creek	*113
		Baker Creek	100 feet upstream from center of West Side Road	*114
		Yamhill Creek	25 feet upstream from center of State Highway 240	*167
		Cozine Creek	At the intersection of Hill Road and Cosine Creek	*146
		Salt Creek	Intersection of Roy Freeman Ranch Road and Salt Creek.	*136
		Ash Swale	At the center of U.S. Highway 99 W. crossing near confluence with Sale Creek.	*135
		Willamina Creek	25 feet upstream from center of Fort Hill Junction Road.	*244
		Agency Creek	50 feet upstream from center of State Highway 22	*349
Maps available for inspection at the Planning Department, County Courthouse, McMinnville, Oregon.				
South Carolina	Unincorporated areas of Berkeley County (FEMA-6470).	Ancrum Swamp and Limehouse Branch	Just upstream of State Route 62 (Ladson Road)	*15
			Approximatley 300 feet at downstream of confluence of Stroberfield Branch.	*20
		Cypress Swamp	Just upstream of Interstate Highway 26	*29
			Just downstream of U.S. Highway 176	*37
		Back River	At confluence of Canterhill Branch	*11
		California Branch	Just upstream of Seaboard Coastline Railroad	*24
			Just downstream of Whitesville Road	*71
		Canterhill Branch	Just downstream of Seaboard Coastline Railroad	*14
			Just downstream of Cypress Garden Road (State Highway 9).	*19
		Durham and Chicken Creek	At Cypress Gardan Road (State Road 244) (Backwater from West Branch Cooper River).	*7
		Felder Branch	Just upstream of State Highway 16	*52
			Just downstream of New Hope Road	*63
		Fosters Creek	Just upstream of Liberty Hall Road	*12
		Huckhole Swamp	Just upstream of the Road located along the County Line.	*13

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of the First County Road located downstream of State Route 567.	*18
		Luarel Swamp	Approximately 200 feet at downstream of northbound U.S. Highway 52 (downsteam lane).	*15
			Just downstream of U.S. Highway 17–A	*43
			Just upstream of Lakewood Road	*70
		Miller Dam Branch	Approximately 150 feet downstream of State Highway 16.	*42
			Approximately 250 feet upstream of New Hope Road	*54
			Just downstream of State Road 275	*75
		Molly Branch	Just upstream of Old U.S. Highway 52	*15
		Sandy Run Creek	Just downstream of State Highway 16	*38
			Just downstream of U.S. Highway 176	*54
		Sawmill Branch	Just downstream of eastbound lane of Interstate Highway 26.	*60
		Sophia Swamp	Just upstream of Pine Grove Road (State Road 667)	*14
		Stroberfield Branch	Just downstream of North Frontage Road of Interstate Highway 26.	*49
		Unnamed tributary to Back River	Just downstream of Cypress Garden Road (State Highway 9).	*9
			Just upstream of Old U.S. Highway 52	*16
		West Branch of the Cooper River	At Seaboard Coast Line Railroad	*7
			At confluence of Molly Branch	*8
			Just downstream of State Highway 17–A	*12
		Unnamed tributary to West Branch of Cooper River	Just downstream of Old U.S. Highway 52	*18
		Atlantic Ocean Wando River	At State Highway 41	*11
			At confluence of Beresford Creek and Wando River	*12
			At Cainhoy Road (extended)	*13
		Atlantic Ocean Cooper River	At confluence of Clouter Creek and Cooper River	*13
		Atlantic Ocean Back River	Just upstream of State Highway 503	*11
		Atlantic Ocean Foster Creek	At Ghetto Road	*10
Maps available for inspection at Planning Commission Administrator's Office, 223 North Live Oak Drive, Moncks Corner, South Carolina 29461.				
South Carolina	City of Isle of Palms, Charleston County (FEMA–6470).	Atlantic Ocean	31st Avenue extended to the Atlantic Ocean Coastline	*20
			A point 600 feet seaward along 49th Avenue from the intersection of 49th Avenue and Cameron Boulevard.	*15
			At the intersection of Palm Boulevard and 31st Avenue.	*14
			At the intersection of Hamett Boulevard and 31st Avenue.	*13
Maps available for inspection at Building Inspector's Office, City Hall, 1301 Palm Boulevard, Isle of Palms, South Carolina 29451.				
South Carolina	Township of Sullivan's Island, Charleston Count (FEMA–6485).	Atlantic Ocean	At the intersection of Keenan and Middle Street	*17
			At the intersection of Thee and Station 19 Streets	*17
			At the intersection of Bayonne and Station 26 Streets	*17
			At the intersection of Atlantic Avenue and Station 26 Street.	*16
			At the intersection of L'on Avenue and 26 Street	*15
			At the intersection of Middle and Station 26 Streets	*14
Maps available for inspection at Town Hall, 1610 Middle Street, Sullivan's Island, South Carolina 29482.				
Tennessee	City of Humboldt, Gibson County (FEMA–6470)	Lick Creek	Just upstream of Hadley Street	*340
			Just upstream of State Highway 52 (Maclin Street)	*352
		Little Sugar Creek	Just upstream of U.S. Route 45W Bypass	*352
		Unnamed Tributary to Middle Fork of Forked Deer River	Just upstream of Gibson Wells Road	*333
Maps available for inspection at Mayor's Office, Municipal Building, 1421 Osborne Street, Humboldt, Tennessee 38343.				
Tennessee	City of Springfield, Robertson County (FEMA–6384)	Beaver Dam Creek	Just upstream of Unnamed Road (upstream crossing)	*568
		Wartrace Creek	Just downstream of Lake Wartrace Dam	*564
			Just upstream of Lake Wartrace Dam	*594
			Just upstream of Old Green Briar Pike	*632
		Carr Creek	Just upstream of New Chapel Road	*523
			Just upstream of Burr Road	*548
			Just upstream of State Highway 65 and U.S. Highway 431.	*569
			Just upstream of New Cut Road	*595
		Sulphur Fork	Just upstream of Main Street	*547
			Just downstream of 5th Avenue East	*558
Maps available for inspection at City Hall, 123 Fifth Avenue West, Springfield, Tennessee 37172.				
Texas	City of Boerne, Kendall County (FEMA–6470)	Cibolo Creek	Just downstream of Main Street	*1,395
			Just upstream of the Issen Street	*1,399
			Just upstream of San Antonio Avenue	*1,401
			Just upstream of John Road	*1,408
		Currey Creek	Just upstream of Esser Road	*1,392
			Just upstream of Rosewood Street	*1,400
			Just upstream of Blanco Road	*1,407
		Unnamed Tributary A	Just upstream of River Road	*1,388
			Just downstream of Rosewood Street	*1,399
			Just upstream of Blanco Road	*1,405
			Approximately 300 feet downstream of Southern Pacific Railroad.	*1,410
			Just upstream of Southern Pacific Railroad	*1,418
Maps available for inspection at City Hall, City Administrator's Office, 402 East Blanco, Boerne, Texas 78006.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	Unincorporated areas of Cameron County (FEMA-6470).	Gulf of Mexico/Laguna Madre	Approximately 1.0 mile east along State Highway 48 from the intersection of Vermilion Avenue and State Highway 48.	*13
			Approximately 1.0 mile east along Boca Chica Highway (State Highway 4) from the intersection of Oklahoma Avenue (FM 1419) and Boca Chica Highway.	*13
			At the intersection of Buena Vista Road and State Highway 100.	*12
			Approximately 14.8 miles east along Boca Chica Highway (State Highway 4) from the intersection of Oklahoma Avenue (FM 1419) and Boca Chica Highway; at Hopernik Shores.	*8
			At the intersection of State Highway 100 and FM 1792	*7
Maps available for inspection at Cameron County Courthouse, Room 201, 964 East Harrison Street, Brownsville, Texas 78520.				
Texas	Village of Laguna Vista, Cameron County (FEMA-6470).	Gulf of Mexico/Laguna Madre	Approximately 300 feet from the intersection of Fernandez Street and Beach Boulevard towards the Laguna Madre shoreline.	*9
			Approximately 200 feet from the intersection of Box Street and Beach Boulevard towards the Laguna Madre shoreline.	*11
Maps available for inspection at Building Inpsector's Office, Village Hall, 122 Fernandez, Laguna Vista, Texas 78578.				
Texas	City of Palacios, Matagorda County (FEMA-6470)	Gulf of Mexico/Tres Palacios Bay	At the intersection of First Street and Perryman Avenue.	*13
			At the intersection of Third Street and Ritchie Avenue	*10
Maps available for inspection at City Hall, 205 Fourth Street, Palacios, Texas 77465.				
Texas	Town of South Padre Island, Cameron County (FEMA-6470).	Gulf of Mexico	At the intersection of Gulf Boulevard and Coronado Drive.	*8
			At the intersection of Gulf Boulevard and Hibiscus Street.	*8
		Gulf of Mexico/Laguna Madre	At the intersection of Padre Boulevard and King Fish Street.	*6
			At the intersection of Laguna Boulevard and Mezquite Street.	*6
Maps available for inspection at Building Inspector's Office, Town Hall, 4305 Padre Boulevard, South Padre Island, Texas 78597.				
Washington	Dupont (town), Pierce County (FEMA-6157)	Puget Sound	200 feet west from intersection of Burlington Northern and Weyerhauser Corporation.	*10
Maps available for inspection at Town Hall, Dupont, Washington.				
Washington	Sultan (town), Snohomish County (FEMA-6485)	Sultan River	At the center of First Street and Birch Avenue	*116
		Skykomish River	150 feet south from the center of intersection of Tenth Street and Dyer Road.	*117
Maps available for inspection at Town Hall, Sultan, Washington.				
West Virginia	Pineville, City, Wyoming County (Docket No. FEMA-6485).	Guyandotte River	Downstream corporate limits	*1,272
			Upstream of Park Street	*1,286
			Upstream corporate limits	*1,313
		Rockcastle Creek	Upstream State Route 10 (River Drive Avenue)	*1,288
			At State Route 97 (Twin Falls Road)	*1,319
			Upstream Hemlock Street	*1,371
			Upstream corporate limits	*1,384
		Bearhole Fork	Upstream of confluence with Rockcastle Creek	*1,319
			Upstream corporate limits	*1,364
Maps available for inspection at the City Hall, Park Street, Pineville, West Virginia.				
Wisconsin	(Unicorporated), Columbia County (Docket No. FEMA-6470).	Wisconsin River	About 400 feet downstream of State Highway 60	*748
			Just downstream of Prairie Du Sac Dam	*750
			Just upstream of Prairie Du Sac Dam	*774
			Just downstream of City of Wisconsin Dells Corporate limit.	*827
		Fox River	At downstream County Boundary	*782
			Just upstream of State Highway 33 (downstream crossing).	*789
			Just upstream of Haynes Road	*810
			About 2.4 miles upstream of State Highway 33 (upstream crossing).	*819
		Crawfish River	Just upstream of State Highway 73	*835
			About 1.3 miles upstream of Hall Road	*847
		North Branch Crawfish River	At Village of Fall River corporate limits	*859
			Just downstream of County Highway DG (upstream crossing).	*861
		Duck Creek	Mouth at Wisconsin River	*788
			At Village of Wyocena corporate limits (downstream crossing).	*794
			At Village Wyocena corporate limits (upstream crossing).	*803

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Neenah Creek-Big Slough	Mouth at Fox River	*783
			About 600 feet upstream of U.S. Highway 51	*787
			About 5500 feet upstream of County Highway X	*791
		Baraboo River	Mouth at Wisconsin River	*788
			At upstream County Boundary	*803
Maps available for inspection at the Zoning Office, Columbia County Administration Building, Portage, Wisconsin.				
Wisconsin	Unincorporated), Green County (Docket No. FEMA-6470).	Allen Creek	Just downstream of County Highway E	*811
			About 1.4 miles upstream of County Highway E	*821
		Brayton Creek	About 500 feet upstream from mouth	*837
			About 0.97 mile upstream from mouth	*845
		Honey Creek	Just upstream of Franklin Road	*931
			About 0.6 mile upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad at City of Monroe corporate limits.	*966
		Juda Branch	Just upstream of County Highway OK	*799
			About 1.98 miles upstream of County Highway S	*904
		Legler School Branch	Just upstream of Second Street at Village of New Glarus corporate limit.	*859
			About 0.45 mile upstream of Legler Valley Road	*991
		Little Sugar River	At mouth (Albany Lake)	*808
			About 1.4 miles upstream of River Road at confluence of West Branch Little Sugar River.	*825
		Norwegian Creek	Just upstream of Sugar River State Trail	*792
			Just downstream of State Highway 104 and County Highway T.	*805
		Pecatonica River	At Illinois-Wisconsin State Boundary	*783
			At Lafayette-Green County Boundary	*790
		Richland Creek	Just upstream of County Highway K	*900
			Just upstream of culvert at State Highway 11 and 81	*947
			Just downstream of Greenbush Road	*991
		Skinner Creek	At mouth	*790
			About 1.01 miles upstream of Cadiz Springs Road	*790
		Sugar River	Just upstream of County Highway T	*764
			About 1.7 miles upstream of Decatur-Albany Road near Village of Albany (Southern corporate limit).	*801
			Albany Lake just upstream of Village of Albany (northern corporate limit).	*808
			About 3.1 miles upstream of County Highway D	*855
		Sugar River Decatur Raceway	About 0.36 mile downstream of Decatur Road	*786
			About 0.13 mile upstream of Decatur Raceway Dam	*792
		West Branch Little Sugar River	At mouth	*825
			About 0.23 mile upstream of Illinois Central Gulf Railroad.	*828
			About 0.2 mile downstream of State Highways 69 and 39.	*836
			About 0.84 mile upstream of Washington Road	*845
Maps available for inspection at the Highway Department Office, 2813 Sixth Street, Monroe, Wisconsin.				

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Appeals of the proposed base flood elevations were received and have been resolved by the Agency.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Holbrook (city), Navajo County, FEMA-6033	Little Colorado River	Intersection of Arizona Street and 11th Avenue	*5,074
			Intersection of Hopi Drive and First Street	*5,085
		Whiting Creek	Intersection of Dewitt Road and Whiting Avenue	*5,072
Maps available for inspection at City Offices, 465 1st Avenue, Holbrook, Arizona.				
California	Orange Cove (city), Fresno County, FEMA-6299	Orange Cove Drain	Intersection of Third Street and H Street	*424
		Wooten Creek	Intersection of Anchor Avenue and B Street	#2
Maps available for inspection at Department of Public Works, 633 6th Street, Orange Cove, California.				
Florida	St. Petersburg (city), Pinellas County, FEMA-6333	Tampa Bay	Intersection of 9th Street South and Bayou Boulevard	*9
			Intersection of Central Avenue and Bayshore Drive	*9
			Intersection of Chancellor Street and Massachusetts Avenue.	*9
			Intersection of 9th Street North (State Highway 688) and Roosevelt Boulevard (State Highway 686).	*10
		Boca Ciega Bay	Intersection of 50th Avenue South and 34th Street South (U.S. Highway 19, State Highway 55).	*10
			Intersection of Central Avenue and Sunset Drive	*12
			Intersection of Keystone Court and 26th Avenue	*13
		Joe Creek	Intersection of 36th Avenue North and 60th Street North.	*19
Maps available for inspection at Zoning Department, 205 9th Street, North, Room 202, St. Petersburg, Florida.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(C) Grimes, Polk County (Docket No. FEMA-6431)	Little Beaver Creek	About 2430 feet downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*913
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*925
			About 100 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*934
			About 1500 feet upstream of James Street	*935
		Little Beaver Creek tributary	Mouth at Little Beaver Creek	*914
			Just downstream of First Street	*929
			Just upstream of Trail Ridge Road	*935
			Just downstream of Little Beaver Road	*936
			Just upstream of Little Beaver Road	*941
			About 350 feet upstream of Jacob Street	*950
Maps available for inspection at City Hall, 404 South Second Street, Grimes, Iowa.				
New York *21	Cambria, town, Niagara County (Docket No. FEMA-6449).	East Branch Twelvemile Creek	Downstream corporate limits	*370
			Downstream side North Ridge Road	*374
		Bergholtz Creek	Upstream side Raymond Road	*603
			Upstream side Baer Road	*615
Maps available for inspection at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York.				
Pennsylvania	Exeter, township, Luzerne County (Docket No. FEMA-6262).	Susquehanna River	Downstream corporate limits	*560
			Confluence of Sutton Creek	*570
			Confluence of Dymond Creek	*574
			Upstream corporate limits	*575
		Sutton Creek	Confluence with Susquehanna River	*570
			Approximately 1,285 feet upstream of State Route 92	*600
			Approximately 1,920 feet upstream of State Route 92	*630
Maps available for inspection at the Exeter Municipal Building, Pittston, Pennsylvania.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 20, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15457 Filed 6-9-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; California et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are finalized for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 1229, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Carlsbad (city), San Diego County, FEMA-6485	Buena Vista Creek	30 feet upstream from center of Haymar Drive	*39
		Pacific Ocean	Area approximately 450 feet west of intersection of Cannon Road and Carlsbad Boulevard.	*10
			Area approximately 500 feet west of intersection of Cannon Road and Carlsbad Boulevard.	*6
Maps available for inspection at the Engineering Department, 1200 Elm Street, Carlsbad, California 92008.				
California	Chula Vista (city), San Diego County, FEMA-6485	Sweetwater River	At the intersection of river and San Diego and Arizona Eastern Railroad.	*11
			At the intersection of Willow Street and North Grover Avenue.	
		Telegraph Canyon Creek	40 feet upstream from center of Second Avenue	*109
			At the intersection of K Street and Colorado Avenue	#1
		Otay River	Area within the corporate limits, approximately 200 feet east from center of Interstate Highway 805 and approximately 1,300 feet south of its intersection with Otay Valley Road.	*88
		San Diego Bay	Area along the coastline, 1,800 feet west on G Street from its intersection with Tidolands Avenue.	*5
Maps available for inspection at the Department of Engineering, , 276 4th Avenue, Chula Vista, California.				
California	Del Mar (city), San Diego County, FEMA-6485	Pacific Ocean	400 feet west of the intersection of 18th Street and Coast Boulevard.	*9
			450 feet west of the intersection of 24th Street and Camino Del Mar.	*6
		Soledad Canyon	The area within the extreme south corporate limits approximately 1,000 feet southeast of the intersection of U.S. Highway 101 and Carmel Valley Road.	*11
Maps available for inspection at the Engineering Department, 1050 Camino Del Mar, Del Mar, California.				
California	El Dorado County (unincorporated areas), FEMA-6485.	Upper Truckee River	150 feet upstream from center of U.S. Highway 50	*6,270
			100 feet upstream from center of Upper Truckee Road (Alpine Camp Bridge).	*6,503
		Angora Creek Tributary	50 feet downstream of center of Sawmill Road	*6,326
		Angora Creek	60 feet upstream of center of Tahoe Blvd	*6,339
		Trout Creek	20 feet upstream from center of Martin Ave	*6,257
		Cold Creek	50 feet upstream from center of Pioneer Trail	6,297
		Heavenly Valley Creek	35 feet upstream from center of Johnson Road	*6,256
Maps available for inspection at the Department of Public Works, Headington Road, Placerville, California.				
California	Oceanside (city), San Diego County, FEMA-6485	Buena Vista Creek	50 feet upstream from center of College Boulevard	*174
		Loma Alta Creek	Intersection of Beachwood Lane and Hillside Street	*16
		Pacific Ocean	150 feet southwest from the intersection of Pacific Street and Forster Street.	*11
Maps available for inspection at the Department of Engineering , 321 N. Nevada Street, Oceanside, California.				
California	San Diego (city), San Diego County, FEMA-6485	Las Chollas Creek	50 feet upstream from the center of Federal Boulevard.	*110
			Flow over the culvert at interstate Highway 805	#1
		Wabash Branch	50 feet upstream from center of Pickwick Street	*62
		Homes Avenue Branch	50 feet upstream from center of Fairmont Avenue	*158
		South Las Chollas Creek	Intersection of Euclid Avenue and Guymon Street	*121
		Encanto Branch	30 feet upstream from center of 54th Street	*129
		Switzer Creek	At the confluence with Florida Drive Branch	*85
		Florida Drive Branch	At the intersection of Florida Drive and Florida Place	*120
		Las Puletа Creek	At the intersection of Cottonwood and Osborn Streets	*19
		Nestor Creek	At the intersection of Grove Avenue and Frontage Road.	*32
		Tijuana River	At the intersection of Dairy Mart Road and Tijuana Street.	*43
		Sunrise Overflow	At the intersection of Iris Avenue and Tocayo Avenue	*27
		Carmel Valley Creek	At the intersection of Creek and Shaw Valley Road	*83
		Carroll Canyon Creek	At the intersection of Carroll Canyon Drive and El Camino Drive.	*150
		Kit Carsons Park Creek	At the upstream (northern) corporate limits	*332
		Los Penasquitos Creek	At the intersection of Frontage Road and Sorrento Valley Boulevard.	*37
			75 feet downstream from the center of the east lanes of Interstate Highway 15.	*312
		Murray Canyon Creek	At the intersection of Frazee Road and Murray Canyon Road.	*52
		Otay River	At the intersection of State Highway 75 and 19th Street.	*14
		Rose Canyon Creek	50 feet upstream from center of Balboa Avenue	*15
			75 feet upstream from center of Genesse Avenue	*205
		San Clemente Canyon Creek	150 feet upstream from center of Genesee Avenue	*178

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		San Diego River	At the intersection of Harney Street and Hotel Circle Place.	*19
			At the intersection of Stadium Way and Conrock Drive	*50
			At the intersection of Camino de la Riena and Mission Center Road.	#3
		Soledad Canyon	At the intersection of Dunhill and Roselle Streets	*34
		Tecolote Creek	50 feet upstream from center of Mt. Acadia Boulevard	*146
			At the intersection of Tonopah Street and Knoxville Street.	#1
		Telegraph Canyon Creek	Area approximately 1,600 feet southwest from the intersection of L Street and Bay Boulevard (located in the City of Chula Vista).	*18
		Mission Bay	At Mission Point	*4
		San Diego Bay	At Shelter Island	*5
		Pacific Ocean	At the intersection of Avendida de la Playa and LaVerde Grande.	*6
			Along the shoreline west of Pacific Beach Drive	*7
Maps available for inspection at the Department of Engineering, 202 C Street, San Diego, California.				
California	Scotts Valley (city), Santa Cruz County, FEMA-6485	Carbonera Creek	90 feet upstream from center of Bob Jones Lane	*546
Maps available for inspection at the Department of Community Development, 370 Kings Village Road, Scotts Valley, California.				
California	Vista (city), San Diego County, FEMA-6485	Buena Vista Creek	East side of the intersection of Melrose Drive and Hacienda Drive.	*306
		Agua Hedionda Creek	40 feet upstream from center of Sycamore Avenue Extension.	*375
		Buena Creek	At the intersection of creek and center of Sycamore Avenue.	*358
Maps available for inspection at the Department of Public Works, 600 Eucalyptus Avenue, Vista, California.				
Illinois	(C) Dallas City, Hancock & Henderson Counties (Docket No. FEMA-6485).	Mississippi River	About 2.4 miles downstream of confluence of Camp Creek.	*526
			Just downstream of confluence of Camp Creek	*530
Maps available for inspection at City Clerk's Office, City Hall, Dallas City, Illinois.				
Illinois	(C) East Dubuque, Jo Daviess County (Docket No. FEMA-6485).	Mississippi River	About 1.5 miles downstream of U.S. Highway 20	*610
			About 0.4 mile upstream of Illinois Central Gulf Railroad.	*611
Maps available for inspection at the Zoning Administrator's Office, City Hall, 193 Sinsinawa Avenue, East Dubuque, Illinois.				
Illinois	(C) Hamilton, Hancock County (Docket No. FEMA-6485).	Mississippi River	About 1000 feet downstream of confluence of the Des Moines River.	*500
			Just downstream of Lock and Dam No. 19	*501
			Just upstream of Lock and Dam No. 19	*518
			About 0.6 mile upstream of Lock and Dam No. 19	*518
Maps available for inspection at the Clerk's Office, City Hall, Hamilton, Illinois.				
Illinois	(C) Metropolis, Massac County (Docket No. FEMA-6485).	Ohio River	At downstream corporate limits	*337
			At upstream corporate limits	*338
Maps available for inspection at the City Clerk's Office, 106 West Fifth Street, Metropolis, Illinois.				
Illinois	(V) North Barrington, Lake County (Docket No. FEMA-6485).	North Flint Creek	About 3800 feet downstream of confluence of Honey Lake Drain.	*756
			Just upstream of Woodland Drive	*766
			Just upstream of Eton Drive	*789
			About 2600 feet upstream of Kimberly Road	*808
		Flint Creek	Within community	*757
		East Tributary Flint Creek	Within corporate limits	*755
		Honey Lake Drain	At confluence with North Flint Creek	*758
			Just upstream of Golf View Drive	*774
			Just downstream of Honey Lake Dam	*777
			Just upstream of Honey Lake Dam	*785
			Just downstream of Signal Hill Road	*803
			Just upstream of Signal Hill Road	*813
			About 700 feet upstream of Pinewood Drive	*831
		Signal Hill Tributary	At confluence with Honey Lake Drain	*766
			About 650 feet upstream of Signal Hill Road	*825
Maps available for inspection at the Village Clerk's Office, North Barrington, Illinois.				
Illinois	(V) Pontoosuc, Hancock County (Docket No. FEMA-6485).	Mississippi River	About 0.77 mile downstream of confluence of Spillman Creek.	*527
			About 0.74 mile upstream of confluence of Spillman Creek.	*528
Maps available for inspection at the Village Hall, R.R. #1, Dallas City, Illinois.				
Indiana	(C) Rising Sun, Ohio County (Docket No. FEMA-6485).	Ohio River	Within the community	*484
		Dry Branch (Ohio River backwater)	Within the community	*483
Maps available for inspection at City Hall, Walnut Street, Rising Sun, Indiana.				
Indiana	(T) Vernon, Jennings County (Docket No. FEMA-6485).	Vernon Fork Muscatatuck River	About 1.95 miles downstream of State Route 7 (near downstream corporate limits).	*624
			About 0.8 mile upstream of Conrail (near upstream corporate limits).	*638
Maps available for inspection at City Hall, Vernon, Indiana				
Iowa	(C) New Vienna, Dubuque County (Docket No. FEMA-6485).	North Fork Maquoketa River	At downstream corporate limits	*992
			About 2300 feet upstream of State Highway 136	*1001
Maps available for inspection at City Hall, New Vienna, Iowa.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(C) Worthington, Dubuque County (Docket No. FEMA-6485).	Durion Creek	At downstream corporate limits	*889
			At upstream corporate limits	*913
Maps available for inspection at City Hall, Worthington, Iowa.				
Michigan	(V) St. Charles, Saginaw County (Docket No. FEMA-6431).	Bad River	Just upstream of Conrail	*594
			About 2.0 miles upstream of Conrail	*595
		South Branch Bad River	Within corporate limits	*594
		Shiawassee Flats	Within corporate limits	*594
Maps available for inspection at City Hall, 110 West Spruce, St. Charles, Michigan.				
New Jersey	Margate City, city, Atlantic County (Docket No. FEMA-6492).	Atlantic Ocean	Entire Atlantic Ocean shoreline within community	*15
			Entire Beach Thoroughfare shoreline within community	*10
Maps available for inspection at the Municipal Building, Washington and Ventnor Avenues, Margate City, New Jersey.				
New York	Centre Island, village, Nassau County (Docket No. FEMA-6485).	Long Island Sound	Entire shoreline within community	*17
		Cold Spring Harbor	Shoreline at Beach Road extended	*16
			Shoreline at Roosevelt Road extended	*15
		Oyster Bay Harbor	Shoreline at South Centre Islsnd Road extended	*12
			Shoreline at Cedar Avenue extended	*15
Maps available for inspection at the Village Hall, Centre Island Road, New York.				
New York	Mill Neck, village, Nassau County (Docket No. FEMA-6492).	Oyster Bay Harbor	Entire shoreline within community	*15
		Mill Neck Creek	Shoreline from Bayville Bridge to approximately 1,700 feet northwest of Cleft Road.	*14
			Shoreline from approximately 1,700 feet northwest of Cleft Road to Cleft Road.	*13
		Beaver Lake	Entire shoreline within community	*12
		Beaver Brook	Entire shoreline within community	*12
Maps available for inspection at the Village Hall, Frost Mill Road, Mill Neck, New York.				
New York	Saddle Rock, village, Nassau County (Docket No. FEMA-6492).	Little Neck Bay	Shoreline at southern corporate limits	*13
			Shoreline at Candy Lane extended	*15
			Shoreline of Udalls Mill Pond	*13
Maps available for inspection at 34 Forest Road, Great Neck, New York.				
North Carolina	Town of Beaufort, Carteret County (FEMA-6492)	Atlantic Ocean/Bogue Sound/Taylors Creek.	At intersection of Front Street and Craven Street	*9
			At intersection of Broad Street and Craven Street	*7
			At intersection of Front Street and Leonda Drive	*8
		Atlantic Ocean/Bogue Sound/Town Creek.	At intersection of Turner Street and West Beaufort Road.	*7
		Atlantic Ocean/Back Sound/Turner Creek.	Along State Route 1304 Marshalls Road east of a point located 200 feet on the east of its intersection with Sycamore Drive.	*7
Maps available for inspection at Town Hall, 215 Pollock Street, Beaufort, North Carolina 28516.				
North Carolina	Town of Cape Carteret, Carteret County (FEMA-6492).	Atlantic Ocean/Bogue Sound/Deer Creek.	At intersection of Loma Linda Drive and Yucca Loop	*10
			At intersection of Edgewater Court and Livecak Avenue.	*10
		Atlantic Ocean/White Oak River/Pettiford Creek.	1,500 feet from the intersection of Star Hill Drive and Apollo Drive.	*8
Maps available for inspection at Town Hall, Cape Carteret, 204 McLean Drive, Cape Carteret, North Carolina 28584.				
North Carolina	Town of Morehead City, Carteret County (FEMA-6492).	Bogue Sound	Approximately 300 feet southwest of the intersection of Savannah Avenue and Sound Drive.	*10
			Intersection of East Coral Avenue and South Shore Drive.	*9
		Crab Point Throughfare	Approximately 4,200 feet east of intersection of 4th Street and Bridges Street.	*8
		Calico Bay/Newport River	Intersection of SR1179 (Loop Road) and North Yaupon Terrace.	*7
Maps available for inspection at Town Hall, 706 Arendell Street, Morehead City, North Carolina 28557.				
North Carolina	Town of Newport, Carteret County (FEMA-6492)	Atlantic Ocean/Bogue Sound/Newport River/Deep Creek.	At Church Street	*10
		Bogue Sound/Newport River, Deep Creek, Little Deep Creek.	At the corporate limits	*11
		Bogue Sound/Newport River	At Chatham Street (U.S. Highway 70)	*10
Maps available for inspection at Town Hall, Newport, North Carolina 28570.				
North Carolina	Town of Swansboro, Onslow County (FEMA-6492)	Atlantic Ocean/White Oak River	Front Street extended, east of its intersection with Corbett Avenue (State Route 24).	*10
			At the intersection of Church Street and Water Street	*11
			At the intersection of Spring Street and Walnut Street	*10
Maps available for inspection at Town Hall, Church Street, Swansboro, North Carolina 28584.				
Ohio	(V) Chesapeake, Lawrence County (Docket No. FEMA-6485).	Ohio River	At downstream corporate limits	*553
			At upstream corporate limits	*554
Maps available for inspection at Village Hall, 205 Third Avenue, Chesapeake, Ohio.				
Ohio	(Unincorporated), Delaware County (Docket No. FEMA-6485).	Delaware Run	About 1.36 miles downstream of Houk Road	*900
			About 0.63 mile upstream of Hills-Miller Road	*946
		Alum Creek	About 1.23 miles downstream of Worthington-Galena Road.	814*
			Just downstream of Lewis Center Road	*827
		Little Walnut Creek	Just upstream of State Route 3	*898
			Just downstream of U.S. Route 36 and State Route 37.	*914

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(Unincorporated), Delaware County (Docket No. FEMA-6485).	Duncan Run	About 0.25 mile upstream of Red Bank Road	*898
			Just downstream of Harlem Road	*991
			Just upstream of Harlem Road	*996
			Just downstream of Center Village Road	*1067
		Olentangy River	Just upstream of Delaware-Franklin County line	*765
			Just upstream of Norfolk and Western Railway	*892
		Scioto River	About 300 feet upstream of Delaware-Franklin County line.	*795
			Just downstream of O'Shaughnessy Dam	*802
			Just downstream of State Route 257	*860
			About 0.25 mile upstream of Mink Street Road	*897
		Delaware Run	About 1.36 miles downstream of Houk Road	*900
			About 0.63 mile upstream of Hills-Miller Road	*946
		Alum Creek	About 1.23 miles downstream of Worthington-Galena Road.	*814
			Just downstream of Lewis Center Road	*827
		Little Walnut Creek	Just upstream of State Route 3	*896
			Just downstream of U.S. Route 36 and State Route 37.	*914
		Duncan Rum	About 0.25 mile upstream of Red Bank Road	*898
			Just downstream of Harlem Road	*991
			Just upstream of Harlem Road	*996
			Just downstream of Center Village Road	*1087
		Olentangy River	Just upstream of Delaware-Franklin County line	*765
			Just upstream of Norfolk and Western Railway	*892
		Scioto River	About 300 feet upstream of Delaware-Franklin County line.	*795
			Just downstream of O'Shaughnessy Dam	*802
			Just downstream of State Route 257	*860
			About 0.25 mile upstream of Mink Street Road	*897
		Mill Creek	About 500 feet upstream of State Route 745	*860
			About 200 feet downstream of Delaware-Union County line.	*919
		Blues Creek	About 500 feet upstream from confluence with Mill Creek.	*904
			At Delaware-Union County line	*931
Maps available for inspection at the Delaware County Regional Planning Commission, 110½ North Franklin Street, Delaware, Ohio.				
Ohio	(V) Irondale, Jefferson County (Docket No. FEMA-6485).	North Fork Yellow Creek	About 600 feet downstream of Conrail (downstream of East Avenue).	*699
			Just upstream of East Avenue	*718
			About 1.1 miles upstream of Ford Street	*729
Maps available for inspection at the Village Clerk's Office, Village Hall, Irondale, Ohio.				
Ohio	(V) North Bend, Hamilton County (Docket No. FEMA-6485).	Ohio River	At downstream corporate limits	*492
			At upstream corporate limits	*493
Maps available for inspection at the Mayor's Office, 21 Taylor Street, North Bend, Ohio.				
Ohio	(V) Rome, Adams County (Docket No. FEMA-6485).	Ohio River	Within corporate limits	*525
Maps available for inspection at the Mayor's Office, Stout, Ohio.				
Ohio	(C) Toronto, Jefferson County (Docket No. FEMA-6485).	Ohio River	About 0.9 mile downstream of confluence of Jeddo Run.	*675
			At confluence of Croxton Run	*677
Maps available for inspection at the Municipal Building, 308 North Sixth Street, Toronto, Ohio.				
Ohio	(V) Walbridge, Wood County (Docket No. FEMA-6485).	Dry Creek	Just upstream of Lemoyne Road	*614
			About 1,200 feet upstream of Conrail	*618
		Cedar Creek	About 1,950 feet downstream of Conrail	*612
			Just downstream of Chessie System	*615
Maps available for inspection at the Mayor's Office, 111 North Main Street, Walbridge, Ohio.				
Pennsylvania	Benton, borough Columbia County (Docket No. FEMA-6485).	Fishing Creek	Downstream corporate limits	*748
			Upstream State Route 487	*764
			Upstream dam	*774
			Upstream corporate limits	*775
		West Creek	Downstream corporate limits	*751
			Upstream Market Street	*763
			Upstream corporate limits	*778
Maps available for inspection at the Borough Building, Third Street, Benton, Pennsylvania.				
Pennsylvania	Indiana, township Allegheny County (Docket No. FEMA-6485).	Little Deer Creek	At downstream corporate limits	*783
			Approximately 125' downstream of Bessemer and Lake Erie Railroad (1st crossing).	*810
			Upstream of Rich Hill Road	*835
			Upstream of Russellton Road	*877
			At most upstream corporate limits	*887
Maps available for inspection at the Township Building, Indianola, Pennsylvania.				
Pennsylvania	North Fayette, township Allegheny County (Docket No. FEMA-6485).	Montour Run	Downstream corporate limits	*851
			Upstream State Route 60	*867
			Upstream Cliff Mine Road	*890
			Upstream Railroad Street (1st crossing)	*948
			Upstream U.S. Route 30	*979
		South Fork Montour Run	Upstream Santiago Road	*1,013
		Robinson Run	Downstream corporate limits	*887
			Upstream Willow Street	*923
			Upstream Main Street	*940
			Upstream corporate limits	*965

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		North Branch Robinson Run	Downstream corporate limits	*913
			Upstream North Branch Road (State Route 978)	*950
			At Donalson Road	*975
Maps available for inspection at the Township Building, Oakdale, Pennsylvania.				
Pennsylvania	Spring, township Centre County (Docket No. FEMA-6485).	Spring Creek	At most downstream corporate limits	*720
			At downstream corporate limits with the Borough of Bellefonte.	*729
			At upstream corporate limits with the Borough of Bellefonte.	*752
			At most upstream corporate limits	*757
		Logan Branch	At downstream corporate limits	*757
			Upstream of second upstream private road	*778
			Upstream of Township Route 384	*802
			Irish Hollow Road (extended)	*833
			At upstream corporate limits	*878
		Gap Run	At downstream corporate limits	*915
			Upstream of State Route 144 (downstream crossing)	*946
			Downstream of Harrison Road	*987
			Upstream On The Hill Road (Township Route 367)	*1,101
			Upstream of State Route 144 (upstream crossing)	*1,245
Maps available for inspection at the Township Municipal Building, RFD 2, Bellefonte, Pennsylvania.				
Pennsylvania	West Deer, township, Allegheny County (Docket No. FEMA-6485).	Deer Creek	Downstream corporate limits	*883
			Upstream of 1st crossing of State Route 910	*899
			Upstream of Private Road	*911
			Upstream of 2nd crossing of State Route 910	*922
			Confluence of West Branch Deer Creek	*933
		West Branch Deer Creek	Confluence with Deer Creek	*933
			Upstream of Private Road	*948
			Approximately .29 mile upstream of Private Road	*955
		Little Deer Creek	Downstream corporate limits	*888
			Upstream of Little Deer Creek Valley Road	*934
			Upstream of McKrell Road	*947
			Upstream of Access Road	*961
			Upstream of Bessemer and Lake Erie Railroad	*978
			Upstream of Private Road	*987
			Approximately .3 mile upstream of Private Road	*992
Maps available for inspection at the Township Building, Russellton, Pennsylvania.				
Tennessee	Unincorporated areas of Gibson County (FEMA 6492)	North Fork of Forked Deer River	Just upstream of Route 54	*313
			Just upstream of U.S. Highway 45W Bypass	*316
		North Fork of Forked Deer River Tributary One.	Just upstream of U.S. Highway 45W Bypass	*322
		North Fork of Forked Deer River Tributary Two.	At confluence with North Fork of Forked Deer River	*312
		North Fork of Forked Deer River Tributary Three.	Approximately 1,500 feet upstream of the confluence with North Fork of Forked Deer River at County Road.	*320
		Little Sugar Creek	Just upstream of U.S. Highway 45W (State Route 5)	*345
			Just upstream of U.S. Highway 45W Bypass	*353
		Lick Creek	Just downstream of Eastern Corporate Limits	*332
		Barnett Branch	Just upstream of Gibson Wells Road	*335
		Dolly Creek	Just upstream of State Route 5	*352
		Unnamed Tributary to Middle Fork of Forked Deer River.	Approximately 8,000 feet upstream of confluence with Middle Fork of Forked Deer River.	*330
		Town Creek	Approximately 200 feet upstream of the Illinois Central Gulf Railroad.	*349
Maps available for inspection at County Executive's Office, Gibson County Courthouse, Trenton, Tennesse 38382.				
West Virginia	Williamstown, city, Wood County (Docket No. FEMA-6485).	Ohio River	Downstream corporate limits	*615
			Upstream corporate limits	*616
		Williams Creek	Downstream corporate limits	*615
			Upstream of Highland Avenue	*626
			Approximately 2,200 feet upstream of Highland Avenue.	*630
Maps available for inspection at the Municipal Building, Fifth Street and Park Avenue, Williamstown, West Virginia.				

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Appeals of the proposed base flood elevations were received and have been resolved by the Agency.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Pinal County (Unincorporated Areas) FEMA-6224.	Gila River (at Florence)	200 feet upstream from the center of U.S. Highway 80 and 89.	*1,483
		(at Riverside)	Intersection of South Kelvin Road and Apache Way	*1,798
		(at Kearny)	Center of Hartford Road at approximately 1,100 feet west of its intersection with State Highway 177.	*1,839
		(at Hayden and Winkleman)	40 feet upstream from the center of State Highway 77	*1,936

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		San Pedro River (at Dudleyville)	Intersection of Eskiminzin Wash and State Highway 77	*2,002
		(at Mammoth)	180 feet upstream from the center of State Highway 77.	*2,327
		Queen Creek	25 feet upstream from the center of Burr Drive	*2,010
		West Branch	100 feet downstream from the center of Queen Valley Drive.	*2,002
		North Branch Santa Cruz Wash	40 feet upstream from the center of Thornton Road	*1,371
		Weekes Wash	50 feet upstream from the center of North Apache Trail (State Highway 88).	*1,916
		Santa Cruz Wash	Intersection of Candlestick Drive and State Highway 84.	#2
		Green Wash	Intersection of Anderson Road and State Highway 84	#2
Maps available for inspection at Department of Planning, 1301 Pinal, Florence, Arizona.				
Louisiana	Unincorporated areas of St. Mary Parish (FEMA-6333).	Gulf of Mexico	State Highway 83 at the Town of Florence	*13
			State Highway 317 at the Town of South Bend	*16
			At the Western Tip of Cypremort Point	*16
Maps available for inspection at St. Mary Parish Engineer's Office, St. Mary Parish Courthouse, Main Street, Franklin, Louisiana 70538.				
Texas	City of Santa Fe, Galveston County (FEMA-6333).	Highland Bayou above Diversion Dam.	Approximately 1,000 feet upstream of FM 646	*24
			Approximately 200 feet upstream of Avenue R	*26
Maps available for inspection at City Hall, 4925 Main Street, Santa Fe, Texas 77510.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 27, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15443 Filed 6-9-83; 8:45 am]

BILLING CODE 6718-03-M

ACTION

45 CFR Part 1207

Senior Companion Program

AGENCY: ACTION.

ACTION: Final rule.

SUMMARY: This final regulation clarifies and updates existing Senior Companion Program regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operation. The text is simplified and reduced wherever possible.

EFFECTIVE DATE: This regulation shall take effect on July 25, 1983.

FOR FURTHER INFORMATION CONTACT: C. Wade Freeman, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Avenue, NW., Room M-1006, Washington, D.C. 20525, (202) 254-7310.

SUPPLEMENTARY INFORMATION: ACTION has determined that this regulation is not a major rule as defined by Executive Order 12291. The regulation will not result in any of the following:

1. Any effect on the economy;
2. Any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or
3. Any 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.

Discussion of Comments and Response

The Agency received numerous comments by volunteers, project directors, sponsors, nursing home administrators and associations, and other members of the public on proposed regulations (47 FR 49673). The vast majority of the comments pertained to restrictions on the placement of Senior Companions in proprietary health care organizations. The following is the Agency response to the substantive comments, and the resulting modifications.

Section 1207.1.2: Several comments suggested that the definitions of "care plan" and "in home" be dropped because they are not mentioned elsewhere in the text. This change has been adopted. Others suggested adding definitions for "rural" and "handicapped" because they appear in the body of the text. The term "rural" has been deleted from the text and a definition of "handicapped" has been added. The Agency inadvertently excluded definitions for three technical terms used in the text, "letter of Agreement", "Memorandum of Understanding" and "United States and States." These have been added.

One substantive and two minor clarifying changes have been made in the definition of volunteer station. The respondents pointed out that: (1) Nursing home residents in urban areas should have equal access to Senior Companions; (2) The exclusion of urban proprietary health care organizations is discriminatory in that it eliminates Senior Companion service to socially isolated persons because of the ownership category of a health care organization; (3) Senior Companions assigned to such organizations do not function as staff, their role being to establish one-to-one relationships with residents who lack family or friends, which supplements, not duplicates, the work of paid staff; (4) The assignment of Senior Companions to proprietary health care organizations generates significant in-kind resources for physicals, transportation, and meals, which enables projects to place Companions in other stations that cannot provide comparable support levels.

Proprietary health care organizations have been included in the definition of volunteer station without regard to geographic location. In addition, the Agency did not intend to require licensure or certification when none was required by state or local governmental agencies. Thus, the sentence, "Each volunteer station must be licensed or otherwise certified by the appropriate state or local government" has been revised by inserting "when required" after "certified." The sentence "Private homes are not volunteer stations" has been added to clarify the role of station in-home placement assignments.

Section 1207.2–4: Paragraph (b) has been revised to reflect the replacement to OMB Circular A–95 with Executive Order 12372, the "Intergovernmental Review of Federal Programs and Activities"

Section 1207.3–1: A new paragraph has been added to clarify the sponsor's role in obtaining ACTION concurrence in the selection of volunteer stations.

Section 1207.3–2: Several persons appeared confused about the requirement in paragraph (c) that project directors "may not * * * serve, concurrently, in another capacity, paid or unpaid, during established working hours" without prior Agency approval. Their contention that this paragraph prohibits service in unpaid community volunteer or aging service activities is not accurate. ACTION encourages its sponsors to coordinate with other related groups in the community (§ 1207.1–3) and to take a leadership role in promoting such coordination. In order to eliminate the confusion, subsection (c) has been modified.

Section 1207.3–4: Paragraph (a)(3) has been modified to delete the reference to "rural service area" and add "sparsely populated areas".

Section 1207.3–5: Several comments objected to the requirement in paragraph (a)(5) that Senior Companion selection may not be based on ownership of or access to a vehicle since this impairs recruitment of Companions in rural service areas. This provision has been deleted.

Comments received from projects recommended that paragraph (c) be amended to provide a waiver of the requirement that volunteer direct benefits be a sum equal to at least 90% of the Federal share of the grant. This provision was inadvertently omitted from the text and the following language has been added: "In exceptional circumstances the Director may waive this requirement."

Paragraph (c)(1)(iii)(C) has been modified to clarify the requirements for personal automobile liability insurance.

Several comments suggested deletion of the provision in paragraph (c)(5) which limits the stipend to one member in households in which more that one eligible member serves as a Senior Companion or Foster Grandparent, except where enrollees of these programs marry. It was felt that this provision discriminates against eligible married couples. The Agency has concluded that this provision must be retained for the following reasons: (1) Pursuant to the statute, SCP enrollment is targeted at the poorest low-income Americans and this provision assures that the opportuntiy to receive stipends is extended to more low-income households; (2) Other direct benefits, in the form of insurance, meals, physical examinations, transportation, and recognition, provided to all income eligible members, offset the cost of volunteering for the household member who does not receive the stipend.

Several comments suggested deleting the prohibition in paragraph (c)(6) against using project funds for transportation provided for or on behalf of clients. The Agency has concluded that this provision must be retained because the purpose of project funds is to transport or provide reimbursement for transportation of Senior Companions between their homes and places of assignment. Transportation of clients is the responsibility of the volunteer station which provides services to the client.

The Senior Companion Program is identified by No. 72.008 in the Catalog of Federal Domestic Assistance.

Pursuant to Section 3(c)3 of E.O. 12291, entitled "Federal Regulation," the required review process has been completed by the Director of the Office of Management and Budget.

List of Subjects in 45 CFR Part 1207

Aged, Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 1207 is revised to read as follows:

PART 1207—SENIOR COMPANION PROGRAM

Subpart A—General

Sec.
1207.1–1 Purpose of the program.
1207.1–2 Definitions.
1207.1–3 Coordination.

Subpart B—Project Development and Funding

1207.2–1 Inquiries.
1207.2–2 Local support.
1207.2–3 Sponsor eligibility and solicitation of proposals.
1207.2–4 Project proposals.
1207.2–5 Review of project proposals.
1207.2–6 Awards.
1207.2–7 Grand management.
1207.2–8 Suspension, termination, denial of refunding.

Subpart C—Project Operations

1207.3–1 Sponsor responsibility.
1207.3–2 Project staff.
1207.3–3 Advisory council.
1207.3–4 Volunteer station responsibility.
1207.3–5 Senior companions.
1207.3–6 Senior companion assignments.

Subpart D—Non-ACTION Funded Projects

1207.4–1 Memorandum of agreement.

Subpart E—Sanctions and Legal Representation

Sec.
1207.5–1 Special limitations.
1207.5–2 Legal representation.

Authority: Secs211(d), (e); 212, 213, 221, 222, 223, 402(14) and 420 of Pub. L. 93–113, 87 Stat. 402, 403, 404, 407 and 414, sec. 213 of Pub. L. 97–35, 97 Stat. 487, 42 U.S.C. 5011 (d), (e); 5012, 5021, 5022, 5023, 5042(14), 5060 and 5013.

Subpart A—General

§ 1207.1–1 Purpose of the program.

The Senior Companion Program (SCP) is authorized under Title II, Part C,of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113). The dual purpose of the program is to create part-time stipended volunteer community service opportunities for low-income persons aged 60 and over, and to provide supportive person-to-person services to assist adults having exceptional needs, developmental disabilities or other special needs for companionship.

§ 1207.1–2 Definitions.

Terms used in this part are defined as follows:

"Act" is the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113, 87 Stat. 394, 42 U.S.C. 4951).

"Adult" is any person aged 21 or over.

"Advisory Council" is a group of persons formally organized by the project sponsor for the purpose of advising and supporting the sponsor in operating the project effectively.

"Agency" is the federal ACTION agency.

"Direct Benefits" are stipends, meals, transportation, annual physical examinations, volunteer insurance, recognition and uniforms included in the budget as *Volunteer Expenses.*

"Director" is the Director of ACTION.

"Exceptional Needs" are one or more physical, emotional, or mental health limitation(s).

"Federally recognized Indian tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in Section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of Interior as eligible for the special programs and services provided through the Bureau of Indian Affairs.

"Handbook" is the SCP Handbook No. 4405.91, which contains policies for implementing these regulations.

"Handicapped" is a person or persons having physical or mental impairments that substantially limit one or more major life activities.

"Hard-to-reach" individuals are those who are physically or socially isolated because of factors such as language, disability, or inadequate transportation.

"Household" refers to related or unrelated persons living under the same roof and sharing common living expenses.

"Letter of Agreement" is a written agreement between a volunteer station, the project sponsor and the adult served or the person legally responsible for the adult. It authorizes the assignment of a Senior Companion in the client's home, defines Senior Companion activities and delineates the specific arrangements for supervision.

"Memorandum of Understanding" is a written statement prepared and signed by the Senior Companion sponsor and the volunteer station which identifies project requirements, working relationships and mutal responsibilities.

"OAVP" refers to the Older American Volunteer Programs, which include: the Senior Companion Program, the Foster Grandparent Program, and the Retired Senior Volunteer Program.

"Project" is the locally planned and implemented Senior Companion Program activity as agreed upon between ACTION and the sponsor.

"Service Area" is a geographically defined area in which Senior Companions are recruited, enrolled, and placed on assignments.

"Service Schedule" is the 20 hours per week that a Senior Companion serves.

"Sponsor" is a public agency or private nonprofit organization which is responsible for the operation of the Senior Companion project.

"Stipend" is a payment to Senior Companions to enable them to serve without cost to themselves.

"United States and States" means the several states, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa and the Trust Territory of the Pacific Islands.

"Volunteer Station" is a public agency, private nonprofit organization or proprietary health care agency or organization that accepts the responsibility for assignment and supervision of Senior Companions. Each volunteer station must be licensed or otherwise certified, when required, by the appropriate state or local government. Private homes are not volunteer stations.

§ 1207.1-3 Coordination.

The sponsor shall coordinate activities with project-related groups and individuals, including those representing government, industry, labor, volunteer organizations, programs for the aging, including State and Area Agencies on Aging, and other ACTION programs, to facilitate cooperation with existing or planned community services and to develop community support.

Subpart B—Project Development and Funding

§ 1207.2-1 Inquiries.

Inquiries regarding the Senior Companion Program application process, program criteria, or the availability of funds, should be directed to the ACTION State Office serving the inquirer's own state. ACTION headquarters office in Washington, D.C. will assist in directing inquiries to the appropriate State office.

§ 1207.2-2 Local support.

An ACTION grant may be awarded to fund up to 90% of the cost of development and operation of a Senior Companion project. The sponsor is required to contribute at least 10% of the total project cost. Stipend payments in excess of the amount established by ACTION may not be included as part of the local support commitment. In exceptional circumstances the Director may approve assistance for more than 90% of the total project costs if: (a) The project is located in an area where local resources are too limited to provide 10%; or (b) a test project is determined to be of exceptional value, sufficient to warrant Federal support in excess of 90% of the total project cost.

§ 1207.2-3 Sponsor eligibility and solicitation of proposals.

(a) *Sponsor eligibility.* ACTION will award grants only to public agencies and private non-profit organizations in the United States which have the authority to accept and the capability to administer such grants.

(b) *Solicitation of proposals.* Any eligible organization may file an application for a grant. Applicants may also be solicited by ACTION pursuant to its objective of achieving equitable program resource distribution. Solicited applications are not assured of selection of approval and may have to compete with other solicited or unsolicited applications.

§ 1207.2-4 Project proposals.

(a) Applicants shall use standard forms prescribed by ACTION. ACTION State Offices will provide applicants with guidance and any additional instruction necessary to plan and budget proposed program activities.

(b) Agencies and organizations submitting grant applications must comply with provisions of Executive Order 12372, the "Intergovernmental Review of Federal Programs and Activities," as set forth in 45 Code of Federal Regulations (CFR) Part 1233.

(c) A potential sponsor must submit one copy of an application for a new SCP project to the State Agency on Aging, which has 45 days to review the application and make recommendations. The State Agency on Aging shall state in writing to ACTION its recommendations and reasons within this time period or will be considered to have waived its rights under this part.

§ 1207.2-5 Reveiw of project proposals.

(a) The ACTION State Office for the applicant's state will review the grant application to ensure that program requirements are complied with and that required documentation has been attached.

(b) If not approved, the application will be returned to the applicant with explanation of ACTION's decision. The unsuccessful applicant may reapply when the inadequacy, if any, found in the application is resolved.

§ 1207.2-6 Awards.

(a) ACTION will, within funds available, award a grant in writing to those applicants whose grant proposals provide the best potential for serving the purpose of the program. The award will be documented by Notice of Grant Award (NGA).

(b) The parties to the NGA are ACTION and the sponsoring organization. The NGA will document the sponsor's commitment to fulfill specific programmatic objectives and financial obligations. It will document the extent of ACTION's obligation to provide financial support to the sponsor.

(c) A sponsor may receive a grant award for more than one OAVP project.

§ 1207.2-7 Grant management.

(a) Sponsors shall manage grants awarded to them in accordance with these regulations, ACTION Handbook 2650.2, entitled *Grants Management Handbook for Grantees*, and SCP Handbook No. 4405.91. A copy of each document will be furnished the sponsor at the time the initial grant is awarded.

(b) Project support provided under an ACTION grant shall be furnished at the lowest possible cost consistent with the effective operation of the project.

(c) Project costs for which ACTION funds are budgeted must be justified as being essential to project operation.

§ 1207.2-8 Suspension, termination and denial of refunding.

Grant suspension, termination and denial of refunding procedures are set forth in 45 CFR Part 1206, Chapter XII, and in ACTION Handbook 2650.2.

Subpart C—Project Operations

§ 1207.3–1 Sponsor responsibility.

The sponsor is responsible for all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. The sponsor has the responsibility to:

(a) Employ, supervise and support a Project Director who will be directly responsible to the sponsor for the management of the project, including selection, training and supervision of project staff;

(b) Provide for the recruitment, assignment, supervision and support of Senior Companions. Special efforts are to be made to recruit and assign persons from minority groups, handicapped and hard-to-reach individuals, and groups in the community which are underrepresented in the project. The sponsor will stress the recruitment and enrollment of persons not already volunteering;

(c) Provide financial and in-kind support to fulfill the project's local share commitment;

(d) Establish, orient, and support an independent SCP Advisory Council;

(e) Provide the Senior Companions with not less than the minimum accident, personal liability, and excess auto liability insurance required by ACTION;

(f) Provide for appropriate recognition of the Senior Companions and their activities;

(g) Establish personnel practices, including provision of position descriptions for project staff, and service policies for Senior Companions, including grievance and appeal procedures for both volunteers and project staff;

(h) Ensure compliance with ACTION requirements relating to nondiscrimination, religious activity, political activity, lobbying, patronage toward persons related by blood or marriage, labor or anti-labor organization or related activities, nondisplacement of employed workers, nonimpairment of contracts, and noncompensation for services;

(i) Maintain project records in accordance with generally accepted accounting practice and provide for the accurate and timely preparation and submission of reports required by ACTION;

(j) Develop Senior Companion service opportunities through volunteer stations;

(k) Obtain ACTION concurrence in the selection of volunteer stations prior to the placement of Senior Companions;

(l) Negotiate, prior to placement of Senior Companions; a written Memorandum of Understanding with each volunteer station, identifying sponsor responsibilities, volunteer station responsibilities, and joint responsibilities;

(m) Orient volunteer station staff to the program and its activities;

(n) Provide not less than 40 hours of pre-service orientation to the Senior Companions;

(o) Arrange group in-service training for Senior Companions for a minimum of four hours each month;

(p) Provide or arrange for direct benefits (insurance, meals, physical examinations, recognition, stipends, transportation, and uniforms, if needed) for the Senior Companions in a timely manner;

(q) Ensure provision for volunteer safety;

(r) Comply with program regulations, policies and procedures prescribed by ACTION;

(s) Ensure that appropriate liability insurance is maintained for owned, nonowned, or hired vehicles used in the project;

(t) Develop a realistic transportation plan for the project based on lowest cost transportation modes; and

(u) Conduct an annual appraisal of volunteers' performance and an annual review of volunteers' income eligibility.

§ 1207.3–2 Project staff.

(a) Project staff are employees of the sponsor and are subject to its personnel policies and practices.

(b) ACTION must concur in writing with the sponsor's selection of a project director before such person is employed or earns pay from grant funds.

(c) The SCP project director shall serve full time and may not be employed or serve concurrently in another capacity, paid or unpaid, during established working hours without prior approval from ACTION. This does not preclude participation of the project director in activities of related local agencies, boards or organizations for the purposes of coordination and facilitating achievement of project goals and objectives.

(d) Compensation levels for project staff, including wages, salaries and fringe benefits, should be comparable to like or similar positions in the sponsor organization and in the community.

§ 1207.3–3 Advisory Council.

An Advisory Council shall be established to advise and assist the project sponsor and staff. There shall be a separate Advisory Council for each Older American Volunteer project administered by the sponsor. When a small number of volunteers is enrolled or other special conditions prevail, this requirement may be waived by the Director of OAVP. The Advisory Council shall:

(a) Advise the project director in the formulation of local policy, planning, and the development of operational procedures and practices consistent with program policies;

(b) Assist the sponsor by promoting community support for the project, advise on personnel actions affecting volunteers and project staff, and assist in developing local financial and in-kind resources;

(c) Include in its membership, when available: community, business and labor leaders, representatives from volunteer stations, public and private agencies, and persons specializing in the fields of aging and voluntarism. In addition, at least one-fourth of the Advisory Council shall be low-income persons aged 60 or over. This group must include Senior Companions as voting members. The sponsor's chief executive or designee, one member of its governing board, and the project director should be members of the Advisory Council but may not be officers of the Advisory Council. The sponsor's chief executive and the project director may not be voting members. The member representing the sponsor's governing board may be a voting member. The provisions of Section 1207.5–1, Nondiscrimination, apply to the Advisory Council;

(d) Meet on a regular schedule and establish its own procedures, including election of officers and terms of office;

(e) Conduct an annual appraisal of project operation and submit a report to the sponsor, which shall be attached to the continuation grant application;

(f) Have an opportunity to advise the sponsor in advance on the selection or termination of the project director; and

(g) Ensure procedures are in effect to hear an appeal to actions affecting a Senior Companion adversely.

§ 1207.3–4 Volunteer station responsibility.

(a) Normally the volunteer station is an organization other than the sponsoring organization. The sponsor may function as a Senior Companion station only if the sponsor is: (1) A state organization administering a statewide Senior Companion project where the volunteer station is part of the state organization; (2) a federally-recognized Indian tribal government; or (3) in a sparsely populated area. In such sparsely populated areas, up to 10% of the enrolled volunteers may be placed directly by the sponsor.

(b) Volunteer station responsibilities include:

(1) Assisting with or arranging for volunteer transportation on or between assignments;

(2) Assisting in the provision of appropriate volunteer recognition;

(3) Developing and monitoring volunteer assignments, selecting adults to be served, supervising the volunteers, assisting the sponsor in matching volunteers to assignments and in providing pre-service orientation and in-service training for the Senior Companions;

(4) Providing for volunteer safety;

(5) Keeping records and preparing reports required by the sponsor; and

(6) Signing, prior to the placement of Senior Companions, a Memorandum of Understanding with the sponsor establishing working relationships and mutual responsibilities, and detailing the responsibilities outlined above as well as other agreed upon responsibilities, including the particulars of the volunteers' supervision.

(i) When Senior Companions are to serve in private homes, the Memorandum of Understanding shall also require that the volunteer station obtain a Letter of Agreement from the person to be served, or the person legally responsible for that person, authorizing or requesting volunteer service in the home and indicating what specific activities are to be performed.

(ii) The Memorandum of Understanding is to be reviewed and, as appropriate, changed annually. The Memorandum may be amended at any time by mutual agreement and must be signed and dated annually to indicate that review and update, if needed, have been accomplished.

§ 1207.3-5 Senior Companions.

(a) *Eligibility.* (1) Senior Companions shall be 60 years of age or older, no longer in the regular work force, determined by a physical examination to be capable of serving adults with exceptional or special needs without detriment to either themselves or the adult served, and willing to accept supervision as required.

(2) Eligibility to be a Senior Companion may not be restricted on the basis of education, experience, citizenship, race, color, creed, belief, sex, national origin, handicap, or political affiliation.

(3) To be enrolled, a Senior Companion cannot have an annual income, from all sources, exceeding the ACTION income eligibility guideline for the state in which he or she resides. The ACTION income eligibility guideline for each state is the higher amount of either: (i) 125% of the poverty line as set forth in Section 625 of the Economic Opportunity Act of 1964, as amended by Pub. L. 92-424 (42 U.S.C. 2971d), or (ii) 100% of the poverty line plus the amount the state supplements Federal Supplemental Security Income (SSI). In cases where a Senior Companion is a member of a household in which other persons share common expenses, his or her income eligibility is determined by the combined income of members of the household.

(4) Once enrolled, a Senior Companion shall remain eligible to serve and to receive a stipend as long as his or her income does not exceed the prescribed ACTION income eligibility guideline by 20%. Income eligibility shall be reviewed annually by the sponsor.

(5) Recruitment and selection of a Senior Companion may not be based on any requirement of employment experience or formal education.

(b) Terms of service. (1) Senior Companions serve a total of twenty hours a week, usually five days a week. Travel time between the volunteer's home and place of assignment may not be considered part of the service schedule and is not stipended. Travel time between individual assignments is a part of the service schedule. Meal time may be part of the service schedule only if meals are taken with the individual served, and the taking of meals together is deemed by the sponsor and the volunteer station to be beneficial to the person served.

(2) Senior Companions are volunteers, not employees, of the sponsor.

(c) *Direct benefits.* The total of direct benefits for Senior Companions, including stipends, insurance, transportation, meals, physical examinations, recognition, and uniforms if appropriate, shall be a sum equal to at least 90% of the amount of the ACTION Federal share of the grant. In exceptional circumstances, the Director may waive this requirement. Federal and non-federal resources can be used to make up this sum. Direct benefits may not be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment insurance, temporary disability, retirement, public assistance, or similar benefit payments or minimum wage laws. Direct benefits include:

(1) *Insurance.* Senior companions shall be provided with the ACTION specified minimum levels of accident insurance, personal liability insurance and, when appropriate, excess automobile liability insurance.

(i) *Accident insurance.* Accident insurance shall cover Senior Companions for personal injury during travel between their homes and places of assignment, during their volunteer service, during meal periods while serving as a volunteer, and while attending project-sponsored activities, such as recognition activities, orientation and Advisory Council meetings.

Protection shall be provided against claims in excess of any benefits or services for medical care or treatment available to the volunteer from other sources including:

(A) Health insurance coverage;

(B) Other hospital or medical service plans;

(C) Any coverage under labor-management trusteed plans, union welfare plans, employer organization plans, or employee benefit organization plans; and

(D) Coverage under any governmental programs or coverage provided by any statute.

When benefits are provided in the form of services rather than by cash payments, the reasonable cash value of each service rendered shall be considered in determining the applicability of this provision. The benefits payable under a plan shall include the benefits that would have been payable had a claim been duly made therefor. The benefits payable shall be reduced to the extent necessary so that the sum of such reduced benefits and all the benefits provided for by any other plan shall not exceed the total expenses incurred by the volunteer.

(ii) *Personal liability insurance.* Protection shall be provided against claims in excess of protection provided by other insurance.

(iii) *Excess automobile liability insurance.* Protection shall be provided against claims in excess of the greater of either:

(A) Liability insurance volunteers carry on their own automobiles, or

(B) The limits of the applicable state financial responsibility law, or

(C) In the absence of a state financial responsibility law, levels of protection to be determined by ACTION for each person, each accident, and for property damage.

Senior Companions who drive their personal vehicles to or on assignments or project related activities must maintain personal automobile liability insurance equal to or exceeding the levels established by (B) or (C) above

(2) *Meals.* Within the limits of available resources and project policy, Senior Companions will be provided or will receive assistance with the cost of

meals taken during their service schedule.

(3) *Physical examinations.* Senior Companions are required to have a physical examination prior to assignment and annually thereafter.

(4) *Appropriate recognition* will be provided for Senior Companions.

(5) *Stipends.* A Senior Companion will receive a stipend in an amount determined by ACTION and payable in regular installments. The minimum amount of the stipend is set by law and may be adjusted by the Director from time to time. When more than one eligible member of a household serves as a Senior Companion or Foster Grandparent, only one member shall be entitled to receive a stipend. All income eligible members in such cases shall be entitled to other direct benefits. Only in cases where enrolled Senior Companions or Foster Grandparents marry, may each continue to receive a stipend.

(6) *Transportation.* Senior Companions shall be provided transportation or receive assistance with the cost of transportation to and from volunteer assignments and official project activities, including orientation, training, advisory council meetings and recognition events. Reimbursement will be within the limits of available resources and project policy. Project funds may not be utilized to reimburse Senior Companions for transportation provided for or on behalf of clients.

§ 1207.3-6 Senior companion assignments.

(a) Assignments and activities must involve person-to-person relationships with the individuals served and may not include service to the volunteer station.

(b) Individuals served by Senior Companions must be adults, primarily older adults, who have one or more physical, emotional, or mental health limitations and are in need of assistance to achieve and maintain their highest level of independent living.

Subpart D—Non-ACTION Funded Projects

§ 1207.4-1 Memorandum of agreement.

(a) If an eligible agency or organization wishes to sponsor a project without ACTION funding, and wishes to receive technical assistance and materials from ACTION, it must sign a Memorandum of Agreement with ACTION identifying mutual responsibilities and certifying its intent to comply with ACTION regulations.

(b) A non-ACTION funded project sponsor's noncompliance with the Memorandum of Agreement may result in suspension or termination of ACTION's technical assistance to the project.

(c) Termination of the agreement by either the project sponsor or ACTION will result in loss of the tax exempt status of volunteer direct benefits allowable to Senior Companions and loss of coverage by the statutory provision that receipt of the stipend will not affect the volunteers' eligibility for any governmental assistance.

(d) Entry into a Memorandum of Agreement with a sponsoring agency which does not receive ACTION funds will not, under any circumstances, create a financial obligation on the part of ACTION for costs associated with the project including increases in required payments to volunteers which may result from changes in the Act or in ACTION regulations.

Subpart E—Sanctions and Legal Representation

§ 1207.5-1 Special limitations.

(a) *Political activities.* (1) No part of any grant shall be used to finance, directly or indirectly, any activity to influence the outcome of any election to public office, or any voter registration activity.

(2) No project shall be conducted in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such project (i) any partisan or nonpartisan political activity associated with a candidate, or contending faction or group, in an election or, (ii) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (iii) any voter registration activity.

(3) No Senior Companion or employee of a sponsor or volunteer station may take any action, when serving in such capacity, with respect to a partisan or nonpartisan political activity that would result in the identification or apparent identification of the Senior Companion Program with such activity.

(4) No grant funds may be used by the sponsor in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except

(i) in any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests a Senior Companion, a sponsor chief executive, his or her designee, or project staff to draft, review or testify regarding measures or to make representation to such legislative body, committee or member, or (ii) in connection with an authorization or appropriations measure directly affecting the operation of the Senior Companion Program.

Prohibitions on Electoral and Lobbying Activities are fully set forth in 45 CFR Part 1226 and in ACTION Handbook 2650.2.

(b) *Restrictions on State or local government employees.* If the sponsor is a State or local government agency which received a grant from ACTION, certain restrictions contained in Chapter 15 of Title 5 of the United States Code are applicable. They are related to persons who are principally employed in activities associated with the project. The restrictions are not applicable to employees of educational or research institutions. An employee subject to these restrictions may not:

(1) Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office; or

(2) Directly or indirectly coerce, attempt to coerce, command or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose; or

(3) Be a candidate for elective office, except in a nonpartisan election. "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

(c) *Religious activities.* Senior Companions and project staff funded by ACTION shall not give religious instruction, conduct worship services or engage in any form of proselytization as part of their duties.

(d) *Nondiscrimination.* For purposes of this subpart, and for purposes of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 d *et seq.*), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the Age Discrimination Act of 1975 (Pub. L. 94-135, Title III; 42 U.S.C. 6101 *et seq.*), any program, project, or activity to which volunteers are assigned under this Act shall be deemed to be receiving federal financial assistance.

(1) No person with responsibility in the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

(2) Sponsors are required to take affirmative action to overcome the effects of prior discrimination. Even in the absence of prior discrimination, a sponsor may take affirmative action to overcome conditions which resulted in limiting participation.

(3) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with a Senior Companion project.

(e) *Labor and anti-labor activity.* No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(f) *Nondisplacement of employed workers.* A Senior Companion may not perform any service or duty or engage in any activity which would otherwise be performed by an employed worker or which would supplant the hiring of employed workers.

(g) *Nonimpairment of contracts.* A Senior Companion may not perform any service, or duty, or engage in any activity which impairs an existing contract for service. The term "contract for service" includes but is not limited to contracts, understandings, and arrangements, either written or oral, to provide professional, managerial, technical, or administrative services.

(h) *Noncompensation for services.* No person, organization, or agency shall request or receive any compensation for services of Senior Companions.

(i) *Nepotism.* Persons selected for projects staff positions may not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors, unless there is concurrence by the Advisory Council, with notification to ACTION.

(j) *Volunteer separation.* A sponsor may separate a volunteer for cause, including, but not limited to, extensive or unauthorized absences, misconduct, inability to perform assignments or having income in excess of the eligibility level established by ACTION.

§ 1207.5-2 Legal representation.

Counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of a Senior Companion may be paid in a criminal, civil or administrative proceeding, when such a proceeding arises directly out of the performance of the Senior Companion activities. 45 CFR Part 1220 establishes the circumstances under which ACTION may pay such expenses.

Signed at Washington, D.C. this 3rd day of June, 1983.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 83-15542 Filed 6-9-83; 8:45 am]

BILLING CODE 6050-01-M

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45 CFR Part 1208

Foster Grandparent Program

AGENCY: ACTION.

ACTION: Final rule.

SUMMARY: This final regulation clarifies and updates existing Foster Grandparent Program regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations. The test is simplified and reduced wherever possible.

EFFECTIVE DATE: This regulation shall take effect on July 25, 1983.

FOR FURTHER INFORMATION CONTACT: C. Wade Freeman, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Avenue, NW., Room M-1006, Washington, D.C. 20525, (202) 254-7310.

SUPPLEMENTARY INFORMATION: ACTION has determined that this regulation is not a major rule as defined by Executive Order 12291. The regulation will not result in any of the following:

1. Any effect on the economy;

2. Any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies of geographic regions; or

3. Any 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.

Discussion of Comments and Response: A total of 15 commenters submitted recommendations in regard to the proposed rule revision (47 FR 49679). Each recommendation has been duly considered. The following is ACTION's response to substantive comments/recommendations received and, where considered appropriate, resulting modifications. Some suggestions made in regard to the proposed revision of regulations for the Senior Companion Program (45 CFR Part 1207) considered equally applicable to this part, are also incorporated herein.

Section 1208.1-2: One suggestion is to add "nurses" to the list of professionals who are to verify a child's special or exceptional needs. The words "a registered nurse or licensed practical nurse," have been added. Suggestions that children who do not have verified special or exceptional needs should be served by Foster Grandparents does not conform to Section 211(a) of Pub. L. 93-113 and is not adopted. Other comments suggested adding definitions for "rural" and "handicapped" because they appear in the body of the text. The term "rural" has been deleted from the text and a definition of "handicapped" has been added. Inadvertent omission of definitions for "Letter of Agreement", "Memorandum of Understanding" and "United States and States" is remedied by inclusion of definitions of these technical terms.

The definition of "Volunteer Station" is modified in conformance with a suggestion that reference to volunteer stations assigning volunteers to children is more appropriately addressed elsewhere as a volunteer station responsibility, and to clarify that certification or licensing of volunteer stations is necessary only when required by the appropriate state or local government.

Consistent with existing regulations, language regarding proprietary health care agencies and organizations serving as volunteer stations is retained.

A sentence also was added to the effect that private homes are not volunteer stations.

Section 1208.2-3: To correct an oversight that was commented upon, § 1208.2-3(a): *Sponsor Eligibility* has been changed.

Section 1208.2-4: Paragraph (b) has been revised to reflect the replacement of OMB Circular A-95 with Executive Order 12372, the "Intergovernmental Review of Federal Programs and Activities".

Section 1208.3-1: A new paragraph has been added to clarify the sponsor's role in obtaining ACTION concurrence in the selection of volunteer stations.

Section 1208.3-2: Two commenters questioned the requirement in subsection (c) that project directors "may not * * * serve concurrently, in another capacity, paid or unpaid, during established working hours" without prior Agency approval. Their contention that this paragraph restricts service in unpaid community volunteer or aging service activities is not accurate. ACTION encourages its sponsors to coordinate with other related groups in the community (§ 1208.1-3) and to take a leadership role in promoting such coordination. In order to eliminate the confusion, subsection (c) will be modified by adding the following: "This does not preclude participation of the project director in activities of related

local agencies, boards or organizations for purposes of coordination and facilitating achievement of project goals and objectives."

Section 1208.3–4: Paragraph (a)(3) has been modified to delete the reference to "rural service area" and add "sparsely populated areas".

Section 1208.3–5: The requirement in paragraph (a)(6) that Foster Grandparent selection may not be based on ownership of or access to a vehicle has been deleted since this may impair recruitment of Foster Grandparents in sparsely populated areas.

In paragraph (c) of th is section, following the phrase "* * * at least 90% of the amount of the ACTION federal share of the grant award.", the following sentence, omitted by oversight, is added: "In exceptional circumstances the Director may waive this requirement."

Paragraph (c)(1)(iii)(C) has been modified to clarify the requirements for personal automobile liability insurance.

Several comments suggested deletion of the provision in paragraph (c)(5) which limits the stipend to one member in households in which more than one eligible member serves as a Foster Grandparent or Senior Companion, except where enrollees of the programs marry. It was felt that this provision discriminates against eligible married couples. The Agency has concluded that this provision must be retained for the following reasons: (1) Pursuant to the statute, FGP enrollment is targeted at the poorest low-income Americans and this provision assures that the opportunity to receive stipends is extended to more low-income households; (2) Other direct benefits, in the form of insurance, meals, physical examinations, transportation, and recognition, provided to all income-eligible members, offset the cost of volunteering for the household member who does not receive the stipend.

One commenter suggested deleting the prohibition in paragraph (c)(6) against using project funds for transportation provided for or on behalf of clients. The Agency has concluded that this provision must be retained because the purpose of project funds is to transport or provide reimbursement for transportation of Foster Grandparents between their homes and the volunteer stations which provide services to the client.

The Foster Grandparent Program is identified by No. 72.001 in the Catalog of Federal Domestic Assistance.

Pursuant to Section 3(c)3 of Executive Order 12291, entitled "Federal Regulation," the required review process has been completed by the Director of the Office of Management and Budget.

List of Subjects in 45 CFR Part 1208

Aged, Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 1208 is revised to read as follows:

PART 1208—FOSTER GRANDPARENT PROGRAM

Subpart A—General

Sec.

1208.1–1 Purpose of the program.
1208.1–2 Definitions.
1208.1–3 Coordination.

Subpart B—Project Development and Funding

1208.2–1 Inquiries.
1208.2–2 Local support.
1208.2–3 Sponsor eligibility and solicitation of proposals.
1208.2–4 Project proposals.
1208.2–5 Review of project proposals.
1208.2–6 Awards.
1208.2–7 Grant management.
1208.2–8 Suspension, termination, denial of refunding.

Subpart C—Project Operations

1208.3–1 Sponsor responsibility.
1208.3–2 Project staff.
1208.3–3 Advisory Council.
1208.3–4 Volunteer station responsibility.
1208.3–5 Foster grandparents.
1208.3–6 Foster grandparent assignments.
1208.3–7 Children served.

Subpart D—Non-ACTION Funded Projects

1208.4–1 Memorandum of agreement.

Subpart E—Sanctions and Legal Representation

1208.5–1 Special limitations.
1208.5–2 Legal representation.

Authority: Secs. 211(a), 212, 221, 222, 223, 402(14) and 420 of Pub. L. 93–113, 87 Stat. 402, 403, 404, 407 and 414, 42 U.S.C. 5011(a), 5012, 5021, 5022, 50023, 5042(14), and 5060.

Subpart A—General

§ 1208.1–1 Purpose of the program.

The Foster Grandparent Program (FGP) is authorized under Title II, Part B, of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113). The dual purpose of the program is to provide opportunities for low-income persons aged 60 or over to give supportive person-to-person service in health, education, welfare or related settings to help alleviate the physical, mental, or emotional problems of children having exceptional or special needs.

§ 1208.1–2 Definitions.

Terms used in this part are defined as follows:

"Act" is the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113, 87 Stat. 394, 42 U.S.C. 4951).

"Advisory Council" is a group of persons formally organized by the project sponsor for the purpose of advising and supporting the sponsor in operating the project effectively.

"Agency" is the federal ACTION agency.

"Child" is any individual under 21 years of age.

"Children having exceptional needs" are those who are developmentally disabled such as those who are mentally retarded, autistic, have cerebral palsy or epilepsy or are visually handicapped, speech impaired, multi-handicapped, emotionally disturbed or have a language disorder, specific learning disability or other significant health impairment. Existence of a child's exceptional need shall be verified by an appropriate professional, such as a physician, psychiatrist, psychologist, registered nurse or licensed practical nurse, speech therapist or educator before a Foster Grandparent is assigned to the child.

"Children with special needs" includes those who are: abused or neglected; in need of foster care; status offenders and other children or youth, as further defined in Title III of the Juvenile Justice Act Amendments of 1977; certain teen-age parents; and children in need of protective intervention in their homes. Existence of a child's special need shall be verified by an appropriate professional before a Foster Grandparent is assigned to the child.

"Direct Benefits" are stipends, meals, transportation, annual physical examinations, volunteer insurance, recognition and uniforms included in the budget as *Volunteer Expenses*.

"Director" is the Director of ACTION.

"Federally recognized Indian tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in Section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of the Interior as eligible for the special programs and services provided through the Bureau of Indian Affairs.

"Handbook" is the FGP Handbook No. 4405.90 which contains policies for implementing these regulations.

"Handicapped" is a person or persons having physical or mental impairments that substantially limit one or more major life activities.

"Hard-to-reach" individuals are those who are physically or socially isolated because of factors such as language, disability, or inadequate transportation.

"Household" refers to related or unrelated persons living under the same roof and sharing common living expenses.

"Individual Care or Treatment Plan" is a written description of a Foster Grandparent's assignment with a child. The plan defines the goals for the child to be attained through the relationship with a Foster Grandparent and the specific activities to be performed by the Foster Grandparent in the assignment.

"In-home" refers to non-institutional assignment of a Foster Grandparent in a private residence, a foster home, or a group home.

"Letter of Agreement" is a written agreement between a volunteer station, the project sponsor, and the person or persons legally responsible for the child served. It authorizes the assignment of a Foster Grandparent in the child's home, defines the Foster Grandparent's activities and delineates specific arrangements for supervision.

"Memorandum of Understanding" is a written statement prepared and signed by the Foster Grandparent project sponsor and the volunteer station which identifies project requirements, working relationships and mutual responsibilities.

"OAVP" refers to the Older American Volunteer Programs, which include: the Foster Grandparent Program, the Retired Senior Volunteer Program, and the Senior Companion Program.

"Parent" is a natural parent or a person acting in place of a natural parent, such as a child's natural grandparent, or a step-parent with whom the child lives. The term also includes otherwise unrelated individuals who are legally responsible for a child's welfare.

"Project" is the locally planned and implemented Foster Grandparent Program activity as agreed upon between ACTION and the sponsor.

"Service Area" is a geographically defined area in which Foster Grandparents are recruited, enrolled, and placed on assignments.

"Service Schedule" is the 20 hours per week that a Foster Grandparent serves.

"Sponsor" is a public agency or private nonprofit organization which is responsible for the operation of the Foster Grandparent project.

"Stipend" is a payment to Foster Grandparents to enable them to serve without cost to themselves.

"United States and States" mean the several states, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa and the Trust Territory of the Pacific Islands.

"Volunteer Station" means a public agency, private nonprofit organization or proprietary health care agency or organization that accepts the responsibility for assignment and supervision of Foster Grandparents in health, education, welfare or related settings such as private homes, hospitals, homes for dependent and neglected children, or similiar establishments.

Each volunteer station must be licensed or otherwise certified, when required, by the appropriate state or local government.

Private homes are not volunteer stations.

§ 1208.1-3 Coordination.

The sponsor shall coordinate activities with project-related groups and individuals, including those representing government, industry, labor, volunteer organizations, programs for children, programs for the aging, including State and Area Agencies on Aging, and other ACTION programs, to facilitate cooperation with existing or planned community services and to develop community support.

Subpart B—Project Development and Funding

§ 1208.2-1 Inquiries.

Inquiries regarding the Foster Grandparent Program application process, program criteria, or the availability of funds, should be directed to the ACTION State Office serving the inquirer's own state. ACTION headquarters office in Washington, D.C. will assist in directing inquiries to the appropriate state office.

§ 1208.2-2 Local support.

An ACTION grant may be awarded to fund up to 90% of the cost of development and operation of a Foster Grandparent project. The sponsor is required to contribute at least 10% of the total project cost. Stipend payments in excess of the amount established by ACTION may not be included as part of the local support commitment. In exceptional circumstances the Director may approve assistance for more than 90% of the total project cost if:

(a) The project is located in an area where local resources are too limited to provide 10%; or

(b) A test project is determined to be of exceptional value, sufficient to warrant Federal support in excess of 90% of the total project cost.

§ 1208.2-3 Sponsor eligibility and solicitation of proposals.

(a) *Sponsor eligibility.* ACTION will award grants only to public agencies and private non-profit organizations in the United States which have the authority to accept and the capability to administer such grants.

(b) *Solicitation of Proposals* (1) Any eligible organization may file an application for a grant. Applicants may also be solicited by ACTION pursuant to its objective of achieving equitable program resource distribution. Solicited applications are not assured of selection or approval and may have to compete with other solicited or unsolicited applications.

(2) Grants for projects to be carried out over an area in a state more comprehensive than one community shall be awarded to the State Agency on Aging unless:

(i) The state has not established or designated such an agency, or

(ii) Such agency has been afforded at least 45 days to review and make recommendations on a prospective sponsor's application.

(3) Grants for projects to be carried out entirely in a community served by a Community Action Agency shall be awarded to that agency unless that agency and the State Agency on Aging have been afforded at least 45 days to review and make recommendations on a new grant application.

(4) In the event that the State Agency on Aging or the Community Action Agency is not awarded the applicable grant, any application that is approved will contain or be supported by satisfactory assurances that the project has been developed and will, to the extent feasible, be conducted in consultation with, or with the participation of such agencies.

§ 1208.2-4 Project proposals.

(a) Applicants shall use standard forms prescribed by ACTION. ACTION State Offices will provide applicants with guidance and any additional instruction necessary to plan and budget proposed program activities.

(b) Agencies and organizations submitting grant applications must comply with the provisions of Executive Order 12372, the "Intergovernmental Review of Federal Programs and Activities," as set forth in 45 CFR Part 1233.

(c) A potential sponsor must submit one copy of an application for a new FGP project to the State Agency on Aging, which has 45 days to review the application and make recommendations. The State Agency on Aging shall state in writing to ACTION its recommendations and reasons within this time period or will be considered to have waived its rights under this part.

§ 1208.2-5 Review of project proposals.

(a) The ACTION State Office for the applicant's state will review the grant application to ensure that program requirements are complied with and that required documentation has been attached.

(b) If not approved, the application will be returned to the applicant with explanation of ACTION's decision. The unsuccessful applicant may reapply when the inadequacy, if any, found in the application is resolved.

§ 1208.2-6 Awards.

(a) ACTION will, within funds available, award a grant in writing to those applicants whose grant proposals provide the best potential for serving the purpose of the program. The award will be documented by *Notice of Grant Award* [NGA].

(b) The parties to the NGA are ACTION and the sponsoring organization. The NGA will document the sponsor's commitment to fulfill specific programmatic objectives and financial obligations. It will document the extent of ACTION's obligation to provide financial support to the sponsor.

(c) A sponsor may receive a grant award for more than one OAVP project.

§ 1208.2-7 Grant management.

(a) Sponsors shall manage grants awarded to them in accordance with these regulations. ACTION Handbook 2650.2 entitled, *Grants Management Handbook for Grantees*, and the FGP Handbook No. 4405.90. A copy of each document will be furnished to the sponsor at the time the initial grant is awarded.

(b) Project support provided under an ACTION grant shall be furnished at the lowest possible cost consistent with the effective operation of the project.

(c) Project costs for which ACTION funds are budgeted must be justified as being essential to project operation.

§ 1208.2-8 Suspension, termination and denial of refunding.

Grant suspension, termination and denial of refunding procedures are set forth in 45 CFR Part 1206, Chapter XII, and in ACTION Handbook 2650.2

Subpart C—Project Operations

§ 1208.3-1 Sponsor responsibility.

The sponsor is responsible for all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. The sponsor has the responsibility to:

(a) Employ, supervise and support a Project Director, who will be directly responsible to the sponsor for the management of the project, including selection, training and supervision of project staff;

(b) Provide for the recruitment, assignment, supervision and support of Foster Grandparents. Special efforts are to be made to recruit and assign persons from minority groups, handicapped and hard-to-reach individuals, and groups in the community which are underrepresented in the project. The sponsor will stress the recruitment and enrollment of persons not already volunteering;

(c) Provide financial and in-kind support to fulfill the project's local share commitment;

(d) Establish, orient and support an independent FGP Advisory Council;

(e) Provide Foster Grandparents with not less than the minimum accident, personal liability, and excess auto liability insurance required by ACTION;

(f) Provide for appropriate recognition of the Foster Grandparents and their activities;

(g) Establish personnel practices, including provision of position descriptions for project staff, and service policies for Foster Grandparents, including grievance and appeal procedures for both volunteers and project staff;

(h) Ensure compliance with ACTION requirements relating to nondiscrimination, religious activity, political activity, lobbying, patronage toward persons related by blood or marriage, labor or anti-labor organization or related activities, nondisplacement of employed workers, nonimpairment of contracts, and noncompensation for services;

(i) Maintain project records in accordance with generally accepted accounting practice and provide for the accurate and timely preparation and submission of reports required by ACTION;

(j) Develop Foster Grandparent service opportunities through volunteer stations;

(k) Obtain ACTION concurrence in the selection of volunteer stations prior to the placement of Foster Grandparents.

(l) Negotiate, prior to placement of Foster Grandparents, a written Memorandum of Understanding with each volunteer station, identifying sponsor responsibilities, volunteer station responsibilities and joint responsibilities;

(m) Orient volunteer station staff to the Program and its activities;

(n) Provide not less than 40 hours of pre-service orientation to Foster Grandparents;

(o) Arrange group in-service training for Foster Grandparents for a minimum of four hours each month;

(p) Provide or arrange for direct benefits (insurance, meals, physical examinations, recognition, stipends, transportation and uniforms, if needed) for the Foster Grandparents in a timely manner;

(q) Ensure provision for volunteer safety;

(r) Comply with program regulations, policies and procedures prescribed by ACTION;

(s) Ensure that appropriate liability insurance is maintained for owned, nonowned, or hired vehicles used in the project;

(t) Develop a realistic transportation plan for the project based on the lowest cost transportation modes; and

(u) Conduct an annual appraisal of volunteers' performance and an annual review of volunteers' income eligibility.

§ 1208.3-2 Project staff.

(a) Project staff are employees of the sponsor and are subject to its personnel policies and practices.

(b) ACTION must concur in writing with the sponsor's selection of a project director before such person is employed or earns pay from grant funds.

(c) The FGP Project Director shall serve full time and may not be employed or serve concurrently in another capacity, paid of unpaid, during established working hours, without prior approval from ACTION. This does not preclude participation of the project director in activities of related local agencies, boards or organizations for the purposes of coordination and facilitating achievement of project goals and objectives.

(d) Compensation levels for project staff, including wages, salaries and fringe benefits, should be comparable to like or similar positions in the sponsor organization and in the community.

§ 1208.3-3 Advisory council.

An Advisory Council shall be established to advise and assist the project sponsor and staff. There shall be a separate Advisory Council for each Older American Volunteer project administered by the sponsor. When a small number of volunteers is enrolled or other special conditions prevail, this requirement may be waived by the Director of OAVP. The Advisory Council shall:

(a) Advise the project director in the formulation of local policy, planning, and the development of operational procedures and practices consistent with program policies;

(b) Assist the sponsor by promoting community support for the project, advise on personnel actions affecting volunteers and project staff, and assist in developing local financial and in-kind resources;

(c) Include in its membership, when available: community, business and labor leaders, representatives for volunteer stations, public and private agencies, and persons specializing in the fields of aging, child development and voluntarism. In addition, at least one-fourth of the Advisory Council shall be low-income persons aged 60 or over. This group must include Foster Grandparents as voting members. The sponsor's chief executive or designee, one member of its governing board, and the project director should be members of the Advisory Council but may not be officers of the Advisory Council. The sponsor's chief executive and the project director may not be voting members. The member representing the sponsor's governing board may be a voting member. The provisions of Section 1208.5–1(d), Nondiscrimination, apply to the Advisory Council;

(d) Meet on a regular schedule and establish its own procedures, including election of officers and terms of office;

(e) Conduct an annual appraisal of project operation and submit a report to the sponsor, which shall be attached to the continuation grant application;

(f) Have an opportunity to advise the sponsor in advance on the selection or termination of the project director; and

(g) Ensure procedures are in effect to hear an appeal to actions affecting a Foster Grandparent adversely.

§ 1208.3–4 Volunteer station responsibility.

(a) Normally the volunteer station is an organization other than the sponsoring organization. The sponsor may function as a Foster Grandparent volunteer station only if the sponsor is:

(1) A state organization administering a statewide Foster Grandparent project where the volunteer station is part of the state organization, (2) a Federally recognized Indian tribal government, or (3) in a sparsely populated area. In such sparsely populated areas, up to 10% of the enrolled volunteers may be placed directly by the sponsor.

(b) Volunteer Station responsibilites include:

(1) Assisting with or arranging for volunteer transportation on or between assignments;

(2) Assisting in the provision of appropriate volunteer recognition;

(3) Developing and monitoring volunteer assignments, selecting children to be served, supervising the volunteers, assisting the sponsor in matching volunteers to assignments and in providing pre-service orientation and in-service training for the Foster Grandparents;

(4) Providing for volunteer safety;

(5) Keeping records and preparing reports required by the sponsor; and

(6) Signing, prior to the placement of Foster Grandparents, a Memorandum of Understanding with the sponsor establishing working relationships and mutual responsibilities, and detailing the responsibilities outlined above, as well as other agreed upon responsibilities, including the particulars of the volunteers' supervision.

(i) When Foster Grandparents are to serve in private homes, the Memorandum of Understanding shall also require that the volunteer station obtain a Letter of Agreement from the child's parent(s) authorizing or requesting volunteer service in the home and indicating what specific activities are to be performed. This agreement will constitute an individual care plan and will be followed for the child served by a Foster Grandparent in an in-home placement.

(ii) The Memorandum of Understanding is to be reviewed and, as appropriate, changed annually. It may be amended at any time by mutual agreement and must be signed and dated annually to indicate that review and update, if needed, have been accomplished.

§ 1208.3–5 Foster grandparents.

(a) *Eligibility.* (1) Foster Grandparents shall be 60 years of age or older, no longer in the regular work force, determined by a physical examination to be capable of serving children with exceptional or special needs without detriment to either themselves or the children served, and willing to accept supervision as required.

(2) Eligibility to be a Foster Grandparent may not be restricted on the basis of education, experience, citizenship, race, color, creed, belief, sex, national origin, handicap, or political affiliation.

(3) To be enrolled, a Foster Grandparent cannot have an annual income from all sources, exceeding the ACTION income eligibility guideline for the state in which he or she resides. The ACTION income eligibility guideline for each state is the higher amount of either: (i) 125% of the poverty line as set forth in Section 625 of the Economic Opportunity Act of 1964, as amended by Public Law 92–424 (42 U.S.C. 2971d), or (ii) 100% of the poverty line plus the amount the state supplements Federal Supplemental Security Income (SSI).

In cases where a Foster Grandparent is a member of a household in which other persons share common expenses, his or her income eligibility is determined by the combined income of members of the household.

(4) Once enrolled, a Foster Grandparent shall remain eligible to serve and to receive a stipend as long as his or her income does not exceed the prescribed ACTION income eligibility guideline by 20%. Income eligibility shall be reviewed annually by the sponsor.

(5) Recruitment and selection of a Foster Grandparent may not be based on any requirement of employment experience or formal education.

(b) *Terms of service.* (1) Foster Grandparents serve a total of twenty hours a week, usually five days a week. Travel time between the volunteer's home and place of assignment may not be considered part of the service schedule and is not stipended. Travel time between individual assignments is a part of the service schedule. Meal time may be part of the service schedule only if meals are taken with the individual served, and the taking of meals together if deemed by the sponsor and the volunteer station to be beneficial to the person served.

(2) Foster Grandparents are volunteers, not employees, of the sponsor.

(c) *Direct benefits.* The total of direct benefits for Foster Grandparents, including stipends, insurance, transportation, meals, physical examinations, recognition, and uniforms if appropriate, shall be a sum equal to at least 90 percent of the amount of the ACTION federal share of the grant award. In exceptional circumstances, the Director may waive this requirement. Federal and non-federal resources can be used to make up this sum. Direct benefits may not be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment insurance, temporary disability, retirement, public assistance, or similar benefit payments or minimum wage laws. Direct Benefits include:

(1) *Insurance:* Foster Grandparents shall be provided with the ACTION-specified minimum levels of accident insurance, personal liability insurance and, when appropriate, excess automobile liability insurance.

(i) *Accident insurance:* Accident insurance shall cover Foster Grandparents for personal injury during travel between their homes and places of assignment, during their volunteer service, during meal periods while serving as a volunteer, and while attending project-sponsored activities.

such as recognition activities, orientation and Advisory Council meetings. Protection shall be provided against claims in excess of any benefits or services for medical care or treatment available to the volunteer from other sources, including:

(A) Health insurance coverage;

(B) Other hospital or medical service plans;

(C) Any coverage under labor-management trusteed plans, union welfare plans, employer organization plans, or employee benefit organization plans; and

(D) Coverage under any governmental programs, or coverage provided by any statute.

When benefits are provided in the form of services rather than by cash payments, the reasonable cash value of each service rendered shall be considered in determining the applicability of this provision. The benefits payable under a plan shall include the benefits that would have been payable had a claim been duly made therefor. The benefits payable shall be reduced to the extent necessary so that the sum of such reduced benefits and all the benefits provided for by any other plan shall not exceed the total expenses incurred by the volunteer.

(ii) *Personal Liability Insurance:* Protection shall be provided against claims in excess of protection provided by other insurance.

(iii) *Excess Automobile Liability Insurance:* Protection shall be provided against claims in excess of the greater of either:

(A) Liability insurance volunteers carry on their own automobiles, or

(B) The limits of applicable state financial responsibility law, or

(C) In the absence of a state financial responsibility law, levels of protection to be determined by ACTION for each person, each accident, and for property damage.

Foster Grandparents who drive their personal vehicles to or on assignments or project-related activities must maintain personal automobile liability insurance equal to or exceeding the levels established by (B) or (C) above.

(2) *Meals:* Within the limits of available resources and project policy, Foster Grandparents will be provided or will receive assistance with the cost of meals taken during their service schedule.

(3) *Physical Examinations:* Foster Grandparents are required to have a physical examination prior to assignment and annually thereafter.

(4) *Appropriate Recognition* will be provided for Foster Grandparents.

(5) *Stipends:* A Foster Grandparent will receive a stipend in an amount determined by ACTION and payable in regular installments. The minimum amount of the stipend is set by law and may be adjusted by the Director from time to time. When more than one eligible member of a household serves as a Foster Grandparents or Senior Companion, only one member shall be entitled to receive a stipend. All income-eligible members in such cases shall be entitled to other direct benefits. Only in cases where enrolled Foster Grandparent or Senior Companions marry, may each continue to receive a stipend.

(6) *Transportation:* Foster Grandparents shall be provided transportation or receive assistance with the cost of transportation to and from volunteer assignments and official project activities, including orientation, training, advisory council meetings and recognition events. Reimbursement will be within the limits of available resources and project policy. Project funds may not be utilized to reimburse Foster Grandparents for transportation provided for or on behalf of children.

§ 1208.3–6 Foster grandparent assignments.

(a) Foster Grandparents shall serve children with special or exceptional needs.

(b) Priority consideration shall be given to placing Foster Grandparents in assignments where: those assignments constitute early intervention; there is a possibility for significant improvement in the quality of life for the children served, and there is a probability of a long-term relationship between the Foster Grandparent and the child.

(c) Priority consideration shall also be given to preventing or minimizing institutionalization by placing Foster Grandparents with children in-home, in special education classes, in special training centers, in developmental centers, in day care centers for children with exceptional or special needs, in hospitals, and in the juvenile justice system.

(d) The individualized care plan for a Foster Grandparent to follow in each in-home assignment he or she receives, should include the projected role and functions of the Foster Grandparent be updated on a regular basis, and be used as a guide for evaluating the child's development and the Foster Grandparent's role.

(e) Where state, county or local sponsor's definition(s) of children having exceptional needs and children with special needs vary from the definitions in § 1208.1–2 of these regulations, ACTION will determine the suitability on non-ACTION definition(s) in regard to placement of Foster Grandparents with children.

(f) Foster Grandparent activities develop person-to-person, supportive relationships with children and do not provide service to volunteer stations or any other agency or organization where volunteers serve. Activities of Foster Grandparents should serve the dual purpose of being personally meaningful to the volunteers themselves and providing support and companionship to the children served.

§ 1208.3–7 Children served.

(a) Identification of individual children to receive supportive person-to-person services from a Foster Grandparent is a responsibility of volunteer station professional staff and will be made in accordance with criteria specified in § 1208.3–6. Actual Foster Grandparent assignments to individual children and a determination of the length of time each child should receive such services will be made with concurrence of the sponsor or his or her designee, usually the project director, in accordance with the Memorandum of Understanding described in § 1208.3–1(k).

(b) Foster Grandparent concurrence with assignments to individual children is required.

(c) Preference will be given to assigning Foster Grandparents to young children. Each Foster Grandparent shall preferably, but not exclusively, be assigned to two children.

(d) When a Foster Grandparent is assigned to a mentally retarded child, that assignment may continue beyound the child's 21st birthday, provided:

(1) That such child was receiving such services prior to attaining the chronological age of 21;

(2) That the the public or private nonprofit agency (volunteer station) responsible for providing services to the child determines that it is in the best interest of both the Foster Grandparent and the child; and

(3) There is mutual agreement by all parties with respect to provision of services to the child involved.

Subpart D—Non-ACTION Funded Projects

§ 1208.4–1 Memorandum of agreement.

(a) If an eligible agency or organization wishes to sponsor a project without ACTION funding, and wishes to receive technical assistance and materials from ACTION, it must sign a Memorandum of Agreement with

ACTION identifying mutual responsibilities and certifying its intent to comply with ACTION regulations.

(b) A non-ACTION funded project sponsor's noncompliance with the Memorandum of Agreement may result in suspension or termination of ACTION's technical assistance to the project.

(c) Termination of the agreement by either the project sponsor or ACTION will result in loss of the tax exempt status of volunteer direct benefits allowable to Foster Grandparents and loss of coverage by the statutory provision that receipt of the stipend will not affect the volunteers' eligibility for any governmental assistance.

(d) Entry into a Memorandum of Agreement with a sponsoring agency which does not receive ACTION funds will not, under any circumstances, Create a financial obligation on the part of ACTION for costs associated with the project including increases in required payments to volunteers which may result from changes in the Act or in ACTION regulations.

Subpart E—Sanctions and Legal Representation

§ 1208.5–1 Special limitations.

(a) *Political activities.* (1) No part of any grant shall be used to finance, be directly or indirectly, any activity to influence the outcome of any election to public office, or any voter registration activity.

(2) No project shall be conducted in a manner involving the use of funds, the provision of services or the employment or assignment of personnel in a matter supporting or resulting in the identification of such project with (i) any partisan or nonpartisan political activity associated with a candidate, or contending faction or group, in an election, or (ii) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (iii) any voter registration activity.

(3) No Foster Grandparent or employee of a sponsor or volunteer station may take any action, when serving in such capacity, with respect to a partisan or nonpartisan political activity that would result in the identification or apparent identification of the Foster Grandparent Program with such activity.

(4) No grant funds may be used by the sponsor in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except

(i) In any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests a Foster Grandparent, a sponsor chief executive, his or her designee, or project staff to draft, review or testify regarding measures or to make representation to such legislative body, committee or member; or

(ii) In connection with an authorization or appropriations measure directly affecting the operation of the Foster Grandparent Program. Prohibitions on Electoral and Lobbying-Activities are fully set forth in 45 CFR Part 1226.

(b) *Restrictions on State or local Government Employees.* If the sponsor is a State or local government agency which receives a grant from ACTION, certain restrictions contained in Chapter 15 of Title 5 of the United States Code are applicable. They are related to persons who are principally employed in activities associated with the project. The restrictions are not applicable to employees of educational or research institutions. An employee subject to these restrictions may not:

(1) Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;

(2) Directly or indirectly coerce, attempt to coerce, command or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization agency, or person for political purposes; or

(3) Be a candidate for elective office, except in a nonpatisan election.

"Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

(c) *Religious activities.* Foster Grandparents and project staff funded by ACTION shall not give religious instruction, conduct worship services or engage in any form of proselytization as part of their duties.

(d) *Nondiscrimination.* For purposes of this subpart, and for purposes of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 d *et seq.*). Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (Pub. L. 94–135, Title III; 42 U.S.C. 6101 *et seq.*), any program, project, or activity to which volunteers are assigned under this Act shall be deemed to be receiving Federal financial assistance.

(1) No person with responsibility in the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

(2) Sponsors are required to take affirmative action to overcome the effects of prior discrimination. Even in the absence of prior discrimination, a sponsor may take affirmative action to overcome conditions which resulted in limiting participation.

(3) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with a Foster Grandparent project.

(e) *Labor and Anti-Labor Activity.* No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(f) *Nondisplacement of Employed Workers.* A Foster Grandparent may not perform any service or duty or engage in any activity which would otherwise be performed by an employed worker or which would supplant the hiring of employed workers.

(g) *Nonimpairment of Contracts.* A Foster Grandparent may not perform any service or duty or engage in any activity which impairs an existing contract for service. The term "contract for service" includes but is not limited to contracts, understandings, and arrangements, either written or oral, to provide professional, managerial, technical, or administrative service.

(h) *Noncompensation for Services.* No person, organization, or agency shall request or receive any compensation for services of Foster Grandparents.

(i) *Nepotism.* Persons selected for project staff positions may not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors, unless there is concurrence by the Advisory Council, with notification to ACTION.

(j) *Volunteer Separation.* A sponsor may separate a volunteer for cause, including, but not limited to, extensive or unauthorized absences, misconduct, inability to perform assignments or having income in excess of the eligibility level established by ACTION.

§ 1208.5–2 Legal representation.

Counsel may be employed and counsel fees, court costs, bail and other expenses incidental to the defense of a Foster Grandparent may be paid in a criminal, civil or administrative

proceeding, when such a proceeding arises directly out of performance of the Foster Grandparent's activities. 45 CFR Part 1220 establishes the circumstances under which ACTION may pay such expenses.

Signed at Washington, D.C., this 3rd day of June 1983.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 83-15544 Filed 6-9-83; 8:45 am]

BILLING CODE 6050-01-M

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45 CFR Part 1209

Retired Senior Volunteer Program

AGENCY: ACTION.

ACTION: Final rule.

SUMMARY: This final regulation clarifies and updates the existing Retired Senior Volunteer program regulation relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operation. The text is simplified and reduced whenever possible.

DATE: This regulation shall take effect on July 25, 1983.

FOR FURTHER INFORMATION CONTACT: C. Wade Freeman, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Avenue, NW., Room M-1006, Washington, D.C. 20525, (202) 254-7310.

SUPPLEMENTARY INFORMATION: ACTION has determined that this regulation is not a major rule as defined by Executive Order 12291. The regulation will not result in any of the following:

1. Any effect on the economy;

2. Any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or

3. Any 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.

Discussion of Comments and Response

The Agency received numerous comments on the proposed rules (47 FR 49685) from program sponsors, project directors, members of Advisory Councils, and one letter from a Member of Congress. The following is the Agency response to the substantive comments, and the resulting modification.

Section 1209.2-2: The majority of the comments expressed concern that this section will enable ACTION to require local support of more than 30% for the fourth and succeeding years of a grant, which seems unfounded given the express language of § 1209.2-2. It expressly provided that the amount of local support will be a matter to be negotiated between ACTION and the sponsor.

There was nothing in the proposed regulation to indicate that the percentages specified in it are to be required by ACTION.

On the contrary, it was clearly stated that those percentages, specifically provided for in the Act, are to be used as a guide by ACTION in negotiating the level of local support, and that the level of local support may be higher or lower as mutually agreed to by ACTION and the sponsor, and as justified by local conditions.

The proposed rule recognized that there are sponsors with the capability and resources to maximize local support for the program. It was also cognizant of the fact that there are others who, because of local circumstances, may be severely restricted in their efforts to generate local support. The rule as written was intended to accommodate these two divergent situations and to enable the agency to respond more reasonably to local conditions.

Section 1209.2-7: Comments focused primarily on paragraph (b) which provides that project support be provided at the lowest possible cost, and paragraph (c) which requires that costs for which ACTION funds are budgeted be justified as being essential to project operations. Many of the comments recommended deletion of paragraphs (b) and (c) because they felt that these paragraphs give ACTION, rather than local funding sources, the right to determine how local funds are used.

The language of paragraph (b) reflects a requirement mandated by section 404(b) of the Act and cannot be deleted or modified. The agency is obligated to assure that ACTION funds are expended only for essential project purposes. Therefore, subsection (c) remains unchanged.

Section 1209.3-2: Comments recommended that the requirement that a project director serve full time in that capacity, be either deleted or clarified as it places undue restriction on the ability of the project director to participate in activities of related local organizations. Such participation is considered as essential to project success and promotes coordination of program activities with other groups.

In order to eliminate the concerns expressed, paragraph (c) was modified by adding a sentence to allow such participation.

The Retired Senior Volunteer Program is identified by No. 72.002 in the Catalog of Federal Domestic Assistance.

Pursuant to Section 3(c)3 of E.O. 12291, entitled "Federal Regulation," the required review process has been completed by the Director of the Office of Management and Budget.

Section 1209.3-5: Paragraph (b)(1)(iii)(C) has been modified to clarify the requirements for personal automobile liability insurance.

List of Subjects in 45 CFR Part 1209

Aged, Government contracts, Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

PART 1209—RETIRED SENIOR VOLUNTEER PROGRAM

Subpart A—General

Sec.

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1209.1-2 Definitions.
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1209.2-1 Inquiries.
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1209.3-1 Sponsors responsibility.
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1209.3-3 RSVP advisory council.
1209.3-4 Volunteer station responsibility.
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1209.3-7 Service area.

Subpart D—Non-ACTION Funded Projects

1209.4-1 Memorandum of agreement.

Subpart E—Sanctions and Legal Representation

1209.5-1 Special limitations.
1209.5-2 Legal representation.

Authority: Secs. 201, 212, 221, 222, 223, 402(14), 418 and 420 of Pub. L. 93-113, 83 Stat. 108, 87 Stat. 403, 404 and 414, 42 U.S.C. 5001, 5012, 5021, 5022, 5023, 5042(14), 5058 and 5060.

Subpart A—General

§ 1209.1-1 Purpose of the program

The Retired Senior Volunteer program (RSVP) is authorized under Title II, Part A, of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113). The purpose of the program is to provide

a variety of opportunities for retired persons aged 60 or over to participate more fully in the life of their community through significant volunteer service.

§ 1209.1-2 Definitions.

Terms used in this part are defined as follows:

"Act" is the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113, 87 Stat. 394, 42 U.S.C. 4951).

"Advisory Council" is a group of persons formally organized by the project sponsor for the purpose of advising and supporting the sponsor in operating the project effectively.

"Agency" is the federal ACTION Agency.

"Director" is the Director of ACTION.

"Handbook" is the RSVP Operations Handbook No. 4405.92 which contains policies for implementing this regulation.

"Handicapped" is a person or persons having physical or mental impairments that substantially limit one or more major life activities.

"Hard-to-reach" individuals are those who are physical by or socially isolated because of factors such as language, disability, or inadequate transportation.

"Letter of Agreement" is a written agreement between a volunteer station, the project sponsor, and the person served or the person legally responsible for the person served. The agreement authorizes assignment of an RSVP volunteer in the home of the person served, defines volunteer activities and specific arrangements for supervision.

"Memorandum of Understanding" is a statement prepared and signed by the administrator of a volunteer station and the RSVP director or which identifies mutual responsibilities and working relationships.

"OAVP" refers to the Older American Volunteer Programs, which include: the Retired Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program.

"Project" is the locally planned and implemented Retired Senior Volunteer Program activity as agreed upon between ACTION and the sponsor.

"Service Area" is a geographically defined area in which volunteers are recruited, enrolled, and placed on assignments.

"Sponsor" is a public agency or private nonprofit organization which is responsible for the operation of the local RSVP project.

"United States and States" means the several states, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territories of the Pacific Islands.

"Volunteer Station" is a public or private non-profit organization, or a proprietary health care agency or organization that accepts responsibility for assignment and supervison of volunteers. Each volunteer station must be licensed or otherwise certified, when required, by appropriate state or local government. Private homes are not volunteer stations.

§ 1209.1-3 Coordination.

The sponsor shall coordinate activities with project-related groups and individuals, including those representing government, industry, labor, volunteer organizations, programs for the aging, including State and Area Agencies on Aging, and other ACTION programs, to facilitate cooperation with existing or planned community services and to develop community support.

Subpart B—Project Development and Funding

§ 1209.2-1 Inquiries.

Inquiries regarding the Retired Senior Volunteer Program application process, program criteria, or the availability of funds, should be directed to the ACTION State Office serving the inquirer's own state. ACTION headquarters office in Washington, D.C., will assist in directing inquiries to the appropriate state office.

§ 1209.2-2 Budget support.

(a) An RSVP sponsor is responsible for generating needed financial support for the RSVP project from all sources, federal and non-federal, including grants, cash and in-kind contributions, to meet budgeted costs of the project. The sponsor will supplement an ACTION grant with other support to the fullest extent possible and at least equal in amount to that negotiated between ACTION and the sponsor. The following percentages will be used as a guide by ACTION in negotiating the level of local support a sponsor will be required to contribute to the total project budget. In no event shall the required proportion of local support (including in-kind contributions) be more than 10% in the first year, 20% in the second year, 30% in the third year, 40% in the fourth year, and 50% in the fifth and succeeding years. The level of local support negotiated may be higher or lower than these percentages, as mutually agreed to by ACTION and the sponsor, and as justified by local conditions. Sponsors proposing to contribute local support of less than 30% of the total project budget for the third or succeeding years must provide ACTION with an acceptable written justification for the lower level of support.

(b) The total of Volunteer Expenses for Senior Volunteers, including insurance, transportation, meals, and recognition activities, shall be an amount equal to at least 25% of the amount of the ACTION grant award. Federal and non-Federal resources may be used to make up this sum.

Exceptions to this requirement may be requested of the Director, Older American Volunteer Programs, through the ACTION State Director by an RSVP Sponsor who can clearly demonstrate that (1) this requirement will result in undue hardship in the conduct of project operation, and (2) a lesser amount will meet the volunteer expense needs of the number of volunteers budgeted.

§ 1209.2-3 Sponsor eligibility and solicitation of proposals.

(a) *Sponsor eligibility.* ACTION will award grants only to public agencies and private non-profit organizations in the United States which have the authority to accept and the capability to administer such grants.

(b) *Solicitation of proposals.* (1) Any eligible organization may file an application for a grant. Applicants may also be solicited by ACTION pursuant to its objective of achieving equitable program resource distribution. Solicited applications are not assured of selection or approval and may have to compete with other solicited or unsolicited applications.

(2) The Director may not award any grant or contract for a project in any state to any agency or organization unless, if such state has a state agency established or designated pursuant to Section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1)), such agency itself is the recipient of the award, or such agency has been afforded at least 45 days in which to review and make recommendations on new grant applications.

§ 1209.2-4 Project proposals.

(a) Applicants shall use standard forms prescribed by ACTION. ACTION State Offices will provide applicants with guidance and any additional instructions necessary to plan and budget proposed program activities.

(b) Agencies and organizations submitting grant applications must comply with the provisions of Executive Order 12372, the "Intergovernmental Review of Federal Programs and Activities," as set forth in 45 CFR Part 1232.

(c) A potential sponsor must submit one copy of an application for a new RSVP project to the State Agency on Aging, which has 45 days to review the application and make recommendations.

The State Agency on Aging shall state in writing to ACTION its recommendations and reasons within this time period or will be considered to have waived its rights under this part.

§ 1209.2-5 Review of project proposals.

(a) The ACTION State Office for the applicant's state will review the grant application to ensure that program requirements are complied with and that required documentation has been attached.

(b) If not approved, the application will be returned to the applicant with an explanation of ACTION's decision. The unsuccessful applicant may reapply when the inadequacy, if any, found in the application is resolved.

§ 1209.2-6 Awards.

(a) ACTION will, within funds available, award a grant in writing to those applicants whose grant proposals provide the best potential for serving the purpose of the program. The award will be documented by *Notice of Grant Award* (NGA).

(b) The parties to the NGA are ACTION and the sponsoring organization. The NGA will document the sponsor's commitment to fulfill specific programmatic objectives and financial obligations. It will document the extent of ACTION's obligation to provide financial support to the sponsor.

(c) A sponsor may receive a grant award for more than one OAVP project.

§ 1209.2-7 Grant management.

(a) Sponsors shall manage grants awarded to them in accordance with provisions of these regulations; ACTION Handbook No. 2650.2, *Grants Management Handbook for Grantees*, and ACTION Handbook No. 4405.92, *RSVP Operations Handbook*. A copy of each document will be furnished to the sponsor at the time the initial grant is awarded.

(b) Project support provided under an ACTION grant shall be furnished at the lowest possible cost consistent with the effective operation of the project.

(c) Project costs for which ACTION funds are budgeted must be justified as being essential to project operation.

§ 1209.2-8 Suspension, termination and denial of refunding.

Grant suspension, termination and denial of refunding procedures are set forth in 45 CFR Part 1206, Chapter XII, and in ACTION Handbook 2650.2.

Subpart C—Project Operations

§ 1209.3-1 Sponsor responsibility.

The sponsor is responsible for all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. The sponsor has the responsibility to:

(a) Employ, supervise, and support a project director, who will be directly responsible to the sponsor for the management of the project, including selection, training and supervision of project staff;

(b) Provide for the recruitment, assignment, supervision and support of volunteers. Special efforts are to be made toward recruitment and assignment of older persons from minority groups, handicapped and hard-to-reach individuals, and groups in the community which are under-represented in the project. The sponsor will stress the recruitment and enrollment of persons not already volunteering;

(c) Provide financial and in-kind support to fulfill the project's local support commitment;

(d) Establish, orient and support an independent RSVP Advisory Council;

(e) Provide the volunteers with not less than the minimum accident, personal liability, and excess auto liability insurance required by ACTION;

(f) Provide for appropriate recognition of the volunteers and their activities;

(g) Establish personnel practices, including provision of position descriptions for project staff and grievance and appeal procedures for both volunteers and project staff;

(h) Ensure compliance with ACTION requirements relating to nondiscrimination, religious activity, political activity, lobbying, patronage toward persons related by blood or marriage, labor and anti-labor organization of related activities, nondisplacement of employed workers, nonimpairment of contracts, and noncompensation for services;

(i) Maintain project records in accordance with generally accepted accounting practices and provide for accurate and timely preparation and submission of reports required by ACTION;

(j) Develop volunteer service opportunities through volunteer stations;

(k) Negotiate, prior to placement of volunteers, a written Memorandum of Understanding with each volunteer station, identifying sponsor responsibilities, volunteer station responsibilities, and joint responsibilities;

(l) Orient volunteer station staff to RSVP and its activities;

(m) Provide pre-service orientation to the volunteers on RSVP goals and activities;

(n) Arrange for in-service training of the volunteers by volunteer stations or other sources of training as needed;

(o) Provide or arrange for volunteer benefits in a timely manner;

(p) Ensure provision for volunteer safety;

(q) Comply with program regulations, policies and procedures prescribed by ACTION;

(r) Ensure that appropriate liability insurance is maintained for owned, non-owned, or hired vehicles used in the project; and

(s) Develop a realistic transportation plan for the project based on the lowest cost transportation modes.

§ 1209.3-2 Project staff.

(a) Project staff are employees of the sponsor and subject to its personnel policies and practices.

(b) ACTION must concur in writing with the sponsor's selection of a project director before such person is employed or earns pay from grant funds.

(c) A project director shall serve full-time and may not be employed or serve concurrently in another capacity, paid or unpaid, during established working hours, without prior approval from ACTION. This does not preclude participation of the project director in activities of related local agencies, boards or organizations for the purposes of coordination and facilitating achievement of project goals and objectives.

(d) Compensation levels of the project staff, including wages, salaries and fringe benefits, should be comparable to like or similar positions in the sponsor organization and in the community.

§ 1209.3-3 RSVP Advisory Council.

An Advisory Council shall be established to advise and assist the project sponsor and staff. There shall be a separate Advisory Council for each Older American Volunteer Program administered by the sponsor. When a small number of volunteers is enrolled or other special conditions prevail, this requirement may be waived by the Director of OAVP. The Advisory Council shall:

(a) Advise the project director in the formulation of local policy, planning, and the development of operational procedures and practices consistent with program policies;

(b) Assist the sponsor by promoting community support for the project, advise on personnel actions affecting volunteers and project staff, and assist in developing local financial and in-kind resources;

(c) Include in its membership, when available; community business and labor leaders, representatives from volunteer stations, public and private

agencies, and persons specializing in the fields of aging or voluntarism. In addition at least one-fourth of the Advisory Council shall be persons aged 60 or over. This group must include RSVP volunteers as voting members. The sponsor's chief executive or designee, one member of its governing board, and the project director should be members of the Advisory Council but may not be officers of the Advisory Council. The sponsor's chief executive and the project director may not be voting members. The member representing the sponsor's governing board may be a voting member. The provisions of Section 1209.5–1(c), Nondiscrimination, apply to the Advisory Council;

(d) Meet on a regular schedule and establish its own procedures, including election of officers and terms of office;

(e) Conduct an annual appraisal of project operation and submit a report to the sponsor, which shall be attached to the continuation grant application;

(f) Have an opportunity to advise the sponsor in advance on the selection or termination of the project director; and

(g) Ensure procedures are in effect to hear an appeal to actions affecting a volunteer adversely.

§ 1209.3–4 Volunteer station responsibility.

(a) Normally the volunteer station is an organization other than the sponsoring organization. The sponsor may function as a volunteer station, provided that not more than 5% of the total number of volunteers budgeted for the project are assigned to it. This limitation does not apply to the assignment of volunteers to other programs administered by the sponsor. Also, the RSVP project itself may function as a volunteer station or may initiate special volunteer activities which temporarily function at that location, provided ACTION agrees that these activities are in accord with program objectives and will not hinder overall project operation.

(b) Volunteer stations at which volunteers serve will be in the community where such persons live or in nearby communities. Volunteer services will be performed either on publicly owned and operated facilities or projects, or on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving construction, operation, or so much of any facility used or to be used for sectarian instruction or as a place of religious worship.

(c) Volunteer station responsibilities include: (1) Assisting with or arranging for volunteer transportation and meals, and assisting in the provision of appropriate volunteer recognition;

(2) Developing and monitoring volunteer assignments, assigning, supervising and training volunteers and providing them with preservice orientation and in-service training;

(3) Providing for volunteer safety;

(4) Keeping records and preparing reports required by sponsor;

(5) Signing, prior to placement of volunteers, a Memorandum of Understanding with the sponsor establishing working relationships and mutual responsibilities, and detailing responsibilities outlined above as well as other agreed-upon responsibilities. The Memorandum of Understanding is to be reviewed and, as appropriate, changed annually. The Memorandum may be amended at any time by mutual agreement and must be signed and dated annually to indicate that review and update, if needed, have been accomplished.

§ 1209.3–5 RSVP volunteers.

(a) *Eligibility.* (1) To be eligible for enrollment as an RSVP volunteer, a person must be 60 years of age or over, retired, willing to serve on a regular basis, and willing to accept instruction and supervision as required.

(2) Eligibility to be an RSVP volunteer may not be restricted on the basis of education, income, experience, citizenship, race, color, creed, belief, sex, national origin, political affiliation, or handicap.

(b) *Volunteer expenses.* (1) Within the limits of a project's approved budget and in accordance with provisions of the RSVP Operations Handbook, volunteers will be provided transportation or will receive assistance with costs of transportation, recognition activities, and, when possible, meals. Project funds may not be used to reimburse volunteers for volunteer expenses, including transportation costs, incurred while performing their volunteer assignments. Provision shall be made by the sponsor to obtain ACTION specified minimum levels of accident insurance, personal liability insurance and, when appropriate, excess automobile liability insurance.

(i) *Accident insurance:* Accident insurance shall cover RSVP volunteers for personal injury during travel between their homes and places of assignment, during their volunteer service, during meal periods while serving as a volunteer, and while attending project-sponsored activities, such as recognition activities, orientation and Advisory Council meetings. Protection shall be provided against claims in excess of any benefits or services for medical care or treatment available to the volunteer from other sources, including:

(A) Health insurance coverage;

(B) Other hospital or medical service plans;

(C) Any coverage under labor-management trusteed plans, union welfare plans, employer organization plans, or employee benefit organization plans; and

(D) Coverage under any governmental programs, or provided by any statute. When benefits are approved in the form of services rather than by cash payments, the reasonable cash value of each service rendered shall be considered in determining the applicability of this provision. The benefits payable under a plan shall include the benefits that would have been payable had a claim been duly made therefor. The benefits payable shall be reduced to the extent necessary so that the sum of such reduced benefits and all the benefits provided for by any other plan shall not exceed the total expenses incurred by the volunteer.

(ii) *Personal Liability Insurance:* Protection shall be provided against claims in excess of protection provided by other insurance.

(iii) *Excess Automobile Liability Insurance:* Protection shall be provided against claims in excess of the greater of either:

(A) Liability insurance volunteers carry on their own automobiles, or

(B) The limits of applicable state financial responsibility law, or

(C) In the absence of a state financial responsibility law, levels of protection to be determined by ACTION for each person, each accident, and for property damage.

Volunteers who drive their personal vehicles to or on assignments or project-related activities, must maintain personal automobile liability insurance equal to or exceeding the levels established by (b)(1)(iii) (B) and (C) of this section.

§ 1209.3–6 Volunteer assignments

(a) A variety of assignnments shall be developed prior to the recruitment of RSVP volunteers. Assignments shall include opportunities to respond to significant community needs.

(b) Assignments shall be matched to the interests, abilities, preferences and availability of volunteers. Special consideration shall be given to developing assignments that allow for the limited physical strength and mobility of the handicapped older volunteer.

§ 1209.3-7 Service area.

The service area of a project identified in the approved grant application may not be redefined without prior written approval from ACTION.

Subpart D—Non-ACTION Funded RSVP Projects

§ 1209.4-1 Memorandum of agreement.

(a) If an eligible agency or organization wishes to sponsor an RSVP project without ACTION funding, and wishes to receive technical assistance and materials from ACTION, it must sign a Memorandum of Agreement with ACTION identifying mutual responsibilities and certifying its intent to comply with ACTION regulations.

(b) A non-ACTION funded project sponsor's noncompliance with the Memorandum of Agreement may result in suspension or termination of ACTION's technical assistance to the project.

(c) Entry into a Memorandum of Agreement with a sponsoring agency which does not receive ACTION funds will not, under any circumstances, create a financial obligation on the part of ACTION for costs associated with the project.

Subpart E—Sanctions

§ 1209.5-1 Special limitations and legal representation.

(a) *Political activities.* (1) No part of any grant shall be used to finance, directly or indirectly, any activity to influence the outcome of any election to public office, or any voter registration activity.

(2) No project shall be conducted in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such project with (i) any partisan or nonpartisan political activity associated with a candidate, or contending faction or group, in an election, or (ii) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (iii) any voter registration activity.

(3) No RSVP volunteer or employee of a sponsor or volunteer station may take any action, when serving in such capacity, with respect to a partisan or nonpartisan political activity that would result in the identification or apparent identification of the Retired Senior Volunteer Program with such activity.

(4) No grant funds may be used by the sponsor in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except:

(i) In any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests an RSVP volunteer, a sponsor chief executive, his or her designee, or project staff to draft, review or testify regarding measures or to make representation to such legislative body, committee or member, or

(ii) In connection with an authorization or appropriation measure directly affecting the operation of the Retired Senior Volunteer Program.

(5) Prohibitions on Electoral and Lobbying Activities are fully set forth in 45 CFR Part 1226.

(b) *Restrictions on State or Local Government Employees.* If the sponsor is a State or local government agency which received a grant from ACTION, certain restrictions contained in Chapter 15 of Title 5 of the United States Code are applicable to persons who are principally employed in activities associated with the project. The restrictions are not applicable to employees of educational or research institutions. An employee subject to these restrictions may not:

(1) Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office; or

(2) Directly or indirectly coerce, attempt to coerce, command or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

(3) Be a candidate for elective office, except in a nonpartisan election. "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

(c) *Religious activities.* RSVP volunteers and project staff funded by ACTION shall not give religious instruction, conduct worship services or engage in any form of proselytization as part of their duties.

(d) *Nondiscrimination.* For purposes of this subpart, and for purposes of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (Pub. L. 94-135, Title III; 42 U.S.C. 6101 *et seq.*), any project or activity to which volunteers are assigned shall be deemed to be receiving federal financial assistance.

(1) No person with responsibility in the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

(2) Sponsors are required to take affirmative action to overcome the effects of prior discrimination. Even in the absence of prior discrimination, a sponsor may take affirmative action to overcome conditions which resulted in limiting participation.

(3) No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any project.

(e) *Labor or Anti-Labor Activity.* No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(f) *Nondisplacement of Employed Workers.* An RSVP volunteer may not perform any service or duty or engage in any activity which would otherwise be performed by an employed worker or which would supplant the hiring of employed workers.

(g) *Nonimpairment of Contracts.* An RSVP volunteer may not perform any service or duty, or engage in any activity which impairs an existing contract for service. The term "contract for service" includes but is not limited to contracts, understandings and arrangements, either written or oral, to provide professional, managerial, technical, or administrative service.

(h) *Noncompensation for Services.* No person, organization, or agency shall request or receive any compensation for services of RSVP voluneers.

(i) *Volunteer Status.* RSVP volunteer service shall not be deemed employment for any purpose.

(j) *Nepotism.* Persons selected for project staff positions may not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors, unless there is concurrence by the Advisory Council, with notification to ACTION.

(k) *Volunteer Separation.* A volunteer may be separated from the program for cause, including, but not limited to, extensive absences, misconduct, or inability to perform assignments.

§ 1209.5-2 Legal representation.

Counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of a Senior Volunteer may be paid in a

criminal, civil or administrative proceeding, when such a proceeding arises directly out of performance of the RSVP volunteer's activities. 45 CFR Part 1220 establishes the circumstances under which ACTION may pay such expenses.

Signed at Washington, D.C., this 3rd day of June, 1983.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 83-15543 Filed 6-9-83; 8:45 am]

BILLING CODE 6050-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 79-318; FCC 83-161]

Public Mobile Radio Service; Use of the Bands 825-845 and 870-890 MHz for Cellular Communications Systems; and Amendment of the Commission's Rules Relative to Cellular Communications Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC hereby amends Part 22 of the Commission's Rules governing the use of the bands 825-845 MHz and 870-890 MHz for cellular communications systems. The Order amends procedural rules previously adopted for cellular communications in order to assure that the public will receive the best possible cellular service as quickly as possible. The rules, as amended, provide for new filing dates for applications for nontop-90 markets, direct cases and rebuttal cases. These changes in filing dates were made so that the filings will more nearly track the time when the staff would reach them for processing. In addition, the order clarifies rules for filing amendments and motions to enlarge issues with respect to cellular applications.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Gene Belardi, Mobile Services Division, Common Carrier Bureau (202) 632-6450.

List of Subjects in 47 CFR Part 22

Cellular radio service, Communications common carriers.

Memorandum Opinion and Order

In the matter of An Inquiry Into the Use of the Bands 825-845 and 870-890 MHz for Cellular Communications Systems; and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems; CC Docket No. 79-318.

Adopted: April 18, 1983.
Released: April 22, 1983.
By the Commission.

1. On February 25, 1982, the Commission adopted a *Memorandum Opinion and Order on Reconsideration (Reconsideration Order)* in this proceeding, 89 FCC 2d 58 (1982). In the *Reconsideration Order*, the Commission provided, *inter alia*, that cellular system applications for the top 30 markets were to be filed on June 7, 1982, and that applications for all other markets were to be filed starting September 7, 1982. 89 FCC 2d at 87-88. In a *Memorandum Opinion and Order on Further Reconsideration*, 90 FCC 2d 571 (1982), the Commission revised the dates for the filing of applications in markets 31-60 to November 8, 1982; markets 61-90 to January 7, 1983; and all other markets beginning March 8, 1983. By *Order*, FCC 82-466, released October 28, 1982, the Commission extended the January 7, 1983 filing date to March 8, 1983, and the March 8, 1983, date to June 7, 1983. In addition the Commission provided that direct affirmative cases for markets smaller than the top 30 were to be submitted within 90 days, rather than 30 days, of the date of the public notice announcing mutually exclusive applications.

2. Our experience in dealing with the applications filed in the top 90 markets has demonstrated that the processing of cellular applications requires significantly more staff time than previously contemplated. Thus far we have placed on Public Notice 543 applications in the top 60 markets and received 567 more applications for markets 61-90. We have also received over 700 pleadings relating to the applications filed in the top 50 markets. We anticipate that many more pleadings will be filed when all the applications have been placed on public notice. As a result, the associated workload is considerably greater than initially expected. Therefore, we believe it is necessary to revise the time frames for filing applications for the remaining markets and for filing amendments and submitting direct affirmative and rebuttal cases for pending and future applications.

3. First, we will revise the date for accepting applications for the remaining other markets from June 7, 1983, to *December 1, 1983.* We have chosen this date based on our expectation that initial processing of the applications for markets 61-90 will be placed on Public Notice by that date, and we will be well-along with hearing designations in markets 31-60; thus, the staff will be able to begin to process the applications in markets below the top 90. By extending the filing date for all other markets to December 1, 1983, the cellular filing date will be in line with realistic projections of our ability to process applications, and will avoid the applicants' having to rush to prepare applications only to have them sit on file but receive no attention for months. Interested parties are reminded that December 1, 1983 is not a one-day filing date but that normal Public Mobile Radio Services public notice and cut-off procedures will be applicable to the applications filed on or after December 1, 1983. *See Further Reconsideration* at para. 3.

4. We will also revise the due date for the submission of direct and rebuttal cases for all mutually exclusive applications filed for markets *other than the top 30 markets.* The affirmative direct cases, and all accompanying documentary evidence must be submitted within 30 days of the date of publication in the **Federal Register** of the order designating mutually exclusive applications for hearing. This change will give applicants additional time to prepare thorough, informative, affirmative direct cases that will assist the Commission in selecting the best-qualified cellular applicants. The direct cases will not be needed until the Administrative Law Judge (ALJ) and Separated Trial Staff are ready to work on them. Therefore, this new filing date will also more nearly track the time when the Commission's staff will be able to work on direct cases for other than the top 30 markets.[1] Likewise, we will revise the due date for submission of rebuttals to direct cases. Mutually exclusive applicants must submit rebuttal cases *within 45 days from the date that the direct cases are due to be filed.*[2] While we recognize that the additional time for filing rebuttal cases will slightly extend the hearing process, the other changes we are adopting for filing amendments and motions to enlarge issues should result in further time savings in conducting comparative hearings.

5. We will take this opportunity to reemphasize our concern over the numerous amendments that are being filed by cellular applicants. In our *Order*

[1] Applicants need only file four copies of their direct cases with the Commission: two for the ALJ, one for the Common Carrier Bureau Hearing Division (Separated Trial Staff) and one for Downtown Copy Center.

[2] Because direct cases will now be filed at a later date, we are giving competing applicants an additional 15 days to file rebuttal cases.

in CC Docket No. 79-318, FCC 82-409, released September 3, 1982, at para. 2 and n. 3, we amended the cellular rules to further limit the applicants' ability to amend their applications. See 47 CFR 22.23(a) and 22.918. Even though we have strictly enforced these rules, there have been a large number of amendments filed with the ALJs. For the most part these post-designation amendments propose cell site modifications, and have resulted in frustrating our efforts to ensure expedited cellular hearing proceedings.

6. Another problem we have encountered is that cellular applicants are submitting various types of amendments under § 1.65 of the Commission's Rules (47 CFR 1.65), which requires applicants to ensure that their applications are kept current and accurate. We do not intend that, for purposes of our Part 22 processing rules, § 1.65 may be used by cellular applicants as grounds to change their financial, technical, and comparative showings. These kinds of changes may be filed and accepted only in accordance with the rules contained in Part 22. The purpose of § 1.65 is merely to ensure that applicants inform the Commission of any information in their applications which is inaccurate. Thus, acceptance of an amendment for purposes of § 1.65 may involve no determination as to the effect to be given it for other purposes.

7. Based on the experience that we have gained in processing cellular applications and amendments, we have also decided to revise our rules in minor respects to clarify the types of amendments that will be accepted at various states of processing.[3] After an application is filed, applicants will not be permitted to file major amendments unless otherwise ordered by the Commission, or amendments that improve an applicant's comparative posture. Applicants continue to be allowed to file minor amendments within forty-five days of the public notice of the filing of the application. Section 1.65 amendments must also be filed during this 45 day period. Subsequently, amendments will be accepted only in the following circumstances. First, amendments in connection with full or partial settlement agreements involving mutually exclusive applicants may be filed at any time. Second, minor amendments reflecting changes in the ownership of an applicant not related to a settlement agreement may be filed at any time up to 30 days after publication of the designation order in the **Federal Register.** Finally, amendments may be filed in response to requests from the Commission, and, where an application has been designated for hearing, upon leave of the Administrative Law Judge. However, the ALJ shall grant post designation requests to amend applications *only* where good cause has been demonstrated, such as unforseen changes concerning cell sites and obsolescent equipment (see § 22.31(e)(6)(i)–(iii)), and where clerical and minor changes are needed to ensure an accurate record. Subsequent to designation, the disclosure requirements of § 1.65, which were temporarily suspended, again must be complied with. However, we remind applicants that compliance with § 1.65 does not, in and of itself, constitute "good cause" for other purposes.[4] We anticipate that these rules which further restrict the filing of amendments will expedite the administrative processes to the maximum extent possible thereby making service available to the public as soon as possible.

8. In a further effort to minimize administrative delay during the comparative hearing proceeding and to reduce the number of pleadings filed with the ALJ, we will adopt a change regarding motions to enlarge issues filed under § 1.229 of the Commission's rules. Competing applicants have inundated the ALJs with numerous motions to enlarge issues, arguing among other things that although an applicant had initially demonstrated reasonable assurance of site availability, upon further investigation the cell site location was found not available or not suitable for the intended use. In almost all cases, the site information was available and could have been discovered and objected to by the movant in petition to deny. Because parties have ample opportunity to timely raise the matter in a petition to deny, and because our intention is to expedite the provision of cellular service to the public, we find that motions to enlarge issues filed by competing applicants should be limited only to evidence which was not in existence or ascertainable on the date petitions to deny were due. We do not anticipate that this limitation on motions to enlarge will result in an unwarranted hardship on the parties since they have ample opportunity to examine competing applications.[5] We are not precluding a party from raising a legitimate issue against a competing applicant. We are requiring only that the issue be raised at the petition to deny stage rather than after the application has been designated for hearing. Since interested parties have already filed petitions to deny applications filed for the top 60 markets, this change will only apply to markets other than the top 60.

9. Also, a procedural matter concerning whether major amendments to cellular applications pending before the ALJ are required be placed on public notice has arisen. After careful consideration of this question, we have determined that certain cellular amendments filed with an ALJ need not be placed on public notice. First, amendments that reflect full or partial settlements resulting in a merger of interests between two or more mutually exclusive parties need not be placed on public notice.[6] *See Thunder Bay Broadcasting Corporation,* 49 FCC 2d 1023, 1024 (1974). Next, an amendment which decreases the size of the applicant's proposed Cellular Geographic Service Area (CGSA) and does not cover any new geographic area need not be placed on public notice; it is a minor change since reducing the size of the CGSA would not cause interference in other markets.[7]

10. Lastly, we will also take this opportunity to complete some remaining administrative housekeeping in this proceeding. MCI Cellular Telephone Company (MCI) and American Mobile Communications (AMCOM) filed petitions for reconsideration of our *Order* of September 3, 1982, *supra,* requesting modification of our procedural rules. Among other things, the petitioners argued that applicants were unfairly required to file rebuttal cases before the ALJ ruled on proffered amendments to applications and the direct cases of competing applicants. Various parties filed comments,[8] some

[3] The new amendment rules will supersede those adopted in the September 3, 1982, Order and will apply to all pending applications.

[4] See *Memorandum Opinion and Order,* FCC 83M-997, released March 29, 1983, at paras. 18–23, for an ALJ's discussion of the difference between permissible and impermissible amendments.

[5] For the most part, applicants have been exchanging copies of each others' applications well in advance of the public notice triggering the 30-day petition period.

[6] In the unlikely event that the settlement agreement results in a former minority shareholder or an entirely new party obtaining a controlling interest, public notice of that change is required.

[7] Presently § 22.23(c)(1) indicates that any change in the CGSA is deemed to be a major amendment. It was not our intention to treat as major amendments which propose to decrease the CGSA. We will therefore amend § 22.23(c)(1) to more clearly express our intentions.

[8] Other parties filing comments were Cellular Communications of Cleveland, Inc., Cellular Communications of Cincinnati, Inc., Cellular Mobile Systems, Inc. (CMS), Post Cellular Telecommunications, Inc., and the law firm of

in support of the petition, others offering alternative procedures, and others responding to the various proposals. Since the petitions were filed, the Administrative Law Judges have had numerous opportunities to rule on similar requests by competing applicants to extend the time for rebuttals. In denying these requests, the ALJs have held that rebuttal cases must address proffered direct case exhibits and amendments as if they will be accepted in their entirety. See *Order* (FCC 82M-3983) released December 15, 1983 and *Order* (FCC 83M-178) released January 14, 1983. Based on our experience, we see no reason to further change our procedural rules as requested in the petitions for reconsideration. These rules were adopted to ensure expedited hearing proceedings. While these rules may be somewhat burdensome to the parties, to date they have accomplished their intended purpose. We will, therefore, deny the petitions for reconsideration and CMS's request for stay (see note 7, *supra*).

11. Our action today is a rule of agency procedure and practice, rather than a substantive rule, because it affects only the time when applications and related pleadings and amendments can be filed. Therefore, there is no need for publication or service prior to the effective date of this order.

12. Accordingly, it is ordered, That applications for all other markets, including SMSA and non-SMSA areas, are to be accepted starting December 1, 1983, and are subject to the requirements of 47 CFR 22.901 *et seq.*

13. It is further ordered, That competing cellular applicants are required to submit their affirmative direct cases within 30 days of the date of publication in the Federal Register of the order designating their applications for hearing.

14. It is further ordered, That competing cellular applicants are required to file rebuttals within 45 days from the date affirmative direct cases are required to be filed.

15. It is further ordered, That amendments to cellular applications may only be filed in accordance with the rules adopted here.

16. It is further ordered, That competing cellular applicants in other than the top 60 markets may raise in motions to enlarge issues filed under § 1.229 of the Rules only matters which were not in existence or ascertainable on the date petitions to deny were due.

17. It is further ordered, That the Petitions for Reconsideration filed by MCI Cellular Telephone Company and American Mobile Communications are denied.

18. It is further ordered, That the request for stay filed by Cellular Mobile Systems, Inc., is denied.

19. It is further ordered, Pursuant to 47 U.S.C. 154(i), 301 and 303(r), that Part 22 of Title 47 of the Code of Federal Regulations is amended as set forth in the Attachment. These amendments shall become effective April 18, 1983.

20. It is further ordered, That the Secretary shall cause a copy of this Order to be published in the Federal Register.

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 22—[AMENDED]

47 CFR Part 22 is revised as follows:

§ 22.23 [Amended]

1. Section 22.23(c)(1) is revised as follows:

* * * * *

(c) * * *

(1) If in the Domestic Public Cellular Radio Telecommunications Service, the amendment results in an increase in the Cellular Geographic Service Area.

* * * * *

2. Section 22.916 is amended by revising the first sentence of paragraph (b)(1) and revising paragraph (b)(4) as follows:

§ 22.916 Evaluation of cellular applicants.

* * * * *

(b) * * *

(1) The affirmative direct case, including all documentary evidence upon which an applicant intends to rely in a comparative context, must be submitted within 30 days of the date of publication in the Federal Register of the order designating the application for hearing. * * *

* * * * *

(4) Rebuttal cases must be filed within forty-five days of the date the direct cases are required to be filed. Four copies of the rebuttal case must be filed with the Commission and a copy served on each other party to the proceeding.

* * * * *

3. In § 22.918, paragraphs (a) and (b) are revised and paragraphs (c)–(e) are added as follows:

§ 22.918 Amendment of cellular applications.

(a) Minor and technical amendments and those required by § 1.65 of the Rules, but no major amendments as defined in § 22.23(c), may be proffered within forty-five days of public notice of the filing of the application.

(b) Amendments in connection with full settlement agreements under § 22.29 of the Rules, or partial settlements resulting in a merger of interests between two or more mutually exclusive parties may be filed at any time.

(c) Amendments requested by the Commission or the Administrative Law Judge may be filed at any time.

(d) Amendments reflecting changes in ownership of an applicant not related to a settlement agreement and which do not result in a transfer of control may be filed up to 30 days after publication in the Federal Register of the order designating the application for hearing, and

(e) After an application is designated for hearing, amendments may be filed for good cause upon leave of the ALJ.

4. A new § 22.919 is added to read as follows:

§ 22.919 Restrictions on motions to enlarge issues.

In comparative hearing proceedings involving markets other than the top 60, motions to enlarge issues filed under § 1.229(a) of the Rules will not be entertained by the presiding judge unless the facts in question were not in existence or ascertainable on the date a petition to deny the application was due. In the absence of such a showing, the movant must meet the burden imposed by § 1.229(c).

[FR Doc. 83-14889 Filed 6-9-83; 8:45 am]

BILLING CODE 6712-01-M

Kadison, Pfaelzer, Woodard, Quinn & Rossi. In addition, CMS requested a stay of the procedural rules pending action on the reconsideration petitions.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-7)]

Railroad Exemption—Export Coal

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rules and exemption.

SUMMARY: Upon review of the record in this proceeding the Commission has decided to exempt rail movements of export coal moving from United States ports, including Great Lakes Ports, from regulation pursuant to 49 U.S.C. 10505. Regulations, in the appendix, are

adopted to carry out this exemption. Exemption is also proposed for export coal movements by all-rail to Canada and Mexico.

Exemption of rail export coal movements will further the goals Congress set forth in the rail transportation policy, 49 U.S.C. 10101a. Regulation is not necessary to carry out the rail transportation policy, or to protect shippers against the abuse of market power. Exemption will permit the free operation of market forces, let the railroads obtain needed revenue, and allow the carriers the necessary flexibility to respond to a rapidly changing environment.

DATES: *Effective:* The decision is effective on September 12, 1983.

Comments: Due July 11, 1983 on the issue of Canadian and Mexican all-rail export coal traffic.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's full decision. To purchase a copy of the full decision write to: T. S InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C 20423; or call 289–4357 (D.C. metropolitan area) or toll free (800) 424–5043.

List of Subjects in 49 CFR Part 1039

Administrative practice and procedure, Agricultural commodities, Coal, Intermodal transportation, Railroads.

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

Agatha L. Mergenovich,

Secretary.

Chairman Taylor Dissenting: [1]

I appreciate the majority's summarization of the proponent railroads' comments [2] but feel that perhaps a more neutral approach would provide a better basis on which to rationally decide this important case. Consequently, I will begin and conclude with an analysis of this proposal under 49 U.S.C. 10505 and the legislative intent of the Staggers Act.

The key to assessing the merits of a proposed exemption, insofar as the statutory criteria are concerned, is the recognition that Congress intended the Commission to retain only that measure of regulation necessary to protect shippers, especially captive shippers, from the abuse of market power. Congress specifically expressed its intent that regulation be continued in those situations where competition is absent and market forces cannot come into play.[3]

The legislative history of the Staggers Act reflects the particular concern of Congress over captive coal traffic. The Senate Committee Report directs the Commission to ensure that coal traffic bears only its fair share of costs, and that "higher rated captive traffic is not unduly burdened." [4] The Conference Committee Report emphasizes "the encouragement and promotion of the transportation of coal by rail * * * at rates which do not exceed a reasonable maximum where there is an absence of effective competition." [5] No other commodity was so singled out by Congress.

Accordingly, the central question here is whether, in the absence of regulation, competition in the world and domestic markets would both: (i) Hold coal rates to reasonable levels, and (ii) encourage and expand the transportation of export coal. My analysis of the evidence, including the comments filed by shippers, receivers, government agencies, and others, together with several reports prepared by the Commission's staff, all lead to the inevitable conclusion that because the necessary competition is not present, neither of the foregoing results will occur if the exemption is granted. Actually, the evidence of record strongly indicates that granting the exemption will result in increased rates, together with decreased demand and production. Therefore, the discussion that follows will consider the interrelated effects of exempting export coal movements from all ICC regulation, including rate provisions and car hire/car service obligations.

Turning now to the issues, let me begin by stating that while I agree there is competition in the international coal export market,[6] I am not at all convinced of its relevance as an effective constraint on rail ratemaking for domestic movements from mines to ports. First, the relationship between competition among international suppliers and domestic movements was not directly addressed in our *Market Dominance* proceeding.[7] The Commission there concluded only that potential sources of competition should not be excluded from consideration. Thus, world competition is only one factor among many to be considered.[8]

Of even more importance is the fact that competition in the world export market has only limited relevance in this proceeding. The "source" of such world competition is too remote and takes place entirely outside the U.S. Any analysis must consider the effects of an exemption on both rates and service, and at best, world competition will only set a price cap for U.S. coal in foreign countries, i.e., a maximum price above which coal will not move for export.

This "price cap," however, will neither ensure a reasonable division of profits between the railroads and the coal interests, nor enable the captive shipper to move its coal if a railroad, once freed from its common carrier obligation, determines not to serve such shipper at all or to condition service

[1] Before discussing the issues, I want to point out that my opposition to this proposal is shared by Commissioner J. J. Simmons III, who, before leaving the Commission, actively participated in the oral argument and in our deliberations on the merits of the proposal. In the determinative round of voting which culminated on March 3, 1983, and in which a 3-2 majority voted to grant the exemption, Commissioner Simmons voted, on Feb. 28, 1983, to deny the exemption stating: "If I am in the minority and the decision is revised so as to grant the exemption in whole or in part, I wish to be shown as dissenting and having voted to deny the exemption in its entirety." It is my firm belief that Commissioner Simmons' vote is a proper and integral part of the Commission's determination of this matter.

[2] See, e.g., majority decision, ns. 3–8, 10–16, 18–31, 38–40, 51, 58, 61, and 63.

[3] See especially S. Rep. No. 470, 96th Cong., 1st Sess. 43 (1979) which states that the exemption power should not be used "at the expense of captive shippers who have no reasonable transportation alternatives."

Also see the discussion set forth on page 17 of that report indicating the Committee's concern with the magnitude of rate increases on coal movements and the importance of energy considerations.

[4] *Id.* at 7–8. It should be noted, at this juncture, that in expressing its concern for captive coal traffic, Congress did *not* distinguish between domestic and export coal.

[5] H. Rep. No. 1430, 96th Cong. 2nd Sess. 80 (1980).

[6] There is considerable question regarding the effectiveness of competition in the movement of metallurgical (met) coal to Western Europe. The U.S. supplies 55 percent of Western European met coal, and is considered the "swing supplier." The major alternative suppliers, Australia (labor problems), Poland (strikes and martial law), South Africa (political unrest and self-imposed quotas), and the U.S.S.R. are not considered reliable substitutes for U.S. coal.

[7] Ex Parte No. 320 (Sub-No. 2), *Market Dominance Determinations and Consideration of Product Competition*, 365 I.C.C. 118 (1981) (remanded, *Western Coal Traffic League and Its Members, et al. v. United States of America*, 5th Cir. No. 81–4257 (Dec. 8, 1982). The court held that the Commission was statutorily precluded from considering geographic and product competition in making market dominance determinations). Rehearing *en banc* granted March 7, 1983; oral argument scheduled for June 6, 1983.

[8] *But see*, section 205(a)(2)(D) of the Staggers Act which specifically excludes consideration of imported coal as competition in any market dominance determination regarding domestic coal rates.

upon unreasonable rates. That nearly all coal shippers are captive is undeniably demonstrated by the record, which reflects neither intramodal nor intermodal competition in domestic movements for export coal. Over 95 percent of individual U.S. mines producing export coal are served by just one railroad. In the East, the CSX and the N&W* effectively divide the market. In the West, the Union Pacific participates in virtually all export coal movements, while the Atchison, Topeka and Santa Fe participates in a limited number of these movements.[10] Most traffic, especially in the East, is handled by a single railroad from mine to port. Railroads *are* in a position to exact substantial premiums without fear of diverting traffic to other carriers.

There is no effective intermodal competition. Pipelines do not yet exist for the transportation of export coal, and truck competition is not economically practical for large shipments or long distances.[11] Barge transportation almost always involves a prior movement by rail, which makes the railroad indispensable to the water carrier's ability to carry coal. This point has not been lost on the railroads. For example, until last summer, rates on coal movements to the river system were set higher than those to the East Coast, thus assuring that traffic moved all rail, and in most instances, to railroad-owned port facilities.

However, because the shippers and competing barge lines had recourse under the Interstate Commerce Act, the railroads dropped their rates to the river to the domestic level.[12]

But, under the exemption proposed here, the railroads could effectively eliminate all barge participation in export coal traffic, and thus adversely affect the New Orleans gateway, either by setting a prohibitively high rate for coal movements to the water connecting point vis-a-vis the rates established for all-rail movements or by refusing to provide any service at all to water-connecting points for export coal movements. The railroads have a powerful incentive to eliminate barges as a competitive alternative so that more and more export coal will move via all-rail service, often to export coal facilities owned and operated by the railroads. As a result, insofar as the barge alternative is concerned, the export coal exemption can only be regarded as truly anti-competitive.

Moreover, geographic and product competition within the United States is neither a counterbalance nor a solution to the problem. The coal producing regions of the U.S. do not compete with each other for most of the export market. According to the railroads' own testimony, the vast coal reserves now available in the Powder River Basin (Montana and Wyoming) are a very long distance from port (over 1,000 miles) and the coal in such reserves is not of export quality, because its energy value is less than 10,000 BTUs and it has a relatively high moisture content. The coal from Ohio, Western Kentucky, and Illinois is not of met quality and has too much sulfur for all but a small part of the steam coal export market. Coal from Colorado, Utah, and New Mexico goes to Japan, where there appears to be some competition with eastern coal. However, these western reserves produce no met coal, and the delivered price to Japan of eastern steam coal is more than $20 per ton higher than the delivered price of coal from New Mexico, Utah, and Colorado. Therefore, competition between the two sources is minimal. Almost all of our steam and met coal exports to Europe move through Atlantic ports.

The premise underlying the argument that export contracts can be freely filled from mines on more than one railroad is also unrealistic. First, export tonnage is frequently a blend of coal from several mines, and many times, some mines are on one railroad, some on another. Second, for a shipper to be able to substitute tonnage from a mine on a second railroad, certain conditions must be met, i.e., the tonnage must be available and not already committed to a long-term contract, the extraction costs must be relatively the same, and the tonnage from the second mine must be technologically substitutable for the tonnage from the first. Shippers point out that the chance for such substitution does not usually occur, especially since the Chessie hauls primarily met coal and the N&W primarily steam coal. Third, there must be no price leadership, in that if one railroad raises its rates, the other will not, or at least not to the same level. It appears highly unlikely that all three of the foregoing conditions would coalesce, and even if they did, the advantage would accrue only to the particular shippers affected.

The fact remains that ninety-five percent of the mines producing export coal are captive to the railroads that serve them.

The argument that big shippers can play one railroad against another (i.e., by substituting tonnage from mines served by more than one carrier) is still less convincing, even were one to ignore the problem of lack of substitutability discussed *supra*. When a shipper negotiates with a railroad, its corporate affiliation is less important than its access to alternate transportation. There are over 100 companies involved in the export coal trade. Although some of the shippers are large, with connections to still larger entities, only twenty-four percent of the mines served by the Chessie System and the N&W are controlled by operators having mines on both railroads. As for the West and the Mid-West, there appears to be virtually no possibility of substitution between railroads at the present time.

Therefore, contrary to the suggestion of the railroads, the adverse consequences of granting the exemption would not be offset by theorizing that: (i) The railroads and the coal suppliers would negotiate as "partners," or that (ii) big shippers could exert more bargaining power than the railroads.

In light of the lack of any form of domestic competition, it cannot be argued that the transportation of coal from mine to port is a joint venture where profits are distributed according to the percentage of equity participation. Instead, such transportation is an undertaking in which the parties' interests are the same only in the broadest sense, i.e., getting the coal to market. However, in the only sense that is germane here, each participant is solely concerned with maximizing its own profit. Because most mines are served by only one railroad, and because many mines may be on that one railroad's line of track, it is perfectly possible for such a railroad to maximize its profit at the expense of one of the shippers it serves. To illustrate, such a railroad could easily recapture business lost at one captive mine from a second mine that has greater production capabilities and/or lower production costs than the first.

To be sure, if coal does not move, neither the railroad nor the coal producer makes any money. However, the magnitude of the loss is not the same for each. For example, each of the two major eastern railroads has over 200 mines on its rail lines. In any negotiation, each mine is bargaining for all of the profit which can be made from that mine. The railroad, on the other hand, is bargaining for profits on only one of several mines that it serves.

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*Now a subsidiary of Norfolk Southern Corporation.

[10] At the time the record closed, the Burlington Northern had not developed an export market for its Powder River Basin coal. See text *infra*.

[11] The statistic of the majority regarding the 13 percent truck movements is 13 percent of total coal production. There is no indication of whether any of this is for export.

[12] See complaint No. 38802, *Water Transport Assoc. v. The Chesapeake and Ohio Railway and Norfolk and Western Railway Company*.

many of which may be located on the same line of track. Thus, in the negotiating arena, only a relatively small share of the railroad's profits will be at risk.

Clearly, the railroad can rely upon the traffic from other mines on its rail lines and the profit from other commodities it carries to mitigate the loss from its failure to agree with a particular mine, and while so doing, the railroad will remain secure in the knowledge that the coal from such mine must move eventually, if at all, and then only over the railroad's trackage. If the mine does not ship, some other mine on the carrier's line may increase the amount it exports, thereby allowing the railroad to gain a share of the profit from that transaction. Because the individual mine has, for the most part, nowhere else to turn, it will be forced to reach agreement with the railroad or not produce coal. Thus, under the scenario contemplated by the proposed exemption, the railroad would be in a strong position to capture most or all of the individual mine's profit, since the latter's rate of return would effectively be determined by the carrier.[13] Furthermore, given a lack of intermodal and geographic competition, even those few suppliers which could exert significant bargaining power would not protect the interests of the many, nor would they have any incentive to protect the interests of their competitors.[14]

Also, it should be noted here that the record is devoid of any concrete evidence in support of the contention that regulation imposes a chilling effect upon contracting. Hundreds of coal contracts have been filed with the Commission, and the railroads have not evidenced a single instance where they have lost a contract because a shipper has insisted upon a "regulatory backstop" clause. Nor have the railroads indicated what shippers have asked for such a clause or how many times the request has arisen in negotiations. None of the railroads' shipper witnesses testified that they have demanded a "backstop" clause, whereas the shippers opposing the exemption testified that they had never even heard of a "backstop" clause, much less insisted upon one.

It should be noted too that the railroads already exercise a substantial measure of ratemaking flexibility.[15] The Commission does not have jurisdiction to examine maximum rate reasonableness unless we first determine that a railroad has market dominance over the transportation to which a particular rate applies, 49 U.S.C. 10701a(b)1 and 10709.

Furthermore, in Ex Parte No. 347 (Sub-No. 1), *Coal Rate Guidelines, Nationwide* (not printed), decided February 8, 1983, we published a carefully crafted proposal for prescribing maximum reasonable coal rates in instances where railroads exercise market dominance over coal traffic. That proposal reflects the dual concern of Congress that captive coal shippers be protected from abuse and that the railroad industry achieve revenue adequacy.[16]

However, quite apart from the ratemaking flexibility proposed in Ex Parte No. 347 (Sub-No. 1), the railroads have stated that they will, given the export coal exemption, engage in discriminatory pricing based on each mine's long-term marginal cost. This discriminatory pricing, as contrasted with differential pricing, will be completely free of regulation and will adversely affect the production of export coal. The natural result of setting rates according to the cost of extraction is to transfer from the mine to the railroad those returns from the production of coal which exceed the mine's long-term marginal cost. A producer who knows that his profits are captive to the carrier has no reason to expand.[17] Appendix A to this dissent sets forth, by example, an illustration of how coal production could be reduced while railroads still maintain maximum returns. In any event, regardless of whether the railroads extract monopoly profits by resort to either simple or discriminating monopoly power, export coal production can predictably be expected to decline over the long run.

Also of importance is the fact that the effects of the exemption extend far beyond profit and loss to coal shippers and carriers. It is impossible to separate out the extensive foreign and domestic ramifications. While the railroads supplied no economic calculation of the effect on the volume of export coal that their actions under deregulation will have, the majority of the comments and the Commission's own Environmental Assessment Statement (EA) support the conclusion that the exemption and the concomitant rate increases will result in a decline in demand for export coal.

In contrast, Section 203 of the Staggers Act (49 U.S.C. 10701a(e)(2)(B)(iii), i.e., the Long Cannon Amendment) mandates consideration of the impact of a proposed rate or rate increase on the attainment of national energy goals when the Commission determines whether to investigate certain rate proposals. As explained in the Conference Committee Report, the national energy goals include reduction of dependence on foreign sources. Further, "[t]o reduce dependence on foreign energy sources this country must stimulate utilization of its abundant, indigenous coal reserve."[18] Consideration of our national energy goals will no longer be a factor in view of the action taken by the majority in this proceeding.

Domestically, a diminishing demand for export coal translates immediately into reduced growth in production in coal supply regions. In fact, the Commission's EA composite case shows that by 1985, Virginia, Utah, and Colorado will experience a complete loss of all export production directly as a result of the declining demand for export coal brought about by increased transportation rates. The EA also indicates that by 1990, there will be substantial declines in the coal productivity of Southern West Virginia, Alabama, and Oklahoma, and that by 1995, New Mexico will lose its entire export coal market. Needless to say, these losses will have a severe adverse impact upon the nation's balance of trade, upon primary and secondary employment levels, upon local and regional tax bases, and upon the communities and families dependent on those mines which are forced to decrease or stop production.

In addition to the foregoing economic and social effects, a grant of the exemption is in direct conflict with the

[13] The railroads have stated that they will set their bargaining according to the mine's cost of extraction rather then their own cost of operation.

[14] In fact, as some railroads lease coal producing land to mines, the closure of another mine would only serve to increase royalties to the railroad from its own land. See discussion in text *infra*.

[15] From 1977 through 1981, the average railroad freight charge increased 65.9 percent while the value of coal, per the F.O.B. mine price, increased only 31.2 percent.

[16] The proposal recognizes the need for differential pricing if railroads are to achieve revenue adequacy, thereby providing the railroads with broad ratemaking flexibility. The approach taken is one of constrained market pricing.

[17] A more efficient coal producer will have lower production costs, and therefore will be able to absorb greater transportation charges while remaining competitive in the world market. At the same time, the less efficient producer will be unable to absorb equivalent transportation charges. Consequently, transportation costs will dictate coal prices, not production. The efficient producer who will be punished by paying higher transportation charges than his less efficient competitor will compete only on an equivalent footing with less efficient producers. Thus, the efficient mine will not have a cushion to decrease its price and compete more effectively, nor will it have the entrepreneurial incentive to expand production in return for increased profit.

[18] H. Rep. 1430, 96th Cong. 2d Sess 95 (1980).

Administration's efforts to stimulate demand for the export of U.S. coal to our allies in the Pacific Rim nations and in Western Europe,[19] and with the President's policy statement to our allies that foreign consumers be allowed complete, open, and nondiscriminatory access to the U.S. coal market.[20] Foreign customers are greatly concerned with the stability of pricing and the reliability of supply. The numerous comments forwarded to the Commission from foreign governments and coal purchasers in countries such as Japan, Spain, Brazil, Italy, the Netherlands, and Ireland all express the strong fear that price increases and a lack of stability in the delivered price will reduce the attractiveness of U.S. coal as a reliable source and as an alternative for not only foreign coal, but also for OPEC oil and Soviet gas. Significantly too, these foreign markets, once lost, cannot be easily regained.[21]

Moreover, as recognized by the Departments of State and Commerce and the International Trade Representative, it is important to our national security that both ourselves and our allies have a secure, economic, and competitively priced alternative to unpredictable supplies of imported energy. In derogation of this objective, the proposed exemption, by shifting profit from producer to carrier and precipitating a long-term decline in coal exports, would undercut a key element of U.S. international energy policy.[22]

[19] These actions are part of an integrated effort which includes improvement in port and waterway facilities.

[20] The President's "Coal Export Policy Statement" of July 17, 1981. A foreign purchaser could plausibly conclude that the deregulation of the export market, while leaving domestic coal regulated, is a measure aimed at extracting profits from overseas consumers. In fact, the railroads have confirmed this impression. See the transcript of oral argument, TR 54, 55, 218; see also the Reply Verified Statement of Gould and Landes at 7–8: "Higher prices for delivered coal would be borne by foreign consumers, while U.S. railroads would gain. . . [T]his transfer makes the U.S. better off." Such a conception of the nature of the U.S. commitment to coal exports is clearly not consonant with the President's policy statement.

[21] For a complete discussion on this point, see text *infra*, at "Revocations," and the comments of the Departments of State and Commerce and those of foreign purchasers.

[22] See also United States Department of Energy, Interim Report of the Interagency Coal Export Task Force, Jan., 1981 (DOE/FE-0012) which stated that the role of the United States in future coal trade "depends upon the buying strategies of the consuming nations, the policies and prices of competing exporters and the actions taken by the United States to maintain reasonable prices, prompt delivery and dependable quality."

The Commission's EA also predicts, at 51, that "U.S. shares of both the European and Pacific Rim markets are projected to decline significantly."

impair the health of our mining industry, jeopardize the jobs of thousands, and substantially weaken, if not eliminate, a potentially important factor in the restoration of a favorable balance of payments for the United States.

In addition to the glaring defects in the majority's position on the effects of "competition," this decision is also subject to numerous oversights and procedural deficiencies.

Antitrust Immunity

Certainly no exemption should be authorized which retains antitrust immunity. However, let no one assume that the antitrust laws will protect shippers from the abuse of market power. The most that the antitrust laws can do is to prevent collusion among existing competitors. The holder of a lawful natural monopoly generally is free to set its rates and provide its services in the manner deemed most profitable.[23] The carriers appear to be immune from antitrust actions with respect to any traffic, such as export coal, which has always been captive. The courts cannot provide the regulatory supervision necessary to curb abuses.

The Railroads' Modified Proposal

Recognizing the serious problems inherent in an across-the-board exemption, the N&W, in a later pleading, proposed that any exemption be limited to the rate regulations of 49 U.S.C. 10701–10712. This would have retained Commission jurisdiction in such critical areas as car hire and service (especially 49 U.S.C. 11126), the commodities clause (49 U.S.C. 10746), the war powers clause (49 U.S.C. 11128), the contract rate provisions (49 U.S.C. 10713), and the common carrier obligation (40 U.S.C. 11101(a)) to name only a few. However, the majority decision rejects this modified proposal, but since the N&W's suggested limitations have been addressed only summarily in the majority's analysis of the National Transportation Policy, it is difficult to determine if the impact of their removal was seriously considered.[24]

For instance, as discussed *supra*, with the demise of the common carrier obligation, what incentive is there, in these days of unit trains, for a railroad to drop and pick up a few cars at the site of a small family-owned mine in Appalachia? Although many such mines have already been shut out of certain export markets because of high transportation costs (which can run as high as one-third to one-half of the purchaser's costs), the few that remain will face inevitable exclusion from such markets by virtue of the exemption granted herein.

Congress specifically recognized the problem of obtaining cars in 49 U.S.C. 11126(a), which requires railroads to make "a reasonable distribution of cars for transportation of coal among the coal mines served by it [the railroad] whether the mines are located on its line or are customarily dependent on it for car supply." Thus, by imposing an obligation to supply cars, in tandem with the common carrier obligation and various rate regulations, Congress sought to ensure continued participation in the market, not just for mines that a railroad chooses to serve, but for *all* mines.

Did the majority also consider the impact of removing the commodities clause limitation on the exemption granted? Railroads own enormous amounts of coal, most of which they received in the form of grants from the government. Three railroads (i.e., the Burlington Northern, the Union Pacific, and the Santa Fe) own over 16 billion tons of coal reserves, which approximates 25 percent of the total non-federal coal reserves located in the Western States. Recently, these railroads have been active in marketing their coal, but the commodities clause, 49 U.S.C. 10746, prohibits them from transporting it. However, the exemption granted by the majority will void the statutory prohibition against such railroads directly transporting their own coal to an export gateway. As a result, with the exemption, the railroads can determine which mines will receive service, and thus they could decide that export coal will come only from their own mines. Under the exemption, it would appear that coal-owning railroads can now mine their own coal and haul it in their own cars, over their own tracks, to their own piers for export.[25] As a consequence, independent coal producers will instantly, upon the exemption becoming effective, be confronted with a legal vertical monopoly against which it will be very difficult to compete.

Lack of an Environmental Impact Statement

In the majority's unexplained rush to issue this decision, the required

[23] *Berkley Photo, Inc.* v. *Eastman Kodak Co.*, 603 F2d 263, 297 (2d. Cir. 1979).

[24] For a contrast, see the Commission's recent decision exempting boxcars, wherein these questions were discussed at length and it was emphasized that jurisdiction was being retained to protect against shipper abuse.

[25] Some railroads are currently investigating the desirability of entering into the ocean portion of export coal transportation.

environmental impact statement (EIS) and energy impact statement (SEI) have both been omitted. The purpose of an EIS and an SEI is to enable the Commission to consider fully the environmental and energy impacts of its decision. However, when voting was concluded in early March and the exemption was granted, the Commission had nothing before it on this issue.[26] Ironically, however, also in March of this year, the entire Commission issued a notice of intent to prepare an EIS in Ex Parte No. 347 (Sub-No. 1), *Coal Rate Guidelines—Nationwide, supra.*[27] That notice found that a significant environmental effect arises out of any major change in coal rate regulation, and as a result, several possible effects of coal rate increases were listed. In fact, the EIS in Ex Parte No. 347 (Sub-No. 1) stated that it would "consider the effect of the proposed action on potential overseas demand for domestic coal," and on how the proposed rate guidelines "might * * * affect other important considerations such as export coal policy."

Thus, the Commission has recently acknowledged, as a matter of public record, that the export coal market and the environmental manifestation of any changes in that market are not economically isolable from the domestic coal transportation market. The National Environmental Policy Act (NEPA) requires federal agencies to produce a detailed environmental impact statement (EIS) for "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. 4332(2)(C). See *Aberdeen & Rockfish R. Co.* v. *SCRAP*, 422 U.S. 289, 318–319 (1975).

The logic of the above NEPA analysis also applies to the requirements of the Energy Policy and Conservation Act (EPACA), 42 U.S.C. 6201 et seq., which requires the Commission, where practicable, to include in any major regulatory action a statement of the action's probable impact on energy efficiency and energy consumption. 42 U.S.C. 6362(b). A statement of energy impact (SEI) is certainly indicated here, because the exemption affects coal rates, because the Commission's regulations generally require an SEI in rulemaking proposals affecting carrier operations, 49 CFR 1106.5(a)(9), and because the Commission acknowledged potential energy impact in the export exemption rulemaking notice. 46 FR 44532 (Sept. 4, 1981).

The Commission has thus formally acknowledged that as to energy consumption and environmental considerations, the export coal market is inherently intertwined with the domestic market. Yet, to avoid preparing an EIS in this proceeding, the majority has found that exempting export coal movements from regulation is not a major federal action significantly affecting the quality of the human environment or the consumption of energy. Such a finding is manifestly indefensible!

The assessment statement (EA) on which the majority's above conclusion is based is seriously flawed and incomplete.[28] First, the EA is based entirely on the assumption that the only effect of the export coal exemption will be an increase in rates.[29] While I certainly agree that this will be the primary result, the possibility of selective decreases, especially on movements from railroad-owned sources, combined with service discontinuances to others, cannot be discounted. The purpose and result of such selective decreases would be to shift supply sources from current producers to railroad-owned mines. Such a direct manipulation of the supply market, while perhaps a reasonable reaction on the part of the railroads to a continuing coal surplus, could only be accomplished if all regulation were removed. Therefore, the failure of the EA to address the effects of decreases in rates and the resultant shifts in supply sources is a major defect.

Also, the assessment addresses only indirectly the relationship between export and domestic markets. Export coal rates (and delivered prices which include those rates) have a clear "secondary impact" on the domestic coal market and coal production in general. This secondary impact flows, in part, from the fact that the amount of coal exported can affect the quantity and price of coal available for domestic use, as well as the price at which railroads would be willing to move domestic coal. These effects, in turn, help determine whether domestic coal users will switch to alternate fuels. Thus, while the domestic environmental effects of exempting export coal may not be as direct as those resulting from the Commission's proposed guidelines in Ex Parte No. 347 (Sub-No. 1), they are, nevertheless, closely related and reasonably foreseeable. See 40 CFR 1508.8. Under NEPA, an agency must discuss all such secondary impacts having significant adverse environmental effects. See, for example, *South Louisiana Environmental Council* v. *Sand*, 629 F.2d 1005, 1016 (5th Cir. 1980).

Because of the limited rate increase scenarios studied in the EA, I can only conclude that its overly broad findings are not supported by reasonable evidence. The fact of the matter is the majority has not fulfilled its statutory responsibility to produce an EIS. Instead, the majority has opted for the EA, and as a result, the decision to grant the exemption is based, in part, on a faulty and incomplete study.

Revocation

The ability to re-impose regulation by revoking the exemption under 49 U.S.C. 10505(d) has definite practical limitations in this proceeding. Even if the exemption were in effect for only a relatively short period of time, there would still be great potential for the occurrence of serious damage. The railroads could absorb shippers profits, thereby causing some producers to go out of business. Plans for expansion could be canceled or postponed at the very time a demand for increased national coal production is emerging. Also, coal contracts are often long-term commitments, and the parties to many actual or potential coal export contracts or rail transportation agreements could irrevocably change their positions and suffer losses that could not be recouped.

Besides, authorizing an exemption on the basis that we can re-impose regulation is clearly unwise when the potential for serious abuse of market power, the likelihood of decreased U.S. coal exports, and the possibility of grave and irretrievable social, economic, and political damage is so apparent.

Limited Exemption

Without question, the exemption proposed should definitely have been denied. In so doing, however, I would have urged the railroads to refile for a partial exemption seeking the establishment of a special zone of rate freedom for export coal movements. Such a zone could have had a fluctuating base and ceiling tied to an index related to the current price of coal.[30] Within the moving zone, the

[26] The threshold environmental analysis was prepared in March of 1982 and recalled by the Director of the Office of Transportation Analysis in November of 1982, because the analysis was insufficient to reach a conclusion that no significant adverse impacts were likely.

[27] 49 FR 9706, March 8, 1983.

[28] The instant EA, which was prepared subsequent to the March 3, 1983 decision to grant the exemption, warns that impacts are "discussed in general terms because of: (1) The absence of knowledge concerning the exact location of extraction activities, (2) the lack of adequate methods to quantify impacts, and (3) the absence of precise or consistent information * * *".

[29] "[We] have further limited our analysis to a study of the impacts of future rate increases." EA at 2.

[30] The zone's fluctuations could have been based on a percentage relationship to a recognized index,

railroads would have been free to set rates without regulatory interference. The Commission could have been relatively certain that rates set within the exempt zone would not involve an abuse of market power because of the relationship established between the index and the zone.

While the proposal and justification of any particular index would have been up to the proponent railroads,[31] the point is that such a zone of rate freedom would have provided the benefits sought from this exemption without its overwhelming detriments. Regulatory burdens would have been reduced, railroads would have had the ability to respond quickly to changing market conditions, and the Commission would have been in a position to fulfill its statutory duty to protect shippers, when necessary, from an abuse of market power.

Summary

This discussion has now come full circle and ends where it began, with the exemption status itself. 49 U.S.C. 10505 requires that the Commission, using the guidelines established by the Staggers Act, must make two findings. First it must find that the proposal is either of limited scope or will not result in an abuse of market power. Then, the Commission must analyze the expected results of the exemption and find that they compare favorably with the goals of the National Rail Transportation Policy (NRTP).

A simple juxtaposition of the above criteria and the facts and evidence presented in this proceeding shows them to be inalterably incompatible. Certainly rail transportation of export coal is not a matter of "limited scope." No single commodity (other than "coal, all types") comprises more than export coal's traffic share of the railroad industry's annual originating carloads.[32] Export coal involves the shipment of millions of tons of coal worth millions of dollars. No one has made a serious attempt to characterize this exemption as "limited in scope."

More relevant to this proceeding is the alternate standard of whether the exemption will result in an abuse of market power. Based on the record, I cannot find that where undue concentrations of market power already exist due to the near vacuum of any form of domestic competition, it is unnecessary to protect captive shippers of export coal from an abuse of market power. The exemption will not improve the captive shipper's lot but will only remove what little competition and bargaining ability remains. More specifically, the exemption will impair the balance between shipper and carrier interests that Congress so carefully sought to preserve through the reasonable rate and service provisions of the Staggers Act.

Turning now to the most important criterion of all, i.e., the National Rail Transportation Policy of 49 U.S.C. 10101a, it must be remembered that this policy has a considerably broader purpose than the improvement of a railroad's profits. The real objective is the maintenance of our rail transportation system for the benefit of all who are dependent upon it. Therefore, such policy mandates a consideration of the whole rail transportation system and the needs of not just the carriers, but also the shipping, receiving, and consuming public. Although the Commission's regulatory reins can and should be loosened or eliminated whenever practicable, caution must be taken to see that reform proceeds in a systematic manner after a careful consideration of all affected interests. Competition and reliance upon the marketplace are important goals of the NRTP, and to achieve these goals, parties must have relatively equal bargaining positions. Where, as here, one party holds monopoly power, some regulation of that party provides the leverage needed to maintain equilibrium in the marketplace.

The consequences of granting the exemption herein proposed will be a distinct lessening of competition, distortion of the demand for services, unreasonable costs for captive products (thereby imposing an artificial limit on the output of those products), and a serious misallocation of resources. Equally grave are the negative effects the exemption will have on our economic and social well being, on our national security, and on our foreign policy. These results violate all the provisions of 49 U.S.C. 10101a, the object of which is to preserve and improve our rail transportation system so that it may better serve those who use it. Instead of giving the railroads an opportunity to seek a reasonably limited exemption that would have enhanced our transportation system, the majority has, by approving the total exemption, greatly impeded the achievement of the goals set forth in the National Rail Transportation Policy.

As a result, it is regretful but true that only those who yearn for the overly regulatory days of yesteryear will gain any real comfort from the majority's blatant disregard for the policies of Congress and the Administration.

APPENDIX A.—Hypothetical Effect of Eastern Railroads' Market Power Over Domestic Shippers on Year 2000 Steam Coal Exports to Europe Assuming a Constant Port Price for Coal

FOB pier price	Mine mouth price	Rail rate	Average rail net revenue	Volume (millions of tons)	Total rail net revenue (millions of dollars)
1980 dollars per ton		(1)-(2)	(3)-4.20	(2)-34.96	(5)×(4)
				.03198	
(1)	(2)	(3)	(4)	(5)	(6)
48.00	39.60	8.40	4.20	145.1	609
48.00	[1] 39.30	[1] 8.70	4.50	135.7	611
48.00	[1] 39.00	[1] 9.00	4.80	126.3	606
48.00	38.00	10.00	5.80	95.1	552
48.00	37.00	11.00	6.80	63.5	432
48.00	36.00	12.00	7.80	32.5	254

[1] Two mine mouth price/rate levels have been added in order to pin-point the profit-maximizing rate.

NOTE.—This table by National Economic Research Associates (p. 24 of Dec. 21, 1981 Verified Statement) redone assuming a multiple of 2.5 instead of 5 to compute marginal extraction cost.

such as the Railroad Freight Price Index, published by the U.S. Department of Labor's Bureau of Labor Statistics (developed by BLS in cooperation with the Commission's Office of Transportation Analysis) or the Department of Labor's Producer Price Index for Coal.

[31] The use of an index for these purposes is not new. Congress adopted a similar approach for the motor carrier zone of rate freedom [49 U.S.C. 10708(d)(3)(B)] which establishes a ratemaking ceiling for the zone based on "the percentage change in the Producers Price Index, as published by the Department of Labor, that has occurred during the one-year period prior to the effective date of the proposed rate."

[32] At the 5-digit commodity coal level, the portion of annual carloads represented by export coal is among the highest of all individual commodities. In 1981, for instance, over 93 million tons of coal were moved for export to U.S. ports, in over one million cars.

Vice Chairman Sterrett and Commissioners Andre and Gradison Commenting:

In view of the significance of this case and the fact that it will be litigated, we believe it is important to emphasize that all statutory requirements and Commission procedures have been met. A brief history may serve to clearly detail the voting and review process that was followed.

On March 3, 1983, a majority of the Commission voted to reject the draft decision which denied the petition for exemption in this proceeding. That decision was prepared and circulated at the direction of the Chairman. In making a determination whether to approve or reject the circulated draft decision, each Commissioner had the benefit of the entire record including information addressing economic, legal, regulatory and environmental issues, and each was free to vote based on his or her consideration of the evidence. However, no final vote could be taken on the exemption petition until a new decision was drafted which effectuated the Commission's determination. Thus, in response to the majority's vote, the staff prepared a new draft decision which approved the exemption petition. The environmental assessment was also expanded to provide greater detail and additional analysis. Our final decision was therefore reached on the basis of the revised draft, the expanded assessment, and the complete underlying record.

The procedure followed in preparing the final decision and environmental assessment were entirely consistent with the statutory requirements and Commission procedures and gave appropriate respect and consideration to the rights and viewpoints of all parties.

Appendix

Chapter X Title 49 of the Code of Federal Regulations is amended as follows:

PART 1039—[AMENDED]

1. Part 1039 is amended by adding a new § 1039.15 to read as follows:

§ 1039.15. Rail transportation of export coal.

Railroad transportation of export coal traffic moving through all U.S. ports, including Great Lakes ports, is exempt from the provisions of 49 U.S.C. Subtitle IV with certain exceptions. Carriers must continue to comply with Commission accounting and reporting requirements. All railroad tariffs pertaining to the transportation of export coal will no longer apply. Nothing in this exemption shall be construed to affect our jurisdiction under section 10505 or our ability to enforce this decision or any subsequent decision made under authority of this exemption section. This exemption shall remain in effect, unless modified or revoked by a subsequent order of this Commission.

(49 U.S.C. 10321(a) and 10505)

[FR Doc. 83-15685 Filed 6-9-83; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 113
Friday, June 10, 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.

CIVIL AERONAUTICS BOARD

14 CFR Part 291

[EDR-462; Economic Reg. Docket 41510]

Domestic Cargo Transportation; Exemption From Tariff Filing Requirements

Dated: May 27, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to exempt carriers that engage in intra-Alaska or intra-Hawaii cargo transportation from tariff filing requirements. This rulemaking is at the CAB's initiative, and is designed to reduce the regulatory burden on domestic cargo transportation.

DATES: Comments by: August 9, 1983. Reply comments by: August 24, 1983.

Comments and other relevant information after the date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: June 20, 1983.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments to others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41510, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Joanne Yancy Hitchcock or Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: Air carriers are subject to the provisions of the Board's rules in 14 CFR Part 291, if they are certificated under sections 401 or 418 of the Federal Aviation Act to carry domestic cargo. The regulations that make up Part 291 are the result of a rulemaking to comply with a Congressional mandate to substantially deregulate domestic cargo transportation, as set forth in the cargo deregulation amendments, Pub. L. 95-163. In ER-1080, 43 FR 53628, November 16, 1978, adopting Part 291, the Board used its powers under section 416(b) of the Act to exempt domestic cargo carriers from the section 403 duty to file tariffs. ER-1080 does not, however, exempt carriers from the tariff filing requirement for the air transportation of property solely within the States of Alaska and Hawaii. That transportation was not otherwise deregulated by Pub. L. 95-163.

Under section 1601(a)(2) of the Act, 49 U.S.C. 1551(a)(2), the Board's authority to require tariff filing for domestic passenger transportation expired on January 1, 1983, including passenger transportation between points in Alaska and Hawaii. This change, combined with other exemptions the Board has granted from the requirement to file tariffs for domestic transportation means that the only tariff filing requirement remaining in purely domestic air transportation applies to carriers transporting property within the States of Alaska or Hawaii.

For the reasons set forth below, the Board tentatively concludes that carriers engaged in intrastate cargo transportation in Alaska or Hawaii should be exempted from the requirement of filing tariffs for that transportation.

For Federal aviation regulatory purposes, the States of Alaska and Hawaii have generally been treated as unique. Geographic isolation, lack of competition when compared to the other 48 States, and thin markets with long distance conditions have traditionally contributed to their different status in the regulatory scheme. The Board now believes that it is no longer necessary to treat cargo air transportation in these States differently from that in the rest of the States or U.S. possessions with respect to tariff filing. The Board believes that experience in other similar areas has shown that those factors do not require the filing of tariffs to achieve remaining Federal regulatory purposes. In fact, tariff filing may now be inhibiting those purposes.

At present, tariffs that contain changes in prices or practices must be filed at the Board in advance of their effective date. Tariff filing thus limits the ability of the filing carriers to respond quickly and effectively to changes in market conditions, and so hinders competition.

In addition, the costs and procedural requirements for numerous tariff filings discourage the testing of new marketing ideas, and tend to promote the use of the complicated tariffs filed at the Board as the major means of disseminating information to shippers on pricing and conditions of carriage. The tariff filing requirement is not the only means of informing shippers or other interested parties of changes in price or conditions of carriage, however. Carriers now distribute rate sheets informally to shippers in an easy-to-read format, and this practice could easily fulfill the need for information, as it does in the 48 contiguous States. The Board's experience with air taxi operators who have been exempt from tariff filing for interstate passenger transportation within those States indicates that there is sufficient economic incentive to ensure adequate communication of information on prices and rules to users.

The filing of tariffs containing rules of carriage allows carriers to incorporate all of those rules into the contract waybill with little input from shippers. Supervision by a distant government agency is no substitute for knowledgeable shippers insisting on proper notice in the contract of reasonable rules of carriage. Without required tariff filing, shippers will have a more immediate, more local, and less costly forum for complaints in the local court system.

Although carrier entry into Alaska and Hawaii for purposes of domestic all-cargo transportation has been somewhat limited, the board has adopted a permissive entry policy for scheduled cargo service, and is currently reviewing the situation to ascertain whether some or all of the restrictions on cargo charter entry in these States should be removed. The elimination of the tariff filing requirement for interstate air transportation of property between points in Alaska or Hawaii would add to the process of placing cargo air transportation on a more equal footing

with such air transportation in the other States and U.S. possessions.

The Board will retain the authority to obtain rates and rules information, if necessary, under section 407 of the Act, 49 U.S.C. 1377, thus giving the board the means to enforce its remaining regulatory responsibilities and, if necessary, to monitor the effect of this exemption on shippers, carriers, and the public.

Initial Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act, Pub. L. 96-354, is designed to insure that agencies consider flexible approaches to the regulation of small businesses and other small entities defined in the Act. It requires a regulatory flexibility analysis for a rule that, if adopted, will have a "significant economic impact on a substantial number of small entities."

The analysis is required to describe the need, objectives and legal rationale for, and flexible alternatives to the action proposed here. The need, objectives and the legal rationale for this proposed rule are discussed in this notice of proposed rulemaking. This rule is designed to complete the process of eliminating the tariff filing requirement in domestic air transportation. This rule would also, if adopted as proposed, reduce government-required administrative costs of a large number of small air carriers that are currently required to file tariffs at the Board for intrastate cargo transportation in Alaska and Hawaii, by eliminating the tariff filing requirement. There are two alternatives that Board action could take. Both of these alternatives—retain tariff requirements, or eliminate them—are discussed above.

List of Subjects in 14 CFR Part 291

Air carriers, Antitrust, Freight, Insurance, Reporting and recordkeeping requirements.

PART 291—[AMENDED]

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 291, *Domestic Cargo Transportation*, as follows:

Section 291.31(a) introductory text and (1) would be revised to read:

§ 291.31 Exemptions from the Act for direct air carriers.

(a) Each direct air carrier providing domestic cargo transportation is, with respect to such transportation, exempted from the following section or subsection of the Act only if and so long as it complies with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit it to conduct domestic transportation operations.

(1) Section 403.

* * * * *

(Secs. 102, 204, 401, 407, 408, 416, and 418, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 766, 767, 771; 91 Stat. 1284; 49 U.S.C. 1302, 1324, 1371, 1377, 1378, 1386, and 1388)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-15671 Filed 6-9-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM83-62-000]

Treatment of Purchased Power in the Fuel Cost Adjustment Clause for Electric Utilities; Extension of Time for Comments

June 3, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On May 3, 1983, the Commission issued a Notice of Proposed Rulemaking involving the treatment of purchased power in the fuel cost adjustment clause for electric utilities (48 FR 21161, May 11, 1983). The comment period is being extended at the request of Virginia Electric and Power Company.

DATES: Comments must be submitted on or before June 24, 1983. Reply comments must be submitted on or before July 25, 1983.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, (202) 357-8400.

SUPPLEMENTARY INFORMATION:

In the matter of treatment of purchased power in the fuel cost adjustment clause for electric utilities, extension of time; Docket No. RM83-62-000.

On May 28, 1983, Virginia Electric and Power Company (VEPCO) filed a motion for an extension of time to file comments in response to the Commission's Notice of Proposed Rulemaking issued May 3, 1983, in the above-docketed proceeding. The motion states that VEPCO requires additional time in order to compile relevant data and to coordinate the preparation of the company's comments. The motion further states that additional time is needed because of the press of other business involving VEPCO officials and counsel for the company.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including June 24, 1983. Reply comments shall be filed on or before July 25, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15519 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Ch. I

General Notice of Review of the Customs Regulations

AGENCY: U.S. Customs Service, Treasury.

ACTION: Proposed rule related notice.

SUMMARY: In compliance with the Regulatory Flexibility Act, which requires the periodic review of existing regulations having a significant economic impact on a substantial number of small entities, and as part of its continuing efforts to reduce or eliminate obsolete or burdensome regulatory requirements, Customs is planning further revisions of its regulations. In 1973, Customs undertook the massive task of revising its regulations. Since the project was instituted, many portions of the regulations have been revised. An updated plan has now been implemented to review, and possibly revise other parts of the regulations on an expedited basis.

The document sets forth the parts of the regulations now being considered for revision and invites written comments on the project. After consideration of any comments received and further review of the matter, notices will be prepared for publication requesting comments on specific proposed regulation changes.

DATE: Comments must be received on or before August 9, 1983.

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution

Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:
Marvin M. Amernick, Regulations Control Branch, U.S. Customs Service, Washington, D.C. 20229 (202–566–8237).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing project instituted in 1973, all, or portions of 16 parts of the Customs Regulations (19 CFR Chapter I), have been revised. An updated plan has now been implemented to review, and possibly revise, all or portions of 17 parts of the regulations on an expedited basis. Task forces made up of representatives of various Customs offices having operational and/or legal responsibility for various subject areas of the regulations are now doing a preliminary review of substantial portions of the existing regulations. The aim of this review is to identify those regulations having a significant economic impact on a substantial number of small entities and to seek ways of modifying procedures to reduce or eliminate obsolete or burdensome regulatory requirements. Another goal of this review, which is in compliance with the Regulatory Flexibility Act (5 U.S.C. 601), will be to make non-substantive changes to insure that the regulations are written in easily understood "plain English."

To assist Customs in this review, written comments are invited on any aspect of the project. After consideration of any comments received in response to this notice, and after further review of the matter, notices of proposed rulemaking will be published in the **Federal Register** and Customs Bulletin requesting comments on specific proposed regulatory changes.

The initial five task force areas being reviewed are as follows:

Task force area	Part No.	Title
I	Part 4	Vessels in Foreign and Domestic Trades.
	Part 6	Air Commerce Regulations.
II	Part 10	Articles Conditionally Free, Subject to a Reduced rate, etc.
	Part 54	Certain Importations Temporarily Free of Duty.
	Part 158	Relief from Duties on Merchandise Lost, Damaged, Abandoned, or Exported.
	Part 159	Liquidation of Duties.
III	Part 161	General Enforcement Provisions.
	Part 162	Recordkeeping, Inspection, Search, and Seizure.
	Part 171	Fines, Penalties, and Forfeitures.
	Part 172	Liquidated Damages.
IV	Part 173	Administrative Review in General.
	Part 174	Protests.
	Part 175	Petitions by Domestic Interested Parties.
	Part 177	Administrative Rulings.
V	Part 11	Packing and Stamping; Marking.
	Part 133	Trademarks, Trade Names, and Copyrights.
	Part 134	Country of Origin Marking.

Comments

Before proceeding to a notice of proposed rulemaking on this proposal, consideration will be given to any written comments, preferably in triplicate, that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

This document is issued under the authority of R.S. 251, as amended (19 U.S.C. 66), and section 623, as amended, 624, 46 Stat. 759 (19 U.S.C. 1623, 1624).

Drafting Information

The principal author of this document was John E. Elkins, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William von Raab,
Commissioner of Customs.

Approved: May 26, 1983.

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

[FR Doc. 83-15615 Filed 6-9-83; 8:45 am]
BILLING CODE 4820-02-M

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19 CFR Part 123

Withdrawal of Proposal To Abolish Customs Form 7533

AGENCY: Customs Service, Treasury.
ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws a proposal to abolish present Customs Form 7533 (Inward Cargo Manifest for Vessel Under Five Tons, Ferry, Train, Car, Vehicle, Etc.) and develop a new standardized manifest to be used in its place. After careful consideration of the comments received in response to the proposal, and further review of the matter, it was found that there was no need for the change. Accordingly, Customs has determined to: (1) Retain the use of Customs Form 7533; (2) continue the practice of allowing carriers to develop their own version of the form; and (3) authorize rail carriers to use a computer printout which shows the required entry information and attach it to an approved Customs Form 7533.

DATE: Withdrawal is effective on June 10, 1983.

FOR FURTHER INFORMATION CONTACT:
Patricia Anson, Cargo Processing Division, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–5354).

SUPPLEMENTARY INFORMATION:

Background

Section 123.3, Customs Regulations (19 CFR 123.3), requires that baggage or other merchandise carried on a vehicle or on a vessel of less than 5 net tons arriving otherwise than by sea from Canada or Mexico be listed on a manifest as prescribed by § 123.4, Customs Regulations (19 CFR 123.4). With certain exceptions, section 123.4 provides that the inward foreign manifest required by section 123.3 for a vehicle or vessel of less than 5 net tons arriving in the United States from Canada or Mexico otherwise than by sea with baggage or merchandise, shall be on Customs Form 7533.

For many years Customs has permitted individual carriers to develop their own version of Customs Form 7533 recognizing that each mode of transportation has specific documentation requirements. As a result, there are about 200 versions of this form in use today so that two shipments from the same exporter to the same importer but shipped by different carriers generally would not be on the same documents. This lack of uniformity and standardization in manifest documentation reportedly presented problems for exporters who wish to computerize their operations, as well as for Customs in processing these entries.

Accordingly, to eliminate these problems and facilitate the processing of entries from contiguous countries, by notice published in the **Federal Register** on April 21, 1982 (47 FR 17072), Customs proposed to abolish present Customs Form 7533 and develop a new standardized manifest to be used in its place. To ensure that the new manifest would meet the special needs of each type of carrier, could be easily computerized, and yet cause the least disruption to industry, before taking any final action Customs solicited public comments on its suggested format, and the effect of the elimination of present Customs Form 7533. Comments were to have been received on or before June 21,

1982. However, in response to a request from a railroad association, by notice published in the Federal Register on July 22, 1982 (47 FR 31708), the period of time for the submission of comments was extended to August 21, 1982.

Discussion of Comments

Seven of the eight comments received in response to the notice indicated that the commenters were generally satisfied with present Customs Form 7533 and wanted it to be retained. Two of these commenters proposed a new manifest substantially similar to the present one with minor changes to accommodate their particular needs. One commenter suggested that the manifest be eliminated entirely. However, he had no thoughts on the development of a new one.

Another commenter, representing a rail carrier, wanted to introduce the use of a computer printout which shows the required entry information in lieu of the manifest. According to this commenter, the use of a printout would reduce its operating costs, expedite the movement of its trains, eliminate the incidents of lost manifests, and reduce paper handling. Customs has determined that this procedure would not be acceptable because the use of Customs Form 7533 is required by law and regulation. However, rail carriers and freight forwarders, after obtaining approval from the district directors of Customs, could use a computer printout which shows the required information and attach it to an approved Customs Form 7533.

Comments on the proposal were also solicited from Customs regional offices. It was determined that they were not experiencing operational control problems because of the wide variance in manifest documentation; nor were there complaints from carriers about lack of uniformity and standardization in Customs manifest requirements.

After careful consideration of the comments received, and further review of the matter, Customs has determined to retain the use of Customs Form 7533 and continue the practice of allowing carriers to develop their own version, subject to prior approval from Customs. Accordingly, the proposal is withdrawn.

Drafting Information

The principal author of this document was Jesse V. Vitello, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Approved May 26, 1983.

Alfred R. De Angelus,

Acting Commissioner of Customs.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-15616 Filed 6-9-83; 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Part 175

Receipt of Domestic Interested Party Petition Concerning Tariff Classification of Total Milk Proteinate, Whey Protein Concentrate, and Lactalbumin

AGENCY: Customs Service, Treasury.

ACTION: Notice of receipt of domestic interested party petition.

SUMMARY: Customs has received a petition submitted on behalf of two domestic interested parties, requesting that total milk proteinate, whey protein concentrate, and lactalbumin be classified for tariff purposes under different provisions of the Tariff Schedules of the United States than they are currently classified. In general, the classifications which the petitioners assert are correct are subject to quota restraints, while the current classifications are free of quota restraints. This document invites comments with respect to the correctness of the current classification.

DATE: Comments must be received on or before August 9, 1983.

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

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

SUPPLEMENTARY INFORMATION:

Background

A petition has been filed pursuant to section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), on behalf of two domestic interested parties, requesting that total milk proteinate, whey protein concentrate, and lactalbumin be classified for tariff purposes under different provisions of the Tariff Schedules of the United States (TSUS; 19 U.S.C. 1202) than they are currently classified. In general, the classifications which the petitioners assert are correct are subject to quota restraints, while the current classifications are free of quota restraints.

The petitioners contend that total milk proteinate, which is currently classified under the provision for "casein and mixtures in chief value thereof: other" in item 493.17, TSUS, is properly classifiable under the provision for "malted milk; and articles not specially provided for, of milk or cream" in item 118.30, TSUS. This contention is made on the bases that: the product is derived from skim milk; it is suitable for use for the same purposes as nonfat dry milk and related products; and it contains a substantial percentage of albumin, which should be present in products properly classified as "caseins."

The petitioners assert that whey protein concentrate and lactalbumin are properly classifiable in items 118.00 or 118.05, TSUS, under the provisions for fluid and dried wheys, because they are modified whey products. Whey protein concentrate is currently classified in item 182.92, 183.00, or 183.05, TSUS. Lactalbumin is currently classifed under the provision for "albumen, not specially provided for: other" in item 190.15, TSUS.

Comments

Pursuant to § 175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on this matter, Customs invites written comments from interested parties on the correctness of Customs classification.

The domestic party petition, as well as all comments received in response to this notice, will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), between the hours of 9:00 a.m. and 4:30 p.m. on normal business days, at the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washingon, D.C. 20229.

Authority

This notice is published in accordance with § 175.21(a), Customs Regulations (19 CFR 175.21(a)).

Drafting Information

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

Dated: June 3, 1983.

Donald W. Lewis,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 83-15614 Filed 6-9-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF STATE

22 CFR Part 11

[Docket No. SD-183]

Appointment of Members of the Foreign Service

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State, with the concurrence of the Departments of Agriculture and Commerce, the Agency for International Development, and the United States Information Agency, proposes to amend its regulations governing the appointment of members of the Foreign Service to add a new § 11.30 relative to the appointment of Senior Foreign Service Officer Career Candidates.

DATE: Written comments, to be assured of consideration, must be received no later than July 11, 1983.

ADDRESS: Written comments should be sent to Frontis B. Wiggins, Executive Director, Board of Examiners, Office of Recruitment, Examination, and Employment, Department of State, Washington, D.C. 20520.

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

SUPPLEMENTARY INFORMATION: Section 101(b)(7) of the Foreign Service Act of 1980 (Pub. L. 96-465) established a Senior Foreign Service, characterized by strong policy formulation capabilities, outstanding executive leadership qualities, and highly developed functional, foreign language, and area expertise.

This proposed new subpart would provide the procedures to establish the eligibility of candidates for the Senior Foreign Service Career Candidate Program, the competitive requirements for that program, and the terms and conditions of appointment for successful candidates. It also would provide procedures for making limited non-career Senior Foreign Service Officer appointments.

The proposed program would supplement the Junior, Mid-Level, and Specialist Foreign Service Career Candidate Programs (or similar department/agency programs) to meet identified Senior Foreign Service officer needs which cannot otherwise be met from within the ranks of the career Foreign Service.

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 by adding § 11.30 to read as follows:

§ 11.30 Senior Foreign Service Officer career candidate appointments.

(a) *General considerations.* (1) Career officers at the Senior Level normally shall be appointed as the result of promotion of Mid-Level career officers. Where the needs of the Foreign Service at the Senior Level cannot othewise be met by this approach, limited appointments may be granted to applicants as Senior Career Candidates or as limited non-career appointees in accordance with these regulations. However, as required by section 305(b) of the Foreign Service Act of 1980 (hereinafter referred to as the Act), but qualified by sections 305(b) (1) and (2) and section 2403(c) of the Act, the limited appointment of an individual in the Senior Foreign Service shall not cause the number of members of the Senior Foreign Service serving under limited appointments to exceed 5 percent of the total members of the Senior Foreign Service.

(2) Successful applicants under the Senior Career Candidate Program will be appointed to Career Candidate status for a period not to exceed 5 years. Such limited Career Candidate appointments may not be renewed or extended beyond 5 years.

(3) In accordance with section 306 of the Act, Senior Career Candidates may be found qualified to become career members of the Senior Foreign Service. Those who are not found to be so qualified prior to the expiration of their limited appointments will be separated from the Career Candidate Program no later than the expiration date of their appointments. Separated candidates who originally were employees of a Federal department or agency, and who were appointed to the Senior Foreign Service with the consent of the head of that department or agency, will be entitled to reemployment rights in that department or agency in accordance with section 110 of the Act and section 3597 of title 5, United States Code.

(4) The following regulations shall be utilized in conjunction with section 593, Volume 3, Foreign Affairs Manual ("Senior Foreign Service Officer Career Candidate Program"). (Also see Foreign Affairs Manual Circulars No. 8 [applicable to the Department of State only] and No. 9 [applicable to the Departments of State, Agriculture, and Commerce, the Agency for International Development, and the United States Information Agency], dated March 6, 1981.)

(b) *Senior Career Candidate appointments.*—(1) *Eligibility requirements.* Senior Career Candidates must meet the following eligibility requirements:

(i) *Citizenship.* Each person appointed as a Senior Career Candidate must be a citizen of the United States.

(ii) *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: (A) Complete at least two full tours of duty, exclusive of orientation and training; (B) complete the requisite eligibility period for tenure consideration; and (C) complete the requisite eligibility period to receive retirement benefits, prior to reaching the mandatory retirement age of 65 prescribed by the Act.

(iii) *Service.* (A) On the date of application, an applicant must have completed a minimum of 15 years of professional work experience, including at least 5 years of service in a position of responsibility in a Federal Government agency or agencies or elsewhere equivalent to that of a Mid-Level Foreign Service officers (classes FS-1 through FS-3). The duties and responsibilities of the position occupied by the applicant 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, an applicant must currently be in, or have been in, a position comparable to a Foreign

Service officer of class 1 (FS–1), or higher.

(B) Applicants from outside the Federal Government, and Federal employees who at the time of application lack the 15 years of professional work experience or the 5 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, professional work experience, and skills needed by the Foreign Service at the Senior Level in employment categories which normally are not staffed by promotion of Mid-Level career officers.

(C) Non-career members of the Senior Foreign Service of a Federal Government department or agency also may apply for the Senior Career Candidate Program if they meet the eligibility requirements for the program.

(iv) *Certification of need.* Before an application can be processed, the Director of Personnel of the foreign affairs agency concerned must certify that there is a need for the applicant as a Senior Career Candidate based upon (A) the projections of personnel flows and needs mandated by section 6701(c)(2) of the Act, and (B) a finding that the combination of educational background, professional work experience, and skills possessed by the applicant is not expected to be available in the immediate future in sufficient numbers within the Senior Foreign Service, including by promotion and/or special training of career personnel. This certification of need will be requested by the Board of Examiners for the Foreign Service from the appropriate foreign affairs agency Director of Personnel.

(2) *Application.* All applicants for the Senior Career Candidate Program must apply in writing through the prospective employing agency to the Board of Examiners for consideration. The applicant shall submit a completed Standard Form 171, "Personnel Qualifications Statement," and Form DSP–34, "Supplement to Application for Federal Employment," to the Board. In addition, the applicant shall submit a narrative statement, not exceeding four typewritten pages in length, describing the applicant's pertinent background and professional work experience, which includes a statement of the applicant's willingness and ability to accept the obligation of worldwide service. The Board may request additional written information from the applicant following receipt of the initial application.

(3) *Qualifications evaluation panel.* (i) The Board of Examiners will establish a file for each applicant, placing in it all available documentation of value in evaluating the applicant's potential for service as a Senior Career Candidate. For an applicant from within the Federal Government, this will include the personnel file from the employing department or agency.

(ii) The complete file will be reviewed by a Qualifications Evaluation Panel of the Board of Examiners to determine whether the applicant meets the statutory and other eligibility requirements, to assess the applicant's skills in accordance with the certification of need issued by the prospective employing agency, and to recommend whether the applicant should be examined for possible appointment as a Senior Career Candidate. If the Qualifications Evaluation Panel decides that the applicant is not eligible for examination, the prospective employing agency shall be informed by the Board of the reasons for that decision.

(4) *Written examination.* The Board of Examiners normally will not require Senior Career Candidate applicants to undergo a written examination. However, the Board may, upon securing the agreement of the prospective employing agency, decide that such applicants should be required to take an appropriate written examination prescribed by the Board. If so, an applicant whose score on the written examination is at or above the passing level set by the Board will be eligible for selection for the oral examination.

(5) *Oral examination.* (i) *Examining panel.* Applicants recommended by the Qualifications Evaluation Panel will be given an appropriate oral examination by a Panel of Senior Foreign Service deputy examiners of the Board of Examiners. The Oral Examining Panel shall be composed of at least two deputy examiners who are Senior Foreign Service career officers of the prospective employing agency, and at least one deputy examiner who is a Senior Foreign Service career officer from another foreign affairs agency operating under the Foreign Service Act. The Examining Panel shall be chaired by a deputy examiner who is a Senior Foreign Service career officer of the prospective employing agency. At least one of the Examining Panel members shall represent the functional or specialist field for which the applicant is being examined. Determinations of duly constituted panels of deputy examiners are final, unless modified by specific action of the Board of Examiners.

(ii) *Criteria.* (A) The Examining Panel will question the applicant regarding the indicated functional or specialist field and other matters relevant to the applicant's qualifications for appointment as a Senior Career Candidate. Prior to the oral examination, the applicant will be asked to write an essay, on a topic related to Foreign Service work, to enable the Examining Panel to judge the applicant's effectiveness of written expression. This essay requirement may be waived at the request of the head of the prospective employing agency, if, for example, the applicant is a career member of the Senior Executive Service.

(B) The oral examination will be conducted in accordance with written criteria, established in consultation with the prospective employing agency and publicly announced by the Board of Examiners. The examination will seek to determine the ability of the applicant to meet the objective of section 101 of the Act, which provides for a Senior Foreign Service "characterized by strong policy formulation capabilities, outstanding executive leadership qualities, and highly developed functional, foreign language, and area expertise."

(iii) *Grading.* Applicants taking the oral examination will be graded as "recommended," or "not recommended" by the Examining Panel. Those graded as "recommended" also will be given a numerical score, in accordance with the standard Board of Examiners scoring criteria, for use by the Final Review Panel.

(6) *Background investigation.* Senior Career Candidate applicants recommended by the Examining Panel will be subject to the same background investigation as required for Junior and Mid-Level Foreign Service Officer Career Candidates. The background investigation shall be conducted to determine suitability for appointment to the Foreign Service.

(7) *Medical examination.* Senior Career Candidate applicants recommended by the Examining Panel, and their dependents, will be subject to the same medical examination as required for the Junior and Mid-Level Foreign Service Career Candidates. The medical examination shall be conducted to determine the applicant's physical fitness to perform the duties of a Foreign Service officer on a world-wide basis and, for applicants 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. Applicants and/or dependents who do not meet the required medical standards may be given further consideration, as appropriate, in accordance with the

procedures of the prospective employing agency.

(8) *Foreign language requirement.* Applicants recommended by the Examining Panel will be required to take a subsequent examination to measure their fluency in foreign languages, and/or their aptitude for learning them. Senior Career Candidates will be subject to the foreign language requirements established for their occupational category by their prospective employing agency. Senior Career Candidate applicants for the Foreign Commercial Service must demonstrate proficiency by examination in two foreign languages. United States Information Agency Senior Career Candidates, other than Senior Specialist Career Candidates, must demonstrate proficiency in at least one foreign language. Except for the Foreign Commercial Service and the United States Information Agency, an applicant may be appointed without first having passed an examination in a foreign language, but the appointed Senior Career Candidate may not be commissioned as a Career Senior Foreign Service officer unless adequate proficiency in a foreign language is achieved. This language requirement will not apply to candidates in occupational categories which, in the judgment of the prospective employing agency, do not require foreign language proficiency.

(9) *Final review panel.* (i) The entire file of an applicant recommended by the Examining Panel will be reviewed and graded by a Final Review Panel, after the results of the background investigation, medical examination and language examination are received. The Final Review Panel will decide whether or not to recommend the applicant for appointment, taking into account all of the available information concerning the applicant.

(ii) The Final Review Panel shall consist of a chairperson who shall be a Deputy Examiner who is a career Senior Foreign Service officer of the prospective employing agency, and at least two other Deputy Examiners of the Board of Examiners. Of the Deputy Examiners serving on the Final Review Panel, the majority shall be career Senior Foreign Service officers of the prospective employing agency; and at least one shall be a career Senior Foreign Service officer of one of the other foreign affairs agencies operating under the Act.

(10) *Certification of appointment.* The file of an applicant recommended by the Final Review Panel will be submitted to the Board of Examiners for consideration and approval. An applicant found by the Board to meet the standards for appointment as a Senior Foreign Service Career Candidate shall be so certified to the Director of Personnel of the prospective employing agency.

(c) *Limited non-career appointments.* (1) Other Senior Foreign Service appointments may be made on a limited non-career basis for individuals who do not wish to compete for career appointments, but for whom a need can be certified by the Director of Personnel of the foreign affairs agency concerned. Such limited non-career senior appointees will be subject to the eligibility requirements set forth in § 11.30(b)(1) (i) and (iv). The maximum age set forth in § 11.30(b)(1)(ii) does not apply to such appointments. However, because Foreign Service members generally are subject to the mandatory retirement age of 65, in accordance with section 812 of the Act, limited non-career Senior appointments normally will not extend beyond the appointee's 65th birthday. Limited non-career appointees of the Department of Commerce and the United States Information Agency will not be subject to the language requirements of § 11.30(b)(8). Applicants for limited non-career senior appointments will be subject to the same background investigation and medical examination required of career candidates, but normally they will not be subject to a written or oral examination, or to approval by the Board of Examiners. Processing procedures for such applicants will be established by the Director of Personnel of the foreign affairs agency concerned. Their appointments normally will be limited to the duration of the specific assignments for which they are to be hired, may not exceed 5 years in duration, and may not be renewed or extended beyond 5 years.

(2) Prior to the expiration of their limited noncareer senior appointments, if they meet all the eligibility requirements set forth in § 11.30(b)(1), such individuals may elect to compete for career candidate status in the Senior Foreign Service by qualifying at that time for and taking the examinations required of career candidates. If appointed as career candidates, the length of service under their previous limited non-career appointments may be counted in accordance with the procedures of the employing agency as part of the trial period of service prescribed before a career candidate can receive a career appointment. The total period of limited appointment (non-career and career candidate) of such individuals may not exceed 5 years in duration.

(3) Nothing in this section will limit the right of an individual who has previously served as a limited noncareer senior appointee from subsequently applying for consideration as a new applicant and being appointed as a Senior Career Candidate after a limited non-career appointment has expired.

(d) *Reporting requirement.* The Director of Personnel of each foreign affairs agency shall report annually to the Director General of the Foreign Service, Department of State, the number and nature of the limited Senior Foreign Service appointments (non-career and career candidates) made by that agency in accordance with these regulations.

April 28, 1983.

Arlene Triplett,

Assistant Secretary for Administration, Department of Commerce.

May 9, 1983.

Louis G. Davis,

Assistant Administrator, Management Foreign Agricultural Service, Department of Agriculture.

May 20, 1983.

James T. Hackett,

Associate Director for Management, United States Information Agency.

May 25, 1983.

R. T. Rollis, Jr.,

Assistant Administrator for Management, Agency for International Development.

May 27, 1983.

Clint A. Lauderdale,

Deputy Assistant Secretary for Personnel, Bureau of Personnel, Department of State.

[FR Doc. 83-15674 Filed 6-9-83; 8:45 am]

BILLING CODE 4710-15-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

[Docket No. T-2]

Virgin Islands State Plan; Change of Location of Informal Public Hearing

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Change of location of informal public hearing.

SUMMARY: On May 6, 1983, OSHA published a notice in the **Federal Register** (48 FR 20434) requesting comments and scheduling an informal public hearing on whether final approval on the Virgin Islands State plan should be granted. A change in the availability of the announced hearing room has

occurred since that date. In view of this new information, OSHA has relocated the public hearing but has retained the same date, June 29, 1983.

DATE: The informal public hearing is now scheduled as follows: June 29, 1983: Virgin Islands Legislature, Conference Room, Veteran's Drive, Charlotte Amalie, St. Thomas, Virgin Islands. The hearing will begin at 9:30 a.m.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3637, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone (202) 523-8148.

Anyone who has not yet submitted a notice of intention to appear, and wishes to schedule an appearance now, may call Mr. Tom Hall, OSHA Office of Consumer Affairs, (202) 523-8024. Advance notice is preferred, although not required.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

(Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR Part 1902, Secretary of Labor's Order No. 8-76 (41 FR 25059))

Signed at Washington, D.C. this 6th day of June, 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83-15446 Filed 6-9-83; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Oil and Gas and Sulfur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed revision to the rules would provide an exemption from air quality review for Outer Continental Shelf (OCS) oil and gas facilities which are located more than 20 miles from shore for exploration activities and more than 50 miles from shore for development or production activities. Lessees would not be required to provide emissions information for such facilities. The Minerals Management Service is issuing this document as a part of the Department of the Interior's effort to review current regulations and amend any requirements that are found to be excessive, burdensome, or counterproductive.

DATE: Written comments and recommendations on this proposal to amend 30 CFR 250.57 must be delivered or postmarked by July 11, 1983.

ADDRESSES: Comments and recommendations may be mailed to Mr. David A. Schuenke, Offshore Rules and Operations Division, Mail Stop 646, Room 6A110, Minerals Management Service, U.S. Department of the Interior, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, telephone (703) 860-7916, (FTS) 928-7916.

SUPPLEMENTARY INFORMATION:

Background

The proposed rulemaking is part of a larger effort by the Department of the Interior to review current regulations and amend those requirements found to be excessive, burdensome, or counterproductive. The policy of the Department of the Interior, whenever practicable, is to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit comments, suggestions, or objections regarding the proposed rule to the location in the Addresses section of this preamble. Comments are specifically solicited on 30 CFR 250.57 concerning air quality.

Discussion of Changes

Current regulations implementing section 5(a)(8) of the OCS Lands Act, concerning air emissions from oil and gas operations on the OCS, effective June 2, 1980, were designed to ensure that air emissions from OCS facilities do not cause significant adverse effects on the onshore air quality of a State. The regulatory program provides for three steps for each air pollutant. The first two steps are screening procedures to determine whether emissions of an air pollutant from an OCS facility would significantly affect the onshore air quality of a State. The third step, if necessary, determines what measures a lessee must take to mitigate the impact of the emissions of an air pollutant which causes a significant effect.

Based on the review of facilities during the time since the rules became effective, the Minerals Management Service (MMS) has gathered information on the air pollutants emitted from OCS facilities. We have attempted to identify a distance from shore beyond which the largest and potentially most polluting facility practical for operation on the OCS would not adversely affect the onshore air quality. The proposal would exempt facilities located on the OCS beyond that distance from air emissions reporting and control otherwise required by the regulations.

The MMS proposal is premised on the requirement that OCS facilities do not significantly affect the onshore air quality, and accordingly, the distance from shore in the proposal reflects that requirement. We believe that few, if any, facilities located on the OCS beyond that distance would be likely to cause a significant impact onshore. The term significant impact refers to the significance levels as defined in 30 CFR 250.57-1(e).

It should be noted that the distance exemption of this proposal is intended to operate as a screen. It is anticipated that there will be facilities closer to shore that will be exempt under the current exemption formula using emission levels and distance factors.

The proposed distance-from-shore exemption is based on the existing exemption formula of 30 CFR 250.57-1(d) in which "E" (emissions in tons per year) = 33.3D (distance from shore in statute miles) and also reflects consideration of the pollutant emitted from OCS facilities, nitrogen oxides (NO_x), that is most likely to cause a significant impact.

In formulating the proposal for facilities described in exploration plans, emissions were estimated as emanating from a large dynamically-positioned drill ship as outlined in the May 1979 Radian Corporation study (Technical Support to USGS [U.S. Geological Survey] in Preparing Regulations for Implementation of the Air Quality Portion of Public Law 95-372). The estimate of 770 tons of NO_x per year was based on 365 days per year of operations, assuming a vessel remained on one tract drilling multiple wells while consuming 9,000 gallons of diesel fuel per day when drilling and assuming emission factors set out in the Compilation of Air Pollutant Emission Factors, Supplement No. 9, Environmental Protection Agency, 1979 (AP-42). Because drilling, casing, coring, and associated activities occur less than 90 percent of the time, the 770-ton value has been reduced to 690 tons per year which was translated to a distance from shore of about 20 statute miles using the exemption formula.

For facilities engaged in development and production activities, estimates were based on a maximum installed requirement of 13,000 horsepower with the assumption that diesel engines running at near full loading would be

used for all power generation. The AP-42 emission factors were used. An upper bound estimate of about 1,600 tons of NO_x per year resulted from those estimates which was translated to a distance from shore of about 50 statute miles using the exemption formula.

Comments and recommendations are solicited with respect to the MMS-proposed exemptions described above. Comments and recommendations are also solicited with respect to the following questions.

1. What alternative distance-from-shore exemptions should be considered; what assumptions should be used in determining the exemption such as facility or drilling scenarios, emission factors, fuel usage, and engine loading and related information; and what estimated number of OCS facilities would be affected by the alternative exemptions?

2. Should MMS develop separate criteria for diesel and gas turbine-power generation operations? If so, how should such criteria be implemented?

3. What engine loadings and fuel-consumption rates should be used to develop the distance-from-shore exemption?

4. Should a distance-from-shore exemption be premised on facilities other than the largest practical for use on the OCS? If so, how should such an approach be implemented?

5. Should there be separate criteria for facilities based on size, i.e., number of wells and amount of production? If, so, how should such criteria be implemented?

6. Due to the unusual demands created by severe weather conditions and due to limited operational experience in the Alaska OCS Region (especially in those areas north of the Arctic Circle), should the Alaska OCS Region be exempt from the proposed modification to the rule, or should alternate criteria be established in place of maximum horsepower for formulating the distance exemption for operations in those areas?

The primary effect of this rule as proposed would be that lessees whose facilities fall within the exemption would not be required to present the projected emission information required in 30 CFR 250.34–3(a)(4)(ii) or 3(b)(4)(ii). These sections of the rules require that a lessee submit only that information needed to make findings under 30 CFR 250.57. Because distance offshore will be the only information necessary to make those findings for facilities located beyond the specified distance from shore, the projected emission information would not be required in the plan review.

If the proposed distance exemptions had been in effect during the recent past, approximately two-thirds of exploration activities and one-half of development and production activities in the Gulf of Mexico OCS Region would have been exempt. Based on the location of existing and proposed lease sale tracts, it is anticipated that for the near future no activities would be exempt off the coast of California, few off the cost of Alaska, and the majority of activities would be exempt off the Atlantic coast.

Special circumstances could cause some facilities that are beyond the proposed specific distance from shore to exceed the exemption formula screening criteria and would necessitate use of an air quality model to determine whether the facilities were causing a significant onshore impact. For example, large amounts of sulfur dioxide might be emitted from facilities producing exceptionally sour gas, or large amounts of Volatile Organic Compounds might be emitted if offshore production is transported by tankers. Such activities might require mitigating measures.

For these cases, comments are specifically solicited on:

1. Identification of the special circumstances that might result in facilities beyond the proposed distance from shore exceeding the exemption formula amount.

2. Procedures to handle special cases. For example, should provisions be made for tankering? Should the special cases be handled on an individual basis as they arise, such as using the existing provisions in 30 CFR 250.57–1(j), or should specific rules attempt to cover every potentiality?

Authors: John Goll and Mitch Baer (703) 860–6461, and Jane Roberts and David Schuenke (703) 860–7916, Minerals Management Service, Department of the Interior.

Executive Order (E.O.) 12291; Regulatory Flexibility Act; The Paperwork Reduction Act; and National Environmental Policy Act of 1969

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 because the cost impact is estimated to be a savings of $70,000 annually. The Department also certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) as the entities that operate on the OCS are not considered small due to the extensive technical complexity and financial investment require to conduct such operations.

The information collection requirement(s) contained in 30 CFR 250.57 will be submitted to the Office of Management and Budget (OMB) for approval as required by 44 U.S.C. 3501 et seq. The collection of this information will not be required until it has been approved by OMB.

The Department has also determined that the proposed amendments to 30 CFR 250.57 do not constitute a major Federal action significantly affecting the quality of the human environment, and therefore, preparation of an environmental impact statement is not required.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts; Investigations, Mineral royalities, Oil and gas reserves, Penalties, Pipelines, Public lands/mineral resources, Reporting and recordkeeping requirements.

Dated: May 12, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

PART 250—[AMENDED]

For reasons set forth above, it is proposed that 30 CFR 250.57 be amended as shown.

§ 250.57 [Amended]

1. Section 250.57–1, Paragraph (d) is redesignated paragraph (d)(2).

2. A new paragraph (d)(1) is added to read as follows:

* * * * *

(d) * * *

(1) Distance-from-shore exemption:

(i) A facility described in an exploration plan is exempt from air quality review required by paragraphs (d)(2) through (i) of this section if the facility is located more than 20 statute miles from the closest onshore area within the baseline of a State from which the territorial sea is measured.

(ii) A facility described in a development and production plan is exempt from air quality review required by paragraphs d(2) through (i) of this section if the facility is located more than 50 statute miles from the closest onshore area within the baseline of a State from which the territorial sea is measured and if production from the facility is pipelined directly to shore.

* * * * *

[FR Doc. 83–15520 Filed 6–9–83; 8:45 am]

BILLING CODE 4310–MR–M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Public Comment and Opportunity for Public Hearing on Modified Portions of the Kentucky Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment submitted by the State of Kentucky as a modification to the Kentucky Permanent Regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment is submitted to satisfy condition (a) pertaining to the stocking plan approval for commercial forest land imposed by the Secretary of the Interior on the approval of the Kentucky program.

This notice sets forth the times and locations that the Kentucky program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m., July 11, 1983, to be considered.

A public hearing on the proposed modifications will be held on request only, on June 30, 1983, from 7:00 p.m. to 9:00 p.m., or until all comments have been heard.

Any person interested in making an oral or written presentation at the hearing should contact W. H. Tipton at the address and phone number listed below by the close of business five working days before the date of the hearing. If no one has contacted Mr. Tipton to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Tipton, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Adminstrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: W. H. Tipton, Director, Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.

The public hearing, if held, will be at the Harley Hotel, 2143 North Broadway, Lexington, Kentucky 40505.

Copies of the Kentucky program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OMS Offices and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.

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

Bureau of Surface Mining, Reclamation and Enforcement, Capitol Plaza Tower, Third Floor, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: W. H. Tipton, Director, Lexington Field Office, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504, Telephone: (606) 233-7327.

SUPPLEMENTARY INFORMATION: On December 30, 1981, Kentucky resubmitted its proposed regulatory program to OSM. On April 13, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of 12 minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the May 18, 1982, **Federal Register** (47 FR 21404-21435).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Kentucky program can be found in the May 18, 1982, **Federal Register** notice.

Condition (a) required Kentucky to submit copies of promulgated regulations eliminating the discretionary stocking plan approval for noncommercial forest land or otherwise amend its program to set standards for stocking when the post mining land use is forest land other than commercial forest. Additionally, the Secretary required Kentucky to utilize the reference area concept for these areas until condition (a) is removed.

Submission of Material to Satisfy Conditions

In accepting the Secretary's approval, Kentucky agreed to correct deficiency (a) by October 31, 1983. Kentucky submitted material dated May 4, 1983, to OSM to correct the deficiency. The State has developed "Technical Reclamation Memorandum #9" (TRM #9) to provide technical guidance procedures for reforested areas and to establish technical standards for ground cover, productivity, and stocking rates that may be used in lieu of the reference area method.

The Secretary seeks public comment on whether the material submitted satisfies condition (a). If the program amendment is approved, condition (a) in 30 CFR 917.11 will be removed.

Procedural Matters

1. Compliance with the National Environmental Policy Act: The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d) no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 1291 and the Regulatory Flexibility Act: On August 28, 1981, the Office of Management and Budget (OMB) granted OSM exemption from Sections 3, 4, 7 and 8 of Executive Order 1291 for actions directly related to approval of State regulatory programs. Therefore, this action is exempt from the preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act: This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 917

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

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq*).

Dated: June 7, 1983.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-15069 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AMS-FRL-2380-6]

Antitampering and Anti-Fuel Switching Programs To Reduce In-Use Emissions From Motor Vehicles

AGENCY: Environmental Protection Agency..

ACTION: Notice of Availability of Information; Request for Comments and Public Workshops.

SUMMARY: This Notice announces the availability of a draft EPA technical report on antitampering and antifuel switching programs to reduce in-use emissions from motor vehicles, and presents EPA's intent regarding the application of the report's results in the State Implementation plan (SIP) process.

DATES: EPA will consider comments received on or before July 25, 1983, in completing the report for publication and in developing any policy statement on its use.

Workshop will be held at: Washington, D.C.—June 24, 1983—U.S. Environmental Portection Agency, Room S-353, 401 M. Street S.W., Washington, D.C. 20460; Chicago—June 28, 1983—Blackstone Hotel, 636 South Michigan Avneue, Chicago, Illinois 60605; Los Angeles—June 30, 1983—Holiday Inn—Los Angeles International Airport, 9901 La Cienega Boulevard, Los Angeles, California 90045.

ADDRESSES: The draft technical report has been placed in Public Docket No. A-83-28, located at the Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery 1, LE-131, 401 M Street S.W., Washington, D.C. 20460. The docket may be inspected weekdays between 8:00 a.m. and 4:00 p.m. A reasonable fee may be charged for copying.

In addition, single copies of the draft technical report may be obtained by contacting: Mr. Alfonse Mannato (EN-397), Field Operations and Support Division, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 382-2667.

Those persons desiring to provide written comment on the draft report should submit those comments to Docket No. A-83-28 at the Central Docket Section address given earlier.

FOR FURTHER INFORMATION CONTACT: Mr. Alfonse Mannato, Field Operations and Support Division (EN-397F), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone (202) 382-2667.

SUPPLEMENTARY INFORMATION:

I. Background

Since the 1960's, automotive designers have added to and redesigned various components of the standard internal combustion engine to reduce its emission of hydrocarbons (HC), carbon monoxide (CO), and nitrogen oxides (NO_x). The success of their efforts is evident in the fact that new passenger vehicles emit only a small fraction of the HC, CO and NO_x emissions of pre-controlled cars.

The full benefit of these modifications, however, is not being realized in the field. EPA studies have shown repeatedly that maladjustments, and disablements, in the emission control systems of automobiles occur frequently, and that the result is often emission levels many times the design standards. In particular, EPA's 1982 Tampering and Fuel Switching Survey shows that tampering and fuel switching of the light-duty vehicle fleet is at very high levels. Overall, 20% of the vehicle fleet surveyed was either tampered or fuel switched. This rate climbs to 24.4% in the five non-Inspection/Maintenance (I/M) areas surveyed. The excess emissions attributable to these problems are a major source of HC, CO, and NO_x from mobile sources and a significant contributing factor to air pollution in urban areas.

Federal law and regulation prohibit retail gasoline stations and wholesale purchaser consumers, i.e., fleet operators with fuel dispensing facilities, from introducing, causing or allowing the introduction of leaded gasoline into vehicles designed for unleaded (fuel switching). Federal law also prohibits tampering by automobile manufacturers, dealers, automobile repair facilities and fleet operators. In addition, forty States have enacted laws which prohibit removing or rendering inoperative the emission control systems of vehicles or operating tampered vehicles on public highways. Tampering survey data, however, indicate widespread occurrences of disconnected emission controls in the in-use motor vehicle population. There is also a disturbingly high rate of the use of leaded fuel in catalyst vehicles.

In order to reduce the level of non-compliance among vehicle owners, States or local areas may wish to implement programs which require the inspection and repair of tampered emission control devices. There are also other strategies which aim at reducing the opportunity and incentive for tampering and misfueling among the general public. To assist interested State and local governments, EPA has investigated the current rate of tampering the fuel switching, calculated the effect of such actions on motor vehicle emissions, and estimated the emission reductions available from certain control strategies. The results of EPA's work are presented in the draft technical report entitled "Antitampering and Anti-Fuel Switching Programs to Reduce In-Use Emissions From Motor Vehicles."

The draft document estimates the emission benefits of various types of antitampering and anti-fuel switching programs. A number of assumptions were made to support the calculation methodology which appears in the document. The purpose of releasing this draft document is to obtain input from State and local governments and other interested parties as to whether the scope of the document is adequate, and whether the methodology and its supporting assumptions are appropriate. The purpose of the workshops is to explain the document and its technical basis and to meet with those parties who might possess information which would be of use in finalizing the report, and to allow all interested parties to provide input to the revision process.

II. Review of the Draft Technical Report

The following discussion provides an overview of the report's contents.

The potential benefits from antitampering and anti-fuel switching programs will be affected by: (1) How much tampering and fuel switching are occurring given existing efforts, if any, to control them; (2) the effects of tampering and fuel switching on the emissions from vehicles; and (3) the effectiveness of the program in reducing the observed rate of tampering and fuel switching. There are two ways in which antitampering and anti-fuel switching programs reduce excess emissions. First, a program may require repair and replacement of damaged or missing emission control components when they are discovered. Secondly, programs may deter tampering and fuel switching which would have occurred if the program had not been implemented. Any program's benefit will be some mix of these two elements.

The draft report discusses the current knowledge about tampering and fuel switching rates. Since 1978, EPA has conducted surveys of in-use vehicles in seventeen States and collected data from over 8,000 vehicles. The latest of these surveys, completed in 1982, collected data from nearly 3,000 cars in ten States. All of the surveys were conducted either in conjunction with a random police roadside pullover or as a

special, temporary addition to a safety or emissions inspection at State-run or private inspection stations. Although the inspections were voluntary, efforts were made to ensure as complete participation as possible. The draft report presents the data collected in the 1982 survey on four specific types of tampering—PCV, evaporative control system, air pump and catalyst removal—and fuel switching. Rates are calculated for each of the observed forms of tampering. Separate rates are presented which reflect the observed differences between passenger cars and light trucks and the differences between I/M and non-I/M areas.

In order to estimate the excess emissions caused by tampering and fuel switching on a future date, it was necessary to predict the tampering and fuel switching rates when the average age of the vehicles would be older than observed in the 1982 survey. Examination of the data showed an increase in the tampering and fuel switching rates as the average mileage of the sample increased. The draft report uses a linear regression equation fitted to the 1982 survey data to estimate future tampering and fuel switching rates.

The interpretation of the 1982 survey data to determine tampering rates was straightforward except for fuel switching. The survey examined three vehicle parameters relative to fuel switching: whether the lead content of the fuel in the tank was over the legal limit of 0.05 gram/gallon, whether the fuel inlet restrictor had been enlarged enough to allow a leaded fuel nozzle to be used, and whether lead sensitive test paper detected lead deposits in the tailpipe. Because of the uncertainties associated both with the tailpipe test and the unknown level of damage of the catalysts of these vehicles the draft report excluded vehicles which did not have fuel inlet enlargement or the presence of leaded fuel in the tank before calculating the fuel switching rate.

The effect of a particular disablement of a specific emission control component on vehicle emissions is not easy to quantify. There are many different varieties of similar emission control devices which can differ from manufacturer to manufacturer and from model year to model year. This variation will result in different tampering effects on vehicle emissions. The effect of a particular disablement is also dependent on engine type, overall state of tune, and the condition of other emission control components. EPA has conducted some testing to assess the impact of disablements. Usually the Federal Test Procedure (FTP) and other tests were performed with and without a particular emission control component disconnected. The draft report calculates the effect of disablements from these test data where available. Where adequate test data are not available, the report estimates the change in emissions by comparing known controlled and uncontrolled emission levels of vehicles from different model years. While EPA believes that the draft report estimates the effect of tampering and fuel switching using the best information available, there remains the fact that test data are sparse and a certain level of uncertainty remains.

Benefits from anti-tampering and anti-fuel switching programs are obtained by addressing two problems, existing tampering and fuel switching and the tampering and fuel switching which has not yet occurred. The draft report calculates the effect of various program options on reducing emissions in either or both of these categories. The benefits section of the report introduces the concept of a program effectiveness factor for each inspection element. The effectiveness factor takes into account the fact that a certain amount of tampering will go undetected and unrepaired even in the presence of a tampering inspection. It also accounts for the likely success of the program in deterring subsequent tampering and fuel switching. Separate benefits are calculated for adding a tampering check to an I/M program and for implementing an antitampering program in the absence of an emissions inspection. Various field enforcement efforts such as random roadside pullovers or programs which inspect retail gasoline stations for fuel switching are also evaluated.

Some of the programs discussed in the report will provide substantial emission reduction. The programs which in fact would provide the largest reductions would require replacement of catalysts on a large portion of the vehicle fleet on the basis of apparent misfueling (i.e., tampered filler inlets, and evidence of lead particles in the exhaust pipe.). The establishment of such programs may be difficult from a public acceptance viewpoint, because there is uncertainty as to the extent of deactivation of the catalysts, and because the program would require replacement of these catalysts on older vehicles.

EPA is investigating the feasibility of various test procedures which could be used in the field which would reduce the uncertainty regarding catalyst deactivation.

This would reduce some of the uncertainty and increase the likelihood of public acceptance for such programs—at least with respect to the recent model year vehicles. It would not, however, deal with the question of repair of older vehicles.

Because of the likely connection to the SIP process in non-attainment areas, the benefits have been calculated at a December 31, 1987 evaluation point and are expressed as milligrams per mile. States or local areas planning to implement a program can then apply the benefits by subtracting from the currently projected December 31, 1987 emission factor.

The draft report also addresses the general administrative requirements which are considered necessary for achieving the specific emission reduction credits calculated from the data. There requirements cover the areas of training, quality control, enforcement and public awareness.

Written comments on EPA's report methodology are invited. The record will remain open until August 25, 1983 and comments should be submitted to the EPA docket identified above. It is also requested, but not required, that a copy of any submittal be sent directly to Mr. Alfonse Mannato at the address listed previously.

Dated: June 3, 1983.

Charles L. Elkins,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 83 15612 Filed 6-6-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-5-FRL 2367-1]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing approval of a revision to the Wisconsin State Implementation Plan (SIP). This action is based upon a request from the State of Wisconsin, Department of Natural Resources, to incorporate into the Wisconsin SIP additional controls adopted by the State for fugitive dust emissions in or near nonattainment areas for total suspended particulate matter (TSP). The intent of today's rulemaking is to discuss the material submitted by the State to support the request, and to provide an opportunity

for the public to comment on the revision and EPA's proposed action.

DATE: Comments on this revision and on EPA's proposed action must be received by July 11, 1983.

ADDRESSES: Copies of the SIP revision and other materials relating to this rulemaking are available for inspection at the following addresses:

Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707.

Comments on this proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AP26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Sharon Reinders (312) 886-6034.

SUPPLEMENTARY INFORMATION:

1. Background

The Clean Air Act (Act) amendments of 1977 added a new subsection 107(d) to the Act which required each State to submit a list of the National Ambient Air Quality Standards (NAAQS) attainment status of each air quality control region within the State to the Administrator of the EPA. Pursuant to section 107(d), the Administrator promulgated the attainment status for each area of every State on March 3, and October 5, 1978 (43 FR 8962, 43 FR 45993). For specific section 107 attainment status designations, see the Code of Federal Regulations, Title 40, Chapter I, Part 81 (40 CFR Part 81). The 1977 amendments also added a new Part D to the Act which required each State to amend its SIP to provide for attainment of each NAAQS in each nonattainment area not later than December 31, 1982, with certain exceptions for attainment of the ozone and carbon monoxide NAAQS. The exceptions are not relative to this rulemaking action and will not be discussed further.

With respect to the attainment status designation for TSP in the State of Wisconsin, the Administrator has designated portions of certain Counties in the State as nonattainment for the primary TSP standard and other portions as nonattainment for the secondary TSP standard. The reader is again referred to 40 CFR 81.350 for the specific nonattainment areas of each County. Subsequently, Wisconsin revised the TSP portion of its SIP to provide for attainment of the primary and secondary TSP standards in Rock, Milwaukee, and Waukesha Counties by December 31, 1982. In June 1981, the State submitted the final revision of its TSP SIP to EPA, pursuant to Part D of the Act. The SIP consists of regulations contained in Wisconsin Administrative Code (WAC) NR 154.01, Definitions, NR 154.11, Control of Particulate Emissions, and associated Technical Support Documents issued by the State. With the exception of one element in WAC NR 154.11(7), EPA approved Wisconsin's Part D SIP for the TSP nonattainment areas in Rock, Milwaukee, and Waukesha Counties on March 9, 1983 (48 FR 9860).

2. Revision to Wisconsin's SIP for TSP

In today's rulemaking action, EPA is announcing receipt of an additional request from the State of Wisconsin, dated December 7, 1982, for revision of its SIP for TSP. The revision consists of two amendments to WAC NR 154.01 and NR 154.11(2) which clarify the fugitive dust emission limitation in TSP nonattainment areas in Rock, Milwaukee, and Waukesha Counties and revise the applicability criteria for both the public and private sources to which the regulations apply.

The first amendment to WAC NR 154.01 creates definitions for "motor vehicle" or "vehicle", and "trafficable area". The first amendment also repeals NR 154.11(2)(b)1; renumbers NR 154.11(2)(b)2., 3., and 4. to NR 154.11(2)(b)1., 2., and 3.; renumbers NR 154.11(2)(c) to NR 154.11(2)(d); and creates NR 154.11(2)(c). This amendment was effective in the State on April 1, 1982.

The second amendment to WAC NR 154.01 creates definitions for "highway", "municipality", "public trafficable area", and "roadway". The amendment further creates WAC NR 154.11(2)(e) pertaining to control of fugitive dust from publicly owned roadways and trafficable areas in or within one mile of nonattainment areas for TSP. The amendment was effective in the State on November 1, 1982.

Under the amendments, all subject areas, private or public owned, that are located inside or within 1 mile of the TSP nonattainment areas identified by the State, which have a total area of at least 20,000 square feet and are subject on 3 separate days during any 14-consecutive-day period to a traffic rate of at least 10 vehicles per 60-minute period, would be required to meet the control measures contained in WAC NR 154.11(2).

The amendments also revise the appropriate cross reference in the compliance schedule, section NR 154.11(2)(d), that must be met by owners or operators of affected sources. The compliance schedule for the subject sources set forth at NR 154.11(2)(b) and (c) is unchanged from SIP approved by EPA at 48 FR 9860. The compliance schedule requirements for roadways or public trafficable areas set forth at section NR 154.11(2)(e) commences on November 1, 1982, the date that the new rule was effective in the State.

3. Conclusion

EPA has reviewed these amendments and concludes that the controls extend above and beyond the requirements of the Act and the Part D SIP for TSP previously approved by EPA. Accordingly, EPA sees no reason to deny the State's request to approve the amendments to WAC NR 154.01 and NR 154.11(2) as a revision to the Wisconsin SIP. The complete text of this revision can be found in the Wisconsin Administrative Code and in the TSP portion of the Wisconsin in SIP.

The Office of Management and Budget has exempted this rule from the 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, Intergovernmental relations

This notice is issued under authority of Sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: May 6th, 1983.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 83-15613 Filed 6-9-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 145

[OW FRL 2380-5]

Colorado Oil and Gas Conservation Commission Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Comment Period and of Public Hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the Colorado Oil and Gas Conservation Commission requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the application is now available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part and disapprove in part the application of the Colorado Oil and Gas Conservation Commission to regulate Class II oil and natural gas related injection wells.

DATES: Requests to present oral testimony should be filed by July 11, 1983. The public hearing will be held on July 12, 1983, in two sessions: 10:00 a.m. and 7:00 p.m. Written comments must be received by July 12, 1983.

ADDRESSES: Comments and requests to testify should be mailed to Patrick A. Crotty, Drinking Water Branch (8WM-DW), Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. Copies of the application and pertinent materials are available between 8:30 a.m. and 4:00 p.m., Monday through Friday, at the following locations:

Evironmental Protection Agency, Region VIII, Drinking Water Branch, 1860 Lincoln Street, Sixth Floor, Denver, Colorado 80295, PH: (303) 827-2731

Colorado Oil and Gas Conservation Commission, Room 721, Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, PH: (303) 866-3531.

The Hearing will be held in the Federal Building, Room 239, 1961 Stout Street, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Patrick A. Crotty, Chief, Colorado/North Dakota/Wyoming Section, Drinking Water Branch, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. (303) 837-2731.

SUPPLEMENTARY INFORMATION: This application from the Colorado Oil and Gas Conservation Commission is for the regulation of all Class II oil and natural gas related injection wells in the State.

Class II injection wells include those which inject fluids: (1) Which have been brought to the surface in connection with conventional oil and natural gas production and are disposed of through such injections; (2) for enhanced recovery of oil or natural gas (i.e. water flooding); and (3) for storage of hydrocarbons which are liquid at standard pressure and temperature. There are approximately 1,000 Class II injection wells in the State of Colorado.

This application includes a description of the State Underground Injection Control program, copies of all applicable regulations and forms, a statement of legal authority, and the memorandum of agreement between the Colorado Oil and Gas Conservation Commission and the Region VIII office of the Environmental Protection Agency.

Dated: June 6, 1983.

Rebecca W. Hanmer,

Acting Asssstant Administrator for Water.

[FR Doc. 83-15611 Filed 6-9-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

[Docket No. 30606-102]

Snapper-Grouper Fishery of the South Atlantic; Implementation of Conservation and Management Measures

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

ACTION: Proposed rule.

SUMMARY: NOAA issues and requests comments on this proposed rule to implement conservation and management measures as prescribed in the proposed Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic. Currently, a number of the major species in the fishery are being harvested at less than optimal sizes, and certain harvest techniques have resulted in controversy among user groups. The proposed rule would: (1) Establish minimum sizes for certain species and (2) establish limitations on the use of certain gear including poisons, explosives, fish traps, and trawls for the taking of fish in the snapper-grouper fishery. The intended effect of the proposed rule is to prevent overfishing, restore to the optimum level those species that are overfished, and promote orderly utilization of the resource.

DATE: Comments on the proposed rule must be received on or before July 25, 1983.

ADDRESSES: Comments on the proposed rule, and requests for copies of the plan, the regulatory impact review/initial regulatory flexibility analysis, or final environmental impact statement should be sent to Jack T. Brawner, Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Jack T. Brawner, 813-893-3141.

SUPPLEMENTARY INFORMATION: The South Atlantic Fishery Management Council (Council) prepared the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (FMP). A notice of availability of the FMP was published in the **Federal Register** on May 13, 1983 (48 FR 21607). These proposed regulations implement the FMP

The FMP manages the snapper-grouper fishery throughout the fishery conservation zone (FCZ) off the southern Atlantic coastal States from the Virginia-North Carolina border south to the boundary line between the Gulf of Mexico and South Atlantic Fishery Management Councils. A more precise definition of the southern boundary line is found in § 646.2.

The FMP covers 69 species of fish including snappers, sea basses, groupers, porgies, grunts, tilefishes, triggerfishes, wrasses, and jacks. Minimum sizes are proposed for red snapper, vermilion snapper, yellowtail snapper, red grouper, Nassau grouper, and black sea bass. For black sea bass the management regime applies only south of Cape Hatteras, North Carolina. Black sea bass north of Cape Hatteras are considered a separate stock and will be managed by the Mid-Atlantic Fishery Management Council under a separate plan. In addition, jewfish are protected from being harvested by certain gear.

Background

Species in the snapper-grouper fishery support valuable commercial and recreational fisheries in the South Atlantic area. Approximately 1,400 vessels are currently engaged in the commercial sector of the fishery. These vessels are capable of operating in both the nearshore and distant offshore fishing grounds. The four dominant types of commercial gear are hook and line, bottom longline, trap, and trawl. In 1981, the total commercial harvest equaled about 9.9 million pounds and had an exvessel value of $9.6 million. The total regional economic impact of the commercial snapper-grouper fishery was estimated to have been $28.4 million in 1981.

The recreational sector includes 95 head boats, 71 charter boats, and approximately 46,000 private boats. Total recreational landings of species in

the fishery were approximately 14.4 million pounds in 1979. The most recent data indicated that the direct economic impact of recreational fishing for snapper-grouper in the South Atlantic area in 1975 was $135 million, including related expenditures for such items as bait, fuel, and lodging.

Yield-Per-Recruit

The principal focus of this FMP is to maximize yield-per-recruit (YPR) from the fishery. The Council concluded that YPR is the appropriate methodology for evaluating management approaches directed at such maximization. YPR is a theoretical calculation based on known growth and natural mortality rates that allows an estimate of relative yield (i.e., the quantity of fish available to be harvested) from a fishery without knowing landings. Yield is predicted according to the growth pattern of individual fish, rather than the growth of the entire population. An index of yield per fish rather than an absolute total weight per year from the fishery is calculated. This index is called YPR.

Biological data exist for conducting YPR analysis on 17 of the 69 species in the snapper-grouper fishery. Evaluation of the 17 species indicates that red hind, graysby, white grunt, and tomtate are not in the range of growth overfishing. (Growth overfishing means that the fish are being harvested before reaching their optimum harvest size; this results in a decreased yield from the fishery.) Thirteen species are likely to be in a range of growth overfishing: vermilion snapper, red snapper, yellowtail snapper, black sea bass, red grouper, Nassau grouper, gray snapper, speckled hind, scamp, gag grouper, yellowfin grouper, black grouper, and red porgy.

The Council concluded that growth overfishing should be resolved by imposing minimum sizes. Each minimum size was evaluated in the following manner: (1) Choice of the minimum size; (2) internal rate of return (IRR) analysis, which compares the short-term loss by weight against the long-term gain by weight for 20 years after a minimum size is implemented, taking into account the survival rate of released fish; and (3) evaluation of distributional impacts (which occur when minimum size restrictions force one group of fishermen to forego harvesting small fish that are then harvested later (when they are larger) by another group of fishermen. Based on these three steps and the criteria outlined in each, a minimum harvest size for vermilion snapper, red snapper, yellowtail snapper, black sea bass, red grouper, and Nassau grouper is justified.

Those species for which data do not permit evaluation will be monitored and when the catch indicates that a species is in or near the range of growth overfishing, minimum sizes will be evaluated and if justified will be implemented by the Secretary of Commerce (Secretary) amending the regulations rather than through amendments to the FMP itself. This procedure is outlined under the discussion of minimum sizes.

Optimum Yield

Optimum Yield (OY) for each species (other than jewfish) is the yield that results from the recommended minimum size. The numerical estimate of OY is the estimated numerical value of YPR (measured in grams) derived from the best estimate of population parameters available. At this time, OY is the YPR that occurs with the population parameters specified in the YPR Appendix (Appendix A in the FMP) for each species regulated by a minimum size:

	Minimum harvest size (inches)	Optimum yield [1]
Vermilion snapper	12	177.19
Red snapper	12	540.64
Yellowtail snapper	12	450.10
Black sea bass	8	100.30
Red grouper	12	263.83
Nassau grouper	12	263.83

[1] Yield-per-recruit in grams with minimum size.

OY for jewfish is all jewfish harvested by U.S. fishermen utilizing lawful gear. The numerical estimate is the 1981 recorded commercial landings of 19,000 pounds.

Minimum Sizes

Existing data justify imposition of a minimum size (total length) on six species to control growth overfishing: vermilion snapper, 12 inches; red snapper, 12 inches; yellowtail snapper, 12 inches; black sea bass, 8 inches; red grouper, 12 inches; Nassau grouper, 12 inches.

These minimum sizes will result in increases in yield ranging between 8 and 91 percent depending on the species and assuming constant recruitment. Size limits are not proposed for the seven remaining species (of the 13 in the range of growth overfishing) because of unknown survival rates of released fish and unknown or unacceptable distributional impacts.

Additional minimum sizes for other species or changes in minimum size will be implemented in the following manner. A monitoring team will analyze relevant fishery data. When the data indicate that a species is in or near the range of growth overfishing, the monitoring team will evaluate alternative minimum sizes in accordance with criteria established in the FMP. The team will then submit a report to the Council recommending adopting or rejecting further minimum sizes.

The team's report, along with an environmental assessment or supplemental environmental impact statement and/or regulatory impact review as appropriate, will be submitted to the Council for its consideration. If the Council concurs with the team's suggestions, the Council will recommend implementation of additional minimum sizes and appropriate adjustments to OY, domestic annual harvest, and total allowable level of foreign fishing to the Secretary. If the Secretary concurs, these regulations will be proposed to modify the existing regime.

Gear Limitations

Vermilion snapper are taken primarily by trawls and the majority of the fish retained are very small (i.e., 5 to 10 inches). The taking of such undersized fish results in approximately a 34 percent reduction in potential yield and results in an economic loss, particularly since larger fish command a higher price. A 4-inch minimum mesh size for trawl nets targeting species in the snapper-grouper fishery is proposed to increase the minimum size of vermilion snapper retained to 12 inches. However, any vermilion snapper taken using trawl nets with a mesh size of 4 inches or larger may be retained even if the fish is shorter than 12 inches. The size limits proposed for other species must be complied with when using trawls. Fishermen utilizing such trawl nets will be given one year from the date of implementation of the FMP to comply with the minimum-mesh-size regulation.

In recent years, there has been an increase in the use of fish traps that has resulted in intense competition among user groups in narrow shelf areas off south Florida. In 1980, the State of Florida banned the use and possession of fish traps; these prohibitions apply to all persons within, and to Florida residents fishing beyond, State waters.

The Council has elected to allow and regulate the use of fish traps by specifying proposed managment measures which address concerns regarding their use; such regulation will supersede the application of Florida trap law with respect to fishing beyond Florida's seaward boundary. Fish traps are prohibited shoreward of the 100-foot

contour, south of 25° 35.5' N. latitude (Fowey Rocks Light, Florida). This prohibition would separate traps from other gear along the narrow shelf area where competition, primarily with recreational fishermen, is most intense. Any fish traps deployed within the prohibited area may be seized by an authorized officer. Degradable panels or degradable door fasteners will be required on all fish traps to prevent lost traps from retaining fish and thus wasting the resource. Also, a minimum trap mesh size of 1 x 2 inches or 1.5-inch hexagonal is proposed to be effective one year after the FMP is implemented. This measure will prevent the use of mesh smaller than is currently used, thereby minimizing the potential harvest of small, unmarketable fish. The one-year grace period is designed to allow fishermen to replace traps as they wear out.

The FMP proposes to prohibit the harvest of jewfish by spears, spearguns, pole guns, and powerheads. Thus, the esthetic enjoyment of seeing large jewfish for recreational divers is preserved.

The use of poisons and explosives (exclusive of powerheads) for taking fishes of the snapper-grouper fishery is prohibited. However, poisons may be used if authorized by permit under State or Federal law. This measure will prevent alteration and destruction of habitat and incidental mortality of non-target species.

Harvest Limitations

The FMP proposes certain limitations on harvest practices involving fish traps to reduce conflicts within the fishery and aid in the enforcement of these regulations. No person may tend or pull another's fish traps without the owner's written permission. South of 28° 24.5' N. latitude (Cape Canaveral, Florida) fish traps may only be pulled between the period one hour before sunrise and one hour after sunset, and must be identified as belonging to the boat or vessel fishing them. (This gear identification provision is being held in reserve until a region-wide system is developed.)

The FMP indicates that traps and trap buoys will be identified as belonging to the boat or vessel fishing the traps. However, further discussion with the Council revealed that its intent was that the measure would apply only south of Cape Canaveral. This intent is indicated in the FMP by the exclusion of black sea bass traps (fished primarily north of Cape Canaveral) from the identification requirement.

Special Management Zones

Holders of U.S. Army Corps of Engineers artificial reef or fish attraction device permits may petition the Council to designate the area surrounding their artificial reef or fish attraction device as a special management zone (SMZ). Such designation would prohibit or restrain, in the SMZ, the use of fishing gear which is incompatible with the purpose for which such artificial reef or device was established. A Council monitoring team will consider such petition and report its recommendation thereon to the Council. If the Council concludes that such a SMZ should be established, it may refer the matter to the Secretary with a recommendation that he promulgate implementing regulations.

Catch Monitoring

To monitor attainment of OY, provide information necessary for further YPR analysis, and to evaluate other stock assessment methods, the FMP proposes that statistical reporting agents will sample and inspect recreational and commercial landings. Fishermen and dealers whose catch is selected for sampling and inspection must make their fish available to statistical reporting agents. This sampling method will be supplemented by information regarding landings and value as compiled in "Fishery Statistics of the United States."

Procedures for Disposition of Illegally Fished Fish Traps

The regulations provide abandonment procedures for fish traps deployed within the prohibited area. These procedures authorize the disposition of the traps by the Secretary or an authorized officer. The procedures supplement the procedures provided for seizure, forfeiture, and disposal in 50 CFR Part 219. Special characteristics of the trap fishery necessitate this additional method of abandonment and disposal of fish traps deployed in the prohibited area. First, the traps are heavy and bulky, which makes them difficult to handle without proper equipment. Currently, this equipment is not available to law enforcement officers. Second, limited resources, both in terms of time and money, make it impracticable, if not impossible, for authorized enforcement officers to haul all illegal traps to shore and to store them for the one-year time period required by 50 CFR 219.29 before the traps can be destroyed. The procedure of abandonment and destruction provided in these regulations will discourage illegal fishing with fish traps.

Classification

Section 304(a)(1) (C)(ii) of the Magnuson Fishery Conservation and Management Act, as amended, (Magnuson Act), requires the Secretary to publish regulations proposed by a council within 30 days of receipt of the FMP and regulations. At this time the Secretary has not determined that this FMP is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Council prepared a draft environmental impact statement for this FMP; a notice of availability was published on August 20, 1982, (47 FR 36468).

The NOAA Administrator determined that this proposed rule is not a major rule requiring a regulatory impact analysis under Executive Order 12291. The Council proposed a regulatory impact review (RIR) which concludes that this rule will have a following economic effects.

The proposed regulations will result in benefits to the fishermen and to the economy that are greater than the associated Federal costs to manage the fishery on a continuing basis. Benefits that will accrue from implementing the proposed measures come from the minimum sizes on red snapper, vermilion snapper, yellowtail snapper, black sea bass, red grouper, and Nassau grouper. The benefit/cost analysis was performed utilizing a 20-year planning horizon. The benefit/cost ratio is defined as present value benefits divided by present value costs. There are alternative benefit/cost ratios depending on the assumed per pound value of the fish to commercial and recreational fishermen:

Assumed per pound value	Benefit/cost ratio
$0.75	$15,539,462/$4,085,128=3.80
$1.00	$20,719,283/$4,085,128=5.07
$1.25	$25,899,104/$4,085,128=6.34
$1.50	$31,078,925/$4,085,128=7.61

The conclusion is that the return for government investment, in implementing minimum size restrictions for the six fish species, ranges from $3.80 to $7.61 for each dollar invested. You may obtain a copy of this review from the Regional Director at the address listed above.

This proposed rule is exempt from the procedures of Executive Order 12291 under section 8(a)(2) of that order. Deadlines imposed under section 304 of the Magnuson Act require the Secretary

to publish this proposed rule 30 days after its receipt. Accordingly, the proposed rule is being reported to the Director, Office of the Management and Budget, with an explanation of why it is not possible to follow procedures of the order.

The rules to implement the FMP are subject to provisions of the Regulatory Flexibility Act (RFA). The Council prepared an initial regulatory flexibility analysis (IRFA) in conjunction with the RIR, as provided by section 605(a) of the RIR/IRFA; this analysis is summarized above. On the basis of this RIR/IRFA, the NOAA Administrator determined that this proposed rule will have a significant economic impact on a substantial number of small entities. You may obtain a copy of the RIR/IRFA from the Regional Director at the address noted above.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Florida, South Carolina, and North Carolina. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

List of Subjects in 50 CFR Part 646

Fish, Fisheries, Fishing.

Dated: June 7, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set out in the preamble, Chapter VI of 50 CFR is proposed to be amended by adding a new Part 646 to read as follows:

PART 646—SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Subpart A—General Provisions

Sec.

646.1 Purpose and scope.
646.2 Definitions.
646.3 Relationship to other laws.
646.4 Catch monitoring.
646.5 Gear identification. [Reserved]
646.6 Prohibitions.
646.7 Facilitation of enforcement.
646.8 Penalties.

Subpart B—Management Measures

646.20 Harvest limitations.
646.21 Size limitations.
646.22 Gear limitations.
646.23 Specifically authorized activities.

Authority: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 646.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic prepared by the South Atlantic Fishery Management Council under the Magnuson Act.

(b) This part regulates fishing for fish in the snapper-grouper fishery by fishing vessels within the South Atlantic portion of the fishery conservation zone.

§ 646.2 Definitions.

In addition to the definitions in the Magnuson Act, and unless the context requires otherwise, the terms used in this part have the following meaning:

Authorized officer means—

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any certified enforcement officer or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Authorized statistical reporting agent means—

(a) Any person so designated by the Center Director;

(b) Any person so designated by the head of any Federal or State agency which has entered into an agreement with the Secretary to collect fishery data.

Center Director means the Center Director or a designee, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149; telephone 305-361-5761.

Commercial fisherman means a person who sells, trades, or barters any part of his catch of fish.

Dealer means the person who first receives by way of purchase, barter, or trade fish from a commercial fisherman.

Fish in the snapper-grouper fishery means the following species:

Snappers—Lutjanidae

Black snapper—*Apsilus dentatus*
Queen snapper—*Etelis oculatus*
Mutton snapper—*Lutjanus analis*
Schoolmaster—*Lutjanus apodus*
Blackfin snapper—*Lutjanus buccanella*
Red snapper—*Lutjanus campechanus*
Cubera snapper—*Lutjanus cyanopterus*
Gray snapper—*Lutjanus griseus*
Mahogany snapper—*Lutjanus mahogoni*
Dog snapper—*Lutjanus jocu*
Lane snapper—*Lutjanus synagris*
Silk snapper—*Lutjanus vivanus*
Yellowtail snapper—*Ocyurus chrysurus*
Vermilion snapper—*Rhomboplites aurorubens*

Sea Basses—Serranidae

Bank sea bass—*Centropristis ocyurus*
Rock sea bass—*Centropristis philadelphica*
Black sea bass—*Centropristis striata*

Groupers—Serranidae

Rock hind—*Epinephelus adscensionis*
Graysby—*Epinephelus cruentatus*
Speckled hind—*Epinephelus drummondhayi*
Yellowedge grouper—*Epinephelus flavolimbatus*
Coney—*Epinephelus fulvus*
Red hind—*Epinephelus guttatus*
Jewfish—*Epinephelus itajara*
Red grouper—*Epinephelus morio*
Misty grouper—*Epinephelus mystacinus*
Warsaw grouper—*Epinephelus nigritus*
Snowy grouper—*Epinephelus niveatus*
Nassau grouper—*Epinephelus striatus*
Black grouper—*Mycteroperca bonaci*
Yellowmouth grouper—*Mycteroperca interstitialis*
Gag—*Mycteroperca microlepis*
Scamp—*Mycteroperca phenax*
Tiger grouper—*Mycteroperca tigris*
Yellowfin grouper—*Mycteroperca venenosa*

Porgies—Sparidae

Sheepshead—*Archosargus probatocephalus*
Grass porgy—*Calamus arctifrons*
Jolthead porgy—*Calamus bajondo*
Saucereye porgy—*Calamus calamus*
Whitebone porgy—*Calamus leucosteus*
Knobbed porgy—*Calamus nodosus*
Red porgy—*Pagrus pagrus*
Longspine porgy—*Stenotomus caprinus*
Scup—*Stenotomus chrysops*

Grunts—Haemulidae

Black margate—*Anisotremus surinamensis*
Porkfish—*Anisotremus virginicus*
Margate—*Haemulin album*
Tomtate—*Haemulon aurolineatum*
Smallmouth grunt—*Haemulon chrysargyreum*
French grunt—*Haemulon flavolineatum*
Spanish grunt—*Haemulon macrostomum*
Cottonwick—*Haemulon melanurum*
Sailors choice—*Haemulon parrai*
White grunt—*Haemulon plumieri*
Blue striped grunt—*Haemulon sciurus*

Tilefishes—Malacanthidae

Blueline tilefish—*Caulolatilus microps*

Tilefish (Golden)—*Lopholatilus chamaeleonticeps*
Sand tilefish—*Malacanthus plumieri*

Triggerfishes—Balistidae

Gray triggerfish—*Balistes capriscus*
Queen triggerfish—*Balistes vetula*
Ocean triggerfish—*Canthidermis sufflamen*

Wrasses—Labridae

Hogfish—*Lachnolaimus maximus*
Puddingwife—*Halichoeres radiatus*

Jacks—Carangidae

Yellow jack—*Caranx bartholomaei*
Blue runner—*Caranx crysos*
Crevalle jack—*Caranx hipppos*
Bar jack—*Caranx ruber*
Greater amberjack—*Seriola dumerili*
Almac jack—*Seriola rivoliana*

Fish trap means any trap and the component parts thereof used for or capable of taking finfish, regardless of the construction material, except those traps historically used in the directed fisheries for crustaceans (blue crab, stone crab, and spiny lobster). Fish trap further means those traps used to fish for black sea bass.

Fishery conservation zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity, other than scientific research conducted by a scientific research vessel, which involves—

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraph (a), (b), or (c) of this definition.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—

(a) Fishing; or

(b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Magnuson Act means the Magnuson Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 *et seq.*)

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means—

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time or voyage; or

(c) Any person who acts in the capacity of a charterer, including, but not limited to, parties to a management agreement, operating agreement, or other similar arrangement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by any person described in paragraph (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Powerhead means any device with an explosive charge, usually attached to a speargun, spear, pole, or stick, which fires a projectile upon contact.

Regional Director means the Regional Director, or a designee, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702; telephone 813–893–3141.

Secretary means the Secretary of Commerce, or a designee.

South Atlantic means that portion of the FCZ along the Atlantic coastal states south of the Virginia-North Carolina border to the boundary between the Gulf of Mexico and the Altantic Ocean. The boundary between the Gulf of Mexico and the Atlantic Ocean begins at the intersection of the outer boundary of the FCZ and 83° W. longitude, proceeds, north to 24° 35′ N. latitude (Dry Tortugas), east to Marquesas Key, then through the Florida Keys to the mainland.

Total length means the distance from the tip of the head (snout) to the furthermost tip of the tail (caudal fin).

U.S. fish processors means facilities located within the United States for, and vessels of the United States, used for or equipped for, the processing of fish for commercial use or consumption.

U.S.-harvested fish means fish caught, taken, or harvested by vessels of the United States within any foreign or domestic fishery regulated under the Magnuson Act.

Vessel of the United States means—

(a) Any vessel documented under the laws of the United States;

(b) Any vessel numbered in accordance with the Federal Boat Safety Act of 1971 (46 U.S.C. 1400 *et seq.*) and measuring less than five net tons; or

(c) Any vessel numbered under the Federal Boat Safety Act of 1971 (46 U.S.C. 1400 *et seq.*) and used exclusively for pleasure.

§ 646.3 Relationship to other laws.

(a) Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities.

(b) Certain responsibilities relating to data collection, issuance of permits, and enforcement may be performed by authorized State personnel under a cooperative agreement entered into by the State, the U.S. Coast Guard, and the Secretary.

(c) These regulations are intended to apply within the FCZ portion of the following National Marine Sanctuaries and National Park unless regulations establishing such Sanctuaries or Park prohibit their application:

(1) Looe Key National Marine Sanctuary (15 CFR Part 937).

(2) Key Largo Coral Reef Marine Sanctuary (15 CFR Part 929).

(3) Biscayne National Park (Title 16 U.S.C. 410gg).

(4) Gray's Reef National Marine Sanctuary (15 CFR Part 938).

(5) Monitor Marine Sanctuary (15 CFR Part 924).

§ 646.4 Catch monitoring.

Data will be collected by authorized statistical reporting agents from a sample of commercial and recreational catch for YPR analysis. Those fishermen and dealers selected by the Center Director must make their fish available for inspection by those agents.

§ 646.5 Gear identification. [Reserved]

§ 646.6 Prohibitions.

It is unlawful for any person to—

(a) Refuse to make fish available for inspection when requested to do so by an authorized statistical reporting agent, as specified in § 646.4.

(b) Pull or tend fish traps except during the hours specified in § 646.20(a);

(c) Tend, open, pull, or otherwise molest or have in one's possession aboard a fishing vessel another person's fish traps except as provided in § 646.20(b);

(d) Possess in or harvest from the FCZ red snapper, yellowtail snapper, red grouper, or Nassau grouper under the minimum size specified in § 646.21(a);

(e) Possess in or harvest from that portion of the FCZ south of 35° 15′ N. latitude (Cape Hatteras, North Carolina)

black sea bass under the minimum size specified in § 646.21(b);

(f) Possess in the FCZ any fish in the snapper-grouper fishery without the heads and fins intact as specified in § 646.21(c);

(g) Land any fish in the snapper-grouper fishery, taken from the FCZ, without the heads and fins intact as specified in § 646.21(c);

(h) Fish for fish in the snapper-grouper fishery with explosives or poisons as provided in § 646.22(a)(1) and (2);

(i) Fish for jewfish with the fishing gear specified in § 646.22(a)(3);

(j) Fish for fish in the snapper-grouper fishery in the FCZ with trawl nets and fish traps except as specified in § 646.20 (a) and (b) or § 646.22(b);

(k) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, land, or export any fish or parts thereof taken or retained in violation of the Magnuson Act, this part, any other regulation or any permit issued to a foreign vessel under the Magnuson Act;

(l) Refuse to permit an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation or permit issued under the Magnuson Act;

(m) forcibly to assault, resist, oppose, impede, intimidate, threaten, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (1) of this section;

(n) Resist a lawful arrest for any act prohibited by this part;

(o) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this part;

(p) Transfer directly or indirectly, or attempt to so transfer, any U.S.-harvested fish to any foreign fishing vessel, while such foreign vessel is in the FCZ, unless the foreign fishing vessel has been issued a permit under § 204 of the Magnuson Act which authorized the receipt by such vessel of the U.S.-harvested fish of the species concerned.

(q) Violate any other provision of this part, the Magnuson Act, or any regulation or permit issued under the Magnuson Act.

§ 646.7 Facilitation of enforcement.

(a) *General.* The owner or operator of any fishing vessel subject to this part must immediately comply with instructions issued by an authorized officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, logbook, permit, and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Signals.* Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft authorized to enforce the Magnuson Act, the operator of a fishing vessel must be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of Signals are among those which may be used—

(1) "L" meaning "You should stop your vessel instantly."

(2) "SQ3" meaning "You should stop or heave to; I am going to board you."

(3) "AA AA AA etc." which is the call to an unknown station, to which the signaled vessel should respond by identifying the vessel by radio, visual signals or illuminating the vessel identification number, and

(4) "RY-CY" meaning "You should proceed at slow speed. A boat is coming to you."

(c) *Boarding.* A vessel signaled to stop or heave to for boarding must—

(1) Stop immediately and lay to or maneuver in such a way as to permit the authorized officer and his party to come aboard;

(2) Provide a safe ladder, enough light, and a safety line when necessary or requested by the authorized officer to facilitate the boarding and inspection; and

(3) Take such other actions as necessary to ensure the safety of the authorized officer and his party to facilitate the boarding.

§ 646.8 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forefeiture provisions of the Magnuson Act, and to 50 CFR Part 620 (Citations), 50 CFR Part 621, and 15 CFR Part 904 (Civil Procedures), and other applicable Federal law.

Subpart B—Management Measures

§ 646.20 Harvest limitations.

(a) Fish traps may be pulled or tended only during the period beginning one hour before official sunrise to one hour after official sunset in the South Atlantic portion of the FCZ south of 28° 24.5' N. latitude (Cape Canaveral, Florida).

(b) Fish traps may be tended or pulled only by persons (other than authorized officers) aboard the fish trap owner's vessel(s), or aboard another vessel if such vessel has on board written consent of the fish trap owner.

§ 646.21 Size limitations.

(a) The minimum size limit for the harvest or possession in the FCZ of red snapper, yellowtail snapper, red grouper, and Nassau grouper is 12 inches total length.

(b) The minimum size for the harvest or possession in the FCZ of black sea bass south of Cape Hatteras, North Carolina is eight inches total length.

(c) All fish in the snapper-grouper fishery subject to minimum size limits specified in this section may be possessed in the FCZ or landed, if harvested from the FCZ, only with the head and fins intact.

§ 646.22 Gear limitations.

(a) (1) Explosives (except explosives in powerheads) may not be used to fish for fish in the snapper-grouper fishery.

(2) Poisons may not be used to fish for fish in the snapper-grouper fishery except as authorized by permit under State or Federal law.

(3) Powerheads, spearguns, pole spears or Hawaiian slings and spears may not be used to fish for jewfish.

(b) (1) Fish traps must have a degradable panel or a door attached with degradable fasteners or material such as jute or sisal twines which normally deteriorate within 42 days. The opening must be at least as large as the entry ports.

(2) Effective (insert date 1 year after effective date of final rule), fish traps must have a minimum mesh size of 1×2 inches or 1.5-inch hexagonal (the distance between parallel sides).

(3) Effective (insert date-1 year after effective date of final rule), trawl nets targeting fish in the snapper-grouper fishery (25 percent or more of the fish on board by weight are fish in the snapper-grouper fishery) must have a minimum stretched mesh size of 4 inches. Shrimp trawls, calico scallop trawls, and rock shrimp trawls are specifically exempt from this requirement.

(4) Fish traps may not be placed shoreward of the 100-foot contour in that portion of the South Atlantic FCZ south of 25° 35.5' N. latitude (Fowey Rocks Light, Florida). Fish traps so deployed will be considered unclaimed or abandoned property and may be disposed of in any appropriate manner by the Secretary (including an authorized officer).

§ 646.23 Specifically authorized activities.

The Secretary may authorize for the acquisition of information and data, activities which are otherwise prohibited by these regulations.

[FR Doc. 83-15675 Filed 6-7-83; 4:54 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 113
Friday, June 10, 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

Forest Service

Pacific Southwest Region; Intent to Reevaluate Roadless Areas in the Pacific Southwest Region

In January 1979, the Forest Service issued a national environmental impact statement documenting the results of a review of 62 million acres of roadless and undeveloped areas within the 190 million acre National Forest system. The purpose of the roadless area review and evaluation (RARE II) was to determine which areas were suitable for wilderness and which should be used for other purposes.

In the Pacific Southwest Region RARE II dealt with over 6 million acres located in California only. About 983,000 acres were recommended for wilderness; 2,643,000 acres were recommended for further planning; and 2,395,000 acres were recommended for nonwilderness.

In 1979 the State of California challenged the adequacy of the National RARE II Environmental Impact Statement as the basis for decisions to manage 46 areas in California for other than wilderness. In October 1982, the United States Court of Appeals for the Ninth Circuit affirmed a lower court decision that the RARE II Environmental Impact Statement was inadequate. Although the decision applied specifically to only the 46 roadless areas in California, it sets binding precedent in any Federal District Court in the Ninth Circuit.

Because of the October 1982 court decision, National Forest roadless areas studied for wilderness potential during RARE II will be reevaluated. The reevaluation will be done as part of the land and resource management plans now being developed for each of the 18 Forests in the Pacific Southwest Region of the USDA-Forest Service. These plans are scheduled for completion by 1985.

This Notice is being issued because, contrary to earlier regulations (issued 9/30/82), a proposed revision to 36 CFR 219.17 (issued 4/18/83) will allow further evaluation of RARE II wilderness and non-wilderness areas during the Forest planning process. We are beginning public participation, data collection, and analysis pending the final rule.

Detailed information on the roadless areas and public involvement in the reevaluation process will be forthcoming from individual National Forests in California.

The responsible official is Zane G. Smith, Jr., Regional Forester of the Pacific Southwest Region.

For further information on this subject, contact: Joyce Muraoka, Regional Forest Planning Coordinator, Pacific Southwest Region, 630 Sansome Street, San Francisco, California 94111, Area Code 415–556–2687.

Dated: June 2, 1983.

Warren Davies,

Deputy Regional Forester, Pacific Southwest Region.

[FR Doc. 83-15575 Filed 6-9-83; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Tri-County Electric Association, Inc.; Environmental Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Findings of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500) and REA's Bulletin 20–21:320–21, Environmental Policies and Procedures, has made Findings of No Significant Impact with respect to the proposed financing assistance to Tri-County Electric Association, Inc., (Tri-County) of Sundance, Wyoming, for the construction of 69 kV transmission facilities in Crook and Campbell Counties, Wyoming and Lawrence County, South Dakota.

FOR FURTHER INFORMATION CONTACT: REA's Findings of No Significant Impact and Environmental Assessments and Tri-County's Borrower's Environmental Report (BER) may be reviewed at or obtained from Mr. William E. Davis, Director, Western Area—Electric, Room 3304, South Agriculture Building, Washington, D.C. 20250, telephone: (202) 382–8848, or Mr. Waren H. Fraser, Manager, Tri-County Electric Association, Inc., Box 930, Sundance, Wyoming 82729, telephone: (307) 283–3531, during regular business hours.

SUPPLEMENTARY INFORMATION: REA, in connection with a request for financing assistance, has reviewed the BER submitted by Tri-County and has determined that it represeents an accurate assessment of the proposed projects. The proposed projects include: (1) Approximately 48.6 km (30.4 mi) of 69 kV transmission line from the Teckla Substation to the Conoco Uranium Mine site in Campbell County, Wyoming; (2) approximately 45.6 km (28.5 mi) of 69 kV transmission line from north of Gilette to the Gulf Norfolk Coal Mine in Campbell County, Wyoming; (3) approximately 37 km (23 mi) of 69 kV Transmission line from Hulett to Homestake in Crook County, Wyoming, and (4) approximately 31.2 km (19.5 mi) of 69 kV transmission line from Spearfish, to Aladdin in Crook County, Wyoming and Lawrence County, South Dakota.

The BER and Environmental Assessment adequately consider potential impacts of the proposed projects on resources including threatened and endangered species, important farmlands, cultural resources, wetlands, and floodplains.

Alternatives examined include no action, energy conservation, altertnative connecting points, and alternative routes in Crook and Campbell Counties, Wyoming, and alternative substation sites. After reviewing these alternatives, REA determined that the proposed projects are acceptable alternatives because they meet Tri-County's needs with a minimum of adverse impacts.

Based upon the BER and other support documents, REA prepared Environmental Assessments and Findings of No Significant Impact concerning the proposed construction. It is REA's view that the propsed financing assistance would not be a major Federal action that will affect significantly the quality of the human environment.

In accordance with REA's Bulletin 20–21:320–21, dated January 21, 1980, Tri-County advertised the availability of the

BER in local newspapers. Comments were solicited and the public was given 30 days to reply. No comments were received.

(Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.)

Dated: June1, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-15388 Filed 6-9-83; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Carey Lake Water-Based Recreation RC&D Measure, Washington; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Carey Lake Water-Based Recreation RC&D Measure, Kittitas County, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn A. Brown, State Conservationist, Soil Conservation Service, Room 360 U.S. Courthouse, Spokane, Washington 99201, telephone 509-456-3711.

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

The measure concerns a plan for the installation of basic facilities for a water-based recreation development. The planned works of improvement include a pedestrian trail, parking lot, picnic area with tables, charcoal pits, trash cans, vault-type sanitary facilities, access road, buffer trees, play areas, sand beach area, and raft beaching area.

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

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

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

Dated: May 30, 1983.

Lynn A. Brown,

State Conservationist.

[FR Doc. 83-15404 Filed 6-9-83; 8:45 am]

BILLING CODE 3410-16-M

Deauthorization of Federal Funding; Beasha Creek Watershed, Mississippi

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Deauthorization of Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Beasha Creek Watershed project, Leake and Neshoba Counties, Mississippi, effective on May 3, 1983.

FOR FURTHER INFORMATION CONTACT: A. E. Sullivan, State Conservationist, Soil Conservation Service, 1321 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269, 601-960-5179.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention, Office of Management and Budget Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

A. E. Sullivan,

State Conservationist.

[FR Doc. 83-15572 Filed 6-9-83; 8:45 am]

BILLING CODE 3410-16-M

Drainage District #7 RC&D Measure, Butler County, Missouri; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for Drainage District #7 RC&D Measure, Bulter County, Missouri.

FOR FURTHER INFORMATION CONTACT: Paul F. Larson, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65202, telephone number 314/875-5214.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul F. Larson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project. The measure concerns critical area treatment. The planned works of improvement include conservation practices such as grade stabilization structures and associated vegetation.

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

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

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

Dated: May 31, 1983.

Russell C. Mills,

Deputy State Conservationist.

[FR Doc. 83-15576 Filed 6-9-83; 8:45 am]

BILLING CODE 3410-16-M

Smelterville Critical Area Treatment RC&D Measure, Idaho; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Stanley N. Hobson, State Conservationist, Soil Conservation Service, Room 345, 304 North Eighth, Boise, Idaho 83702, telephone (208) 334–1601.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Smelterville Critical Area Treatment RC&D Measure, Shoshone County, Idaho.

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

Smelterville Critical Area Treatment RC&D Measure will provide adequate vegetative and structural treatment to the Grouse Creek Watershed severely damaged by air pollution. Planned treatments to control the severe erosion problems include debris basins (sediment trays), stream bank stabilization and grass, legume and tree seedings.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Stanley N. Hobson. The FONSI has been sent to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the address on the first page.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

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

Dated: June 2, 1983.

Stanley N. Hobson,

State Conservationist.

[FR Doc. 83-15628 Filed 6-9-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Frontier Flying Service Fitness Investigation; Cancellation of Hearing

[Docket 41044]

Notice is hereby given that the hearing in the above-entitled matter assigned to commence on June 7, 1983, is hereby cancelled.

Dated at Washington, D.C., June 6, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-15665 Filed 6-9-83; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended June 3, 1983

Subpart Q Applications (see 14 CFR 302.1701 et seq.)

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

Date filed	Docket no.	Description
June 2, 1981	41516	Jamaica Air Freighters Ltd., c/o David B. Ortman, 304 Capital Gallery East, 600 Maryland Avenue, S.W. Washington, D.C. 20024. Application of Jamaica Air Freighters Ltd., pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit to provide irregular non-scheduled air services for property and mail between the terminal points Kingston and Montego Bay, Jamaica and the terminal point Miami, Florida; also to conduct various charters under the Board's Regulations. Answers may be filed by June 30, 1983.
June 2, 1983	41518	Pacific Aerolift, Inc., c/o Stephen L. Gelband, Hewes, Morella, Gelband & Lamberton, 1010 Wisconsin Avenue NW., Suite 640, Washington, D.C. 20007. Application of Pacific Aerolift, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which will authorize it to engage in scheduled and charter interstate and overseas air transportation of property and mail within and among all States of the United States and all Territories and possessions thereof, including, but not limited to, between points in California and Hawaii and Guam, and between Guam and points in the United States Trust Territories and possessions of the Pacific. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 30, 1983.
June 1, 1983	41433	American Airlines, Inc., c/o Alfred V. J. Prather, Prather Seeger Doolittle & Farmer, 1101 Sixteenth Street NW., Washington, D.C. 20036. Amendment No. 1 to the Application of American Airlines, Inc. for a certificate of public convenience and necessity under Section 401 of the Act. (Spokane-Calgary/Edmonton).
June 3, 1983	41385	Colonial Airlines, Inc., c/o Harry A. Bowen, Bowen and Atkin, Suite 350, 2020 K Street NW., Washington, D.C. 20006. Amendment No. 1 to the Application of Colonial Airlines, Inc. for a certificate of public convenience and necessity under Section 401(d)(3) of the Act, for interstate and overseas charter air transportation and all-cargo authority.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-15666 Filed 6-9-83; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Minnesota Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Minnesota Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m. on June 20, 1983, at the Centro Cultural Chicano, 1800 Olson Memorial Highway, Minneapolis, Minnesota 55411. The purposes of this meeting are to update issues pertaining to police standards and training, discuss the mental health task force project, explore affirmative action issues in St. Paul, and review plans for the next project.

Persons desiring additional information or planning a presentation

to the Committee, should contact the Chairperson, Mrs. Ruth A. Myers, 1006 East Second Street, Apt. #1, Duluth, Minnesota 55805, (218) 726–8878; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 2, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-15506 Filed 6-9-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-433-064]

Railway Track Maintenance Equipment From Austria; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On March 24, 1983, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on railway track maintenance equipment from Austria. The review covered the only known exporter of this merchandise to the United States, Plasser and Theurer, GmbH, and the period February 1, 1981 through January 31, 1982.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–3534/5496.

SUPPLEMENTARY INFORMATION:

Background

On February 17, 1976, the Treasury Department published in the **Federal Register** (43 FR 6937) an antidumping finding with respect to railway track maintenance equipment from Austria. On March 24, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 12415–16) the preliminary results of its last administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of ballast regulators and tamping machines, two specific types of railway track maintenance equipment. Other types of equipment used in the maintenance of railway track are excluded from this finding. All railway track maintenance equipment is currently classifiable under item 690.2000 of the Tariff Schedules of the United States Annotated.

The review covers the one known exporter of Austrian railway track maintenance equipment to the United States, Plasser and Theurer, GmbH, and the period February 1, 1981 through January 31, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review.

Because there were no shipments during the period and the margin on the last known shipment of this merchandise to the United States was zero percent, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in section 353.48(b) of the Commerce regulations, on shipments of Austrian railway track maintenance equipment entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce regulations (19 CFR 353.53).

Dated: June 2, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-15624 Filed 6-9-83; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Minority Business Development Center; Solicitation of Applications

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) program to operate one project for a 12-month period beginning October 1, 1983 in the Chicago SMSA. The cost of the project is estimated to be $369,600. The maximum Federal participation amount is $314,160. The minimum amount required for non-Federal participation is $55,440. The award number will be 05–10–83007–01.

Applicants shall be required to contribute at least 15% of the total program costs through non-Federal funds. Cost-sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

The same applicant cannot be the recipient of more than one Minority Business Development Center (MBDC) award for the Chicago SMSA.

DATE: *Closing date:* July 5, 1983.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe, Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: Jessie Deloch, Telephone: (312) 353–0182.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC program is specifically designed to

assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria.

I. *Capability and Experience of Firm/Staff.*—Provide information that demonstrates the organization's capabilities and prior experience in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's cabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm:

—the organization's receptivity in the MBE community to be served i.e., business contracts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)
—background credentials and reference for the owners of the organization and a capability statement of what the organization can do.
—knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhange the BDC program effort—i.e., chambers of commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.
—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.
—Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.
—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. *Techniques and Methodology*—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibility as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: Outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 15% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost-sharing requirement can be met through the following order or priority: (1) cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-Kind contribution*—represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV. *Costs*—demonstrate in narrative format the costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and
—the extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency.*

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals.

Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC) Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms.

This program is subject to OMB circular A-95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A pre-application conference to assist all interested applicants will be held at the Dirksen Federal Building, 219 South Dearborn Street, Room 1220, Chicago, Illinois on June 17, 1983 at 1:00 p.m.

((11.812 Minority Business Development) (Catalog of Federal Domestic Assistance))

Dated: June 2, 1983.

David Vega,

Acting Regional Director.

[FR Doc. 83-15574 Filed 6-9-83; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), will meet to discuss reports of the lobster and groundfish oversight committees, large pelagics oversight committee on swordfish, and the mid-Atlantic liaison committee on surf clams, as well as discuss public hearings on the draft Bluefish Fishery Management Plan, foreign fishing, and other fishery management and administrative matters.

DATES: The public meetings will convene on Tuesday, June 28, 1983, at approximately 10 a.m., and adjourn on Wednesday, June 29, 1983, at approximately 5 p.m. The meetings may be lengthened or shortened or agenda items rearranged, depending upon progress on the agenda items.

ADDRESS: The public meetings will take place at the King's Grant Inn, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

Ann D. Terbush,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-15678 Filed 6-9-83; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council and Its Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), has established a Scientific and Statistical Committee (SSC). The Council and its SSC will hold separate public meetings as follows:

Council

Will meet to discuss the Surf Clam/Ocean Quahog Fishery Management Plan (FMP), the Bluefish FMP, status of other FMPs, and discuss other fishery management and administrative matters, convening at approximately 8 a.m., on Wednesday, July 13, 1983, and adjourning at approximately 4 p.m., on Thursday, July 14, 1983.

SSC

Will meet to discuss data needs for FMPs and discuss other fishery management matters, convening at approximately 10 a.m., on Wednesday, July 6, 1983, and adjourning at approximately 4 p.m. The separate Council and SSC meetings will both take place at the Best Western Airport Inn, Philadelphia International Airport, Philadelphia, Pennsylvania. The agendas for the meetings may be rearranged or changed or the meetings lengthened or shortened depending upon progress on the agenda items.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115—Federal Building, 300 South New Street, Dover, Delaware 19901, Telephone: (302) 674-2331.

Ann Terbush,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-15679 Filed 6-9-83; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

President's Private Sector Survey on Cost Control; Amended Meeting

AGENCY: Office of the Secretary, Commerce.

ACTION: Change in meeting notice of the Subcommittee of the President's Private Sector Survey on Cost Control.

SUMMARY: This amends the agenda of a meeting notice published on June 2, 1983(48 FR 19769).

The draft report from the Department of Treasury Task Force was not released to the public on June 3, and will not be included in the agenda for discussion at the June 13 meeting as initially planned. The report will be released and discussed at a later time which will be anounced in the Federal Register.

All other information concerning the meeting remains unchanged.

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: June 3, 1983.

Yvonne D. Barnes,

Departmental Committee Management Analyst, Office of the Secretary.

[FR Doc. 83-15625 Filed 6-9-83; 8:45 am]

BILLING CODE 3510-CW-M

[Order No. 41-1; D.O.O. Reference 10-3, 40-1]

Organization and Function Order; International Trade Administration

Effective Date: May 2, 1983.

Part I. Effect on Other Orders

This order supersedes ITA Organization and Function Order 41-1 of February 15, 1982, as amended (47 FR 14205, 47 FR 19570, 47 FR 25985, 47 FR 46124).

Part II. Purpose, Scope, and Principal Organization

Section 1. Purpose.

.01 This order prescribes the internal organization and assignment of functions within the International Trade Administration (ITA), Department

Organization Order 40–1 prescribes the principal organization structure of ITA.

.02 This order also delegates authorities from the Under Secretary for International Trade to the Deputy Under Secretary for International Trade, the Director General of the U.S. and Foreign Commercial Services, and the Assistant Secretaries for Trade Development, Trade Administration and International Economic Policy. Department Organization Order 10–3 prescribes the scope of authority of the Under Secretary.

Section 2. Organization and Line of Authority.

.01 The internal organization structure line of authority of ITA is depicted in the attached chart.[1]

.02 *The Under Secretary for International Trade.*

a. The Under Secretary for International Trade is the head of ITA and determines policy, directs the programs, and is responsible for all activities of ITA. The Under Secretary coordinates all issues and programs concerning trade administration, international trade and commercial policy and trade development; and, in the absence of the Secretary of Commerce, represents the Department on the Trade Policy Committee, as ex-officio member of the Board of the Export-Import Bank of the United States and, as assigned, serves on all other Secretarial-level boards, committees or panels of which the primary focus is international trade.

b. The Under Secretary is assisted by the following officials in carrying out his responsibilities:

The Deputy Under Secretary for International Trade
The Director General of the U.S. and Foreign Commercial Services
The Assistant Secretary for International Economic Policy
The Assistant Secretary for Trade Administration
The Assistant Secretary for Trade Development

Part III. The Deputy Under Secretary for International Trade

Section 1. Delegation of Authority.

.01 Subject to such policies, directives, and delegations of authority as may be issued by the Secretary of Commerce, and the Under Secretary, and in accordance with applicable Department Organization Orders and Department Administrative Orders, the Deputy Under Secretary for International Trade is hereby delegated the authorities of the Under Secretary for International Trade as necessary to provide for all administrative management and public affairs activities and direct such activities for all organizational elements in the International Trade Administration.

.02 Except as otherwise provided, the Deputy Under Secretary for International Trade may redelegate this authority, subject to such conditions in the exercise of such authority as he or she may prescribe.

Section 2. Organization and Functions.

The *Deputy Under Secretary for International Trade* is the principal deputy to the Under Secretary; performs such duties as the Under Secretary may assign; performs the functions of the Under Secretary in the latter's absence; and is responsible for the day-to-day management of ITA.

The Office of the Deputy Under Secretary includes the *Planning and Evaluation Staff* which identifies issues or problems requiring the attention of the Deputy Under Secretary or coordination between program areas; monitors and coordinates the preparation of studies, reports, Congressional testimony and other items addressing these issues; directs, coordinates and monitors ITA participation in interagency staff activity and represents ITA in this activity when appropriate; develops and reviews policy options and recommendations on issues when requested by the Deputy Under Secretary.

The Office of the Deputy Under Secretary also includes the *Congressional Affairs Staff* which provides Congressional liaison for ITA in coordination with the Assistant Secretary for Congressional and Intergovernmental Affairs.

The Deputy Under Secretary carries out these functions through:

.01 The *Director of Administration* who is the principal advisor to the Under Secretary and the Deputy Under Secretary on management policy for the International Trade Administration. The Office of the Director includes the *Information Projects Staff* which manages text processing for ITA; manages the development of an Administrative Management Information System; develops and administers Working Capital Fund Service Agreements; and coordinates ITA participation in the Secretarial SPO process. The Director of Administration directs the following offices:

a. The *Office of Personnel* develops and administers, for Civil Service personnel, personnel management programs including recruitment, placement, employee development, classification, labor-management relations, equal employment opportunity, and employee relations; conducts the ITA security program; performs the safety function for ITA; provides paymaster services; and provides liaison with its counterpart office at the Department level.

b. The *Office of Management and Systems* provides management, organization and systems analysis, including management studies and surveys and organizational planning studies; coordinates ADP systems development; performs the committee management, directives management, records management, forms management, correspondence management and reports management functions for ITA; coordinates GAO and Departmental audits; coordinates activity under the Freedom of Information Act and the Privacy Act of 1974; operates the ITA Secretariat; and provides liaison with its counterpart offices at the Department level and with the Office of Inspector General.

c. The *Office of Budget* formulates, presents, executes, and assesses program effectiveness of the ITA budget; effects financial and budgetary controls; prepares budget reports; and provides liaison with its counterpart office at the Department level.

.02 The *Director, Office of Public Affairs* who advises on all public affairs and information service matters in coordination with the Departmental Director of Public Affairs; provides ITA centralized information services, conducts and is responsible for all publications programs, consonant with the provisions of Department Organization Order 20–9; provides speech writing and scheduling services; coordinates all audiovisual, exhibit, and advertising activities; maintains liaison with its counterpart offices at the Department level and with the news and trade media, consonant with provisions of Department Organization Order 15–3; and publishes *Business America* magazine.

Part IV. The Director General of the U.S. and Foreign Commercial Services

Section 1. Delegation of Authority.

.01 Pursuant to the authority delegated to the Under Secretary by the Secretary of Commerce, and subject to such policies and directives as the Under Secretary may prescribe, the Director General of the U.S. and Foreign Commercial Services is hereby delegated the authority of the Under Secretary under:

a. The Act of February 14, 1903, as amended, (15 U.S.C. 1512 *et seq.*; 15

[1] Filed as part of the original document.

U.S.C. 171 *et seq.*) to foster, promote and develop the foreign and domestic commerce of the United States;

b. The trade promotion and commercial functions transferred to the Secretary from the Department of State or the Secretary of State by section 5(b)(1) of Reorganization Plan No. 3 of 1979, and by section 1–104 of Executive Order 12188 of January 2, 1980, as amended;

c. The Foreign Service Act of 1980 (22 U.S.C. 3901 *et seq.*), and such laws the exercise of which are authorized to the Secretary under section 5(b)(2) of Reorganization Plan No. 3 of 1979 and by section 1–104 of Executive Order 12188 of January 2, 1980, as amended;

d. Executive Order 10978 of December 5, 1961, regarding the Presidential "E" Award, "E" Certificate of Service, and "E Star" Award, except final selection of recipients;

e. Chapter 23 of Title 15, United States Code, which pertains to a clearinghouse for technical information, as is necessary to carry out assigned reponsibilities dealing with the preparation and dissemination of business and international economic information; and

f. Section 2(8) of the Small Business Act, as amended (15 U.S.C. 637(e)) relating to obtaining and publishing notices of U.S. government procurement.

.02 Except as otherwise provided, the Director General of the U.S. and Foreign Commercial Services may redelegate the above authorities, subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Organization and functions.

The Director General of the U.S. and Foreign Commercial Services (the "Director General") serves as visible spokesman for the U.S. and foreign Commercial Services, notably with business, particularly with small and medium-sized firms, and other external constituencies; provides management processes and management support functions for the Foreign Commercial Service (FCS) and the U.S. Commercial Service (USCS); coordinates the appropriate functions with the Assistant Secretary for International Economic Policy (and the regional Deputy Assistant Secretaries) for specific FCS country program and supervisory purposes, with the Assistant Secretary for Trade development (and the Deputy Assistant Secretary for Export Development) for USCS program supervision purposes, and with the Assistant Secretary for Trade Administration (and the appropriate Deputy Assistant Secretaries) for specific program support; develops, in coordination with the Department of State, and administers personnel management programs for Foreign Service and Foreign Service National (FSN) employees of the FCS, including recruitment and placement, employee development, classification, labor-management relations, equal employment opportunity, employee relations, promotions, career planning and separations, and provides liaison with the Department of State on FCS personnel issues; evaluates the performance of senior FCS and USCS personnel (coordinating with the appropriate line deputy Assistant Secretary who evaluats senior personnel for program purposes); develops and implements a unified personnel and post goal-setting and evaluation process which integrates the activities of the two services with each other and the rest of ITA; develops and manages a country planning process in coordination with the relevant regional and trade program Deputy Assistant Secretaries; administers a system of Foreign Commercial Service posts and U.S. Commercial Service District Offices located in commercial centers throughout the world and the United states, respectively; publishes the *Commerce Business Daily* and direct Federal Procurement and Business Development Conferences, the District Export Councils, Associate Office program, liaison with state and local governments, and the development and implementation of a cooperators program for the FCS with participants from manufacturing and service industries; maintains an export reference room containing information on major foreign projects under consideration by international financial institutions and information on projected opportunities reported by FCS Posts and USCS District Offices, including counseling to users of the facility; assists in the resolution of trade disputes between U.S. sellers and foreign purchasers; directs the E Awards and seminar programs; and carries out emergency preparedness functions through District Office Directors in the Uniform Federal Regional Council cities.

The Director General carries out these functions through:

.01 The *Deputy Assistant Secretary for the U.S. and Foreign Commercial Services* who serves as principal Deputy to the Director General; performs such duties as the Director General may assign; and assumes the duties of the Director General in the latter's absence.

.02 The *Office of Foreign Service Personnel* develops, in coordination with the Department of State, and administers personnel management programs for Foreign Service and Foreign Service National (FSN) emloyees of the FCS, including recruitment, selection, classification and assignment of FCS officers and nationals; monitors FCS personnel records and processing; supports the Department's activities on the Board of the Foreign Service and the Board of Examiners of the Foreign Service; maintains liaison with the Department of State on FCS personnel issues; administers FCS grievance, labor-management relations and EEO programs; provides for the movement of personnel, shipment of household goods, and medical coverage for FCS employees; develops and manages career development and education programs for FCS officers and nationals; and develops and administers the FCS Officer Evaluation System and related selection boards.

.03 The *Office of Planning and Management* analyzes FCS post workload plans (PCAP's) USCS District Office program plans, overall accomplishments against those plans; and, in conjunction with the Office of USCS and FCS Operations, recommends long-term staffing and resource allocations and is responsible for fiscal planning and monitoring; monitors the State Department's shared administrative support policies and represents the FCS on the Foreign Affairs Administrative Support Inter-Agency Council; maintains liaison with State and Commerce Department administrative offices to provide for FCS posts and USCS District Offices, including space, negotiation and management of leased quarters renovation, supply, and local transportation; participates on the Inter-Agency Allowance Committee to determine appropriate overseas allowances; cooperates with Commerce and State Department security offices to provide policy guidance and support to the FCS in the areas of employment and physical security; develops management reports, briefings and conferences; and develops and maintains operations manuals for the FCS and USCS.

.04 The *Office of FCS Operations* is responsible for developing post commercial action plans and maintaining liaison with the Trade Development, Trade Administration, and regional Deputy Assistant Secretaries on behalf of the overseas posts; provides day-to-day operational management of the FCS posts in coordination with the regional Deputy Assistant Secretaries and country offices; regularly monitors accomplishments against the country

plans and mediates workload disputes between FCS posts and trade program Deputy Assistant Secretaries; appraises the performance of senior commercial officers on the non-program critical elements of their performance plans (i.e., (1) counseling for small and medium-sized businesses, (2) major multipliers, and (3) administration, training, management and supervision, and external representation) and reviews, for the Director General, the program performance appraisals provided by the regional Deputy Assistant Secretaries; establishes and maintains liaison with other Government agencies, industry consultative groups, and academe to develop techniques for delivering programs to promote U.S. commercial interests abroad; establishers and monitors the use of small business facilities abroad; provides management oversight of the commercial libraries abroad; proposes overseas staffing levels; and, in conjunction with the Office of Planning and Management, makes recommendations to the Director General for allocating FCS resources.

.05 The *Office of USCS Operations* develops District Office Plans and maintains liaison with the relevant deputy assistant secretaries of Trade Development and Trade Administration in order to provide day-to-day guidance and direction to the USCS District Offices through the Regional Managing Directors in conjunction with the program priorities of the relevant deputy assistant secretaries; monitors program operations and accomplishments against the District Office plans and mediates workload conflicts between the Regional Managing Directors and relevant deputy assistant secretaries; appraises the performance of the Regional Managing Directors on the non-program support elements of the performance plans (i.e., (1) counseling for small and medium-sized business, (2) major multipliers, including state and local governments and their regional or national organizations, (3) administration, training, management and supervision) and reviews, for the Director General, the program performance appraisals provided by the relevant deputy assistant secretaries; establishes and maintains liaison with other Government agencies, industry consultative groups, and academe to develop techniques for more effective program implementation; communicates and interprets matters affecting ITA programs and participates in interdepartmental, interagency and private sector meetings which involve program issues related to field program implementation; establishes and monitors a program activity reporting system for District Offices in consultation with the Office of Planning and Management; coordinates the operation of the District Export Council, Associate Office, Federal-State Relations, Federal Procurement Conference and Business Development Conference programs with the District Offices through the Regional managing Directors; coordinates tasking and activities of the field advisory group and ad hoc task forces; and coordinates the operation of the E Awards and seminar programs.

0.6 The *FCS Overseas*, consistent with the country plan, supports and carries out trade promotion activities; develops marketing and commercial intelligence; facilitates U.S. investment; monitors U.S. rights and opportunities created by trade agreements; supports ITA import and export administration activities; and provides representation to host governments on behalf of U.S. business firms. The senior commercial officer in a country coordinates the activities of all ITA personnel in that country.

.07 The *USCS District Offices*, consistent with plans developed in coordination with the relevant ITA deputy assistant secretaries, offer U.S. firms counseling on overseas marketing, technical export information, and guidance on marketing opportunities and strategies; conduct seminars, workshops and conferences; obtain commercial information from U.S. firms for use in planning and evaluating trade programs; and disseminate to the business community information on trade developments, trade policy issues,and technological developments. District Directors in the ten Uniform Federal Regional Council Cities of Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco and Seattle act as designated Regional Emergency Coordinators in accordance with instructions and guidance issued by the Department through the Director General.

.08 The *Commercial Services Information Center* maintains an export reference facility for the use of Government and the business community which includes information on major foreign projects under consideration by international financial institutions, market research and projected opportunities reported by FCS Posts and USCS District Offices; provides information and technical assistance to the users of the facility, including information and counseling on a wide range of export services available from the Government and the private sector; provides assistance through FCS Posts and USCS District Offices to resolve trade disputes between U.S. sellers and foreign purchasers; designs, tests and evaluates training materials and techniques to assist U.S. businesses; provides training for both FCS and USCS personnel in gathering, accessing and disseminating commercial information to the business community; and manages the publication of the *Commerce Business Daily*.

Part V. Assistant Secretary for International Economic Policy

Section 1. Delegation of Authority.

.01 Pursuant to the authority delegated to the Under Secretary by the Secretary of Commerce, and subject to such policies and directives as the Under Secretary may prescribe, the Assistant Secretary for International Economic Policy is hereby delegated the authority of the Under Secretary under:

a. The Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.*; U.S.C. 171 *et seq.*), to foster, promote, and develop the foreign and domestic commerce of the United States, and related provisions;

b. Such portions of the foreign Service Act of 1980 (22 U.S.C. 3901 *et seq.*) and such other laws the exercise of which are authorized to the Secretary under section 5(b)(2) of Reorganization Plan No. 3 of 1979 and by section 1–104 of Executive Order 12188 of January 2, 1980, as amended, as are necessary to carry out the Assistant Secretary's responsibility to supervise the program activities of the Foreign Commercial Service; and

c. The China Trade Act of 1922, as amended (15 U.S.C 141 *et seq.*).

.02 Except as otherwise provided the Assistant Secretary may redelegate the above authorities, subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Organization and Functions.

The *Assistant Secretary for International Economic Policy* carries out programs to promote world trade and to strengthen the international trade and investment position of the United States; examines and develops trade and investment policy recommendations which are bilateral, regional and multilateral in nature (in consultation with units of Trade Development where significant industry sector or product-specific issues are involved); represents the Department on such matters, as assigned; promotes U.S. trade objectives in particular countries and regions

through supervision of the relevant program support activities of the Foreign Commercial Service posts overseas (through the regional Deputy Assistant Secretaries, and in coordination with the Director General); manages bilateral joint commissions and other institutions; implements and monitors the non-sectoral aspects of the Multilateral Trade Negotiations; and coordinates ITA participation arising in the context of the general Agreement of Tariffs and Trade (GATT) and in international organizations such as the Organization for Economic Cooperation and Development (OECD), the United Nations (UN), the UN Conference on Trade and Development (UNCTAD), and others. The Assistant Secretary carries out these functions through:

.01 The *Deputy Assistant Secretary for International Economic Policy* who serves as the principal deputy to the Assistant Secretary, performs such duties as the Assistant Secretary may assign, and performs the functions of the Assistant Secretary during the latter's absence; develops positions on international economic and trade policy issues which are multilateral in nature (in consultation with Trade Development officials when significant sectoral issues are involved); develops positions on outward investment issues and functional trade policy issues which are not country or sector specific; and ensures effective operations by overseeing, with the director General of the U.S. and Foreign Commercial Services, the regional Deputy Assistant Secretaries in the supervision of the program activities of the Foreign Commercial Service.

The DAS manages two offices:

a. The *Office of Policy Coordination* provides support to the Assistant Secretary and the DAS in ensuring policy and program consistency across the various units of International Economic Policy; manages International Economic Policy issues which are crosscutting in nature, including outward investment issues; and develops uniform policies for supervising the program activities of the Foreign Commercial Service.

b. The *Office of Multilateral Affairs* coordinates the development of ITA's positions on non-sectoral international trade and investment policy issues which arise in a multilateral context, including the GATT, OECD, the UN, and other international organizations; as assigned, provides representation to these organizations, and to interagency bodies working on multilateral non-sectoral issues; provides central secretariat services for ITA participation in these international organizations; implements the non-sectoral aspects of the Multilateral Trade Negotiations (MTN); and develops special studies related to the formulation of U.S. trade and investment policy within a multilateral context, with particular emphasis on the reform of the multilateral system of rights and obligations on trade policy matters.

.02 Four regional Deputy Assistant Secretaries as follows:

a. The *Deputy Assistant Secretary for Europe* directs:

1. The Office of the European Community;
2. The Office of Non-EC Europe; and
3. The Office of USSR and Eastern Europe.

b. The *Deputy Assistant Secretary for the Western Hemisphere* directs:

1. The Office of North America;
2. The Office of Central America; and
3. The Office of South America.

c. The *Deputy Assistant Secretary for East Asia and the Pacific* directs:

1. The Office of Japan;
2. The Office of the PRC and Hong Kong; and
3. The Office of the Pacific Basin.

d. The *Deputy Assistant Secretary for Africa, the Near East, and South Asia* directs:

1. The Office of Africa;
2. The Office of the Near East; and
3. The Office of South Asia.

.03 Each of the regional Deputy Assistant Secretaries, for the region and through the country offices, for the countries within his or her region, analyzes and develops recommendations for international economic, trade, and investment policy strategies and objectives and serves as the focal point within the Department for dealing with bilateral and regional economic, investment, and commercial policy issues; formulates positions on economic and commercial policies affecting the region, including preparation and representation at interagency and international meetings and negotiations on bilateral and regional economic issues; monitors information on economic and commercial developments and maintains in-depth commercial and economic expertise on individual countries and the region; and provides geographic supervision of the Foreign Commercial Service country senior officers overseas, and, jointly with the Director General, appraises their performance. The DAS and his/her country offices are the contact point for communications between ITA and FCS overseas posts on country program issues.

Part VI. Assistant Secretary for Trade Administration

Section 1. Delegation of Authority.

.01 Pursuant to the authority delegated to the Under Secretary by the Secretary of Commerce, and subject to such policies and directives as the Under Secretary may prescribe, the Assistant Secretary for Trade Administration is hereby delegated the authority of the Under Secretary under:

a. The Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.*; 15 U.S.C. 171 *et seq.*) to foster, promote, and develop the foreign and domestic commerce of the United States, and related provisions;

b. Section 303 and Title VII (including Section 771(1)) of the Tariff Act of 1930 (17 U.S.C. 1303; 1671 *et seq.*) in accordance with section 5(a)(1)(C) of Reorganization Plan No. 3 of 1979 (44 FR 69273, December 3, 1979), relating to: (1) antidumping and countervailinig duties, except that the authority to make final determinations as "Secretary" or "administering authority" may not be redelegated beyond the Assistant Secretary; and (2) determination, as "administering authority" of subsidies on articles of quota cheese under Section 702 of the Trade Agreements Act of 1979 (93 Stat. 269);

c. Sections 514, 515, and 516 of the tariff Act of 1930 (19 U.S.C. 1514, 1515, and 1516) and section 5(a)(1)(D) of Reorganization Plan No. 3 of 1979, insofar as they relate to any protest, petition, or notice of desire to contest described in section 1002(b)(1) of the Trade Agreements Act of 1979;

d. Sections 318, 502 (a) and (b), and 617 of the Tariff Act of 1930 (19 U.S.C. 1318, 1502 (a) and (b), and 1617) and sections 5(a)(1)(E), 5(a)(1)(F), and 5(a)(1)(G), respectively, of Reorganization Plan No. 3 of 1979, insofar as they relate to antidumping and countervailing duty investigations and the assessment of duties;

e. Section 2632(e) of Title 28 of the United States Code and Section 5(a)(1)(H) of Reorganization Plan No. 3 of 1979, insofar as they related to actions taken by the Secretary reviewable under section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a);

f. Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512), relating to the importation of foreign excess property;

g. The Educational, Scientific and Cultural Materials Importation Act of 1966 (19 U.S.C. 1201);

h. Headnote 6 of schedule 7, part 2, subpart E of the Tariff Schedules of the

United States (19 U.S.C. 1202) pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements;

i. The Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a *et seq.*), and the implementing regulations in 15 CFR Part 400, including authority to act for the Secretary in all Foreign-Trade Zones Board matters except grants of authority to establish new zones;

j. The Defense Production Act of 1950, as amended (50 U.S.C. app. 2061 *et seq.*) conferred on the Secretary under: (1) Executive Order 10480 of August 14, 1953, as amended, including authority to restrict surface transportation and discharge of commodities or to prohibit movement of American carriers to designated destinations, except the authority to create new agencies within the Department of Commerce; and (2) Executive Order 11912 of April 13, 1976;

k. Executive Order 11490 of October 28, 1969, as amended, as it relates to the development, as required for the programs of the Director, Federal Emergency Management Agency, of national emergency plans and preparedness programs covering production and distribution of materials, use of production facilities, control of construction materials, the furnishing of basic industrial services, and regulation and control of exports and imports;

l. The National Security Act of 1947, as amended (50 U.S.C. 401 *et seq.*) and Executive Order 11490 of October 28, 1969, as amended, relating to mobilization preparedness;

m. Executive Order 11179 of September 22, 1964, as amended, with respect to the establishment and training of the National Defense Executive Reserve;

n. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense;

o. Section 1441 of the Public Health Service Act, as amended by the Safe Drinking Water Act (42 U.S.C. 300j) conferred on the Secretary under Executive Order 11879 of September 17, 1975, involving materials allocation of chemicals or substances necessary for treatment of water;

p. Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) and section 5(a)(1)(B) of Reorganization Plan No. 3 of 1979, relating to the conduct of national security investigations on imports;

q. The Export Administration Act of 1979, as amended (50 U.S.C. app. 2401 *et seq.*), and the authority under that Act conferred on the Secretary under Executive Order 12214 of May 2, 1980, and Executive Order 12002 of July 7, 1977, except that the following power, authority, and discretion shall be reserved to the Secretary:

1. The determination required by Section 12(c) with respect to the publication or disclosure of confidential information obtained under the Act, and

2. The submission of reports to the Congress required by Section 14 of the Act;

r. Executive Order 11958 of January 18, 1977, as it relates to the carrying out, on behalf of the Department of State, of functions under Section 38(e) of the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), as agreed to by the Departments of Commerce and State;

s. Executive Order 11322 of January 5, 1967, and Executive Order 11419 of July 29, 1968, relating to the Rhodesian sanctions with respect to transactions occurring prior to December 16, 1979 (Executive Order 12183 of December 16, 1979, revoked the provisions of Executive Orders 11322 and 11419 with respect to transactions occurring after December 16, 1979);

t. The Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3201 *et seq.*) and the authority under that Act conferred on the Secretary under Executive Order 12058 of May 11, 1978, pertaining to nuclear exports and related matters; and

u. Sections 103 and 251 of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*) conferred on the Secretary under Executive Order 11912 of April 13, 1976, relating to: (1) export restrictions of coal, petroleum products, natural gas, or petrochemical feedstocks and supplies of material or equipment necessary to maintain or further exploration, production, refining, or transportation of energy supplies or for the construction or maintenance of energy facilities within the United States; and (2) rules to authorize the export of petroleum and petroleum products as may be necessary for implementation of the obligations of the United States under the International Energy Program.

.02 Except as otherwise provided, the Assistant Secretary may redelegate the above authorities subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Organization and Functions.

The *Assistant Secretary for Trade Administration* directs the activities of the Deputy Assistant Secretaries for Trade Administration, Import Administration, Export Administration, and Export Enforcement; exercises the functions of the "Secretary" and "administering authority" of U.S. antidumping and countervailing duty laws within the meaning of Section 303 and Title VII of the Tariff Act of 1930, as amended; chairs the Committee of Alternates of the Foreign-Trade Zones Board and acts for the Secretary in all Board matters except grants of authority to establish new zones; and chairs the Advisory Committee on Export Policy.

The Office of the Assistant Secretary includes a *Hearing Commissioner* who conducts hearings, issues initial decisions, and performs other duties with respect to administrative proceedings under the Export Administration Regulations; as requested by the Department of State, serves as presiding official in administrative proceedings under the International Traffic in Arms Regulations; and, as requested, provides administrative support to the Assistant Secretary concerning appeals, except those appeals from initial decisions made by the Hearing Commissioner.

The Assistant Secretary carries out these responsibilities through:

.01 The *Deputy Assistant Secretary for Trade Administration* serves as the principal deputy to the Assistant Secretary; performs such functions as the Assistant Secretary may assign; and assumes the duties of the Assistant Secretary during the latter's absence.

.02 The *Deputy Assistant Secretary for Import Administration* coordinates the formulation and implementation of U.S. antidumping and countervailing duty policies and programs; and administers programs relating to foreign-trade zones, allocation of watch quotas, duty-free entry of scientific instruments, and importation of foreign excess property. The DAS directs the following offices:

a. The *Office of Investigations* evaluates petitions received and conducts investigations under the antidumping and countervailing duty (AD/CVD) laws; performs analyses which will form the basis of recommendations regarding the disposition of individual AD/CVD cases; serves as primary contact point with the U.S. International Trade Commission on matters pertaining to administration of AD/CVD cases, such as determination of the product definition and provision of calculations and analyses which form the basis of determinations reached; and arranges public hearings involving interested parties when requested in the course of investigations.

b. The *Office of Compliance* collects and analyzes data used to determine the amount of antidumping and countervailing duties to be collected yearly on existing antidumping and

countervailing duty orders; monitors negotiated agreements resulting in the suspension of antidumping and countervailing duty investigations; serves as primary contact point with the U.S. Customs Service on matters pertaining to administration of antidumping and countervailing duty laws, such as collection of antidumping and countervailing duties, and development of data required for AD/CVD cases; arranges public hearings when requested regarding the proposed results of annual reviews; and performs analyses necessary to determine the types and amounts of subsidies provided by foreign governments on articles of quota cheese.

c. The *Office of Policy* serves as principal staff to the DAS in the formulation and implementation of policies governing the administration of antidumping and countervailing duty statutes, ensuring that actions taken are consistent with overall U.S. trade policy; in consultation with the Office of General Counsel, ensures the uniform application of statutory and regulatory provisions of AD/CVD laws on a case-by-case basis; participates with the Office of the U.S. Trade Representative in negotiations regarding possible suspension of antidumping or countervailing duty investigations; and acts for the DAS and, as appropriate, the Assistant Secretary for Trade Administration, in representing their views in domestic, interagency, and international forums.

.03 The *Deputy Assistant Secretary for Export Administration* carries out the Department's responsibilities for regulating exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply, and ensuring industrial mobilization and resource administration for the national defense. The DAS directs the following offices:

a. The *Office of Export Administration* administers the programs required to regulate the export of U.S. commodities and technical data under the Export Administration Act of 1979, as amended, for purposes of national security and foreign policy; seeks, in collaboration with other Federal agencies, the adoption by foreign countries of such controls over their exports as will advance the policies of the United States with respect to national security and foreign policy; and provides secretariat and administrative support services to Technical Advisory Committees established under the Export Administration Act and to the Subcommittee on Export Administration of the President's Export Council.

b. The *Office of Industrial Resource Administration* performs national defense and strategic industrial resource functions, including those authorized by the Defense Production Act of 1950, as amended; administers priorities and allocations to assist in achieving an adequate supply of strategic, critical, and other products and materials for defense and defense-supporting activities and essential civilian needs, including the timely completion of current military, atomic energy, and space programs for production, construction, and research and development, and maximizing domestic energy supplies; participates in the development of national plans to assure maximum readiness of the strategic industrial resources of the United States, including the means for adminstering them, to meet future demands of any national emergency; plans and coordinates ITA's emergency readiness functions; conducts investigations in those instances where imports may threaten to impair the national security; and administers the short supply commodity control regulations and program under the Export Administration Act of 1979, as amended

.04 The *Deputy Assistant Secretary for Export Enforcement* carries out, in consultation with the Office of General Counsel, a compliance program to enforce the Export Administration Regulations relating to foreign boycotts against countries friendly to the United States and to exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply; administers programs for opposing such boycotts. The DAS directs the following offices:

a. The *Office of Export Enforcement*, in consultation with the Office of General Counsel, enforces the Export Administration Regulations relating to exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply.

b. The *Office of Antiboycott Compliance* administers and, in consultation with the Office of General Counsel, enforces the regulations and programs required to carry out responsibilities under the Export Administration Act of 1979 regarding foreign boycotts against countries friendly to the United States; develops and coordinates policies and measures for opposing such boycotts; and operates the automated boycott reporting system to provide statistical summaries and enforcement data.

Part VII. The Assistant Secretary for Trade Development

Section 1. Delegation of Authority.

.01 Pursuant to the authority delegated to the Under Secretary by the Secretary of Commerce, and subject to such policies and directives as the Under Secretary may prescribe, the Assistant Secretary for Trade Development is hereby delegated the authority of the Under Secretary under:

a. The Act of February 14, 1903 as amended (15 U.S.C. 1512 *et seq.*; 15 U.S.C. 171 *et seq.*) to foster, promote, and develop the foreign and domestic commerce of the United States, and related provisions;

b. Section 601(b)(1)) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2351(b)(1) conferred on the Secretary under Executive Order 12163 of September 29, 1979, relating to drawing the attention of private enterprise to opportunities for investment and development in less develop friendly countries and areas;

c. The delegation of authority, dated June 25, 1962, from the United States Information Agency under Section 5(e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, with respect to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 *et seq.*);

d. The Act of October 18, 1962, as amended (46 U.S.C. 1122b), which authorized mobile trade fairs;

e. The Act of May 27, 1970 (Pub. L. 91-269, 22 U.S.C. 2801 *et seq.*) relating to U.S. participation in international expositions;

f. Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, regarding Textile Trade Agreements;

g. Section 104 of the Trade Act of 1974 (19 U.S.C. 2114) and Section 135 of the Trade Act of 1974 as amended by Section 1103 of the Trade Agreements Act of 1979 (19 U.S.C. 2155) and Section 4(d) of Executive Order 11846 of March 27, 1975, relating to the industry consultations program;

h. Executive Order 11858, of May 7, 1975, relating to foreign investment on the United States;

i. Section 4221 of the Internal Revenue Code of 1954 (26 U.S.C. 4221) and Section 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309), insofar as they relate to findings with respect to exemptions from taxes and import duties on supplies and equipment for aircraft;

j. Section 5(b) and 5(c) of Executive Order 11846 of March 27, 1975, relating to quantitative import restrictions and monitoring of imports under orderly market agreements;

k. Sections 3 and 4 of Executive Order 11961 of January 19, 1977, as amended by Executive Order 12013 of October 7, 1977, which delegates to the Secretary of Commerce the authority of the President under Sections 4(a), 4(b), and 5(c) of the International Investment Survey Act of 1976 (Pub. L. 94–472, 90 Stat. 2059, 22 U.S.C. 3103 (a) and (b), and 3104(c)), and Section 4(e) of the International Investment Survey Act, as amended by Pub. L. 97–33 (95 Stat. 170, to be codified at 22 U.S.C. 3101(e)). The functions thereunder shall be carried out in coordination with the Bureau of Economic Analysis, (DOO 35–1A), including, to the extent feasible, the division or assignment of responsibilities. All regulations established to carry out functions under the Act shall be issued by the Under Secretary for International Trade in consultation with the Director, Bureau of Economic Analysis. All reports to be submitted to the Congress required to be undertaken pursuant to the Act, shall be issued by the Secretary;

l. Title III of Pub. L. 96–481 (15 U.S.C. 649a–649d), relating to making grants (including contracts and cooperative agreements) for small business international marketing programs;

m. The Act of December 29, 1979 (Pub. L. 96–169, 93 Stat. 1281) regarding U.S. participation in the International Energy Exposition to be held in Knoxville, Tennessee in 1982;

n. Chapters 3 and 4 of Title II of the Trade Act of 1974, as amended (19 U.S.C. 2341 *et seq.*, 2371 *et seq.*), pertaining to trade adjustment assistance to firms, industries, and communities, except the provisions of 19 U.S.C. 2354 pertaining to studies and reports and information activities in response to investigations and finding of the International Trade Commission (See Department Organization Order 35–5A). The Assistant Secretary for Economic Development retains this authority through September 30, 1981, with respect to adjustment assistance projects in process prior to September 20, 1981, and thereafter such authority to perform all functions related to the furnishing of adjustment assistance (excluding additional assistance or increasing the Government's liability) with respect to those adjustment assistance projects approved prior to October 1, 1981 (See DOO 10–4);

o. Chapter 23 of Title 15, United States Code, which pertains to a clearinghouse for technical information, as is necessary to carry out assigned responsibilities dealing with the preparation and dissemination of business and international economic information; and

p. Titles I and III of Pub. L. 97–290 (15 U.S.C. 4001 *et seq.*, 4011 *et seq.*), except that the authority to negotiate with and obtain the concurence of the Attorney General under Title III of the Act shall be reserved to the General Counsel.

.02 Except as otherwise provided, the Assistant Secretary may redelegate the above authorities subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Organization and Functions.

The *Assistant Secretary for Trade Development* advises on international trade and investment policies pertaining to U.S. business sectors and carries out programs to promote world trade and to strengthen the international trade and investment position of the U.S. In carrying out these functions, the Assistant Secretary directs the Department's program for participation in trade fairs, trade missions and other overseas trade promotion events; conducts programs within the U.S. to expand the export-consciousness of American firms, particularly small and medium-sized businesses, and to facilitate their entry into international trade; promotes the formation of export trading companies and issues certificates of review providing a limited exemption from liability under the antitrust laws for specified export conduct; implements and monitors the sectoral aspects of the Multilateral Trade Negotiations (MTN) and provides advice and assistance to U.S. businesses on rights and opportunities resulting from the MTN; carries out special industry activities to promote exports of major projects and high technology products; examines and develops trade and investment policy recommendations which are industry sector or product-specific in nature (in consultation with appropriate units of International Economic Policy, where significant country or regional issues are involved); represents the Department on such matters, as assigned; obtains private sector views with respect to international economic and commercial policy issues; conducts programs aimed at assistance to industries faced with import competition; and manages ITA's trade-related information and research gathering and dissemination functions. The Assistant Secretary advises Departmental and ITA officials on policies and programs relating to these functions and serves as the National Export Expansion Coordinator.

The Office of the Assistant Secretary includes the *Office of Planning and Coordination* which provides the Assistant Secretary with support for carrying out his responsibilities by identifying major international trade issues; formulating appropriate responses to these issues or coordinating their review and analysis by other program areas; assisting in the development, inplementation and coordination of program plans, priorities, goals, and objectives; ensuring policy and program consistency across the various units of Trade Development; acting as liaison with program areas outside of Trade Development; monitoring, preparing, or coordinating studies, background and briefing papers, correspondence, and other materials for the Assistant Secretary; and representing the Assistant Secretary as requested. Specifically, the Office evaluates and analyzes U.S. and foreign export incentives and disincentives; develops options related to international trade issues; formulates positions and recommends alternatives to improve U.S. trade performance; carries out special studies and projects on international trade issues of interest to the Assistant Secretary; provides staff support to the President's Export Council (PEC) and Departmental officials participating in PEC activities; communicates the President's Export Council recommendations through the Secretary of Commerce to the President; advises the Assistant Secretary in his capacity as coordinator of the National Coal Export Program; maintains liaison with the coal industry and state and local government organizations involved in coal export trade development; monitors trade and domestic economic situations which affect coal trade development; and coordinates and proposes federal government programs to stimulate and facilitate coal exports.

The Assistant Secretary carries out these responsibilities through:

.01 The *Deputy Assistant Secretary for Trade Development* serves as the principal deputy to the Assistant Secretary; performs such functions as the Assistant Secretary may assign; and assumes the duties of the Assistant Secretary during the latter's absence.

.02 *The Deputy Assistant Secretary for Export Development* develops domestic and overseas programs designed to stimulate the expansion of U.S. exports, including activities to foster an export consciousness among U.S. manufacturing and service industries, particularly small and medium-sized businesses, and evaluates the effectiveness of these programs;

promotes the formation of export trading companies and issues certificates of review providing a limited exemption from liability under the antitrust laws for specified export conduct; develops programs to improve the access of U.S. products and services to foreign markets, including identifying barriers and surveying U.S. laws and practices affecting international trade; directs the delivery of export development programs relevant; directs the delivery of export development programs relevant to field support implementation through the Regional Managing Directors of the U.S. Commercial Service; provides Departmental recognition of domestic and foreign trade promotion events; and directs overseas event scheduling, including exhibitor recruitment, resource management, and staging of the Department's trade promotion events. The Office of the DAS contains the *International Expositions Staff* which is responsible for Federal recognition of and participation in international expositions to be held in the United States and the *USCS Liaison Staff* which directs the delivery of export development programs relevant to field support emplementation through the Regional Managing Directors of the U.S. Commercial Service and administers the Small Business Export Development Assistance Program. The DAS directs the following offices:

a. The *Office of Event Management and Support Services* provides direction for facilitating and executing overseas activities arising from the work of other Offices reporting to the DAS for Export Development or agreements with other agencies and Departmental operating units; manages the certification of domestic and foreign trade promotion events and activities; directs event scheduling coordination activities; stimulates and arranges vists to U.S. exhibitions and industrial facilities for foreign business people and government officials; manages contract and other efforts to increase private sector assumption of all appropriate export promotion activities; coordinates and develops, promotional literature to support export development programs; develops recruits and manages the staging overseas of catalog and video-catalog exhibitions; and serves as the central point for managing the administrative resources of the Offices reporting to the DAS for Export Development.

b. The *Offices of Consumer Goods, Transportation and Industrial Components Industries; Capital Goods Industries; and Service Industries* develop programs designed to foster an export consciousness in United States industries and stimulate export marketing in all segments of the domestic economy which have the capability to export. Each office carries out specified export development functions with regard to industries assigned; advises Department officials on U.S. Government actions which would increase the chances for, or present major obstacles to, successful U.S. competition for export sales abroad; conducts recruitment campaigns to attract U.S. industry to participate in overseas exhibitions; maintains information on U.S. technological developments and marketing trends in selected industry segments with respect to foreign markets and exporting; works with the USCS District Offices to assist export expansion activities of State, regional, and local agencies and works directly or through the District Offices to provide information and counseling to U.S. exporters on the mechanics of exporting; facilitates foreign direct capital investments, joint ventures and licensing by foreign firms in the U.S.; develops and plans trade promotion techniques including operating trade and seminar mission programs and special export promotional events; encourages U.S. firms to export to their full potential and works with the export community to support private sector program initiatives and to develop joint programs.

c. In addition to the functions identified in Section 2.02b, the *Office of Service Industries* provides policy guidance and program recommendations to foster the international operations of U.S. service industries (such as insurance, accounting, engineering and construction, advertising, computer and telecommunications services, leasing, franchising, and air and marine shipping); and develops and implements policies relating to U.S. and foreign taxation of international service and other business operations, international technology transfer, international business practices, international aspects of antitrust, international standardization, patent and copyright protection, and related matters arising from the international commercial and investment operations of U.S. firms.

d. The *Office of Export Trading Company Affairs* promotes, in cooperation with the Director General of the U.S. and Foreign Commercial Services, the formation of export trade associations and export trading companies; facilitates, in consultation with the Deputy Assistant Secretary for Trade Information and Analysis, contact between producers of exportable goods and services and firms offering export trade services, and issues certificates of review providing a limited exemption from liability under the antitrust laws for specified export conduct.

.03 The *Deputy Assistant Secretary for Industry Projects* examines and develops trade policy recommendations which are industry sector or product-specific in nature (in consultation with units of International Economic Policy, where significant country or regional issues are involved); obtains private sector views with respect to international economic and commercial policy issues; implements, monitors, and participates in international consultation and renegotiation of MTN tariff, non-traiff and other agreements for non-agricultural industries and services and develops and provides U.S. business with information and assistance on new U.S. rights and opportunities under the MTN codes and other agreements; represents the Department in international finance and development assistance affairs; provides representation on or staff support to Departmental representatives on committees or other groups dealing with export finance, export guarantees, credit insurance and related issues; and conducts a program to assist U.S. companies to compete for major infrastructure and industrial systems contracts abroad. The DAS directs the following offices:

a. The *Office of International Sector Policy* develops and inplements policies relating to international sectoral issues, including trade problems and opportunities of individual industries, safeguard issues, product-specific trade legislation, import relief cases and Orderly Marketing Agreements (OMA's); provides staff support for the OECD Steel Committee and, as appropriate, other interagency and international meetings on industry-specific trade policy matters; develops foreign country industry-specific trade policy negotiating goals and objectives; and coordinates private sector participation in the international industry sector and trade policy development process, including the provision of information and advice to the private sector concerning rights and opportunities created by U.S. trade agreements and operation of the Industry Consultation Program.

b. The *Office of Major Projects* serves as the focal point in the Department for providing Government-wide assistance to U.S. firms on major international business transactions; indentifies foreign capital projects with major

export potential which should be brought to the attention of U.S. industry or which are likely to require special U.S. Government assistance for successful participation by American firms; informs U.S. firms of specific large-scale projects with significant potential for exports of U.S. goods and services; and assists them on a case-by-case basis in competing for such projects, coordinating support from other areas of ITA and other Federal agencies, as necessary. The office communicates directly with other Federal agencies, international financial institutions, and with U.S. Missions abroad including FCS post and is responsible for advising senior Department officials on U.S. Government actions which would increase the chances for major U.S. contract awards to U.S. businesses, or on major obstacles to the successful U.S. competition for major contracts abroad.

c. The *Office of International Finance* identifies key issues and develops policies relating to international finance and monetary affairs; represents the Department on the National Advisory Council on International Monetary and Financial Policies (NAC) and other bodies dealing with export financing, export and investment guarantees, credit insurance, foreign lending and assistance activities of U.S. and international agencies, and balance of payments measures; and provides analytical and staff support for the Secretary's participation as a member of the Export-Import Bank Board and as Chairman of the Export Expansion Advisory Committee of the Export Expansion Facility Administered by the Export-Import Bank. The Office actively supports measures to obtain adequate and competitive financing for U.S. firms competing for major infrastructure and industrial systems contracts abroad.

.04 The *Deputy Assistant Secretary for Trade Information and Analysis* manages the development and dissemination of international trade and economic data, research and analysis for use by ITA policy makers, other U.S. government agencies and external users; directs a program to analyze and report on international investment; manages the development and dissemination of timely international trade information of commercial use to exporters, including the development of appropriate ADP and user fee systems and procedures; and provides user support to other units in Trade Development and ITA for the automation of trade information. The DAS directs the following offices:

a. The *Office of Trade and Investment Analysis* develops and implements policies relating to foreign direct investment in the U.S.; directs the accomplishment of analysis and reporting requirements in accordance with the International Investment Survey Act of 1976 and Executive Orders 11858 and 11961; conducts statistical and analytical studies of trade between the U.S. and foreign economies and related trade issues and policies; and maintains a program providing trade and trade-related data to both government and private sector users.

b. The *Office of Trade Information Services* gathers and disseminates commercial trade-related information to users in business and government; develops trade information products and services in response to user needs and changes in the U.S. international trade position; develops and implements user fee objectives and procedures which aim to recover costs associated with providing such information; provides services and support to the U.S. and Foreign Commercial Services and other ITA units relating to dissemination of trade information through the Automated Information Transfer System (AITS) or other methods; and undertakes a program of research to identify the mix of industries, products and foreign markets that represent an optimum focus for trade development programs.

c. The *Office of Program Information Management* directs the design, development amd maintenance of computer-assisted information systems for the management and use of trade information; develops and manages a planning system to assure the long-range effectiveness of trade program information management throughout Trade Development; builds the computer literacy of executives, managers, and other personnel; locates, defines, evaluates and implements user applications; has direct management responsibility for the Trade Policy Information System, the Automated Information Transfer System and other systems in the Office of Program Information Management; and has advisory management responsibility for other trade information management systems elsewhere in the International Trade Administration.

.05 The *Deputy Assistant Secretary for Textiles and Apparel* directs the development of the Department's position on international textile agreements and relations and the domestic textile and apparel industries; chairs the Committee for the Implementation of Textile Agreements, the Management-Labor Textile Advisory Committee, the Importers and Retailers' Textile Advisory Committee, and the Exporters' Textile Advisory Committee; and directs the following office:

a. The *Office of Textiles and Apparel* participates in and provides analytical support for international textile negotiations in consultation with the appropriate regional Deputy Assistant Secretary; provides studies and analyses of domestic and foreign fiber, textile, and apparel industries; monitors textile and apparel imports; develops and coordinates domestic trade and export expansion programs; develops, as resources permit, initiatives to improve domestic textile and apparel industries' productivity and marketing; provides legislative comment and serves as liaison with industry, trade groups, and foreign government officials; provides appropriate administrative support to the committees mentioned above.

.06 The *Deputy Assistant Secretary for Trade Adjustment Assistance* directs the trade adjustment assistance program, including the development of policies to implement the program, and directs the following office:

a. The *Office of Trade Adjustment Assistance* certifies firms as eligible to apply for assistance and provides technical and financial assistance to certified firms; provides trade adjustment assistance to industries and communities adversely affected by imports; develops a monitoring program to assure that firms comply with the terms of their adjustment proposals and any agreements pertaining to the adjustment assistance received; maintains reserves against outstanding loan guarantees as authorized by Section 255(f) of the Trade Act of 1974; establishes procedures for dealing with delinquent firms; evaluates the performance of firms which have received trade adjustment assistance; coordinates the trade adjustment assistance program with other Federal agencies, including the Department of Labor, the International Trade Commission, and the Office of the United States Trade Representative (USTR); and provides representation for the Commerce Labor Adjustment Action Committee (CLAAC).

Lionel H. Olmer,

Under Secretary for International Trade.

[FR Doc. 83-15504 Filed 6-9-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Man-Made Fiber Textile Products from Romania

June 7, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing to account for carryforward used during 1982 the level established for man-made fiber suits in Category 643/644 pt. (only T.S.U.S.A. numbers 379.3160, 379.6976, 379.9560, 379.9565, 383.2230, 383.5382, and 383.9060) from 28,092 dozen to 24,811 dozen. This adjustment applies to goods produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1983.

A description of the textile categories in terms of T.S.U.S.A numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924)

SUMMARY: The Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania provides for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the level in the succeeding year. Pursuant to the terms of the bilateral agreement, as amended, the level of restraint established for Category 643/644 pt. is being reduced for the twelve-month period which began on January 1, 1983 to account for carryforward used during 1982.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On February 28, 1983, there was published in the **Federal Register** (48 FR 8325) a letter dated February 22, 1983 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of wool and man-made fiber textile products, including Category 643/644 pt., produced or manufactured in Romania, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to reduce the level of restraint established for Category 643/644 pt. to the designated amount.

Walter C. Lenahan

Chairman, Committee for the Implementation of Textile Agreements.

June 7, 1983.

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

Dear Mr. Commissioner: On February 22, 1983, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983 of wool and man-made fiber textile products, produced or manufactured in Romania, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment. [1]

Effective on June 14, 1983 paragraph 1 of the directive of February 22, 1983 is amended to include an adjusted level of restraint of 24,811 dozen [2] for man-made fiber textile products in Category 643/644 pt. [3] produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

The action taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of man-made fiber textile products from Romania has been determined by the committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, this direction to the Commissioner of Customs, which is necessary for the implementation of such action, falls 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. 83-15622 Filed 6-9-83; 8:45 am]
BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United Staes and the Socialist Republic of Romania, which provide, in part, that: (1) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (2) consultations may be held to adjust levels of restraint for categories not subject to specific limits; and (3) administrative arrangements or adjustments may be made to resolve problems arising under these provisions of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1982.

[3] In Category 643/644, only T.S.U.S.A. numbers 379.3160, 379.6976, 379.9560, 379.9565, 383.2230, 383.5382, and 383.9060.

Adjusting the Level of Restraint for Certain Wool and Man-Made Fiber Apparel Products Exported From the Polish People's Republic

June 7, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the level of restraint established for wool and man-made fiber suits in Category 443/643/644 from 15,150 dozen to 16,059 dozen, produced or manufactured in Poland and exported during the agreement year which began on January 1, 1983 by the application of carryforward. The sublimit for Category 443/643/644 pt. (except leisure suits in T.S.U.S.A. numbers 379.8351, 379.8352 379.8920, and 379.9560) is being similarly adjusted for the same agreement period from 12,473 to 13,269 dozen.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 15, 1980 and March 21, 1981, as amended, between the Governments of the United States and the Polish People's Republic provides, among other things, for the borrowing of yardage in certain categories from the succeeding year's level with the amount used being deducted from the level in the following year (carryforward).

Under the terms of the bilateral agreement, and at the request of the Government of the Polish People's Republic, the import restraint levels for Category 443/643/644 and its sublimit are being increased for the twelve-month period which began on January 1, 1983.

EFFECTIVE DATE: June 14, 1983.

SUPPLEMENTARY INFORMATION: On December 23, 1982, there was published in the **Federal Register** (47 FR 57322) a letter dated December 17, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain cotton, wool, and man-made fiber textile products, including Category 443/643/644, produced or manufactured in Poland, which may be entered into the

United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to permit entry for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Category 443/643/644 and its sublimit, produced or manufactured in Poland, at the designated, increased levels during the agreement year which began on January 1, 1983.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

June 7, 1983.

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

Dear Mr. Commissioner: On December 17, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983 of cotton, wool, and man-made fiber textile products in certain specific categories, produced or manufactured in Poland, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 15, 1980 and March 21, 1981, as amended, between the Governments of the United States and the Polish 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, effective on June 14, 1983, to increase the twelve-month level of restraint for Category 443/643/644 of the following:

Category	Amended 12-month level of restraint [1]
443/643/644	16,059 dozen of which not more than 13,269 dozen shall be applied to all T.S.U.S.A. numbers in these categories except 379.8351, 379.8352, 379.8920, and 379.9560.

[1] These levels have not been adjusted to reflect any imports after December 31, 1982.

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

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-15623 Filed 6-9-83; 8:45 am]

BILLING CODE 3510-25-M

Changes in Officials of the Government of India Authorized To Issue Export Visas and Exempt Certifications for Certain Cotton, Wool and Man-Made Fiber Products From India

June 7, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing changes in the officials of the Government of India authorized to issue export visas and certifications for exempt cotton, wool and man-made fiber textile products from India.

SUMMARY: The Government of India has notified the United States Government that Mr. N. Radhakrishnan is authorized to issue export visas and certifications for exempt textile products exported to the United States, replacing Mr. P.R. Sreedharan, who will no longer issue and sign these documents.

EFFECTIVE DATE: June 11, 1983.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On November 29, 1979, a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the **Federal Register** (44 FR 68504, which established a new export visa requirement and certification for exemption of certain cotton, wool and man-made fiber textile products, produced or manufactured in India and exported to the United States. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of India. The Government of India has added Mr. N. Radhakrishnan to replace Mr. P.R. Sreedharan who is no longer authorized to issue export visas and certifications for exemption.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-15621 Filed 6-9-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Addition and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to and Deletions from Procurement list.

SUMMARY: This action adds to and deletes from Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: June 10, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On April 1, and April 15, 1983, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (48 FR 14021 and 48 FR 16313) of proposed addition to and deletions from Procurement List 1983, November 18, 1982 (47 FR 52101).

Addition

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 15, 1980 and March 21, 1981, as amended, between the Governments of the United States and the Polish People's Republic which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

a. The action will not result in any additional reporting, recordkeeping or other compliance requirement.

b. The action will not have a serious economic impact on any contractor for the service listed.

c. The action will result in authorizing a small entity to provide a service procured by the Government.

Accordingly, the following service is hereby added to Procurement List 1983:

SIC 9199

Administrative Services, Environmental Protection Agency, 6th and Walnut Streets, Philadelphia, Pennsylvania

Deletions

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities and service are hereby deleted from Procurement List 1983:

Class 7510

Portfolio
7510–00–616–7241
7510–00–551–9813
7510–00–616–7239
7510–00–558–1571
7510–00–995–4857
7510–00–995–4854
7510–00–995–4853
7510–00–995–4850

SIC 7399

Assembly, Food Packet, Isolated Site (8 Menus)

C. W. Fletcher

Executive Director.

[FR Doc. 83–15658 Filed 6–9–83; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1983; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1983 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: July 13, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and service listed below from workshops for the blind or other severly handicapped.

It is proposed to add the following commodity and service to Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 7510

Clip, Paper, Binder, Small
7510–00–282–8201

SIC 7369

Commissary Shelf Stocking, Naval Submarine Base, Bangor, Washington

C. W. Fletcher,

Executive Director.

[FR Doc. 83–15657 Filed 6–9–83; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session on 22–23 June 1983 at Hanscom AFB, Massachusetts, Conference Room Building 1128.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency, and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. 92–463, as amended (5 U.S.C. App. 1 section 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

June 7, 1983.

[FR Doc. 83–15630 Filed 6–9–83; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Titles of Information Collection and Form Number, if applicable; (3) Abstract Statement of the need for the uses of information collection; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point-of-contact from whom a copy of the information proposal may be obtained.

Extension

Treatment Plan RTC (CHAMPUS Form 345A)

This solicitation is necessary to provide medical information required in the authorization evaluation process of CHAMPUS beneficiaries requesting services and treatment from psychiatric residential centers for children and adolescents. Residential Treatment Center Facilities: Responses 4,500; Hours 2,250.

Forward comments to Ed Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and John v. Wenderoth, Agency Clearance Officer, OASD (MS), DIRMS, IRAD, Room 1A658, Pentagon, Washington, DC 20301, (202) 697–1195.

A copy of the information collection proposal may be obtained from Office Services Branch, ATTN, Jane Bomgardner, Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS),

Aurora, Colorado 80045, Telephone (303) 361-3509.

June 7, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-15631 Filed 6-9-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Executive Committee of the Intergovernmental Advisory Council on Education; Closed Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of the Executive Committee of the Intergovernmental Advisory Council on Education meeting. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: June 12, 1983.

ADDRESS: The O'Hare Hilton, O'Hare International Airport, Room 2042, Chicago, Illinois 60666.

FOR FURTHER INFORMATION CONTACT: Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202; (202) 472-6464.

SUPPLEMENTARY INFORMATION: The Executive Committee meeting will be closed to the public to interview applicants for the position of Executive Director of the Intergovernmental Advisory Council on Education. The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix 1) and under exemption (6) contained in the Government in the Sunshine Act (Pub. L. 94-409; 5 U.S.C. 552b(c)(6)). Discussion will include consideration of the qualifications and fitness of the applicants and will touch upon matters that would disclose information of a personal nature, which disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. This meeting is a continuation of the Executive Committee meeting as announced on Monday, May 16, 1983, FR 21987.

If it is necessary to conduct additional interviews, the Executive Committee will meet in closed session on June 22 at Stouffer's Cincinnati Towers, 141 West 6th Street, Cincinnati, Ohio, from approximately 2 p.m. to 5 p.m.

The summary of the activities at the closed session or sessions and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting.

Signed at Washington, D.C. on June 7, 1983.

Gary L. Jones,

Under Secretary.

[FR Doc. 83-15749 Filed 6-9-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP83-356-000]

Columbia Gas Transmission Corp.; Application

June 6, 1983.

Take notice that on May 31, 1983, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83-356-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for West Virginia Wesleyan College (Wesleyan), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 500 dt equivalent of natural gas per day on a best-efforts basis for two years and year to year thereafter. Applicant proposes to receive the gas from Wesleyan's own wells at an existing point of receipt on Applicant's Line 8000 in Belington, West Virginia. Applicant further proposes to redeliver quantities at existing points of delivery to Columbia Gas of West Virginia, Inc., which would deliver said gas to Wesleyan at its campus in Buckhannon, West Virginia. It is stated that the gas to transported would be produced from wells located in Glade and Barker Districts, Barbour County, West Virginia.

It is further stated that Applicant's transportation charge for the proposed service is its average system-wide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, as reflected in Applicant's rate filings, which charge is presently 40.11 cents per dt equivalent with retainage for company-use and unaccounted-for gas of 2.85 percent of the total quantity of gas received for Wesleyan. Applicant states that its transportation charge is subject to adjustment to reflect revised average system-wide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, contained in its future rate filings. Further, Applicant states that the treatment of revenues would be subject to the determination of its ongoing rate proceeding in Docket No. RP82-120-000. Additionally, all gas transported would be subject to the General R&D Funding Unit of the Gas Research Institute.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15522 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-92-000]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

June 6, 1983.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on May 27, 1983, tendered for filing the following proposed changes in its FERC

Gas Tariff, Original Volume No. 2, to be effective March 1, 1983: First Revised Sheet No. 292.

This tariff sheet reflects an amendment to Consolidated's Rate Schedule X-9, an exchange agreement between Consolidated and Cabot Corporation. This amendment provides for conversion of the exchange agreement from a gravity-adjusted volumetric measurement basis to a heating value measurement basis.

A copy of this filing was served on Cabot Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures. All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15523 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP77-216-009]

Distrigas of Massachusetts Corp.; Petition To Amend

June 6, 1983.

Take notice that on May 17, 1983, Distrigas of Massachusetts Corporation (DOMAC), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP77-216-009 a petition to amend the order issued on December 28, 1978, in Docket No. CP77-216 pursuant to Section 7(c) of the Natural Gas Act so as to authorize changes in the amount of gas to be delivered to its customers, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

DOMAC requests that its certificate be amended to reflect certain changes in its supplemental LNG supply and peak-shaving project. The manner in which the modification would be effected are summarized as follows:

(A) Authorization to sell up to an additional 8.5 trillion Btu of LNG as option cargoes;

(B) Adjustments in customers' annual contract quantities (ACQ). These adjustments are as follows:

Customer	ACQ (BBtu's)		
	Present ACQ	Reduction by Apr. 1, 1987	Adjusted ACQ
Boston Gas Co	13,746	3,410	10,336
Connecticut Gas Co	1,450	143	1,307
Valley Gas Co	348	17	331

DOMAC also seeks authority to increase the ACQs of The Brooklyn Union Gas Company, Bay State Gas Company, Haverhill Gas Company and New Jersey Natural Gas Company.

In addition, DOMAC submits the following changes:

(1) A change in DOMAC's Rate Schedule TS-1 in its FERC Gas Tariff, First Revised Volume No. 1, Original Sheet No. 16, to provide that the take-or-pay obligation of DOMAC's customers during the winter period (October 1 through March 31) be the equivalent of nine full cargoes of LNG of a ship with a capacity of approximately 125,000 cubic meters and that the take-or-pay obligation in the summer period (April 1 through September 30) be the equivalent of five full cargoes of a ship with a capacity of approximately 125,000 cubic meters;

(2) A new DOMAC Rate Schedule GS-Option which allows participating customers to elect delivery of the equivalent of up to three additional cargoes of approximately 125,000 cubic meters per contract year;

(3) A new DOMAC Rate Schedule TS-Option which provides for the terminalling and delivery of cargoes elected under Rate Schedule GS-Option.

(4) A change in the level of the customer's maximum daily call-out quantity. Paragraphs 6.1 and 6.2, Original Sheet No. 44, First Revised Volume No. 1 also are to be revised to reflect a change in billing procedures.

These modifications would, it is stated, enable DOMAC's customers to match their purchases of supplemental LNG more closely to the current needs of their particular markets. It is asserted that approval of this application would assist in equating the service rendered by DOMAC to a predominately winter-heating service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15524 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-13-001]

Gas Gathering Corp.; Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision

June 6, 1983.

Take notice that on May 24, 1983, Gas Gathering Corporation (GGC) tendered for filing proposed changes in its FERC Gas Tariff providing for decreased charges to Transcontinental Gas Pipe Line Corporation (Transco), its sole jurisdictional customer, under GGC's PGA clause. The proposed changes would decrease the rate charged Transco by 0.62258 cents per MMBtu from those rates presently in effect. The proposed changes are proposed to be made effective July 1, 1983. GGC states that the filing is made to allow it to recover increased current costs of purchased gas, and to reduce the balance of its Unrecovered Purchased Gas Cost as of March 31, 1983 through a six-month surcharge.

A copy of the filing has been served upon Transco.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15525 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-4-001, (PGA 83-4, IPR83-2)]

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

June 6, 1983.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, on May 31, 1983, tendered for filing Fifth Revised Sheet No. 7 and Third Revised Sheet No. 9 in its FERC Gas Tariff, First Revised Volume No. 1, containing proposed changes in rates for effectiveness on July 1, 1983.

According to Granite State, the instant rate adjustments reflect a decrease in its cost of gas purchased from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) which Tennessee proposes to make effective July 1, 1983, and the amortization of Unrecovered Purchased Gas Costs. It is stated that Granite State's filing is made pursuant to the purchase gas cost adjustment provision in section XIX of the General Terms and Conditions of its tariff.

Granite State further states that its rate adjustments are applicable to its wholesale sales to its two affiliated distribution company customers: Bay State Gas Company and Northern Utilities, Inc. According to Granite State, the effect of the proposed rates in its filing is a decrease of approximately $2,386,700 annually in the cost gas purchased by its customers, based on purchases and sales for the twelve months ended March 31, 1983.

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

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15526 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-48-002]

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

June 6, 1983.

Take notice that on June 1, 1983, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing as part of its F.E.R.C. Gas Tariff, Original Volume No. 1, Second Substitute Eighteenth Revised Sheet No. 7, which reflects decreases in Michigan Wisconsin's one-part rate for SGS-1 customers of 2.64¢ per dekatherm (dth) and for LVS-1 customers of 4.59¢ per dth and the commodity component of its two-part rate of 6.03 cents per dth, and an increase in the demand component of its two-part rate of 30.2 cents per dth.

Also, Michigan Wisconsin submitted Original Volume No. 1, Nineteenth Revised Sheet No. 7, as part of F.E.R.C. Gas Tariff, which reflects decreases in Michigan Wisconsin's one-part rate and the commodity component of its two-part rate of 9.86 cents per dth.

Michigan Wisconsin has also filed Eighth Revised Sheet No. 7a which reflects the fact that since there were zero MSAC's reported by Michigan Wisconsin's customers, there is no PGA reduction.

Copies of this filing were served upon Michigan Wisconsin's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15527 Filed 6-9-83; 8:45]

BILLING CODE 6717-01-M

[Docket No. TA83-2-5-002 (PGA83-4, IPR83-2)]

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

June 6, 1983.

Take notice that on May 31, 1983, Midwestern Gas Transmission Company (Midwestern) tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1 to be effective July 1, 1983:

Seventh Revised Sheet No. 5
Eighth Revised Sheet No. 6
Fifth Revised Sheet Nos. 7 and 8

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

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

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

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

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

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest witht the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15528 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5401-001]

Puget Sound Power & Light Co.; Surrender of Preliminary Permit.

June 6, 1983.

Take notice that Puget Sound Power & Light Company, Permittee for the proposed South Fork Nooksack River Mile 25 Project No. 5401, has requested that its preliminary permit be terminated. The Preliminary Permit was issued on February 9, 1982, and would have expired on January 31, 1984. The project would have been located on the South Fork Nooksack River near Lyman, in Skagit County, Washington.

The Permittee filed its request on May 2, 1983, and the surrender of its permit for Project No. 5401 is deemed accepted as of May 2, 1983, and effective 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15529 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6249-001]

Seattle Oil Service, Inc.; Surrender of Preliminary Permit

June 6, 1983.

Take notice that Seattle Oil Service, Inc., the Permittee for the proposed Waste Waterway 68D, Dike No. 10 Project No. 6249, has requested that its preliminary permit be terminated. The permit was issued on August 25, 1982, and would have expired February 28, 1984. The project would have been located on the Waste Waterway 68D in Adams County, Washington.

The Permittee filed its request on March 14, 1983, and the surrender of the preliminary permit for Project No. 6249 is deemed accepted as of March 14, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15530 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6264-001]

Seattle Oil Service, Inc.; Surrender of Preliminary Permit

June 6, 1983.

Take notice that Seattle Oil Service, Inc., the Permittee for the proposed Waste Waterway 68D, Dike No. 6, Project No. 6264, has requested that its preliminary permit be terminated. The permit was issued on August 25, 1982, and would have expired February 28, 1984. The project would have been located on the Waste Waterway 68D in Adams County, Washington.

The Permittee filed its request on March 14, 1983, and the surrender of the preliminary permit for Project No. 6264 is deemed accepted as of March 14, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15531 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6118-001]

Seattle Oil Service, Inc., Surrender of Preliminary Permit

June 6, 1983.

Take notice that Seattle Oil Service, the Permittee for the proposed Frenchman Hill Wasteway Station 0+50 Project No. 6118, has requested that its preliminary permit be terminated. The permit was issued on July 9, 1982, and would have expired January 31, 1984. The project would have been located on the Frenchman Hills Waste Waterway in Grant County, Washington.

The Permittee filed its request on March 14, 1983, and the surrender of the preliminary permit for Project No. 6118 is deemed accepted as of March 14, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15532 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-8-000]

South Georgia Natural Gas Co.; Rate Filing

June 6, 1983.

Take notice that on May 27, 1983, South Georgia Natural Gas Company tendered for filing Twenty-Second Revised Sheet No. 4 to First Revised Volume No. 1 of its FPC Gas Tariff to be effective June 1, 1983.

South Georgia states that the sole purposes of the revised tariff sheet is to simultaneously change its rates to reflect the reduced rates charged to South Georgia by its supplier, Southern Natural Gas Company, to be effective June 1, 1983, as approved by the Commission in Docket Nos. RP82-116-000 and TA83-2-7-000. South Georgia requests waiver to make the filing effective as proposed and states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street 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 should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to making 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. 83-15533 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-8-001]

South Georgia Natural Gas Co.; Revision to Tariff

June 6, 1983.

Take notice that on May 31, 1983, South Georgia Natural Gas Company (South Georgia) tendered for filing Twenty-Third Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet and supporting information is being filed 30 days before the effective date of July 1, 1983, pursuant to the purchased gas adjustment provisions set out in Section 14 of South Georgia's Tariff. South Georgia states that its Twenty-Third Revised Sheet No. 4 reflects no change in the cost of gas from its May 27, 1983 out of cycle PGA rate decrease filing which flows through to South Georgia's customers to benefits of an interim rate reduction made by its supplier, Southern Natural Gas Company (Southern), which will be effective on June 1, 1983. The only change reflected on Twenty-Third Revised Sheet No. 4 is the recomputation of the surcharge adjustment as provided for by § 14.3 of the General Terms and Conditions of South Georgia's Tariff to recover the debit balance of $787,539 in the

Unrecovered Purchased Gas Cost Account to be amortized over the estimated sales over the 6-month period commencing July 1, 1983. The surcharge adjustment rate is 9.93¢ per MMBtu.

Any person desiring to heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15534 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP75-23-015 and CP75-120-008]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Petition To Amend

June 6, 1983.

Take notice that on May 2, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP75-23-015 and CP75-120-008 a petition to amend the order issued on March 7, 1977,[1] in Docket Nos. CP75-23 and CP75-120, as amended, pursuant to Section 7(c) of the Natural Gas Act so as to authorize the establishment of new natural gas receipt points for the transportation of natural gas for Tenneco Oil Company (TOC) all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner proposes herein to receive gas from TOC at Cocodrie, Terrebonne Parish, Louisiana, and at Katy, Waller County, Texas, which gas is from TOC's San Juan Basin reserves located in New Mexico. In addition, Petitioner requests that the end-use restriction currently in force in the authorization in Docket Nos. CP75-23 and CP75-120 be eliminated with respect to the transportation of gas from these new receipt points.

Petitioner explains that by order issued March 7, 1977, in Docket Nos. CP75-23-015 and CP75-120-008, it was authorized to transport natural gas for TOC from specified receipt points to a point of interconnection with Creole Gas Pipeline Corporation near Yscloskey, Louisiana, for further delivery to Air Products and Chemicals, Inc. and for delivery to TOC's Chalmette refinery.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15535 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP75-23-016]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

June 6, 1983.

Take notice that on May 2, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-23-016, a petition to amend the order of March 7, 1977, in Docket No. CP75-23 [1] issuing a cetificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas with no end-use restriction upon gas transported, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is asserted that by order issued March 7, 1977, in Docket No. CP75-23, Petitioner was authorized to transport certain sources of natural gas on behalf of Tenneco Oil Company from certain receipt points onshore and certain other receipt points in the Outer Continental Shelf for ultimate delivery to Air Products and Chemicals, Inc., for use at its New Orleans Louisiana, plant. It is stated that the order restricted the use of the gas for feedstock or process use only. Petitioner states that in Opinion No. 10, issued March 20, 1978 (2 FERC ¶ 71,247), the Commission granted rehearing of Opinion No. 789 and amended the certificate in this docket so as to eliminate authorization for the transportation of gas from the Outer Continental Shelf on the ground that natural gas from the offshore federal domain should be sold to interstate pipelines or local distributors for system supply. Further, it is asserted that in Opinion No. 10-B issued December 23, 1982 (21 FERC ¶ 61,320), the Commission adhered to its former ruling with respect to the offshore applications before it but denied those applications without prejudice stating that it would apply a different policy to future applications to transport offshore supplies, and, additionally, the Commission stated that it was revising the former end-use policy. Petitioner, therefore, requests elimination of the end-use restrictions previously applied. Petitioner does not propose any change in volumes of gas transported, receipt points, or other terms of the authorization previously issued.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15516 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1) it was transferred to the Commission.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. TA83-2-10-001 (PGA83-2)]

Tennessee Natural Gas Lines, Inc.; PGA Tariff Filing

June 6, 1983.

Take notice that on May 31, 1983, Tennessee Natural Gas Lines, Inc. ("TNGL"), tendered for filing a rate change, pursuant to the purchased gas cost adjustment ("PGA") provisions of its F.E.R.C. Gas Tariff, First Revised Volume No. 1, consisting of the following tariff sheets:

Forty-Third Revised Sheet No. PGA-1
Seventh Revised Sheet No. PGA-1-A

TNGL requests that such tariff sheets be allowed to become effective on July 1, 1983.

TNGL states that the purposes of its filing are: to reflect in its rates the changed rates of its sole supplier Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. ("TGP"), which will become effective on July 1, 1983.

TNGL states that copies of the filing were served upon its jurisdictional customer, the interested state regulatory commission, its non-jurisdictional customers estimated to be billed for NGPA incremental pricing surcharges, and are available for public inspection at TNGL's offices in Nashville, Tennessee.

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, 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 June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the 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 available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15536 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-364-005]

Texas Eastern Transmission Corp.; Petition To Amend

June 6, 1983.

Take notice that on May 16, 1983, Texas Eastern Transmission Corporation, (Tetco), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP79-364-005 a petition to amend the order issued December 3, 1979, in Docket No. CP79-364-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas for Northern Natural Gas Company, a Division of InterNorth, Inc. (Northern), to two additional delivery points and to extend the term of the transportation service to December 31, 1983, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Tetco states that by order issued December 3, 1979, it was authorized to transport up to 100,000 dt equivalent of natural gas per day on a firm basis and up to 50,000 dt equivalent of natural gas per day on an interruptible basis for Northern from Calcasieu Parish, Louisiana, to Chambers County, Texas. Tetco proposes herein to transport gas to United Gas Pipe Line Company, for Northern's account, at two existing points in Beauregard Parish, Louisiana, and Jackson County, Texas. It is stated that the additional delivery points would utilize existing facilities and no construction would be required in this proceeding. Tetco states that the amended transportation agreement reflects Tetco's currently effective transportation rate pursuant to its TS-2 Rate Schedule, with a monthly charge to Northern of $829,267.83 for the firm service and 27.82¢ per dth for the interruptible volumes.

Tetco further proposes the transportation of gas for Northern for a period terminating December 31, 1983, pursuant to an amendment to the gas transportation agreement dated April 12, 1983.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15515 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-046-002]

Transcontinental Gas Pipe Line Corp., et al.; Amendment

June 6, 1983.

Take notice that on May 2, 1983, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, and Texas Eastern Transmission Corporation (TETCO), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP82-046-002 an amendment to their pending application filed in Docket No. CP82-046-000 pursuant to Section 3 of the Natural Gas Act for authorization to import natural gas from Canada so as to reflect changes in this proposal resulting from the export decision of the National Energy Board of Canada (NEB), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

The purpose of the instant amendment is to conform the original application to the omnibus export decision of the NEB, Issued January 27, 1983. Applicants state that the decision reduced by 50 percent the maximum daily quantities of gas available to Transco, Algonquin and TETCO from their supplier, Pan-Alberta Gas Ltd. (Pan-Alberta) and provided for a twelve-year export license, with 25 percent reductions in quantities in each of the last three years, rather than the approximately fifteen-year initial term which had been originally requested.

Applicants assert the NEB issued a license to Pan-Alberta for a term of twelve years commencing November 1, 1984, for exportation at Niagara Falls, Ontario, of a total quantity of approximately 586,000,000 Mcf of natural gas with reduction in the last three contract years, as follows:

Period	Daily quantities (Mcf)	Annual quantities (Mcf)
Nov. 1, 1984, to Oct. 31, 1993	152,937	55,800,000
Nov. 1, 1993, to Oct. 31, 1994	114,703	41,900,000
Nov. 1, 1994, to Oct. 31, 1995	76,469	27,900,000
Nov. 1, 1995, to Oct. 31, 1996	38,234	14,000,000

In view of the NEB's export license to Pan-Alberta, the application of Transco,

Algonquin and TETCO is herein amended to conform to the daily, annual, and total quantities for the term of the NEB's export license.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15518 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-314-000]

Transcontinental Gas Pipe Line Corp.; Application

June 6, 1983.

Take notice that on May 4, 1983, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-314-000 an application pursuant to Section 3 of the Natural Gas Act for authorization to import up to 150,000 Mcf of natural gas per day from Canada, and with respect to certain storage arrangements, to export to Canada up to 150,000 Mcf of gas per day, and to import into the United States up to 300,000 Mcf of natural gas per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that on December 18, 1981, Transco filed an application in Docket No. CP82-125-000 for authorization under Section 3 of the Natural Gas Act to import 300,000 Mcf of natural gas per day purchased from TransCanada PipeLines Limited (TransCanada), to export to Canada up to 300,000 Mcf per day and to reimport into the United States up to 600,000 Mcf per day related to a new storage service. Transco proposes herein to reduce the quantities of gas to be imported which was necessitated by the January 27, 1983, decision of the National Energy Board of Canada (NEB).

It is stated that the NEB authorized TransCanada to export up to 150,000 Mcf per day for sale to Transco. It is asserted that the sale to Transco would be made pursuant to the terms of the April, 14, 1981, precedent agreement, as amended, and subject to the NEB's limitations in the export license as to daily quantities and terms. It is stated that the two export points authorized by the NEB are Emerson, Manitoba, and Niagara Falls, Ontario. It is further stated that the twelve-year term of the export license commences with the November 1, 1984, anticipated date of initial deliveries. It is explained that the total authorized export quantities are approximately 576,000,000 Mcf and there are annual reductions in authorized daily and annual quantities during the last three contract years, as follows:

Period	Daily quantities (Mcf)	Annual quantities (Mcf)
Nov. 1, 1984, to Oct. 3, 1993	150,000	54,800,000
Nov. 1, 1993, to Oct. 31, 1994	112,500	41,200,000
Nov. 1, 1994, to Oct. 31, 1995	75,000	27,500,000
Nov. 1, 1995, to Oct. 31, 1996	37,500	13,700,000

Transco proposes to undertake storage arrangements of up to 20,000,000 Mcf annually of the natural gas to be purchased from TransCanada. It is stated that the gas is to be stored at two locations: up to 10,000,000 Mcf at ANR storage Company's (ANR) storage facilities in Grand Traverse County, Michigan, and up to 10,000,000 Mcf at Union Gas Limited's (Union) storage facilities near Dawn, Ontario. It is stated that the gas to be injected into storage would be imported at an existing point of interconnection between the facilities of Great Lakes Gas Transmission Company (Great Lakes) and TransCanada near Emerson, Manitoba. Great Lakes, it is asserted, would deliver the gas to ANR's facilities in Crawford County, Michigan, and the balance of the storage quantities would be transported to the existing point of interconnection between the facilities of Great Lakes and TransCanada near St. Clair, Michigan. TransCanada would deliver these quantities to Union's system for storage for Transco's account near Dawn, Ontario, it is submitted.

Storage withdrawals from ANR would be transported by Michigan Consolidated Gas Company and Great Lakes to the St. Clair export point and would then be transported by TransCanada to Union's system and added to storage quantities withdrawn from Union's system for delivery to TransCanada near Kirkwall, Ontario, it is explained. The storage quantities would then be delivered by TransCanada for Transco's account at the Niagara Falls import point, Transco asserts.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15517 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-1-002]

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

June 7, 1983.

Take notice that on June 1, 1983, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama 35631, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Forty-Second Revised Sheet No. 3-A
and
Sixth Revised Sheet No. 3-B

These tariff sheets are proposed to become effective July 1, 1983. Alabama-Tennessee states that the purpose of this filing is to adjust its rates to conform to the rates of its suppliers, Tennessee Gas Pipeline Company (Tennessee), a Division of Tenneco Inc., and Sun Exploration and Production Company. Tennessee, on June 1, 1983, filed with the Commission a PGA filing providing for adjustments in its rates which are also proposed to become effective July 1, 1983. Alabama-Tennessee states that the changes in its rates have been made in conformity with the PGA and related provisions of its tariff.

The tariff sheets submitted herewith provide for the following rates:

Rate schedule	Rates after current adjustment
G-1:	
Demand	$8.37
Commodity	342.50
SG-1:	
Commodity	403.65
I-1:	
Commodity	370.02

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

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15633 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-290-000]

Arbutus Corp.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 8, 1983.

On May 16, 1983, The Arbutus Corporation, 230-4041 MacArthur Blvd., Newport Beach, California 92660, 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.

The wind powered facility will be located in Tehachapi, California. The electric power production capacity of the facility will be 22.5 megawatts.

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. 83-15634 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-528-000]

Bangor Hydro-Electric Co.; Filing

June 7, 1983.

The filing Company submits the following:

Take notice that on May 27, 1983, Bangor Hydro-Electric Company (Bangor) tendered for filing a Sales Agreement (Agreement) made as of May 1, 1983 between Bangor and Public Service Company of New Hampshire (PSNH) for the sale of unit power by Bangor to PSNH.

Bangor states that the Agreement provides for a unit sale of 40,000 kilowatts from Bangor's entitlement in the Mystic Unit No. 7, owned and operated by the Boston Edison Company (Boston), to PSNH. Bangor has such entitlement under contract for the proposed term of the Agreement from Boston. Such contract has been accepted for filing as Boston's Rate Schedule FPC No. 106. The Agreement provides that PSNH pay for the capacity at the rate of $20 per kilowatt per year and for their pro-rata share of the actual energy costs.

Bangor requests an effective date of May 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been mailed to PSNH.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15635 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-526-000]

Centel Corp.; Filing

June 7, 1983.

The filing Company submits the following:

Take notice that Centel Corporation (Centel) on May 25, 1983, tendered for filing a proposed Appendix No. 1 to Service Schedule P (Participation Power Service) and Appendix 1 to Service Schedule J (Displacement Power Service), both as a part of the Electric Interconnection and Interchange Agreement between Centel Corporation and Sunflower Electric Cooperative, Inc., dated June 3, 1980. These Appendixes contain the rate determination calculations for the contract year beginning June 1, 1983 and ending May 31, 1984.

Centel proposes an effective date of June 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15636 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-2-002 (PGA83-3, IPR83-2)]

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

June 7, 1983.

Take notice that on May 31, 1983, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Seventh Revised Sheet No. 4 and Fifth Revised Sheet Nos. 5 and 6 to Original Volume No. 1 of its FERC Gas Tariff to be effective July 1, 1983.

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

(1) A PGA Rate Adjustment pursuant to Section 22;

(2) Estimated Incremental Pricing Surcharges pursuant to Section 26.

East Tennessee states that copies of this filing have been mailed to all affected customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15637 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-94-000]

Eastern Shore Natural Gas Co.; Filing Supporting Restatement of Base Tariff Rates

June 7, 1983.

Take notice that on May 31, 1983, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing a restatement of its Base Tariff Rates effective June 1, 1983, on Third Revised Substitute Twenty-second Revised Sheets No. 5 and 6 and a supporting cost study, pursuant to § 154.38(d)(4)(vi) of the Commission's Regulations. Eastern Shore states that this filing reflects no change in the level of Eastern Shore's jurisdictional rates but is being made for the sole purpose of justifying such rates, as required by the 36 month review procedures contained in the Commission's Regulations governing PGA clauses.

Eastern Shore states its agreement that as of June 1, 1983, the expiration date of the 36-month period prescribed in the Regulations, the restated Base Tariff Rates are automatically subject to refund as provided by § 154.38(d)(4)(vi) (a) and (c) of the Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15638 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP68-179-001]

Florida Gas Transmission Co.; Informal Conference

June 7, 1983.

At the informal conference convened on June 1, 1983, in the above-styled proceeding, the parties and the Commission Staff explored the possibility of arriving at a settlement of all of the issues raised in Florida Gas Transmission Company's abbreviated application filed on November 12, 1981 in Docket No. CP68-179-001. In view of the progress that was made relative to this matter at that conference, the parties requested that the conference by reconvened on June 22, 1983, for the purpose of continuing their endeavors to arrive at a settlement of all of the issues in the instant proceeding.

In view of the above, an informal conference will be convened on June 22, 1983 at 10:00 a.m. for the purpose of further settlement discussions.

This informal conference will be held at the offices of the FERC at 825 North Capitol Street NE., Washington, D.C. 20426. All interested parties are invited to attend this conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15639 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-527-000]

Kansas Gas and Electric Co.; Filing

June 7, 1983.

The filing Company submits the following:

Take notice that on May 27, 1983, the Kansas Gas and Electric Company (KG&E) tendered for filing proposed changes in its FERC Electric Service Tariff No. 93 and proposed cancellation of FERC Electric Service Tariff No. 150.

KG&E states that the filing substitutes transmission service for full requirements firm power service previously provided to four delivery points of the Kansas Power and Light Company (KPL).

KG&E states that the filing is necessary because KPL desires to directly serve four delivery points not contiguous with its main system. As the intermediate utility, it is KG&E which is best suited to provide transmission service for KPL to the delivery points. The substitution in service would be phased in by delivery point over a two year period by mutual agreement between KG&E and KPL.

KG&E requests waiver of the Commission's notice requirement to allow an effective date of June 1, 1983 for two delivery points, June 1, 1984 for a third delivery point, and June 1, 1985 for the fourth delivery point.

Copies of the filing were served upon KPL and the Kansas 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 NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15640 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-317-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

June 1, 1983.

Take notice that on May 10, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-317-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange of natural gas with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Northern and Tennessee are currently authorized to exchange natural gas imported from Canada by Midwestern Gas Transmission Company (Midwestern), sold to Tennessee and delivered to Applicant for Tennessee's account by Midwestern in the state of Minnesota in exchange for volumes delivered to Tennessee in southern Louisiana by Applicant.

Applicant states that in accordance with the provisions of the exchange agreement with Tennessee, Tennessee gave notice to Applicant that it wishes to cancel their exchange agreement dated June 30, 1977, effective August 1982.

Applicant further states that the abandonment of the natural gas exchange proposed hearing would not have significant impact on its pipeline system or any of its customers.

It is explained that Tennessee has notified Midwestern of its wish to cancel its interim gas sales agreement with Midwestern because it currently has no need for this interruptible supply of natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferrred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15641 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-525-000]

Pacific Power & Light Co.; Filing

June 7, 1983.

The filing Company submits the following:

Take notice that on May 24, 1983, Pacific Power & Light Company (PP&L) tendered for filing in accordance with § 35.13a(d)(5) of the Commission's Regulations, Pacific's Revised Appendix 1 for the state of Idaho. The Revised Appendix 1 calculates an average system cost for the state of Idaho applicable to the exchange of power between Bonneville Power Administration (Bonneville) and Pacific.

Pacific requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were supplied to Bonneville, the Idaho Public Utilities Commission and Bonneville's Direct Service Industrial Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15642 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-343-000]

Panhandle Eastern Pipe Line Co.; Application

June 7, 1983.

Take notice that on May 26, 1983, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83-343-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide comprehensive transportation service to PanMark Gas Company (PanMark), a subsidiary of Applicant and an affiliate of Trunkline Gas Company (Trunkline). This transportation service would enable PanMark to offer a new sales service to existing customers of Trunkline and Applicant under PanMark's Load Retention Program, all as more fully set forth in the instant application and the application filed by PanMark on May 23, 1983, in Docket No. CP83-333-000, which are on file with the Commission and open to public inspection.

Applicant requests authorization for a period of 19 months, June 1983 through December 1984. Applicant states that it would receive gas from Trunkline or from wells connected to Applicant's facilities, transport, and redeliver such natural gas owned by PanMark either to Trunkline at an existing point of interconnection or to PanMark purchasers that are customers of Applicant at existing points of delivery. It is asserted that the natural gas to be transported by Applicant would be purchased by PanMark from volumes released from domestic producer contracts of Trunkline and Applicant and then resold by PanMark to the customers of Trunkline and Applicant

that have load subject to displacement by the installed capability to use residual fuel oil.

Applicant states that this transportation service is pursuant to a transportation agreement between Applicant and PanMark dated May 25, 1983. The rate proposed for such service is 67 cents per each MMBtu delivered by Applicant to one of PanMark's customers at an existing point of delivery. Applicant assets that the proposed rate is the portion of the effective commodity charges designed to recover the fixed costs allocated to Applicant's commodity rate schedule as reflected in Applicant's proposed rates being collected subject to refund in Docket No. RP82–58–000.

Applicant also requests authority to waive the applicable requirements of its FERC Gas Tariff to permit PanMark sales service to be provided to Applicant's purchasers under Rate Schedules G and SG for General Service and Small General Service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15643 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-333-000]

PanMark Gas Co.; Application

June 7, 1983.

Take notice that on May 23, 1983, PanMark Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83–333–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide a new sales service for existing customers of Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant requests authorization for a period of 19 months, June 1983 through December 1984, to implement a Load Retention Program (Program) for Panhandle and Trunkline Applicant states that it is a subsidiary of Panhandle and asserts that the proposed Program should enable Applicant to offer lower gas rates to the present jurisdictional customers of Panhandle and Trunkline, under specified limited conditions, than the rates currently charged under Panhandle's and Trunkline's existing rate schedules. It is stated that the purpose of the new service is to enable the present jurisdictional customers to regain load loss of natural gas sales and to avoid further load loss due to price competition from residual fuel oil.

As proposed, the service would only be available to those existing jurisdictional customers of Panhandle and Trunkline that have load with the installed capability to replace natural gas with residual fuel oil. Service to jurisdictional customers would be within the limits of the annual and daily contract quantities which have previously been authorized by the Commission for Panhandle and Trunkline, it is explained. Applicant states that the gas supply would be provided by the existing domestic producer-suppliers of Panhandle and Trunkline which have agreed to contractual reliefs requested by Panhandle and Trunkline. This relief consists of a 50 percent reduction of contract purchase quantities for gas priced at or above the Natural Gas Policy Act of 1978's Section 103 maximum lawful price and (for Trunkline only) a 20 percent reduction of the contract purchase quantities for all other supplies. Applicant states further that the transportation and delivery of the sales volumes would be provided by Panhandle and Trunkline and is the subject of the requested authorizations in their respective Docket Nos. CP83–343–000 and CP83–342–000.

Applicant states that end-users, subject to certain conditions, would certify each month to their distribution company their "Eligible Volume" subject to displacement with residual fuel oil and the "Competitive Price" to residual fuel oil. It is submitted that the distribution company would then certify to Applicant its aggregate "Eligible Volume" requirement and needed city-gate "Load Retention Price" that is the weighted average of the "Competitive Prices" of its end-users. Applicant explains that it would compute the corresponding net-back wellhead prices, seek to purchase the customer's requirements at that price, and then sell the available supplies on a fully interruptible basis at each customer's "Load Retention Price". The "Load Retention Price", Applicant states, contains three components: (1) the uniform, fixed-cost charge proposed to be paid by Applicant to Panhandle or Trunkline for transportation, currently at 67 cents or 29 cents per MMBtu respectively, (2) a nominal out-of-pocket charge, proposed at one cent per MMBtu for Applicant's administrative costs and (3) the net-back wellhead price per MMBtu paid by Applicant to producers supplying the natural gas. In the event the net-back wellhead price is greater than the maximum lawful price in which producers can sell the gas to Applicant, then the difference between the total cost of the lower maximum lawful prices charged to Applicant and revenues received from the higher wellhead net-back price component included in Applicant's rate will be paid to Panhandle or Trunkline which will then be credited to their respective Account 191 (Unrecovered Purchased Gas Costs), it is asserted.

Applicant states that it will operate two pools of markets. Panhandle's suppliers will be matched to Panhandle's customers and Trunkline's suppliers and customers will be similarly matched. Each pool will have its separate net-back wellhead prices for the supplies released from Panhandle or Trunkline contracts. In the event one market requires additional supplies that are available from the other's market then the supplier with the "excess" gas

will be offered by Applicant to make sales to the market requiring additional volumes at the separate net-back price for the market seeking the additional purchases.

In order to implement the above program Applicant specifically requests to be found a natural gas company under the Natural Gas Act; to receive authority to make sales for resale to the distribution companies which have an executed service agreement with Applicant, as detailed in the application, and to any other existing customer of Panhandle or Trunkline that has load subject to displacement by installed capability to use residual fuel oil; waiver of the requirements of Section 4(d) of the Natural Gas Act; and acceptance for filing and effectiveness of the *pro forma* tariff submitted in the application.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15644 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-355-000]

Producer-Suppliers of Panhandle Eastern Pipe Line Co.; Application

June 7, 1983.

Take notice that on May 31, 1983, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas, 77001, and PanMark Gas Company (PanMark), P.O. Box 1647, Houston, Texas 77001, filed in Docket No. CP83-355-000 an application, on behalf of producer-suppliers currently selling gas to Panhandle, pursuant to Sections 7(b) and 7(c) of the Natural Gas Act for (1) blanket authority for partial abandonment of certificated sales to Panhandle and (2) a blanket limited-term certificate of public convenience and necessity authorizing the sale in interstate commerce of such partially abandoned reserves to PanMark, all as more fully set forth in the instant application and the application filed by PanMark on May 23, 1983 in Docket No. CP83-333-000 which are on file with the Commission and open for public inspection.

In Docket No. CP83-333-000, PanMark filed an application seeking Commission authorization to implement a temporary Load Retention Program (LRP) designed to enable existing customers of Panhandle, its parent company, and Trunkline, its pipeline affiliate, to regain or retain load that now competes with residual fuel oil. The gas supply for the LRP will be provided by existing domestic producer-suppliers of Panhandle and Trunkline who have agreed to the contractual relief requested by Panhandle and Trunkline, [1] it is asserted.

It is stated that, the blanket authorization requested in Docket No. CP83-355-000 on behalf of Panhandle's producer-suppliers is for partial abandonment of certificated producer sales to Panhandle for the quantities of gas which the producers elect to sell directly to PanMark under the LRP programs from June 1983 through December 1984, or to other markets for certain high price gas, specifically Natural Gas Policy Act of 1978 Sections 102(d), 107(c)(5) and 108 gas for the same term. In addition limited-term certificate authority is sought for the term of the LRP program to allow Panhandle's producers to make sales directly to PanMark.

It is asserted, that PanMark, pursuant to the *pro forma* tariff sheets filed in Docket No. Cp83-333-000, will submit monthly to the Commission, reports which will provide information required by §§ 157.24, 157.25 and 157.30 of the Commission's Regulations. It is therefore requested that the Commission grant a waiver of the requirements for §§ 157.24, 157.25 and 157.30 in Docket No. CP83-355-000.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for producer-suppliers of

[1] Trunkline filed on behalf of its producer-suppliers for such relief in Docket No. CP83-354-000.

Panhandle to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15645 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-354-000]

Producer-Suppliers of Trunkline Gas Co.; Application

June 7, 1983.

Take notice that on May 31, 1983, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas, 77001, and PanMark Gas Company (PanMark), P.O. Box 1647, Houston, Texas, 77001, filed Docket No. CP83-354-000 an application, on behalf of producer-suppliers currently selling gas to Trunkline, pursuant to Sections 7(b) and 7(c) of the Natural Gas Act for (1) blanket authority for parital abandonment of certificated sales to Trunkline and (2) a blanket limited-term certificate of public convenience and necessity authorizing the sale in interstate commerce of such partially abandoned reserves to PanMark, all as more fully set forth in the instant application and the application filed by PanMark on May 23, 1983 in Docket No. CP83-333-000 which are on file with the Commission and open for public inspection.

In Docket No. CP83-333-000, PanMark filed an application seeking Commission authorization to implement a temporary Load Retention Program (LRP) designed to enable existing customers of Trunkline, its pipeline affiliate, and Panhandle Eastern Pipe Line Company (Panhandle), its parent company to regain or retain load that now competes with residual fuel oil. The gas suppiy for the LRP will be provided by existing domestic producer-suppliers of Trunkline and Panhandle who have agreed to the contractual relief requested by Trunkline and Panhandle,[1] it is asserted.

It is stated that, the blanket authorization requested on behalf of Trunkline's producer-suppliers is for partial abandonment of certificated producer sales to Trunkline for the quantities of gas which the producers elect to sell directly to PanMark under the LRP programs from June 1983 through December 1984, or to other markets for certain high price gas, specifically Natural Gas Policy Act of 1978 Sections 102(d), 107(c)(5) and 108 gas for the same term. In addition limited-term certificate authority is sought for the term of the LRP program to allow Trunkline's producers to make sales directly to PanMark.

It is asserted, that PanMark, pursuant to the *pro forma* tariff sheets filed in Docket No. CP83-333-000, will submit monthly to the Commission, reports which will provide information required by §§ 157.24, 157.25 and 157.30 of the Commission's Regulations. It is therefore requested that the Commission grant a waiver of the requirements for §§ 157.24, 157.25 and 157.30 in Docket No. CP83-354-000.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for producer-suppliers of Trunkline to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15646 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[1] Panhandle filed on behalf of its producer-suppliers for such relief in Docket No. CP83-355-000.

[Docket No. CS77-174-001, et al.]

Royal Resources Exploration, Incorporated, of Colorado et al.; Applications for "Small Producer" Certificates [1]

June 7, 1983.

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

Any person desiring to be heard or to make any protests with reference to said applications should on or before June 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

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

Under the procedure herein provided for, unless otherwise advised, it will be

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

unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS77-174-001	[1] 4/21/83	Royal Resources Exploration, Incorporated, of Colorado (Royal Resources Corporation) (Royal Properties, Inc.) (RR Exploration Company, Ltd.), Suite 500, 1660 South Halbion Street, Denver, Colorado 80222
CS77-829-001	[2] 5/2/83	Sage Energy Company (Rial Oil Company), One Riverwalk Place, 700 N. St. Mary's, Suite 1900, San Antonio, Texas 78205
CS83-86-000	5/5/83	Tiffany Gas Co., Suite 300, 300 W. Arrington, Farmington, New Mexico 87401
CS83-87-000	5/6/83	Bolack Minerals Company, Route 3, South, Box 47, 3901 Bloomfield Highway, Farmington, New Mexico 87401
CS83-88-000	5/9/83	GIEB Corporation, P.O. Box 10366, Midland, Texas 79702
CS83-89-000	5/23/83	Marie Fletcher, 805 E. 21st St., San Angelo, Texas 76903
CS83-90-000	5/25/83	Carl H. Noel, 2500 First National Bank Building, Denver, Colorado 80293

[1] Ltr. rec'd dated April 18, 1983 requesting that the small producer exemption in Docket No. CS77-174 be amended to add the following names: Royal Resources Corporation, Royal Properties, Inc. and RR Exploration Company, Ltd.
[2] Ltr. rec'd dated April 26, 1983 informing the Commission that Rial Oil Company changed its name to Sage Energy Company in mid-1980.

[FR Doc. 83-15647 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-6-002]

Sea Robin Pipeline Co., Filing of Revised Tariff Sheets

June 7, 1983.

Take notice that on May 31, 1983, Sea Robin Pipeline Company (Sea Robin) tendered for filing Thirty-fifth Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1. This tariff sheet and supporting information is being filed pursuant to the Purchased Gas Cost Adjustment provision set out in Sections 1 and 3 of Sea Robin's Tariff with a proposed effective date of July 1, 1983. In addition, Sea Robin submits Fifteenth Revised Sheet No. 4–A to become effective July 1, 1983, in compliance with Federal Energy Regulatory Commission (Commission) orders issued May 11, 1978, and July 12, 1978, at Docket No. RP77–6; and Second Revised Sheet No. 4–B which reflects the estimated incremental pricing surcharges for the period July 1, 1983 through December 31, 1983.

Sea Robin states that these revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15648 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA83-2-9-001]

Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; Rate Change Under Tariff Rate Adjustment Provisions

June 7, 1983.

Take notice that on May 31, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing Sixth Revised Sheet Nos. 23 through 30 and Ninth Revised Sheet No. 21 to Original Volume No. 1 of its FERC Gas Tariff to be effective July 1, 1983.

Tennessee states that the purpose of the revised tariff sheets is to adjust Tennessee's rates pursuant to Articles XXIII and XXIX of the General Terms and Conditions of its FERC Gas Tariff, consisting of a PGA rate adjustment and Estimated Incremental Pricing Surcharges.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 208 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any prson who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filng are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15649 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-91-000]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

June 7, 1983.

Take notice that on May 31, 1983 Texas Gas Transmission Corporation (Texas Gas) tendered for filing proposed changes to its FERC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales and services by approximately $35,948,000 based on the 12-month period ended January 31, 1983, as adjusted, compared with the rates set forth in Appendix A to the Stipulation and Agreement in Docket No. RP82–74 currently pending before the Commission, plus the current purchased gas adjustment effective February 1, 1983.

Texas Gas states that the increased costs are attributable to: (1) A substantial decrease in sales volumes; (2) increases in operating expenses; (3) increase in rate base and in related costs; and, (4) an increase in rate of return and related taxes.

Texas Gas requests an effective date of July 1, 1983, for the proposed Revised Sheets. Texas Gas further states that it served copies of this filing upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Rule 2.14 and 2.11 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15650 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-342-000]

Trunkline Gas Co.; Application

June 7, 1983.

Take notice that on May 26, 1983, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83-342-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity and a request for a temporary certificate authorizing Applicant to provide comprehensive transportation service to PanMark Gas Company (PanMark), a subsidiary of Panhandle Eastern Pipe Line Company (Panhandle) and an affiliate of Applicant. This transportation service will enable PanMark to offer a new sales service to existing customers of Panhandle and Applicant under PanMark's Load Retention Program, all as more fully set forth in the instant application and the application filed by PanMark on May 23, 1983, in Docket No. CP83-333-000, which are on file with the Commission and open for public inspection.

Specifically, Applicant requests authorization for a period of 19 months, June 1983 through December 1984, for the receipt of natural gas from wells connected to Applicant, transportation, and redelivery of such natural gas owned by PanMark either to Panhandle at an existing point of interconnection or to PanMark purchasers that are customers of Applicant at existing points of delivery. It is asserted that the natural gas to be transported by Applicant will be purchased by PanMark from volumes released from domestic producer contracts of Panhandle and Applicant and then resold by PanMark to the customers of Panhandle and Applicant that have load subject to displacement by the installed capability to use residual fuel oil. This transportation service is pursuant to a transportation agreement between Applicant and PanMark dated as of May 25, 1983. The rate proposed for such service is 29 cents per each MMBtu delivered by Applicant to one of PanMark's customers at an existing point of delivery. Applicant states the proposed transportation rate is the portion of the effective commodity charges designed to recover the fixed costs allocated to Applicant's commodity rate schedule as reflected in Applicant's settlement rates in the minimum bill proceeding before the Commission in Docket Nos. RP81-103-000 and RP82-130-000.

Applicant also requests authority to waive the applicable requirements of its FERC Gas Tariff to permit PanMark sales service to be provided to Applicant's purchasers under the Rate Schedules G and SG for General Service and Small General Service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15652 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-93-000]

Trunkline Gas Co.; Proposed Changes

June 7, 1983.

Take notice that on May 31, 1983, Trunkline Gas Company (Trunkline) tendered for filing proposed changes in the revised tariff sheets as listed on the attached Appendix A.

These revised tariff sheets implement a general rate increase to Trunkline's jurisdictional sales of $33.5 million annually based on test year ending February 28, 1983, adjusted for changes known and measurable to November 30, 1983.

Trunkline states that the increased rates are necessitated by increased costs at all levels including operating costs, increased capital costs, and increased costs associated with new facilities. The proposed effective date of the tendered sheets is July 1, 1983.

Trunkline states that in response to the current marketing difficulties which it and its customers are experiencing, the instant rate filing reflects a rate design patterned on the so-called *Seaboard* method which allocates 50% of fixed costs to the commodity portion of Trunkline's two part demand/commodity rates. This rate design methodology will result in lower commodity rates to Trunkline's customers than would otherwise be obtained under existing rate design and thus will assist in creating more stable and marketable gas pricing on the Trunkline system.

The rate increase filing also reflects revenue requirements which have been computed on the assumption that the Settlement Agreement pending before the Commission in Docket Nos. RP81-103 and RP82-130 will be approved prior to the date the rates herein are permitted to be placed into effect. The Settlement Agreement temporarily suspends the annual commodity minimum bill in Trunkline's P-1 and P-2 rate schedules and implements an agreed upon Interim Minimum Bill. If the new rates proposed herein are placed into effect without prior Commission approval of the Settlement Agreement, Trunkline will continue service under the terms of its current tariff until such time as the Commission shall approve the Settlement, if at all.

Copies of this filing were served on Trunkline's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix A—Trunkline Gas Company

Proposed Tariff Sheets

FERC Gas Tariff, Original Volume No. 1

Forty-Second Revised Sheet No. 3–A
First Revised Sheet No. 3–A.1
First Revised Sheet No. 17
Fifth Revised Sheet No. 21–D
Fifth Revised Sheet No. 21–E
Eighth Revised Sheet No. 21–F
First Revised Sheet No. 21–F.1
Fifth Revised Sheet No. 21–G
Fifth Revised Sheet No. 21–H
Third Revised Sheet No. 21–I
Fourth Revised Sheet No. 21–J

FERC Gas Tariff, Original Volume No. 2

Third Revised Sheet No. 214
Fourth Revised Sheet No. 468
Third Revised Sheet No. 469
Fourth Revised Sheet No. 499
Third Revised Sheet No. 500
Third Revised Sheet No. 527
Third Revised Sheet No. 528
Twelfth Revised Sheet No. 555
Third Revised Sheet No. 583
Third Revised Sheet No. 584
Third Revised Sheet No. 766
Third Revised Sheet No. 767
Third Revised Sheet No. 796
Third Revised Sheet No. 797
Third Revised Sheet No. 859
Third Revised Sheet No. 860
Third Revised Sheet No. 937
Third Revised Sheet No. 938
Fourth Revised Sheet No. 1010
Fourth Revised Sheet No. 1011
Seventh Revised Sheet No. 1105.1
Seventh Revised Sheet No. 1106
Third Revised Sheet No. 1142
Third Revised Sheet No. 1143
Third Revised Sheet No. 1194
Third Revised Sheet No. 1262
Third Revised Sheet No. 1263
Seventh Revised Sheet No. 1301
Seventh Revised Sheet No. 1302
Second Revised Sheet No. 1302.1
Sixth Revised Sheet No. 1341
Second Revised Sheet No. 1376
Second Revised Sheet No. 1377
Second Revised Sheet No. 1463
Second Revised Sheet No. 1464
Ninth Revised Sheet No. 1567
Tenth Revised Sheet No. 1608
Ninth Revised Sheet No. 1649
Third Revised Sheet No. 1756
Third Revised Sheet No. 1757
Ninth Revised Sheet No. 1800
Second Revised Sheet No. 1841
Ninth Revised Sheet No. 2001
Second Revised Sheet No. 2205
Second Revised Sheet No. 2206
Second Revised Sheet No. 2301
Second Revised Sheet No. 2327
Second Revised Sheet No. 2328
Second Revised Sheet No. 2370
Second Revised Sheet No. 2371
Ninth Revised Sheet No. 2415
Ninth Revised Sheet No. 2416
Ninth Revised Sheet No. 2417
Second Revised Sheet No. 2640
First Revised Sheet No. 2728
Second Revised Sheet No. 2901
Fifth Revised Sheet No. 3152
Second Revised Sheet No. 3295
Fourth Revised Sheet No. 3341
Second Revised Sheet No. 3385
First Revised Sheet No. 3422
First Revised Sheet No. 3460

[FR Doc. 83-15651 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP72-133-020]

United Gas Pipe Line Co.; Filing of Revised Tariff Sheets

June 7, 1983.

Take notice that on May 31, 1983, United Gas Pipe Line Company (United) tendered for filing Substitute Revised Sixty-first Revised Sheet No. 4, Seventh Revised Sheet Nos. 4–A and 4–B, and Revised Ninth Revised Sheet No. 4–C to its FERC Gas Tariff, First Revised Volume No. 1. These tariff sheets and supporting information are being filed pursuant to the Purchased Gas Cost Adjustment provisions set out in Sections 19, 21, 23 and 24 of United's Tariff.

Seventh Revised Sheet Nos. 4–A and 4–B are being filed to reflect the estimated incremental pricing surcharges as required by Commission Order No. 49 issued September 28, 1979.

Revised Ninth Revised Sheet No. 4–C is being filed in compliance with the letter order issued by the Office of Pipeline and Producer Regulation dated January 27, 1982, and reflects the FERC-approved changes to the transportation rate schedules.

United requests a June 1, 1983 effective date for the adjustments in its rates filed herein and a one-time waiver of the provisions of its Tariff which otherwise provide for a July 1 effective date.

United also requests that it be allowed to split the adjustment attributable to the Alaskan Natural Gas Transportation System into two separate parts in order to synchonrize this adjustment with the change in United's base rates which will occur September 1, 1983.

Copies of the proposed tariff sheets and supporting data are being mailed to United's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15653 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF83-5021-000]

Western Area Power Administration; Filing

June 7, 1983.

The filing agency submits the following:

Take notice that on April 25, 1983, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy, by Rate Order No. WAPA–19, did confirm and approve, on an interim basis, to be effective with the June 1983 billing period, new rate schedules SP–F2 (Schedule of Rates for Wholesale Firm Power Service), SP–FP2 (Schedule of Rates for Wholesale Peaking Power Service), SP–FT1 (Schedule of Rates for Firm Transmission Service), and SP–NFT1 (Schedule of Rates for Nonfirm Transmission Service) for the Western Area Power Administration's Colorado River Storage Project.

The new rates will be in effect pending the Commission's approval of them, or substitute rates, on a final basis, or until they are superseded. The Assistant Secretary states that the rate schedules are submitted for confirmation and approval on a final basis pursuant to authority vested in the Commission by Delegation Order No. 0204–33.

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 petitions or protests should be filed on or before June 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the 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. 83-15654 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Objection to Modified Remedial Order Filed

On May 2, 1983, Tugalo Gas Company, 302 West Currahee Street, Toccoa, Georgia 30577 filed a document entitled "Notice of Objection to Modified Remedial Order" with the Office of Hearings and Appeals of the Department of Energy, Case No. HRA-0008. The Economic Regulatory Administration (ERA) issued the Modified Remedial Order to the firm on April 5, 1983. In the Modified Remedial Order, the ERA found that during the period October 12, 1973 through May 25, 1974, Tugalo did not determine its selling prices for propane in accordance with the requirements of 10 CFR 212.93. According to the Modified Remedial Order, the Tugalo violation resulted in $62,829.34 of overcharges.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning this Modified Remedial Order must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 6, 1983.

[FR Doc. 83-15619 Filed 6-9-83; 8:45 am]

BILLING CODE 6450-01-M

Southwestern Power Administration

Notice of Submission of Increased Power Rate to the Federal Energy Regulatory Commission; Correction

AGENCY: Southwestern Power Administration, DOE.

ACTION: Corrections to previous Notice of Order (Sam Rayburn Dam).

SUMMARY: Notice is given of correction to title of Order published in the **Federal Register** on May 6, 1983 (48 FR 20485).

DATE: The corrections to the title are effective May 6, 1983.

FOR FURTHER INFORMATION CONTACT:

Walter M. Bowers, Chief, Division of Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Box Drawer 1619, Tulsa, Oklahoma 74101, (918) 581-7529

Fred A. Sheap, Office of Power Marketing Coordination, Department of Energy, Federal Building, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20585, (202) 633-8336

SUPPLEMENTARY INFORMATION: The corrections are as follows:

Title: Notice of Submission of Increased Power Rate to the Federal Energy Regulatory Commission.

Issued in Washington, D.C., June 3, 1983.

Howard S. Coleman,

Principal Deputy Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 83-15616 Filed 6-9-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59128; TSH-FRL 2379-6]

Certain Chemicals; Premanufacture Exemption Applications; Metal Oxide, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: June 27 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-59128]" and the specific TME number should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

TME 83-57

Close of Review Period. July 15, 1983.

Manufacturer. Confidential.

Chemical. (G) Metal oxide.

Use/Production. (G) Energy converter. Prod. range: Confidential.

Toxicity Data. No data on the TME substance submitted.

Exposure. Manufacture, processing and use: dermal and inhalation, a total of 5 workers, up to 2 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. No release.

TME 83-58

Close of Review Period. July 15, 1983.

Manufacturer. Sun Alert Incorporate.

Chemical. (S) 3'-(p-(dimethylamino)phenyl)Spiro-(flourene-9,4'-oxazolidine-2',5'dione.

Use/Production. (S) Site-limited raw material for Sun dosimeter. Prod. range: 1–11 kg/yr.

Toxicity Data. Acute oral: Not toxic; Acute dermal: Not toxic; Irritation: Skin—Not irritant; Inhalation: Not a potential sensitizer; Ames Test: Direct acting base substitution mutagen.

Exposure. Manufacture and disposal: airborne, a total of 8 workers, up to 8 hrs/da, up to 35 da/yr.

Environmental release/Disposal. 10 kg/yr released to air, water and land. Disposal by publicly owned treatment works (POTW), and private septic.

Dated: June 6, 1983.

Ronald A. Stanley,

Acting Director, Management Support Division.

[FR Doc. 83-15434 Filed 6-9-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51470; TSH FRL 2379-7]

Certain Chemicals; Premanufacture Notices; Substituted Heteromonocycle Sulfonyl Aniline, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) to the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are dicussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of twenty-nine PMNs and provides a summary of each.

DATES: Close of review period: PMN 83–784, 83–785, 83–786, 83–787, 83–788, 83–789, 83–790, 83–791, 83–792, 83–793 and 83–794, August 24, 1983.

PMN 83–795, August 28, 1983.

PMN 83–796, 83–797, 83–798, 83–799, 83–800, 83–801, 83–802, 83–803, 83–804, 83–805 and 83–806, August 29, 1983.

PMN 83–807, 83–808, 83–809, 83–810, 83–811 and 83–812, August 30, 1983.

Written comments by: PMN 83–784, 83–785, 83–786, 83–787, 83–788, 83–789, 83–790, 83–791, 83–792, 83–793 and 83–794, July 25, 1983.

PMN 83–795, July 29, 1983.

PMN 83–796, 83–797, 83–798, 83–799, 83–800, 83–801, 83–802, 83–803, 83–804, 83–805 and 83–806, July 30, 1983.

PMN 83–807, 83–808, 83–809, 83–810, 83–811 and 83–812, July 31, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS–51470]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, RM. E–409, 401 M St., SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460, (202–382–3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

PMN 83–784

Manufacturer. Confidential.

Chemical. (G) Substituted heteromonocycle sulfonyl aniline.

Use/Production. (S) Site-limited and industrial intermediate. Prod. range: Condidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 32 workers, up to 4 hrs/da, up to 5 da/yr.

Environmental Release/Disposal. No release.

PMN 83–785

Manufacturer. Confidential.

Chemical. (G) Substituted heteromonocycle sulfonylphenyl azo substituted naphthalenesulfonic acid, salt.

Use/Production. (S) Industrial dye. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 14 workers, up to 4 hrs/da, up to 11 da/yr.

Environmental Release/Disposal. No release.

PMN 83–786

Manufacturer. Confidential.

Chemical. (G) Ester of a substituted phenol and an inorganic acid.

Use/Production. (G) Lubricant additive. Prod. range: Confidential.

Toxicity data. No data submitted.

Exposure. Confidential

Environmental Release/Disposal. Confidential.

PMN 83–787

Manufacturer. Confidential.

Chemical. (G) Salt of diester of phosphordithioic acid.

Use/Production. Confidential. Prod. Range: Confidential.

Toxicity data. Acute oral: >200 mg/kg; Irritation: Skin—7.0, Eye—70.7

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–788

Manufacturer. Confidential.

Chemical. (G) Reaction product of fatty alkene amine and isocyanate.

Use/Production. (S) Thickening agent in greases intended to be used as lubricants in mechanical devices. Prod. range: Confidential.

Toxicity data. No data submitted.

Exposure. Manufacture: dermal, a total of 6 workers, up to 8 hrs/da, up to 5 da/yr.

Environmental Release/Disposal. No release.

PMN 83–789

Manufacturer. Confidential.

Chemical. (G) Reaction product of a fatty alkene amine, aromatic amine and isocvanate.

Use/Production. (S) Thickening agent in greases intended to be used as lubricants in mechanical devices. Prod. range: Confidential.

Toxicity data. No data submitted.

Exposure. Manufacture: dermal, a total of 6 workers, up to 8 hrs/da, up to 5 da/yr.

Environmental Release/Disposal. No release.

PMN 83–790

Manufacturer. American Cyanamid Company.

Chemical. (G) Heterocyclic carboxylic acid.

Use/Production. (G) Captive intermediate. Prod. range: Confidential.

Toxicity data. Acute oral: >500 mg/kg; Acute dermal: >200 mg/kg; Irritation: Skin—Negative, Eye—Positive; Ames Test: Negative.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–791

Manufacturer. Confidential.

Chemical. (G) Vegetable oil polyamide resin.

Use/Production. (S) Industrial polymeric component for inks and coatings. Prod. range Confidential.

Toxicity data. No date submitted.

Exposure. Manufacture and processing: dermal, a total of 11 workers, up to 4 hrs/da, up to 65 da/yr.

Environmental Release/Disposal. Less than 10 to 10,000 kg/yr released to land. Disposal by publicly owned treatment works (POTW) and landfill.

PMN 83-792

Manufacturer. Confidential.
Chemical. (G) Alkylamine salt of polyakylpolycyclic sulfonic acid.
Use/Production. (G) Contained use. Prod. range: Confidential.
Toxicity data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 18 workers, up to 1 hr/da, up to 20 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land.

PMN 83-793

Manufacturer. Confidential.
Chemical. (G) 2-chloro-4(N,N-diethylamino)-5-substituted aryloxydiazonium tetrafluroborate.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Date. No data submitted.
Exposure. Use and disposal: dermal and inhalation, a total of 16 workers, up to 8 hrs/da, up to 36 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and land. Disposal by landfill.

PMN 83-794

Manufacturer. Confidential
Chemical. (G) Lignosulfonate, reaction product with an alkenoic acid.
Use/Production. (G) Open use. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-795

Manufacturer. Hach Company.
*Chemical. (S) 4-Methylumbelliferyl-*B-D-glucuronide.
Use/Production. (S) Consumer microbiological detection of E. coli. Prod. range: .050–1.000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and disposal: oral/dermal, a total of 2 workers.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by POTW.

PMN 83-796

Manufacturer. Confidential.
Chemical. (G) Aminomethylphosphonic acid.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Release is negligible. Disposal by POTW and Resource Conservation and Recovery Act (RCRA).

PMN 83-797

Manufacturer. Confidential.
Chemical. (G) Aminomethylene phosphonic acid.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted
Exposure. Confidential.
Environmental Release/Disposal. Release is negligible. Disposal by POTW and RCRA.

PMN 83-798

Manufacturer. Essex Specialty Products.
Chemical. (G) Blocked polyurethane prepolymer.
Use/Production. (S) Polyurethane polymer for use in compounded sealants and coatings. Prod. range: 20,000–250,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and use: dermal, a total of 4 workers, up to 8 hrs/da.
Environmental Release/Disposal. No release.

PMN 83-799

Manufacturer. Phillips Chemical Company.
Chemical. (S) N,N-dimethyl-S-benzyldithiocarbamate.
Use/Production. (G) Industrial usage. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal and inhalation, a total of 6 workers, up to 8 hrs/da, up to 5 da/wk.
Environmental Release/Disposal. Confidential.

PMN 83-800

Manufacturer. McWhorter, Incorporated.
Chemical. (S) Polymer of: coconut oil, coconut fatty acid, glycerin, phthalic anhydride, and maleic anhydride.
Use/Production. (S) Industrial coconut alkyd for use in lacquers and thermoset systems. Prod. range: 7,500–30,200 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal.
Environmental Release/Disposal. Release to water. Disposal by landfill.

PMN 83-801

Manufacturer. McWhorter, Incorporated.
Chemical. (S) Polymer of: tall oil fatty acids, isophthalic acid, phthalic anhydride, pentaerythritol, dipentaerythritol, trimethylpentane diol, trimellitic anhydride.
Use/Production. (S) Industrial water soluble resin for use in protective coatings. Prod. range: 25,000–125,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal.
Environmental Release/Disposal. Release to water. Disposal by landfill.

PMN 83-802

Manufacturer. Confidential.
Chemical. (G) Polymer of mixed fatty acids, unsubstituted aromatic and aliphatic dicarboxylic acids, an alkyl-substituted triol, and substituted alkyl diols.
Use/Production. (S) Industrial thermoset polymer for coating metallic surfaces. Prod. range: 20,000–120,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing, use and disposal: dermal, a total of 14 workers, up to 10 hrs/da, up to 40 da/yr.
Environmental Release/Disposal. 10–100 kg/yr released to land. Disposal by biological treatment system and approved landfill.

PMN 83-803

Manufacturer. Confidential.
Chemical. (G) Prepolymerized halogenated silicon magnesium aluminum oxotitanate.
Use/Production. (S) Industrial catalyst. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and use: dermal, a total of 2 workers, up to 2 hrs/da, up to 200 da/yr.
Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by POTW and incineration.

PMN 83-804

Manufacturer. Sun Alert, Incorporated.
Chemical. (S) 3'-(p-(dimethylamino) phenyl) Spiro-(flourene-9,4'-oxazolidine)-2',5' dione.
Use/Production. (S) Site-limited raw material for sun dosimeter. Prod. range: 1–11 kg/yr.
Toxicity Data. Acute oral: Non-toxic; Acute dermal: Non-toxic; Irritation: Skin—Non-irritant; Ames Test: Direct acting base substitution mutagen; Skin sensitization: Non-sensitizer.
Exposure. Manufacture and disposal: airborne, a total of 8 workers, up to 8 hrs/da, up to 35 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by POTW.

PMN 83-805

Manufacturer. Lilly Industrial Coatings, Incorporated.

Chemical (G) Saturated polyester resin.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing, use and disposal: dermal and inhalation, a total of 186 workers, up to 12 hrs/da, up to 100 da/yr.
Environmental Release/Disposal. 10–100 kg/yr released to air and water with 1,000–10,000 kg/yr to land. Disposal by POTW and landfill.

PMN 83–806

Manufacturer. Confidential.
Chemical. (G) Metal oxide.
Use/Production. (G) Energy converter. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and disposal: a total of 5 workers, up to 2 hrs/da, up to 260 da/yr.
Environmental Release/Disposal. No release.

PMN 83–807

Manufacturer. Confidential.
Chemical. (G) Substituted azo substituted benzenesulfonic acid.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: a total of 2 workers, up to 20 hrs/person, up to 80 manhours/yr.
Environmental Release/Disposal. No release.

PMN 83–808

Manufacturer. SCM Organic Chemicals.
Chemical. (S) 2-,3-, and 4-pinanol mixture.
Use/Production. (S) Odor masking agent and oil drilling solvent. Prod. range: 0–125,000 kg/yr.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture, processing and use: dermal and inhalation, a total of 7 workers, up to 2 hrs/da, up to 260 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83–809

Manufacturer. Confidential.
Chemical. (G) Saturated polyester.
Use/Production. (S) Industrial polymer for metal coating. Prod. range: 500–46,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and use: dermal, a total of 12 workers, up to 4 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. No release. Disposal by POTW, incineration, and RCRA.

PMN 83–810

Manufacturer. Confidential.
Chemical. (G) Cyclo alkyl acrylate.
Use/Production. (G) Industrial ink component. Prod. range: Confidential.
Toxicity Data. Acute oral: 2.3 g/kg; Irritation: Skin—Moderate, Eye—Severe; Ames Test: Non-mutagenic.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83–811

Manufacturer. Confidential.
Chemical. (G) Aliphatic alkyl acrylate.
Use/Production. (G) Industrial ink component. Prod. range: Confidential.
Toxicity Data. Acute oral: 1,150 g/kg; Irritation: Skin—Moderate, Eye—Severe; Ames Test: Non-mutagenic.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83–812

Manufacturer. Essex Specialty Products.
Chemical. (G) Blocked polyurethane prepolymer.
Use/Production. (S) Polyurethane polymer for use in compounded sealants and coatings. Prod. range: 5,000–50,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and use: dermal, a total of 4 workers, up to 8 hrs/da.
Environmental Release/Disposal. No release.

Dated: June 6, 1983.

Ronald A. Stanley,
Acting Director, Management Support Division.

[FR Doc. 83-15435 Filed 6-9-83; 8:45 am]
BILLING CODE 6560-50-M

[ER-FRL-2379-4]

Availability of Environmental Impact Statements Filed May 31 Through June 3, 1983, Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities General Information (202) 382–5075 or 382–5076.

US Army Corps of Engineers:
EIS No. 830292, Draft, COE, OH, Lorain Small Boat Harbor Construction, Lorain County, Due: July 25, 1983.
EIS No. 830293, Draft, COE, IL, North Branch Chicago River Watershed Flood Control, Lake & Cook Cos., Due: July 25, 1983.

Department of the Interior:
EIS No. 830289, Final, BLM, OR, Eugene, Ten-Year Timber Mgmt. Plan, Benton, Lane, Douglas & Linn Cos., Due: Aug. 1, 1983.
EIS No. 830290, Final, BLM, OR, Eastside Salem Ten-Year Timber Mgmt. Plan, Multnomah & Linn Counties, Due: Aug 1, 1983.
EIS No. 830291, Final, BLM, OR, Roseburg Ten-Year Timber Mgmt. Plan, Lane, Douglas & Jackson Counties, Due: Aug. 1, 1983.

Department of Transportation:
EIS No. 830294, Draft, FHW, MD, East Street Corridor Improvements, 9th Street to I–70, Frederick Co., Due: July 29, 1983.
EIS No. 830296, Draft, FHW, NJ, NJ–20 Connector Const., I–80 to Patterson CBD Loop Road, Passaic Co., Due: July 29, 1983.
EIS No. 830297, Final, FHW, IN, IN–129 Extension, IN–48 to IN–46, Ripley County, Due: July 11, 1983.
EIS No. 830302, Final, FHW, MI, Romence Rd. Extension, Westhedge Ave. to Portage Rd., Kalamazoo Co., Due: July 11, 1983.
EIS No. 830303, Final, CGD, FL, Garrison Channel Bridge Construction, Permits, Hillsborough County, Due: July 11, 1983.
EIS No. 830305, Draft, UMT, CA, Los Angeles Rail Rapid Transit Project, Los Angeles County, Due: July 25, 1983.

Department of Housing and Urban Development:
EIS No. 830298, Final, HUD, TX, Brownsville Northeast Growth Areawide Study, Cameron County, Due: July 11, 1983.
EIS No. 830301, Final, HUD, AZ, Sierra Vista Planned Community, Mortgage Insurance, Cochise County, Due: July 11, 1983.

Nuclear Regulatory Commission:
EIS No. 830304, Final, NRC, IL, Rare Earths Facility, Decomissioning License, Du Page County, Due: July 11, 1983.

Department of Agriculture:
EIS No. 830299, Final, AFS, SEV, KS, NB, CO, SD, WY, Rocky Mountain Regional Plan, Standards & Guidelines, Due: July 11, 1983.
EIS No. 830300, Final, SCS, AR, Larkin Creek Watershed Flood Protection Plan, Lee & St. Francis Cos., Due: July 11, 1983.

Amended Notices:
EIS No. 830287, Draft, BLM, NV, Shoshone-Eureka Resource Area, Resource Mgmt., Lander/Eureka/Nye Cos. Published FR 06/03/83—Officially retracted due to noncompletion of distribution.

Dated: June 7, 1983.

Pasquale A. Alberico,
Acting Director, Office of Federal Activities.

[FR Doc. 83-15597 Filed 6-9-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Southeastern Banking Corp.

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 Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Southeastern Banking Corporation,* Folkston, Georgia; to acquire 100 percent of the voting shares or assets of The Darien Bank, Darien, Georgia. Comments on this application must be received not later than July 1, 1983.

Board of Governors of the Federal Reserve System, June 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15513 Filed 6-9-83; 8:45 am]

BILLING CODE 6210-01-M

BankAmerica Corporation

BankAmerica Corporation, San Francisco, California has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to expand the activities of its existing subsidiary, BA Appraisals, Inc., Walnut Creek, California, to include the activity of construction analysis services, which consists of appraisals of real property in connection with construction projects and servicing of construction loans in accordance with 12 CFR 225.4(a)(3) and (a)(14).

These activities would be performed from offices of Applicant's subsidiary in Walnut Creek, California; El Monte, California; Miami, Florida; New York, New York; and Houston, Texas, serving the United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 1, 1983.

Board of Governors of the Federal Reserve System, June 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15511 Filed 6-9-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Community Bancorp; 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 Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Community Bancorp.,* Derby, Vermont; to become a bank holding company by acquiring 100 percent of the voting shares of Community National Bank, Derby, Vermont. Comments on this application must be received not later than June 29, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Union Bancshares, Inc., Pell City, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of Union State Bank, Pell City, Alabama. Comments on this application must be received not later than July 1, 1983.

2. *First National Bancorp of Shelbyville, Inc.,* Shelbyville, Tennessee; to become a bank holding company by acquiring at least 80 percent of the voting shares of The First National Bank, Shelbyville, Tennessee. Comments on this application must be received not later than July 1, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Manteno Bancshares, Inc.,* Manteno, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Manteno State Bank, Manteno, Illinois. Comments on this application must be received not later than July 1, 1983.

Board of Governors of the Federal Reserve System, June 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15512 Filed 6-9-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug

Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Radiologic Devices Panel

Date, time, and place. July 6 and 7, 9 a.m., Rm. T-416, 12720 Twinbrook Parkway, Rockville, MD.

Type of meeting and executive secretary. Open public hearing, July 6, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4:30 p.m.; open committee discussion, July 7, 9 a.m. to 4 p.m.; Robert Phillips, National Center for Devices and Radiological Health (HFX-460), Food and Drug Administration, 12720 Twinbrook Parkway, Rockville, MD 20857, 301-443-3426.

General function of the committee. The committee reviews and evaluates effectiveness of devices currently in use and makes recommendations for their regulation. The committee also reviews data on new devices and makes recommendations regarding their safety and effectiveness and their suitability for marketing.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the executive secretary before June 24 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval application 82M0509 for an RF Microwave Hyperthermia Device and premarket approval applications 82M1502, 82M1404, and 83M0104 for Nuclear Magnetic Resonance Imaging Devices.

Orthopedic and Rehabilitation Device Section of the Surgical and Rehabilitation Devices Panel

Date, time, and place. July 11, 1 p.m. Rm. 503A-529A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and panel section leader. Open public hearing, 1 p.m. to 2 p.m.; open committee discussion, 2 p.m. to 5 p.m.; Robert E. Mansell, National Center for Devices and Radiological Health (HFK-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7238.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before July 5 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application for a polymethylmethacrylate bone cement containing an antibiotic.

Microbiology Device Section of the Immunology and Microbiology Devices Panel

Date, time, and place. July 28 and 29, 9 a.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and panel section leader. Open public hearing, July 28, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, July 29, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Thomas M. Tsakeris, National Center for Devices and Radiological Health (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before July 14 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications for hepatitis A and B virus in vitro diagnostic products, and a premarket approval application for an in vitro diagnostic product for the determination of the minimum inhibitory concentration of antimicrobic agents.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: June 2, 1983

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-15424 Filed 6-9-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82D-0350]

General Principles of Process Validation; Current Good Manufacturing Practice Draft Guideline; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to July 31, 1983, the comment period for the notice announcing the availability of a draft guideline entitled "Guideline on General Principles of Process Validation," which outlines general principles of process validation the agency views as acceptable parts of a process validation program for preparing human and animal drug products and medical devices. FDA is taking this action in response to a request for an extension of the comment period.

DATE: Comments by July 31, 1983.

ADDRESSES: Requests for a copy of the draft guideline and written comments regarding the draft guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

For Human and Animal Drug Products: Clifford G. Broker, National Center for Drugs and Biologics (HFN-323), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5307.

For Medical Devices: Edward J. McDonnell, National Center for Devices and Radiological Health (HFK-130), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7122.

SUPPLEMENTARY INFORMATION: In the Federal Register of March 29, 1983 (48 FR 13096), FDA issued a notice announcing the availability of a draft guideline entitled "Guideline on General Principles of Process Validation," which outlines general principles of process validation the agency views as acceptable parts of a process validation program for preparing human and animal drug products and medical devices. The draft guideline is intended to inform interested persons of these acceptable principles to facilitate complicance with the current good manufacturing practice (CGMP) regulations and was made available for public comment to provide the agency with views to be considered in its development of a final guideline. Interested persons were given to May 31, 1983, to comment on the draft guideline.

In response to the notice, Bayer AG has requested a 60-day extension of the comment period. Bayer AG states that the **Federal Register** notice announcing the availability of the draft guideline is not available to foreign manufacturers until 5 weeks after publication in the United States and consequently, the 60-day comment period specified in the notice is unreasonable for foreign manufacturers. Bayer AG also stated that foreign manufacturers who supply drugs to the United States are as equally affected as domestic firms and should be given the same opportunity to review the guideline and to prepare thoughtful comments. Bayer AG pointed out that members of foreign organizations such as the Federation Internationale Pharmaceutique and the Pharmaceutical Inspection Convention have an active interest in the process validation area and should be given the opportunity to update their views based on recent practical experience.

FDA has carefully considered the request. The agency does not accept the argument that the 60-day period provided in this instance for the submission of comments has been insufficient to provide interested persons outside the United States an opportunity to express their views. Firms that may not receive **Federal Register** announcements in a timely manner through the mails are responsible for taking steps to assure that they more promptly receive such announcements if they wish to participate in agency rulemaking matters. However, in this matter, the agency has determined that its schedule for issuing the guideline in final form will permit a general extension of the comment period to July 31, 1983, as requested, and that such an extension to receive pertinent comments is in the public interest. Accordingly, the comment period for submissions by any interested person is extended to July 31, 1983.

Interested persons may, on or before July 31, 1983, submit written comments on the draft guideline to the Dockets Management Branch (address above). These comments will be considered in determining whether further amendments to, or revisions of, the draft guideline are warranted. Comments should be in two copies (except that individuals may submit single copies), identified with the docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. Requests for a single copy of the draft giudeline should be sent to the Dockets Management Branch.

Dated: June 2, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-15290 Filed 6-9-83; 1:35 pm]

BILLING CODE 4160-01-M

[Docket No. 83M-0173]

Ryder International Corp.; Premarket Approval of Kestrel No. 695 Heater

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Kestrel No. 695 Heater sponsored by Ryder International Corp., Arab, AL. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by July 11, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm 4-62, 5600 Fishers Lane, Rockville MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On December 22, 1982, Ryder International Corp., Arab, AL, submitted to FDA an application for premarket approval of the Kestrel No. 695 Heater for use with all heat (thermal) disinfected soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory

committee, which recommended approval of the application. On May 17, 1983, FDA approved the application by letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), soft contact lens accessories were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act (21 U.S.C. 321(h)), soft contact lens accessories are now regulated as class III devices (premarket approval).

As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or accessories comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved draft labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before July 11, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 2, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-15289 Filed 6-9-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0134]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of poly [[6-[(1,1,3,3-tetramethylbutyl) amino]-s-triazine-2,4-diyl] [(2,2,6,6-tetramethyl-4-piperidyl)imino]hexamethylene [2,2,6,6-tetramethyl-4-piperidyl) imino]] as a light stabilizer in polypropylene and high-density polyethylene.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348) (b)(5)]), notice is given that a petition (FAP 3B3716) has been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of poly [[6-[(1,1,3,3-tetramethylbutyl) amino]-s-triazine-2,4-diyl] [(2,2,6,6-tetramethyl-4-piperidyl)imino]hexamethylene [2,2,6,6-tetramethyl-4-piperidyl) imino]] as a light stabilizer in polypropylene and high-density polyethylene complying with 21 CFR 177–1520.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 2, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-15541 Filed 6-9-83; 8:45 am]

BILLING CODE 4160-01-M

J. L. Keistler's Sarcoptic Mange Remedy; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by J. L. Keistler providing for use of Keistler's Sarcoptic Mange Remedy. The sponsor requested the withdrawal of approval.

EFFECTIVE DATE: June 20, 1983.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV–214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3183.

SUPPLEMENTARY INFORMATION: J. L. Keistler, 320 Tuskaseegee Rd., Charlotte, NC 28208, is the sponsor of NADA 1–443 which provides for use of Keistler's Sarcoptic Mange Remedy. The product was originally approved September 22, 1939. In their letter of February 2, 1983, the sponsor stated the product was no longer being manufactured or marketed and requested withdrawal of approval under § 514.115 (21 CFR 514.115). Approval of this NADA has not been codified in the Code of Federal Regulations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84),

and in accordance with § 514.115 *Withdrawal of approval of applications*, notice is given that approval of NADA 1-443 and all supplements for J. L. Keistler's Sarcoptic Mange Remedy is hereby withdrawn, effective June 20, 1983.

Dated: May 31, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-15540 Filed 6-9-83; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicare Program; Continuation of the Current Part B Monthly Premium Rate

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

ACTION: General Notice.

SUMMARY: This notice announces the rescission of the increase in the monthly Medicare Supplementary Medical Insurance (SMI) premium for the aged (age 65 or over) and disabled (under age 65) that was scheduled to become effective on July 1, 1983.

EFFECTIVE DATE: July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph N. Romano, Supervisory Actuary, Division of Medicare Cost Estimates, 1-C-11, Oak Meadows Building, Baltimore, Maryland 21235, Telephone: (301) 594-1023.

SUPPLEMENTARY INFORMATION: Section 1831 of the Social Security Act establishes a voluntary Supplementary Medical Insurance (SMI) program (Part B of Medicare) for aged and disabled individuals who elect to enroll under Part B. Coverage of the benefits under Part B is subject to the payment of a monthly SMI premium.

The Secretary of Health and Human Services published a notice in the **Federal Register** (see 47 FR 58366) on December 30, 1982, announcing that the monthly SMI premium rate would increase to $13.50 beginning July 1, 1983. Subsequently, section 606(c) of the Social Security Amendments of 1983 (Pub. L. 98-21) rescinded the scheduled premium increase and required that the monthly premium remain at the current amount of $12.20 through December 31, 1983. Accordingly, the scheduled premium of increase to $13.50 is rescinded and the current premium $12.20 remains in effect through the end of calendar year 1983.

Prior to amendment by section 606 of the Social Security Amendments of 1983, section 1839(c)(3) of the Act required the Secretary to determine and publish, during the last quarter of each calendar year, the amount of the monthly SMI premium rate to be paid by aged and disabled enrollees for the 12-month period beginning with the following July 1. Section 1839(c)(3) of the Act as amended by section 606(a)(1) of the Social Security Amendments of 1983 requires the Secretary to determine and publish, during the next to last quarter of each calendar year, the amount of the monthly SMI premium to be paid by aged and disabled enrollees for the following calendar year. The Secretary will publish a separate notice by September 30, 1983, announcing the monthly premium amount that will apply to calendar year 1984.

(Sec. 606(c) of the Social Security Amendments of 1983, Pub. L. 98-21, 97 Stat. 171)

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare/Supplementary Medical Insurance)

Date June 6, 1983

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83-15663 Filed 6-9-83; 8:45 am]

BILLING CODE 4120-03-M

Medicare Program; Continuation of the Current Premium Rate for the Uninsured Aged

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

ACTION: General Notice.

SUMMARY: This notice announces the rescission of the increase in the monthly Medicare hospital insurance premium for the uninsured aged that was scheduled to become effective on July 1, 1983.

EFFECTIVE DATE: July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Sol Mussey, Supervisory Actuary, Office of Financial and Actuarial Analysis, 1-C-11 Oak Meadows Building, Baltimore, Maryland 21207, Telephone: (301) 594-1024.

SUPPLEMENTARY INFORMATION: Section 1818 of the Social Security Act (Act) provides for voluntary enrollment in the hospital insurance program (Part A of Medicare), subject to payment of a monthly premium, of certain persons age 65 and older who are uninsured for social security or railroad retirement benefits and do not otherwise meet the requirements for entitlement to hospital insurance. (Persons insured under the Social Security or Railroad Retirement Acts need not pay premiums for hospital insurance.)

The Secretary of Health and Human Services published a notice in the **Federal Register** (see 47 FR 57574) on December 27, 1982 announcing that the monthly Medicare hospital insurance premium for the uninsured aged would increase from $113 to $132 beginning July 1, 1983. Subsequently, section 606(c) of the Social Security Amendments of 1983 (Pub. L. 98-21) rescinded the scheduled premium increase and required that the monthly premium remain at the current amount of $113 through December 31, 1983. Accordingly, the scheduled premium increase to $132 is rescinded and the current premium of $113 remains in effect through the end of calendar year 1983.

Prior to amendment by section 606 of the Social Security Amendments of 1983, section 1818(d)(2) of the Act required the Secretary to determine and publish, during the last quarter of each calendar year, the amount of the monthly Part A premium for voluntary enrollment for the 12-month period beginning with the following July 1. Section 1818(d)(2) of the Act, as amended by section 606(b) of the Social Security Amendments of 1983, requires the Secretary to determine and publish, during the next to last quarter of each calendar year, the amount of the monthly Part A premium for voluntary enrollment for the following calendar year. The Secretary will publish a separate notice by September 30, 1983, announcing the monthly premium amount that will apply to calendar year 1984.

(Sec. 606(c) of the Social Security Amendments of 1983, Pub. L. 98-21, 97 Stat. 171)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: June 6, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83-15662 Filed 6-9-83; 8:45 am]

BILLING CODE 4120-03-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on June 3.

Public Health Service

Health Resources and Services Administration

Subject: Health Education Assistance Loan Program School Recordkeeping Requirements—New
Respondents: Educational institutions
Subject: National Sample Survey of Licensed Practical/Vocational Nurses—New
Respondents: Licensed practical and vocational nurses
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Survey of Employment Service Programs for Refugees—New
Respondents: Local employment programs for refugees
Subject: Monthly "Flash" Report of Selected AFDC Program Data (0960-0152 (SSA-3645))—REVISION
Respondents: State Aid for Dependent Children program offices
Subject: Declaration of Citizenship by Social Security Beneficiary Outside the United States (SSA-487TC and 490TC)—New
Respondents: Social Security beneficiaries residing outside the United States
OMB Desk Officer: Milo Sunderhauf.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. Attn: (name of OMB Desk Officer).

Dated: June 3, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-15806 Filed 6-8-83; 8:45 am]

BILLING CODE 4150-04-M

Public Health Service

Privacy Act of 1974; Addition to Routine Use

AGENCY: Public Health Service, Health and Human Services Department.

ACTION: Notification of a proposal to add a routine use to an existing system of records: 09-30-0034, "Professional Development Program Registries of the National Training System for Substance Abuse Services," HHS/ADAMHA/NIDA.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a proposal to add a routine use to the system of records 09-30-0034, "Professional Development Program Registries of the National Training System for Substance Abuse Services," HHS/ADAMHA/NIDA, in the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), National Institute on Drug Abuse (NIDA). This new routine use will permit ADAMHA to transfer the records now in NIDA's possession to a non-Federal successor organization, the American Council on Education (ACE). ACE will assume all responsibility for the operation of the registries. PHS invites interested parties to submit comments on the proposed routine use on or before July 11, 1983.

DATE: PHS will adopt the new routine use without further notice 30 days after the date of publication, unless comments are received which would result in a contrary determination. Upon adoption, ADAMHA will transfer the records to ACE. At that time, ADAMHA will terminate this system of records.

ADDRESS: Please address comments to: Privacy Act Officer, NIDA, Office of Science, Extramural Policy and Project Review, 5600 Fishers Lane, Room 10-42, Rockville, Maryland 20857.

Comments received will be available for inspection at the same address, from 8:00 a.m. to 4:00 p.m., Monday through Thursday.

FOR FURTHER INFORMATION CONTACT: Avraham Forman, Division of Training, National Institute on Drug Abuse, 5600 Fishers Lane, Room 10-A-37, Rockville, Maryland 20857, Telephone: (301) 443-6720. This is not a toll-free number.

Any individual who wishes to have his or her record(s) deleted from this system of records prior to the transfer of the records to the non-Federal successor organization, ACE, thereby eliminating his or her participation in the National Training System (NTS) network, should notify the official listed above. This request must reach the above-listed official within the stipulated 30-day comment period. The request to delete the record should include the following information: Notarized signature, full name at the time of training, and, if known, location and date when training was provided, course name, and name of instructor/trainer and/or sponsoring organization. Any records which are not transferred will be sent to the subject-individual, if requested, or destroyed when the other records are transferred.

SUPPLEMENTARY INFORMATION: NIDA established NTS in 1973 to serve as the network for providing substance abuse services training. It is a combination of national, regional, State and local training and human resource development services contractors, grantees, and affiliates of NIDA, ADAMHA. The purpose of this system of records is retrieval of data on persons providing or receiving substance abuse-related training. The system of records enables individuals to obtain confirmation of their successful completion of substance abuse training courses provided within NTS. Training is conducted under NTS auspices and information about that training is used to establish substance-abuse worker credentials, to promote career mobility, and to assist in the attainment of academic credit. The records are also used to certify the competence of the trainers of NTS-developed courses.

With reduced Federal funding, NIDA can no longer support the components of NTS. States, however, will continue to operate and coordinate training programs for substance-abuse treatment workers. States view the registries as an important tool in enabling trainers and trainees to verify academic credit(s) in this area. Therefore, the need to continue the operation of the registries of NTS still exists. NIDA has consulted with NTS components and decided to transfer the registries from a NIDA contractor to a non-Federal successor organization, ACE. ACE will operate the registries on a fee-for-service basis and will continue to operate the registries in a manner similar to the current procedures.

Adding the new routine use will permit the transfer of these records to ACE. Once the records from this system are transferred, assuming no objection within the 30-day public comment period which would result in a contrary determination, NIDA will no longer have responsibility for the records. The transferred records will not be maintained on behalf of NIDA and therefore will no longer be subject to the Privacy Act.

The new routine use will read as follows:

"4. NIDA will disclose all records in the system to a non-Federal successor organization, the American Council on Education, DuPont Circle, Washington, D.C. The American Council on Education will assume all responsibility for the registries and operate them on a fee-for-service basis with an assurance of confidentiality safeguards. This transfer will terminate all Federal Government responsibility for this system of records."

ACE has agreed, in writing, to maintain the confidentiality of the records. ACE's assurance of confidentiality is that the release of information from a record of an individual will require a verifiable, signed release from the subject-individual. The only exception to this policy would be for a request from a court in the form of a court order or a subpoena.

Due to the reduction in funds and the pending transfer of the system to a non-Federal successor organization, NIDA no longer needs the first and third routine uses listed in the existing system notice. Therefore, we are deleting them at this time. The remaining routine use (number two below) is effective until the transfer or destruction of the records shortly after the expiration of the 30-day public comment period for the new, fourth, routine use. The three existing routine uses read as follows:

"1. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining the records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records."

"2. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual."

"3. Disclosure may be made to members of the Professional Development Program Standards Committee (PDPSC) to enable them to carry out their responsibilities for certification of instructors/trainers and confirmation of trainees' participation in courses."

We are not changing the language in any of the other categories in the system notice because this information is correct and effective until 30 days after publication of the new routine use in the Federal Register, when the system will be terminated.

The transfer of the function of the registries to ACE is compatible with the purpose of the system of records, as ACE will continue to perform the tasks performed by the NIDA contractor, and will continue to verify successful completion of substance abuse services training.

In addition to this publication in the Federal Register, we are making more direct efforts to notify individuals in this system of records about the proposed transfer of the records to ACE and the procedures to follow if they wish to have their records deleted from the system prior to the transfer. Specifically, we will inform State training officers, who through State workshops in the substance abuse training area and State newsletters, will notify participants in this system of records of the proposed record transfer.

The system notice was last published in the Federal Register, October 13, 1982, (47 FR 45458–45459). We are republishing the notice in its entirety below to incorporate the proposed changes.

Dated: June 3, 1983.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operation and Director, Office of Management.

SYSTEM NAME:

09–30–0034

Professional Development Program Registries of the National Training System for Substance Abuse Services, HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Training, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, Room 10A–46, Parklawn Building, 5600 Fishers Lane, Rockville, Mayland 20857.

Health Control Systems, Inc., 11325 Seven Locks Road, Potomac, Maryland 20854.

Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have participated in National Training System (NTS) courses either as trainees or as instructors/trainers. The term "trainees" encompasses all categories of persons who are students in NTS courses, whether or not they have experience yet in the substance abuse services and/or training fields. "Instructors" are persons qualified to teach one or several aspects of a NTS course, but not qualified in all aspects of teaching techniques and not authorized within the NTS to validate another person's qualifications for training others to teach the course content. "Trainers" are persons who are qualified through NTS-recognized academic or specialized preparation in all aspects of a NTS course, and are certified by NTS to teach the course, train and supervise other persons to teach it, and validate other persons' qualifications to teach it for NTS. An individual's status can vary from course to course. Persons who have participated in substance abuse-related training activities that meet NTS standards but are provided by non-NTS organizations are also included in the registries at the participants' option.

CATEGORIES OF RECORDS IN THE SYSTEM:

Course records which include: name, birthdate, sex, address, employment, length of time employed in the field of substance abuse services training, name and version of course, course completion records, date of course, name of instructor/trainer or trainees as appropriate, and training sponsor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Prevention, Treatment and Rehabilitation Act, Sections 410 and 501 (21 U.S.C. 1177 and 1191); Public Health Service Act, Section 301 (42 U.S.C. 241(a)).

PURPOSE(S):

The registries which constitute this system of records enable individuals to obtain confirmation of their successful completion of substance abuse training courses. This in turn enables them to obtain the certification of academic credit necessary to verify their qualifications for employment in the substance abuse training or services fields. Disclosures for this purpose are made only to subject individuals or others as the subject individual permits in writing, such as academic institutions and potential employers.

Individually identified information will not be otherwise disclosed to persons or organizations either within or outside the DHHS except as provided by the routine uses set forth below and as otherwise provided by Section 3(b) of the Privacy Act (5 U.S.C. 552a(b)). The nonindividually identified aggregate data will be analyzed by the National Institute on Drug Abuse (NIDA) for quality control and will be available to the public for purposes of identifying drug abuse services training trends.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

2. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

4. NIDA will disclose all records in the system to a non-Federal successor organization, the American Council on Education, DuPont Circle, Washington, D.C. The American Council on

Education will assume all responsibility for the registries and operate them on a fee-for-service basis with an assurance of confidentiality safeguards. This transfer will terminate all Federal Government responsibility for this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Batch control sheets, individual registration forms (automated and nonautomated), keypunch cards, computer tapes and disks are utilized. Individually identifiable information on original forms are stored in locked cabinets.

RETRIEVABILITY:

The system is filed by the name of the trainee of instructor/trainer.

SAFEGUARDS:

Records are kept in premises with accessibility to contractor staff, NIDA project officers, and his/her support staff. Individually identifiable information in paper media (batch control sheets, registration forms, and keypunch cards) are stored in locked cabinets. For computerized records, safeguards established in accordance with the National Bureau of Standards guidelines and HHS's System Manual, Part 6, "ADP System Security", are utilized. Specifically, premises are secured in accordance with existing security systems for safeguarding records at the Federal Government computer center in the Parklawn Building, Rockville, Maryland. Security personnel patrol the premises there 24 hours a day. Computer systems are secured through locked magnetic disk libraries as well as password access computer system.

These safeguards are in accordance with DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 in the General Administration Manual.

NOTE: NIDA contracts with non-Federal parties shall stipulate agreement to the above procedures on the part of the contractor.

RETENTION AND DISPOSAL:

The current NTS standard requires that NTS instructors/trainers teach a course every 18 months in order to be recertified. Most States and academic institutions similarly require their staffs to periodically update their knowledge and skills through continuing education courses. If individuals discontinue their participation in NTS or NTS-approved training, supporting records of their participation become obsolete rather rapidly for purposes of verifying qualifications. Therefore, records on an individual are retained for only three years following the individual's most recent completion of course requirements for earning academic credit and/or meeting employment qualifications. After three years with no further reported activity, only information of an individual's date(s) of certification(s) as instructor/trainer in NTS course(s) is retained indefinitely.

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, Professional Development Program, Division of Training, NIDA, Alcohol, Drug Abuse, and Mental Health Administration, Room 10A–46, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a record exists about himself or herself upon written request with notarized signature. The following information should be provided: full name at the time of training and, if known, location and date when training was provided, course name, and name of instructor/trainer and/or sponsoring organization.

Your Social Security number would be helpful for record locating purposes, but it is not required.

RECORD ACCESS PROCEDURES

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the Official at the address specified under Notification Procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Trainee registration form for each trainee in a course, containing personal and professional background information and course completion validation; and "batch control" sheet for each course, identifying instructor(s)/trainer(s) and trainees. For instructors/trainers, sources also include reports from national, State, and regional certification authorities; NTS national workshop recommendations; and equivalent sources upon which the Professional Development Program Standards Committee (PDPSC) will base decisions on certification of instructors/trainers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-15502 Filed 6-9-83; 8:45 am]
BILLING CODE 4160-20-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–83–700]

Authority Delegation; Designation of Privacy Act Officer

AGENCY: Office of the Regional Administrator, Region X, Seattle Regional Office, HUD.

ACTION: Designation of Privacy Act Officer.

SUMMARY: The Regional Administrator of Region X (Seattle Regional Office) is designating the Regional Counsel to serve as Privacy Act Officer for the Seattle Regional Office of HUD.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Terence R. Duvernay, Deputy Regional Administrator, Seattle Regional Office, Department of Housing and Urban Development, 1321 Second Avenue, Seattle, Washington 98101, (206) 442–5330. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: 24 CFR Part 16 prescribes the policies and procedures for implementing the Privacy Act of 1974, 5 U.S.C. 552a Section 16.2(b)(2) provides that the Privacy Act Officer for a particular HUD office is the official identified in Appendix A to Part 16, or his designee. For the Seattle Regional Office, the official identified in Appendix A is the Regional Administrator. The Regional Administrator wishes to designate the Regional Counsel as Privacy Act Officer, to serve in his place.

Accordingly, the Regional Counsel for Region X is hereby designated to serve, in place of the Regional Administrator, as Privacy Act Officer for the Seattle Regional Office of HUD, to perform the duties specified in 24 CFR Part 16.

Authority: 24 CFR 16.2(b)(2) and Appendix A to Part 16.

Dated: June 1, 1983.

William Y. Nishimura,

Regional Administrator, Seattle Regional Office.

[FR Doc. 83-15390 Filed 6-9-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1250]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above.

Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Submission of Proposed Information Collection to OMB

Proposal: Fiscal information—Military acquisition
Office: Administration
Form number: HUD-2706
Frequency of submission: On occasion
Affected public: Businesses or other institutions (except farms)
Estimated burden hours: 250
Status: Extension
Contact: Betty Belin, HUD, (202) 755-5747; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 24, 1983.

Proposal: Broker's accounting reports
Office: Administration
Form number: HUD-2700, HUD-2700a, HUD-2700b, HUD-2749, HUD-2750, and HUD-2751
Frequency of submission: Monthly/quarterly
Affected public: Businesses or other for-profit and small businesses or organizations
Estimated burden hours: 24,688
Status: Reinstatement
Contact: Betty Belin, HUD, (202) 755-5747; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 24, 1983.

Proposal: Mortgagee's application for insurance benefits (multifamily mortgage)
Office: Administration
Form number: HUD-2747
Frequency of submission: On occasion
Affected public: Businesses or other institutions (except farms)
Estimated burden hours: 25
Status: Extension
Contact: Betty Belin, HUD, (202) 755-5747; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 24, 1983.

Proposal: Preliminary site report by Public Housing Agency
Office: Housing
Form number: HUD-52651
Frequency of submission: On occasion
Affected public: State or local governments
Estimated burden hours: 1,500
Status: Extension
Contact: Raymond Hamilton, HUD, (202) 426-0938; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 24, 1983.

Proposal: Title I transfer of mobile home loans to GNMA pool
Office: Administration
Form number: HUD-676
Frequency of submission: On occasion
Affected public: Businesses or other institutions (except farms)
Estimated burden hours: 2,500
Status: Extension
Contact: Betty Belin, HUD, (202) 755-5747; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 24, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-15576 Filed 6-9-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1251]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicble; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Proposal: Mortgagee's one-time MIP (mortgage insurance premium) transmittal
Office: Housing
Form number: None
Frequency of submission: On occasion
Affected public: Businesses or other for-profit
Estimated burden hours: 18,000
Status: New
Contact: Linda F. Miller, HUD, (202) 755-5747; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 2, 1983.

Proposal: Request for payment of subsidies for operations non-PFS (performance funding system) projects
Office: Housing
Form number: HUD-53087
Frequency of submission: On occasion
Affected public: State or local governments
Estimated burden hours: 210
Status: New
Contact: Kenneth Moul, HUD, (202) 755-8145; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 2, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-15579 Filed 6-9-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1252]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Submission of Proposed Information Collection to OMB

Proposal: Survey of Durability and Quality in Manufactured Housing.
Office: Housing.
Form No.: None.
Frequency of Submission: Single-Time.
Affected Public: individuals or Households.
Estimated Burden Hours: 198.
Status: New.
Contact: Tobias Gottesman, HUD, (202) 755-6584; Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 16, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-15580 Filed 6-9-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-50379-5]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613 (1976) (ANCSA)) and section 1430 of the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2371, 2531), will be issued to Chugach Natives, Inc., for approximately 46,724 acres. The lands involved are within:

Copper River Meridian, Alaska

T. 16 S., R. 7 E., (Unsurveyed)
T. 17 S., R. 7 E., (Partially surveyed)
T. 16 S., R. 8 E., (Partially surveyed)
T. 17 S., R. 8 E., (Partially surveyed)
T. 16 S., R. 9 E., (Surveyed)
T. 17 S., R. 9 E., (Partially surveyed)

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the CORDOVA TIMES upon issuance of the decision. For information on how to obtain copies,

contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearing and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until July 11, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Chugach Natives, Inc., 903 West Northern Lights Boulevard, Suite 201, Anchorage, Alaska 99503.

Linda A. Brooks,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-15604 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[AA-8096-4 and AA-12432]

Alaska Native Claims Selections

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613 (1976) (ANCSA)) and sections 1429 and 1430 of the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2371, 2530 and 2531), will be issued to Chugach Natives, Inc., for approximately 26,583 acres. The lands involved are within:

Copper River Meridian, Alaska

T. 16 S., R. 9 E. (Surveyed)
T. 17 S., R. 9 E. (Partially Surveyed)

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the CORDOVA TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations, Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until July 11, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Chugach Natives, Inc., 903 West Northern Lights Boulevard, Suite 201, Anchorage, Alaska 99503.

Linda A. Brooks,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-15605 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[C-26365]

Colorado; Order Opening Lands Withdrawn for Power Projects 347 and 418

Correction

In FR Doc. FR 83-13421 beginning on page 22645 in the issue of Thursday, May 19, 1983, make the following corrections.

1. On page 22645, second column, under **"Project No. 347"**, the line reading *"Sixth Principal Meridian"* should have read "1. *Sixth Principal Meridian*"; and the line reading *"Roosevelt National Forest"* should have read "2. *Roosevelt National Forest*".

2. On the same page, third column, under **"Project No. 418"**, the line reading *"Roosevelt National Forest"* should have read "3. *Roosevelt National Forest*".

BILLING CODE 1505-01-M

Competitive Coal Leasing—Fort Union Federal Coal Production Region; Qualified Surface Owner Consents

AGENCY: Bureau of Land Management, Interior.

ACTION: Filing deadline for qualified surface owner consents, Fort Union Federal Coal Production Region.

SUMMARY: The Federal coal management regulations at 43 CFR Part 3427 require that a deadline be established for the submission of

qualified surface owner consents prior to Federal coal lease sales for lands to which the consents apply. In accordance with this requirement, the public is hereby notified that the deadline for filing consents for lands recommended for competitive coal lease sale in the Fort Union Federal Coal Production Region on July 28, 1983, or April 25, 1984, is July 1, 1983.

DATE: Consents must be filed on or before July 1, 1983.

ADDRESS: Consent must be filed with the Bureau of Land Management, Montana State Office, 222 N. 32nd Street, P.O. Box 30157, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Jeanette Bejot or Lloyd Emmons, Montana State Office at the address listed above—(406) 657–6291.

SUPPLEMENTARY INFORMATION: The Federal coal management regulations at 43 CFR Part 3427 require qualified surface owner consents for surface-minable split estate lands offered for competitive coal lease sale to be filed with the appropriate Bureau of Land Management State Office prior to the lease sale for the lands to which the consents apply.

The Bureau of Land Management, through its regional coal team, has recommended to the Secretary of the Interior that the following tracts in the Fort Union Coal Production Region be offered for competitive lease sale:

Antelope		Renner
North Beulah		Sakakawea
Bloomfield		Schoolhouse
Center		Truax
Dunn Center	–	Underwood
Garrison		Werner
Glenharold		

Qualified surface owner consents for lands subject to consent within the above tracts must be filed with the Bureau of Land Management, Montana State Office on or before July 1, 1983, to receive consideration. Any required consents filed after July 1, 1983, will be accepted but will not be acted upon before the lease sale. Any tracts containing lands covered by consents filed after the deadline will be withdrawn from the lease sale.

Further information on the tracts to be offered for lease sale in the Fort Union Region or on the surface owner consent requirements on those tracts may be obtained from the Montana State Office at the address listed above.

Dated: June 3, 1983.

Kannon Richards,

Acting State Director.

[FR Doc. 83-15602 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Cerbat-Black Mountain Planning Area and Phoenix Resource Area Wilderness Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS) for Cerbat-Black Mountain Planning Area, Kingman Resource Area, and for Phoenix Resource Area. These areas are part of the Phoenix District, Arizona and lie in Mohave, Yavapai, Maricopa, Pinal, and Pima Counties, Arizona.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act of 1976 (FLPMA) requires that the Secretary of the Interior review those public lands with roadless areas of 5,000 acres or more having wilderness characteristics and determines the suitability or nonsuitability of each such area for wilderness preservation. The Bureau of Land Management's Phoenix District will prepare an environmental impact statement for the wilderness study areas in the Cerbat-Black Mountain Planning Area and the Phoenix Resource Area. The draft statement will be made available to the public for review in the spring of 1984.

For information concerning the wilderness EIS, contact Bill Carter, Environmental Impact Statement Team Leader, Division of Planning and Environmental Assistance, Phoenix District Office, 2933 West Indian School Road, Phoenix, Arizona 85017, Telephone (602) 241–2852.

Dated: June 2, 1983.

William K. Barker,

District Manager.

[FR Doc. 83-15593 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Lower Gila South Planning Area Resource Management Plan; Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement on the Resource Management Plan (RMP) for the Lower Gila South Planning Area of the Phoenix District, Arizona. The area is in Maricopa Pinal, Pima, Yuma, and La Paz Counties, Arizona.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act of 1976 (FLPMA) states that the Secretary of the Interior shall develop and maintain land use plans for the use of public lands. The RMP addresses the issues identified through public workshops and meetings. The issues identified are wilderness study proposals, rangeland livestock use, land tenure adjustments (sales or exchanges of public lands), and identification of utility corridors. Alternatives to be analyzed have been developed, and an environmental impact statment will be prepared analyzing the impacts of the proposal and alternatives.

For information concerning the environmental impact statement, contact Bill Carter, Environmental Impact Statement Team Leader, Division of Planning and Environmental Assistance, Phoenix District Office, 2933 West Indian School Road, Phoenix, Arizona 85017, Telephone (602) 241–2852.

Dated: June 2, 1983.

William K. Barker,

District Manager.

[FR Doc. 83-15594 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[A-17881]

Arizona; Exchange of Mineral Estates

May 31, 1983.

1. In an exchange made under the provisions of Section 206 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2756; 43 U.S.C. 1716, the mineral estate in the following described State-owned land has been transferred to the State of Arizona:

Gila and Salt River Meridian, Arizona

T. 26 N., R. 4 E.
Section 14, NW¼, S½.
T. 26 N. R. 5 E.,
Section 8, All;
Section 20, All.
T. 27 N., R. 4 E.,
Section 14, All;
Section 30, lots 1–4, E½W½, E½.
Comprising 3040.28 acres.

2. The mineral estate in the following described land has been reconveyed to the United States:

T. 25 N., R. 8 E.,
Section 3, lots 1–4, S½N½, S½;
Section 10, All;
Section 11, All;
Section 14, All;
Section 15, N½, N½SW¼, S½SE¼.
Comprising 3,040.80 acres.

3. Of the lands described in paragraph 2, 2871.81 acres are situated within the boundaries of the Wupatki National Monument subject to jurisdiction of the National Park Service. The following described lands are under the jurisdiction of the Bureau of Land Management:

T. 25 N., R. 8 E.,

Section 3, U.S. 89 right-of-way and the SW¼SW¼;
Section 10, that portion lying west of the east right-of-way boundary of U.S. 89;
Section 15, that portion lying west of the east right-of-way boundary of U.S. 89.

Comprising approximately 168.99 acres.

None of the reconveyed mineral estate will be subject to appropriation under the mining or mineral leasing laws unless and until an appropriate opening order is issued by the Bureau of Land Management authorized officer.

The purpose of this notice is to inform the public and interested State and local governmental officials of the exchange of mineral interests.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-15591 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[Arizona Serial Numbers; AZAZ027000001, AZAZ027000002, AZAZ027000003]

Arizona; Realty Action for Competitive Sale of Land in Pima, Yuma, and La Paz Counties

In Federal Register Document No. 83-12052 appearing on pages 20505 and 20506 of the issue for May 6, 1983, the following changes should be made for serial No. AZAZ027000002:

1. In paragraph one, Section 205(1)(c) should be changed to Section 203(1)(c);

2. The following sentence should be added to the end of the first paragraph: It has been determined that Donald R. Chambers will have a preference bid for tract 9 and will be allowed the opportunity to meet the high bid;

3. In the Table in Column 1 on page 20505, the appraised value of tract No. 10 should be changed from $60,000 to $55,000.

In Federal Register Document No. 83-12053 appearing on pages 20504 and 20505 of the issue for May 6, 1983, the following change should be made in the first paragraph for serial No. AZAZ027000003:

Section 205(1)(c) should be changed to read Section 203.

In Federal Register Document No. 83-12054 appearing on pages 20503 and 20504 of the issue for May 6, 1983, the following change should be made in the first paragraph for serial No. AZAZ027000001:

Section 205(1)(c) should be changed to read Section 203.

Dated: May 31, 1983.

William K. Barker,

District Manager.

[FR Doc. 83-15590 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[Realty Action M58023—Competitive]

Competitive Sale of Public Lands; Mountrail County, North Dakota

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value of $5,175.00.

5th Principal Meridan, North Dakota

T. 155 N., R. 91 W., Section 5: Lot 3.

Containing 39.83 acres.

The land will be offered for sale by a combination of sealed and oral bidding. Sale date is August 22, 1983 at 11:00 a.m. in the Mountrail County Courthouse, Stanley, North Dakota. Sealed bids will be considered only if received at the place of sale prior to 11:00 a.m., August 22, 1983.

This tract is located 2½ miles south of Stanley, North Dakota. There is legal access. Legal access is along the north side of Section 5 from a gravel road. There is no established road on this section line. This land is being sold because it is a small isolated tract without legal access. It does not contain significant resource values that would justify retention. It is a great distance from the District Office. Proper management would be difficult and uneconomical. It is not suitable for management by another federal agency.

The proposed action was discussed with the local and state government officials. It was also discussed with the adjacent landowner.

The proposed sale is consistent with the Bureau's planning system. Mountrail County government officials have been notified of the sale. The transfer of the tract into private ownership will benefit the public interest and provide for more efficient land management.

Terms and Conditions of the Sale are:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine and remove same under applicable law and regulations, (43 U.S.C. 1719.)

2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945.

3. The sale of these lands will be subject to all valid and existing rights and reservations of record.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, 204 Sims Street, P.O. Box 1229, Dickinson, North Dakota.

Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination of the Department of the Interior. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to this sale, including the environmental assessment and record of public discussions, is available for review at the Dickinson District Office, 204 Sims Street, Dickinson, North Dakota.

SUPPLEMENTARY INFORMATION: The bidder must be a citizen of the United States or in the case of a corporation subject to the laws of any state or the United States. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of North Dakota. Bids must be made by the principal or his agent.

Bid Standards

No bid will be accepted for less than the appraised value of $5,175.00.

Method of Bidding

The land will be sold by a combination of sealed and oral bids. Each bid must be accompanied by a certified check, postal money order, bank draft, or cashiers check made payable to the Bureau of Land Management for not less than one-fifth of the amount bid. The sealed bid envelope must be marked in the lower left-hand corner as follows:

Public land sale in T155N, R91W, Section 5.
Date: August 22, 1983.

If two or more envelopes containing valid bids of the same amount are received and not subsequently raised by an oral bid, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids if no oral bid is received to raise the tie bid. The highest qualifying bid shall then be publicly declared.

Competitive Bidding

This is a competitive bid sale. The land will be offered to the highest qualified bidder. The designated bidder must submit a bid of at least the fair market value prior to the sale date in order to be considered under the modified bidding provisions. If he meets the highest bid, the land will be sold to him, and the other bid will be returned. His refusal to meet the highest bid or to submit any bid at all prior to the sale date shall constitute a waiver of such bidding provisions.

Final Details

Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price prior to the expiration of 30 days from the date of the sale. Failure to submit the required amount within the allotted time will result in cancellation of the sale and the deposit will be forfeited. All bids will either be returned, accepted or rejected within 60 days of the sale date.

Dated: June 1, 1983.

Kenneth H. Burke,

Acting District Manager.

[FR Doc. 83-15594 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32194]

Illinois; Realty Action Competitive Sale of Public Land in Ogle County

The following described islands have been identified as suitable for disposal by sale under the provisions of Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value:

FOURTH PRINCIPAL MERIDIAN, ILLINOIS

Parcel	Legal description	Acreage	Appraised value
	T. 25 N., R. 11 E.		
A	Sec. 11: Lot 2	3.15	$2,400
B	Sec. 14: Lot 1 and Sec. 15: Lot 1.	5.73	4,300
C	Sec. 15: Lot 2	3.99	3,000
D	Sec. 20: Lot 1 and Sec. 29: Lot 1.	5.54	4,200
E	Sec. 29: Lot 2	.53	200
F	Sec. 29: Lot 3	.23	200
G	Sec. 31: Lot 1	6.37	4,800
H	Sec. 31: Lot 2	.43	500
I	Sec. 31: Lot 3	1.64	1,200
J	Sec. 31: Lot 4	.36	500

The land will be sold by competitive bidding.

Bidding Information and Instructions:

The Federal Land Policy and Management Act (90 Stat. 2757; 43 U.S.C. 1717) and regulations promulgated thereunder require that bidders be citizens of the United States, 18 years of age or over, or, in the case of a corporation, be subject to the laws of any state of the United States. Bids may be made by a principal (the one desiring to purchase the land) or his duly authorized agent. Agents will be required to submit proof of power of attorney.

Method of Bidding

Each bid must be for all the land in a specified parcel. Sealed bids must be submitted to the Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. Such bids will only be considered if received at the above address prior to 1:00 p.m., August 26, 1983. No oral bids will be accepted. Sealed bids, accompanied by a certified check, postal money order, bank draft, or cashiers check made payable to the Bureau of Land Management for not less than one fifth of the amount of the bid must be in a separate sealed envelope, within the transmittal envelope. The sealed envelopes must be marked in the lower lefthand corner, "Sealed Bid, Parcel ——, Public Land Sale ES 32194." All sealed bids will be opened at 1:00 p.m. on August 26, 1983.

The successful high bidder will be required to submit the remainder of the payment by cash, certified check, bank draft, money order, or combination thereof, within thrity (30) days after receipt of the decision accepting the highest bid. If final payment is not received with the specified 30 day period, the bid will be rejected, the deposit forfeited, and the parcel offered to the next highest bidder. All unsuccessful sealed bids will be returned within 30 days of the sale.

A patent for the land, when issued, will contain the following reservations:

1. All minerals will be reserved to the United States. Said mineral reservation will include the right to explore, prospect for, mine, and remove same under applicable law and regulations promulgated thereunder, as prescribed by the Secretary of the Interior.

2. A restriction which consitutues a covenant running with the land, that the subject parcels, all of which are situated within a floodplain, are subject to any use restrictions as set forth in State, county, or local laws or regulations relating to floodplain development as well as any restriction contained in the Ogle County Zoning Regulations, Article 6, Section 6-103B (1-4); which essentially calls for low intensity agricultural or recreational use. This restriction is included pursuant to the authority in section 3(d) of Executive Order 11988 of May 24, 1977, and section 208 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2757; 43 U.S.C. 1718).

Publication of this Notice will segregate the lands from all appropriations under the public land laws, but not the mineral leasing laws. This segregation will teminate upon the issuance of apatent, or 2 years from the date of this Notice, or upon publication of a notice of termination.

Dtailed information concerning the sale can be obtained by contacting Robert Gausman at (703) 235-2855, or at the following address. For a period of 45 days from the date of this Notice, interested parties may submit comments to the Eastern States Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. Any adverse comments will be evaluated by the Eastern States Director, who may vacate or modify this Notice of Realty Action and issue a final determination. In the absence of any action by the Eastern States Director, this realty action will become the final determination of the Department of the Interior.

G. Curtis Jones, Jr.,

Eastern States Director.

[FR Doc. 83-15592 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

Intent To Prepare a Management Framework Plan Amendment; Las Cruces District, New Mexico

AGENCY: Bureau of Land Management, Las Cruces District, New Mexico.

ACTION: Notice of Intent To Prepare a Management Framework Plan Amendment/Environmental Assessment (MFPA/EA) and Availability of Issues and Planning Criteria.

Description of Proposed Planning Action

The U.S. Department of the Interior, Bureau of Land Management, Las Cruces District, New Mexico, will prepare a Management Framework Plan Amendment including an Environmental Assessment which proposes to withdraw the public land and Federal subsurface mineral estate in the New Mexico Department of Game and Fish Redrock Wildlife Experimental Area from all forms of appropriation under the public land laws including the mining laws but not including the mineral leasing laws. The purpose of the proposed action is to protect breeding habitat of the desert bighorn sheep.

Identification of the Geographic Area To Be Planned

The Redrock Wildlife experimental Area is located in T. 18 S., R. 18 W.,

NMPM. Grant Country, New Mexico, and encompasses 312.16 acres of public land and 712.16 acres of Federal subsurface mineral estate.

The General Types of Issues Anticipated

The withdrawal of the Experimental Area is the only issue to be addressed.

Criteria To Guide Development of the Planning Action

As new information becomes available during the planning process or from public participation, additional criteria may be developed for future guidance of this planning effort. The more detailed planning criteria are available for public review and comment at the Las Cruces District Office.

The Disciplines To Be Represented on the Interdisciplinary Team

The MFPA/EA will be prepared by an interdisciplinary team consisting of an environmental coordinator, a writer-editor, a geologist, a realty specialist, a wildlife biologist, and an archaeologist.

The Kind and Extent of Public Participation Activities To Be Provided

Public comment generally favoring protection of the area for propagation of game animals was expressed during preparation of the Gila MFP. This notice and 3press releases to various newspapers in New Mexico and neighboring Arizona and Texas give interested parties 30 days in which to submit comments to the below signed official.

The Times, Dates, and Locations Scheduled for Public Meetings

Depending on the nature and degree of interest expressed during the 30 days following publication of this notice, meetings may be scheduled or additional comments may be solicited.

The Name, Title, Address, and Telephone Number of Responsible BLM Official

Ed Webb, Environmental Coordinator, Las Cruces District Office, P.O. Box 1420, Las Cruces, NM 88004, Telephone: (505) 524–8551; FTS 571–8312

The Location and Availability of Document Relevant to the Planning Process

Pertinent information is available at the BLM Office at 317 North Main Street, Las Cruces, New Mexico 88004 and are subject to public review on weekdays from 7:45 a.m. to 4:30 p.m.

Dated: June 2, 1983.

Daniel C. B. Rathbun,

District Manager.

[FR Doc. 83-15587 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[Realty Action M58024—Modified Competitive]

Modified Competitive Sale of Public Lands; Mountrail County, North Dakota

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713): at no less than the appraised fair market value $4,800.00.

5th Principal Meridan, North Dakota

T157N, R91W, Section 13: SE¼NW¼

Containing 40.00 acres.

The land will be offered for sale by a combination of sealed and oral bidding. Sale date is August 22, 1983 at 11:00 a.m. in the Mountrail County Courthouse, Stanley, North Dakota. Sealed bids will be considered only if received at the place of sale prior to 11:00 a.m., August 22, 1983.

This tract is located about 8 miles north of Stanley, North Dakota. There is no legal access. Physical access is over adjacent private land. This land is being sold because it is a small isolated tract without legal access. It does not contain significant resource values that would justify retention. It is a great distance from the District Office. Proper management would be difficult and uneconomical. It is not suitable for management by another federal agency.

The proposed action was discussed with the local and state government officials. It was also discussed with the adjacent landowner.

The proposed sale is consistent with the Bureau's planning system. Mountrail County government officials have been notified of the sale. The transfer of the tract into private ownership will benefit the public interest and provide for more efficient land management.

Terms and Conditions of the Sale are:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine and remove same under applicable law and regulations. (43 U.S.C. 1719)

2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945.

3. The sale of these lands will be subject to all valid and existing rights and reservations of record.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, 204 Sims Street, P.O. Box 1229, Dickinson, North Dakota.

Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination of the Department of Interior. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to this sale, including the environmental assessment and record of public discussions is available for review at the Dickinson District Office, 204 Sims Street, Dickinson, North Dakota.

SUPPLEMENTARY INFORMATION: The bidder must be a citizen of the United States or in the case of a corporation subject to the laws of any state or the United States. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of North Dakota. Bids must be made by the principal or his agent.

Bid Standards

No bid will be accepted for less than the appraised value of $4,800.00.

Method of Bidding

The land will be sold by a combination of sealed and oral bids. Each bid must be accompanied by a certified check, postal money order, bank draft, or cashiers check made payable to the Bureau of Land Management for not less than one-fifth of the amount bid. The sealed bid envelope must be marked in the lower left-hand corner as follows:

Public land sale in T157N, R91W, Section 13.

Dated: August 22, 1983.

If two or more envelopes contain valid bids of the same amount are received and not subsequently raised by an oral bid, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids if no oral bid is received to raise the tie bid. The highest qualifying bid shall then be publicly declared.

Modified Bidding

For a period of 30 days following the date of sale, Laverne and Murray Eliason, the designated bidder, will be offered the right to meet the highest qualifying bid. The designated bidder must submit a bid of at least the fair market value prior to the sale date in order to be considered under the modified bidding provisions. If he meets the highest bid, the land will be sold to him, and the order bid will be returned. His refusal to meet the highest bid or to submit any bid at all prior to the sale date shall constitute a waiver of such bidding provisions.

Final Details

Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price prior to the expiration of 30 days for the date of the sale. Failure to submit the required amount within the alloted time will result in cancellation of the sale and the deposit will be forfeited. All bids will either be returned, accepted or rejected within 60 days of the sale date.

Dated: June 1, 1983.

Kenneth H. Burke,

Acting District Manager.

[FR Doc. 83-15585 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[U-50120]

Issuance of Sale Conveyance Document; Uintah County, Utah

1. The United States issued a land sale document to Deseret Generation and Transmission Cooperation on May 26, 1983, Patent No. 43-83-0006 for the following described lands (surface estate only) pursuant to Section 203 of the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Salt Lake Meridian, Utah

T. 8 S., R. 23 E.,
Sec. 23, S½S½S½NE¼, SE¼;
Sec. 24, S½SW¼SW¼NE¼, S½S½ SE¼NW¼, SW¼, W½W½SE¼;
Sec. 25, W½W½NE¼, W½, W½W½SE¼;
Sec. 26, E½;
Sec. 35, E½.
T. 9 S., R. 23 E.,
Sec. 1, lots 3, 4.
Containing 1,507.15 acres.

2. The lands were conveyed to the Deseret Generation and Transmission Cooperation for a coal-fired electrical generation plant. The public interest was well served through completion of this direct sale.

3. The value of the Federal land was appraised at $151,000 and payment was received for this amount to the United States.

Dated: June 2, 1983.

Darrell C. Barnes,

Chief, Lands and Mining Claims Adjudication Section.

[FR Doc. 83-15588 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[M-57793]

Montana; Exchange of Public and Private Lands

AGENCY: Bureau of Land Management, Lewistown District Office, Interior.

ACTION: Notice of realty action M-57793, exchange of public and private lands in Carbon and Phillips Counties, Montana.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Principal Meridian, Montana

T. 28 N., R. 31 E.
Sec. 25: N½
T. 28 N., R. 32 E.
Sec. 8: SE¼NE¼
T. 29 N., R. 28 E.
Sec. 3: Lots 3 & 4, S½NW¼
T. 30 N., R. 28 E.
Sec. 10: NE¼
T. 31 N., R. 29 E.
Sec. 16: E½
Containing 1,011.20 acres of public land.

In exchange for these lands, the United States Government will acquire the surface estate in the following described lands:

Principal Meridian, Montana

T. 8 S., R. 26 E.
Sections 5, 8, 9: Parts within Homestead Entry Survey #169
Containing 159.96 acres.

DATES: For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, Airport Road, Lewistown, Montana 59457. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of this Department.

FOR FURTHER INFORMATION CONTACT: Information related to this exchange, including the environmental assessment and land report, is available for review at the Lewistown District Office, Airport Road, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to acquire a parcel of privately-owned land within the Custer National Forest. This land will be transferred to the Forest Service to support a multiple use Federal program and the economy. The multiple use values include, but are not limited to water quality, recreation, wildlife habitat and cultural resources.

The exchange is consistent with the Bureau's planning for the lands inolved and has been discussed with State and local officials. The public interest will be well served by making the exchange. The publication of this notice segregates the public lands described above from settlement, sale, location, and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with 43 U.S.C. 945, for lands being transferred out of Federal ownership.

2. The reservation to the United States of all minerals in the lands being transferred out of Federal ownership.

3. All valid existing rights (e.g. rights-of-way, easements, and leases of record).

4. Value equalization by cash payment or acreage adjustment.

5. The exchange must meet the requirements of 43 CFR 4110.4-2(b).

Dated: June 1, 1983.

Glenn W. Freeman,

District Manager.

[FR Doc. 83-15589 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

Montana Off-Road Vehicle Designations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designation decision.

Decision: Notice is hereby given that an emergency off-road vehicle travel closure is being implemented pursuant to 43 CFR 8341.2 at the Holter Lake Recreation Site.

The specific site affected is located in Lots 6 and 7, Section 4, T. 14 N., R. 3 W., Principal Meridian, Montana. The closure applies to the entire 80 acre site with the exception of the county road and developed campground road system. It is being implemented in order to protect visual and recreation

resources and prevent erosion and safety hazards on steep slopes due to the use of trail bikes and four-wheel-drive vehicles.

This designation becomes effective immediately and will remain in effect until rescinded or modified by the authorized officer.

FOR FURTHER INFORMATION CONTACT: District Manager, Butte District Office, P.O. Box 3388, 106 North Parkmont, Butte, Montana 59702, (406) 494–5059; Area Manager, Headwaters Resource Area, P.O. Box 3388, 106 North Parkmont, Butte, Montana 59702, (406) 494–5059.

Dated: June 1, 1983.

Kannon Richards,

Acting State Director.

[FR Doc. 83–15586 Filed 6–9–83; 8:45 am]

BILLING CODE 4310–84–M

Wyoming and Montana, Casper District Office, Wyoming; Intent to Prepare a Regional Environmental Impact Statement (EIS) for Proposed Leasing of Federal Coal in the Powder River Coal Region

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Prepare an EIS.

SUMMARY: This notice advises the public that the Bureau of Land Management (BLM) intends to prepare an EIS addressing coal leasing in the Powder River Basin Coal Region in 1984. Public involvement to determine the scope and significant issues to be analyzed is invited. Public participation was sought in public scoping meetings in Gillette, and Sheridan, Wyoming, and Ashland, Montana during May. In response to public request an additional meeting will be held in Hardin, Montana on July 12, 1983.

FOR FURTHER INFORMATION CONTACT: Charles F. Wilkie, Special Projects Team Leader, Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601, (307) 261–5598.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the National Environmental Policy Act and the Council on Environmental Quality regulations (43 CFR 1508.22) that the Bureau of Land Management (BLM) will prepare an EIS to address potential effects of new competitive coal leasing in the Powder River Region of Wyoming and Montana.

This proposed leasing is needed to meet a Department of the Interior Federal coal leasing level, in accordance with the Federal Coal Management Program as announced by the Secretary of the Interior (43 CFR Part 3400).

Potential lease tracts have been delineated from land found acceptable for further consideration for coal development during BLM land-use planning. The Casper District of BLM identified acceptable areas for Wyoming in supplements and amendments to the Eastern Powder River Basin Management Framework Plans for the Western Powder River, Recluse, Gillette and Highlight review areas in Sheridan, Johnson, and Campbell counties. The U.S. Forest Service (USFS) (Supervisor's Office) applied the unsuitability criteria and identified acceptable areas on the Thunder Basin National Grasslands in southern Campbell County. The Miles City District BLM identified acceptable areas in Montana in updates of the South Rosebud, Coalwood, and Decker-Birney Management Framework Plans covering parts of Powder River, Big Horn and Rosebud counties.

Preparation of the EIS is scheduled to begin in May 1983. A draft EIS should be available for public review and comment in December 1983. A final EIS is to be filed with the Environmental Protection Agency in April 1984. The Secretary of the Interior is tentatively scheduled to make the leasing decision in June 1984. A lease sale is scheduled for August 1984.

The proposed action is the leasing of a combination of tracts within the Powder River Region to meet a regional leasing level. Alternatives to the proposed action include leasing different combinations of tracts and no additional Federal coal leasing (No Action). Prior to the preparation of the EIS, the tracts identified in accordance with the Federal coal management regulations (43 CFR 3420.4) will be ranked, selected and scheduled by the Powder River Regional Coal Team.

Public involvement is invited to determine the scope and significant issues to be analyzed in the EIS. Public participation will be sought by direct contact and mailings to interested and affected parties, announcements in local media, and review of the EIS and decision documents.

The additional public scoping meeting will be held in the County Commissioner's room of the County Building in Hardin, Montana on July 12, 1983 at 7:00 p.m. Notice of date, time and location will be published in local newspapers and will be announced at the Regional Coal Team meeting in Billings, Montana on June 21, 1983.

Any individual company, group or agency who wishes to be included in the mailing list for notification to submit information that would be useful in preparing the EIS, or to provide comments and suggestions should contact the BLM District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Telephone inquiries should be directed to Charles F. Wilkie, EIS Team Leader at the following numbers: (307) 261–5598 (commercial phone) or 328–5598 (Federal Telecommunications System).

Nyles L. Humphrey,

Acting State Director.

[FR Doc. 83–15577 Filed 6–9–83; 8:45 am]

BILLING CODE 4310–84–M

[Colorado 36378]

Colorado; Realty Action Non-Competitive Sale of Public Lands in Grand County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value ($5,500).

Sixth Principal Meridian, Colorado

T. 3 N., R. 77 W.,

Section 20: N½NW¼NW¼NE¼SW¼

The tract described contains approximately 1.19 acres in Grand County, Colorado.

The sale of this land will be held on approximately the day of August 15, 1983.

The lands are being offered as a direct non-competitive sale to Gerald and Charlene Bourland, owners of an adjoining tract and a a small recreational cabin which occupies the tract of public land proposed for sale. During the summer of 1980, Bureau of Land Management did resurveys in Township 3 North, Range 77 West, of the Sixth Principal Meridian, Colorado. At this time, the cabin owned by Mr. and Mrs. Bourland was found to be on public lands administered by BLM. The unauthorized occupancy was unintentional; the sale will resolve this unauthorized use situation and avoid an undue hardship to the Bourlands.

The cabin is a 14' x 16' primitive log cabin between Colorado State Highway 125 and Willow Creek. The primary existing land use of the area is recreational; centering on the surrounding Arapaho National Forest land. The sale of the 1.19 acre tract would not change the existing use pattern or environmental character of the area.

The parcel meets the disposal criteria outlined in the Federal Land Policy and Management Act and the BLM Kremmling Draft Resource Management

Plan. The Grand County Commissioners have not objected to sale of the land.

The terms and conditions applicable to the sale are:

1. The patent will contain a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All mineral rights will be reserved to the United States.

3. The sale of this land will be subject to all valid existing rights; including the right-of-way for Colorado State Highway 125, as approved by Bureau of Land Management decision under Serial No. C-04686.

4. The landowner, to whom title of this land will be transferred, will apply to Grand County for an outright subdivision exemption following the issuance of patent.

Detailed information concerning the sale, including environmental assessment report and land report, is available for review at the Bureau of Land Management, Kremmling Resource Area Office, P.O. Box 68, 1116 Park Avenue, Kremmling, Colorado 80459.

For a period of 45 days from date of this notice, interested parties may submit comments to District Manager, Bureau of Land Management, Craig District Office, 455 Emerson Street, Craig, Colorado 81625.

Dated: June 2, 1983.

Frances E. Noll,

Acting District Manager.

[FR Doc. 83-15473 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[A-13390]

Arizona National Guard, Florence Target and Military Range; Proposed Modification and Continuance of Withdrawal; Opportunity for Public Hearing

June 1, 1983.

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to continue the subject withdrawal for a period of 20 years rather than for an indefinite term.

The existing withdrawal, made by Executive Order No. 1633 of October 28, 1912, segregates the land from operation of the public land laws, including the mining and mineral leasing laws. It is proposed to modify the withdrawal to open the land to operation of the mineral leasing laws.

No other change in the segregative effect of the withdrawal or use of the land is proposed.

The following described land is included in the proposed modification and continuance:

Gila and Salt River Meridian, Arizona

T. 4 S., R. 9 E.,
Sec. 1, all;
Sec. 12, all;
Sec. 13, N½, N½S½, portions of SE¼
Sec. 24, portions of W½NE¼, and S½SW¼;
Sec. 25, N½NW¼.
T. 4 S., R. 10 E.,
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, N½, SW¼;
Sec. 18, lots 1, 2, 3 and 4, E½W½, NE¼;
Sec. 19, lot 1.

The areas described aggregate 5,710.40 acres in Pinal County.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed action. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before 90 days from date of this publication. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed action may be filed with the undersigned officer on or before the above designated date.

The authorized officer of the bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources, and will review the withdrawal rejustification to ensure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized Officer will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued or modified, and if so, for how long. The final determination will be published in the **Federal Register.** The existing withdrawal will continue until such final determinal is made.

All communications in connection with this proposed action should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-15566 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[A-13011]

Arizona National Guard, Papago Facility; Proposed Modification and Continuance of Withdrawal; Opportunity for Public Hearing

June 1, 1983.

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to continue the subject withdrawal for a period of 20 years, rather than for an indefinite term.

The existing withdrawal, made by the Act of Congress of April 7, 1930, segregates the land from operation of the public land laws, including the mining and mineral leasing laws. It is proposed to modify the withdrawal to open the land to operation of the mineral leasing laws.

No other change in the segregative effect of the withdrawal or use of the land is proposed.

The following described land is included in the proposed modification:

Gila and Salt River Meridian, Arizona

T. 1 N., R. 4 E.,
Sec. 4, N½NW¼;
Sec. 5, N½NE¼.
T. 2 N., R. 4 E.,
Sec. 32, SE¼;
Sec. 33, SW¼.

The areas described aggregate 484.09 acres in Maricopa County.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed action. All interested persons who desire to be hard on the proposal must submit a written request for a hearing to the undersigned on or before 90 days from date of this publication. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections

to the proposed action may be filed with the undersigned officer on or before the above designated date.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources, and will review the withdrawal rejustification to ensure that continuation or modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued or modified, and if so, for how long. The final determination will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed action should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-15567 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[AR-019097; AR-031541]

Arizona; Safford Federal Prison; Proposed Continuance of Withdrawal; Opportunity for Public Hearing

June 1, 1983.

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to continue the subject withdrawal until the year 2015, rather than for an indefinite term.

The existing withdrawal, made by Public Land Orders 1767 and 3010 of December 15, 1958 and April 8, 1963, respectively, segregates the land from operation of the public land laws, including the mining laws but not the mineral leasing laws. No change in the segregative effect of the withdrawal or use of the land is proposed.

The following described land is included in the proposed continuance:

Gila and Salt River Meridian, Arizona

T. 8 S., R. 26 E.,
Sec. 19, lot 6, E½SW¼, S½SE¼.
Sec. 30, N½NW¼NE¼, N½NE¼NW¼.

The areas described aggregate 237.63 acres in Graham County.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed action. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before 90 days from date of this publication. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed action may be filed with the undersigned officer on or before the above designated date.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources, and will review the withdrawal rejustification to ensure that continuation or modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued or modified, and if so, for how long. The final determination will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed action should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Opeations.

[FR Doc. 83-15568 Filed 6-9-83; 8:45 a.m.]

BILLING CODE 4310-84-M

[A-13388]

Arizona; Douglas National Guard Rifle Range; Proposed Partial Continuance of Withdrawal; Opportunity for Public Hearing

June 1, 1983.

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to continue the subject withdrawal on 625 acres for a period of 20 years, rather than for an indefinite term, and to revoke the withdrawal on 15 acres.

The existing withdrawal, made by Executive Order 2138 of February 19, 1915, segregates the land from operation of the public land laws, including the mining laws but not the mineral leasing laws.

The following described land is included in the proposed continuation:

Gila and Salt River Meridian, Arizona

T. 24 S., R. 28 E.,
Sec. 10, N½, N½SW¼, E½SW¼SW¼, N½NW¼SW¼SW¼, SE¼SW¼, SE¼.

The areas described aggregate 625 acres in Cochise County.

The withdrawal would be revoked on the following land:

T. 24 S., R. 28 E.,
Sec. 10, S½NW¼SW¼SW¼, SW¼SW¼SW¼.

Comprising 15 acres.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed action. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before 90 days from date of this publication. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed action may be filed with the undersigned officer on or before the above designated date.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources, and will review the withdrawal rejustification to ensure that continuation or modification would be consistent with the statutory objectives of the programs for which the land is

dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued or modified, and if so, for how long. The final determination will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed action should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-15565 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

Medford District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a field trip of the Bureau of Land Management, Medford District Advisory Council will be held on July 8, 1983.

The trip will organize at 8:00 A.M. in the reception area of the Bureau of Land Management Office at 3040 Biddle Road, Medford, Oregon. Subject of the field trip involves a day-long visit to Eight-Dollar Mountain to observe and discuss management of the area, which is being considered an Area of Critical Environmental Concern.

The trip is open to the public, but interested persons must provide their own transportation.

Hugh Shera,

District Manager.

[FR Doc. 83-15569 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[N-37242]

Nevada; Notice of Realty Action—Non-Competitive Sale of Public Lands in Elko County, Nevada

June 2, 1983.

The following land has been examined and identified as suitable for disposal by direct sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than fair market value:

Mount Diablo Meridan

T. 34 N., R. 55 E.
Sec. 8, W½NW¼NE¼NE¼.

The above-described land comprising five (5) acres, is being offered as a direct sale to Sierra Pacific Power Company. The power company has constructed a substation on the parcel under the authority of right-of-way grant N-34115. However, they prefer to have fee title to the land on which they have made a substantial financial investment.

The sale is consistent with the Bureau's planning system. The land is not needed for any resource program and is not suitable for management by the Bureau or another Federal department or agency. The proposal has been reviewed and approved by the Elko County Planning Commission.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. Those rights for powerline purposes which have been granted to Nevada Power Company, its successors or assigns, by Permit No. Nev-067051, under the Act of February 15, 1901, 31 Stat. 790, 43 U.S.C. 959.

2. Those rights for powerline purposes which have been granted to Sierra Pacific Power Company, its successors or assigns, by Permit No. N-34115, under the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

3. Those rights granted by oil and gas lease, N-17935, made under Section 29 of the Act of February 25, 1920, 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570. This patent is issued subject to the right of the prior permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of oil and gas lease, N-17935, and any authorized extension of that lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate.

4. An easement 30 feet in width along the south boundary for road and public utilities purposes to insure continued ingress and egress to adjacent lands.

Detailed information concerning the sale is available for review at the Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nevada 89801. For a period of 45 days from the date of publication in the **Federal Register**, interested parties may submit comments to the State Director at P.O. Box 12000, Reno, Nevada 89520. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. If no action is taken by the State Director, this realty action will become a final determination of the Department of the Interior.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 83-15627 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[W-80910]

Rescheduling of Sale; Modified Competitive Sale of Public Lands; Johnson County, Wyoming

A "Notice of Realty Action" was published on September 30, 1982 at 47 FR 43201 in the **Federal Register** and concerned and modified competitive sale of public land in Wyoming. A postponement of said notice was published on November 9, 1982 at 47 FR 50763. Notice is hereby given, that this sale in Johnson County, Wyoming is rescheduled to take place on August 12, 1983.

The methods and procedures set out in the original "Notice of Realty Action" on September 30, 1982 will still apply with the following exceptions:

1. The appraised value of the property is now $30,000.

2. The public sale will be held on Friday, August 12, 1983.

3. No bid will be accepted for less than the appraised value of $30,000.

4. The sealed bid envelope must be marked in the lower left-hand corner of the front of the envelope with the words "Public Land Sale W-80910, August 12, 1983—Sealed Bid."

Paul Arrasmith,

District Manager.

[FR Doc. 83-15571 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[W-80909]

Wyoming: Realty Action; Proposed Noncompetitive Sale of Public Lands in Johnson County, Wyoming

The following described lands have been examined and identified as suitable for disposal by direct sale

under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than fair market value:

Sixth Principal Meridian

T. 45 N., R. 78 W.,
Sec. 34, SW¼NE¼SE¼.

The area described contains 10 acres.

The fair market is $2500.00

The land is proposed for disposal by direct sale to Edwin J. Streeter who is currently authorized to occupy the land by a temporary use permit. Prior to the issuance of the temporary use permit, Mr. Streeter lived on the land for approximately 17 years in an unintentional occupancy trespass which has been settled. The value of the improvements Mr. Streeter has placed on the land is approximately $58,200.00 of which the major investment is his home. He is the authorized range user and co-owner of the adjoining private land. The grazing preference will not be affected by this proposed sale. The authorized officer has determined public interest would be best served by the proposed direct sale in order to recognize and protect Mr. Streeter's equities and the unintentional nature of the trespass.

The proposed sale has been analyzed according to 43 CFR 1601.8(c). The co-owner of the adjacent private lands and the local government officials are in support of the sale. The subject-lands are not essential to any Bureau program and are not suitable for management by another federal agency.

The land will not be offered for sale until 60 days after the date of this notice.

The proposed sale will be subject to the following:

1. Reservation of right-of-way for ditches and canals to the United States pursuant to 43 U.S.C. 945;

2. Reservation to the United States mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Department of Interior may prescribe;

3. All valid existing rights and reservations of record.

Detailed information concerning the proposed sale is available for review at the Bureau of Land Management, Buffalo Resource Area, 300 Spruce St., P.O. Box 670, Buffalo, Wyoming 82834.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Casper District Manager, Casper District Office, Bureau of Land Management, 951 Rancho Road, 82601. Any adverse comments will be evaluated by the district manager who may vacate or modify this realty action.

In absence of any action by the district manager this realty action will become a final determination of the Department of the Interior.

Paul W. Arrasmith,
District Manager.

[FR Doc. 83-15573 Filed 6-9-83; 8:45 am]
BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3393, Block 102, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 1, 1983.

John L. Rankin,
Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-15570 Filed 6-9-83; 8:45 am]
BILLING CODE 4310-MR-M

National Park Service

Intention to Negotiate Concession Permit; Alternative, Inc., et al.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate concession permits with Alternative, Inc., Alois Amrein, Caribbean Sea Adventures, Monica H. Gelardi, Magton, Ltd., Milemark, Inc., Francis Smilowitz, Southern Seas, Inc., Teroro, Inc., and Llewelyn Westerman, hereinafter referred to as Concessioners, authorizing each of them to continue to provide excursion boat transportation and related services within Buck Island Reef National Monument for a period of approximately five years from date of execution, through April 30, 1988.

This proposal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing Concessioners have performed their obligations to the satisfaction of the Secretary under their existing permits which expire by limitation of time on April 30, 1983, and, therefore, pursuant to the Act of October 9, 1965, as cited above, are entitled to be given preference in the negotiation of new concession permits. This provision, in effect, grants each of the Concessioners, the opportunity to meet the terms and conditions of any other proposal submitted which the Secretary may consider better than a proposal submitted by an individual Concessioner. If the individual Concessioner amends its individual proposal and the amended proposal is substantially equal to the better offer, then the new permit will be negotiated with the existing individual Concessioner.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing Concessioners, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303, or the Superintendent, Virgin Islands National Park Box 7789, Charlotte Amalie, St.

Thomas, U.S.V.I. 00801, for information as to the requirements of the proposed permits.

Dated June 1, 1983.

C. W. Ogle,

Acting Regional Director, Southeast Region.

[FR Doc. 83-15598 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-70-M

Intention to Negotiate Concession Contract; Harbor Carriers, Inc.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Harbor Carriers, Inc., authorizing it to continue to provide boat transportation facilities and services for the public at Golden Gate National Recreation Area, California, for a period of approximately fifteen (15) years from January 1, 1984.

"This proposed contract requires a construction and improvement program. The construction and improvement program required was previously addresed in the General Management Plan/Environmental Analysis, September 1980, that was prepared in conjunction with the General Management Plan for Golden Gate National Recreation Area."

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1983, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Harbor Carriers, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Harbor Carriers, Inc. If Habor Carriers, Inc., amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Harbor Carriers, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Golden Gate National Recreation Area, Fort Mason, California 94123, for information as to the requirements of the proposed contract.

Dated: June 6, 1983.

Howard H. Chapman,

regional Director, Western Region.

[FR Doc. 83-15599 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware Citizens Advisory Council; Meeting

AGENCY: National Park Service Upper Delaware Citizens Advisory Council Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: June 24, 1983, 7 p.m.

ADDRESS: Town of Tusten Hall, Narrowburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159 (717) 729–7135.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include discussion of Draft Management Plan.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: May 31, 1983.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 83-15600 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

New Mexico; Amendment of Wilderness Inventory Decisions

AGENCY: Office of the Secretary of Interior.

ACTION: Amendment of Wilderness Inventory Decisions.

SUMMARY: This notice designates 16 areas totaling 48,658 acres for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 or for consideration for other forms of protective management. This notice also amends previous wilderness inventory decisions by the Bureau of Land Management for lands in New Mexico, deleting all or part of 17 wilderness study areas. The total area deleted from wilderness study area status under Section 603 of the Act by this decision is 121,012 acres.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT: New Mexico State Director, Bureau of Land Management, Post Office Box 1449, Joseph Montoya Federal Building, South Federal Place, Santa Fe, New Mexico 87501, telephone (505) 988–6227.

Amendment of Wilderness Inventory Decisions

This notice completes the action necessary with respect to Bureau of Land Management wilderness study areas in New Mexico to bring the Bureau's wilderness review into compliance with recent decisions of the Interior Board of Land Appeals. Previous action on this subject was published in the **Federal Register** on December 30, 1982 (47 FR 58372).

Section 1. Consideration for Protective Management

The 16 areas listed in Table 1, totaling 48,658 acres, have been designated for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 or for consideration for other forms of protective management. These areas were formerly identified as wilderness study areas under Section 603 of the Act. They were either deleted from that category on December 30, 1982, or they are being deleted by Sections 2 and 3 of this decision.

Section 2. Areas Under 5,000 Acres

The following wilderness study area is modified to delete a roadless area smaller than 5,000 acres, effective upon publication of this decision in the **Federal Register.** This roadless area was improperly identified as part of a wilderness study area under Section 603 of the Federal Land Policy and Management Act of 1976. Only the acreage listed below as "acres deleted" is deleted from wilderness study; the remainder of the wilderness study area remains under wilderness study, and the deletion does not affect the Bureau of Land Management's previously adopted conclusions as to the presence of wilderness characteristics in the remaining wilderness study area.

Wilderness Study Area Name: Brokeoff Mountains
Number: NM-030-112
Old Wilderness Study Area Acreage: 28,600
Acres Deleted (Unit B): 220
Revised Wilderness Study Area Acreage: 28,380
County: Otero

Section 3. Split-Estate Lands

A. "Split-estate" lands are lands where the Federal Government owns the surface but where the subsurface mineral estate is nonfederally owned. Split-estate lands were improperly identified for wilderness study under Section 603 of the Federal Land Policy and Managment Act of 1976. That error is corrected by this decision.

B. The lands listed as "split-estate" in Table 2 are deleted from wilderness study area status, effective upon publication of this decision in the **Federal Register.** These are scattered tracts located within the listed wilderness study areas. Only the indicated acreage of split-estate land is deleted from wilderness study; the remainder of the wilderness study area remains under wilderness study, and the boundary of the wilderness study area has not been changed. The deletions do not affect the Bureau of Land Management's previously adopted conclusions as to the presence of wilderness characteristics.

C. The boundaries and acreages of the wilderness study areas listed in Table 3 are modified, effective upon publication of this Secision in the **Federal Register,** to delete split-estate lands and certain other public lands. The deleted lands consist of: (1) scattered tracts of split estate located within wilderness study areas, (2) tracts of split estate located on the periphery of wilderness study areas, and (3) tracts that are not split estate but are isolated from the main body of the wilderness study area by deletion of the split estate and no longer qualify for wilderness study under section 603 because they are smaller than 5,000 acres. Only the indicated acreage is deleted from wilderness study. The remainder of the wilderness study area remains under wilderness study, and the boundary change does not affect the Bureau of Land Management's previously adopted conclusions as to the presence of wilderness characteristics in the remaining wilderness study area.

Section 4. Management of Deleted Lands

All lands in New Mexico deleted from wilderness study status by this decision in Sections 2 and 3 and by the decision issued on December 30, 1982 (47 FR 58372), and not designated for further wilderness consideration in Table 1 of this notice are hereby released from management restrictions to protect their wilderness suitability. Of these lands, 43,138 acres are being considered for designation as areas of critical environmental concern, natural areas, national natural landmarks, or scenic areas or for nomination to the National Register of Historic Places and will be managed to protect the identified natural, cultural, or recreational values. The remaining 171,605 acres will be managed for the full range of multiple uses other than wilderness and in conformance with existing land use plans and regulations for those areas.

This is a final decision of the Department of the Interior and is not subject to appeal under 43 CFR Part 4.

Garrey E. Carruthers,
Assistant Secretary.
June 2, 1983.

TABLE 1.—AREAS BEING CONSIDERED FOR PROTECTIVE MANAGEMENT

Area name	Number	Acreage	County	Category [1]
Bisti	NM-010-057	[6] 3,520	San Juan	Wilderness.
Manzano	NM-010-092	845	Torrance	ACEC, NA, SA.
Ignacio Chavez	NM-010-020	22,290	McKinley	ACEC, NA.
Chamisa	NM-010-021	11,091	Sandoval	Do.
Rimrock	NM-020-007		Valencia	
Lobo tract		800		ACEC, NRHP.
Cebollita Spring tract		160		Do.
Narrows tract		320		Do.
National Arch tract		1,200		ACEC, NA.
Sand Canyon	NM-020-008		Valencia	
Promontory tract		[2] 640		ACEC, NRHP.
Homestead/Armijo tract		[3] 1,440		Do.
Little Rimrock	NM-020-009		Valencia	
Cebolla Spring tract		[4] 80		Do.
Pencle tract		320		Do.
Eagle Peak (Zuni Salt Lake tract).	NM-020-019	1,600	Catron	NNL.
Big Hatchet Mountains	NM-030-035C	2,000	Hidalgo	Wilderness.
Guadalupe Canyon	([5])	454	Hidalgo	NA.
Lonesome Ridge	NM-060-801	1,898	Eddy	NA, SA.
Total (16 areas)		48,658		

[1] In this table the following abbreviations are used: Wilderness means wilderness consideration under Section 202 of the Federal Land Policy and Management Act of 1976; ACEC means consideration for areas of critical environmental concern; NA means consideration for natural areas; NNL means consideration for national natural landmarks; NRHP means consideration for nomination to the National Register of Historic Places; and SA means consideration for scenic areas.
[2] The Promontory tract consists of 640 acres from the former wilderness study area and 160 additional acres of public land.
[3] The Homestead/Armijo tract consists of 640 acres from the Sand Canyon former wilderness study area, 800 acres from the Pinon former wilderness study area (NM-020-010), and 160 additional acres of public land.
[4] The Cebolla Spring tract consists of 80 acres from the former wilderness study area and 80 additional acres of public land.
[5] This area has no number. It is contiguous to the existing Guadalupe Canyon Natural Area, which is under wilderness review as an "instant study area" pursuant to Section 603 of the Federal Land Policy and Management Act of 1976.
[6] The acreage of the Bisti area recently has been recalculated by more accurate methods as 3,968 acres. However, the figure 3,520 acres has been used in this table to be consistent with the figure used in the decision of December 30, 1982. Henceforth, the area under wilderness consideration will be considered to contain 3,968 acres.

TABLE 2.—MODIFIED WILDERNESS STUDY AREAS—SPLIT ESTATE DELETED

Wilderness study area name	Number	Old wilderness study area acreage	Acres split estate	Revised wilderness study area acreage	County
Sierra Ladrones	NM-020-016	39,868	560	39,308	Socorro.
West Potrillo Mountains	NM-030-052(B)	7,400	640	6,760	Dona Ana.
Robledo Mountains	NM-030-063	12,946	135	12,811	Dona Ana.
Total (3 areas)			1,335		

TABLE 3.—MODIFIED WILDERNESS STUDY AREAS—BOUNDARY CHANGED TO DELETE SPLIT ESTATE

Wilderness study area name	Number	Old wilderness study area acreage	Acres split estate	Acres non-split estate deleted	Revised wilderness study area acreage	County
De-na-zin	NM-010-004	19,922	855	513	18,554	San Juan.
Ignacio Chavez	NM-010-020	32,263	21,500	802	9,961	McKinley.
Cabezon	NM-010-022	8,112	74	0	8,038	Sandoval.
Empedrado	NM-010-063	9,454	44	0	9,410	Sandoval.
Mesita Blanca	NM-020-018	19,414	2,985	0	16,429	Catron.
Eagle Peak	NM-020-019	43,960	11,000	212	32,748	Carton.
Big Hatchet Mountains	NM-030-035A, B	60,710	4,573	2,499	53,638	Hidalgo.
Alamo Hueco Mountains	NM-030-038	16,512	2,726	3,040	10,746	Hidalgo.
West Potrillo Mountains	NM-303-052(A)	143,145	1,440	0	141,705	Luna/Dona Ana.
Aden Lava Flow	NM-030-053	25,287	1,430	0	23,857	Dona Ana.
Organ Mountains	NM-030-074	7,283	139	0	7,144	Dona Ana.
El Malpais	(1)	73,640	54,551	10,620	8,469	Cibola.
Guadalupe Canyon	(2)	454	454	0	0	Hidalgo.
Total (*9 areas)			101,771	17,686		

[1] This area has no number. The area under wilderness study in the El Malpais area consists of 84,000 acres of formally designated Natural Area, which is under wilderness review as an "instant study area" pursuant to Section 603 of the Federal Land Policy and Management Act of 1976, and 73,000 acres of contiguous roadless area. All public lands within the formally designated Natural Area remain under wilderness review, as well as the 8,469 acres of contiguous lands shown in Table 3.

[2] This area has no number. It is contiguous to the Guadalupe Canyon Natural Area, which is under wilderness review as an "instant study area" pursuant to Section 603 of the Federal Land Policy and Management Act of 1976. All public lands within the formally designated Natural Area, totaling 3,691 acres, remain under wilderness review.

[FR Doc. 83-15514 Filed 6-9-83; 8:45 am]
BILLING CODE 4310-84-M

Indian Policy Review Team; Delegation of Authority

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 209 DM 8.

On May 26, 1983, a notice was published in the **Federal Register** (48 FR 23726) announcing a meeting of the Indian Policy Review Team on Monday, June 13, 1983. The meeting is hereby cancelled.

Dated June 7, 1983.

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 83-15655 Filed 6-9-83; 8:45 am]
BILLING CODE 4310-10-M

INTERNATIONAL DEVELOPMENT AGENCY

Agency for International Development

Commission on Security and Economic Assistance

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the locations of the third and fourth meetings of the Commission on Security and Economic Assistance. This notification provides further information to that which appeared in the **Federal Register** on June 1, 1983, Vol. 48, No. 106, page 24471.

The third Commission meeting on June 27, 1983 will be held from 1:30 p.m. to 5:00 p.m. in the Dirksen Senate Office Building located at First and C Streets N.E., Washington, D.C., Room SD 106.

The fourth Commission meeting on July 18, 1983 will be held from 1:30 p.m. to 5:00 p.m. in the Russell Senate Office Building located at Delaware and C Streets N.E. Washington, D.C., Room SR 325.

Mr. John K. Wilhelm is the designated A.I.D. representative. In addition to the above, statements may be filed with him, or further information received by writing to him care of the Agency for International Development, PPC/C, Room 1004 NS, Washington, D.C. 20523, or telephone him at 202/632-7800.

Dated: June 7, 1983.

John K. Wilhelm,

A.I.D. Representative, Commission on Security and Economic Assistance.

[FR Doc. 83-15685 Filed 6-9-83; 8:45 am]
BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; 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 July 11, 1983. Petitions for reconsideration must be filed by June 30, 1983. Petitions for stay must be filed by June 20, 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, DC 20423; or call (202) 289-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

Decided: June 3, 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.

[No. MC-F-15139]

Carson Truck Lines, Inc.—Purchase Exemption—B&G Trucking, Inc.

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative, A. Charles Tell, 100 East Broad St., Columbus, OH 43215

Pleadings should refer to No. MC-F-15139.

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)(2), the purchase by Carson Truck Lines, Inc., (MC-142835) of a portion of the operating rights of B & G Trucking Inc., i.e., Certificate No. MC-146820, (Sub-No. 23), authorizing the transportation of (1) general commodities (with certain exceptions), between points in Kentucky, Maryland,

Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

[No. MC-F-15159]

Frank Potter Trucking Co., 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, Patricia F. Scott, P.O. Box, 1000, Laurie, MO 65038

Pleadings should refer to No. MC-F-15159.

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 Frank Potter Trucking Co., (Potter) (MC-124393), of a portion of the operating rights of Nebraska Carriers, Inc., (Nebraska), i.e., Certificate No. MC-153207 (Sub-No. 2) which authorizes the irregular-route transportation of such commodities as are dealt in or used by building material and home improvement stores nationally, between the facilities used by Payless Cashways, Inc.

[No. MC-F-15203]

Presto Transportation Inc.—Purchase Exemption—Spector Red Ball, Inc. (Debtor-in-Possession)

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423
and
(2) Petitioner's representative, Raymond Bradfield, P.O. Box 469, Peru, Ill. 61354

Pleadings should refer to No. MC-F-15203.

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)(2), the purchase by Presto Transportation, Inc., of those operating rights of spector Red Ball, Inc. (Debtor-in-Possession) contained in Certificate Nos. MC-2229 Sub-Nos. 208, 241, 244, 256, and 275, and specified portions of Sub-No. 250, 251, 252, 253, 254, 257, 258, 259, 260, 261, 264, 265, 266, 267, 268, 273, and 274X.

[FR Doc. 83-15557 Filed 6-9-83; 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 the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 1, (202) 275-7992.

Volume No. OP1-FC-206

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC-FC-81471. By decision of May 27, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to RICH LEHMANN, DOING BUSINESS AS RICH LEHMAN TRUCKING, 2205 Rosewyn Lane, Billings, MT 59102, of Permit No. MC-163831, issued January 27, 1983, to RAIL-TRAIL CO., Suite 301, 3203 Third Avenue North, Billings, MT 59101, authorizing the transportation of general commodities (except classes A and B explosives, household goods and commodities in bulk), between points in MT and WY, under continuing contract(s) with Burlington Northern Railroad Company.

Volume No. OP1-FC-207

By the Commission, Review Board Members Krock, Williams, and Dowell.

MC-FC-81492. By decision of June 2, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board approved the transfer to METROPOLITAN STORAGE & MOVING CO., INC., New York, NY, of Certificate Nos. MC-13780, and MC-13780 (Sub-No. 2), issued December 6, 1951 and April 22, 1949, respectively, to SOFIA BROTHERS, INC., New York, NY, authorizing the transportation of household goods, between New York, NY, on the one hand, and, on the other, points in CT, DE, FL, GA, MA, ME, MD, NH, NJ, NY, NC, PA, RI, SC, VT, VA, WV, and DC. Representative: Alvin Altman, 888 Seventh Avenue, New York, NY.

[FR Doc. 83-15560 Filed 6-9-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporation: Alcoa Inter-America, Inc., Delaware; Alcoa Recycling Company, Delaware; Alcoa Steamship Company, Inc., New York; American Powdered Metals Company, Delaware; Buckeye Molding Company, Delaware; H. C. Products Company, Delaware; Jonathan's Landing, Inc., Delaware; Northwest Alloys, Inc., Delaware; PEP Industries, Inc., Tennessee; REA Magnet Wire Company, Inc., Delaware; The Stolle Corporation, Ohio; Tifton Aluminum Company, Inc., Delaware; Vancouver Extrusion Company, Inc., Delaware.

1. Parent corporation and address of principal office: Brown Group, Inc., 8400

Maryland Avenue, St. Louis, Missouri 63105.

2. Wholly owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Brown Group Recreational Products, Inc., Incorporated in the State of New Hampshire.

(ii) Wohl Shoe Company, Incorporated in the State of Missouri.

1. Parent Corporation: Clow Corporation, 1100 Executive Plaza East, 1211 West 22nd Street, Oak Brook, IL 60521.

2. Wholly owned subsidiaries which will participate in the operations, and State(s) of incorporation: Clow Development Company, Delaware; Clow DISC Inc., Illinois; Clow International, Inc., Delaware; Clow Water Systems Corporation, Delaware; Chicago Pump Company, Illinois; Rich Manufacturing Company, California.

1. Parent corporation and address of principal office: Consolidated Foods Corporation, Three First National Plaza, Chicago, Illinois 60602; a Maryland corporation.

2. Wholly-owned subsidiaries which will participate in the operations, and the address of their respective principal offices:

(a) Airs Isotoner Gloves, Inc., 417 Fifth Avenue, New York, New York 10016
(b) Bloch & Guggenheimer, Inc., 34–02 Review Avenue, Long Island City, New York 11101
(c) Booth Fisheries Corporation, Two North Riverside Plaza, Chicago, Illinois 60606
(d) Bryan Foods, Inc., P.O. Box 1177, West Point, Mississippi 39773
(e) Chef Pierre, Inc., P.O. Box 1009, Traverse City, Michigan 49684
(f) Electrolux Corporation, 2777 Summer Street, Stamford, Connecticut 06905
(g) Flexnit Company, Inc., 11 East 36th Street, New York, New York 10016
(h) The Fuller Brush Company, Westport Addition, P.O. Box 729, Great Bend, Kansas 67530
(i) Idaho Frozen Foods Corp., P.O. Box 128, Twin Falls, Idaho 83301
(j) Illinois Fruit & Produce Corp., One Quality Lane, Streator, Illinois 61364
(k) Kitchens of Sara Lee, Inc., 500 Waukegan Road, Deerfield, Illinois 60015
(l) Hollywood Brands, Inc., 100 South Poplar, Centralia, Illinois 62801
(m) The Lawson Company, 210 Broadway East, Cayahoga Falls, Ohio 44222
(n) Lyon's Restaurants, Inc., 1165 Triton Drive, Foster City, California 94404
(o) Oxford Chemicals, Inc., 5001 Peachtree Industrial Blvd., Chamblee, Georgia 30341
(p) Oxford Services, Inc., 1445 Marietta Blvd., N.W., Atlanta, Georgia 30318
(q) Popsicle Industries, Inc., 110 Route 4, P.O. Box 200, Englewood, New Jersey 07631
(r) PYA/Monarch, Inc., 2818 White Horse Road, P.O. Box 1569, Greenville, South Carolina 29602
(s) Sav-A-Stop Incorporated, 7960 Baymeadows Drive, Jacksonville, Florida 32216
(t) Shasta Beverages, Inc., 26901 Industrial Boulevard, Hayward, California 94545
(u) Sinton & Brown Company, 100 Pine Street, Suite 2575, San Francisco, California 94111
(v) Sirena, Inc., 10333 Vacco Street, South El Monte, California 91733
(w) Standard Meat Company, 3709 E. First Street, Ft. Worth, Texas 76111
(x) Twin Rivers, Transportation Company, P.O. Box 394, Deerfield, Illinois 60015
(y) Union Sugar Company, 100 Pine Street, Suite 2575, San Francisco, California 94111

3. Corporate divisions which will participate in the operations, and the address of their respective principal office:

(a) The Bali Company, 3330 Healy Drive, Winston-Salem, North Carolina 27103
(b) C&C Cola Company (Division of Shasta), 397 East 54th Street, Elmwood Park, New Jersey 07407
(c) Fermaprint (Division of Electrolux), 50 East 42nd Street, New York, New York 10017
(d) Gallo Salame, 250 Brannon Street, San Francisco, California 94107
(e) Gordon County Farm Company, P.O. Box 1267, Calhoun, Georgia 30701
(f) H.B. Kennerly & Son, Box 35, Nanticoke, Maryland 21840
(g) Hanes Direct Store Delivery, 7736 North Point Boulevard, Winston-Salem, North Carolina 27106
(h) Hanes Hosiery, 7000 Hanes Mill Road, Winston-Salem, North Carolina 27102
(i) Hanes Knitwear, 1100 S. Stratford Road, Winston-Salem, North Carolina 27102
(j) Hanes Printables, 2000 West First Street, Winston-Salem, North Carolina 27103
(k) Hi-Brand Foods, P.O. Box 2048, Peachtree City, Alabama 30269
(l) Hillshire Farm Company, P.O. Box 227, Route No. 1, New London, Wisconsin 54961
(m) Kahn's & Company, 3241 Spring Grove Avenue, Cincinnati, Ohio 45225
(n) Lauderdale Farm Company, 700 South Wood Avenue, Florence, Alabama 35630
(o) Lawrence Hose Company (Division of Electrolux), P.O. Box 1838, Burlington, North Carolina 27215
(p) L'eggs Brands (subsidiary of L'eggs Products), 2035 University Parkway, Winston-Salem, North Carolina 27106
(q) L'eggs Products, 8025 North Point Boulevard, Winston-Salem, North Carolina 27106
(r) L'erin Cosmetics, P.O. Box 57, Winston-Salem, North Carolina 27102
(s) Malone & Hyde (Division of PYA/Monarch), 1991 Corporate Avenue, Memphis, Tennessee 38132
(t) Moccomat Beverage Systems, 990 Supreme Drive, Bensenville, Illinois 60106
(u) Nanticoke Seafood Co. (Division of Booth), Box 35, Nanticoke, Maryland 21840
(v) Rudy's Farm Company, 2424 Music Valley Road, Nashville, Tennessee 37214
(w) Smoky Hollow Foods, 32nd & Woodrow Streets, Little Rock, Arkansas 72206
(x) Superior Coffee Company, 990 Supreme Drive, Bensenville, Illinois 60106
(y) Warrick Equipment Company, 4200 Malsbury Road, Cincinnati, Ohio 45252

1. Parent corporation and address of principal office: Ergon, Inc., 202 East Pearl Street, Jackson, MS 39201.

2. Wholly-owned subsidiairies which will participate in the operations, and address of their respective principal offices and states of incorporation:

(a) Big Valley Towing, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(b) Clarco Pipe Line Company, 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(c) Ergon Asphalt & Emulsions, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(d) Ergon Environmental Services, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(e) Ergon's General Store, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(f) Ergon Oil Purchasing, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(g) Ergon Refining, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(h) Joe T. Dehmer Distributor, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(i) Magnolia Marine Transport Company, 202 E. Pearl Street, Jackson MS 39201. (Mississippi)

(j) Mobile Bulk Terminal, Inc., 202 E. Pearl Street, Jackson MS 39201. (Alabama)
(k) Remington Lubes, Inc., 1989 Channel Avenue, Memphis, TN 38113. (Tennessee)

1. Parent corporation and address of principal office: General Mills, Inc., P.O. Box 1113, Minneapolis, MN 55440.

2. Wholly-owned subsidiaries, addresses of their respective principal offices, and State(s) of incorporation:

a. Casa Gallardo, Inc., 1009 Executive Parkway Drive, St. Louis, MO 63141, Missouri
b. CPG Products Corp., P.O. Box 1113, Minneapolis, MN 55440, Delaware
c. Eddie Bauer, Inc., 15010 Northeast 36th Street, Redmond, WA 98052, Delaware
d. Empire Textile Corp., P.O. Box 1113, Minneapolis, MN 55440, Delaware
e. Fashion Flair, Inc., 498 Seventh Avenue, New York, NY 10018, Pennsylvania
f. Foot Joy, 144 Field Street, Brockton, MA 02403, Massachusetts
g. General Mills Export Company, 156 William Street, New York, NY 10038, Delaware
h. General Mills Products Corp., P.O. Box 1113, Minneapolis, MN 55440, Delaware
i. General Mills Restaurant Group, Inc., P.O. Box 1431, Orlando, FL 32802, Florida
j. LeeWards Creative Crafts, Inc., 1200 St. Charles Road, Elgin, IL 60120, Delaware
k. J. Lynch & Company, Inc., 1700 East Iron, Salina, KS 67401, Kansas
l. Pioneer Products, Inc., 808 Southwest 12th Street, P.O. Box 279, Ocala, FL 32670, Delaware
m. Ship'n Shore Products Corp., Bridgewater-at-Aston, Aston, PA 19014, Georgia
n. The Talbots, Inc., 175 Beal Street, Hingham, MA 02043, Massachusetts
o. Wallpapers To Go, Inc., P.O. Box 5016, Hayward, CA 94540, California
p. York Steak House Systems, Inc., P.O. Box 27975, Columbus, OH 43227, Ohio
q. General Mills Canada, Inc., 1330 Martin Grove Road, Rexdale, Ontario, Canada M9W 4X4, Ontario, Canada

2(a) Divisions of wholly-owned subsidiaries and address of their principal offices

a. Danco Division of General Mills Products Corp., 1914 So. Elm Street, High Point, NC 27262
b. Darryl's, a Division of General Mills Restaurant Group, Inc., P.O. Box 1431, Orlando, FL 32802
c. Fundimensions Division of CPG Products Corp., 26750—23 Mile Road, Mt. Clemens, MI 48043
d. General Mills Toy Group Operations Division of CPG Products Corp., 151 Bodman Place, Redbank, NJ 07701
e. Kenner Products Division of CPG Products Corp., 1014 Vine Street, Cincinnati, OH 45202
f. Lark Luggage Division of CPG Products Corp., 411 Fifth Avenue, New York, NY 10016
g. Monet Division of General Mills Products Corp., P.O. Box 376, Murray Hill Station, New York, NY 10016
h. Parker Brothers Division of CPG Products Corp., P.O. Box 1000, Beverly, MA 01915
i. Red Lobster Inns of America, a Division of General Mills Restaurant Group, Inc., P.O. Box 13330, Orlando, FL 32809
j. Sigmacon, a Division of General Mills Restaurant Group, Inc., 8100 Presidents Drive, Orlando, FL 32809
k. Yoplait, USA of General Mills Products Corp., P.O. Box 9329, Minneapolis, MN 55440
l. Yoplait, USA Division of General Mills Product Corp., P.O. Box 9329, Minneapolis, MN 55440
m. Blue Water Seafoods Division of General Mills Canada, Inc., 1640 Brandon Crescent, Lachine, Montreal, Quebec, Canada H8T 2N1
n. Eddie Bauer Division of General Mills Canada, Inc., 1020 Lawrence Avenue West, Toronto, Ontario, Canada MCA 1C3
o. Impressions Division of General Mills Canada, Inc., 7883 Keele Street, Concord, Ontario, Canada L4K 1B7
p. Lancia-Bravo Foods Division of General Mills Canada, Inc., 58A Hook Avenue, Toronto, Ontario, Canada M6P 1T5
q. Parker Brothers Division of General Mills Canada, Inc., P.O. Box 600, 7883 Keele Street, Concord, Ontario, Canada L4K 1B7

3. Divisions of parent corporation and addresses of their principal offices:

a. David Crystal Division, 498 Seventh Avenue, New York, NY 10018
b. Dunbar, 601 South Fulton Street, Berne, IN 46711
c. The Donruss Division, 975 Kansas Street, P.O. Box 2038, Memphis, TN 38106
d. The Gorton Group, 327 Main Street, P.O. Box 361, Gloucester, MA 01930
e. Kttinger, 1893 Elmwood Avenue, Buffalo, NY 14207
f. O-Cel-O Division, 305 Sawyer Avenue, Tonawanda, NY 14150
g. Pennsylvania House, 137 North Tenth Street, Lewisburg, PA 17837
h. Saluto Foods Division, P.O.Box 967, Benton Harbor, MI 49022
i. Ship'n Shore Division, Bridgewater-at-Aston, Aston, PA 19014
j. Trans World Seafood, 600 Third Avenue, 14th Floor, New York, NY 10016

1. General Wholesale Company, 710 Ashby St. N.W., Atlanta, Georgia 30318.

2. (i) General Wholesale Beer Company, Atlanta, Georgia 30318.
(ii) Valley Distributing Company, LaGrange, Georgia 30240.
(iii) General Wholesale Co. of S.C., Inc., Spartanburg, South Carolina 29301.
(iv) General Wholesale Beer Co. of No. Georgia Rome, Georgia 30161.

1. Parent corporation and address of principal office: Geo. A. Hormel & Company, 501 16th Avenue N.E., Austin, MN 55912.

2. Wholly-owned subsidiaries which will participate in the operations and State of incorporation: (i) Farm Fresh Catfish Company; Minnesota; (ii) Vista International Packaging, Inc.; Illinois; (iii) Hormel International Corporation; Delaware.

1. Parent Corporation and address of principal office: Kent-Holland Industries, Inc., 582 East Lakewood Blvd., Holland, Michigan 49423

2. Wholly-owned subsidiaries which will participate in the operations, and State of Incorporation: (i) Kent Trucking Company, Inc., Michigan; (ii) Kent-Holland Diecasting & Plating, Inc., Michigan.

1. Parent corporation and address of principal office: The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201.

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation:

(a) Dillon Companies, Inc., P.O.Box 1266, Hutchinson, KS 67501
(b) King Soopers, Inc., 65 Tejon Street, Denver, CO 80223
(c) Fry's Food Stores, Inc., P.O. Box 987, El Sobrante, CA 94803
(d) Fry's Food Stores of Arizona, Inc., P.O. Box 6016, Phoenix, AZ 85005
(e) City Market, Inc., P.O. Box 729, Grand Junction, CO 81502
(f) Kwik Shop, Inc., 734 East Fourth, Hutchinson, KS 67501
(g) Quik Stop Markets, Inc., P.O. Box 5745, Fremont, CA 94537
(h) Time Saver Stores, Inc., 5243 Canal Blvd., New Orleans, LA 70124
(i) Jackson Ice Cream Co., Inc., 2600 East Fourth, Hutchinson, KS 67501
(j) D. G. Calhoun, Inc., 911 North Halstead, Hutchinson, KS 67501

1. Parent corporation and address of principal office: Williston Tank Rental, Inc., Box 2626, Williston, ND 58801.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: D & J Transport,

Inc. (a North Dakota corporation), Box 2626, Williston, ND 58801.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15561 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be 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."

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-344

Decided: June 3, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 166116, filed February 7, 1983, previously noticed in the **Federal Register** of February 28, 1983. Applicant: QUALITY TRANSPORTATION BROKERS, INCORPORATED, 234 Fifth Ave., New York, NY 10001. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835-4411. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to show the authority is for a motor carrier broker, erroneously omitted from the previous publication.

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-202

Decided: June 1, 1983.

By the Commission, Review Board Members Fortier, Krock, and Williams.

MC 168131, filed May 18, 1983. Applicant: SAMSON TOURS INC., 2050 West Mercer Ave., College Park, GA 30337. Representative: Wilhelm M. Sambdman, Jr. (same address as applicant), (404) 761-9770. Transporting *passengers*, in charter and special operations, beginning and ending at points in GA, and extending to points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168161, filed May 19, 1983. Applicant: G. L. MAYS d.b.a. BUNNY TRUCKING, P.O. Box 20201, 136 Dubose Dr., San Antonio, TX 78220. Representative: G. L. Mays (same address as applicant), (512) 649-1718. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168191, filed May 20, 1983. Applicant: ROSS E. HALL, d.b.a. WEE-HAUL TRUCKING, R.D. 1, Box 436C, Long Lane, York Haven, PA 17370. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301)-797-6060. Transporting (1) *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI), and (2) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 168201, filed May 23, 1983. Applicant: CARLIN CORPORATION, 410 West Erie St., Chicago, IL 60610. Representative: Edward P. Bocko, P.O.

Box 496, Mineral Ridge, OH 44440, (216) 652-2789. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168210, filed May 23, 1983. Applicant: REDON II TRANSPORTATION, 2717 Campbell Blvd., Ellenwood, GA 30049 Representative: Lavern R. Holdeman, 1610 South 70th, Suite 200, Lincoln, NE 68506, (402) 488-0985. As a *broker*, of *general comodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 2 at 202-275-7030.

Volume No. OP2-255

Decided: June 2, 1983.

By the Commission, Review Board Members Carleton, Parker, and Fortier.

MC 135362 (Sub-3), Filed May 12, 1983. Applicant: ELMSFORD TRANSPORTATION CORPORATION, 17 North Payne St., Elmsford, NY 10523. Representative: Anthony Morgese (Same address as applicant), 914-592-3322. Transporting *Passengers*, in charter and special operations, between points in the U.S (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168172, filed May 20, 1983. Applicant: J & B ENTERPRISES, INC., d.b.a. LEISURE UNLIMITED VACATION (LUV), ENTERPRISE TRAVEL, 7 Elliewood Ave, Charlottesville, VA 22903. Representative: William D. Dittmar, Jr. (same address as applicant), 804-979-8105. Transporting *passengers* in charter and special operation, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter special transportation

MC 145482, (Sub-4), filed May 12, 1983. Applicant: INNER CIRCLE QONEXIONS, INC., 57 County Ave., Secaucus, NJ 07094. Representative: Peter Palluzi (same address as applicant), 201-866-4919. Transporting *passengers*, in special and charter operations, between points in the U.S., on and west of a line beginning at the mouth of the Mississppi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada (except Ak and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 134452 (Sub-7), filed May 17, 1983. Applicant: SCENIC TRAILS, INC., 700 North 3rd St., La Crosse, WI 54601. Representative: Irvin L. Hougom (same address as applicant), 608-782-8360. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 135382 (Sub-4), filed May 16, 1983. Applicant: S & S RENTAL, INC., d.b.a. MIDWAY CHARTER COACH, 1601 Baker St., Baltimore, MD 21216. Representative: Roy W. Spence (same address as applicant), 301-624-7820. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168163, filed May 19, 1983. Applicant: RICHARD CHARLTON, d.b.a. R.C. SERVICES, 2312 N. Rosewood, Santa Ana, CA 92706. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702. As a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 83-15362 Filed 6-9-83; 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 Part 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR 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 of 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.

Please direct status inquiries to Team Two at (202) 275-7293.

Volume No. OP2-256

Decided: June 2, 1983.

By the Commission, Review Board Members Carleton, Parker, and Fortier.

MC 52022 (Sub-20), filed May 10, 1983. Applicant: SANTINI BROS., INC., d.b.a. THE SEVEN BROTHERS AND THE SEVEN SANTINI BROTHERS, Seven Brothers Square, Bronx, NY 10452. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20423, 202-785-0024. Transporting *household goods*, (1) between points in AZ, CA, ID, MT, NE, NV, NM, OR, SD, UT, WA, and WY, (2) between points in AZ, CA, ID, MT, NE, NV, NM, OR, SD, UT, WA, and WY, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e). In order to expedite issuance of any authority please submit a copy of the petition for exemption, the affidavit, or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 110053 (Sub-3), filed May 12, 1983. Applicant: ILLINOIS STATE MOTOR SERVICE, INC., 1800 W. 31st St., Chicago, IL 60608. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726-6525. Transporting *metal products, machinery, and building materials*, between points in the U.S. (except AK and HI).

MC 120302 (Sub-6), filed May 12, 1983. Applicant: KNOX TRUCK LINES, INC., P.O. Box 2427, Grand Prairie, TX 75051. Representative: Fred Knox (same address as applicant), 214-263-1343. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AR, CO, KS, LA, MS, MO, NM, OK, TX, and WI.

MC 140612 (Sub-88), filed May 16, 1983. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same address as applicant), 319-364-8102. 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 RFK Transportation, of Las Vegas, NV.

MC 141872 (Sub-4), filed May 16, 1983. Applicant: MATS, INC., P.O. Box 1615, St. Paul, MN 55111. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, 612-333-1341. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143263 (Sub-3), filed May 16, 1983. Applicant: GILLETTE TRANSPORTATION, INC., P.O. Box 19, Norfolk, NE 68701. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, 402-488-4841. Transporting *such commodities* as are dealt in or used by grocery stores and institutional food business houses, between points in CO, IA, KS, MO, ND, SD, WY, NE, MT, IL, and WI.

MC 146793 (Sub-4), filed May 16, 1983. Applicant: BISHOP BROTHERS HAULING, INC., P.O. Box 2328, Jasper, AL 35501. Representative: Robert S. Richard, 57 Adams Ave., Montgomery, AL 36104, 205-262-1671. Transporting *metal products, plastic products, and machinery, and materials, equipment and supplies* used in the manufacture and distribution of metal products, plastic products and machinery, between points in the U.S. (except AK and HI).

MC 147913 (Sub-7), filed May 16, 1983. Applicant: T-LINE, INC., 400 Knudsen Plaza, Hager City, WI 54014. Representative: Paul O. Taylor (same address as applicant), 715-792-2801. 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 (a) Viracon, Inc., of Owatonna, MN, (b) Commerce Express, Inc., of New Brighton, MN, and (c) Swift Independent Packing Company, of Chicago, IL.

MC 149192 (Sub-4), filed May 13, 1983. Applicant: JOHN T. SISTRUCK, INC., d.b.a. J & S TRUCKING COMPANY, Route 2, Box 288-D, Auburn, AL 36830. Representative: Archie B. Culbreth, Suite 570, 2200 Century Parkway, Atlanta, GA 30345, 404-321-1765. Transporting *lumber and wood products, and pulp, paper and paper products*, between points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152152 (Sub-1), filed May 12, 1983. Applicant: THOMAS J. WEBER, 12122 W. St., Omaha, NE 68137. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. Transporting *food and related products*, between points in Pottawattamie County, IA, Douglas and Sarpy Counties, NE, and Monmouth County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152813 (Sub-7), filed May 13, 1983. Applicant: FRESH EXPRESS, INC., P.O. Box 5442, St. Louis, MO 63147. Representative: Robert L. Cope, Suite 501, 1730 M St., N.W., Washington, DC 20036, 202-296-2900. 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 (a) Contico International Incorporated, of St. Louis, MO, and (b) Raskas Dairy, Inc., of St. Louis, MO.

MC 153633 (Sub-4), filed May 16, 1983. Applicant: FREIGHT ASSEMBLY DISTRIBUTION, INC., 740 24th St., Detroit, MI 48216. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685-0801, 616-941-5313. 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 Brass Kraft Manufacturing Company, of Detroit, MI.

MC 155313 (Sub-1), filed May 16, 1983. Applicant: GRAY BROTHERS, INC., Rt. 1, Box 72, Philadelphia, MS 39350. Representative: Donald L. Kilgore, 435 Center Ave., P.O. Box 96, Philadelphia, MS 39350, 601–656–1871. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX, LA, MS, AR, TN, AL, GA, And FL.

MC 160412 (Sub-1), filed May 17, 1983. Applicant: PETRO TANK LINES, INC., 803 E. Barton, P. O. Box 2184, West Memphis, AR 72306. Representative: Thomas A. Stroud, 109 Madison Ave., Memphis, TN 38103, 901–526–2900. Transporting *Petroleum products,* between points in AR, MO, those points in TN, in and west of Hardin, Wayne, Perry, Humphreys, Houston, and Stewart Counties, those in MS, on and north of U.S. Hwy 82, and those in Washington County, MS.

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–203

Decided: June 1, 1983.

By the Commission, Review Board Members Fortier, Krock, and Williams.

MC 42011 (Sub-70), filed May 20, 1983. Applicant: WISE TRANSPORTATION, INC., 15051 E. Admiral, Tulsa, OK 74112. Representative: Thomas L. Cook, 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237–2385 (214) 339–4108. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI).

MC 42501 (Sub-2), filed May 17, 1983. Applicant: RAY MOVING & STORAGE, INC., 4117 Romaine St., Greensboro, NC 27407. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288, (919) 635–4711. Transporting *household goods,* between points in NC, SC, TN, and VA, on the one hand, and, on the other points in the U.S.

MC 94670 (Sub-4), filed May 23, 1983. Applicant: CLELL SWIFT TRUCKING INC., Route #1, Marshall, MO 65340. Representative: Clell Swift (same address as applicant), (816) 879–4305.Transporting *food and related products,* between points in the U.S. (except AK and HI).

MC 117991 (Sub-8), filed May 20, 1983. Applicant: ZAVITZ BROTHERS LIMITED, R. R. #1, Wainfleet, Ontario, DC LOS 1VO. Representative: William J. Hirsch, 64 Niagara St., Buffalo, NY 14202, (716) 853–0200. Transporting *food and related products,* between points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

MC 134121 (Sub-6), filed May 18, 1983. Applicant: DEASON ENTERPRISES, INC., d.b.a. DEASON GRAIN COMPANY, P.O. Box 368, Lewisburg, TN 36091. Representative: Roland M. Lowell, 5th Floor, 501 Union St., Nashville, TN 37219, (615)–255–0540. 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 Charles McAlpin Brokerage, Inc., of Decatur, AL.

MC 142810 (Sub-12), filed May 23, 1983. Applicant: LEWIS TRANSPORT, INC., P.O. Box 385, Municipal Bldg., Columbia, KY 42728. Representative: Rudy Yessin, P.O. Drawer B, Frankfort, KY 40602, (502) 227–7326. Transporting *chemicals and related products,* and *petroleum and petroleum products,* between those points in OH on and south of Interstate Hwy 70, on the one hand, and, on the other, points, in KY and WV.

MC 143161 (Sub-6), filed May 17, 1983. Applicant: EAST COAST TRUCK LINES, INC., 1130 Bluff Rd., Columbia, SC 29201. Representative: Raymond P. Rivers (same address as applicant), (803) 799–1130. Transporting *general commodities* (except classess A and B explosives, household goods and commodities in bulk), between points in SC, on the one hand, and, on the other, points in the U.S., under continuing contracts(s) with Wellman Industries, Inc., of Johnsonville, SC.

MC 146880 (Sub-10), filed May 23, 1983. Applicant: DENTON CARTAGE CO., INC., P.O. Box 1765, Oak Lawn, IL 60454. Representative: Lowell D. Denton (same address as applicant), (312) 598–1024. 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 149111 (Sub-6), filed May 23, 1983. Applicant: GENERAL COMMODITIES WAREHOUSE & DISTRIBUTING CO., INC., 1200 Lebanon Road, West Mifflin, PA 15122. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. 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 Coast to Coast Shippers' Association, Inc.

MC 153610 (Sub-4), filed May 19, 1983. Applicant: LEASEWAY TRUCKING, INC., 1101 31st St., Downers Grove, IL 60515. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. 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 Associated Grocers, Inc., of Lesage, WV.

MC 153721 (Sub-4), filed May 20, 1983. Applicant: RAF TRANSPORT, INC., Rural Route 5, Seymour, IN 46274. Representative: Constance J. Goodwin, 800 Circle Tower Bldg., Five East Market St., Indianapolis, IN 46204, (317) 634–8313. Transporting (1) *food and related products,* and *such commodities* as are dealt in by retail grocery stores, between points in NY, and points in Cook, DuPage, Kane, Kendall, and Will Counties, IL, and Warren County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *chemicals and related products, and pulp, paper and related products,* between points in Jackson County, IN, on the one hand, and on the other, points in the U.S. (except AK and HI).

MC 154530 (Sub-1), filed May 16, 1983. Applicant: SLA, INC., 1325 Delaware Drive, Nashville, TN 37207. Representative: Juanita Lamberth (same address as applicant), (615) 865–9642. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of home products, between St. Louis, MO, points in St. Louis, St. Charles, Franklin, Jefferson and Warren Counties, MO, those in Madison, St. Clair, Monroe and Clinton Counties, IL and Davidson County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156361 (Sub-11), filed May 20, 1983. Applicant: BIGBEE TRANSPORTATION COMPANY, P.O. Box 3610, America Lane, Greenwich, CT 06836–3610. Representative: Richard W. LaPointe (same address as applicant), (203) 552–2366. 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 M & T Chemicals, Inc., of Rahway, NJ, and Volvo of America Corporation, of Chesapeake, VA.

MC 160760 (Sub-1), filed May 20, 1983. Applicant: DAV-GLO INTERNATIONAL CO., 3065 S.E. Condor, Gresham, OR 97030. Representative: David L. Lord (same address as applicant), (503) 663–6222. Transporting *malt beverages,* between points in the U.S., under continuing contract(s) with St. Helens Ice & Beverage, of St. Helens, OR.

MC 165730 filed May 16, 1983. Applicant: E. H.. SISTRUCK TRUCKING, INC., Route Two, Box 244, Auburn, AL 36830. Representative: V. Lee Pelfrey, 104 Court Square, Clayton, AL 36016, (205) 775–8555. Transporting (1) *lumber and wood products*, (a) between points in Barbour, Bullock, Russell, and Lee Counties, AL, on the one hand, and, on the other, points in GA, FL, MS, NC, SC, TN, TX, KY, AR, LA, and IN, (b) between points in GA, on the one hand, and, on the other, points in AL, and (2) *fertilizer*, between points in Lee County, AL, on the one hand, and, on the other, points in MS.

MC 166691 (Sub-1), filed May 23, 1983. Applicant: EMERSON ELECTRIC CO., 514 Earth City Expressway, Suite 100, Earth City, MO 63045.Representative: Fred Lenkman (same address as applicant), (314) 291–8281, ext. 214. 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 W. W. Grainger Inc., of Chicago, IL, Charles McAlpin Brokerage, Inc., of Decatur, AL, Perth Enterprises, Inc., of Greensboro, NC, Uniroyal, Inc., of Middlebury, CT, and Wickman Traffic Service, Inc., of Western Springs, IL.

MC 167411 (Sub-1), filed May 23, 1983. Applicant: R. W. TRANSPORTATION INC., d.b.a. ROADS WEST, 3750 W. McDowell Rd., Phoenix, AZ 85009. Representative: Andrew V. Baylor, 337 East Elm St., Phoenix, AZ 85012, (602) 274–5146. Transporting *food and related products*, and *such commodities* as are dealt in by retail stores, between points in AZ, AR, CA, CO, FL, ID, IL, IN, KS, KY, LA, MD, MI, MN, MO, NE, NV, NJ, NM, NY, OH, OR, PA, TN, TX, UT, WA, and WI.

MC 167621 (Republication), filed April 25, 1983, previously noticed in the **Federal Register** issue of May 18, 1983. Applicant: DICK GAUNT TRUCKING & EXCAVATING, INC., R.R. #2, Washington, IL 61571. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *contractor's equipment, tools, supplies, and building materials*, between points in IL, IA, IN, KY, MO, and WI and (2) *road, mining, forestry, and construction machinery and equipment*, between points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to correct the commodity description in part (2) above.

[FR Doc. 83-15563 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance mut be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, at (202) 275–7992.

Volume No. OP1–204

Decided: June 1, 1983.

By the Commission, Review Board Members Carleton, Parker, and Joyce.

MC 95840 (Sub–3X), filed May 11, 1983. Applicant: V R L CORPORATION, P.O. Box 801, Traverse City, MI 49685–0801, Representative: William B. Elmer (same address as applicant), (616) 941–5313. Sub 2 certificate, broaden (1) wrecked and disabled automobiles, trucks, trailers, and buses, in truckaway service, and used tractors or used trailers to be used as replacements for wrecked or disabled tractors or trailers, in truckaway service and wrecked, disabled, and repossessed motor vehicles, by use of wrecker equipment to "transportation equipment", (2) that part of OH within 100 miles of Detroit to "points in that part of OH on and north of a line beginning at the OH–IN State line and extending along U.S. Hwy 30 to junction OH Hwy 44, then along OH Hwy 44 to the OH–Lake Erie boundary", (3) remove the Madison, WI exception, and (4) remove restriction against the transportation of trailers designed to be drawn by passenger automobiles.

Volume No. OP1–205

Decided: June 1, 1983.

By the Commission, Review Board No. 2, Members Carleton, Wiliams, and Ewing.

MC 148540 (Sub-4X), filed May 20, 1983.Applicant: DIXIE GAS, INC., P.O. Box 40, Marks, MS 38646. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Lead certificate: (1) Expand to city or county-wide authority and remove facilities restriction: (a) facilities at or near Yazoo City, MS, to Yazoo County, MS, and (2) facilities at Memphis, TN, to Memphis, TN, and (2) change one-way to radial authority.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–054

Decided: June 2, 1983.

By the Commission, Review Board Members Parker, Joyce, and Fortier.

MC 142733 (Sub-8X), filed May 13, 1983. Applicant: UNITED TRANSPORT, INC., 630 SW 69th Ave., Miami, FL 33144. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53d St., Miami, FL 33166, 305–592–0036. Sub 5 certificate: broaden to "food and related products" from plantains.

[FR Doc. 83-15559 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek 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. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In

the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: June 6, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[OP2-257; No. MC-F-15249]

Edwards Transfer & Storage Co.—Purchase Exemption—Blue Ridge Transportation Co.

Edwards Transfer & Storage Co. (Edwards), a motor carrier (MC-38799), is controlled by United Transport Industries, Inc. (UTI), a non-carrier holding company which also controls two other motor common carriers. UTI, in turn, is controlled by John J. Brutvan, a non-carrier individual. Edwards seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of that portion of the interstate operating rights of Blue Ridge Transportation Co. contained in Route No. (I)(1)(A)(a) of Certificate No. MC-159222, Sheet No. 2, which authorizes the motor common carrier transportation of general commodities (except articles of size or weight that makes handling by motor vehicle impractical, bank bills, coins, currency, drafts, notes, or other valuable papers, precious metals, or articles manufactured therefrom, classes A and B explosives, liquid bulk commodities, and household goods), between Toledo, OH and Detroit, MI: from Toledo over US Highway 24 to Detroit, and return over the same route, serving Toledo, OH for purposes of joinder only, and serving the intermediate and off-route points of Monroe, Dearborn, Ecorse, Hamtramck, River Rouge, Blissfield and Wyandotte, MI.

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and

(2) A. Charles Tell, 100 East Broad Street, Columbus, OH 43215.

Comments should refer to No. MC-F-15249.

[OP2-258; OP2-258-MCF-15304]

Husband, Inc., Husband International Transport (Ontario) Limited, Provincial Tankers Limited, Cronin Transport Limited and Canadian National Railway Company

Husband, Inc., Husband International Transport (Ontario) Limited, Provincial Tankers Limited, Cronin Transport Limited, are all common carriers. Canadian National Transportation Limited (CNTL) owns all of the outstanding common and preferred shares of Transport Route Canada, Inc. CNTL is a motor common carrier operating in Canada and is a wholly owned subsidiary of Canadian National Railway Company (CN Rail). CN Rail provides rail transportation service throughout Canada. These parties seek an exemption from the requirements under section 11343 of prior regulatory approval for the merger of Husband, Husband International, Provincial, and Cronin, into Transport Route Canada, Inc.

Send comments to: (1) Motor Section, Room 2379, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's Representative, Mr. John Guandolo, 1090 Vermont Ave. NW., Washington, DC 20005.

Comments should refer to No. MC-F-15304.

[FR Doc. 83-15558 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

[AB209 Sub-1SDM]

Rail Carriers; Brooklyn Eastern District Terminal; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in 49 CFR 1121.23, that the Brooklyn Eastern District Terminal has filed with the Commission its amended color-coded system diagram map in docket No. AB 209 Sub 1. The Commission on May 20, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the Office of the Commission, Section of Dockets, by requesting docket No. AB 209 Sub 1.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15554 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

[AB 1 SDM]

Rail Carriers; Chicago and Northwestern Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Chicago and Northwestern Transportation Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 1 SDM. The Commission on May 28, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 1 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15555 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

[AB 35 SDM]

Rail Carriers; Los Angeles & Salt Lake Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Los Angeles & Salt Lake Railroad Co. has filed with the Commission its amended color-coded system diagram map in Docket No. AB 35 SDM. The Commission on May 23, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 35 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15556 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-2 (Sub-No. 44)

Rail Carriers; Louisville and Nashville Railroad Company—Abandonment—In McMinn and Monroe Counties, TN; Findings

The Commission has found that the public convenience and necessity permit Louisville and Nashville Railroad Company to abandon its rail line between milepost KB-326.7 near Englewood, McMinn County, TN, and milepost KB-341.5 at Tellico Plains, Monroe County, TN, a total distance of 14.8 miles, subject to conditions. A certificate will be issued authorizing abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC, 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are set forth at 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15551 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

[AB 15 SDM]

Rail Carriers; Petaluma and Santa Rosa Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Petaluma and Santa Rosa Railroad Co. has filed with the Commission its amended color-coded system diagram map in Docket No. AB 15 SDM. The Commission on May 5, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 15 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15553 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

[AB 12 SDM]

Rail Carriers; Southern Pacific Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Southern Pacific Transportation Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 12 SDM. The Commission on May 3, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 12 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15552 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Advisory Committee on Tax Litigation; Meeting

The Tax Division's Advisory Committee on Tax Litigation will meet from 9:30 AM to 4:30 PM on June 24, 1983, in Room 3000 of the Benjamin Franklin Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C.

The Agenda for the meeting is:

I. Opening Remarks (9:30 a.m.).

a. Approval of Minutes of 1/31/83 meeting.

b. Review of Agenda—additional topics.

II. Remedial Filing Program (Limited Voluntary Disclosure) (9:45 a.m.).

III. Criminal Section (10:45 a.m.).

a. New regional units.

b. Conference procedures.

c. Nolo contendere pleas.

d. Sentencing policy.

e. Tax protesters.

IV. Office of Review—Reorganization and Redelegation (12:00 p.m.).

V. *Lunch* (12:30 p.m.).

VI. Abusive Shelter Injunctions (1:45 p.m.).

a. Proof problems.

b. Types of relief sought.

c. Interface with criminal investigations.

VII. Uniform Division Procedures (2:45 p.m.)

VIII. Attorney Workload (3:15 p.m.).

IX. Appellate Litigation (3:30 p.m.).

X. Question Period (4:00 p.m.)—Advisory Committee and Members of the Public.

This Meeting is open to the public with period set aside for thier comments on Agenda items. Approximately 30 seats will be made available to the public on a first-come, first-served basis.

For further information, please contact Diane M. Kozub, Committee Management Liaison Officer, Tax Division, U.S. Department of Justice, Washington, D.C. 20530, (202) 633-1608.

Dated: June 7, 1983.

Glenn L. Archer, Jr.,

Assistant Attorney General, Tax Division.

[FR Doc. 83-15656 Filed 6-9-83; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Order in Action Alleging Violations of State and Federal Regulations Applicable to the Transportation, Storage and Disposal; of Hazardous Wastes

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that in June 3, 1983 a proposed consent judgment in *United States* v. *Monochem, Inc., et al.*, Civil Action No. 8-81-64, was lodged with the United States District Court for the Southern District of Texas, Brownsville Division. The proposed consent order provides for injunctive relief and a monetary penalty with respect to alleged violations of state and federal regulations applicable to the storage of hazardous waste by a commercial warehouse facility located in Hidalgo, Texas.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the proposed judgment. Comments should be addressed to F. Henry Habicht, II, Acting Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and refer to *United States* v.

Monochem, Inc., et al., D.J. Ref. 90-7-1-194.

The proposed consent order may be examined at the Office of the United States Attorney, Room 1200, United States Courthouse, 515 Rusk Street, Houston, Texas 77002; at the Region VI Office of the Environmental Protection Agency, Office of Regional Counsel, 28th Floor, 1201 Elm Street, Dallas, Texas 75270; and at the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice (Room 1521), Ninth Street and Pennsylvania Avenue, NW, Washington, D.C. 20530. A copy of the proposed consent order may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice.

Henry Habicht II,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-15673 Filed 6-9-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Periods in the States of Alabama and Montana

This notice announces the ending of the Extended Benefit Periods in the States of Alabama and Montana, effective on June 4, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program taskes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

Extended Benefit Periods commenced in the State of Alabama on Octobr 31, 1982 and in the State of Montana on January 23, 1983, and have now triggered off.

Determination of "off" indicator

The heads of the employment security agencies of the States named above have determined that the rate of insured unemployment in each State for the period consisting of the week ending on May 14, 1983, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in each State.

Therefore, the Extended Benefit Periods in these States terminated with the week ending on June 4, 1983.

Information for Claimants

Each State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 651.31(d)(3).

Persons who wish information about their rights to Extended Benefits in the States named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on June 3, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-15505 Filed 6-9-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,413,13,413A]

Hanna Mining Co., Hanna Nickel Smelting Co., Riddle, Oreg.; Notice of Negative Determination on Reconsideration

On April 13, 1983, the Department issued an Affirmative Determination Regarding Application for Reconsideration for former workers of the Hanna Mining Company and the Hanna Nickel Smelting Company in Riddle, Oregon. This determination was published in the **Federal Register** on April 22, 1983 (48 FR 17,419).

The United Steelworkers claim in their application for reconsideration that since Hanna operates the only domestic nickel mine in the U.S., any amount of imported nickel directly affects the workers at Hanna. It also claims that the closing of Hanna's mining operation in Oregon occurred simultaneously with the opening of a new mine and smelter in Columbia, South America by Hanna.

The Department's review showed that the worker petiton did not meet the "contributed importantly" test of Section 222 of the Trade Act in either 1981 or 1982. All of the nickel ore mined by the Hanna Mining Company went to the smelter at Hanna Nickel Smelting Company which did not import nickel ore. Further, the Department of Labor survey of major customers of Hanna Nickel Smelting showed that the respondents reduced their reliance on imported nickel in 1981 compared to 1980. The aggregate purchases of imported nickel by surveyed customers declined in 1981 compared to 1980 and in the January through July 1982 period compared to the same period in 1981. U.S. imports of nickel ore and ferronickel declined in 1982 compared to 1981 in both absolute terms and as a proportion of domestic consumption.

With respect to the union's claim concerning imports from Hanna's operation in Columbia, South America, findings in the investigative file show that Hanna was a limited partner in that operation and did not import any nickel, ferronickel or nickel ore into the United States during the period applicable to the petition.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to former workers of the Hanna Mining Company and the Hanna Nickel Smelting Company, Riddle, Oregon.

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

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 83-15504 Filed 6-9-83; 8:45 am]

BILLING CODE 4510-30-M

High Unemployment Area Classifications; Notice of Additions to List of High Unemployment Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The additions to the list are effective on June 1, 1983.

SUMMARY: The purpose of this notice is to announce additions to the list of high unemployment areas.

FOR FURTHER INFORMATION CONTACT: James W. Wiggins, U.S. Employment Service (Attention: TEEPA), 601 D Street, NW., Washington, D.C. 20213 Telephone: 202-376-6700

SUPPLEMENTARY INFORMATION:

Section 101(a)(3) of Pub. L. 98-8, Stat. 13 (March 24, 1983), (the "Act") requires the Assistant Secretary for Employment and Training, United States Department of Labor, to classify civil jurisdictions as having high unemployment and to publish a list of these jurisdictions together with descriptions thereof no later than 30 days after enactment of the Act. That list was published on April 22, 1983 (48 FR 17456).

The Act also requires that the list of high unemployment areas be updated on a monthly basis thereafter, by adding civil jurisdictions that the Assistant Secretary deems to meet the criteria necessary for classification. The areas described below have been classified by the Assistant Secretary as high unemployment areas and are added to the list of high unemployment areas, effective June 1, 1983.

Signed at Washington, D.C. on June 1, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

Additions to the List of High Unemployment Areas

June 1, 1983.

KENTUCKY

High Unemployment Area	Civil Jurisdiction Included
McCracken County	McCracken County
Webster County	Webster County.

[FR Doc. 83-15506 Filed 6-9-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whehter the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 20, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 20, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 31st day of May 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bothlehem Steel Corp., Key Highway Shipyard (Industrial Union of Marine and Slapbuilding Wkrs).	Baltimore, MD	5/24/83	5/17/83	TA-W-14,656	Repair, convert and reconstructs ocean going merchant vessels.
Dravo Corp., Fabricated Products Div., Neville Island Grating Glant (wkrs).	Neville Island, PA	5/24/83	5/20/83	TA-W-14,657	Open floor steel grating (footwalk).
Wheeling-Pittsburgh Steel Corp. (workers)	Wheeling, WV	5/17/83	5/12/83	TA-W-14,658	General office.
General Motors Corp., Central Office (company)	Detroit, Mich.	5/20/83	5/16/83	TA-W-14,659	Architectural, engineering and real estate services for GM.
General Motors Corp., Central Office, Building Div. (company).	Detroit, Mich.	5/20/83	5/16/83	TA-W-14,660	Maintenance and other services for GM building.
General Motors Corp., Central Office (company)	Detroit, Mich.	5/20/83	5/16/83	TA-W-14,661	Administrative personnel, financial, legal, sales communications.
General Motors Corp., Central Office (company)	Irving, TX	5/20/83	5/16/83	TA-W-14,662	Architectural, engineering and real estate service.
General Motors Corp., (company)	Warren, Mich.	5/20/83	5/16/83	TA-W-14,663	Design, information systems and communication, engineering, manufacturing development, research, maintenance and consumer relations.
General Motors Corp., Central Office Proving Ground (company).	Milford, Mich.	5/20/83	5/16/83	TA-W-14,664	Vehicle testing.
General Motors Corp., Central Office, Proving Ground (company).	Mesa, AR	5/20/83	5/16/83	TA-W-14,665	Vehicle testing.
General Motors Corp., Central Office (company)	New York, NY	5/20/83	5/16/83	TA-W-14,666	Administration, financial, legal, communications, personnel.
General Motors Corp., Central Office (company)	Woodland Hills, CA	5/20/83	5/16/83	TA-W-14,667	Motors holding—temp. loans for franchised dealers.
General Motors Corp., Central Office (company)	Paramus, NJ	5/20/83	5/16/83	TA-W-14,668	Motors holding—temp. loans for franchised dealers.
General Motors Corp., Central Office (company)	Flint, Mich.	5/20/83	5/16/83	TA-W-14,669	Personnel administration.
General Motors Corp., Central Office (company)	New Orleans, LA	5/20/83	5/16/83	TA-W-14,670	Marketing.
General Motors Corp., Central Office (company)	Chicago, IL	5/20/83	5/16/83	TA-W-14,671	Marketing.
General Motors Corp., Central Office (company)	Denver, CO	5/20/83	5/16/83	TA-W-14,672	Marketing.
General Motors Corp., Central Office (company)	Milwaukee, WI	5/20/83	5/16/83	TA-W-14,673	Marketing.
General Motors Corp., Central Office (company)	Wayne, PA	5/20/83	5/16/83	TA-W-14,674	Public relations.
General Motors Corp., Central Office (company)	Oak Brook, IL	5/20/83	5/16/83	TA-W-14,675	Communications and information systems.
General Motors Corp., Warehousing and Distribution Div. (company).	Portland, OR	5/20/83	5/16/83	TA-W-14,676	Warehouse and distribute auto and truck parts.
General Motors Corp., Warehousing and Distribution Div. (company).	Burton, Mich	5/20/83	5/16/83	TA-W-14,677	Warehouse and distribute auto and truck parts.
General Motors Corp., Warehousing and Distribution Div. (company).	Elk Grove, IL	5/20/83	5/16/83	TA-W-14,678	Warehouse and distribute auto and truck parts.
General Motors Corp., Warehousing and Distribution Div. (company).	Carnegie, PA	5/20/83	5/16/83	TA-W-14,679	Warehouse and distribute auto and truck parts.
General Motors Corp., Warehousing and Distribution Div. (company).	Detroit, Mich	5/20/83	5/16/83	TA-W-14,680	Warehouse and distribute auto and truck parts.
General Motors Corp., Truck Center (Co.)	Cleveland, OH	5/20/83	5/16/83	TA-W-14,681	Sales and service of light, medium and heavy duty trucks.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
General Motors Corp., Truck Center (Co.)	Chicago, IL	5/20/83	5/16/83	TA-W-14,682	Sales and service of light, medium and heavy duty trucks.
General Motors Corp., Truck Center (Co.)	Dearborn, Mich.	5/20/83	5/16/83	TA-W-14,683	Sales and service of light, medium duty trucks.
General Motors Corp., Truck Center (Co.)	Los Angeles, CA	5/20/83	5/16/83	TA-W-14,684	Sales and service of light, medium and heavy duty trucks.
General Motors Corp., Truck Center (Co.)	Minneapolis, MN	5/20/83	5/16/83	TA-W-14,685	Sales and service of light, medium and heavy duty trucks.
General Motors Corp., Truck Center (Co.)	New York, NY	5/20/83	5/16/83	TA-W-14,686	Sales and service of ligrit, medium and heavy duty trucks.
General Motors Corp., Truck Center (Co.)	Oakland, CA	5/20/83	5/16/83	TA-W-14,687	Sales and service of light, medium and heavy duty trucks.
General Motors Corp., Truck Center (Co.)	Pontiac, Mich	5/20/83	5/16/83	TA-W-14,688	Sales and service of light, medium and heavy duty trucks.
General Motors Corp., Delco-Remy Div. (company)	Anaheim, CA	5/20/83	5/16/83	TA-W-14,689	Lead-acid batteries.
General Motors Corp., Assembly Div. (Co.)	Warren, Mich	5/20/83	5/16/83	TA-W-14,690	Central office functions—support and administrative.
General Motors Corp., Assembly Div. (Co.)	Westland, Mich	5/20/83	5/16/83	TA-W-14,691	Distribution center for small auto parts to assembly plants.
General Motors Corp., Rochester Products Div. (Co.)	Coopersville, Mich	5/20/83	5/16/83	TA-W-14,692	Electronic gas fuel injectors.
DTS Caribe, Inc. (workers)	Vega Baja, P.R.	5/25/83	5/16/83	TA-W-14,693	Electronic cash registers.
DTS Caribe, Inc. (workers)	Morovis, P.R.	5/25/83	5/16/83	TA-W-14,694	Electronic cash registers.

[FR Doc. 83-15507 Filed 6-9-83; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-13,329]

Bendix Corp.; Heavy Vehicle Systems Group Elyria, Ohio; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance; Correction

This document corrects the amended certification quotation published April 26, 1983 (48 FR 18940) in FR Doc. 83-11126 in which the Department of Labor inadvertently left out the product identification. The Corrected Amended Certification should read as follows:

"All workers of the Elyria, Ohio plant of the Bendix Corporation, Heavy Vehicle System Group, engaged in employment related to the production of air compressors and crankshafts who became totally or partially separated from employment on or after August 1, 1981 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this June 3, 1983.

Robert A. Schaerfl,
Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 83-15659 Filed 6-9-83; 8:45 am]
BILLING CODE 4510-30-M

Job Training Partnership Act (Pub. L. 97-300); Final Allotment Methodology for Distribution of Funds to the Territories Under Tile II, Part A, Section 201(a); Training Services for the Disadvantaged; Adult and Youth Programs

AGENCY: Employment and Training Administraton, Labor.

SUMMARY: This notice announces the final formula for distributing funds to Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of Northern Mariana Islands for programs under Title II–A, Section 201(a) of the Job Training Partnership Act (JTPA).

FOR FURTHER INFORMATION CONTACT: Robert Colombo, Acting Director, Office of Employment and Training Programs, 601 D Street, NW., Room 6402, Washington, D.C., 20213, telephone number: (202) 376-6093.

SUPPLEMENTARY INFORMATION: In the Friday March 11, 1983, notice the Department proposed that funds under the Job Training Partnership Act (JTPA) to be distributed to Guam, American Samoa, Trust Territory of the Pacific Islands, Commonwealth of the Northern Mariana Islands, and the Virgin Islands be distributed according to the following formula.

Funds would be allotted based on the relative percent of the population for each area, except that no area would receive less than 90 percent of the allotment percentage it received during the previous fiscal year. For Fiscal Year 1984 the 90 percent would be applied to each area's Fiscal Year 1983 funding level, except that summer youth funds would not be included in the base. The Department requested comments on the proposed formula.

Four of the jurisdictions involved provided comments to the Department. The comments basically rejected using only population as the basis for the allotment of funds. The comments suggested that unempoyment data be utilized, that the precent of JTPA eligible participants in the population be utilized and that a minimum allocation level be established.

The Department has carefully considered all comments. While the Department would prefer to use unemployment data for allotment purposes, the Bureau of Labor Statistics has indicated that such data are not available for the areas listed above and will not be available for the forseeable future. The Department has incorporated unemployment data provided by the Bureau of Census into the formula. Likewise there are no data available on the number of JTPA eligible participants within the populations of the above jurisdictions. The Department has accepted the suggestion that a minimum allocation be established.

Therefore, the Department hereby establishes the following formula for allotting funds to the above jurisdictions. This formula is effective immediately.

The 1980 Bureau of the Census unemployment data are used as the basis for the allotments. These data will be adjusted annually according to relative shifts in the population of the jurisdictions involved. (The Bureau of Labor Statistics has advised that it does not have and will not have any verifiable unemployment data for the above jurisdictions.) The formula retains the 90 percent relative share hold harmless provision and a minimum allocation of $125,000 is established.

In accordance with the above formula, the proposed allocations for Fiscal Year 1984 for the above jurisdictions will be as follows:

Virgin Islands	$1,979,810
Trust Territory of the Pacific Islands	887,120
American Samoa	388,917
Guam	1,619,153
Commonwealth of the Northern Mariana Islands	125,000

As indicated in the April 29, 1983, **Federal Register** Notice announcing the initial proposed Fiscal Year 1984 allotments for these areas, these allotments are subject to change as a result of any difference between the President's Fiscal Year 1984 budget request, upon which the allotments are based, and the final Fiscal Year 1984 appropriation. These proposed

allotments may also be impacted by more recent population data.

Signed this 7th day of June 1983.

Joyce Kaiser,

Associate Assistant Secretary for Employment and Training.

[FR Doc. 83-15660 Filed 6-9-83; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review: On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension (no change)

Bureau of Labor Statistics
Annual OSHA Survey and Prenotification of Recordkeeping Requirements
OSHA 200S, OSHA 200 PRE
Annually
State or local governments, farms, businesses or other for-profit, non-profit institutions, small businesses or organizations
Small business or organization
SIC: Multiple
280,000 responses; 70,000 hours, 2 forms

Section 8(c) of the Occupational Safety and Health Act (29 U.S.C. 657, 673) legislates the Secretary of Labor to require employers to maintain records of occupational injuries and illinesses and to submit periodic reports. Uses of the data: indicates industries needing safety and health attention; guidance in administering Federal and State programs; and used by Labor and management.

Extension (Adjustment to Burden Only)

Mine Safety and Health Administration
Certificate of Electrical/Noise Training
MSHA Form 5000-1
When need arises
Businesses or other institutions
Small business or organization
SIC: 111 and 121
24,000 responses; 480 hours

MSHA certifies miners as qualified to perform certain duties in mines. Form 5000-1 is used by course instructors to report to MSHA for certification the names of those miners who have satisfactorily completed electrical and noise training programs.

Signed at Washington, D.C. this 7th day of June, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-15661 Filed 6-9-83; 8:45 am]

BILLING CODE 4510-24-M, 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-57]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Informal Task Force for the Study of Effective Shuttle Utilization.

DATE AND TIME: June 28-29, 1983, 8:00 a.m. to 5 p.m.

ADDRESS: NASA Ames Research Center, Room 213, Building 200, Moffett Field, California 94035.

FOR FURTHER INFORMATION CONTACT: Mr. Carl R. Praktish, Code LB-4, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-8380).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council Informal Task Force for Effective Shuttle Utilization was established under the NASA Advisory Council to conduct a study of the directions NASA should take to ensure the most effective use of the Shuttle capability and to report its findings and recommendations to the Council. The Task Force is chaired by Edgar M. Cortright, and has a total of 10 members.

At this meeting the members will discuss their work plan and what remains to be done. Visitors will be admitted to the meeting room up to its capacity, which is approximately 45 persons including Task Force members and other participants. Visitors will be requested to sign a visitor's register.

Type of meeting: Open.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

June 6, 1983.

[FR Doc. 83-15503 Filed 6-9-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL CAPITAL PLANNING COMMISSION

Intergovernmental Cooperation in Federal Planning in the National Capital Region; Procedures; Inquiry

AGENCY: National Capital Planning Commission (NCPC).

ACTION: Notice of Proposed Procedures.

SUMMARY: These proposed procedures would implement applicable provisions of the National Capital Planning Act of 1952, as amended, and the Intergovernmental Cooperation Act.

DATE: Comments must be received on or before August 9, 1983.

ADDRESS: Interested persons should submit comments to Daniel H. Shear, Secretary to the Commission, National Capital Planning Commission, 1325 G Street, NW., Washington, D.C. 20576. Comments received will be available for inspection at the above address from 8:00 a.m. to 5:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Donald F. Boxarth, Associate Executive Director for Regional Affairs, (202) 724–0185.

SUPPLEMENTARY INFORMATION:

Background

The Commission is the central planning agency for the Federal government in the National Capital Region. It reviews and comments upon or approves development policies, plans and programs submitted by Federal agencies and the District of Columbia government. It also reviews and comments on policies, plans and programs prepared by local, state, sub-regional and regional agencies (hereinafter called non-Federal agencies) in the Washington metropolitan area. It also acts on policies, plans and programs prepared by its staff. For the sake of simplicity, these procedures use the word "plan" to cover all matters reviewed and acted upon by the Commission.

Rescission of Existing Procedures

In connection with these proposed Procedures, the Commission is proposing to rescind its existing procedures implementing Part I and Part II of the former OMB Circular A–95. Executive Order 12372 directed OMB to revoke the Circular itself, and directed Federal agencies to leave their A–95 regulations in place only until September 30, 1983.

Consistency With Acts, Executive Orders, Agreements or Understandings

The proposed procedures are in accord with the National Capital Planning Act of 1952, as amended by the District of Columbia Self-Government and Governmental Reorganization Act, and the Intergovernmental Cooperation Act of 1968, including the policy in Title V of that Act that Federal plans for the Region, to the maximum extent practicable, should be consistent with official local, state and regional plans.

The proposed procedures are also consistent with the "Principles and Process for Identifying Federal Interests in the National Capital Region" adopted by the Board of Directors of the Metropolitan Washington Council of Governments and the Commission on September 8 and 16, 1982, respectively.

The Commission has been advised by the Office of Management and Budget that the Commission need not issue implementing regulations under Executive Order 12372, Intergovernmental Review of Federal Programs, since its provisions apply to Federal agencies which provide financial assistance programs or undertake direct development activities.

Intergovernmental Cooperation in Federal Planning in the National Capital Region

Sec.
1. Purpose of these procedures.
2. Definitions that apply to these procedures.
3. Referrals by the Commission.
4. The Consultation Process.
5. Steps in the Consultation Process.

* * * * *

Sec. 1. *Purpose of these procedures.*

The purpose of these procedures is to implement the National Capital Planning Act and the Intergovernmental Cooperation Act and to foster intergovernmental cooperation in the National Capital Region by indentifying the types of plans reviewed by the Commission, the Federal and non-Federal agencies to whom plans will be circulated, and the process by which the Commission consults with these agencies.

Sec. 2. *Definitions that apply to these procedures.*

The following terms are used frequently in these procedures: "Commission" means the National Capital Planning Commission. "National Capital Region" or "Region" means the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties. "National Capital" means the District of Columbia and territory owned by the United States within the National Capital Region outside the District of Columbia. "COG" means the Metropolitan Washington Council of Governments. "Non-Federal Agencies" means COG, state and local governments, and sub-regional and regional agencies that prepare or review plans for all or a portion of the National Capital Region. "Comprehensive Plan" means the Comprehensive Plan for the National Capital. "Plans" means proposed policies, plans and programs initiated by the Commission and other Federal agencies and departments and non-Federal agencies for the Region as a whole or for portions of the region. "Coordinating Committee" means the committee of representatives of agencies of the Federal and District of Columbia Governments and of planning and developmental agencies of the environs established by the Commission pursuant to Section 2(d) of the National Capital Planning Act.

Sec. 3. *Referrals by the Commission.*

(a) *Plans of the Commission.*—(1) *Federal elements of the Comprehensive Plan for the National Capital.* The Comprehensive Plan for the National Capital consists of "Federal elements" prepared and adopted by the Commission, and "District elements" prepared by the Mayor, adopted by the Council of the District of Columbia, and reviewed by the Commission.

Federal elements deal with Federal activities and interests in the planning and development of the National Capital Region. The process of preparing a Federal element, or an amendment to an adopted Federal element, begins with the preparation of preliminary staff reports and background staff studies for the Commission.

When a draft of a proposed element or a proposed amendment to an adopted element is completed, the Commission authorizes its circulation to Federal, District of Columbia and other non-Federal agencies and interested organizations and citizens for review and comment. Depending on the scope and content of a particular element and its potential impact, if any, on the National Capital Region, the Commission may circulate a draft prior to circulating the proposed element.

(2) *Federal Capital Improvements Program for the National Capital Region.* Each year the Commission prepares and adopts a Federal Capital Improvements Program (FCIP) which contains the Commission's recommended capital program for the National Capital Region for the next five years. The FCIP includes proposed land acquisitions, planning and design activities and construction projects.

The Commission circulates the proposed FCIP to affected Federal and non-Federal agencies for review and comment prior to its adoption and transmittal to the Office of Management and Budget and the affected implementing Federal agencies.

(b) *Plans of Other Federal Agencies.* Federal agencies and departments

prepare long-range regional plans for their facilities in the Region, master plans for their major installations, five-year capital improvement programs, and site and building plans for individual construction projects on Federal land in the Region.

These proposed plans are submitted by the sponsoring Federal agency to the Commission pursuant to the National Capital Planning Act and, where appropriate, are referred to the affected non-Federal agencies for review and comment prior to Commission action thereon.

(c) *Plans of the District of Columbia.*—(1) *District Elements of the Comprehensive Plan and Amendments Thereto.* District elements of the Comprehensive Plan deal with land use, transportation, public works, and other issues related to the development of the District of Columbia. District elements, and amendments thereto, are prepared by the Mayor, adopted by the Council of the District of Columbia, and reviewed by the Commission to determine their effect on the Federal activities and interests in the National Capital Region. The Commission circulates District elements and amendments thereto to affected Federal agencies for comments only on the impact on Federal interests or functions. Comments on other aspects of such elements or amendments should be presented to the Mayor and/or the Council during the District's preparation and adoption of such elements or amendments.

(2) *Other Plans.* Various plans, including site and building plans for individual construction projects, are submitted by the District to the Commission for either recommendation or approval. The Commission refers such plans to affected Federal agencies and to the Coordinating Committee. Consistent with the objectives of the District of Columbia Self-Government and Governmental Reorganization Act (the "Home Rule" Act), the Commission limits its review of most District plans to a "Federal interest" review.

(3) *Zoning.* The Commission reviews proposed actions of the Zoning Commission of the District of Columbia. Prior to this review, the Commission may participate in the public hearing before the Zoning Commission. The Commission may also participate in cases before the Board of Zoning Adjustment. Commission review of District zoning matters is limited to the effect of the proposed zoning on the Federal activities and interests in the National Capital and the consistency of the proposed zoniong with the Comprehensive Plan.

(d) *Plans of Other Non-Federal Agencies in the National Capital Region.* The Commission reviews proposed plans and rezonings in the Region initiated or under consideration by now-Federal agencies. These include plans initiated by local governments or by the states of Maryland or Virginia, plans initiated by the Metropolitan Council of Governments (COG), and plans for rapid rail transit facilities prepared by the Washington Metropolitan Area Transit Authority (WMATA) submitted for Commission review and comment in accord with Article VI, Section 15 at the interstate compact that established the authority. The Commission's role is to make recommendations to the sponsoring agency on the impact, if any, on Federal activitites or interests in the National Capital Region. The Commission circulates such plans to affected Federal agencies for review and comment.

(e) *Capper-Cramton Lands.* The Commisson adminsters a grant-in-aid program under sections 1(b) and 1(c) of the Capper-Cramton Act (Act of May 29, 1930, 46 stat. 482, as amended) for the acquisition as parkland of lands in stream valleys in Maryland and Virginia tributory to the Potomac and Anacostia Rivers. The taking lines and general development plans for such stream valley parks proposed by local park authorities are subject to approval by the Commission. The Commission circulates such plans to affected Federal agencies for review and comment.

Sec. 4. *The Consultation Process.*

(a) *Consultation With COG.* The National Capital Region includes the District of Columbia, two counties and six cities in the State of Maryland and four counties and three cities in the Commonwealth of Virginia. It is an interstate metropolitan region. Sixteen local governments formed COG in 1957 as the metropolitan-wide governmental organization concerned with all aspects of metropolitan development. The Commission, on September 18, 1982, and the COG Board of Directors, on September 8, 1982, adopted "Principles and Process for Identifying Federal Interests in the National Capital Region." Pursuant to this agreement, the Commission consults with COG on the potential impact, if any, of proposed Federal plans on the Region and on COG's officials policies, plans and programs.

(b) *Consultation With Local Jurisdictions.* The Commission refers proposed Federal plans for review of potential local impact to the local planning agencies of affected jurisdictions and sends a copy of the transmittal letter to the chief administrative officers and heads of the local elected governing bodies of those jurisdictions. The Commission also refers Federal plans through COG to the intergovernmental review officers of affected jurisdictions.

(c) *Consultation With State Agencies in Maryland and Virginia.* Proposed Federal plans are sent to the Maryland Department of State Planning and to the Virginia Department of Planning and Budget by the Commission for review and comment by affected state agencies and departments prior to Commission action thereon. Such proposed Federal plans in the Virginia portion of the Region are also sent to the Northern Virginia Planning District Commission, which, as the sub-regional planning agency, is recognized by the State as a sub-state clearinghouse.

The Commission refers proposed Federal elements of the Comprehensive Plan and proposed Federal Capital Improvement Programs to WMATA for review and comment on their impact on the region's metrorail and metro bus systems.

Sec. 5 *Steps in the Consultation Process.*

There are two major steps in the Commission's consultation process. The first step is called "early consultation" and refers to consultation by Federal agencies and the Commission with affected non-Federal agencies prior to any formal submission by the initiating Federal agency to the Commission. The second step starts after the formal submission to the Commission with the referral of applicable submissions for review and comment by the affected non-Federal agencies.

(a) *Early Consultation.* The Commission conducts an "early consultation" process as part of its regional referral activities. The purpose of this process is to give non-Federal agencies an opportunity to learn as early as practicable about proposed Federal plans being developed in the Region by Federal agencies and departments. This also permits an early identification of possible questions and issues of concern to non-Federal agencies.

The Commission requests all affected Federal agencies and departments to contact it as early as possible in their initiation of planning in the Region. The Commission, in turn, contacts the affected local planning agency, and the designated intergovernmental review official, the chief administrative officer, and the responsible elected official in the affected local government and the area and state clearinghouses about the

work involved and the anticipated schedule for completion of the planning work and submission to the Commission. Where appropriate, the Commission will also arrange a joint meeting of all concerned with the sponsoring Federal agency or department for a briefing and an opportunity to discuss the planning work underway prior to any submission to the Commission.

(b) *Formal Referral and Consultation.*—(1) *Timing of Referral.* Proposed Commission policies, plans and programs are circulated for intergovernmental review as soon as they are completed and prior to any action thereon by the Commission.

Proposed policies, plans and programs initiated by other Federal agencies and departments are circulated to affected non-Federal agencies as soon as they have been submitted to the Commission pursuant to the National Capital Planning Act.

(2) *Time Period for Review.* Federal elements of the Comprehensive Plan are circulated to the District of Columbia Government for a period of 60 days for review and comment. Other Federal plans affecting the District of Columbia and District properties in the Maryland and Virginia portions of the Region are circulated to the District of Columbia Government for a period of 30 days for review and comment. All such proposals are scheduled for review by the Commission's Coordinating Committee.

Proposed Federal plans affecting the Maryland or Virginia portion of the Region and/or the Region as a whole are circulated to affected non-Federal agencies for a period of 60 days whenever possible for review and comment. However, no referral will be made of other Federal agency plans if as a result of the early consultation process, the affected non-Federal agencies advise the Commission in writing that no additional referral is required.

(3) *Response to Formal Referral.*—(A) *Written Responses.* The formal referral letter contains a date by which a written response from the non-Federal agencies should be received by the Commission. Approximately two weeks prior to a Commission meeting the Executive Director's Recommendation (EDR) is prepared for each item scheduled for action at the next Commission meeting. All written responses received by the date in the referral letter are considered in the preparation of the EDR. Copies of the written responses are attached to the EDR. Copies of the EDR may be obtained from the Commission's Public Affairs Officer on the Monday before the Commission meeting.

(B) *Oral Presentations At A Commission Meeting.*—(i) *Registration for A Commission Meeting.* If in addition to submitting a written response, representatives of non-Federal agencies wish to express their views at a Commission meeting, they should notify the Public Affairs Officer by the date indicated for such notice in the formal referral letter. Ordinarily, registering to speak prior to the deadline in the referral letter ensures that the Commission will hear oral presentations and that registrants will be notified if an item has been removed from the agenda for a particular meeting.

(ii) *Written Statements.* If a representative of a non-Federal agency wishes to present a written copy of the oral presentation, a copy should be submitted to the Secretary of the Commission by noon of the day preceding the meeting. Copies will be reproduced by the Secretary and distributed to each member of the Commission prior to the meeting. Otherwise, materials should be delivered in twenty-five copies to the Public Affairs Officer prior to the beginning of the meeting.

(iii) *Audio Visual Materials.* Speakers who wish to make slide or film presentations or other audio-visual presentations must make arrangements with the Public Affairs Officer prior to the Commission meeting.

Daniel H. Shear,

Secretary.

[FR Doc. 83-15595 Filed 6-9-83; 8:45 am]

BILLING CODE 7520-01-M

NATIONAL SCIENCE FOUNDATION

Subcommittee on Chemical and Process Engineering; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463 as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Chemical and Process Engineering of the Advisory Committee for Engineering.

Type of meeting:

June 27—9:00 a.m. to 12:00 noon. Open.

June 27—1:30 p.m. to 5:00 p.m. Partially Closed. (See agenda).

June 28—8:30 a.m. to 4:00 p.m. Open.

Date: June 27 and 28, 1983.

Place: Room 543, 1800 G Street, NW., Washington, D.C. 20550.

Contact person: Dr. Marshall M. Lih, Division Director, Chemical and Process Engineering, Room 1126, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-9606.

Summary minutes: May be obtained from Dr. Marshall M. Lih, Director, Division of Chemical and Process Engineering, Room 1126, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-9606.

Purpose of subcommittee: To provide directions to Chemical and Process Engineering research.

Agenda:

Monday, June 27—Open—9:00 a.m. to 12:00 noon.

9:00 a.m.—Introduction by Division Director and Status Report by NSF Management.

10:00 a.m.—Questions and Answers.

10:15 a.m.—Briefing by Division Programs.

11:45 a.m.—Questions and answers.

12:00 p.m.—Recess.

Monday, June 27—1:30 p.m. to 5:00 p.m.

1:30 p.m. (Closed)—Review and comparison of declined proposals (and supporting documentation) with successful awards under the Chemical and Process Engineering division, including review of peer review materials and other privileged materials.

1:30 p.m. (Open) Task Group Meetings.

Tuesday, June 28—Open—8:30 a.m. to 4:00 p.m.

8:30 a.m.—Oral Reports from the Program auditing teams and task groups.

9:30 a.m.—Discussion of Issues.

11:45 a.m.—Recess.

1:15 p.m.—Continued discussion of issues.

4:00 p.m.—Adjourn.

Reason for closing The Oversight Review Team will be reviewing grant and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declination proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.S. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, July 6, 1979.

June 7, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-15629 Filed 6-9-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Monthly Notice; Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (Pub. L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing its

regular monthly notice. Pub. L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for hearing from any person.

This monthly notice includes all amendments issued, or proposed to be issued, since the effect date of the Commission's rules implementing Pub. L. 97–415 (May 6, 1983), through May 23, 1983.

Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 11, 1983, the licensee or a petitioner may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final Determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithsanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Branch Chief:)* petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room for the particular facility involved.

Public Service Company of Colorado, Docket No. 50–267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: April 7, 1983.

Description of amendment request: The amendment would incorporate provisions on minmum shift crew size, guidelines for working hours, qualifications of technical advisors and revise the membership of the onsite safety review committee. These proposed changes were made in response to NRC requests and revise the Administrative Controls provisions to achieve consistency with present NRC staff positions on these subjects.

Basis for proposed no significant hazards consideration determination: The commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards include actions which are purely administrative changes to the Technical specifications, are changes to make the licensee conform to changes in the regulations, or additional limitations or restrictions. The changes proposed in the application are encompassed by these examples as follows: (1) Format and editorial changes are purely adminstrative changes, (2) incorporation of provisions on a minimum shift crew size are additional limitations and are in accordance with the guidance provided in NUREG–0737, "Clarification of TMI Action Plan Requirements", Item I.A.1.3, (3) incorporation of guidelines on working hours and qualifications of technical advisors are additional limitations providing conformance to staff positions, and (4) revisions to the onsite review committee membership incorporate more restrictive qualifications necessary for committee membership. Since the application for amendment to the Administrative Controls Technical Specifications involves changes to incorporate present NRC regulations and staff positions, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for the Licensee: Bryant O'Donnell, Public Service Company of Colorado, P.O. Box 840, Denver, Colorado 80201.

NRC Branch Chief: G. L. Madsen.

Public Servcice Company of Colorado, Docket No. 50–267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: April 19, 1983.

Description of amendment request: The amendment would revise those Technical Specifications dealing with the actions to be taken when instrumentation is inoperable and specifying acceptable moisture monitoring instrumentation during less than 5% power operation. The proposed changes were submitted in response to licensee commitments for clarification that required plant shutdowns cannot be delayed when instruments are inoperable and to clarify the requirements for allowable moisture monitoring instrumentation at low power by allowing the use of an additional analytical monitor or the protective system dewpoint monitors.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards include actions which involve a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. The changes included in this application add limitations to clarify the intent of the specification. The change to the allowable moisture monitoring instrumentation during low power operation clarifies the requirement but allows more flexibility through the use of comparable instruments. Since the proposed changes clarify existing requirements, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for Licensee: Bryant O'Donnell, Public Service Company of Colorado, P.O. Box 840, Denver, Colorado 80201.

NRC Branch Chief: G. L. Madsen.

Florida Power & Light Company, Docket No. 50–389, St. Lucie Unit 2, St. Lucie County, Florida

Date of amendment request: April 20, 1983.

Description of amendment request: Revise the Technical Specification (4.4.3.3.b) to require that the pressurizer heaters be manually connected to the emergency power source and that the Safety Injection Actuation System be reset to permit operation of the heaters.

Basis for proposed no significant hazards consideration determination: The existing Technical Specification requires pressurizer heaters to be reconnected to their respective buses normally from the control room. In order to be able to do this, the operator must reset the Engineered Safety Feature Actuation System test signal. The Technical Specifications do not mention "resetting"; the licensee believes it should. The staff concurs that this administrative change to clarify the Technical Specification is justified.

Local Public Document Room location: Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

Attorney for Licensee: Harold F. Reis, Esq., Lowenstein, Newman, Reis, Axelrad & Toll, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: George W. Knighton.

Baltimore Gas and Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant Unit Nos. 1 and 2, Lusby (Calvert County), Maryland

Date of amendment request: April 27, 1983.

Description of amendment request: The April 27, 1983 application requests the following changes to the Unit 1 and Unit 2 Technical Specifictions: (1) Revision to the on-site organization, (2) Revised surveillance for sealed sources, and (3) Deletion of a snubber from the surveillance list (Unit 1 only).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of three standards for conclusions regarding "no

significant hazards considerations" by providing examples (48 FR 14870). These examples are not applicable to the issues addressed in the April 27 application. Our basis for concluding that the standards are met with respect to the no significant hazards considerations determination is presented.

Organizational changes will occur at Calvert Cliffs Nuclear Power Plant affecting Section 6.0 of the Technical Specifications in two areas, namely Figure 6.2.2—Organization Chart, and change the title of two members of the Plant Operations and Safety Review Committee membership as noted in Section 6.5.1.2. These changes are administrative in nature in that they do not affect the technical or administrative competence of the onsite organization at Calvert Cliffs.

A proposed change to the Technical Specifications would provide a wording clarification to the surveillance requirements for sealed sources. The Combustion Engineering Standard Technical Specifications in NUREG-0212 were revised on November 5, 1980 to reflect this new wording. The wording in the current Technical Specifications could lead to misinterpretation of Surveillance Requirement 4.7.9.1.2.c as requiring a test for sealed source leakage each time a reactor startup occurs. This is clearly not the intent, since these sources are located in the reactor vessel and would require removal of the reactor vessel head and the detectors for testing. This is not a requirement of the current CE Standard Technical Specifications and was never intended to be a requirement of Calvert Cliffs. With the revised wording, it is clear that this test is not required if the detectors have been previously subjected to core flux. Thus, it is proposed to determine that this change involves no significant hazards consideration because the change is merely to clarify the intent and avoid misinterpretation of the surveillance requirement and does not reduce or change the intended surveillance.

In addition, the proposed change corrects an inadvertent deletion of the words "or installation in the core," making the working consistent with the Standard Technical Specifications.

A proposed change to the Unit 1 Technical Specifications would delete snubber 1-38-4 from the list of snubbers requiring routine surveillance. This snubber was removed under an earlier modification which installed the Reactor Coolant System head vent and Pressurizer vent piping. Reclassification of the system upstream of and including the main solenoid valves as Seismic Class 1 allowed removal of the snubber, since it was no longer required.

Since this change is being made to correct the Technical Specifications to reflect current system configuration, it will not result in any significant effect on any analyzed accident or postulated accident in the Updated Final Safety Analysis Report. Additionally, since the snubber is no longer needed or installed, no reduction in the bases for any Technical Specifications would result from this change.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for lecensee: George F. Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark.

Previously Published Notices of Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this regular monthly notice. They are repeated here because the monthly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: May 2, 1983.

Brief description of amendment: This amendment would extend the surveillance test due date from May 17, 1983 to September 17, 1983 for the steam generator outlet steam pressure channels in the Remote Shutdown Instrumentation and Post Accident Monitoring Instrumentation.

Date of publication of individual notice in Federal Register: May 16, 1983 (48 FR 22036).

Expiration date of individual notice: June 15, 1983.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50-366, Edwin I. Hatch Nuclear Plant, Unit No. 2, Appling County, Georgia

Dates of amendment request: February 23, 1983, as supplemented April 19, 1983 and March 30, 1983.

Brief description of amendment: The amendment would modify the Technical Specifications to provide additional and revised trip setpoints that reflect design modifications to reduce containment loads from plant transients. The Technical Specification changes would (1) lower the opening and closing set points for subsequent actuation of selected safety relief valves, and (2) lower the main steam isolation valve water level trip setpoint. It would also modify the Technical Specifications to reflect changes to the core design for the third fuel reload of Unit No. 2.

Date of publication of individual notice in Federal Register: May 18, 1983 (48 FR 22389).

Expiration date of individual notice: June 17, 1983.

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit 1, Washington County, Nebraska

Date of amendment request: March 7, 1983.

Brief description of amendment: The Reactor Coolant System Heatup and Cool-down Curves must be revised to make them more restrictive in order to maintain the current margins of safety. The curves will be valid to 7.0 effective full power years.

Date of publication of individual notice in Federal Register: May 18, 1983 (48 FR 22390).

Expiration date of individual notice: June 17, 1983.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska.

Carolina Power & Light Company, Docket No. 50-325, Brunswick Steam Electric Plant, Unit 1, Brunswick County, North Carolina

Date of amendment request: May 2, 1983.

Brief description of amendment: The amendment would revise the technical specifications to incorporate appropriate limiting conditions for operation of the facility during the fourth fuel cycle.

Date of publication of individual notice in Federal Register: May 19, 1983 (48 FR 22658).

Expiration date of individual notice: June 12, 1983.

Local Public Document Room location: Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

* * * * *

Dated at Bethesda, Maryland, this 7th day of June, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-15681 Filed 6-9-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on: Thurday, July 7, 1983; Thursday, July 14, 1983; Thursday, July 21, 1983; Thursday, July 28, 1983.

These meetings will convene at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee Publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit marterial in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, D.C. 20415 (202-632-9710).

William B. Davidson, Jr.,

Chairman Federal Prevailing Rate Advisory Committee.

June 3, 1983.

[FR Doc. 83-15676 Filed 6-9-83; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Nos. 301-40, 41, 42]

The National Soybean Processor Association; Rescheduling of Public Hearing

On May 23, 1983 the United States Trade Representative decided to initiate an investigation pursuant to Section 302(b)(2) of the Trade Act of 1974 (19 U.S.C. 2411(b)(2)) with respect to a petition filed by the National Soybean Processors Association. A public hearing was scheduled pursuant to Section 302(b)(2)(A) for June 24, 1983 (48 FR 23947). This hearing has been rescheduled for June 29 and 30 beginning at 9:30 a.m. The location for the hearing will be published in the **Federal Register** at a later date.

Requests to present oral testimony must be submitted by June 17, 1983 and briefs accompanying oral testimony must be received no later than June 23, 1983. Written briefs from persons not wishing to present oral testimony should be received on or before June 30, 1983. Rebuttal briefs may be filed by any interested party by July 14, 1983.

Requests to testify as well as written submissions should be sent to the Chairman, Section 301 Committee, Room 223, 600 17th Street, NW., Washington, D.C. 20506 and should conform to the requirements set forth in 15 CFR 2006.8 and 2006.9.

Jeanne S. Archibald,

Chairman, Section 301 Committee.

[FR Doc. 83-15830 Filed 6-10-83; 10:43 am]

BILLING CODE 3190-01-M

POSTAL RATE COMMISSION

[Docket No. R83-1]

E-COM Rate and Classification Changes, 1983; Prehearing Conference

June 6, 1983.

On April 28, 1983, the Commission issued a Notice that the United States Postal Service had filed a Request for a Recommended Decision on changes in rates of postage and certain classification provisions for Electronic Computer Originated Mail (E-COM) which was published in the **Federal Register** on May 4, 1983 (48 FR 20178).[1] It directed those desiring to participate in the proceeding to file notices of intervention on or before May 31, 1983. In response, this Commission has received notices of intervention. These parties are listed in Attachment A.

Concurrent with the issuance of this Notice, the Secretary is transmitting a service list to be employed by all parties, whether full or limited participants, in making filings in the proceeding. The Postal Service, pursuant to section 65 of our rules of practice (39 CFR 3001.65) will serve copies of its Request and its prepared direct evidence upon the parties identified in Attachment A.

Attachment B is a tentative schedule designed to balance the time necessary for adequate consideration of this significant proposal with the need for expedition, 39 U.S.C. 3624(c). Anyone who wishes to comment on the tentative schedule and/or the special rules of practice described in the following paragraph may either file written comments by June 17, 1983, or address the subject at the prehearing conference, which will be held June 21, 1983, at 10:00 a.m. in the Commission's hearing room at 2000 L Street NW., Suite 500, Washington, D.C.

Attachment C to this Notice is a copy of proposed special rules of practice for use in this case. These rules have streamlined procedures in past Commission cases. Included in the special rules is a new procedure which should assist parties in introducing

[1] The Notice referred to the service by the acronym ECOM rather than its trademark name E-COM. All subsequent documents will use the trademarked name.

interrogatories and answers into the record. The Secretary of the Commission will compile the interrogatories which the parties designate for inclusion in the record as described in special rule 6A. This procedure has facilitated cross-examination in Docket MC83-2.

By the Commission.

Cyril J. Pittack,

Acting Secretary.

Attachment A

Intervenors

Envelope Manufacturers Association of America
ITT World Communications Inc.
Mail Advertising Service Association, International
Netword, Inc.
United States Department of Justice

Limited Participants

Association of Data Processing Service Organizations, Inc.
Business Corporation of America
Direct Marketing Association, Inc.
Dow Jones & Company, Inc.
Graphnet, Inc.
GTE Telenet Communications Corporation
MCI Telecommunications Corporation
Satellite Business Systems
Third Class Mail Association
United Parcel Service
Western Union Electronic Mail Inc.

Attachment B—Hearing Schedule for Proceedings E-COM Rates and Classifications

Docket No. R83-1

June 21 1983—Prehearing Conference (10:00 a.m. in the Commission hearing rooms)
July 1, 1983—Completion of all discovery directed to the Postal Service
July 26, 1983—Beginning of hearings, *i.e.*, cross-examination of the Postal Service's case-in-chief. (9:30 a.m. in the Commission hearing room)
August 18, 1983—Filing of the case-in-chief of each participant (including that of OOC)
September 16, 1983—Completion of all discovery directed to the intervenors
October 12, 1983—Beginning of evidentiary hearings as to the case-in-chief of other participants. (9:30 a.m. in the Commission hearing room)
November 4, 1983—Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination)
November 15, 1983—Beginning of evidentiary hearings on rebuttal evidence. (9:30 a.m. in the Commission hearing room)
December 5, 1983—Initial briefs filed
December 15, 1983—Reply briefs filed
December 22, 1983—Oral Argument (if scheduled)

Attachment C.—Proposed Special Rules of Practice

1. Discovery

A. General. The discovery procedures set forth herein are not exclusive. The parties are encouraged to engage in informal discovery wherever possible to clarify exhibits and testimony. The results of such efforts may be introduced into the record by stipulation, by supplementary testimony or exhibit, by presenting selected written interrogatories and answers for adoption by a witness at the hearing, or by other appropriate means.

B. Objections to Discovery. In the interest of expedition, the bases for objecting to (1) interrogatories, (2) requests for production of documents or things for the purpose of discovery, and (3) requests for admissions for purposes of discovery shall be clearly and fully stated. A participant claiming privilege shall identify the specific evidentiary privilege asserted and state the reasons for applicability. A participant claiming undue burden shall state with particularity the effort which would be required to answer the interrogatories or requests, providing estimates of costs and workhours required to the extent possible. The party objecting to interrogatories or requests for production of documents or things shall within 10 days serve its objections on the party who served the interrogatories or requested production of documents or things. Copies of objections to interrogatories and/or requests shall be filed with the Secretary and served as provided in special rule 1.F., below.

C. Compelled Answers or Production of Documents or Things. Parties who have objected to interrogatories or requests for production of documents or things which are the subject of a motion to compel shall have seven days to answer such a motion. Answers will be considered supplements to the arguments presented in the initial objection.

Upon motion of any participant to the proceeding, the Commission or the presiding officer may compel production of documents or things, or compel an answer to an interrogatory or request for admissions if the objection is found not to be valid.

Compelled answers, documents or things shall be made available to the party making the motion within 10 days of the grant of a motion to compel or such other period designated by the presiding officer or the Commission. Copies of the answers or documents or things ordered to be produced shall also be made available to the Secretary pursuant to § 3001.9 and the other participants who request them.

D. Supplemental Answers to Interrogatories. Participants are expected to serve supplemental answers whenever appropriate. Participants filing supplemental answers shall indicate whether the answer merely supplements the previous answer to make it current, or whether it is intended as a complete replacement for the answer previously given.

E. Follow-Up Interrogatories. Follow-up interrogatories should be served within five days of receipt of the answer to the prior interrogatory unless extraordinary circumstances are shown.

F. Service. Interrogatories, objections, and answers thereto should be served in conformance with § 3001.12, on the Commission, the Officer of the Commission (three copies), on the complementary party, and on any other participant so requesting. Participants will be deemed to have requested service for purposes of these special rules unless they file a document to the contrary with the Commission.

Participants filing notice of intervention are responsible for ascertaining from the Commission docket section what discovery requests, motions, or other documents have been previously filed, and obtaining copies thereof from counsel.

2. Case-in-Chief

The case-in-chief of all participants shall be in writing and shall include the participant's direct case and its rebuttal, if any, to the United States Postal Service's case-in-chief. It may be accompanied by legal memoranda, where appropriate.

3. Exhibits

Exhibits should be self-explanatory. They should contain appropriate footnotes or narrative explaining the source of each item of information used and the methods employed in statistical compilations. The principal title of each exhibit should state what it contains and may also contain a statement of the purpose for which the exhibit is offered; however, such a statement will not be considered part of the evidentiary record. Where one part of a multi-page exhibit is based on another part, as on another exhibit, appropriate cross references should be made. Relevant exposition should be included in the exhibits or given in the accompanying testimony.

4. Motions to Strike

Motions to strike are requests for extraordinary relief and are not substitutes for briefs or rebuttal evidence. All motions to strike testimony or exhibit materials are to be submitted in writing at an early date, and at least 10 days before the scheduled appearance of the witness. Responses to such motions shall be made five days after the filing of the motion.

5. Official Notice

Parties requesting offical notice should refer to the page and paragraph of such material and should furnish copies of the designated item for the record and for other parties.

6. Cross-examination

A. Written cross-examination. Written cross-examination will be utilized as a substitute for oral cross-examination whenever possible, particularly to introduce factual or statistical evidence. The scope of oral cross-examination is set forth in special rule 6.B., below.

Designations of written cross-examination should be served three working days before the announced appearance of a witness, on the Commission, on the Officer of the Commission (three copies), on the witness' counsel, and on any participant so requesting. Designations shall identify every item to be offered as evidence, listing the participant which initially posed the request, the witness or party to whom the question was addressed (if different from the witness answering) and, if more than one answer was provided, the dates of all answers to be included in the record. When a participant designates

written cross-examination, it shall simultaneously file with the Secretary of the Commission only, two copies of the designated written cross-examination.

The Secretary of the Commission shall prepare for the record a packet containing all materials designated for written cross-examination, alphabetically, by participant which initially posed the question. The witness will verify the answers and materials in the packet, and they will be entered into the transcript by the presiding officer. Counsel for a witness may object to written cross-examination at that time, and any designated answers or materials found objectionable will be stricken from the record.

B. Oral cross-examination. Oral cross-examination will be permitted for testing assumptions, conclusions, or other opinion evidence. Requests for permission to conduct oral cross-examination should be served three days before the announced appearance of a witness accompanied by (1) specific references to the subject matter to be examined, and (2) page references to the relevant direct testimony.

7. General

Argument will not be received in evidence. It is the province of the lawyer, not the witness. It should be presented in brief or memoranda.

New affirmative matter (not in reply to another party's direct case) should not be included in rebuttal testimony or exhibits.

Cross-examination will be limited to testimony which is adverse to the participant wishing to cross-examine.

Legal memoranda, where appropriate, will be welcome at any stage of the proceeding.

[FR Doc. 83-15603 Filed 6-9-83; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19851; File No. SR-SCCP-83-4]

Filing and Immediate Effectiveness of a Proposed Rule Change by the Stock Clearing Corporation of Philadelphia

June 6, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 19, 1983, the Stock Clearing Corporation of Philadelphia ("SCCP") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends SCCP's day trading margin procedures for SCCP participants that are specialists on the Philadelphia Stock Exchange, INC. ("PHLX") and that maintain SCCP margin accounts. The proposal amends SCCP's "Proprietary or Specialist Margin Account Agreement" to enable SCCP, in its discretion, to transfer excess equity, *i.e.*, cash and securities, between each participant's Specialist and Proprietary Margin Accounts. Previously, a participant had to have the required minimum equity in its proprietary account before it could execute an opening day-trade. To meet those equity requirements, the member could instruct SCCP to transfer physically from its specialist to its proprietary account excess equity to meet the equity requirement for day trading. SCCP explains that the more efficient application of excess equity assets in SCCP margin accounts will support increased trading activity by the PHLX specialist community without reducing the financial safeguards in SCCP's specialist financing program.

SCCP states that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act because it will promote the prompt and accurate clearance and settlement of securities transactions and will not adversely affect the safeguarding of securities and funds which are in SCCP's control or for which it is responsible.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-SCCP-83-4.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent admendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15545 Filed 6-9-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13303; 812-5508]

NAFE Money Market Fund, Inc.; Filing of Application for an Order Granting Exemptions

June 3, 1983.

Notice is hereby given that NAFE Money Market Fund, Inc. ("Applicant"), 52 Vanderbilt Avenue, New York, NY 10017, registered under the Investment Company Act of 1940 ("Act") as an open end, diversified, management investment company, filed an application on March 25, 1983, and amendments thereto on May 20, 1983 and May 24, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuation. All interested persons are referred to the application on file with Commission for a statement of the representations contained therein, which are summarized below, and to the Act and rules thereunder for the text of the provisions from which Applicant seeks to be exempted.

Applicant states that its investment objective is to provide investors with the highest level of current income consistent with the preservation of capital and liquidity. Applicant states that it will invest exclusively in the following types of money market instruments: (1) obligations issued, or guaranteed as to interest and principal, by the United States Government or its agencies or instrumentalities; (2) obligations (including certificates of deposit and bankers' acceptances) of banks having total assets in excess of $500,000,000 and regulated by the United States Government; (3) commercial paper that is rated A1 or A2 by Standard & Poor's Corporation or P1 or P2 by Moody's Investors Service, Inc., or, if not rated, then of comparable quality as determined by the Board of Directors; and (4) repurchase

agreements. Applicant represents that it will not enter into repurchase agreements maturing in more than 7 days.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states that industry experience indicates that in order to attract and retain investors it must maintain stability of principal and provide a steady flow of investment income. Applicant believes that it can provide these features by valuing its assets on the basis of amortized cost. Applicant states that, given the nature of its policies and operations, there will normally be a negligible discrepancy between the market value and the amortized cost value of its portfolio securities. Applicant represents that its Board of Directors has determined in good faith that the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects fair value of its portfolio securities.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by Applicant's Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceed ½ of 1 percent, Applicant's Board of Directors will promptly consider what action, if any, should be initiated.

(c) Where Applicant's Board of Directors believes the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind, the sale of portfolio securities prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of Applicant's Board of Directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, if any, to those United States dollar-denominated instruments which Applicant's Board of Directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's Board of Directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement indicating whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 23, 1983, at 5:30 p.m., do so by submitting written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15549 Filed 6-9-83; 8:45 am]

BILLING CODE 8010-01-M

[1] To fulfill this condition, Applicant states that it will use actual quotations or estimates of market value reflecting current market conditions selected by its Board of Directors in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 22963; 70-5862, 70-6322]

Ohio Power Company; Supplemental Notice of Proposed Provision of Services by Electric Utility Subsidiary to Associated Companies

June 6, 1983.

Ohio Power Company ("OPCo"), 301 Cleveland Avenue, S.W., Canton, Ohio 44702, an electric utility subsidiary of

American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed with this Commission post-effective amendments to applications-declarations previously filed and amended pursuant to Section 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 86, 87, 90 and 91 promulgated thereunder.

By prior order dated June 25, 1976 (HCAR No. 19594), OPCo was authorized to acquire under long-term lease and to operate a rail-to-river coal transfer facility, known as the Cook Coal Terminal ("Terminal"), located near Metropolis, Illinois. OPCo uses the Terminal to transfer low-sulfur coal arriving by unit train to river barges for delivery to its stream electric generating plants along the Ohio River. OPCo has also been authorized to acquire and operate railroad car maintenance facilities at the Terminal (HCAR No. 21173, August 3, 1979 and HCAR No. 21886, January 16, 1981). This would permit OPCo to provide maintenance and repair services to the fleet of railroad hopper cars acquired by it and other operating companies in the AEP System for the transport of coal to the Terminal.

By post-effective amendments, OPCo now seeks authority to provide the following services at the Terminal: (1) A coal transloading service to associated companies within the AEP System (with respect to which jurisdiction was expressly reserved in the aforementioned order of June 25, 1976), and, (2) a railroad car maintenance and repair service to associated companies within the AEP System. The Commission's prior notice to the public of these proposed transactions (HCAR No. 22948, May 19, 1983) incorrectly stated that OPCo also sought authority to provide the coal transloading service to nonaffiliated companies. OPCo intends to provide such services to nonaffiliates and seeks Commission authorization only with respect to the proposed accounting treatment of the revenues derived from such services, as previously set forth in said notice of May 19, 1983. In all other respects, the proposed transactions are as detailed in the aforementioned notice.

The applications-declarations, as amended by said post-effective amendments and any amendments thereto, are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 15, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the applications-declarations, as amended or as they may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15547 Filed 6-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19848; SR-MSE-83-5]

Order Approving Proposed Rule Change; Midwest Stock Exchange, Inc.

June 3, 1983.

The Midwest Stock Exchange, Inc. ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, submitted on April 22, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the "Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend Article III, Section 2 and Article IV, Section 4 of the MSE Constitution. The proposed amendment will increase the number of governors on the MSE Board of Governors from 26 to 27 by adding a new position for a Chicago area member governor. The amendment also increases the minimum number of floor representatives on the Board from the Chicago area from two to three.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19717, April 29, 1983) and by publication in the **Federal Register** (48 FR 20322, May 11, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15550 Filed 6-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19849; File No. SR-MSRB-82-16]

Order Approving Proposed Rule Change; Municipal Securities Rulemaking Board

June 6, 1983.

The Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue, NW., Washington, D.C. 20036, submitted a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder on December 22, 1982, and an amendment thereto on March 7, 1983, which amends MSRB Rule G-12(h) by revising the procedures to be used by municipal securities brokers and dealers seeking to effect close-outs of uncompleted transactions in municipal securities. The proposed rule change deletes the requirement that the dealer attach a copy of the *contra* dealer's confirmation to close-out notices. In addition, the proposed rule change permits the initiation of close-out procedures on certain transactions reclaimed after ninety days following the original settlement date to provide a more expeditious resolution of such reclaimed transactions. It also permits a selling dealer receiving an initial close-out notice, which has not been retransmitted, to extend the close-out period for ten business days if the securities demanded are already in transfer and the initial notice of close-out is given before January 1, 1985. The MSRB believes that these changes will facilitate the settlement of reclaimed transactions, permit more efficient use of the close-out procedure, and still provide an appropriate period of time to complete transfer processes.

Notice of the proposed rule change, as amended, together with the terms of substance was given by the issuance of a Commission release (Securities Exchange Act Release No. 19701, April 25, 1983) and by publication in the **Federal Register** (48 FR 19969, May 3, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder

applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15548 Filed 6-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19844; File No. SR-CBOE-83-04]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Incorporated; Relating to Facilitation

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 16, 1983, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

Additions are italicized; deletions are bracketed.

Priority of Bids and Offers

Rule 6.45.(d) Notwithstanding anything in paragraphs (a) and (b) to the contrary, [when] a member *who* hold[ing]s a spread [order], [a] straddle [order], or [a] combination order *which is being* [and] bid[ding] or offer[ing]*ed* on the basis of a total credit or debit [for the order has determined that the order may not be executed by a combination of transactions with or within the bids and offers displayed by the Board Broker or Order Book Official, then the order] may [be] execute[d as a spread, straddle, or combination] *such order* at the total credit or debit with one *or more* other members without giving priority to bids or offers [of] *for individual option series by* the Board Broker or Order Book Official *or by members in the trading crowd* that are no better than the [bids or offers] *premiums* comprising such total credit or debit.

Certain Types of Orders Defined

Rule 6.53. No change except to add to paragraph (d) as follows. (d) Spread Order. A spread order is (*i*) an order to buy a stated number of option contracts and to sell [the same number of] option contracts [, or contracts representing the same number of shares at option, of the same class of options.] *of the same class representing the same number of units of the underlying security or (ii) an order to buy or sell a stated number of units of an underlying or a related security coupled with either (a) the purchase or sale of option contract(s) of the same series on the opposite side of the market representing the same number of units of the underlying or related security or (b) the purchase and sale of an equal number of put and call option contracts, each having the same exercise price, expiration date and number of units of the underlying or related security, on the opposite side of the market representing in aggregate twice the number of units of the underlying or related security.*

"Crosings" Orders

Rule 6.74.(a)(i) No change

(ii) After providing an opportunity for such bids and offers to be made, he must (*A*) bid above the highest bid in the market *and give a corresponding offer at the same price or at prices differing by the minimum fraction* or (*B*) offer below the lowest offer in the market *and give a corresponding bid* at the same price or at prices differing by the minimum fraction.

(b) A Floor Broker who holds an order for a public customer of a member organization and a facilitation order may cross such orders provided that he proceeds in the following manner.

(i) The member organization must disclose on its option order ticket all of the terms of the public-customer order, including any contingency involving, *and all related transactions in,* either [other] options or underlying or related securities.

(ii) In accordance with his responsibilities for due diligence, the Floor Broker shall disclose [any contingency respecting] *all securities which are components of* the public customer order[, shall identify the order as being subject to facilitation,] and then shall request bids and offers for the [option series] *execution of all components of the order.*

(iii) After providing an opportunity for such bids and offers to be made, the Floor Broker must, on behalf of the public customer, either bid above the highest bid in the market or offer below the lowest offer in the market, *identify the order as being subject to facilitation, and disclose all terms and conditions of the public customer order.* After all other market participants are given an opportunity to accept the bid or offer made on behalf of the public customer, the Floor Broker may cross all or any remaining part of the public customer order and the facilitation order at the public customer's bid or offer by announcing in public outcry that he is crossing and by stating the quantity and price(s). Once such bid or offer has been made, the public customer order has precedence over any other bid or offer in the crown at the same price, to trade immediately with the facilitation order.

(c) No change

. . . Interpretations and Policies:

.01 and .02 No change

.03 *Spread, straddle or combination orders on opposite sides of the market may be crossed, provided that the Floor Broker holding such orders proceeds in the manner described in paragraphs (a) or (b) above as appropriate. Members may not prevent a spread, straddle, or combination cross from being completed by giving a competing bid or offer for one component of such order.*

.04 *Where a related transaction must be effected in another market, that transaction must be effected prior to effecting the options transaction.*

II. (A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The overall purpose of this rule change is to expedite the filling of public-customer option orders which come to the Exchange's trading floor with a facilitation order. A facilitation order is a firm proprietary order sent to the Exchange floor at the same time as customer order that is on the other side of the market. The firm's order can be crossed with the customer's order to facilitate its execution on the Exchange only if no equal or better execution of the customer order can be obtained from another member.

The proposed changes to Rule 6.74(b)(ii) and (iii) provide that a floor broker must disclose the existence of a related transaction, but not the specific terms of the order, before rather than after requesting bids and offers. The purpose of this is to advise market participants of the entire package of securities involved, but not require that the exact details of an order be disclosed before markets are requested. It is thought that quotes more favorable to the customer may be obtained if quotes are requested prior to disclosure of the particulars of the order.

The purpose of the draft change to Rule 6.45(d) is to make clear that all spread, straddle or combination orders bid or offered on the basis of a total debit or credit enjoy a priority over orders in the trading crowd analogous to the exception afforded by the current rule to orders held by a Board Broker or Order Book Official.

The draft changes to Rules 6.53 and 6.74.03 provide that a stock-option hedge is to be treated as a single spread order. The purpose of treating a stock-option hedge as a single spread order is to accord it the same exception to the priority rules as other combination orders involving only options, thereby permitting facilitation crosses to occur when markets are "locked.".

The following example illustrates how a "locked" market would prevent one component of a public customer spread order from being filled on the Exchange. Assume that a spread order, bid or offered on the basis of a total debit or credit for both components can be executed at the agreed total premium only if an option component can be executed at a premium of 3½. The screen shows a bid of 3⅜ and an offer of 3⅝ for that option. A Floor Broker discloses a public customer buy order at 3⅜ that is subject to facilitation and asked for a market.

The market becomes 3⅜ bid and 3½ offered, which market prevents that component of the customer order from being filled because Rule 6.74(a)(ii) requires that to cross orders, a Floor Broker must bid above the highest bid and must offer below the lowest offer in the market. By permitting an option transaction for one component of a spread order to be effected at a premium equal to but not better than the current market for that component, the spread order can be facilitated notwithstanding the locked market in one component.

Proposed Interpretation 6.74.04 provides that a related stock transaction must be effected before the option transaction. The purpose of this addition is to insure that the stock price involved in stock leg of a facilitation cross in not fixed on the Exchange's trading floor.

The statutory basis for this proposed rule change is section 6(b)(5) of the Securities Exchange Act of 1934, in that the change will protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received. It should be noted that the proposed change originated with the Exchange's Floor Procedure Committee, which is composed of members.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 3, 1983.

George A. Fitzsimmons

Secretary.

[FR Doc. 83-15546 Filed 6-9-83; 8:45 am]

BILLING CODE 8010-01-M

[812-5490; Rel. No. 13304]

Equitable Tax-Free Account, Inc.; Filing of Application

Notice is hereby given that Equitable Tax-Free Account, Inc. (the "Fund") 100 West 52nd St., New York, N.Y. 10019, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on March 10, 1983, and amendments thereto on April 27, and May 25, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Fund and any additional separate investment portfolios which may be established by the Fund in the future (the "Portfolios") (1) from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit the net asset value of the Fund and each Portfolio to be computed using the amortized cost method of valuation; and (2) from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit the Fund and each Portfolio to acquire rights to sell portfolio securities to broker-dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of the provisions from which an exemption is being sought.

The Fund states that it will operate as a "money market fund", designed for use by individual investors or by organizations such as corporations, partnerships, trusts and others. The Fund's investment objective is the maximization of current income exempt from federal income taxation to the extent consistent with the preservation of capital and the maintenance of liquidity. According to the application, the Fund will pursue its investment objective by investing in a diversified portfolio of high-grade short-term municipal securities. Applicant maintains that the term "municipal securities" means obligations issued by or on behalf of states, territories, and possessions of the United States and its political subdivisions, agencies and instrumentalities, the interest from which is exempt from federal income taxation. The municipal securities in which the Fund will invest are limited to those obligations which at the time of purchase are:

(1) Guaranteed by the United States Government or its agencies or instrumentalities, (2) municipal notes rated at least MIG–2 by Moody's Investors Service, Inc. ("Moody's"), or, if

not rated, are of equivalent investment quality as determined by the Board of Directors, (3) municipal bonds rated at least Aa by Moody's, at least AA by Standard & Poor's Corporation ("S&P") or, if not rated, are of equivalent investment quality as determined by the Board of Directors, or (4) other types of municipal securities provided that such obligations are rated at least Prime-2 by Moody's, at least A–2 by S&P, or, if not rated, are of equivalent investment qualify as detemined by the Board of Directors.

The Fund represents that it may at times invest up to 20% of its total assets in taxable money market securities consisting of securities issued, or guaranteed by the United States government or its agencies or instrumentalities, negotiable certificates of deposit ("CDs") and bank time deposits issued by domestic banks, including Eurodollar CDs and bank time deposits issued by London branches of domestic banks, bankers' acceptances, and high grade commercial paper, including master demand notes. Applicant submits that investments in CDs and bankers' acceptances are limited to domestic banks which are considered by the management of the Fund to be of high quality and to present minimal credit risks. According to the application, the commercial paper purchased by the Fund consists only of direct obligations which, at the time of their purchase, are (a) rated at least Prime-1 by Moody's or at least A–1 by S&P or (b) if not rated, issued by companies having an outstanding debt issue currently rated at least Aa by Moody's or at least AA by S&P.

The Fund states that it may also enter into repurchase agreements pertaining to the types of securities in which it may invest. The Fund states that it will require continual maintenance of collateral in an amount equal to, or in excess of, the market value of the securities which are subject to the agreement. The Fund represents that it may also invest in commitments to purchase municipal securities on a "when-issued" basis. The Fund represents further that, at the time the Fund makes a commitment to purchase a municipal security on a "when-issued" basis, it will record the transaction and reflect the value of the obligation in determining its net asset value. The Fund states that its custodian bank will maintain, in a separate account of the Fund, portfolio securities having a value equal to, or greater than, the amount of the Fund's commitments to purchase when-issued securities.

The Fund states that variable rate demand instruments are within the categories of municipal and taxable securities in which the Fund may invest. The Fund maintains that its variable rate demand instruments will be payable on not more than seven days' notice either by the issuer or by drawing on a bank letter of credit or guarantee issued with respect to such instrument either at the time of original issuance of the instrument or at the time the Fund purchases the instrument. The Fund indicates that the interest rates of the instruments will be adjustable at intervals of up to one year.

The Fund states that it may purchase from banks participation interests in variable rate instruments to produce a negotiated, variable rate yield to the Fund based on the applicable interest rate adjustment index for the security. The Fund submits that the bank will retain any excess of interest income on the instrument above the negotiated yield to the Fund for servicing the underlying loan and issuing the letter of credit. The Fund represents that each instrument purchased will meet the quality criteria applicable to the Fund's portfolio securities. Applicant asserts that the maturities of variable rate demand instruments will be determined in accordance with the procedures set forth in proposed Rule 2a-7 under the Act (Investment Company Act Release No. 12206, February 1, 1982) as proposed or adopted.

The Fund believes that use of the amortized cost valuation method will benefit its shareholders by enabling the Fund to maintain a constant net asset value of $1.00 per share while providing shareholders with the opportunity to receive a relatively steady flow of investment income. The Fund believes that there will normally be a negligible discrepancy between the market value and the amortized cost value of the Fund's portfolio securities because the Fund will invest only in high-grade securities with a remaining maturity of one year or less. Applicant states that it has determined that the amortized cost method of valuing the Fund's portfolio securities will reflect the fair value of such securities, absent unusual or extraordinary circumstances, and is appropriate and in the best interest of its shareholders.

The Fund states further that it intends to improve its portfolio liquidity through the acquisition of "standby commitments". A standby commitment is a right acquired by the Fund, when it purchases a municipal security for its portfolio from a broker-dealer or a bank, to sell the same principal amount of the securities purchased back to the seller, at the Fund's option, at a specified price. The Fund's investment policies permit the acquisition of standby commitments solely to facilitate portfolio liquidity. The acquisition or exercisability of a standby commitment will not affect the valuation or maturity of the underlying portfolio security which will be valued in accordance with the amortized cost method.

The Fund represents that standby commitments acquired by the Fund will have the following features: (1) standby commitments will be in writing and will be physically held by the Fund's custodian; (2) standby commitments may be exercisable by the Fund at any time prior to the maturity of the underlying security; (3) the Funds right to exercise standby commitments will be unconditional and unquoilfied; (4) the Fund will enter into standby commitments only with broker-dealers or banks which, in the investment adviser's opinion, present a minimal risk of default; (5) although standby commitments will not be transferable, municipal securities purchased subject to standby commitments could be sold to a third party at any time, even though the standby commitments remain outstanding; and (6) the exercise price of each standby commitment will be (a) the cost of the municipal securities which are subject to the standby commitment (excluding any accrued interest which the Fund paid on their purchase), less any amortized market premium or plus any amortized market or original issue discount during the period the Fund owned the securities, plus (b) all interest accrued on the underlying municipal securities since the most recent interest payment date during the period the securities were held by the Fund.

The Fund represents that the amount payable under a standby commitment will be substantially the same as the value assigned by the Fund to the underlying municipal securities because the Fund will value its municipal securities on an amortized cost basis. According to the application, there is little risk of an event occurring which would make the amortized cost valuation of the Fund's portfolio securities inappropriate. In the unlikely event that the market or fair values of municipal securities in its portfolio were not substantially equivalent to their amortized cost value, however, the Fund states that it would value the municipal securities on the basis of available market information and would hold them to maturity. The Fund expects that it would refrain from exercising the standby commitments in such a

situation to avoid imposing a loss on a broker-dealer or bank, which could jeopardize the Fund's business relationship with that entity. According to the application, standby commitments may be available without payment of any direct or indirect consideration. It is stated that, if deemed necessary or advisable, the Fund will pay for standby commitments, either separately in cash or by paying a higher price for the municipal securities that are acquired subject to the standby commitments. Applicant states that, as a matter of policy, the total amount "paid" in either manner or outstanding standby commitments held in the Fund's portfolio will not exceed ½ of 1% of the value of the Fund's total assets calculated immediately after the acquisition of any such commitments.

The Fund represents that it is difficult to evaluate the likelihood of the use or the potential benefit of a standby commitment. Accordingly, the Fund's Board of Directors intends to determine that standby commitments have a "fair value" of zero, regardless of whether any direct or indirect consideration was paid. The Fund maintains that where it has paid for a standby commitment, its cost will be reflected as unrealized depreciation for the period during which the commitment is held. The Fund further maintains that for purposes of computing the dollar-weighted average maturity of the Fund's portfolio, the maturity of a portfolio security shall not be considered shortened or otherwise affected by any standby commitment to which such security is subject.

According to the application, counsel to the Fund has indicated that the Internal Revenue Service has published a ruling to the effect that a registered investment company will be the owner of municipal securities acquired subject to a commitment comparable to a standby commitment and that interest on those securities will be tax-exempt to the investment company. The Fund submits that the proposed acquisition of standby commitments will not affect the calculation of its net asset value per share and will not pose new investment risks, but rather will improve the Fund's liquidity. The Fund further represents that reliance upon the credit of broker-dealers and banks from which the Fund purchases standby commitments will be secured to the extent of the value of the municipal securities which are subject to the commitments. The Fund believes, therefore, that a standby commitment will present substantially less risk than a bank certificate of deposit and will be qualitatively no greater a risk than the risk of loss faced by any investment company which is holding securities pending settlement after having agreed to sell the securities to a broker-dealer in the ordinary course of business. The Fund states that its investment adviser intends to evaluate periodically the credit of institutions issuing standby commitments. The Fund states that, for that reason, and in light of the fact that standby commitments will not be ascribed value for purposes of determining the Fund's net asset value, the acquisition of standby commitments will not meaningfully expose its assets to the entrepreneurial risks of the investment banking business, nor require the Fund to evaluate the credit of broker-dealers in determining its net asset value. The Fund represents that it will not acquire standby commitments to promote reciprocal practices, to encourage the sale of its shares, or to obtain research services.

The Fund and each of the Portfolios, as a condition to the granting of the requested exemption, will adhere to the following conditions:

1. In supervising the Fund's operations and delegating special responsibilities involving portfolio management to the Fund's investment adviser, the Fund's Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Fund's investment objectives, to stabilize the net asset value per share of the Fund and each Portfolio, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors of the Fund shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of the Fund and each Portfolio, as determined by using available market quotations from the $1.00 amortized cost price per share of the Fund and each Portfolio and the maintenance of records of such review. To fulfill this condition, the Fund intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the Board of Directors in the exercise of its descretion to be appropriate indicators of value which may include, among other things: (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from the Fund's or any Portfolio's $1.00 amortized cost price per share should exceed ½ of 1%, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated.

(c) Where the Board of Directors believes the extent of any deviation from the Fund's or any Portfolio's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or reduce, to the extent reasonably practicable, such dilution or unfair results which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the average portfolio maturity of the Fund or any Portfolio; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Fund and each Portfolio will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Fund and the Portfolios will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days. Should the dispositon of a portfolio instrument result in a dollar-weighted average portfolio maturity in excess of 120 days, the Fund and each Portfolio, in fulfilling this condition, will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. The Fund will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above. The Fund will also record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations and actions taken in connection with the discharge of its responsibilities as set forth above, to be included in the minutes of the Board of Directors meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to

rules adopted under Seciton 31(a) of the Act.

5. The Fund and each Portfolio will limit its portfolio investments, including repurchase agreements, to those U..S dollar/denominated instruments which the Board of Directors determines present minimal credit risks and which are of "high quality" as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

6. The Fund will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 1, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon the Fund at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–15664 Filed 6–9–83; 8:45 am]

BILLING CODE 8010–01–M

VETERANS ADMINISTRATION

Veterans' Administration Cooperative Studies Evaluation Committee; Availability of Annual Report

Under section 10(d) of Pub. L. 92–463 (Federal Advisory Committee Act) notice is hereby given that the Annual Report for calendar year 1982 has been issued for the Veterans' Administration Cooperative Studies Evaluation Committee.

The report summarizes activities of the Committee on matters related to the review and evaluation of new and ongoing cooperative studies. It is available for public inspection at two locations:

Library of Congress, Serial and Government Publications Reading Room LM 133, Madison Building, Washington, DC 20540

and

Veterans' Administration, Medical Research Service, Cooperative Studies Program, Room 748, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: June 2, 1983.

By Direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83–15607–Filed 6–9–83; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 113
Friday, June 10, 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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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., commission Tuesday, June 7, 1983.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:
Enforcement Matter:

The Commission considered issues related to enforcement matter (OS #5428). The Commission by recorded vote determined that agency business required calling this meeting without the normal advance notice.

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-832-83 Filed 6-8-83; 12:18 pm]
BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 2 p.m., Monday, June 6, 1983.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:
ENFORCEMENT MATTER:

The Commission considered issues related to enforcement matter (OS #5428). The Commission by recorded vote determined that agency business required calling this meeting without the normal advance notice.

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-833-83 Filed 6-8-83; 12:18 pm]
BILLING CODE 6355-01-M

3

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, June 15, 1983.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposals (A) to establish a weekly report of foreign branch liabilities to, and custody holdings for, U.S. residents, and (B) to modify the Weekly Report of Assets for Selected Money Market Mutual Funds (FR 2051c).

2. Proposed extension of Weekly Report of International Banking Facility Accounts (FR 2072) and discontinuance of Cumulative Report of International Banking Facility Assets and Liabilities Shifted from the U.S. Offices of the Establishing Entity (FR 2076).

Discussion Agenda:

3. Issues regarding bankers' acceptances.

4. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: June 8, 1983.

James McAfee,

Associate Secretary of the Board.

[S-830-83 Filed 6-8-83; 10:41 am]
BILLING CODE 6210-01-M

4

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: Approximately 11 a.m., Wednesday, June 15, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: June 8, 1983.

James McAfee,

Associate Secretary of the Board.

[S-831-83 Filed 6-8-83; 10:41 am]
BILLING CODE 6210-01-M

federal register

Friday
June 10, 1983

Part II

Department of Labor

Occupational Safety and Health Administration

Occupational Exposure to Cotton Dust

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-052E]

Occupational Exposure to Cotton Dust

AGENCY: Occupational Safety and Health Administration (SHA), Labor.

ACTION: Proposed rule.

SUMMARY: OSHA proposes to revise its occupational health standard for exposure to cotton dust. The proposed revision for the textile industry include the addition of an action level, modifications of exposure monitoring requirements, an extension of compliance dates in limited operations with feasibility problems, and modification of some definitions. No changes are proposed to the exposure limits or method of compliance for the textile industry. OSHA is proposing to eliminate from coverage from 29 CFR 1910.1043 and 29 CFR 1910.1000 several segments of the nontextile industry where there is no evidence of significant risk and where such action will better effectuate the purposes of the Act. This review of the standard is necessary in order to resolve several judicial and administrative stays, to consider the significance of risk in the nontextile and knitting segments, to resolve some technical issues, to clarify some provisions of the standard and to reconsider some provisions of the standard for cost effectiveness.

DATES: Comments must be submitted by August 9, 1983. An informal public hearing will commence on September 19, 1983 at 10 a.m. in Washington, D.C.; on September 27, 1983 at 10:00 a.m. in Dallas, Texas; and October 4, 1983 at 10 a.m. in Columbia, South Carolina, and each hearing will continue for the balance of the week if necessary. Notices of intention to appear must be submitted by August 26, 1983. Evidence and testimony to be introduced at the hearing must be submitted by September 9, 1983.

ADDRESSES: Written comments should be submitted in quadruplicate to the Docket Officer, Occupational Safety and Health Administration, Docket H-052E, Room S-6212, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210, Telephone (202) 523-7894. Notices of intention to appear at the hearing, testimony and evidence should be sent in quadruplicate to Mr. Tom Hall, OSHA Division of Consumer Affairs, Room N3635, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210, Telephone (202) 523-8024.

The Washington, D.C. hearing will be held at the Auditorium, Frances Perkins Department of Labor Building, 200 Constitution Avenue, Washington, D.C. The Dallas, Texas hearing will be held at the Grenelefe Hotel, Seasons Ballroom, 1011 South Akard St., Dallas, Texas. The Columbia, South Carolina hearing will be held at the Town House, Deauville Room, 1615 Jervais St., Columbia, South Carolina.

FOR FURTHER INFORMATION CONTACT: James F. Foster, Director, Office of Information and Consumer Affairs, OSHA, Room 3637, U.S. Department of Labor, 200 Constitution Ave NW., Washington, D.C. 20210, Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION:

Introduction. Pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8-76 (41 FR 250659) and 29 CFR Part 1911, it is proposed to amend some paragraphs of 29 CFR 1910.1043 (the cotton dust standard) to make it clearer, more effective and less burdensome. It is also proposed to amend 29 CFR 1910.1043 and 29 CFR 1910.1000 to eliminate from coverage several nontextile segments where, based on the evidence currently before it, OSHA believes there is no significant risk and it would better effectuate the purposes of the Act.

The Occupational Safety and Health Administration (OSHA or the Agency) requests the submission of written comments, data, and arguments from interested persons on the various amendments specifically proposed as well as all other issues related to the proposal. In addition, pursuant to section 6(b)(3) of the Act there will be informal rulemaking hearings to provide further opportunity for presentation of evidence and discussion of the issues. After the hearing, the Agency will issue amendments to the standard as appropriate based upon the full record.

Some issues raised in the proposal on which comment is requested include the following:

1. The significance of cotton dust-related adverse health effects in workers in nontextile industries.

2. The feasibility of compliance with the standard in the textile industry.

3. The feasibility of compliance with the standard on or before the effective dates.

4. The definition of cotton dust as the total particulate collected by the vertical elutriator sampling device.

5. The appropriateness and usefulness of the "action level" concept in control of cotton dust.

6. The use of measuring devices which are equivalent to the vertical elutriator.

7. Whether the nontextile industries should be deleted from coverage by 1910.100 Table Z-1.

8. The appropriateness of the monitoring schedules to prevent overexposures of a duration which will result in significant adverse health effects.

9. The existence of cotton washing techniques which will prevent adverse health effects from exposure to cotton dust.

10. The appropriateness of and suggestion for modification of language in the standard defining the term "area" as it is used in environmental monitoring.

11. Suggestions for modification of the language in order to clarify the standard and to ease compliance.

12. Whether a wage retention provision should be incorporated.

In some cases, OSHA is proposing specific amendments reponsive to these issues. In other cases, OSHA is raising the issue, but is not proposing specific amendments. It will analyze evidence, comments, and recommendations before deciding whether changes are appropriate

I. Background

A. General

In june 1978, OSHA published a new standard for occupational exposure to cotton dust, 29 CFR 1910.1043, 43 FR 27350. The supplementary information published with the 1978 standard (June 23, 1978) discussed in some detail the agricultural and industrial processes involved in the processing of cotton. New production equipment has increased the productivity of various segments of the industry, particularly yarn manufacturing and fabric manufacturing. The basic processes, however, remain unchanged. The majority of production of woven fabrics continues to take place in integrated mills which purchase raw fibers and produce unfinished fabric.

Cotton has certain desirable properties which make it unlikely that complete substitution by synthetic fibers will occur. Among these are its properties of moisture absorbency, coolness, softness, ready adaptability into leisure fabrics such as denim and corduroy, and economy of use. In addition, substitution of synthetic fibers results in increased use of petroleum products and other forms of energy.

B. History of the Regulation

Significant regulatory steps to address health problems in the cotton textile industry did not occur until well into the twentieth century, when Great Britain legislated requirements for medical inspection of workplaces, complusory reporting of industrial diseases, and compensation for disabled and diseased workers. By 1942, British law recognized byssinosis as an occupational disease.

Government action came later in the United States. In 1964, the American Conference of Government Industrial Hygienists (ACGIH) placed cotton dust on its tentative list of Threshold Limit Values (TLVs). In 1966 ACGIH adopted 1000 $\mu g/m^3$ of total cotton dust as a recommended upper limit for exposure. This TLV was based upon the work of Roach and Schilling in the Lancashire cotton mills (Ex. 6–1). Exposure to cotton dust was not regulated in the United States until 1968, when the Secretary of Labor, acting under the authority of the Walsh-Healey Act (41 U.S.C. 35 *et seq.*), promulgated the 1968 ACGIH list of Threshold Limit Values which included 1000 $\mu g/m^3$ for "Cotton dust (raw)." This Threshold Limit Value was subsequently adopted as an established Federal standard under section 6(a) of the Occupational Safety and Health Act of 1970. On September 26, 1974, pursuant to section 20(a)(3) of the Act, the Director of the National Institute for Occupational Safety and Health (NIOSH) submitted to the Secretary of Labor a criteria document which contained NIOSH's recommendations for a new cotton dust standard.

On December 28, 1976, at 41 FR 56498, OSHA proposed a revised cotton dust standard setting a permissible exposure level of 200 $\mu g/m^3$ averaged over an eight hour period. An expensive record of documentary and testimonial evidence was compiled over a period of more than nine months. Among the witnesses were large corporate and small business employers, manufacturers, representatives from the affected workforce, experts in every relevant field including physicians, scientists, statisticians, economists, industrial hygienists, representatives from agriculture, and other interested parties. Public participation was representative of virtually the entire "cotton community."

On June 23, 1978, at 43 FR 27350, OSHA promulgated 29 CFR 1910.1043 and set permissible exposure limits of 200 $\mu g/m^3$ of lint-free respirable cotton dust, averaged over eight hours, for yarn manufacturing; 750 $\mu g/m^3$ for slashing and weaving operations; and 500 $\mu g/m^3$ for knitting and nontextile industries which used cotton. Petitions for review were promptly filed by interested parties with United States Circuit Courts of Appeals. On October 20, 1978, the United States Court of Appeals for the District of Columbia circuit stayed enforcement of the standard pending judicial review. In *AFL–CIO* v. *Marshall*, 617 F.2d 636 (D.C. Cir. 1979), the District of Columbia Circuit upheld the standard for the textile industry (yarn manufacturing, slashing and weaving) and the nontextile processes of warehousing and classing. The court vacated the standard for the cottonseed oil industry, finding that OSHA had failed to demonstrate economic feasibility, but it upheld OSHA's determinations of health risk and technological feasibility. The court then remanded the record on the cottonseed oil industry to the Agency for reconsideration. The court did not consider the validity of the standard for waste processing and waste utilization, having severed the industry representatives' petitions for review because of an administrative stay issued by OSHA for those segments of the industry. 43 FR 39087 (September 1, 1978). Although OSHA later lifted the administrative stay, the judicial stay remains in effect. 44 FR 5438 (January 26, 1979).

Representatives of the textile industry and warehousing and classing industries sought review of the court of appeals decision in the Supreme Court. Except for the wage retention provision, the Supreme Court upheld the standard for the textile industry (yarn manufacturing, slashing and weaving). *American Textile Manufacturers Institute, Inc.* v. *Donovan*, 452 U.S. 490 (1981). Earlier, on October 6, 1980, the Court had granted a petition for writ of certiorari and vacated the decision of the court of appeals with respect to the warehousing and classing segments of the industry. *Cotton Warehouse Association* v. *Marshall*, 449 U.S. 809 (1980). The Supreme Court instructed the court of appeals to reconsider the standard for these industries in light of the Supreme Court's decision in *Industrial Union Department, AFL–CIO* v. *American Petroleum Institute*, 448 U.S. 607 (1980), the benzene decision. On joint motion of the parties, the court of appeals then remanded the record to OSHA for the warehousing and classing segments of the industry. Order of February 3, 1981, in No. 78–1562. On July 29, 1980, OSHA issued an administrative stay of the standard to re-evaluate its applicability to warehousing and classing industries in view of *IUD* v. *API, supra.*

In its most recent action, the D.C. Circuit, at the request of OSHA, ordered that the records in the cases brought by the waste processing and utilization industries, which it had previously stayed, be remanded to the agency for further consideration. Order of March 30, 1982, in No. 78–1784 and consolidated cases Nos. 78–1796, 78–1985, 78–2015, and 78–2017. In addition, the court noted that its prior remand orders for the cottonseed oil, warehousing, and classing industries remain in effect. Finally, the Agency was ordered to provide the court with status reports of proceedings on reconsideration at 120 day intervals. It should be noted that the court retained jurisdiction of the cases and remanded only the record.

A separate standard for the cotton ginning industry (43 FR 27418 (June 23, 1978); 29 CFR 1910.1046) was vacated by the United States Court of Appeals for the Fifth Circuit. *Texas Independent Ginners Association* v. *Marshall*, 630 F.2d 398 (5th Cir. 1980). The court found that the record did not demonstrate a significant risk of adverse health effects as required by the benzene decision. In response to the court's decision, OSHA deleted the cotton ginning standard from the CFR and no further action in this area is required.

The knitting industry never challenged the standard in court. Based on available data, however, OSHA has temporarily stayed the standard for the knitting industry until the current review of the standard and subsequent rulemaking proceedings have been completed. 48 FR 5267 (February 4, 1983).

In view of these court and agency actions, the 1978 cotton dust standard is currently in effect only for the textile industry (except knitting). For all segments of the nontextile industry (except cotton ginning), the 1978 standard has been stayed and the record is before OSHA for reconsideration in light of the benzene decision or for other relevant factors. All the nontextile industry court challenges to the standard have been placed in abeyance pending OSHA's reconsideration. Therefore, OSHA needs to take some action for the nontextile segments of the industry.

In light of these judicial and administrative actions, OSHA published an Advance Notice of Proposed Rulemaking (ANPR) on February 9, 1982 (47 FR 5906). Extensive comments were received in response to the ANPR and will be referenced throughout this discussion. In addition, OSHA contracted with Centaur Associates to

survey the existing published data as well as to conduct a sample survey of textile manufacturing establishments, and to determine, among other things, the feasibility and cost-effectiveness of alternative regulatory approaches. References to this study will also be made throughout this discussion.

The proposed amendments and this discussion build upon the factual and legal base of the standard which was promulgated in 1978. The proposal recognizes certain gaps in the available data and attempts to assimilate current knowledge about industry practices. Much of the newer evidence concerning the health effects of cotton dust exposure and the feasibility of its control is available in large part because of the monitoring and medical surveillance requirements of that standard. This evidence, combined with OSHA's growing experience in enforcing health standards, suggests the need for revisions which will clarify the mandatory requirements of the standard and will provide incentives to take advantage of newer technology as it becomes available.

Permitting companies to use personal protective equipment combined with medical surveillance as an alternative to engineering controls would, in cases where equivalent protection is afforded, comply with OSHA's general preference to issue performance rather than design standards. It is important to emphasize that OSHA's decision to continue to require the textile industry to install feasible engineering controls to reduce exposures to cotton dust in no way represents an alteration of the agency's strong general commitment to performance standards. However, OSHA does not believe that the data compiled in the ATMI and other studies discussed below could in the final analysis support such a performance standard *in this instance*. First, no significant new evidence has been submitted to justify a reversal of the 1978 agency decision to require engineering controls as the primary method of compliance. In addition, the ATMI study was not designed to test the efficacy of a performance standard. Further, the industry itself has shown little interest in a performance standard at this late stage in the process. Moreover, in view of the number of years that have passed since issuance of the 1978 rule and OSHA's estimates that more than three-quarters of the engineering control expenditures have already been incurred, OSHA questions whether it would make any sense to try to develop the record further on this issue. Nevertheless, OSHA believes that performance standards generally are decidedly preferable to design standards and wishes to make it clear that this proposal is a result of the narrow record before its, not reversal of this principle.

II. Occupational Health Implications of Exposure to Cotton Dust

The preamble to the December 28, 1976, proposed standard for exposure to cotton dust (41 FR 56498) presented detailed scientific evidence pertaining to respiratory diseases associated with exposure to cotton dust. A definition of byssinosis and an explanation of the Schilling grading system were presented. Other health effects such as chronic bronchitis, mill fever, weavers' cough and mattress-makers' fever, were also noted. The preamble discussed the importance of the use of standardized medical questionnaires and pulmonary function testing to detect the early stages of respiratory disease. The contribution of smoking to an increased prevalence of byssinosis was also discussed.

The preamble to the 1978 final standard for cotton dust discussed both chronic and acute health effects in light of testimony and evidence presented by the public during the rulemaking process. OSHA concluded that the scientific evidence in the record supports the finding that exposure to cotton dust produces adverse health effects.

Byssinosis is the respiratory disease most commonly associated with exposure to cotton dust. The hallmark of byssinosis is the Monday phenomenon, the cyclic disorder characterized by cough, breathlessness or tightness of the chest experienced on the first day of the work week. The Schilling grading scheme for byssinosis, which is discussed in the 1976 proposal (41 FR 56500), reflects the differences in duration and degree of Monday morning symptoms.

The acute stages of byssinosis are Grades ½ to 2. In the early stages, the most commonly reported symptom is occasional breathlessness or chest tightness on the first day back to work after a period of time away, such as the weekend. This corresponds to Grade ½ in the Schilling classification system. With Grade 1 byssinosis, these symptoms appear every Monday. When these symptoms extend to other days of the week, the worker is classified as having Grade 2 byssinosis. These symptoms may be accompanied by a loss of ventilatory capacity over the work shift as measured by a change in the Forced Expiratory Volume in one second (FEV_1). Some otherwise asymptomatic workers also exhibit a decline in the FEV_1 on their first day back at work. Other changes in pulmonary function such as the Forced Vital Capacity (FVC), the ratio of FEV_1 to the predicted FEV_1, and the ratio of FVC to FEV_1 may also be noted. The chronic, irreversible stage of byssinosis is classified as Grade 3 and is defined as Grade 2 symptoms with evidence of permanent incapacity (loss of lung function).

Although there is general agreement as to the acute health effects associated with exposure to cotton dust, a recent report by the National Research Council (NRC) on byssinosis research has raised the issue of whether chronic pulmonary disease seen in exposed workers is due to exposure to cotton dust or to other factors, such as smoking. (Ex. 177). In 1978, OSHA reviewed most of the studies available to the NRC committee and heard the testimony of experts. The conclusion reached by OSHA was that chronic pulmonary disease is directly related to exposure to cotton dust. The 1978 standard (43 FR 27352) states:

> It was the overwhelming opinion of the medical experts testifying at the hearings that byssinosis can develop into chronic obstructive pulmonary disease which is, in most cases, irreversible and disabling (Ex. 38d, Ex. 11, Ex. 41, Ex. 46).

A similar statement was made in a draft report from the World Health Organization study group on vegetable dust (Ex. 172–42) received by OSHA in April of 1981. In their discussion of byssinosis, they state:

> In its final stages, the disease [byssinosis] cannot be distinguished from chronic obstructive pulmonary disease due to nonoccupational causes, except for the past history of chest tightness characteristically worse at the beginning of the week.

OSHA has reviewed the concerns expressed by the NRC committee and concludes that there is no basis for changing its original conclusion that exposure to cotton dust can result in chronic obstructive pulmonary disease. Indeed, additional evidence not available during the 1978 rulemaking such as the 1981 follow-up study of active and retired textile workers by Beck and his colleagues (Ex. 170–9) supports this conclusion.

III. The Proposed Amendments

A. Scope and Application

OSHA is proposing to amend 29 CFR 1910.1043, to apply to yarn manufacturing and to weaving and slashing operations which process cotton and cotton-synthetic blends. The Agency is proposing to amend 29 CFR

1910.1043 so that it will not apply to dust generated from classing, warehousing, cottonseed processing, knitting operations and waste processing which includes waste recycling (sorting, cleaning, blending and willowing), garnetting, waste spinning, bedding assembly, and upholstered furniture manufacturing. The section 6(a) standard, for cotton dust adopted by OSHA in 1971 (29 CFR 1910.1000 Table Z-1) will still apply, however, to cotton waste processing. The § 1910.1043 standard does not apply to dust generated during the handling of woven materials, nor does it apply to the processing of washed cotton. Maritime, harvesting, and ginning operations are also not covered by this standard. OSHA is proposing to exclude the construction industry sectors from coverage by this standard because OSHA is unaware of any exposure to cotton dust in this industry. Accordingly, OSHA is proposing to repeal § 1910.19(f) of the general industry standards.

In the preamble to the 1976 proposed standard and the preamble to the 1978 final standard, OSHA discussed evidence of adverse health effects in workers exposed to cotton dust. OSHA's finding of risk of adverse health effects in textile workers exposed to cotton dust was based on a substantial body of evidence both quantitative and qualitative in nature. This evidence was discussed at length in the preambles to both the proposed and final standards and will not be repeated here. The work by Merchant and his colleagues (Ex. 6–51) was considerd by OSHA to provide the most reliable basis for the dose-response curve from which the 200 $\mu g/m^3$ PEL for yarn manufacturing and the 750 $\mu g/m^3$ PEL for slashing and weaving were developed. In its decision in *ATMI v. Donovan, supra,* the Supreme Court upheld the lower court's finding that the standard, as it applies to yarn manufacturing and slashing and weaving, was "reasonably necessary and appropriate" within the meaning of Section 3(8) of the Act and that OSHA had demonstrated a materially significant health risk.

In 1979, after the standard was promulgated, Beck and his colleagues conducted a follow-up study of 383 individuals who were participants in a 1973 cross-sectional study of 646 active and retired cotton textile workers. (Ex. 170-9). No cotton dust exposure level information was given. The authors reported that there was a significantly higher prevalence of respiratory symptoms and disability in cotton textile workers as compared to controls. There was a significantly lower lung function in both symptomatic and asymptomatic cotton textile workers as compared to controls. Beck also found that there was a signficantly higher prevalence of respiratory symptoms and lower lung function of retired as compared to active cotton textile workers, and there was an additive effect of smoking and cotton dust exposure on lung function.

In a review of this study (Ex. 175–60) prepared for and submitted by the ATMI, Dr. Kenneth Rothman and his co-workers are critical of the Beck study. They question the method of recruitment of workers for the study, the appropriateness of the comparison population, the use of two different questionnaires for the exposed and unexposed populations, and a number of other aspects of the study.

Despite some shortcomings, OSHA believes that this study is important because it included a follow-up of cotton textile workers and controls subsequent to a cross-sectional survey. Most studies of workers exposed to cotton dust have not followed the workers over time, leaving many unanswered questions about the magnitude and progression of lung disease in exposed workers. Also, most studies have included only active workers rather than workers who have changed jobs or retired. Restricting a study cohort to active workers limits the extent to which the findings can be generalized because of the potential role of workers leaving their jobs as a result of health problems. This selective out-migration has been postulated to result in a cotton textile workforce composed of relatively healthy survivors. This study determined the health status of persons who changed jobs or retired from the cotton mills, enabling better estimation of the health effects of mill work. Also, chronic effects, including disability, rather than acute effects could be surveyed in this group of older persons with long-term exposures to dust.

Another new study, an analysis of the medical surveillance results for over 40,000 cotton textile workers, was prepared after the publication of the 1978 standard (Ex. 175–60). The report written by Dr. Harold Imbus, was prepared for and submitted to OSHA by ATMI. Seven ATMI member companies provided the data from their medical surveillance programs conducted during the period of 1979 to 1981. Imbus reported prevalences of 0.68% for byssinosis and 5.8% for bronchitis. He also indicated that the prevalence of a 10% decline in FEV_1 over the work shift for cotton textile workers was similar to the prevalence in a control group of workers.

In its review of the ATMI report, NIOSH stated: "the basic problem is that this survey is compiled from data gathered for compliance purposes, and is not based on a statistically sound strategy which would be essential for making inferences from the study group to the universe from which the study group came." NIOSH further stated: "this second submission by ATMI, despite its volume, sheds no more light upon the health effects of exposure to cotton dust in the textile industry than did the first submission, and should be disregarded by OSHA in its rulemaking effort." (Ex. 175–56).

Imbus replied to both the specific and general criticisms outlined by NIOSH. (Ex. 175–83). He conceded that the data were not collected in a manner intended for an epidemiological study but rather for compliance purposes, but he pointed out that the information in the report is important because it represents the results of the medical surveillance of a very large number of cotton textile workers.

OSHA agrees that this study makes an important contribution to understanding the current health status of a large number of textile workers. We find the results encouraging with respect to the low prevalence of respiratory symptoms generally associated with exposure to cotton dust. The report supports the conclusion that compliance with the standard, with the present PEL, medical surveillance, and work practice requirements is effective in reducing respiratory symptoms in workers exposed to cotton dust in the textile industry.

While the evidence of significant risk of material health impairment to workers in the textile industries is clear, the evidence in the nontextile industries (cottonseed mills, classing, warehousing, waste processing and knitting) is less clear. OSHA acknowledged this in the section on the scope of the 1978 standard but made a policy decision to include these operations in the cotton dust standard (43 FR 27382). The basis for this decision was that the large body of risk evidence in the textile industry could be used to support the less conclusive evidence in nontextile operations.

In the benzene decision, the Supreme Court stated: "before he can promulgate *any* permanent health or safety standard, the Secretary is required to make a threshold finding that a place of employment is unsafe—in the sense that significant risks are present and can be eliminated or lessened by a change in

practices." 448 U.S. at 642 (emphasis in the original). The Court also stated that the lower court's refusal to uphold the new benzene standard was correct because the new standard was not supported by appropriate findings. In light of the Court's decision and subsequent orders by the D.C. Circuit, OSHA decided to review the existing scientific evidence to determine whether or not a significant risk of adverse health effects exists for workers in the knitting industry and in each of the nontextile industries covered by the 1978 standard. OSHA has also determined that the decision to include any of these industries under the standard will be based on evidence of risk in the particular industry being regulated. The reason for this decision is that the composition of cotton dust varies from one operation to another and, therefore, the presence of the etiological agent, the exact nature of which is unknown, may also vary.

The operations for which health data were reviewed include: warehousing, classing, cottonseed processing, knitting, and waste processing.

A report by Barman (Ex. 56) addressed the possibility of cotton dust associated health hazards in the warehousing industry. Barman studied 70 workers in a single California compress-warehouse operation. None of the workers had byssinosis, and although sixteen workers questioned had respiratory symptoms, the symptoms were not particularly associated with Mondays. There were a number of shortcomings in this study including the failure to use a standardized questionnaire and the lack of dust measurements.

In their comments in response to the February 1982 ANPR, both the National Cotton Council (NCC) (Ex. 175–47) and the Cotton Warehouse Association of America (CWA) (Ex. 175–37) discussed Barman's study, pointing out its shortcomings and arguing that this study does not provide evidence of cotton dust associated respiratory disease. In her discussion of this study, Braver also mentions the shortcomings of the study and concludes: "this study should be considered inconclusive" (Ex. 175–1). The CWA also pointed out that the work is seasonal in nature and that there are no pulverizing, mechanical operations. These are factors which reduce the likelihood of adverse health effects in the operation.

In 1978, NIOSH began a series of industry-wide medical and industrial hygiene studies in an effort to "describe the health and environmental conditions of the 'non-textile' or 'secondary' cotton industry." (Ex. 175–56). Four of the industries presently under the standard (classing, warehousing, cottonseed mills and waste utilization) were included in this study. The report on cotton warehouse workers, "Respiratory Disorders and Dust Exposure in Sectors of the Cotton Industry of the United States, Part 2: Cotton Compress Warehouses," examines the respiratory disease prevalence and cotton dust exposure levels for 512 workers in 18 compress/warehouses. A group of 1218 workers in non-dusty occupations served as the comparison group. The geometric mean dust levels ranged from 0.04 mg/m³ to 0.690 mg/m³ with 92% falling below 0.500 mg/m³.

Matched pair analysis revealed a significant excess of bronchitis in the compress/warehouse workers. For no other symptoms were there significant differences from the comparison group. When changes in pulmonary function (FVC, FEV_1, FEF_{50}%, FEF_{75}%, and peak flow) over the shift were compared to level of cotton dust exposure, the greatest decrements in pulmonary function were seen in workers with the lowest exposures to cotton dust.

There were two factors that make analysis and interpretation of this data difficult. One factor is the differences between the study group and the comparison group, specifically with regard to racial and geographic differences and age. A second factor is the inclusion of workers in the study group who had previously been employed in other cotton operations, most commonly ginning. Removal of these workers would have severely limited the number of compress/warehouse workers available for analysis.

NIOSH stated: "We could not demonstrate in this study a clear relationship of adverse health effects with exposure to cotton dust in this industry." (Ex.175–56). They suggested that overshift decrements in pulmonary functions seen in individuals working in areas where the levels of cotton dust are relatively low, shipping and receiving areas, may be due to exposure to exhaust emissions from idling transport vehicles. NIOSH, therefore, did not recommend an environmental standard for cotton dust in the warehousing segment.

The 1978 rulemaking record contained no direct evidence of risk of adverse health effects in classing operations. This lack of evidence was pointed out by both the American Cotton Shipper's Association and the NCC (Ex. 175–47 and Ex. 175–30). In 1980, OSHA recognized the inadequacy of the evidence of health risk related to cotton dust in the classing and warehousing industries. The Agency requested that the Supreme Court remand the case for classing (and warehousing) operations for reconsideration. OSHA then published a notice in the **Federal Register** suspending enforcement of the standard for classing and warehousing pending "a more extensive review and analysis of the * * * record" (45 FR 50329, July 24, 1980).

OSHA has recently received the NIOSH epidemiological report on classing operations, "Respiratory Disorders and Dust Exposure in Sectors of the Cotton Industry of the United States, Part 4: Cotton Classing Offices." (Ex. 175–56). The study included 609 workers in 13 cotton classification offices operated by the United States Department of Agriculture. The geometric mean dust level was generally below 200 μg/m³.

The study revealed no excess prevalence of byssinosis, bronchitis, or lung function decrement in classing workers. NIOSH concluded: "there is no evidence of adverse health effects in cotton classing office workers." They recommend a future study of this group with a more appropriate control group. Because the cotton found in classing offices is similar to that in textile mills and the manipulation of the cotton is done near the workers' breathing zone, NIOSH recommends the continuation of current dust control programs that have reduced the geometric mean dust levels.

Studies of cottonseed oil workers have been conducted in the United States, Australia and Egypt. Between 1978 and 1980, NIOSH conducted a study of 723 cottonseed oil mill workers, "Respiratory Disorders and Dust Exposure in Sectors of the Cotton Industry of the United States, Part 3: Cottonseed Oil Mills." (Ex. 175–56). Workers in non-dusty occupations provided a control population. In NIOSH's report of this study, matched pair analysis revealed no significant excess prevalence of byssinosis, bronchitis or dysponea in cottonseed oil mill workers when compared to controls. The only significant differences (cough, mean FEV^1 and overshift decrements in FEV^1) were seen in cottonseed workers who were current smokers. No dose-response relationships were demonstrated. The geometric mean dust levels in the plants surveyed ranged fromn 0.22 mg/m³ to 1.46 mg/m³.

In a series of cross-sectional studies of workers in several cottonseed oil mills in the southern United States (Ex. 175–12), Jones and colleagues found a very low prevalence of byssinosis (2.3%) and chronic bronchitis (4.0%). Their

studies indicate that a portion of these workers experienced an acute reaction to exposure to cotton dust, but there was no correlation between these acute effects with dust levels. In Australia, Simpson and Barnes (Ex. 6–70) compared 16 cottonseed delinting workers to 11 unexposed controls. Half of the cottonseed workers experienced lung function declines of 200 ml or more. Dust concentrations were extremely high, ranging from 15 to 37 mg/m³. In Egypt, Noweir and colleagues (Ex. 128K) reported byssinosis prevalences of 19% in cottonseed delinting and 30% in cottonseed handling. In a follow-up study conducted in 1978, the prevalence of byssinosis among 71 workers was zero, but the authors stated that workers with complaints were transferred to other operations.

Both the NCC (Ex. 175–47) and the National Cottonseed Products Association (Ex. 175–38) argued that it was inappropriate to compare cottonseed processing operations in the United States with those in Egypt or Australia. They stated that the foreign operations involved more manual labor, different job functions, and much higher dust levels than those in the U.S.

Some of the commenters to the February 1982 ANPR acknowledged a need for dust control (175–48) or medical surveillance (175–12) in cottonseed operations. The draft report by the World Health Organization (WHO), submitted by two commenters (175–7 and 175–16), tentatively recommends an exposure limit of 1.0 mg/m³ (1000 μg/m³) of respirable dust. NIOSH also recommended a PEL of 1.0 mg/m³ (1000 μg/m³) respirable dust as well as dust control strategies and medical monitoring.

It has been noted by several commenters that none of the available studies provided evidence of significant, long-term adverse health effects in individual workers in cottonseed processing operations that are equivalent to those currently existing in the United States. In addition, Proctor & Gamble (Ex. 175–48) also presented evidence that cottonseed linter dust contains a much smaller concentration of bract, leaf and other trash materials (which presumably contain the etiological agent) than raw cottonseed utilized by the textile industry.

As was the case with classing operations, OSHA had no direct evidence of adverse health effects associated with exposure to cotton dust in the knitting industry when the 1978 standard was promulgated. In November 1980, representatives of the knitting industry submitted a petition to OSHA asking for a stay of enforcement and a review of the standard as it applied to their industry. A stay of enforcement was granted and subsequently the petitioners supplied OSHA with a report which relates to the health of workers in the knitting industry (Ex. 183). This report by Boehlecke and Battigelli of the University of North Carolina was an analysis of pulmonary function data of 2287 workers employed by 6 knitwear and 6 hosiery manufacturers. The authors reported no evidence of any chronic effect on pulmonary function associated with exposure to cotton dust in the knitting operation. Reported cotton dust levels were less than 500 μg/m³.

At OSHA's request, NIOSH reviewd this study. Although NIOSH cautions that there may have been a "strong selection bias in the selection of workers in the study population" they did not disagree with the basic finding of this study, i.e., that there was "no clear and convincing evidence that * * * [these] workers * * * were subject to adverse health effects due to occupational exposure. "(Ex. 182–20).

Following OSHA's review of both the results of the study of knitting workers and NIOSH's comments on the study, the Agency published a notice in the **Federal Register** extending the stay of enforcement of the standard for the knitting industry until the current review of the standard has been completed and a new final standard has been published. (48 FR 5287).

OSHA also has information relating to the health of workers in the cotton waste recycling industry (called waste utilization by NIOSH). This industry includes the initial operations required to prepare cotton waste for other manufacturing processes. The operations include: blending, cleaning, willowing, and sorting. Some of the health information was available during the earlier rulemaking proceding. A new study from NIOSH, however, has become available since the close of that rulemaking. "Characterization of Byssinosis and Other Pulmonary Abnormalities in the Cotton Waste Utilization Industry." (Ex. 175–56). In 1978 and 1979, NIOSH examined 260 workers in 13 cotton waste utilization plants in the Southeastern United States. A group of 292 blue collar workers employed in non-dusty occupations served as the control group. NIOSH found no significant increase in the prevalence of byssinosis in the cotton waste workers when they were compared to the control group. They did find a significant increase in the prevalence of bronchitis in exposed workers employed in the waste industry for less than two years. This increase was most striking in nonsmoking workers who had been employed for less than two years. In addition, they found that decreases in pulmonary function in some exposed workers appeared to be related to the particular plant in which the individual was employed. No dose-response relationship was demonstrated by this study. The geometric mean dust concentrations for many of the plants were around 0.5 mg/m³.

In her review of the study, Braver (Ex. 175–1) indicated that, in her opinion, "the most important finding was the significantly increased risk of bronchitis in cotton waste workers compared to the controls."

The National Cotton Council (Ex. 175–47) submitted two critical reviews of the NIOSH study as an attachment to its earlier comments. These reviews note that no evidence of excess prevalence of byssinosis was seen in the workers. The NCC also said that an association between cotton dust exposure and chronic bronchitis in workers with less than two years of experience could not be made because "chronic bronchitis' is universally defined as chronic only when persisting for at least two years, so it must have pre-existed the work with cotton-related materials."

Following the submission of their report to OSHA, NIOSH reanalyzed its data using a modified comparison group which included only workers from the same geographical area (North and South Carolina, Georgia, Florida, and Alabama) as the waste cotton workers. An addendum was added to the original study which reports the results of the reanalysis of the data with the modified control group. (Exhibit 175–56). NIOSH reported a significant increase in the prevalence of bronchitis in workers (both smokers and nonsmokers) who had worked in the waste cotton industry for more than two years and in nonsmokers with less than two years in the industry. In addition, workers with less than two years in the waste cotton industry had a significantly greater prevalence of bronchitis than workers with more than two years. There was significant increase in the prevalence of overshift decrements of FEV_1 greater than 10% in workers with greater than two years service, and there was also a significant increase in the prevalence of overshift decrements of FEV_1 greater than 5% in waste cotton workers compared to controls matched in age and smoking. NIOSH found no significant increase in the prevalence of byssinosis or workers with an FEV_1 of less than 80% of the predicted value.

In an earlier study, Chinn and co-workers (Ex. 99f) studied willowing mills in the United Kingdom. They found a 53% prevalence of bronchitis, and a 5% prevalence of byssinosis, all with Grade 1/2. Symptom prevalence in controls was not reported. It should be noted that willowing operations are often extremely dusty, and in this study average dust levels in the workers breathing zone were 108 mg/m³.

Dingwall-Fordyce and O'Sullivan (Ex. 6–72) reported the result of a 1950 study of older workers in the waste recycling industry in the United Kingdom. These workers were processing both hard and soft cotton wastes for spinning waste cotton yarn. The study population consisted of 140 men over the age of 35 who worked with hard and soft cotton waste which were mixed with raw cotton. The investigators reported a 30% prevalence of byssinosis, including a 5% prevalence of disabling byssinosis. The authors gave no control values and there were no dust measurements reported. In commenting on this study the NCC (Ex. 175–47) indicated that "the preponderance of manual operations * * *, the use of 'raw cotton' * * *, and the high proportion of plant trash (since the cotton had not been cleaned at the gin)" made the study's findings "not surprising."

Cleaned cotton waste is further processed for use in manufactured products including yarn for mops, and batting for mattresses and upholstered furniture. The evidence concerning the health risks to workers in these industries is confined to garnetting (the manufacture of batting) and mattress-making.

Information in the record includes a study of six Australian garnetting plants (Ex. 6–71). In this study, Simpson obtained pre-shift and post-shift FEV_1 values for 26 workers. Eight workers were found to have post-shift FEV_1 declines greater than 200 ml. Dust levels were fairly high and ranged from 6 mg/m³ to 21 mg/m³ depending on the plant and job category.

Following publication of the final standard, NIOSH completed a health hazard evaluation of a garnetting and mattress-making operation. OSHA received a request for an administrative stay of the standard from the National Cotton Batting Institute and the Textile Fibers and By-products Association based on the findings in this report. The stay was granted pending review of the study, and a notice was published in the Federal Register (43 FR 39088).

In this health hazard evaluation, NIOSH investigators examined a garnetting and mattress making company in 1973 (Ex. 38f) and again in 1977 (Ex. 188–X). No comparison group was included in the studies. In 1973, the bronchitis prevalence was 59%, and the byssinosis prevalence was 11.8%. The percentage of workers with a post-shift decline in FEV, of 5% or more was 20.6%. In 1977, the bronchitis prevalence was still somewhat high at 34%, but the byssinosis prevalence had dropped to 1.9%. Because of several limitations in the study, including the small sample size, the lack of controls and the use of respirators, NIOSH stated that "no firm conclusions can be drawn from this study and no generalizations to this segment of the cotton industry should be attempted." In its review of the health hazard evaluations, OSHA took the position that the data in the record had been adequate to demonstrate that a health risk to workers existed in the waste industry, and its review asked the question whether the NIOSH report was adequate to reverse those earlier decisions on risk. (43 FR 39088).

When the administrative stay for the waste cotton industry was terminated (the judicial stay has remained in effect), OSHA stated that the evidence in this survey is "compatible with other non-textile studies which indicate the presence of adverse health effects upon exposure to cotton dust * * *" and that the report "* * * and the comments submitted provide no basis for permanently suspending the standard with respect to the waste industries * * *" (44 FR 5440).

As stated earlier, OSHA's previous decision to include knitting and the nontextile industries under the cotton dust standard (1910.1043) was based primarily on a reliance upon the strong evidence of health risk to workers in the textile industry and was supported by additional health studies in the affected industries. In its current review, OSHA has chosen to re-examine the health risk data on an industry-by-industry basis and to determine whether the data meets the test of significant risk as defined in the benzene decision.

The Agency has thoroughly reviewed record evidence of adverse health effects for workers exposed to cotton dust in the nontextile industries for evidence of significant risk as discussed in the Supreme Court's benzene decision. Additions to the record were developed in response to a series of judicial and administrative reviews. In addition, OSHA has reviewed a report analyzing pulmonary function data for workers in the knitting industry and four extensive epidemiological studies of workers in the classing, warehousing, cottonseed and waste recycling (waste utilization) industries. OSHA concludes that workers in the knitting, classing, warehousing, cottonseed processing, and waste processing industries appear to have no significant risk of impaired health as a result of their exposure to cotton dust. Based upon this conclusion, OSHA proposes to exclude these industries from coverage by the § 1910.1043 standard.

OSHA is proposing to delete from the standard, paragraph (a)(3) which discusses the various provisions. The requirements specified by paragraph (a)(3) are also found in Section 6(d) of the Act, so it is unnecessary to include that language in the standard.

B. The 1910.1000 Standard for Cotton Dust

As discussed above, the 1978 cotton dust standard has never gone into effect for any of the nontextile industries. It has been OSHA's position, however, and the case law indicates, that the 1971 standard (29 CFR 1910.1000 Table Z–1) which adpoted pursuant to section 6(a) of the Act, covers the nontextile segments. The 1971 standard would, therefore, remain in effect for the nontextile segments unless OSHA revokes the standard for nontextile industries.

Based upon the present record, OSHA proposed to exclude the classing, warehousing, cottonseed processing and knitting industries from coverage by § 1910.1000 Table Z–1. OSHA believes that since there is evidence of safe working conditions in the classing, warehousing and knitting industries, it will better effectuate the purposes of the Act to exclude those industries from coverage. Resources spent protecting employees under the existing standard would be better spent on health and safety in other areas.

The health risk to workers in the cottonseed processing industry has been investigated. The most recent study by NIOSH, available after the issuance of the 1978 standard, indicates no excess risk of byssinosis, bronchitis or dyspnea. Moreover, in the foreign health studies, working conditions and dust exposures may not have been analogous to American working conditions and the risks not comparable. In addition, the industry is not in compliance with the 1 mg/m³ (1000 $\mu g/m^3$) total dust standard. The D.C. Circuit vacated the 1978 standard (500 $\mu g/m^3$ respirable dust) as it applied to cottonseed processing because OSHA failed to demonstrate that the standard was economically feasible. OSHA estimates that the 1 mg/m³ total dust standard will be more difficult to meet than the 500 $\mu g/m^3$ respirable dust limit. Therefore, there is a serious question as to whether this 1

mg/m³ standard is economically feasible. Data evaluated by OSHA indicates that both the 1 mg/m³ (total) and the 500 μg/m³ (respirable) limits would cause severe economic disruption in these industries. It would better effectuate the purposes of the Act to eliminate very large expenditures to reduce exposure where there is only ambiguous evidence of health risk. OSHA requests, however, comments on alternative approaches to protecting worker health in the cottonseed processing industry which would be economically feasible.

Based on the available health data, OSHA proposes to continue coverage of waste processing industries under 1910.1000. Although there is insufficient evidence upon which to base a finding of significant risk, there is an indication that workers in these industries do suffer some adverse health effects. These adverse health effects have been reported waste recycling (Exhibits 175–56; 6–72; 99f), garnetting (Exhibits 6–71; 38f; and 188–x), and bedding assembly (Exhibits 387 and 188–x). Therefore, eliminating the 1910.1000 coverage for this nontextile sector cannot be justified.

C. Definitions

(1) *"Cotton Dust"*. In the ANPR (47 FR 5907), OSHA raised the issue of whether the term "cotton dust" could be more narrowly defined. Very few comments were received in response to this issue. Some of the comments received suggested exclusion of "non-cotton" materials such as oil mist and/or mineral dusts. The National Cotton Council (NCC) (Ex. 175–47) suggested that the definition exclude "non-cotton dust" materials such as oil mist, mineral dust from humidifier systems, and synthetic fiber dust.

In the 1978 standard, "cotton dust" is defined as dust present in the atmosphere during the handling or processing of cotton. It may contain a mixture of many substances, including ground up plant matter, fiber, bacteria, fungi, soil, pesticides, non-cotton plant matter, and other contaminants which may have accumulated with the cotton during the growing, harvesting, and subsequent processing or storage periods. The present definition does not exclude oil mist, mineral dust and other miscellaneous contaminants which are measured together, with raw cotton dust. However, as stated in OSHA's ANPR (47 FR 5907), this issue is complex because the health data used to set the permissible exposure limit are based on studies in which the "cotton dust" measurements contained these components.

OSHA has reviewed all comments and has concluded that additional information is needed to evaluate this issue. No specific change in the definition of cotton dust has been proposed. This issue is open for discussion and comment during the public hearing period, and OSHA solicits additional information concerning the potential health consequences of more narrowly defining the term "cotton dust," as well as the legal and compliance ramifications of changes in this definition.

(2) *"Washed Cotton"*. Merchant's "washed cotton" study (Ex. 38d) for respiratory disease among cotton textile workers published in 1973 focused attention upon the preprocessing of cotton through water washing, steaming, heat treatment or the use of solvents to remove or neutralize the components of cotton dust which cause byssionosis. The study presented evidence that cotton washed to medical specifications does not cause symptoms of byssinosis such as loss in FEV or chest tightness in breathing. Accordingly, the 1978 standard exempted such cotton from coverage. The 1978 standard also exempted cotton which had been dyed in a hot water process. At that time, research had not established that other treatments would yield harmless cotton.

Since 1978, continuing research indicates that other washing treatments may also yield cotton which produces no adverse health effects while maintaining processing qualities acceptable for textile manufacturing. The joint industry government and labor task force investigating cotton washing methods has not, however, completed its work at the time that this proposal is being made. It is, therefore, not possible to set down specifications for alternative washing processes in this proposal.

OSHA encourages the development of cost-effective washing alternatives and believes that it is in the interests of the Agency, cotton-using industries and exposed workers to make available such methods without delay. When evidence of one or more alternative washing processes has been presented to OSHA, the Agency will conduct an expedited rulemaking to include such specifications in the standard. Should such evidence be presented during the public comment period, it will be considered for inclusion in the final standard.

The Pre-existing terminology of "washed", "purified" and "dyed" cotton has proved to be vague and somewhat confusing. Accordingly, OSHA proposes to amend the language defining "washed cotton" and "purified and dyed" cotton. These amendments make explicit the understandings which were left unwritten in the 1978 standard, but which have been the basis for washed cotton research since that time.

The definition of "washed" is restated to include specifically one of the cleaning processes enumerated in Merchant's study. (Ex. 38(d) p. 271–300). Thus, "washed cotton" will refer primarily to fiber which has been processed in a certain way and which has been shown to elicit a specific, known range of respiratory responses.

Although the specifications of the washing process are strict and detailed and do not yield cotton which could be used in textile manufacturing, the definition is included so as to provide a reference point in the body of the standard for the use of researchers. It is the level of human respiratory response that is crucial in this definition, although other parameters such as chemical or microbiological characteristics of this type of washed cotton may be of use to those investigating alternative preprocessing methods. In either case, specifications for washing are intended to assist and to encourage research.

The term "purified or dyed" cotton appears in the 1978 standard, but it was not defined. There appears to be no commonly accepted definition and accordingly, the intention of the 1978 standard has been restated in clearer terms. OSHA proposes to consider cotton yarn or thread which has been scoured in a caustic bath and dyed in a hot, water-based solution to be the equivalent of washed cotton. The processes closely resemble the processes used in the production of washed cotton, and thus, they are expected to yield cotton which produces no adverse acute reactions.

D. Environmental Monitoring—"Area" Defined

The 1978 standard relies upon area sampling to determine individual dust exposure levels. It also refers to the term "area" for evacuation during blow down (§ 1910.1043(g)(1)). At the time the standard was proposed, available data had been generated almost exclusively for scientific studies. Several years experience with routine industrial hygiene dust monitoring under the 1978 standard indicates widespread divergence in both placement of vertical elutriators and reporting practices for area sampling. In their comments to the ANPR, both the North Carolina Department of Labor (Ex. 175–8) and the Brown Lung Association (Ex. 175–43) have questioned the validity of some

monitoring data. They observe that some employers are averaging all dust levels measured in a workroom without reference to significant variations among discrete portions of the room, even though this can produce very inaccurate representations of employee exposure. Other employers designate areas for monitoring in terms of air conditioning systems, supervisory zones, groups of machines tended by one worker, or square footage. OSHA and state compliance files confirm that the textile industry and its consultants have not developed a consensus concerning appropriate monitoring under the standard. OSHA itself has set no guidelines upon which employers may rely.

Proposed changes in the standard sharpen the focus upon reliable monitoring. Where the wearing of respirators for only a part of the workshift is required, relying on data gathered from an inappropriate monitoring area may result in the use of respirators for too short a period of time. Proposed use of action levels to reduce medical surveillance and training requirements heightens the need for reliable monitoring data. In addition, the use of more sophisticated engineering controls and monitoring devices may affect the size and character of appropriate monitoring units.

With these considerations in mind, although not proposing specific language changes, OSHA asks for comments concerning both the need to define or standardize the area monitoring requirement and the need to define an appropriate area for monitoring. Since the term "area" is also used to determine which employees must be evacuated during blow down operations (§ 1910.1043(g)(1)), comments may need to refer also to the extent to which a single dust source will affect the environment.

E. Action Levels

The Advance Notice (47 FR 5907) raised the issue of whether an action level should be incorporated into the cotton dust standard. An action level is an exposure level below the permissible exposure limit, above which some provisions of the standard begin to apply and below which few or no provisions of the standard apply.

The 1978 cotton dust standard does not include an action level. Additional engineering controls and respirators are required only if exposures exceed the permissible exposure limit, but in general, the other provisions of the standards are required if any cotton dust is present. One advantage of an action level is that it encourages employers, where it is feasible, to lower exposures below the PEL, thereby increasing health protection. In addition, as a result of an action level, the cost and burden of the industrial hygiene provisions of the standard may be substantially reduced. Those employers who can devise innovative ways to reduce exposures below the action level to increase employee protection will save costs by being relieved of many of the industrial hygiene provisions. An action level results, therefore, in increased flexibility, performance orientation and cost-effectiveness of the standard.

A potential disadvantage of an action level in a toxic substance regulation is that some industrial hygiene provisions, such as medical monitoring, may provide some additional protection to employees exposed under the action level. Neither the premable to the proposed cotton dust standard of 1976 nor the preamble to the final standard of 1978 specifically discuss the reasons for not recommending or including an action level. The potential advantages of the action level concept had not been widely noted, however, until after the time of the 1974 NIOSH Criteria Document. Subsequently, OSHA proposed and adopted the action level for a number of toxic substances including those for which scientific knowledge does not permit the determinations of safe levels. (See for example, inorganic arsentic, § 1910.1018(b); vinly chloride § 1910.1017(b); and acrylonitrile, § 1910.1045(b)).

A number of comments were received in response to the issue of an action level raised in the ANPR. The ATMI supported the incorporation of an action level on the basis that "it helps avoid imposition of regulatory requirements that do not respond to a legitimate health need, and it tends to make the requirements of the standards more cost-effective overall." (Ex. 175–41, p. 12). The ATMI indicated that even at exposures below the action level it would be appropriate to have medical surveillance at a reduced frequency, initial training, and a respirator requirement during blow down.

The North Carolina Department of Labor (NCDOL) stated that an action level may be appropriate and that it would be less burdensome to employers. The NCDOL indicated, however, that OSHA should examine whether exposures below an action level could result in material impairment to health. (Ex. 179 p. 9). The Northern Textile Association (NTA) also supported the creation of an action level. They stated it would improve worker health because it would provide financial incentives to employers to reduce exposures to substantially below the PEL. The NTA added that since the amount of cotton in many blended fabric operations is small, the action level would protect worker health while reducing the burden of regulation. (Ex. 175–34, p. 8). A number of other commenters supported the concept.

Several comments opposed incorporation of an action level. NIOSH stated that based on the Merchant data, there was still a quantifiable risk of byssinosis at 100 $\mu g/m^3$ in the yarn sector. Therefore, NIOSH believes no action level should be set. (Ex. 175–56, p. 6). The Amalgamated Clothing and Textile Workers Union (ACTWU) also opposed incorporation of an action level because it believed that there would be a remaining risk at 100 $\mu g/m^3$ in yarn and 375 $\mu g/m^3$ in slashing and weaving. They argued that an action level is grounded on the notion of setting a margin of safety below the threshold of hazardous exposures. They believe it would be improper to eliminate medical surveillance and monitoring at levels associated with byssinosis.

The OSHA Committee of the Brown Lung Association opposed an action level on the basis that they believe the data still showed that cotton dust was a non-threshold hazard and that exposures below 200 $\mu g/m^3$ have not existed long enough to conclude that health problems do not exist below that level. They also questioned whether monitoring had been carried out with enough care to have confidence in low measurements. They stated that "workers in areas of a plant where dust is not well or consistently controlled need the full protection of the cotton dust standard, whether or not dust levels in other areas of their plant are below an action level." (Ex. 175–43, p. 13).

OSHA has carefully reviewed the comments submitted in response to the Advance Notice and OSHA's prior experience with action levels. Based on this review OSHA is proposing to include an action level in the cotton dust standard. OSHA believes there are several major advantages for the concept. First, it will improve employee health by encouraging employers who can reasonably do so to lower exposure from the PEL to below the action level. These lower exposures are likely to improve employee health. In some cases, the action level increases the safety factor, while in other cases, it results in a lower adverse health response rate for workers exposed below the action level. This health

benefit of lower exposures is likely to outweigh any consequences resulting from the reduction of industrial hygiene provisions.

Second, OSHA believes the action level will substantially increase the cost-effectiveness of the standard. Employers who are in positions to devise ways to reduce exposures of their employees will be able to realize substantial cost savings from the elimination of some industrial hygiene provisions while improving the health of their employees. The action level improves the flexibility and performance orientation of the standard by giving the employer a greater choice in adjusting compliance responsibilities to the specific factors present in the workplace while still maintaining health protection. In addition, some employers have very low levels of cotton dust present in relation to the PEL. For a substance as ubiquitous as cotton dust, it does not appear appropriate to require of these employers as detailed an industrial hygiene program as is appropriate when more significant levels of cotton dust are present.

Third, OSHA has had successful experience with an action level provision for a number of other toxic substances, including non-threshold substances. In each case the provision was included based on full analysis of the record and the provision has proven successful in practice.

As discussed below, OSHA is proposing that employers below the action level be required to maintain medical surveillance at a reduced frequency and a few industrial hygiene provisions. This, OSHA believes, will respond to the concerns of those who have opposed the action level. The medical surveillance will detect those employees who show symptoms of byssinosis even at very low exposure levels and will permit action to be taken to eliminate those symptom before they become more serious.

In addition, the action level as proposed responds to the concern of the Brown Lung Association. The reduction of industrial hygiene responsibilities applies only to areas where dust exposures are under the action levels. If dust levels in a part of a plant are over the action level, the full standard will apply to workers whose TWA exposures are above the action level.

The exposure level proposed for the action level is one-half of the permissible exposure limit. This is 100 $\mu g/m^3$ for yarn production and 375 $\mu g/m^3$ for slashing and weaving. Some statistical analyses relevant to setting the relationship between the PEL and action level is discussed in the Proposed Standard for Trichlorethylene (40 FR 49032, Oct. 20, 1975) and in Leidel, *et al.*, "Exposure Measurement Action Level and Occupational Environmental Variability." (NIOSH, 1975). This analysis is based on the average exposure needed to give a high degree of confidence that a specified level will rarely be exceeded despite normal fluctuations in exposure. OSHA is proposing an action level at one-half the PEL, however, principally because of its prior experience. This is the level which OSHA has generally set for an action level, except for lead which was set at 60% of the PEL. This level appears to be a reasonable cut-off for reducing industrial hygiene requirements, encouraging lower exposures and improving cost-effectivness.

To incorporate the action level into the cotton dust standard, a number of specific amendments are proposed to 29 CFR 1910.1043. New paragraphs are added to paragraph (c) defining action level as 100 $\mu g/m^3$ for yarn production and 375 $\mu g/m^3$ for slashing and weaving for the reasons just explained.

It is proposed to amend paragraph (d) as discussed further below to eliminate periodical monitoring when exposures are below the action level. There must be two consecutive monitorings below the action level within a reasonable period to assure that exposures are, in fact, below the action level and that random variation would not create exposure approaching the PEL on a significant number of days. Monitoring for cotton dust with the vertical elutriator requires a major expenditure of time by trained industrial hygienists and technicians. When exposures are below the action level, industrial hygiene expertise can be better utilized in improving employee health and safety in other ways. In addition, monitoring with the vertical elutriator is expensive for employers, and eliminating the provision when not needed will improve the cost-effectivenss of the standard. The employer is required to remonitor when production or process changes may result in increased exposure. This will protect employees by requiring employers to institute appropriate industrial hygiene provisions if exposures increase.

Though not formally part of the action level provision, but coordinated with it, is a proposal to eliminate the provision of paragraph (e) requiring a compliance plan when exposures are under the PEL and to modify the provision in paragraph (e)(4) requiring inspections of mechanical ventilation. These provisions are discussed below. Along with the other action level provisions, they will increase the cost-effectiveness of the standard without compromising occupational health.

OSHA proposes to amend paragraph (g)(4) by eliminating the requirement to stack and handle cotton and cotton waste by mechanical means when exposures are below the action level. If employers have kept exposures to levels well under the PEL, it is inappropriate to require elaborate provisons for mechanical handling which are not necessary for keeping exposures low. The employer must monitor the area carefully to be assured that the employees engaged in manual handling are not exposed over the action level. OSHA is not proposing to eliminate the other provisions of paragraph (g) except paragraph (g)(5) when exposures are below the action level, because they are routine work practices which will prevent sporadic, high-peak exposures which might not be detected by a period 8 hour area sample. Paragraph (g)(5) is duplicative of (e)(4) and it is proposed to eliminate it as redundant.

It is proposed to amend paragraph (h), to reduce the frequency of periodic medical examinations for employees exposed below the action level to once every two years instead of annually. There will be a relatively low rate of adverse symptoms for employees exposed below the action level and biennial examination will be frequent enough to detect such symptoms in time to take action to reverse them and to prevent any chronic symptoms from developing. Such changes will also decrease costs for employers who reduce exposure below the action level, thereby increasing the cost effectiveness of the standard. The American Textile Manufacturers Institute specifically recommended the changes for this reason. By having biennial examinations for employees exposed below the action level, the concerns of the ACTWU, NIOSH and the Brown Lung Association should be greatly reduced. Developing symptoms which may occur even at low levels will be caught in time to be reversed .

OSHA proposes to eliminate annual training under paragraph (i) for employees exposed below the action level. An employer who succeeds in keeping exposures below the action level is likely to have a good control program which is providing protection for employees. After initial training to inform the employee of the hazards of cotton dust, it would not seem necessary to mandate detailed requirements in this area since the low levels are evidence that the employer's program is successful.

F. Exposure Monitoring and Measurement

(1) *Methods of exposure measurement.* The proposal, like the 1978 standard, relies heavily upon routine monitoring of the workplace in which cotton dust is present to identify those areas where exposure levels may require employer action. The Lumsden and Lynch vertical elutriator, which has a theoretical particle size cut-off of about 15 micrometers, is the standard sampling device. Although the vertical elutriator has been shown to capture larger particles, to have a rather high coefficient of variation, and to have the problems discussed in the 1976 proposal (42 FR 56505), it remains the reference instrument because it was the sampling device used by Merchant and others in the epidemiological studies which established the dose-response curve and which served as the basis of the 1978 standard. In addition, most employers have compiled a body of monitoring data using the vertical elutriator since the promulgation of 29 CFR 1910.1043 and this data serves as the base point for dust control planning within the textile industry.

Since Merchant's studies were completed in the early 1970's, new dust measurement devices have come onto the market and others may be developed. These devices incoroprate more sophisticated technologies such as light scattering, beta ray absorption, and quartz crystals frequency difference. While the 1978 standard accepts alternative measuring devices provided they are demonstrated to be equivalent to the vertical elutriator, the parameters for determining that equivalency are vague and may not meet accepted statistical principles. Having recognized the difficultues in demonstrating equivalency between the vertical elutriator and alternative instruments as required by the present standard, OSHA has contracted with statisticans affiliated with the Georgia Institute of Technology and the University of Pittsburgh to design equivalency testing protocols. The completion of this study is expected by August 1, 1983. Although this proposal makes no changes in the requirements for equivalent sampling devices at this time, OSHA does seek to remove barriers to technological advance and anticipates that the equivalency protocols developed by this study will reduce the burden upon employers while providing the same protection to employees. Upon the completion of the study, it will be placed in the OSHA cotton dust docket for public comment. OSHA is soliciting comments and evidence relevant to alternative measuring devices which may lead to improvements to the standard in this area.

(2) *Frequency of Exposure Monitoring.* The present cotton dust standard requires an initial determination of the representative exposure of all employees to airborne concentrations of lint-free respirable cotton dust over an eight-hour period. (29 CFR 1910.1043(d)). The monitoring sample must include at least one determination during each shift for each work area. In addition, these measurements must be repeated every six months regardless of exposure levels and whenever there is any change in production, process or control which might result in an increase in employee exposure. These requirements were derived from the comments to the 1976 proposal and the 1974 recommendations of NIOSH for a new cotton dust standard. The NIOSH criteria document recommended semiannual monitoring of all areas of potential exposure to cotton dust and monthly monitoring of areas where concentrations exceeded the environmental limit. In the February 9, 1982 ANPR, OSHA requested specific input concerning both the need for multishift monitoring and the necessary frequency of monitoring. A variety of comments were submitted by interested parties in response to the questions.

The North Carolina Department of Labor (Ex. 175–80) stated that in its compliance activities, substantial differences have been noticed in monitoring results for a single position on various work shifts. These differences were related to variations in production quantity, scheduling, and employee work-habits. Because of the observed differences, the NCDOL supports the requirement of sampling on all shifts.

In their comments, the ATMI stated: "For some operations, such multishifting monitoring is justifiable, since experience has shown that exposure measurements may vary somewhat from shift to shift." (Ex. 175–41 p. 21). However, the ATMI also believes that the exposure variations from shift to shift is negligible in many operations and that in those instances, multishift monitoring is unnecessary.

ATMI submitted supplemental comments to the ANPR including a statistical analysis by Dr. Suh of Burlington Industries of survey data gathered by ATMI. The purpose of this analysis was to provide a method which uses a known single shift average to predict, with a specified degree of confidence, the "true-day average" of all three shifts. The method proposed, however, would not identify all shifts where exposure in fact exceeded the PEL. Conceivably, an overall "true-day average" estimated to be below the PEL could mask a single shift average which is actually above it. The study leaves unanswered significant questions concerning the procedures used and the assumptions relied upon. The most important involves the representative characteristics of the fifty firms which supplied data. Potential differences in variability between plants is not addressed. In addition, there are serious questions concerning the pooling of variances across dust levels and work areas in cases where there are wide diffences in coefficient of variation values. This report must be considered as inconclusive until further explanations are available.

In view of the above uncertainties on shift-to-shift variability, OSHA is not proposing to amend provisions requiring monitoring of all shifts. OSHA is, however, opening the issue of whether monitoring on all shifts should continue and requests comments on this issue.

Several comments were submitted concerning the frequency of monitoring in workplaces with different exposure levels. ATMI, in its comments stated: "* * * requiring that monitoring be performed with the same frequency in workplaces that are far below the PEL as in workplaces that exceed the PEL is an unjustified burden." (Ex. 175–41). ATMI suggested that OSHA follow the approach adopted for other health standards: varing the frequency with which it monitors various work areas depending on the dust exposure in those particular areas. ATMI recommended annual monitoring for exposure above the action level but below the PEL. Where exposure exceeds the PEL, ATMI said that periodic monitoring (every six months) may be justifiable. Furthermore, ATMI commented that where exposures are below the action level in two successive measurements, no further monitoring should be required unless there is a change in the work process or control which would result in new or additional cotton dust exposure.

Spring Mills commented that presently dust level monitoring is required too frequently. It suggested eliminating monitoring for areas found to be consistently below the action level. (Ex. 175–35). Baxter/Kelly Corp. supports annual monitoring. (Ex. 175–24). Two other commenters supported the present monitoring interval of six months. (Ex. 175–31, Ex. 175–6).

NCDOL commented that all exposed workers should undergo an initial monitoring of exposure to cotton dust. Subsequent monitoring should be done

less frequently than annually if employee exposure is below the action level or PEL. On the other hand, NCDOL is in favor of monitoring every six months if employee exposure is above the action level or PEL. (Ex. 175–80).

OSHA has considered the comments received on the issue of monitoring frequency and proposes to amend 29 CFR 1910.1043(d) to change the monitoring requirements in several respects. First, if within one year, two monitoring tests reveal exposure levels at or below the action level, further testing need not be repeated unless there has been a production, process, or control change which may result in new or additional exposure, or the employer has reason to suspect an increase in employee exposure. Second, if monitoring tests reveal exposure levels above the action level but below the PEL, the employer shall repeat the monitoring for the exposed employees at least annually. Third, if monitoring reveals employee exposure above the PEL, the employer shall repeat the monitoring at least every six months as is currently the case. The initial monitoring provision and production change section of the standard remain virtually unchanged.

There are several reasons for the proposed changes. As discussed in the comments, it is an unnecessary burden to require employers regularly to monitor workplaces where dust exposure is below the action level. Use of the vertical elutriator is a cumbersome and time consuming procedure. It would be counterproductive from the standpoint of employee health and employer compliance to require an industrial hygienist to spend valuable time on this task which will reveal data, likely already known, that exposures are low. When exposures are below the action level, random variation is unlikely to raise exposures above the PEL even on individual days. The provision requiring remonitoring when processes change will assure that possible increases in exposure levels will be caught if they occur so that precaution can be taken.

For those areas where exposures are below the PEL but above the action level, changing to yearly monitoring is appropriate. Exposure below the PEL is being achieved so that employees are receiving required protection. Yearly remonitoring will catch possible increases from minor changes in operations. The reduction in frequency will increase cost effectiveness and permit industrial hygienists to spend more time on other important health and safety tasks.

OSHA is not proposing to change monitoring frequency when exposures are over the PEL. It is necessary to continue monitoring every 6 months to assure that an appropriate respirator program is in effect and that changes in controls to reduce exposure to required levels can be properly evaluated.

G. Use of Respirators

Respirators are used to protect employees when engineering and work practice controls cannot reduce exposures to below the PEL. They are a viable form of protection if properly selected, fitted, worn, and promptly replaced by employees.

Since the publication of the 1978 cotton dust standard, some "single use" respirators have been retested by NIOSH and approved as respirators with "replaceable" filters. There is however, no significant changes in the construction and performance of these respirators. A quarter mask respirator does not necessarily provide lower protection factors than a half-mask respirator and they should be classified in the same category. The use of self-contained breathing apparatus (SCBA) in atmosphere where only an air-purifying respirator is needed is impractical and should be deleted. The use of combination supplied air respirators and escape SCBA is applicable only under atmosphere which is immediately dangerous to life or health; therefore, it is not appropriate for cotton dust. Accordingly, OSHA is proposing to rename "single use" respirators as "disposable" respirators. Other respirators such as SCBA and combination supplied air and escape SCBA have been deleted as *required* respirators. In addition, a footnote is added in the standard to clarify that respirators permitted at higher environmental concentrations can be used at lower concentrations.

H. Wage Retention

The job transfer and wage retention provision of the 1978 standard is found at 29 CFR 1910.1043(f)(2)(v). It provides that whenever a physician determines that an employee is unable to wear any type of respirator, the employee shall have the opportunity to transfer to another job, if one is available, which involves exposure to cotton dust levels below the permissible exposure limit. In addition, this regulation, as originally issued, required employers to assure that transferred employees would not suffer a loss of earnings, other employment rights or benefits. This latter part of the paragraph is referred to as the "wage retention provision".

The Supreme Court, in *ATMI* v. *Donovan, supra*, struck down the wage retention provision of the regulation as promulgated. (The job transfer provision remains in effect.) The Court held, *inter alia*, that OSHA failed to provide a sufficient rationale for the wage retention provision because it did not explain how the provision was related to the achievement of a safe and healthful work environment. *Id.*, at 537–538. The Court did not decide the issue of whether OSHA had the underlying authority to promulgate such a provision. The Court noted that there was some evidence on the subject in the record. *Id.*, at 539, footnote 73.

The United States Court of Appeals for the District of Columbia Circuit upheld the validity of OSHA's Medical Removal Protection ("MRP") program for the lead standard in *United Steelworkers of America, AFL–CIO* v. *Marshall*, 647 F.2d 1189 (D.C. Cir. 1980), *cert. denied, Lead Industries Ass'n. Inc.* v. *Donovan*, 101 S.Ct. 3148 (1981). Part of the MRP program for lead involved a wage retention provision for workers who transferred to other jobs or were laid off to avoid continued exposure to unacceptable levels of lead.

In response to the Supreme Court remand in *ATMI* v. *Donovan*, the Advance Notice of February 9, 1982 raised the issue of a wage retention provision (47 Fr 5406). Among the comments received, some were in favor of the provision and others were opposed.

West Point Pepperell opposed the provision, commenting that OSHA does not have a significant data base which shows that significant numbers of employees cannot wear respirators and therefore would benefit from the wage retention provision. (Ex. 175–50.)

Both ATMI and Collins & Aikman Corporation stated that workers' compensation laws already provide sufficient incentive for employers to transfer affected employees from areas of high exposure to areas of low or no exposure (Ex. 175–4, and Ex. 175–13.) Collins & Aikman also commented that setting wage rates is an area beyond the purview of OSHA and should be left to company personnel policy and practice.

Another commenter, Baxter/Kelly, urged that it should have the right to terminate employees who are sensitive to dust within their first year of employment. (Ex. 175–24, p.2.) Baxter/Kelly also objected to the wage retention provision because its employees may feel discriminated against on the basis that they are earning less while performing the same job as a transferred employee.

Several groups submitted comments in favor of the wage retention provision. The Amalgamated Clothing and Textile Workers Union said that the provision would contribute materially to the health of exposed workers by ensuring that they were not penalized for disclosing symptoms of illness during the medical surveillance program. In support of this position, ACTWU offered the testimony of Dr. Merchant. His testimony concerned workers' perceptions that participation in medical surveillance programs and subsequent release of information obtained may result in lay-offs or dismissals. (Ex. 175–36.)

The OSHA Committee of the Brown Lung Association commented as follows: "Employees who are not guaranteed the same wages if they change jobs are likely to continue wearing respirators or try to do without them, further aggravating their respiratory condition." (Ex. 175–43.) The Public Citizen Health Research Group concurred with this view. (Ex. 175–54.) The Brown Lung Association also commented that many union contracts have wage retention clauses and non-union workers should have the same protection. (Ex. 175–43.) The North Carolina Department of Labor commented that the wage retention provision may relate beneficially to employee health by encouraging honesty about a physical impairment which would preclude the safe use of a respirator. (Ex. 175–80.)

OSHA has carefully considered the comments submitted in response to the Advance Notice on the issue of wage retention. At this time, OSHA does not propose to include such a provision in the standard. First, OSHA is not convinced that there is a sufficient factual basis to propose a wage retention regulation. OSHA does not have evidence before it of any substantial number of employees who would be transferred because of inability to wear respirators and who might lose wages because of the transfer. These data would be needed before answering the second question of whether a significant number of employees would be discouraged from taking physical examinations without a wage retention provision. Although ACTWU cited the testimony of Dr. Merchant, standing alone it cannot provide a sufficient basis for finding that significant numbers of employees will receive health benefits from a wage retention provision.

Second, as a practical matter, OSHA does not view a wage retention provision, by the time it is implemented, as having a substantial impact on a significant population of employees. Current data indicates that 81% of the textile industry is already in compliance with mandated engineering controls (Ex. 185). By March of 1984, most segments of the industry will be virtually in total compliance with the applicable engineering requirements, leaving only a small proportion of workers who may need respirators. Of this group, an even smaller percentage will be unable to wear a respirator. Based on this practical assessment of compliance progress, it appears unnecessary, in the absence of compelling factual data, to include a wage retention provision in the proposed standard. The few areas where compliance may be extended past 1984 will not involve many employees.

Finally, OSHA considers it sound policy not to become involved in determining wages and terms of employment, an area traditionally reserved to employers' personnel practices and the collective bargaining process, unless there is a compelling occupational health reason. Absent a substantial factual basis, OSHA does not think its involvement in wage retention is warranted. The evidence as developed thus far does not present such a compelling set of circumstances which clearly establish a nexus between employee health and the wage retention provision. Therefore, at this time, OSHA proposes not to include a wage retention provision in the proposed revision of the standard.

I. Technical Changes

A number of technical changes to the cotton dust standard have been suggested in response to the Advance Notice. In addition, OSHA has had several years experience with the standard and a number of technical changes have come to its attention which will improve the standard.

OSHA prposes to amend paragraph (d)(4) to lenghten the time for written notification of monitoring results to employees from 5 days to 20 days. The five day period has proved to be an unrealistically short period for employers to process the raw results acquired from the laboratory and ascribe them to individual employees. In addition, more time may facilitate individual notice. Where a significant number of employees must be notified within five days of the employer's receipt of monitoring results, as is presently required, posting the monitor's report is often the only practical form of notice. A twenty day time period will allow other alternatives such as notices included with pay checks or passed out at regular safety meetings, and these means of notification may be more efficient and effective than previous practices. In addition, the employer will be better able to determine what corrective action, if any, should be taken.

OSHA proposes to amend paragraph (e)(4) (which specifies that ventilation equipment be checked every 6 months and within 5 days after production changes) to require that ventilation be checked at reasonable intervals. It is more appropriate here to use a performance standard and to leave to professional judgment the frequencies for checking.

OSHA also proposes here to use a performance standard and to delete paragraph (g)(5) which specifies that employers shall maintain ventilation and control equipment. This paragraph is generally duplicative of paragraph (e)(4). The requirement for periodic exposure monitoring when exposures are over the action level or when there are process changes will also indicate if equipment needs checking and is more directly related to assuring protection for employees.

In addition, OSHA proposes to amend paragraph (i)(1)(i) by adding a new paragraph (a) and re-lettering the existing paragraphs and by making minor clarifying changes. The purpose of the changes in the training provisions are to focus employee attention upon the health hazards in the workplace and the measures taken to alleviate risk. OSHA is proposing to delete paragraph (i)(2)(iii) which require the employers to obtain and distribute government publications to employees because individual workplace conditions vary and employers can best determine the information most applicable to their specific work site.

OSHA plans to clarify the work practices provisions by defining the term "blow off" immediately following the definition of "blow down" in paragraph (b)(2), and by discussing the respirator use requirements of "blow down" and "blow off" in paragraph (g)(1). These changes are needed to clear up the present confusion regarding the two procedures.

Finally, OSHA proposes minor modifications to the provisions for compliance plans in paragraph (e)(3). The current language had been interpreted by some to require a compliance plan even if the employer had achieved compliance. That was not OSHA's intention. Clearly, a compliance plan is not needed if the employer is in compliance. Thus, paragraph (e)(3)(i) has been amended to indicate that a

compliance plan is required only when the employer has employees exposed over the PEL. In addition, it is proposed to amend paragraph (e)(3)(ii) to indicate that compliance plans be updated when needed and not every six months as currently stated. Updating should occur when conditions change. It is unnecessary when no changes have occurred.

IV. Technological Feasibility and Economic Feasibility

A. Review of Technological Feasibility and Proposal To Extend Compliance Time for Certain Operations

In setting standards for toxic substances, Section 6(b)(5) of the Act mandates that OSHA set the standard which most adequately assures employee safety and health "to the extent feasible." Consequently, in its preamble to the 1978 standard, OSHA presented extensive documentation to demonstrate that it was technically feasible to reduce dust levels in the cotton textile industry to the PEL's within a 4-year compliance period. The various production processes were described and the dust control techniques applicable to each process were discussed in detail. Examples of successful, innovative control technologies, especially those which sharply increased plant productivity while reducing dust levels, were thoroughly examined. (43 FR 27361–27367). The courts have subsequently upheld OSHA's determination that the technology necessary to control dust exposures is generally available.

OSHA hired a consulting firm, Centaur Associates, to determine the current extent of compliance, to estimate the costs that have already been incurred, to review the technological feasibility of completing compliance programs, and to estimate the costs likely to be incurred in the near future. The Centaur report, which has been placed in the record, (Exhibit 185), estimates that the percentage of workers exposed below the PEL increased from 46.1% to 71.5% in yarn manufacturing processes between 1978 and 1982, confirming OSHA's earlier position that dust levels could be reduced significantly. Compliance in slashing and weaving which was already at 96% (essentially full compliance) has remained at that high level.

Representatives of the textile industry, however, have stated that it is not technically feasible to reduce dust levels to current PEL's in all processes by 1984. The industry's technical personnel and its equipment suppliers have acknowledged the effectiveness of dust control systems in lowering dust levels in the initial opening through drawing or "fiber preparation" processes, but state that these controls are not always adequate in the yarn manufacturing processes of spinning, winding, twisting, and spooling. Although maintaining that "technology forcing" was not required to achieve compliance, OSHA acknowledged this problem in the preamble to the 1978 standard:

> OSHA, however, does recognize that implementation of the standard in certain operations, such as spinning, where the application of ventilation controls may involve unusual difficulties, significant innovation or indeed necessitate more than improvement in existing technology to achieve compliance, may be difficult. OSHA notes, however, industry's ability to seek alternative solutions to technological problems beyond those inherent in the adaptation of general techniques. (43 FR 27363)

Addressing this issue in their response to OSHA's ANPR, ATMI agreed that for many companies, "from a strictly technological standpoint, the permissible exposure limits established under the standard could be achieved in most operations most of the time, if money is deemed to be no object." ATMI explained that although the magnitude of the dust control problem varies according to plant layout, fiber type, and other facility-specific factors, the most troublesome operations are those that emit dust over wide areas, such as spinning (particularly ring spinning) and winding where "the ability to achieve the limit through retrofitting an existing work area is much more doubtful." (Ex. 175–60). Burlington Industries, Inc. noted that the dust in many fiber preparation areas could be controlled by ventilation even without replacing the old machinery although this was not cost-effective. For downstream processes, however, they reported that, "[d]espite research efforts, the textile industry, its suppliers, contractors and consulting engineers have not been able to develop 'on-frame' capture plenums or systems capable of reducing dust levels to 200 $\mu g/m^3$ for coarse yarn manufacturing beyond drawing (i.e. roving, spinning)." (Ex. 170–14).

John Lumsden, a co-developer of the vertical elutriator used to monitor cotton dust levels, a participant in the byssinosis prevalence studies conducted by Merchant and co-workers, a former director for North Carolina Occupational Health Programs, and a vice president of a health and safety consulting firm for the textile industry, discussed control technology in his congressional testimony before the Byssinosis Hearing of the Investigations and Oversight Subcommittee, Committee on Science and Technology, U.S. House of Representatives, Washington, D.C., September 22, 1982 (Subcommittee Hearings (Exhibit 186–2)). Lumsden confirmed that exhaust ventilation and material handling equipment adequately control dust from the opening to roving. He stated, however, that "the machines, or frames, that accomplish spinning, twisting, spooling, or winding have not, to this time, been retrofitted with local exhaust ventilation systems. Because dust control in these areas must be achieved through general dilution ventilation where efficiency is variable, Lumsden found that some yarn manufacturing areas have dust levels over the OSHA standard. During these same House Subcommittee hearings, Percy Thackston, Executive Vice President of the American Textile Machinery Association, expressed essentially the same conclusion and summarized the problems in control technology by explaining that:

> Technology is presently available for controlling dust from opening through the card room by the use of modern machinery and equipment * * * From ring spinning through warping, it is a different story. There has not been a major, successful, predictable breakthrough in the dust control technology for these process areas. (Exhibit 182–3)

Finally, Enviro Control, in their 1980 study for NIOSH, "Control Technology Assessment of Raw Cotton Processing Operations," explained that in the early process of opening through drawing, local exhaust ventilation and machine enclosure design is being applied to reduce dust emission levels. For the downstream processes of yarn preparation, however, they stated:

> * * * engineering control technology is limited primarily to general ventilation and air cleaning equipment. Adequate applications of local exhaust ventilation equipment have not been developed for the processes. A major problem is the large number of individual emission points that must be controlled. Also, the physical configuration of these machines are not conducive to local exhaust ventilation. (Ex. 186–1 p. 15).

On the other hand, the North Carolina Department of Labor commented that it had found no problem areas (Ex. 175–80), and other studies indicated a high level of compliance. ATMI's survey of companies employing a total of about 72,500 workers reported that roughly 80% of cotton textile employees were exposed below the current PEL, with

78% below in twisting, 66% below in winding, and 73% below in spooling operations. (Ex. 175–60). These estimates were substantially confirmed in the Subcommittee Hearings testimony by Lumsden, whose data from 44 textile plants showed about 84% of the yarn manufacturing work areas in compliance; and by John Brooks, North Carolina Commissioner of Labor, who presented a survey of North Carolina textile mills which indicated that dust levels were below the PEL in 83% of the spinning operations, 77% of the winding operations and 81% of the twisting operations (Exhibit 187–4).

The apparent divergence between the statements indicating technical infeasibility in some areas and the exposure data indicating a generally high degree of compliance was directly addressed by Centaur Associates in their study for OSHA. After visiting 15 plants and interviewing numerous industrial engineers and manufacturers of dust control equipment, Centaur reported that textile experts generally consider the 1978 cotton dust standard to be technologically feasible. This view was supported by their finding that many equipment companies guarantee their dust control systems to maintain dust levels below the permissible limits under most circumstances. Centaur also found that about 86% of the workers in spinning operations were exposed below the PEL. Nevertheless, Centaur found that a feasibility problem does exist for specific processes in the manufacture of certain types of yarn.

The problem areas were concentrated in the ring spinning, winding and spooling of relatively coarse high-cotton-content yarns that generally are used in denim, duck, heavy terry cloth, and heavy industrial fabrics. Centaur found that the same air filtration and dust control companies that typically guaranteed compliance with the PEL in other production areas would not necessarily assure compliance for the spinning and winding of high-cotton-content coarse yarns.

The spindle speed in ring spinning is about the same for low count (coarse) yarns as for high count (fine) yarns, but since the amount of cotton per yard is inversely proportional to the yarn count, more cotton per hour is processed with the coarse yarns than with the fine yarns. Because the dust emission rate varies directly with the production rate, coarse yarn processing produces more dust. Based on technical information obtained from air filtration and dust control contractors, Centaur calculated that the dust release rate of certain coarse yarn with a high cotton content would be above the cleansing capability of the available air handling systems.

OSHA's preamble to the 1978 standard did not recommend specific measures that would control dust exposure in ring spinning operations. Instead, OSHA concluded that:

> * * * reducing dust levels in operations from opening to roving would aid in the reduction of dust levels in areas of final processing such as spinning. Futher, general practices such as ventilation installation, process isolation, and equipment modification are recommended as strategies * * * OSHA believes that a major effort to solve the dust control problem in spinning using the strategies enumerated and relying on experience gained in other textile operations will produce successful results. (43 FR 27367)

Regarding potential problems in winding, spooling, and twisting, OSHA assumed that, "levels in all these operations are currently very low and are not expected to present a compliance problem," and that "the vast majority of workplaces will be able to comply with little difficulty." (43 FR 27367).

Recent experience with ring spinning processes using high-cotton-content coarse yarns indicates that ventilation systems may not always be effective, and that this equipment cannot generally be isolated or modified. Although dust levels in winding, spooling and twisting are frequently below the PEL (ATMI's survey shows from 66.6 to 78% of the processes currently in compliance), public comments indicate that dust levels remain high where high-cotton-content coarse yarns are used, and its control remains a serious engineering problem.

Several alternative compliance approaches could be explored if increased ventilation fails to control dust adequately in these yarn production areas. Centaur noted that reducing production rates would lower dust levels, but could not estimate how significant that reduction would have to be to achieve a 200 $\mu g/m^3$ ambient dust level. It is clear, however, that the adverse competitive impact of this approach on those firms using high-cotton-content coarse yarns could be substantial if more than small changes were required. Washed cotton would eliminate the employer's compliance obligation but, until certain technical problems are overcome, washed cotton generally cannot be commercially processed.

The most promising solution to the problem appears to be the rapid advent of open-end spinning systems. This relatively new technology, which boosts spinning productivity and completely eliminates the roving process, sharply reduces dust levels because the fibers are spun within enclosed rotors and ventilation is designed into the machinery. Indeed, the proper operation of the equipment requires local ventilation and efficient dust control.

Although open-end systems are best suited for the production of coarse yarns, a number of serious problems remain. For example, yarn produced by open-end spinning is weaker (has lower tensile strength) than yarn that is ring spun. Also, there are some potential problems with broken ends in weaving and negative wear and appearance properties of finished fabrics. Equipment producers maintain that coarse yarns spun on open-end systems are about 80% as strong as similar yarns spun on ring spindles. The comparative weakness in the yarn, however, together with the different texture of the fabric woven from these yarns, have led some large garment manufacturers to insist that the denim and duck fabric for their apparel be made with ring spun yarns. This market element has significantly slowed the industry's conversion to open-end spinning systems despite its clear production efficiences. Moreover, even though all domestic yarn manufacturing firms would operate under the same regulatory restrictions, the potential for import substitution would not allow these market factors to be overcome easily.

OSHA, therefore, believes that it may not be feasible for employers to lower dust levels to the PEL by March 27, 1984, in the production processes of ring spinning, winding, twisting and spooling of those relatively coarse yarns that are composed of a high percentage of cotton fiber. Although it does not appear that the industry will overcome these feasibility problems quickly enough to comply with the current PEL deadline, the Agency concludes that the problem is not a permanent one. Open-end spinning is a rapidly developing technology, and as Centaur stated, "Equipment currently available from vendors is 'third generation,' and each 'generation' produces equipment improvements." Centaur did not know whether the texture problems of open-end spun yarn would endure or whether the current fashion preferences would persist, but noted the possibility that modified finishing processes may help to correct product deficiencies. At least two U.S. denim plant have already converted all of their spinning operations to open-end systems to take advantage of its production efficiencies and many more are evaluating the machines. One large denim plant, for

example, reportedly plans to reduce its spinning department workforce from 56 to 19 after installing open-end spinning equipment. (*Textile World*, Sept. 1982, p. 158. See also *American's Textiles*, Nov. 1981, pp. 14–16.) With the potential for such major cost savings, it is reasonable to assume that the economic pressures that inexorably follow future technical advances will ultimately compel most mills to undertake this conversion.

A major manufacture of dust monitoring and control equipment, PPM, Inc., indicated that the textile industry had made remarkable gains in reducing dust levels, but that several processes could not yet be brought into compliance using conventional engineering controls in a cost-effective manner. Stating that the orderly development of improved dust controls would be difficult if the textile industry had to meet the 1984 compliance date, PPM, Inc. recommended a minimum 2-year extension for the installation of engineering controls. (Ex. 175–31.) OSHA believes that this recommendation is appropriate for several production areas in light of industry's technical feasibility problems.

Therefore, OSHA is proposing a 2-year extension in the requirement to reduce cotton dust levels to 200 $\mu g/m^3$ with engineering controls in the textile processes of ring spinning, winding, twisting and spooling of coarse high-cotton content yarns. At this stage in the rulemaking process, OSHA has not yet gathered sufficient data to establish the precise levels of yarn coarseness and cotton content that give rise to present feasibility problems in these processes but believes that a yarn, equal to or coarser than 14 denier and a cotton content equal to or greater than 80%, may be appropriate thresholds for feasibility problems. OSHA request comments on whether these specific criteria are appropriate for inclusion within the extension. In addition, OSHA requests comments on whether a case-by-case determination of feasibility would be preferable to specific numerical criteria. Because Centaur estimated that only between 20 and 30 out of 443 cotton textile plants produce yarn of this size and composition, the latter approach may not be administratively burdensome.

In order to prevent health problems from developing in this interval, OSHA proposes that employees making use of the extension have a board certified industrial hygienist inspect that area every six months and state in writing that the respirator program is being successfully carried out or suggest in writing what additional requirements are needed to create a fully satisfactory respirator program. OSHA also proposes that the compliance plan of any employer making use of the extension be required to include a schedule indicating the equipment and operational changes that would be needed to achieve compliance. The deadline for inclusion of the schedule would be within three months of the effective date of these amendments, and the deadline for compliance with the standards would be March 27, 1986.

B. Economic Feasibility

OSHA must demonstrate the economic feasibility of the proposed standard. A regulation that seriously disrupts the economic viability of a given industry cannot be considered feasible under the Act. *ATMI* v. *Donovan, supra.* In this regard, OSHA believes that the standard, as applied to the cotton textile industry as a whole, is clearly affordable and therefore economically feasible. Both the Supreme Court and the D.C. Circuit Court of Appeals have upheld this determination based upon evidence available in 1978. It now appears that the control costs are even lower than the estimated costs that served as the basis for that decision. Nevertheless, there may be particular segments of the industry, or size classes within particular industry sectors, which could not raise all of the financial capital required to install effective engineering controls by 1984.

ATMI, in their response to OSHA's ANPR, did not assert that the industry as a whole would be significantly impaired, although they pointed out that, "* * * in a number of cases, the economics of the situation make it impossible to justify the expenditures that would be required to achieve the permissible exposure limit. For that reason several marginal facilities already have been closed, and one can expect that additional closings will occur in the future." (Ex. 175–60). The National Cotton Council of America emphasized that many plants complied with the standard by substituting synthetics for cotton, resulting in lost revenues to cotton farmers, handlers and processors. (Ex. 175–47). Neither association believed that "tiering" the requirements on the basis of company size was warranted to provide relief to smaller firms.

The cost of the cotton dust standard was one of the questions included in an ATMI survey, to which about 50 companies employing 72,500 workers responded. These firms reported that they had spent approximately $310 million for capital equipment to comply with the standard up to the end of 1981, and expected to incur approximately $150 million in additional capital expenditures to meet the 1984 requirements. ATMI speculated that the companies responding to this survey may have been the more progressive firms, and stated that, "Consequently, for the industry as a whole, it seems fair to assume that considerably more than one-third of the required capital expenditures remain to be made in the future." The responding companies also calculated that they would spend about $20 million in annual energy costs and $6 million in annual maintenance costs to comply with the engineering control requirement. (Ex. 175–60).

Centaur Associates, in their study for OSHA, estimated that the textile industry has already spent $143.3 million in capital costs that are attributable to the regulation, and still needs to spend an additional $102.2 million (Exhibit 185). Centaur estimated annual energy costs at $27 million, maintenance costs at $2 million, monitoring costs at $0.7 million and medical surveillance costs at $5.1 million. The ATMI and Centaur estimates are not strickly comparable because Centaur adjusted for productivity gains by assuming that all of the ventilation costs, but only 17.5 percent of the new production equipment costs, are attributable to the OSHA standard. Both surveys, however, support the view that about two-thirds of the required capital expenditures have already been made.

The Centaur projections indicate that total future capital outlays for dust control equipment for an average size plant would be approximately $300,000 per year over the next 2 years. Over 60 percent of these expenditures, however, would be offset by associated productivity gains. Those firms that have expended little on dust control equipment would face higher costs—up to approximately $600,000 per year over the 2-year period for the average size plant. The 1982 average revenue per plant was estimated by Centaur to be $9.6 million. Because cash flow as a percentage of sales in the textile industry has averaged 4.85% in recent years, an annual average cash flow of $479,000 could be predicted. For many firms, this amount would be adequate to cover the additional capital outlay without new borrowing. The textile industry, however, is affected by the condition of the national economy, and its profitability and cash flow are below levels of recent years. Thus, Centaur reported that capital requirements to comply with engineering controls by 1984 may be more than some plants could generate from internal cash sources. Moreover, problems associated

with borrowing for necessary engineering controls make these funds costly, especially for small firms, for which cash flow as a percent of sales is not as large, and problems of raising outside capital more difficult. Consequently, some textile companies would benefit from a delay in the required date for engineering controls because it would allow the firms to spread the capital requirements over an additional number of years, providing them with more time to raise the required capital.

Centaur concluded, however, that despite the textile industry's current financial position, it was improbable that conditions were such that the required capital expenditures could not be made (Exh. 185, p. 7–14). They noted that even where cash flow was not sufficient to cover capital expenditures, most firms would have sufficient access to financial markets because the greater part of the required capital outlays would be for new equipment which improved plant production rates as well as reducing exposures. In addition, recent tax legislation has substantially reduced the after-tax cost of new capital investment, and interest rates for business loans have begun to subside. Centaur, therefore, believed that the necessary capital could be raised for the required expenditures, and found it improbable that the capital expenditures required by OSHA would contribute significantly to plant closings. Public comments have not provided substantial documentation to refute Centaur's findings of economic feasibility for the textile sector. As a result, OSHA has not proposed significant modifications to the 1984 dust level requirements based on economic feasibility grounds. Nevertheless, OSHA solicits new information on this issue from those groups that expect to be severely impacted and OSHA will consider these views before issuing final amendments.

For nontextile industries, only waste processing facilities would need additional engineering controls to meet the 1 mg/m³ dust limit which has been in effect since 1971. Employers in these sectors, however, are under no obligation to install infeasible controls because the regulation applied to this sector states only that controls must be implemented "whenever feasible". Consequently, only feasible controls are required. Nevertheless, the Agency requests parties to submit additional data on the potential economic consequences of alternative regulations for nontextile industries, and these comments will be taken into consideration during the continuation of the rulemaking process.

V. Summary of Regulatory Impact and Regulatory Flexibility Analysis

OSHA has decided that the revised cotton dust proposal should be treated as a major rule under Executive Order 12291 because of the significant public interest in this rulemaking. Therefore, OSHA has prepared a preliminary regulatory impact analysis that outlines the need for regulation, the problems with the current standard, the alternative regulatory actions considered, and the issues of technological and economic feasibility. The report also includes a regulatory flexibility analysis that assesses the proposed rule's impact on small entities as required by the Regulatory Flexibility Act of 1980.

The analysis finds that the proposed changes would provide a more cost-effective means of assuring that workers do not experience an excess risk of respiratory disease due to cotton dust exposures. Indeed, by increasing compliance flexibility, additional health resources could be concentrated on areas of greatest hazard, effectively enhancing the degree of worker protection. While not all of the cost savings that would result from the proposed revisions can be quantified, OSHA believes that the actual savings would be substantial. For example, exempting nontextile sectors from the 1978 standard is projected to reduce the capital costs incurred by cotton-using industries by $94.4 million. In addition, less frequent medical surveillance and monitoring and reduced operating cost resulting from the exemptions and the new action level would save $30.7 million each year.

The analysis concludes that the regulation is both technologically and economically feasible for most small as well as large businesses. Although the proposed provisions do not explicitly grant concessions based on firm size, they would give significant relief to many small firms engaged in the processing of cotton. Most importantly, the provision for an action level would assist small firms in the textile industry, and the exemptions, based on significant risk considerations, would reduce regulatory burdens in the nontextile sectors.

For textile companies, it appears that costs are proportional to output levels, so that unit costs of compliance should not differ significantly by plant size for a given product type. Thus, OSHA's analysis concludes that most smaller firms (under $10 million in assets), while having lower profit margins and less access to borrowed capital, should still be able to comply with the standard.

In the nontextile sectors, there are numerous small firms that would benefit from the exemptions included in the proposed revisions. Some small waste processing companies that have not complied with the 1 mg/m³ dust standard could have some difficulty raising the required capital to come into compliance. The applicable standard, however, requires these expenditures only where they are determined to be feasible. OSHA, moreover, is continuing to study the regulatory impact on small business and requests interested parties to submit additional information on this issue at the public hearings to follow this proposal.

Copies of OSHA's Preliminary Regulatory Impact and Regulatory Flexibility Analysis can be obtained from the Docket Office, at the address listed in the "address" section at the beginning of this **Federal Register** Document.

VI. Environmental Assessment

The proposed rule for occupational exposure to cotton dust and its major alternatives have been reviewed in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 *et seq.*), the Guidelines of the Council on Environmental Quality (40 CFR Part 1500), and OSHA's DOL NEPA Procedures (29 CFR Part 11). As a result of this review, the Assistant Secretary has determined that the proposed amendments will not have a significant impact on the external environment. Impacts on the workplace environment are discussed in other portions of this preamble and in other agency notices on cotton dust. (47 FR 5906–5910, February 9, 1982; 43 FR 27350–27394, June 23, 1978; 41 FR 56498–56527, December 26, 1976).

In December 1977, OSHA published a Final Environmental Impact Statement (FEIS) on the 1976 proposed cotton dust standard. This FEIS concluded that the reduction of exposures to cotton dust would result from improved housekeeping practices and from the collection and removal of cotton dust from the workplace. Further, it was determined that these actions would not result in any significant impact to the general quality of the human environment external to the workplace, particularly in terms of ambient air quality, water quality, or solid waste disposal (p. 25).

The June 1978 final rule established permissible exposure limits (PEL's) of 200 μg/m³ of respirable cottong dust for the yarn manufacturing proceses; 750

$\mu g/m^3$ for the slashing and weaving processes; and 500 $\mu g/m^3$ for all other industries (nontextiles and knitting). A similar range of PEL's was discussed in the FEIS (100 $\mu g/m^3$–1000 $\mu g/m^3$), and the conclusions drawn regarding potential environmental impacts remain valid—namely, that there would be an insignificant impact on the external environment. Some of the proposed provisions to be considered in terms of potential environmental impacts are briefly discussed in the following paragraphs.

This proposal to exempt all of the nontextile industries from the § 1910.1043 standard should not significantly impact on the external environment. The 1977 FEIS indicated that a standard in this area would not affect the external environment and similarly a determination that a new standard was not needed to improve employee health in some segments of the nontextile industry would have no impact on the external environment. Comments received in response to the ANPR (47 FR 5906–5910, February 9, 1982) have largely contended that the standard or a determination that a standard was not needed would have no environmental impacts in the nontextile sectors.

In terms of ambient air emissions and accumulation of solid waste, no significnt impact is expected to occur as a result of the proposed exemption for nontextiles. Particulates emitted to the ambient air would still have to comply with requirements of the Clean Air Act and controls would continue to be required to reduce emissions that exceeded compliance with the statute. In maintaining the status quo, an increase in the amount of solid waste is not anticipated.

Moreover, the implementation of an action level would not have any significant impact on the environment. An action level is a level below the PEL (e.g., one-half of the PEL) at which some provisions of the standard would go into effect. Action levels can be effective in reducing or eliminating the regulatory burden in situations where health risks are low. In these cases, there is an incentive for the employer to achieve compliance faster and at a lower PEL, thereby avoiding most or all regulatory provisions of the standard. This gives the employer some regulatory relief and provides the worker with a more healthful workplace.

Where extension of the period to install engineering controls is proposed because of feasibility problems, no change would be expected to the external environment since by and large the standard does not impact on the external environment.

The conclusions drawn in the FEIS remain valid, and consequently, no amended impact statement is required by this OSHA action. The preceding paragraphs and preamble to this NPRM serve as the environmental assessment and a finding of no significant impact.

OSHA reserves the right to perform additional environmental analyses based on the information and comments received in response to this NPRM.

VII. Clearance of Information Collection Requirements

The collection of information requirements, contained in the proposed rule have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paper Work Reduction Act of 1980. These collection requirements are not effective until OMB approval has been obtained and the public notified to that effect through a technical amendment to this regulation. Any comments on this matter should be directed to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Labor, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Public Participation

Written Comments

OSHA requests comments and supporting documentation on the issues raised in this notice. The comments must be received by August 9, 1983 and submitted in quadruplicate to the Docket Officer, Docket H–025E, Room S–6212, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely submissions received will be made part of the record of this proceeding.

Oral Hearing

In addition to the request for written information, which should be submitted to the Docket Office, OSHA is providing an opportunity under section 6(b)(3) of the Act and 29 CFR Part 1911, to submit oral testimony concerning the specified issues at an informal public hearing scheduled to begin at 10 a.m., on September 19, 1983 in the auditorium, Frances Perkins Department of Labor Building, 200 Constitution Ave., NW., Washington, D.C. 20210, at 10 a.m., on September 27, 1983 in Dallas, Texas at the Grenelefe Hotel, Seasons Ballroom, 1011 South Akard St., and at 10 a.m. on October 4, 1983 in Columbia, South Carolina at the Town House, Deauville Room, 1615 Jervais St.

Notice of Intention To Appear

Persons desiring to participate at the hearing must file in quadruplicate a notice of intention to appear by August 26, 1983, with Mr. Tom Hall, OSHA, Division of Consumer Affairs, Room N3635, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523–80.24.

The notices of intention to appear, which will be available for inspection and copying at the OSHA Docket Office during business hours, must contain the following information:

1. The name, address and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time required for the presentation and the hearing at which the party wishes to appear;
4. The specific issues that will be addressed;
5. A statement of the position that will be taken with respect to each issue addressed; and
6. Whether the party intends to submit documentary evidence, and if so, a summary of the evidence to be adduced in support of the position.

Filing of Testimony and Evidence Before Hearing

Any party requesting more than 15 minutes for presentation at the hearing or submitting documentary evidence, must provide, in quadruplicate, the complete text of its testimony, and all documentary evidence to be presented at the hearing, to the OSHA Divison of Consumer Affairs, where they will be available for inspection and copying. This material must be received by September 9, 1983. Each submission will be reviewed in light of the amount of time requested in the notice of intention to appear and in light of the time available for public hearing. In instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Conduct of Hearings

The hearings will commence at 10 a.m., with the resolution of any procedural matters relating to the proceeding. The hearing will be presided over by an Administrative Law Judge who will have all the powers necessary and appropriate to conduct a full and

fair informal hearing as provided in 29 CFR Part 1911, including the powers:

1. To regulate the course of the proceedings;

2. To dispose of procedural requests, objections, and comparable matters;

3. To confine the presentation to the matters pertinent to the issues raised;

4. To regulate the conduct of those present at the hearing by appropriate means; and

5. In the Judge's discretion, to keep the record open for a reasonable stated time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and Health.

Authority and Signature

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Pursuant to Sections 6(b), 8(c) and 8(g) of the Act, it is hereby proposed to amend 29 CFR Part 1910 to read as set forth below.

List of Subjects in 29 CFR Part 1910

Occupational safety and health, Health, Cotton dust.

(Secs. 6(b), 8(c) and 8(g), Pub. L. 91-596, 84 Stat. 1593, 1599, 1600; 29 U.S.C. 655, 657; 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059))

Signed at Washington, D.C., this 2d day of June 1982.

Thorne G. Auchter,

Assistant Secretary of Labor.

PART 1910—[AMENDED]

It is proposed that Part 1910 of Title 29 of the Code of Federal Regulations be amended as follows:

§ 1910.19 [Removed]

1. Section 1910.19(f) will be repealed and removed.

§ 1910.1000 [Amended]

2. A footnote (e) to § 1910.1000, Table Z-1, "Cotton dust (raw)" is added to read as follows: This standard applies in cotton yarn manufacturing, weaving and slashing until the applicable compliance dates for installing fesible engineering controls required by § 1910.1043. [The applicable lower exposure limits of § 1910.1043 must be achieved with engineering controls and respirators, in the interim). This standard also applies to the cotton waste processing industries of waste recycling (sorting, blending, cleaning, and willowing), garnetting and bedding assembly.

3. Section 1910.1043 will be amended by revising paragraphs (a) through (m) to read as follows:

§ 1910.1043 Cotton Dust

(a) *Scope and application.*—(1) This section applies to the control of employee exposure to cotton dust in all workplaces where employees engage in yarn manufacturing and slashing and weaving operations.

(2) This section does not apply to the handling or processing or woven or knitted materials; to the knitting industry including hosiery manufacturing; to the handling or processing of washed cotton; or to maritime operations covered by 29 CFR Parts 1915 and 1918, to the harvesting or ginning of cotton; to the construction industry; or to the nontextile industries of classing, warehousing, and cottonseed processing.

(b) *Definitions.* For the purpose of this section:

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee:

"Blow down" means the general cleaning of all pieces of machinery in a processing area by the use of compressed air.

"Blow off" means the use of compressed air for cleaning of short duration and usually for a specific machine or portion of a machine.

"Cotton dust" means dust present in the air during the handling or processing of cotton, which may contain a mixture of many substances including ground up plant matter, fiber, bacteria, fungi, soil, pesticides, non-cotton plant matter and other contaminants which may have accumulated with the cotton during the growing, harvesting and subsequent processing or storage periods. Any dust present during the handling and processing of cotton through the weaving of fabrics is cotton dust coming within the scope of this standard.

"Director" means the Director of the National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, or designee.

"Lint-free respirable cotton dust" means particles of cotton dust of approximately 15 micrometers or less aerodynamic equivalent diameter;

"Vertical elutriator cotton dust sampler" means a dust sampler which has a particle size cut-off at approximately 15 micrometers aerodynamic equivalent diameter when operating at the flow rate of 7.4 ± 0.2 liters of air per minute;

"Yarn manufacturing" means all textile mill operations from opening to, but not including, slashing and weaving;

"Washed cotton" means: (1) Cotton which has been commercially prepared for medical use (by heating to 270° F with 0.6% caustic solution, washed with soap and tetrasodium hydro- phosphate, bleached with a 0.1% solution of sodium hypochlorite, and scoured with sulfuric acid at a pH of less than 2.0, then washed to a pH of 6.0 to 7.0) or

(2) Cotton yarn or thread which has been scoured in a caustic bath and dyed in a hot, water-based solution.

(c) *Permissible exposure limits and action levels.*—(1) *Permissible exposure limits.* (i) The employer shall assure that no employee who is exposed to cotton dust in yarn manufacturing is exposed to airborne concentrations of lint-free respirable cotton dust greater than 200 $\mu g/m^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(ii) The employer shall assure that no employee who is exposed to cotton dust in the textile processes known as slashing and weaving is exposed to airborne concentrations of lint-free respirable cotton dust greater than 750 $\mu g/m^3$ mean concentration, averaged over an eight hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(2) *Action levels.* (i) The action level for yarn manufacturing is an airborne concentration of lint-free respirable cotton dust of 100 $\mu g/m^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(ii) The action level for the textile processes known as weaving and slashing is an airborne concentration of lint-free respirable cotton dust of 375 $\mu g/m^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(d) *Exposure monitoring and measurement.*—(1) *General.* (i) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) The sampling device to be used shall be either the vertical elutriator cotton dust sampler or a method of equivalent accuracy and precision.

(iii) If an alternative to the vertical elutriator cotton dust sampler is used, the employer shall establish equivalency

by demonstrating that the alternative sampling devices:

(A) Collect respirable particulates in the same range as the vertical elutriator (approximately 15 microns);

(B) Replicate exposure data in side-by-side field comparisons; and

(C) Are equivalent within an accuracy and precision range of plus or minus 25 percent for 95 percent of the samples over the range of 0.5 to 2 times the permissible exposure limit.

(2) *Initial monitoring.* Each employer who has a place of employment within the scope of this standard shall conduct monitoring by obtaining measurements which are representative of the exposure of all employees to airborne concentrations of lint-free respirable cotton dust over an eight-hour period. The sampling program shall include at least one determination during each shift for each work area.

(3) *Periodic monitoring.* (i) If the initial monitoring required by paragraph (d)(2) or any subsequent monitoring reveals employee exposure to be below the action level, and an additional monitoring at an interval no greater than one year confirms that the exposure level is below the action level, monitoring need not be repeated for those employees except as otherwise provided in paragraph (d)(3)(iv) of this section.

(ii) If the initial monitoring required by paragraph (d)(2) or any subsequent monitoring reveals employee exposure to be at or above the action level but at or below the permissible exposure limit, the employer shall repeat the monitoring for those employees at least annually.

(iii) If the initial monitoring required by paragraph (d)(2) or any subsequent monitoring reveals employee exposure to be above the PEL, the employee shall repeat the monitoring for those employees at least every six months.

(iv) Whenever there has been a production, process, or control change which may result in new or additional exposure to cotton dust, or whenever the employer has any other reason to suspect an increase in employee exposure, the employer shall repeat the monitoring and measurements for those employees affected by the change or increase.

(4) *Employee notification.* (i) Within twenty working days after the receipt of monitoring results, the employer shall notify each employee individually in writing of the exposure measurements which represent that employee's exposure.

(ii) Whenever the results indicate that the employee's exposure exceeds the applicable permissible exposure limit specified in paragraph (c), the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure below the permissible exposure limit.

(e) *Method of compliance.*—(1) *Engineering and work practice controls.* The employer shall institute engineering and work practice controls to reduce and maintain employee exposure to cotton dust at or below the permissible exposure limit specified in paragraph (c), except to the extent that the employer can establish that such controls are not feasible.

(2) Whenever feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless institute these controls to reduce exposure to the lowest feasible level, and shall supplement these controls with the use of respirators which shall comply with the provisions of paragraph (f).

(3) *Compliance program.* (i) Where the most recent exposure monitoring data indicates that any employee is exposed to cotton dust levels greater than the permissible exposure limit, the employer shall establish and implement a written program sufficient to reduce exposure to or below the permissible exposure limit solely by means of engineering controls and work practices as required by paragraph (e)(1) of this section.

(ii) The written program shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to cotton dust at levels greater than the PEL;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data obtained in accordance with paragraph (d) of this section;

(E) A detailed schedule for development and implementation of engineering and work practice controls, including exposure levels projected to be achieved by such controls;

(F) Work practice program; and

(G) Other relevant information.

(iii) The employer's schedule as set forth in the compliance program, shall project completion of the compliance program no later than March 27, 1984, except as provided in paragraph (m)(2)(ii)(B).

(iv) The employer shall complete the steps set forth in his program by the dates in the schedule.

(v) Written programs shall be submitted, upon request, to the Assistant Secretary and the Director, and shall be available at the worksite for examination and copying by the Assistant Secretary, the Director, and any affected employee or their designated representatives.

(vi) The written program required under paragraph (e)(3) of this section shall be revised and updated to reflect the current status of the program and current exposure levels.

(4) *Mechanical ventilation.* When mechanical ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system to control exposure, such as capture velocity, duct velocity, or static pressure shall be made at reasonable intervals.

(f) *Use of respirators.*—(1) *General.* Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this paragraph (f). Respirators shall be used in the following circumstances:

(i) During the time periods necessary to install or implement feasible engineering controls and work practice controls;

(ii) During maintenance and repair activities in which engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits; and

(iv) In operations specified under paragraph (g)(1); and

(v) Whenever an employee requests a respirator.

(2) *Respirator selection.* (i) Where respirators are required under this section, the employer shall select the appropriate respirator from Table 1 below and shall assure that the employee uses the respirator provided.

TABLE I

Cotton dust concentration	Required respirator
Not greater than:	
(a) 5 × the applicable permissible exposure limit (PEL).	1. A disposable particulate filter respirator
(b) 10 × the applicable PEL.	1. A quarter of half-mask respirator other than disposable equipped with particulate filters, or 2. A half-mask negative-pressure supplied air respirator.
(c) 100 × the applicable PEL.	1. A full facepiece respirator equipped with high-efficiency particulate filters, or

TABLE I—Continued

Cotton dust concentration	Required respirator
	2. A negative-pressure supplied air respirator equippped with a full face-piece.
(d) Greater than 100 × the applicable PEL.	1. A powered air-purifying respirator equipped with high-efficiency particulate filters, or 2. Any positive-pressure supplied air respirator, or 3. Any positive-pressure self-contained breathing apparatus.

NOTE.—1. A disposable respirator means the filter element is an inseparable part of the respirator.
2. Any respirators permitted at higher environmental concentrations can be used at lower concentrations.

(ii) The employer shall select respirators from those tested and approved for protection against dust by the National Institute for Occupational Safety and Health [NIOSH] under the provisions of 30 CFR Part 11.

(iii) Whenever respirators are required by this section for concentrations not greater than 100 × the applicable permissible exposure limit, the employer shall, upon the request of the employee, provide a powered air purifying respirator with a high efficiency particulate filter in lieu of the respirator specified in paragraphs (a), (b), or (c) of Table I.

(iv) Whenever a physician determines that an employee is unable to wear any form of respirator, including a power air purifying respirator, including a power air purifying respirator, the employee shall be given the opportunity to transfer to another position which is available or which later becomes available having a dust level at or below the PEL.

(3) *Respirator program.* The employer shall institute a respirator program in accordance with § 1910.134 of this part.

(4) *Respirator usage.* (i) The employer shall assure that the respirator used by each employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall allow each employee who uses a filter respirator, to change the filter elements whenever an increase in breathing resistance is detected by the employee. The employer shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall allow employees who wear respirators to wash their faces and respirator face pieces to prevent skin irritation associated with respirator use.

(g) *Work practices.* Each employer shall, regardless of the level of employee exposure, immediately establish and implement a written program of work practices which shall minimize cotton dust exposure. The following shall be included where applicable.

(1) Compressed air "blow down" cleaning shall be prohibited where alternative means are feasible. Where compressed air is used for cleaning, the employees performing the "blow down" or "blow off" shall wear suitable respirators. Employees whose presence is not required to perform "blow down" shall be required to leave the area during this cleaning operation.

(2) Cleaning of clothing or floors with compressed air shall be prohibited.

(3) Floor sweeping shall be performed with a vacuum or with methods designed to minimize dispersal of dust.

(4) In areas where employees are exposed to concentrations of cotton dust greater than the action level, cotton and cotton waste shall be stacked, sorted, baled, dumped, removed or otherwise handled by mechanical means, except where the employer can show that it is infeasible to do so. Where infeasible, the method used for handling cotton and cotton waste shall be the method which reduces exposure to the lowest level feasible.

(h) *Medical surveillance*—(1) *General.* (i) Each employer covered by the standard shall institute a program of medical surveillance for all employees exposed to cotton dust.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and are provided without cost to the employee.

(iii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section shall complete a NIOSH-approved training course in spirometry.

(2) *Initial examinations.* The employer shall provide each employee who is or may be exposed to cotton dust with an opportunity for medical surveillance. For new employees, this examination shall be provided prior to initial assignment. The medical surveillance shall include at least the following:

(i) A medical history;

(ii) The standardized questionnaire contained in Appendix B; and

(iii) A pulmonary function measurement, including a determination of forced vital capacity (FVC) and forced expiratory volume in 1 second (FEV_1), and the percentage that the measured values of FEV and FVC differ from the predicted values, using the standard tables in Appendix C. The predicted FEV_1 and FVC for blacks shall be multiplied by 0.85 to adjust for ethnic differences. These determinations shall be made for each employee before the employee enters the workplace on the first day of the work week, following at least 35 hours after previous exposure to cotton dust. The tests shall be repeated during the shift, no sooner than 4 and no more than 10 hours after the beginning of the work shift; and, in any event, no more than one hour after cessation of exposure.

(iv) Based upon the questionnaire results, each employee shall be graded according to Schilling's byssinosis classification system.

(3) *Periodic examinations.* (i) The employer shall provide annual medical surveillance for all employees exposed to cotton dust above the action level. The employer shall provide medical surveillance at least every two years for all employees exposed to cotton dust below the action level. Periodic medical surveillance shall include at least an update of the medical history and standardized questionnaire (App. B–III) and the pulmonary function measurements in paragraph (h)(2)(iii) of this section.

(ii) Medical surveillance as required in paragraph (h)(3)(i) of this section shall be provided every six months for all employees in the following categories:

(A) An FEV_1 of greater than 80 percent of the predicted value, but with an FEV_1 decrement of 5 percent or 200 ml. on a first working day;

(B) An FEV_1 of less than 80 percent of the predicted value; or

(C) Where, in the opinion of the physician, any significant change in questionnaire findings, pulmonary function results, or other diagnostic tests have occurred.

(iii) An employee whose FEV_1 is less than 60 percent of the predicted value shall be referred to a physician for a detailed pulmonary examination.

(iv) A comparison shall be made between the current examination results and those of previous examinations and a determination made by the physician as to whether there has been a significant change.

(4) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its Appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(5) *Physician's written opinion.* (i) The employer shall obtain and furnish the employee with a copy of a written

opinion from the examining physician containing the following:

(A) The results of the medical examination and test;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to cotton dust;

(C) The physician's recommended limitations upon the employee's exposure to cotton dust or upon the employee's use of respirators including a determination of whether an employee can wear a negative pressure respirator, and where the employee cannot, a determination of the employee's ability to wear a powered air purifying respirator; and,

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(i) *Employee education and training.*—(1) *Training program.* (i) The employer shall provide a training program for all employees in all workplaces where cotton dust is present, and shall assure that each employee is informed of the following:

(A) The acute and long term health hazards associated with exposure to cotton dust;

(B) The names and descriptions of jobs and processes which could result in exposure to cotton dust at or above the PEL.

(C) The measures, including work practices required by paragraph (g) of this section, necessary to protect the employee from exposures in excess of the permissible exposure limit;

(D) The purpose, proper use and limitations of respirators required by paragraph (f), of this section;

(E) The purpose for and a description of the medical surveillance program required by paragraph (h) of this section and other information which will aid exposed employees in understanding the hazards of cotton dust exposure; and

(F) The contents of this standard and its appendices.

(ii) The training program shall be provided prior to initial assignment and shall be repeated annually for each employee exposed at or above the action level and when job assignments or work processes change and when employee performance indicates a need for retraining.

(2) *Access to training materials.* (i) Each employer shall post a copy of this section with its appendices in a public location at the workplace, and shall, upon request, make copies available to employees.

(ii) The employer shall provide all materials relating to the employee training and information program to the Assistant Secretary and the Director upon request.

(j) *Signs.* The employer shall post the following warning sign in each work area where the permissible exposure limit for cotton dust is exceeded:

WARNING
COTTON DUST WORK AREA
MAY CAUSE ACUTE OR DELAYED
LUNG INJURY
(BYSSINOSIS)
RESPIRATORS
REQUIRED IN THIS AREA

(k) *Recordkeeping.*—(1) *Exposure measurements.* (i) The employer shall establish and maintain an accurate record of all measurements required by paragraph (d) of this section.

(ii) The record shall include:

(A) A log containing the items listed in paragraph IV (a) of Appendix A, and the dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposure;

(B) The type of protective devices worn, if any, and length of time worn; and

(C) The names, social security numbers, job classifications, and exposure levels of employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 20 years.

(2) *Medical surveillance.* (i) The employer shall establish and maintain an accurate medical record for each employee subject to medical surveillance required by paragraph (h) of this section.

(ii) The record shall include:

(A) The name and social security number and description of the duties of the employee;

(B) A copy of the medical examination results including the medical history, questionnaire response, results of all tests, and the physician's recommendation;

(C) A copy of the physician's written opinion;

(D) Any employee medical complaints related to exposure to cotton dust;

(E) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and the appendices for all employees, provided that he references the standard and appendices in the medical surveillance record of each employee; and

(F) A copy of the information provided to the physician as required by paragraph (h)(4) of this section.

(iii) The employer shall maintain this record for at least 20 years.

(3) *Availability.* (i) The employer shall make all records required to be maintained by paragraph (k) of this section available to the Assistant Secretary and the Director for examination and copying.

(ii) Employee exposure measurement records and employee medical records required by this paragraph shall be provided upon request to employees, designated representatives, and the Assistant Secretary in accordance with 29 CFR 1910.20 (a)–(e) and (g)–(i).

(4) *Transfer of records.* (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by paragraph (k) of this section.

(ii) Whenever the employer ceases to do business, and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the Director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the Director at least 3 months prior to the disposal of such records and shall transmit those records to the Director if he requests them within that period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in 29 CFR 1910.20(h).

(l) *Observation of monitoring.* (1) The employer shall provide affected employees or their designated representatives an opportunity to observe any measuring or monitoring of employee exposure to cotton dust conducted pursuant to paragraph (d) of this section.

(2) Whenever observation of the measuring or monitoring of employee exposure to cotton dust requires entry into an area where the use of personal protective equipment is required, the employer shall provide the observer with and assure the use of such equipment and shall require the observer to comply with all other applicable safety and health procedures.

(3) Without interfering with the measurement, observers shall be entitled to:

(i) An explanation of the measurement procedures;

(ii) An opportunity to observe all steps related to the measurement of airborne concentrations of cotton dust performed at the place of exposure; and

(iii) an opportunity to record the results obtained.

(m) *Effective date.*—(1) *General.* This section is effective March 27, 1980, except as otherwise provided below.

(2) *Startup dates.*—(i) *Initial monitoring.* The initial monitoring required by paragraph (d)(2) of this section shall be completed as soon as possible but no later than March 27, 1980.

(ii) *Methods of compliance: engineering and work practice controls.*

(A) The engineering and work practice controls required by paragraph (e) of this section shall be implemented no later than March 27, 1984 except as set forth in the paragraph (m)(2)(ii)(B) of this section.

(B) For ring spinning operations (including only ring spinning and winding, twisting, and spooling operations following ring spinning but not including the preceding operations of opening through roving) for yarn equal to or coarser than 14 denier with more than 80 percent cotton, the engineering and work practices controls required by paragraph (e) of this section shall be implemented no later than March 27, 1986. Employers who have not brought these ring spinning operations into compliance by March 27, 1984 shall within three months of the effective date of these amendments, have a certified industrial hygienist review their respirator program each six months until compliance is achieved and submit a written report indicating the equipment and operational changes that would be needed to achieve compliance by March 27, 1986. This report will be part of the employer's compliance plan. The employer shall prepare an updated compliance plan within three (3) months of the effective date of these amendments indicating a schedule for completion of engineering changes to achieve compliance by March 27, 1986.

(iii) *Compliance program.* The compliance program required by paragraph (e)(3) of this section shall be established no later than March 27, 1981.

(iv) *Respirators.* The respirators required by paragraph (f) of this section shall be provided no later than April 27, 1980.

(v) *Work practices.* The work practices required by paragraph (g) of this section shall be implemented no later than June 27, 1980.

(vi) *Medical surveillance.* The medical surveillance required by paragraph (h) of this section shall be completed no later than March 27, 1981.

(vii) *Employee education and training.* The initial education and training required by paragraph (i) of this section shall be completed as soon as possible but no later than June 27, 1980.

* * * * *

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federal register

Friday
June 10, 1983

Part III

Department of Health and Human Services

Food and Drug Administration

Over-the-Counter Oral Human Use; Insect Repellent Drug Products

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 81N-0040]

Insect Repellent Drug Products for Over-the-Counter Oral Human Use;

AGENCY: Food and Drug Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing a notice of proposed rulemaking that would establish that over-the-counter (OTC) insect repellent drug products for oral use are not generally recognized as safe and effective and are misbranded. FDA is issuing this notice of proposed rulemaking after considering the report and recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products and the public comment on an advance notice of proposed rulemaking that was based on those recommendations. This proposal is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments, objections, or requests for oral hearing on the proposed regulation before the Commissioner of Food and Drugs by August 9, 1983. New data by June 11, 1984. Comments on the new data by August 10, 1984. These dates are consistent with the time periods specified in the agency's revised procedural regulations for reviewing and classifying OTC drugs (21 CFR 300.10).

ADDRESS: Written comments, objections, new data, or requests for oral hearing to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, National Center for Drugs and Biologics (HFN-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 5, 1982 (47 FR 424) FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking that would classify OTC insect repellent drug products for oral use as not generally recognized as safe and effective and as being misbranded and would declare these products to be new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p)). The notice was based on the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products, which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class. Interested persons were invited to submit comments by April 5, 1982. Reply comments in response to comments filed in the initial comment period could be submitted by May 5, 1982.

In accordance with § 330.10(a)(10), the data and information considered by the Panel were put on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration (address above). In response to the advance notice of proposed rulemaking, one consumer submitted a comment. A copy of the comment is on public display in the Dockets Management Branch.

In this proposed rule to amend Part 310 by adding to Subpart E new § 310.529 (21 CFR 310.529), FDA states for the first time its position on OTC insect repellent drug products for oral use. Final agency action on this matter will occur with the publication at a future date of a final rule relating to OTC insect repellent drug products for oral use.

This proposal constitutes FDA's tentative adoption of the Panel's conclusions and recommendations on OTC insect repellent drug products for oral use, based on the comment received and the agency's independent evaluation of the Panel's report. As discussed in the final rule revising the procedural regulations for reviewing and classifying OTC drug, FDA will no longer use the terms "Category I" (generally recognized as safe and effective, and not misbranded), "Category II" (not generally recognized as safe and effective or misbranded), and "Category III" (available data are insufficient to classify as safe and effective and further testing is required) at the final rule stage, but will use instead the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III). (See the **Federal Register** of September 29, 1981; 46 FR 47730.) This document retains the concepts of Categories I, II, and III at the proposed rule stage.

In the advance notice of proposed rulemaking, the agency stated that if it proposed to adopt the Panel's recommendation it would propose that insect repellent drug products for oral use be eliminated from the OTC market effective 6 months after the date of publication of a final rule in the **Federal Register**, regardless of whether further testing was undertaken to justify their future use. Based on all information available to date, the agency is proposing that oral insect repellents as a class of drugs be found to be ineffective. If this proposed finding is adopted in the final rule, the agency advises that the conditions under which the drug products that are subject to this rule are not generally recognized as safe and effective and are misbranded (nonmonograph conditions) will be effective 6 months after the date of publication of the final rule in the **Federal Register.** On or after that date, no OTC drug products that are subject to the rule may be initially introduced or initially delivered for introduction into interstate commerce unless they are the subject of an approved NDA. Manufacturers are encouraged to comply voluntarily with the proposed rule at the earliest possible date.

I. The Agency Tentative Conclusion on the Comment

One comment objected to the Category II clasification of thiamine hydrochloride (vitamin B-1) as an oral insect repellent and claimed that the effectiveness of this ingredient aganist black flies and other biting flies has been demonstrated by sportsmen, conservationists, and other persons engaged in outdoor activities. Maintaining that the Panel's conclusions on thiamine hydrochloride are contradictory, the comment explained that the Panel classified thiamine hydrochloride as Category II, but stated at 47 FR 426 that this ingredient is generally recognized as safe in oral doses up to 40 milligrams (mg) daily and further stated that it did not believe that doses exceeding 40 mg are unsafe. The comment added that the Panel also stated at 47 FR 426 that "of the substances studied, only thiamine hydrochloride (vitamin B-1) has shown enough promise to have been evaluated to any significant degree." The comment claimed that thiamine hydrochloride as an oral insect repellent deserves the same opportunity as other OTC products "to be accepted or rejected by the American consumer" unless the agency proves the ingredient to be unsafe or dangerous.

The agency has reviewed the Panel's recommendations and notes that while the Panel did indicate at 47 FR 426 that thiamine hydrochloride "has shown enough promise to have been evaluated," the submitted studies were inadequate. The Panel concluded, and the agency concurs, that available data do not show that thiamine hydrochloride is an effective oral insect repellent, or that it is generally recognized as such.

Further, the comment did not submit adequate data to support the effectiveness of thiamine hydrochloride as as OTC oral insect repellent. In the absence of adequate data demonstrating that thiamine hydrochloride is generally recognized as effective for use as an oral insect repellent, the ingredient cannot be included as an allowable ingredient in an OTC drug monograph.

II. The Agency's Tentative Adoption of the Panel's Report

FDA has considered the comment and other data and information available at this time and concludes that it will tentatively adopt the Panel's report and recommendation that thiamine hydrochloride labeled for use as an insect repellent for oral use are classified Category II.

The agency is also revising § 310.529(b) to clarify that a product covered by the regulation is a new drug for which an approved NDA is required for marketing, and in the absence of an approved NDA the product would also be misbranded under section 502 of the Act.

The agency has examined the economic consequences of this proposed rulemaking in conjunction with other rules resulting from the OTC drug review. In a notice published in the **Federal Register** of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that no one of these rules, including this proposed rule for OTC insect repellent drug products for oral use, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96–354. That assessment included a discretionary Regulatory Flexibility Analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, this particular rulemaking for OTC insect repellent drug products for oral use is not expected to pose such an impact on small businesses. Therefore, the agency certifies that this proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities.

The agency invited public comment in the advance notice of proposed rulemaking regarding any impact that this rulemaking would have on OTC insect repellent drug products for oral use. No comments were received. Any comments on the agency's initial determination of the economic consequences of this proposed rulemaking should be submitted by August 9, 1983. The agency will evaluate any comments and supporting data that are received and will reassess the economic impact of this rulemaking in the preamble to the final rule.

The agency has determined that under 21 CFR 25.24(d)(9) (proposed in the **Federal Register** of December 11, 1979; 44 FR 71742) this proposal is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 310

New drugs.

PART 310—[AMENDED]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 77 Stat. 948 (21 U.S.C. 321(p), 352 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), it is proposed that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations be amended in Part 310 by adding to Subpart E new § 310.529, to read as follows:

§ 310.529 Drug products containing active ingredients offered over-the-counter (OTC) for oral use as insect repellents.

(a) Thiamine hydrochloride (vitamin B–1) has been marketed as an ingredient in over-the-counter (OTC) drug products for internal use as an insect repellent (an orally administered drug product intended to keep insects away). There is a lack of adequate data to establish the effectiveness of this, or any other, ingredient for OTC internal use as an insect repellent. Labeling claims for OTC orally administered insect repellent drug products are either false, misleading, or unsupported by scientific data. The following claims are examples of some that have been made for orally administered OTC insect repellent drug products: "Oral mosquito repellent," "mosquitos avoid you," "bugs stay away," "keep mosquitos away for 12 to 24 hours," and "the newest way to fight mosquitos." Therefore, any drug product containing ingredients offered for internal use as an insect repellent cannot be generally recongnized as safe and effective.

(b) Any OTC drug product that is labeled, represented, or promoted for internal use as an insect repellent is regarded as a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act, for which an approved new drug application under section 505 of the act and Part 314 of this chapter is required for marketing. In the absence of an approved new drug application, such product is also misbranded under section 502 of the act.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571) (OMB Approval No. 0910–0014), as set forth in § 312.1 of this chapter, is required to cover clinical investigations designed to obtain evidence that any drug product labeled, represented, or promoted OTC as an insect repellent for internal use is safe and effective for the purpose intended.

(d) After the effective date of the final regulation, any such OTC drug product initially introduced or initially delivered for introduction into interstate commerce that is not in compliance with this section is subject to regulatory action.

Interested persons may, on or before August 9, 1983, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments, objections, or requests for oral hearing before the Commissioner. A request for an oral hearing must specify points to be covered and time requested. Three copies of all comments, objections, and requests are to be submitted, except that individuals may submit one copy. Comments, objections, and requests are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief.

Comments, objection, and requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Any scheduled oral hearing will be announced in the **Federal Register.**

Interested persons, on or before June 11, 1984, may also submit in writing new data demonstrating the safety and effectiveness of those conditions not classified in Category I. These dates are consistent with the time periods specified in the agency's final rule revising the procedural regulations for reviewing and classifying OTC drugs, published in the **Federal Register** of September 29, 1981 (46 FR 47730). Three

copies of all data and comments on the data are to be submitted, except that individuals may submit one copy, and all data and comments are to be identified with the docket number found in brackets in the heading of this document. Data and comments should be addressed to the Dockets Management Branch (HFA–305) (address above). Received data and comments may also be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

In establishing a final rule, the agency will ordinarily consider only data submitted prior to the closing of the administrative record on August 10, 1984. Data submitted after the closing of the administrative record will be reviewed by the agency only after a final rule is published in the **Federal Register**, unless the Commissioner finds good cause has been shown that warrants earlier consideration.

Mark Novitch,

Acting Commissioner of Food and Durgs.

Margaret M. Heckler,

Secretary of Health and Human Services.

Dated: May 19, 1983.

[FR Doc. 83-15286 Filed 6-9-83; 8:45 am]

BILLING CODE 4160-01-M

federal register

Friday
June 10, 1983

Part IV

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arkansas: AR83-4037	May 13, 1983.
Connecticut: CT83-3021	June 3, 1983.
District of Columbia: DC82-3031	Nov. 12, 1982.
Hawaii: HI83-5104	Mar. 18, 1983.
Idaho: ID82-5128	Nov. 26, 1982.
Illinois: IL82-2003	Mar. 5, 1982.
Indiana: IN83-2030	May 6, 1983.
Iowa:	
IA82-4030	June 18, 1982.
IA82-4049	Oct. 8, 1982.
IA83-4022	Mar. 11, 1983.
IA83-4033	Apr. 29, 1983.
IA83-4035	May 13, 1983.
Kentucky:	
KY82-1053	Oct. 1, 1982.
KY82-1054	Oct. 1, 1982.
KY82-1055	Oct. 1, 1982.
KY82-1065	Oct. 15, 1982.
Louisiana:	
LA82-4053	Nov. 11, 1982.
LA83-4019	Feb. 4, 1983.
Maryland:	
MD80-3047	Aug. 29, 1980.
MD81-3031	May 15, 1981.
Nebraska: NE83-4041	May 27, 1983.
New Hampshire: NH83-3012	May 20, 1983.
New Mexico: NM83-4032	Apr. 15, 1983.
West Virginia:	
WV82-3002	Oct. 29, 1982.
WV83-3000	Mar. 11, 1983.
Michigan: MI83-2020	Mar. 18, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Missouri: MO81-4081(MO83-2046)	Oct. 16, 1981.
Ohio:	
OH81-2068 (OH83-2044)	Dec. 18, 1981.
OH82-2019 (OH83-2045)	Mar. 12, 1982.
OH82-2052 (OH83-2046)	Oct. 29, 1982.
OH81-2061 (OH83-2047)	Oct. 9, 1981.
OH81-2016 (OH83-2048)	Apr. 10, 1981.
OH81-2017 (OH83-2049)	Apr. 10, 1981.
Oregon: OR80-5108 (OR83-5111)	Mar. 7, 1980.
Texas:	
TX80-4015 (TX83-4044)	Feb. 15, 1980.
TX79-4068 (TX83-4045)	Nov. 11, 1979.

Signed at Washington, D.C. this 3rd day of June 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION #AR83-4037 - Mod. #1
48FR21773 - May 13, 1983
PULASKI AND JEFFERSON COUNTIES, ARKANSAS

CHANGE:
SUPERSEDES DECISION #82-4039 published in Federal Register dated May 13, 1983 to read "AR82-4037"

	Basic Hourly Rates	Fringe Benefits
Laborers: (con't)		
ASPHALT SHOVELER	$ 8.80	.86
LAOORER	8.75	.86
Power Equipment Operators:		
G-1000 GRADALL OPERATOR (OVER 1½ cy)	10.71	.86
GRADALL OPERATOR (1½ cy or LESS),MOTOR GRADER,LOADER-BACKHOE(OVER 2½cy)	10.41	.86
SHOVEL OPERATOR	9.64	.86
CRANE OPERATOR,CONCRETE PAVING OPERATOR	9.52	.86
ASPHALT SPREADER,ASPHALT PLANT ENGINEER,ASPHALT ROLLER OPERATOR,HYDRAULIC BACKHOE (½ cy OR LESS), CONCRETE BREAKER(MACHINE)	9.34	.86
RUBBER-TIRED LOADER (OVER 1½ cy),LOADER OPERATOR-TRACKS (2½ cy OR LESS),BULLDOZER, MECHANIC, OR WELDER	9.28	.86
CONCRETE SPREADER,FINISHING MACHINE,ROLLER(ROAD),COMPRESSOR,RUBBER-TIRED LOADER(1½ cy OR LESS),ASPHALT PLANT MIXER	9.04	.86
POWER BROOM	8.92	.86
Truck Drivers:		
TRUCK DRIVERS(STANDARD JOB)	8.75	.86
TANDEM	8.88	.86
TRACTOR TRAILER(CAPABLE OF MOVING HEAVY EQUIPMENT)	9.34	.86

DECISION NO. CT83-3071 - MOD. #1
(Published in Federal Register of June 3, 1983)
STATEWIDE

CHANGE:

	Basic Hourly Rates	Fringe Benefits
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; RESILIENT FLOOR LAYERS:		
BUILDING CONSTRUCTION:		
Area 1	15.00	1.70
Area 2	14.73	1.70
Area 4	15.05	1.90
Area 5	14.65	2.40
Area 6		
Carpenters	15.30	1.58
Millwrights	15.80	1.58
ROOFERS		
Area 2		
Composition	13.80	2.725
Slate, tile	14.30	2.725

DECISION NO. DC82-3031-Mod. #6
(47 FR 51304-November 12,1982)
District of Columbia:Maryland-Montgomery & Prince Georges Counties; & DC Training School Virginia-Independent City of Alexandria;Arlington & Fairfax Counties.

CHANGE:
BUILDING & INCIDENTAL GRADING (DISTRICT OF COLUMBIA ONLY)

Cement Masons:		
CEMENT MASONS	9.34	.86
FORM SETTER	9.34	.86
CONCRETE SAW OPERATOR	9.04	.86
Laborers:		
SAND SETTER,FORM SETTER	9.34	.86
BURNER PLANER OPERATOR	9.28	.86
ASPHALT RAKER,CONCRETE SAW OPERATOR	9.04	.86
JACK HAMMER	8.99	.86
ASPHALT RAKER,SAND BURNER OPERATOR,CONCRETE SHOVELER	8.92	.86

DECISION NO. HI83-5104 - Mod. #2
(48 FR 11610 - March 18, 1983)
Statewide, Hawaii

	Basic Hourly Rates	Fringe Benefits
Chapter		
Boilermakers	$15.70	$4.53
Glaziers	14.77	5.83
Ironworkers:		
Bridge; Ornamental; Reinforcing; Structural	14.76	5.97
Laborers:		
Group 1	12.01	4.18
Group 1-A	12.01	4.11
Group 1-C	12.56	4.11
Group 1-D	12.56	4.11
Group 1-E	12.81	4.18
Group 1-F	12.86	4.18
Group 1-G	13.06	4.18
Group 2	12.36	4.18
Group 3	12.56	4.18
Landscape and Irrigation Laborers:		
Group 1	8.87	2.61
Group 2	8.13	2.61
Group 3	6.26	2.61
Painters:		
Brush	15.05	5.94
Tapers	15.15	5.94
Spray; Sandblaster	15.55	5.94
Marble Setters	15.03	5.55
Terrazzo Workers and Tile Setters:		
Terrazzo Base Grinder	13.45	5.39
Terrazzo Floor Grinder and Finisher	12.02	5.39
Terrazzo Workers and Tile Setters	15.03	5.55
Omit:		
Laborers - Group 1-B		

DECISION NO. ID83-5128 - Mod #5
(47 FR 53612 - Nov 26, 1982)
Statewide Idaho

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BRICKLAYERS, STONEMASONS, and MARBLE SETTERS:		
Area 1	$16.43	$3.26
ELEVATOR CONSTRUCTORS:		
Area 1:		
Mechanics	19.73	a+2.[illegible]
Helpers	13.81	a+2.[illegible]
Probationary Helpers	9.86	
Area 2:		
Mechanics	15.06	a+2.[illegible]
Helpers	10.54	a+2.[illegible]
Probationary Helpers	7.53	
LABORERS (Area 1)		
Fringe Benefits only, all classifications		3.3[illegible]
POWER EQUIPMENT OPERATORS:		
Area 1:		
Fringe Benefits only, all classifications		4.3>
TRUCK DRIVERS:		
Area 1:		
Fringe Benefits only, all classifications		3.73
LINE CONSTRUCTION:		
Area 2:		
Fringe Benefits only, all classifications		1.75+3½%
OMIT:		
Zone Differentials for the following:		
Laborers (Area 1)		
Power Equipment Operators (Area 1)		
Truck Drivers (Area 1)		

DECISION NO. IL82-2003 - MOD. #5
(47 FR 9639 - March 5, 1982)
Adams, Bond, ... Winnebago, & Woodford Cos., Illinois

	Basic Hourly Rates	Fringe Benefits
Add:		
Carpenters; Lathers; Millwrights; Piledrivermen; & Soft Floor Layers:		
Area 20:		
Bureau (W. of Hwy #88), Henry, Mercer, Rock Island, & Whiteside (W. of Hwy #78) Cos.:		
Millwrights	$16.00	$3.80

Decision No. IN83-2030
Mod. # 2
(48 FR 20606 - May 6, 1983)
Elkhart, Jasper, Kosciusko, LaGrange, Marshall, Newton, Pulaski & Starke Cos. Indiana

Basic Hourly Rates	Fringe Benefits

CHANGE:

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS:

AREA 1:

Group 1 - Mechanic, Asphalt Plant, Autograde, Batch Plant, Benoto (Requires 2 Engineers), Boiler and Throttle Valve, Boring Machine (Mining Machine), Caisson Rigs, Central Redi-Mix Plant, Combination Backhoe (Endloader with Backhoe bucket over ½ cu. yd.), Combination Tugger Hoist & Air Tugger, Compressor and Throttle, Concrete Breaker (Truck Mounted), Concrete Conveyor, Concrete Paver over 27E cu. ft., Concrete Paver 27E cu. ft. & under, Concrete Pump with boom (Truck Mounted), Concrete Tower, Cranes-All, Cranes-Hammerhead Tower, Crete Crane, Derricks-All, Derricks-Traveling, Forklift-Lull Type, Fork Lift-10 ton & over, Hoists-1,2, & 3 Drum, Hoist-2 Tugger one Floor, Hydraulic Boom Truck, Locomotives-All, Motor Patrol, Mucking Machine, Pile Driving & Skid Rig, Pit Machines, Pre-Stress Machines, Pump Cretes & Similar Types, Rock Drill (Self-Propelled), Rock Drill (Truck Mounted), Slip Form Paver, Straddle Buggies, Tractor with Boom & Side Boom, Trenching Machine, Winch Tractors

Group 2 - Asphalt Spreader, Boilers, Bulldozers, Combination Backhoe (Endloader with Backhoe bucket ½ cu. yd. & under), Engineer acting as Conductor in charge of crew, Grader-Elevating, Greaser Engineer, Grouting Machines, Highlift Shovels or Front Endloader, Hoists-Automatic, Corboy Drilling Machines, Hoists-All Elevators, Hoists-Tugger Single Drum, Post Hole Digger, Rollers-All, Scoops-Tractor Drawn, Stone Crushers, Tournapull, Winch Trucks

Group 3 - Concrete Mixer (two bag & over), Conveyor-Portable, Steam Generators, Tractors-Farm & Similar Type, Air Compressor-small 150 and under (1 to 5 not to exceed a total of 300 feet), Air Compressor - large over 150, Combination - Small Equipment Operator, Forklift - under 10 ton, Generator, Pumps (1 to 3 not to exceed a total of 300 feet), Pumps-Well Points, Welding Machines (2 thru 5), Winches-4 Electric Drill Winches

Group 4 - Heaters-Mechanical (1 to 5), Oiler, Switchmen

Decision No. IN83-2030
Mod. # 2 (Cont'd)

Basic Hourly Rates	Fringe Benefits

CHANGE:

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS:
(Cont'd)

AREA 2

Group 1 - Mechanic, Asphalt Plant, Asphalt Spreader, Autograde, Batch Plant, Benoto (requires two Engineers), Boiler and Throttle Valve) Boring Machine (Road), Caisson Rigs, Central Redi-Mix Plant Concrete Conveyor Systems, Concrete Power over 27E cu. ft., Concrete Paver 27E cu. ft. and under, Concrete Placer, Concrete Pumps (truck mounted), Concrete Tower, CranesAll, Cranes-Hammerhead, Creter Cranes, Derricks-All, Forklift capable of hoisting and mechanically moving forks horizontally, Grader-Elevating, Highlift Shovels or Front End Loader Hoists-Two or more drums, Locomotives-All, Motor Patrol, Pile Drivers and Skid Rig, Pre-stress Machine, Rock Drill (self-propelled), Rock Drill (truck mounted) Scoops - Tractor drawn, Slip-Form Paver, Tournapull, Tractor with Boom and Side Boom, Trenching Machines 12 or more inches in width

Group 2 - Combination Backhoe Front End Loader Machine with backhoe bucket or with attachments

Group 3 - Air Compressor 600 cu. ft. and over, Bobcat (over 3/4 cu. yd.), Boilers, Broom-All Powered Propelled, Bull Dozers, Compressor and Throttle Valve, Concrete Breaker (truck mounted), Concrete Mixer of more than 21 cu. ft. capacity, Forklift with a fixed or tilt mast, Greaser Engineer, Hoists-One drum, Hydraulic Boom Truck, Post-Hole Digger (vehicle mounted), Pump Cretes- (Squeeze crete type pumps, Gypsum Bulker and Pump), Rollers-All, Steam Generators, Stone Crushers, Straddle Buggies, Tractors, Winch Truck with "A" Frame

Group 4 - Buck Hoists, Combination - Small Equipment Operator, Conveyor-Portable, Grouting Machines, Hoist Elevators Mat'l & Personnel, Hydraulic Power Units Grouting and Pile Driving, Stud Welder, Trenching Machines less than 12 inches in width, Welding Machines 8 through 15

Group 5 - Bobcat (up to and including 3/4 cu. yd.), Compressor over 210 cu. ft. and less than 600 cu. ft., Generators - over 50 KW, Heaters-Mechanical, Hoists-All Elevator (perm. installation), Hoist-Automatic, Hoist-Tugger Single Drum, Oilers, Pumps-Well Points and Electric Submersibles, Small Rugger Tired End Loaders ½ cu. yd. and under, Tractors-Farm Type, Welding Machines (2 through 8)

DECISION NO. IA82-4030 - MOD. #16 (47 FR 26537 - 6/18/82) Black Hawk,Cerro Gordo, Clinton,Des Moines, Dubuque,Johnson,Linn & Polk Cos., Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters:		
Zones 6 & 7:		
Carpenters & floor layers	$11.74	1.93
Piledrivermen	12.24	1.93
Ironworkers:		
Zones 6 & 7	12.26	2.00
Painters:		
Zone 3:		
Brush	12.50	3.49
Spray,structural steel	13.00	3.49
Drywall-tapers	13.00	3.49

DECISION NO. IA82-4049 - MOD. #7 (47 FR 44667 - 10/8/82) Scott County, Iowa		
CHANGE:		
Painters:		
Brush, roller	14.47	3.49
Spray,structural steel	14.97	3.49
Drywall-tapers	14.97	3.49

DECISION NO. IA83-4022 - MOD. #2 (48 FR 10577 - 3/11/83) Statewide Iowa (except Cerro Gordo,Scott & Webster Cos.)		
CHANGE:		
Power equipment ops.:		
Zone 3 - Group 1	11.65	2.78
Group 2	10.00	2.78
Group 3	8.90	2.78

DECISION NO. IA83-4033 - MOD. #1 (48 FR 19568 - 4/29/83) Statewide Iowa (except Cerro Gordo,Scott & Webster Cos.)	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Power equipment ops.:		
Zone 3 - Group 1	$11.65	2.78
Group 2	10.00	2.78
Group 3	8.90	2.78

DECISION NO. IA83-4035 - MOD. #1 (48 FR 21783 - 5/13/83) Pottawattamie Co.,Iowa		
CHANGE:		
Ironworkers	14.10	2.90

DECISION #KY82-1051 Mod # 3 (47 FR 43521 - October 1, 1982) Allen County Etc., Kentucky	Basic Hourly Rates	Fringe Benefits
Power Equipment Operators- Heavy Construction Projects Including Bridges Across Commercially Navigable Rivers:		
DELETE:		
Class D		
ADD:		
Operators on cranes with booms one hundred fifty feet (150) and over (including jib)	$15.02	2.13

DECISION #KY82-1054 Mod # 2 (47 FR 43518 - October 1, 1982) Adair County Etc., Kentucky		
Power Equipment Operators- Heavy Construction Project Including Bridges Across Commercially Navigable Rivers:		
DELETE:		
Class D		
ADD:		
Operators on cranes with booms one hundred fifty feet (150) and over (including jib)	$15.02	2.13

DECISION #KY82-1055 Mod # 2 (47 FR 43519 - Octover 1, 1982) Anderson County Etc., Kentucky	Basic Hourly Rates	Fringe Benefits
Power Equipment Operators Heavy Construction Projects Including Bridges Across Commercially Navigable Rivers:		
DELETE:		
Class D		
ADD:		
Operators on cranes with booms one hundred fifty feet (150) and over (including jib)	$15.02	2.13

MODIFICATIONS P. 7

DECISION #KY82-1065
Mod. # 3
(47 FR 46229 - October 15, 1982)
Boyd County, Kentucky

ADD:

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Group 1	$14.90	305.50b
Group 2	15.20	305.50b
Group 3	15.27	305.50b
Group 4	15.32	305.50b
Group 5	15.39	305.50b
Group 6	15.69	305.50b

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS:

Group 1 - Warehousemen, Yardmen, Truck Helpers, Pickups, Station Wagons, Panel Trucks, Flat-body Material Truck (straight job), Greasers, Washers, Tiremen, Gas Pump Attendants, Dump Trucks (up to 5 cu. yd.)

Group 2 - Tank Truck (straight), Dump Trucks (5 cu. yds. & over), Agitator or Mixer Trucks (up to 5 cu. yds.) & Flat Bed Tandems

Group 3 - Winch Trucks, Fork Trucks, Distributor Trucks (Front End & Back End), Truck Crane, Monirail Truck

Group 4 - Material Checker & Receiver

Group 5 - Agitator or Mixer Truck (5 cu. yds & over)

DECISION #KY82-1065 Mod 3 (Cont'd)

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS: (Cont'd)

Group 6 - Tri- Axle Dump Trucks, Hydraulic Lift Tailgate Truck & Farm Type Tractors, End Dumpsters, Turnarockers, Ross Carriers, Athey Wagon or Similar Equipment, A-Frame, Hydro-lift, Dual Purpose Trucks, Semi-Dump, Semi-Trailer (whether flat, rack or pole & hauled or pushed by truck or tractors), Semi-Tank & Lowboy Trailers, Mechanic

FOOTNOTE:
b - Per Month, Per Employee

MODIFICATIONS P. 8

DECISION NO. LA82-4053 - MOD. #13 (47 FR 50421 - 11/5/82) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters:		
Zone 1:		
Carpenters	$13.25	.60
Millwrights	13.97	.60
Piledrivermen	14.15	.60
Zone 2:		
Calcasieu Parish:		
Carpenters, piledrivermen & soft floor layers	13.19	1.60
Allen, Beauregard, Cameron, Jefferson Davis & Vernon Pars.:		
Carpenters, piledrivermen, soft floor layers	9.90	1.60
Lathers:		
Zone 6	13.25	.60
Zone 7:		
Calcasieu Parish	13.19	1.60
Allen, Beauregard, Cameron, Jefferson Davis & Vernon Parishes	9.90	1.60

DECISION NO. LA83-4019 - MOD. #4 (48 FR 5448 - 2/4/83) Calcasieu Par., Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters:		
Carpenters, piledrivermen, soft floor layer	10.72	1.60
Lathers	10.72	1.60

DECISION NO. MI83-2020 - MOD. #2 (48 FR 11615 - March 18, 1983) Genesee, Huron, Lapeer, Saginaw, St. Clair, Sanilac, & Shiawassee Counties, Michigan	Basic Hourly Rates	Fringe Benefits
RESIDENTIAL CONSTRUCTION		
Change:		
CARPENTERS & SOFT FLOOR LAYERS:		
Genesee, Lapeer, & Shiawassee Counties		
Carpenters	$10.95	2.12
Soft Floor Layers	10.42	2.17

DECISION NO. MI80-3047-Mod. #11 (45 FR 57922-August 29,1980) Allegany & Garrett Ctys, MD	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS		
Allegany County	$15.00	$2.40+ 3.75%
Garrett County	15.40	2.40+ 3.75%

DECISION NO. MD81-3031-Mod. #7 (45 FR 27054-May 15,1981) ALLEGANY & GARRETT Ctys, MD	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
Allegany & Garrett (East of Rt. 219 at the Lake	15.00	2.40+ 3.75%
Garrett County (West of Rt. 219 at the Lake)	15.40	2.40+ 3.75%

DECISION #NE83-4041 - MOD. #1 (48 FR 23996-May 27,1983) Cedar, Cuming, Pierce, Stanton & Wayne Counties, Nebraska	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Drywall:		
Installers	$6.89	

	Basic Hourly Rates	Fringe Benefits
DECISION NO. NH83-3012 - MOD. #1 (48 FR 22867 - May 20, 1983) HILLSBORO AND MERRIMACK, NEW HAMPSHIRE		
CHANGE:		
AREA 3:		
Carpenters and Soft floor Layers	12.61	1.55

	Basic Hourly Rates	Fringe Benefits
DECISION NO. WV82-3002- MOD. NO. 5 (47 FR 49220-October 29, 1982) Statewide, West Virginia excluding the Counties of Berkeley, Jefferson, & Morgan		
CHANGE:		
ELECTRICIANS:		
HAMPSHIRE & MINERAL COUNTY:		
WIREMAN	$15.00	$2.[illegible] + 3-3/4%
GRANT COUNTY:		
WIREMAN	16.00	2.[illegible] + 3-3/4%

DECISION 80SD-4032-Mod. #4
(48FR1641) - April 15, 1983)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
GLAZIERS	$12.69	1.20
MARBLE, TILE AND TERRAZZO WORKERS	12.90	1.02
MARBLE, TILE AND TERRAZZO FINISHERS	10.89	1.02
SOFT FLOOR LAYERS	11.20	1.90
PAINTERS (ZONES I AND II):		
Class "B"	11.85	1.90
Class "C"	12.50	1.90
PAINTERS ZONE I AND II Classification Definitions:		
Class "B" - Spray, sandblaster, special applicator and steel		
Class "C" - Paperhanger		
PAINTERS (RESIDENTIAL CONSTRUCTION in Santa Fe, Taos and Rio Arriba Counties):		
Brush & roller	9.47	1.90
Spray	9.97	1.90
DRYWALL FINISHERS:		
Ames tool operators	10.05	1.90
Hand finishers	9.80	1.90
Machine texture	9.80	1.90
ADD:		
PAINTERS (ZONES I AND II)		
DRYWALL FINISHERS:		
Class "D" - Ames tool op.	12.08	1.90
Class "E" - Hand finishers, machine texture	11.83	1.90

	Basic Hourly Rates	Fringe Benefits
DECISION NO. WV83-3000 MOD. NO. 4 (48 FR 10585-March 11, 1983) Statewide, West Virginia		
CHANGE:		
ELECTRICIANS:		
AREA 11		
WIREMAN	15.00	2.[illegible] + 3-3/4%
AREA 12		
WIREMAN	15.00	2.[illegible] + 3-3/4%
AREA 13		
WIREMAN	16.00	2.[illegible] + 3-3/4%

SUPERSEDEAS DECISION

STATE: Missouri & Kansas

COUNTIES: Cass,Clay,Jackson,Platte & Ray Missouri;Johnson & Wyandotte, Kansas

DECISION NO.: MO83-4046

DATE: Date of Publication

Supersedes Decision No. MO81-4081 dated October 16, 1981 in 46 FR 51175.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	17.29	4.26
BOILERMAKERS	16.12	2.825
BRICKLAYERS & STONEMASONS	14.44	3.98
CARPENTERS	14.55	2.07
CEMENT MASONS	15.075	1.95
ELECTRICIANS:		
Buildings of (3) stories or less:		
ZONE 1 - Johnson County, Kansas (that portion of Johnson County West of Aubry,Oxford & Shawnee Twps.) Cass,Clay,Jackson,Platte & Ray Counties,Missouri; & Wyandotte County,Kansas & remainder of Johnson County,Kansas	11.37	10% + 2.51
Buildings of over (3) stories:		
ZONE 1 - Western half of Clay & Jackson Counties, Missouri not including Blue Springs;Northern half of Platte County; Northwestern portion of Cass County,Missouri; not including Pleasant Hill	16.18	10% + 2.51
ZONE 2 - Remainder of Cass,Clay,Jackson & Platte Counties, Missouri: Electricians (Contracts exceeding 2000 man hours)	16.18	10% + 2.51
Buildings of over (3) stories:		
ZONE 3 - Electricians (contracts not exceeding 2000 man hours	15.18	10% + 2.51

	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS: (Cont'd)		
ZONE 4 - Ray County, Missouri		
Electricians (contracts exceeding 2000 man hours	16.18	10% + 2.51
Electricians (contracts not exceeding 2000 man hours	14.58	10% + 2.51
ELEVATOR CONSTRUCTORS'	16.53	2.465 +a
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	2.465 +a
ELEVATOR CONSTRUCTORS' HELPER (PROB.)	50%JR	
GLAZIERS	14.72	2.66+ 15.48%
IRONWORKERS	16.25	4.25
LABORERS:		
Building Construction:		
ZONE I		
GROUP I	13.30	1.85
GROUP II	13.45	1.85
GROUP III	12.60	1.85
LABORERS:		
Site Preparation & Grading		
ZONE 2 - Johnson & Wyandotte Counties, Kansas;Site Preparation,Incidental paving & utilities Clay,Jackson,Platte & Ray Counties, Missouri		
GROUP I	12.02	3.30
GROUP II	12.82	3.30
TILE & MARBLE SETTERS	16.55	10%
TILE SETTERS & MARBLE FINISHERS	14.40	
PAINTERS:		
Brush,roller, & tapers	14.54	1.40
Spray	15.54	1.40

	Basic Hourly Rates	Fringe Benefits
PLASTERERS	17.25	
PIPEFITTERS	17.44	3.22
PLUMBERS	17.96	2.70
POWER EQUIPMENT OPERATORS:		
Building Construction (ZONE 1)		
GROUP I	15.46	3.75
GROUP II	15.11	3.75
GROUP III:		
(a)	10.05	3.75
(b)	13.21	3.75
(c)	10.85	3.75
(d)	13.46	3.75
GROUP IV	15.71	3.75
GROUP V	15.36	3.75
GROUP VI	15.96	3.75
GROUP VII:		
(a)	15.21	3.75
(b)	14.96	3.75
(c)	12.96	3.75
GROUP VIII	16.46	3.75
GROUP IX	15.96	3.75
POWER EQUIPMENT OPERATORS:		
Site preparation & grading, Johnson & Wyandotte Counties, Kansas;Site preparation, incidental paving & utilities Clay,Jackson,Platte & Ray Counties,Missouri (ZONE 2)		
GROUP I	14.10	3.92
GROUP II	13.85	3.92
GROUP III	13.15	3.92
GROUP IV		
(a)	9.13	3.92
(b)	12.15	3.92
GROUP V	14.35	3.92
ROOFERS:		
Roofers	16.48	2.71
SHEET METAL WORKERS	16.65	2.63
SOFT FLOOR LAYERS	11.21	11% + 1.95
SPRINKLER FITTERS	17.83	2.81
TERRAZZO WORKERS:		
Terrazzo Workers	15.31	10%
Terrazzo Finishers	13.58	
Terrazzo Base Machine Operator	13.93	
TRUCK DRIVERS:		
Building Construction: (ZONE 1)		
GROUP I	14.085	2.75
GROUP II	14.135	2.75
TRUCK DRIVERS (Cont'd):		
GROUP III	14.21	2.75
GROUP IV	14.335	2.75
GROUP V	14.235	2.75
GROUP VI	14.435	2.75
GROUP VII	14.285	2.75
GROUP VIII	14.185	2.75
TRUCK DRIVERS:		
Site preparation & grading, Johnson & Wyandotte Counties, Kansas;Site preparation, Incidental paving & utilities Clay,Jackson,Platte & Ray Counties,Missouri (ZONE 2)		
GROUP I	12.66	3.50
GROUP II	12.86	3.50
GROUP III	13.17	3.50
GROUP IV	13.32	3.50
GROUP V	12.44	3.50

FOOTNOTES: - a - Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 7 paid holidays.

CLASSIFICATION DEFINITIONS

LABORERS: Building Construction (Zone 1)
GROUP I - General labor; wiremesh handlers or setters; carpenter tender; track men; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape man; sod layers; wrecker (for alterations or entire projects).
GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and backfilling), power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds cutting torch or burner men; georgia buggies (self-propelled) fork lift; boseman; insulation man.
GROUP III - Fork lift (masonry); brick tender; plaster tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding) Barco, Jackson or similar tamp operators; asphalt rakers; power men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators.

LABORERS: Site Preparation (Zone 2)
GROUP I - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; loading trucks under bins, hoppers and conveyors track men and all other general laborers, air tool operators; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checker on cuts and fills; georgia buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only), crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working underground tunnels where compressed air is not used.
GROUP II - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tampor; jackson or any similar tamp wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringline [illegible] on concrete paving, curbs, gutters and etc.; hot mastic [illegible] and hot tar application; hand blade operator; manhole [illegible] tenders and mortar men on brick or block manholes; [illegible] blasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels; manhole builder (brick or block); dynamite and powderman.

CLASSIFICATION DEFINITIONS - (Cont'd)

POWER EQUIPMENT OPERATORS - Building Construction (Zone 1)
Group I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man
GROUP II Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; compressors (1) 125' or over; concrete saws, self-propelled; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hamer; lad-a-vator - similar type; rollers; siphons, jets, and jennies; sub-grader; tractors over 50 h.p.; compressors (2) 125' ft. or over not more than 20' apart; cerpressors-tander; compressors single,truck mounted; elevator; finishing machine
Group III -
(a) Oilers
(b) Fork lift-masonry
(c) Oiler driver
(d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering system, test or pressure pumps; tractors (except when hauling material)less than 50 h.p.
Group IV -
Clamshells, 80 ft. of boom or over (incl. jib); crane or rigs, 80 ft. of boom or over (incl.jib); draglines, 80 ft. of boom or over (incl. jib); pile drivers, 80 ft. of boom or over (incl. jib)
Group V
Hoists-each additional drum over 1 drum
Group VI
Crane or rigs, over 200 ft. of boom
Group VII
Ready Mixed Concrete Plants:
(a) Crane operator
(b) Loader operator & plant man
(c) Conveyor Operator
Group VIII
Master Mechanic
Group IX
Crane-tower or climbing

CLASSIFICATION DEFINITIONS - (Cont'd)

POWER EQUIPMENT OPERATORS: Site Preparation (Zone 2)
GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drill-cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader-fork lift; hoistline engine-2 active drums; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump-2; push cat operator; quad-track; scoop operator-all types; scoops in tandem; self-propelled rotary drill (leroy or equal-not air trac); shovel operator; side discharge spreader; sidecoom cats; skimmer scoop operater; slip-form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator-3.
GROUP II - A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; aspoalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator elevating grader; greaser; hoisting engine-1 drum; letourneau rooter; multiple compactor; pavement breaker, self propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator,tractor operator over 50 h.p..
GROUP III - Boilers-1; chip spreader (front man); churn drill operator; compressor maintenance operator-1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator-1.
GROUP IV
(a) Oiler
(b) Oiler drivers, all types
GROUP V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels & backhoes, 3 yds. capacity or over

CLASSIFICATION DEFINITIONS - (Cont'd)

TRUCK DRIVERS - Building Construction (Zone 1)
GROUP I - Warehousemen and stock men.
GROUP II - Flat beds; pick-ups; dump trucks, under 10 yds.
GROUP III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers.
GROUP IV - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated aerial lifts; heavy hauling, A-frame winch and fork lifts; heavy excavating (dumpster, euclid, etc.); double bottom units (20 tons capacity and over).
GROUP V - Distributor truck drivers and operators; oilers, greasers and mechanics' tenders.
GROUP VI - Mechanics.
GROUP VII - Transit mix, 5 yds. and over.
GROUP VIII - Transit mix, under 5 yds.

TRUCK DRIVERS - Site Preparation (Zone 2)
GROUP I - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle.
GROUP II - Material trucks, tandem; two teams; semi-trailers; winch trucks-fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers; single axle; tank wagon drivers tandem or semi-trailers; insley wagons; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment.
GROUP III - A-frame, lowboy, and boom truck driver.
GROUP IV - Mechanics and welders.
GROUP V - Mechanics tender, oilers and greasers.

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)."

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NUMBER: OH83-2044 DATE: Date of Publication
Supersedes Decision No. OH81-2068, dated December 18, 1981 in 46 FR 61781
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

*ALLEN, AUGLAIZE, HARDIN, MERCER, PAULDING, PUTNAM & VAN WERT

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	7.54			
BRICKLAYERS	11.00			
CARPENTERS	7.63			
CEMENT MASONS	7.85			
DRYWALL FINISHERS	10.05			
DRYWALL HANGERS	7.75			
ELECTRICIANS	7.62			
LABORERS	6.11			
PAINTERS	7.77			
PLUMBERS	8.68			
ROOFERS	6.74			
SHEET METAL WORKERS	6.94			
SOFT FLOOR LAYERS	7.75			
TILE SETTERS	7.75			
TRUCK DRIVERS	6.11			
POWER EQUIPMENT OPERATORS:				
Backhoes	8.64			
Bulldozers	9.50			
Front End Loaders	8.32			

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2045
COUNTIES: BELMONT, MONROE, & NOBLE
DATE: Date of Publication
Supersedes Decision No. OH82-2019, dated March 12, 1982 in 47 FR 10953
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$7.00			
BRICKLAYERS	8.83			
CARPENTERS	10.02			
CEMENT MASONS	8.56			
DRYWALL FINISHERS/HANGERS	7.50			
ELECTRICIANS	7.00			
LABORERS	6.41			
PAINTERS	7.33			
PLUMBERS; Pipefitters	9.17			
ROOFERS	7.00			
SHEET METAL WORKERS	7.00			
SOFT FLOOR LAYERS	7.80			
TILE SETTERS	8.90			
TRUCK DRIVERS	6.41			
POWER EQUIPMENT OPERATORS:				
Backhoes	8.92			
Bulldozers	8.83			
Front End Loaders	8.64			

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2046
COUNTIES: COSHOCTON, GUERNSEY, & HOLMES
DATE: Date of Publication
Supersedes Decision No. OH82-2052, dated October 29, 1982 in 47 FR 49210
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	17.25			
BRICKLAYERS; Blocklayers	9.00			
CARPENTERS	8.52			
CEMENT MASONS	9.59			
DRYWALL HANGERS	9.16			
DRYWALL FINISHERS	9.30			
ELECTRICIANS	8.62			
INSULATORS	7.00			
LABORERS	6.64			
PAINTERS	9.44			
PLUMBERS; Pipefitters	9.48			
ROOFERS	8.46			
SHEET METAL WORKERS	9.01			
SOFT FLOOR LAYERS; Carpet Layers	8.50			
TILE SETTERS	8.50			
TRUCK DRIVERS	7.93			
POWER EQUIPMENT OPERATORS:				
Backhoes	8.00			
Bulldozers	9.85			
Front End Loaders	8.00			

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2047
COUNTIES: *SEE BELOW
DATE: Date of Publication
Supersedes Decision No. OH81-2061, dated October 9, 1981 in 46 FR 50263
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

*DELAWARE, FAIRFIELD, FRANKLIN, LICKING, MADISON, & PICKAWAY

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$10.04			
BRICKLAYERS	11.41			
CARPENTERS	7.61			
CEMENT MASONS	9.69			
DRYWALL FINISHERS	10.23			
DRYWALL HANGERS	9.47			
ELECTRICIANS	10.23			
LABORERS:				
Caurun	6.22			
Mason Tenders	7.59			
PAINTERS	6.78			
PLUMBERS	9.82			
ROOFERS	6.08			
SHEET METAL WORKERS	7.80			
SOFT FLOOR LAYERS	8.00			
TILE SETTERS	9.07			
TRUCK DRIVERS	7.50			
POWER EQUIPMENT OPERATORS:				
Backhoes	11.57			
Bulldozers	10.22			
Front End Loaders	10.11			
Rollers	9.98			

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2048
COUNTY: MUSKINGUM
DATE: Date of Publication
Supersedes Decision No. OH81-2016, dated April 10, 1981 in 46 FR 21586
DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$8.50			
BRICKLAYERS	7.00			
CARPENTERS	6.91			
CEMENT FINISHERS/MASONS	7.50			
DRYWALL FINISHERS/HANGERS	7.50			
ELECTRICIANS	7.03			
LABORERS	4.77			
PAINTERS	7.00			
PLUMBERS	7.00			
ROOFERS	6.98			
SHEET METAL WORKERS	6.69			
SOFT FLOOR LAYERS	7.00			
TILE SETTERS	7.00			
TRUCK DRIVERS	6.75			
POWER EQUIPMENT OPERATORS:				
Backhoes; Bulldozers; & Front End Loaders	7.50			

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
COUNTY: WAYNE
DECISION NUMBER: OH83-2049
DATE: Date of Publication
Supersedes Decision No. OH81-2017, dated April 10, 1981 in 46 FR 21558
DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$8.25			
BRICKLAYERS; Blocklayers	8.59			
CARPENTERS	8.20			
CEMENT MASONS	8.15			
DRYWALL HANGERS, Finishers, & Tapers	6.92			
ELECTRICIANS	8.45			
INSULATORS	6.35			
LABORERS	6.35			
PAINTERS	6.00			
PLUMBERS; Pipefitters	7.84			
ROOFERS	7.58			
SHEET METAL WORKERS	8.06			
SOFT FLOOR LAYERS; Carpet Layers	7.50			
TILE SETTERS	8.00			
TRUCK DRIVERS	7.75			
POWER EQUIPMENT OPERATORS:				
Backhoes	8.88			
Bulldozers	9.06			
Graders	9.75			

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Oregon
COUNTIES: Clackamas, Multnomah, and Washington
DECISION NUMBER: OR83-5111
DATE: Date of Publication
Supersedes Decision No. OR80-5108 dated March 7, 1980, in 45 FR 15036
DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$17.64	$3.23		
CARPENTERS	13.55	1.85		
CEMENT MASONS	15.42			
ELECTRICIANS	12.50	3%+2.13		
INSULATION INSTALLERS	11.62			
LABORERS	8.42			
PAINTERS	11.03	3.09		
PLUMBERS	12.25	2.14		
ROOFERS	16.85	2.30		
SOFT FLOOR LAYERS*	13.796	2.38		
SHEET METAL WORKERS	12.12	1.36		
POWER EQUIPMENT OPERATORS:				
Backhoe, Loader	13.94	2.77		
TRUCK DRIVERS:				
Dump Truck, under 6 cu. yds.	10.92	2.88		

FOOTNOTE:
SOFT FLOOR LAYERS:
4% of all gross wages to be placed to the credit of the employees with less than one year of service; 6% of all gross wages to be placed to the credit of employees with more than one year service

Unlisted classifications needed for work not included within the scope of the classificatins listed may be awarded only as provided in the labor standards contract clauses 29 CFR, 5.5(a)(1)(ii)

SUPERSEDEAS DECISION

STATE: Texas
COUNTY: Tarrant
DECISION NO.: TX83-4044
DATE: Date of Publication
Supersedes Decision No. TX80-4015, dated 2/15/80, in 45 FR 10570.
DESCRIPTION OF WORK: Residential construction consisting of single family homes & apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$8.00	
BRICKLAYERS	11.00	
CARPENTERS	8.51	
CEMENT MASONS	9.48	
DRYWALL HANGERS	9.00	
ELECTRICIANS	8.00	
FORM SETTERS	8.44	
IRONWORKERS	6.50	
INSULATION INSTALLERS	6.96	
LABORERS:		
Laborers	5.41	
Asphalt Rakers	7.75	
Plasterers' Tenders	7.00	
LANDSCAPERS	7.00	
PAINTERS:		
Brush	8.85	
Spray	9.89	
PLASTERERS	11.00	
PLUMBERS	8.77	
ROOFERS	7.34	
SHEET METAL WORKERS	8.23	
TILE SETTERS	10.00	
TRUCK DRIVERS	6.00	
POWER EQUIPMENT OPERATORS:		
Front End Loaders	8.34	
Graders	7.75	
Tractors	7.75	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)".

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Bastrop,Blanco,Caldwell,Fayette, Hays,Lee,Llano,Travis & Williamson
DECESION NO.: TX83-4045
DATE: Date of Publication
Supersedes Decision No. TX79-4068, dated 11/2/79, in 44 FR 63441.
DESCRIPTION OF WORK: Residential Projects consisting of single family homes and garden type apartments up to & including 4 stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$7.17	
BRICKLAYERS	10.00	
CARPENTERS	7.265	
CEMENT MASONS	8.00	
ELECTRICIANS	7.50	
FORM SETTERS	6.50	
INSULATION INSTALLERS	6.00	
IRONWORKERS	6.37	
LABORERS:		
Laborers	4.59	
Pipelayers	5.25	
PAINTERS	7.94	
PLUMBERS	7.50	
ROOFERS	10.00	
SHEET METAL WORKERS	10.00	
SHEET ROCKERS	8.00	
SOFT FLOOR LAYERS	6.39	
TRUCK DRIVERS	6.10	
POWER EQUIPMENT OPERATORS:		
Backhoes	6.64	
Front End Loaders	6.00	
Graders	6.63	
Rollers	6.25	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)".

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federal register

Friday
June 10, 1983

Part V

Department of Health and Human Services

Food and Drug Administration

Over-the-Counter Human Use; Cholecystokinetic Drug Products; Final Monograph

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 357

[Docket No. 79N-0368]

Cholecystokinetic Drug Products for Over-the-Counter Human Use; Final Monograph

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule in the form of a final monograph establishing conditions under which over-the-counter (OTC) cholecystokinetic drug products (products that cause contraction of the gallbladder during diagnostic gallbladder studies) are generally recognized as safe and effective and not misbranded. FDA is issuing this final rule after considering public comments on the agency's proposed regulation, which was issued in the form of a tentative final monograph, and all new data and information on cholecystokinetic drug products that have come to the agency's attention. This final monograph is part of the ongoing review of OTC drug products conducted by FDA.

EFFECTIVE DATE: June 11, 1984.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, National Center for Drugs and Biologics (HFN-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 12, 1980 (45 FR 9286), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC cholecystokinetic drug products, together with the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products, which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class. Interested persons were invited to submit comments by May 12, 1980. Reply comments in response to comments filed in the initial comment period could be submitted by June 11, 1980.

In accordance with § 330.10(a)(10), the data and information considered by the Panel were put on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, after deletion of a small amount of trade secret information.

The agency's proposed regulation, in the form of a tentative final monograph, for cholecystokinetic drug products was published in the **Federal Register** of August 24, 1982 (47 FR 37068). Interested persons were invited to file by October 25, 1982 written comments, objections, or requests for oral hearing before the Commissioner of Food and Drugs on the proposed regulation. Interested persons were invited to file by December 22, 1982 written comments on the agency's economic impact determination. Final agency action occurs with the publication of this final monograph, which is a final rule establishing a monograph for OTC cholecystokinetic drug products.

The OTC procedural regulations (21 CFR 330.10) have been revised to conform to the decision in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). (See the **Federal Register** of September 29, 1981; FR 47730.) The revised regulations now provide in § 330.10(a)(7)(iii) for a 12-month period to submit data and information to support a condition excluded from the monograph in the tentative order. In the case of cholecystokinetic drug products, the only condition considered was included in the monograph. Therefore, in the preamble to the proposed regulation the agency indicated that the usual 12-month comment period would serve no purpose in developing a final monograph for OTC cholecystokinetic drug products (47 FR 37068).

Although it was not required to do so under *Cutler*, FDA is no longer using the terms "Category I" (generally recognized as safe and effective and not misbranded), "Category II" (not generally recognized as safe and effective or misbranded), and "Category III" (available data are insufficient to classify as safe and effective, and further testing is required) at the final monograph stage, but is using instead the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III).

As discussed in the proposed regulation for OTC cholecystokinetic drug products (47 FR 37068), the agency advises that the conditions under which the drug products that are subject to this monograph will be generally recognized as safe and effective and not misbranded (monograph conditions) will be effective on June 11, 1984. On or after that date, no OTC drug products that are subject to the monograph and that contain nonmonograph conditions, i.e., conditions that would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce unless they are the subject of an approved new drug application. Further, any OTC drug products subject to this monograph that are repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to comply voluntarily with the monograph at the earliest possible date.

In response to the proposed regulation on OTC cholecystokinetic drug products, comments were received from a College of Pharmacy and a drug manufacturer. Copies of these comments are on public display in the Dockets Management Branch (address above).

I. The Agency's conclusions on the Comments

1. One comment disagreed with the agency's proposed substitution of the word "doctor" for "physician" in § 357.250(d)(1) of the tentative final monograph. The comment stated that because "physician" is a term that is recognized by people of all ages and social and economic levels, there is no need for such a costly change providing absolutely no benefits. The comment further contended that "physician" is a more accurate term, whereas "doctor" is a broad term that could confuse and mislead the lay person into taking advice on medication from persons other than medical doctors, such as optometrists, podiatrists, and even chiropractors.

The agency recognizes that the term "doctor" is not a precise synonym for the word "physician," but believes that the terms are frequently used interchangeably by many consumers. Although the agency has proposed in a number of tentative final monographs to substitute the word "doctor" for "physician" in an effort to simplify OTC drug labeling, the agency has determined, based on comments received to these proposals, that final monographs and other applicable OTC drug regulations should give manufacturers the option of using either the word "physician" or the word "doctor." This final monograph includes that option.

2. One comment noted that the tentative final monograph permits dosage directions only in professional labeling and indicated that such information should be included in product container labeling. The comment argued that not including

dosage information on product labeling is contrary to the Federal Food, Drug, and Cosmetic Act, which requires OTC drug labeling to contain information adequate to permit a consumer to use a drug properly. The comment added that dosage information on product labeling is useful to both consumers and doctors and that not allowing this type of information will require doctors to issue a prescription to provide the dosage directions, thus increasing the possibility of error or misunderstanding. Finally, the comment cited marketing experience of a cholecystokinetic drug product containing dosage directions on product labeling, indicating that this product has been sold for 20 years without reported confusion, misuse, or consumer or professional concern.

The agency agrees with the comment that the labeling of OTC cholecystokinetic drug products should include dosage information. The agency included dosage information only in professional labeling in the tentative final monograph because these products are used only when directed by a doctor (47 FR 37069). However, the agency recognizes that dosage information can also be a useful supplement to a doctor's instructions. Accordingly, the agency is moving the dosage information contained in the professional labeling section of the tentative final monograph to the OTC labeling section of this final monograph. This information has been modified slightly to read as follows: Oral dosage is 60 milliliters 20 minutes before diagnostic gallbladder x-ray or as directed by a doctor.

II. The Agency's Final Conclusions on OTC Cholecystokinetic Drug Products

Based on the available evidence, the agency is issuing a final rule establishing monograph conditions under which OTC cholecystokinetic drug products are generally recognized as safe and effective and not misbranded. Any drug product marketed for use as an OTC cholecystokinetic that is not in conformance with the monograph (21 CFR Part 357, Subpart C) will be considered a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)) and may not be marketed for this use unless it is the subject of an approved new drug application.

During the course of the OTC drug review, the agency has maintained that a monograph describing the conditions under which an OTC drug will be generally recognized as safe and effective and not misbranded must include both specific active ingredients and specific labeling. (This policy has become known as the "exclusivity rule.") The agency's position has been that it is necessary to limit the acceptable labeling language to that developed and approved through the OTC drug review process in order to ensure the proper and safe use of OTC drugs. The agency has never contended, however, that any list of terms developed during the course of the review literally exhausts all the possibilities of terms that appropriately can be used in OTC drug labeling. Suggestions for additional terms or for other labeling changes may be submitted as comments to proposed or tentative final monographs within the specified time periods or, after issuance of final monographs, through petitions to amend monographs under § 330.10(a)(12).

During the course of the review, FDA's position on the "exclusivity rule" has been questioned many times in comments and objections filed in response to particular proceedings and in correspondence with the agency. The agency has also been asked by the Proprietary Association to reconsider its position. To assist the agency in resolving this issue, FDA conducted an open public forum on September 29, 1982 at which interested parties presented their views. The forum was a legislative type administrative hearing under 21 CFR Part 15 that was held in response to a request for a hearing on the tentative final monographs for nighttime sleep-aids and stimulants (published in the **Federal Register** of June 13, 1978; 43 FR 25544). Details of the hearing were announced in a notice published in the **Federal Register** of July 2, 1982 (47 FR 29002). The agency's decision on this matter will be announced following conclusion of its review of the material presented at the hearing.

No comments were received in response to the agency's request for specific comment on the economic impact of this rulemaking (47 FR 37070). The agency has examined the economic consequences of this final rule in conjunction with other rules resulting from the OTC drug review. In a notice published in the **Federal Register** of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that no one of these rules, including this final rule for OTC cholecystokinetic drug products, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96-354. That assessment included a discretionary Regulatory Flexibility Analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, this particular rulemaking for OTC cholecystokinetic drug products is not expected to pose such an impact on small businesses. Therefore, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 21 CFR Part 357

OTC drugs, Cholecystokinetics.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)) and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations is amended by adding new Part 357 to read as follows:

PART 357—MISCELLANEOUS INTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Cholecystokinetic Drug Products

Sec.

357.201 Scope.
357.203 Definition.
357.210 Cholecystokinetic active ingredient.
357.250 Labeling of cholecystokinetic drug products.
357.280 Professional labeling.

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Cholecystokinetic Drug Products

§ 357.201 Scope.

(a) An over-the-counter cholecystokinetic drug product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this subpart in addition to each of the general conditions established in § 330.1.

(b) References in this subpart to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

§ 357.203 Definition.

As used in this subpart:

Cholecystokinetic drug product. A drug product that causes contraction of the gallbladder and is used during the course of diagnostic gallbladder studies (cholecystography).

§ 357.210 Cholecystokinetic active ingredient.

The active ingredient of the product is a 50-percent aqueous emulsion of corn oil.

§ 357.250 Labeling of cholecystokinetic drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as a "gallbladder diagnostic agent."

(b) *Indications.* The labeling of the product contains a statement of the indication under the heading "Indication" that is limited to the phrase "For the contraction of the gallbladder during diagnostic gallbladder studies."

(c) *Warnings.* [Reserved]

(d) *Directions.* The labeling of the product contains the following statements under the heading "Directions":

(1) "Take only when instructed by a doctor:"

(2) "Shake well before using."

(3) Oral dosage is 60 milliliters 20 minutes before diagnostic gallbladder x-ray or as directed by a doctor.

(e) The word "physician" may be substituted for the word "doctor" in any of the labeling statements in this section.

§ 357.280 Professional labeling.

The labeling provided to health professionals (but not to the general public) may contain the following information for products containing a 50-percent aqueous emulsion of corn oil: *Indication.* "For visualization of biliary ducts during cholecystography."

Effective date. This monograph is effective on June 11, 1984.

(Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended) (5 U.S.C. 553, 554, 702, 703, 704).)

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

Dated: May 18, 1983.

[FR Doc. 83-15386 Filed 6-9-83; 8:45 am]

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Federal Register

Friday
June 10, 1983

Part VI

Department of the Interior

Bureau of Land Management

Mineral Materials Disposal and Surface Exploration; Mining and Reclamation of Land

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 23, 3600, 3610, and 3620

[Circular No. 2528]

Mineral Materials Disposal and Surface Exploration; Mining and Reclamation of Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: These final regulations revise and consolidate existing regulations governing the disposal of mineral materials on the public lands and Federal mineral interests administered by the Bureau of Land Management. This rulemaking eliminates needless, burdensome and counterproductive regulations and is a result of a review of existing regulations to reduce the regulatory burden on the public. The final rules also reflect the comments received from the public suggesting changes to the proposed regulations.

EFFECTIVE DATE: July 11, 1983.

ADDRESS: Inquiries or suggestions should be sent to: Director (570), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT: Brenda Aird (202) 343–8537.

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published in the **Federal Register** on May 3, 1982 (47 FR 19066) with a comment period of 60 days. A total of 16 comments were received. Two comments were submitted by associations representing the mining industry, and fourteen comments were submitted by various offices of the Bureau of Land Management. The general reaction to the proposed rulemaking was positive, with some comments and suggestions for improvement on specific points in the rulemaking. These suggestions will be discussed below as they relate to specific sections.

Section 3600.0–3 Authority. Ten comments were received concerning this section of the proposed rulemaking. Two comments requested that this section be expanded to allow for further clarification of the Bureau of Land Management's authority to dispose of mineral materials from lands held for the benefit of Indians in the State of Alaska. The authority for disposal of mineral materials from lands selected by Alaskan Natives is found in 43 CFR 2650.1. Therefore, this section was not changed in final rulemaking.

One comment expressed the view that reference to the Secretary of Agriculture's authority to dispose of mineral materials was inappropriate in regulations which concern the Department of the Interior. In response to this comment this section is deleted in final rulemaking.

Section 3600.0–5 Definitions. Comments on this section requested clarification of some of the proposed definitions. Changes were made removing references to Outer Continental Shelf lands as management responsibilities for those lands have been transferred from the Bureau of Land Management to the Minerals Management Service.

One comment suggested that the requirement for notation of community pits on records maintained by Bureau of Land Management State offices be eliminated. This suggestion was not adopted in final rulemaking because of the need to notify the public of existing land use authorizations. However, the community pit and common use area definitions were amended to more accurately describe the differences between the two types of disposal sites.

One comment indicated that the inclusion of "gemstones" in the definition of "hobby specimens" was inappropriate. After careful consideration of this and other comments it was determined that all references to "hobby specimens" should be omitted. Collection of hobby minerals on Federal lands is the subject of the proposed rulemaking, revising 43 CFR Part 3630 (47 FR 35914) currently under consideration by the Bureau. "Hobby Specimens" and "gemstones" are more appropriately treated in that rulemaking.

One comment suggested that comprehensive definitions be made for some terms, so that there would be consistency of definitions among Bureau programs. Because of the differences in sources of authority for Bureau programs, it is not possible to develop a comprehensive set of definitions that would apply to all activities upon lands administered by the Bureau of Land Management. Therefore, this suggestion was not adopted in final rulemaking. However, the definition of unnecessary or undue degradation found in this final rulemaking is the same as that found at 43 CFR Part 3809 concerning surface management under the Federal Land Policy and Management Act.

Section 3601.1–1 Valid existing rights and unpatented mining claims. Most of the comments on this section of the proposed rulemaking recommended a change to allow for the disposal of mineral materials from unpatented mining claims. This comment was not adopted in final rulemaking. The Department is examining the benefits of seeking legislation granting the statutory authority for disposal of mineral material from unpatented mining claims.

Section 3601.1–3 Removal of Materials and Section 3601.2 Planning and Environmental Protection. These sections are discussed concurrently because of their merger in final rulemaking. Comments expressed the view that as written these sections placed excessive discretion with local managers for determining the degree of impact that mineral material disposal would have on other resources or land uses. The Department of the Interior has concluded that placing such authority at the level of the field manager is consistent with the Department's philosophy of management which places maximum feasible authority and responsibility at the local level. Locating authority at this level of the organization permits resource management decisions to be made by those who are most familiar with local resource conditions and needs.

One comment expressed concern that references to planning implied that decisions to dispose of mineral materials could be made only when specifically addressed in land use planning documents. The disposal of mineral materials is a general activity which is considered in the planning process, but site specific disposal actions do not have to be addressed in land use plans.

In these regulations, specific references to environmental assessment have been modified to provide for the use of an environmental review instead of an environmental assessment. Use of the broader term, environmental review, accommodates designation of mineral material disposals as categorical exclusions within the framework of the National Envronmental Policy Act of 1969 (42 U.S.C. 4332). Categorical exclusion reviews are performed by the BLM for those routine actions which do not normally result in significant impacts to the environment, and thus may not require an environmental assessment.

Section 3602.1 Mining and Reclamation Plans. One comment recommended that the provisions in the proposed rulemaking for submission of a mining plan and a separate reclamation plan be combined. This suggestion is adopted in the final rulemaking, which allows the two submissions to be combined at the discretion of the authorized officer.

Many comments suggested adding or deleting specific items to be included in

mining and reclamation plan submissions. After careful consideration, final rulemaking provides plan the minimum required information for inclusion in a mining or reclamation plan. Additional information may be required at the discretion of the authorized officer.

Section 3602.1–3 Approval and modification of mining and reclamation plans. Several comments suggested that a specific timetable be established in the regulations for approval of plans and modifications to plans. Development of specific timetables for a large number of discrete actions would impose a substantial burden upon both the Bureau of Land Management and potential applicants. At present, it is not possible to forecast the rate and distribution of applications for mineral material disposals and therefore, establishing precise timetables for the processing of applications is not feasible. Revisions have been made to provide for a 30 day approval period for plan modifications.

One comment suggested changes to more clearly indicate that the authorized officer has final authority to determine whether a mining or reclamation plan should be modified. This suggestion was adopted in the final rulemaking.

Section 3602.2 Sampling and Testing. Comments expressed the view that the requirement to obtain permits for sampling and testing purposes under Part 2920 of this title was duplicative and complicated. Comments suggested that a simplified procedure for testing and sampling prior to use authorization be adopted. In response to these comments, this requirement was changed in the final rulemaking to permit sampling and testing through use of a letter of authorization.

Some comments expressed the view that bonding was not necessary for sampling and testing activities. In developing final rulemaking, it was concluded that in most cases bonding requirements may not be necessary. However, the Department of the Interior has determined that it is prudent for local managers to have the authority to require bonding where necessary to protect the public lands.

Section 3602.3 Removal of improvements. In response to comments suggesting editorial changes to other sections of the proposed rules, sections which dealt with removal of improvements have been combined and relocated in this general section.

Section 3603 Unauthorized use. Some comments suggested expanding this section to specify damages for unauthorized use. The Department of the Interior is presently revising Part 9239 of this title to make liability for unauthorized use consistent throughout the programs administered by the Department. Therefore, this suggestion was not adopted.

Subpart 3604 Community pits and common use areas. Comments indicated that § 3604.1 was unclear and appeared to imply that a permittee could establish a superior right to remove material against subsequent claims or entries. This section has been revised in final rulemaking to clarify that the designation of a community pit site constitutes a superior right or pre-existing right to remove minerals as against subsequent claims. The designation of a common use area does not constitute such a superior or pre-existing right. However, issuance of a use authorization within a common use area does confer such a right to the permittee.

One comment expressed the view that paragraph (d) of § 3604.1 duplicated § 3604.2. Other comments recommended that references to reclamation be clarified.

In response to these suggestions, references to reclamation in § 3604.1(d) have been removed and § 3604.2 has been amended to specify the types of reclamation to be performed in lieu of reclamation reimbursement payments and to clarify the procedure for calculating reclamation reimbursement costs.

Section 3610.1–1 Qualifications of applicants. A suggestion was made to delete this section because of lack of specific statutory language authorizing the Department of the Interior to require such information from applicants. After reviewing the language of the Materials Act, the Department concluded that the law has no specific requirements concerning qualifications of applicants. In addition, the Secretary of the Interior will not exercise his regulatory authority under the Act to require the qualifications set forth in the proposed rulemaking. Therefore, § 3610.1–1 is removed by the final rulemaking.

Section 3610.1–2 Request for sale. One comment was received recommending that provisions in the regulations for oral requests for disposals be removed. This has been adopted in the final rulemaking.

Another comment suggested that in sales below $50, the value should be administratively determined rather than being the result of an appraisal. This comment was not incorporated into final rulemaking. The Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.) states that it is the policy of Congress that the United States receive fair market value for resources from the public lands unless otherwise provided by statute. The Materials Act requires the payment of adequate compensation for resources sold pursuant to that Act. The Secretary has determined that, for the purposes of sales under the Materials Act, adequate compensation shall be the fair market value, as determined by appraisal, of such resources.

There were also questions from some commenters concerning guidelines for determination of fair market value. Guidelines for determination of fair market value are being incorporated into appropriate manual sections for use by Bureau of Land Management appraisal staffs. It is expected that these manual sections, which are public documents, will answer the questions posed in the submission of commenters.

Another comment was received concerning the need to clarify measurement methods for mineral materials. This section has been revised in final rulemaking to clearly indicate that all measurements are made on the basis of in-place volume or weight.

Section 3610.1–3 Payments and termination by agreement. One comment suggested that the requirement for an annual payment in lieu of production without provision for future credit be removed because of the cost such a provision imposes upon the mineral material users in a fluctuating market. In response to this suggestion, the requirement for payment in lieu of annual production has been modified to allow these annual payments in lieu to be applied to future production.

Section 3610.1–4 Refunds or credits. Several suggestions were made to clarify the intent of this section. Comments indicated the need to clarify the situations where a refund or credit was appropriate. In final rulemaking, this section was modified to indicate that the authorized officer is the decision maker who determines whether there is a sufficient amount of materials in a sale area to fulfill the terms of the contract. This section has also been revised to indicate that the authorized officer has the authority to determine whether a contract should be terminated. This section has been further revised to indicate that refunds or credits will not be made where total payments have not exceeded the administrative cost of processing the application.

Section 3610.1–5 Performance bonds. Several comments suggested that requiring bonding for sales of over $500 was setting the level too low and would create a significant burden on small operators. In response to this suggestion, this provision has been changed to

require bonding on sales of $2000 or more in the final rulemaking.

Other comments requested further explanation of the types of bonds which would be acceptable. The types of bonds which are acceptable have been described in the final rulemaking.

Section 3610.1–7 Extension of time. Comments requested clarification of the number of times that extensions can be granted. In final rulemaking, this is clarified to indicate that an extension may be granted only once.

Section 3610.2–1 Limitations in volume. Comments on this section requested clarification of the reasons for limitations of 100,000 cubic yards per individual sale. The Department of the Interior has determined that the public interest is best served by encouraging competition for these resources. Consequently, the provisions that limit volumes for individual sales remain in the final rulemaking.

Section 3610.2–3 Federal mineral leases. Clarification was requested of provisions allowing the use of materials removed in the process of extracting minerals under Federal leases. The specific procedures concerning this topic will be addressed in a forthcoming manual section governing mineral material disposals.

Section 3610.2–4 Term of contract. In response to comments, this section has been revised in the final rulemaking to indicate that the term of contract does not include extension and removal periods. Although not addressed in this final rulemaking, duration of production contracts will no longer be issued.

Section 3610.3–5 Contracts. Comments requested clarification of procedures for bid awards. These procedures have been clarified in the final rulemaking.

Section 3610.3–6 Term of Contract. In response to comments, this section has been revised to indicate that contract terms shall not exceed 10 years, excluding extensions or periods for removal of equipment and improvements.

Section 3621.1–4 Conditions. Comments requested clarification of the criteria by which the authorized officer determines whether the applicant owns or controls an adequate supply of materials and should not, therefore, be issued a free use permit. These criteria have been revised in the final rulemaking.

Section 3621.1–5 Removal of materials by agent. Several comments stated that parts of this section were repetitive of language found elsewhere in this part. Following review, both § 3621.1–5(a) and § 3621.1–5(c) were deleted.

Other comments suggested that provisions for ensuring that agents not be paid more than fair compensation for time, labor, or money spent in extracting, processing, or removing mineral materials were not enforceable or necessary. After careful consideration, this provision has been deleted in the final rulemaking.

Section 3621.2 Permits to governmental units and non-profit organizations. In response to a suggestion from one commenter, the term "municipalities" was added in the final rulemaking to the list of government and non-profit organizations which can qualify for free use permits.

One comment expressed the view that the limitation on volume for non-profit organizations were too low. After careful consideration, the Department of the Interior has determined that this limit strikes an appropriate balance between non-profit organizations' needs and the need to obtain fair return for resources on the public lands.

Section 3622.4 Collection rules. One comment recommended revision of the wording in this section to permit barter of petrified wood among hobby collectors. This change is made in final rulemaking. It is anticipated that the procedures for the disposal of petrified wood will be included in the proposed rulemaking at 43 CFR Part 3630. However, until final regulations are published at 43 CFR Part 3630, these procedures will be found in 43 CFR 3622.4.

Subpart 3623 Free Use, Collecting—Hobby mineral specimens. Comments expressed the view that this subpart was not properly developed and perhaps lacked a legal basis for inclusion in this rulemaking in its present form. Following review, it was determined that this section should be removed, and relocated in another subpart which more appropriately addresses hobby mineral collection. This subpart has been included in 43 CFR Part 3630—Geologic and Hobby Minerals Collection and was published as a proposed rule at 47 FR 35914 on August 17, 1982.

Regulations currently governing the collection of hobby mineral specimens on public lands are found at 43 CFR 8363.2–1.

Part 23—Surface exploration, mining and reclamation of lands. Comments received on Part 23 expressed the view that all references to "contracts" be deleted from this part. This suggestion was considered but the term "contracts" as well as "permits" have application outside of mineral material disposals, therefore it was determined that removal of references to contracts without removal of references to permits would be confusing. This suggestion is not adopted in the final rulemaking.

The principal author of this final rulemaking is Brenda Aird, Division of Mining Law and Materials Sales, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management.

The Department of the Interior has determined that this final rulemaking is not a major rule under Executive Order 12291. The Department has further determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.). The purpose of this rulemaking is primarily to streamline procedures for the management and disposal of mineral materials on Federal Lands, and will affect all individuals or entities participating in the disposal of mineral materials in a similar manner. The information collection requirement in this rulemaking has been reviewed and approved by the Office of Management and Budget and assigned Clearance Number 1004–0103. The approval expires June 30, 1985.

List of Subjects

43 CFR Part 23

Environmental protection, Natural resources, Surety bonds, Surface mining.

43 CFR Parts 3600, 3610, 3620

Public Lands, Mineral Resources.

Under the authority of the Materials Act of July 31, 1947 as amended, (30 U.S.C. 601, 602), Part 23, Subtitle A, Chapter I is revised and Group 3600, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is revised by revising Part 3600 and adding new Parts 3610 and 3620 as set forth below.

March 17, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

Group 3600—Mineral Materials Disposal

Note.—The information collection requirements contained in Parts 3600, 3610 and 3620 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1004–0103. The information is being collected to allow the authorized officer to determine if the applicant is qualified to purchase or have free use of mineral materials on the public lands. The obligation to respond is required to obtain a benefit.

PART 3600—MINERAL MATERIALS DISPOSAL: GENERAL

Subpart 3600—General

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3600.0–1 Purpose.
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3602.1–1 Mining plans
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Subpart 3603—Unauthorized Use

3603.1 Unauthorized Use.

Subpart 3604—Community Pits and Common Use Areas

3604.1 Non-exclusive disposal.
3604.2 Reclamation.

Subpart 3600—General

§ 3600.0–1 Purpose.

The regulations in this part establish procedures for the exploration, development and disposal of mineral material resources as well as the protection of the environment of the public lands under permit or contract for sale or free use.

§ 3600.0–3 Authority.

(a) The Act of July 31, 1947, as amended (30 U.S.C. 601 et seq.) provides:

(1) Authority for the disposal of mineral materials including, but not limited to, petrified wood and common varieties of sand, stone, gravel, pumice, pumicite, cinders and clay, in the public lands of the United States, and from lands on which the mineral rights have been reserved to the United States, if the disposal of these materials (i) is not otherwise expressly authorized by law, including, but not limited to the Act of June 28, 1934, as amended (43 U.S.C. 315 et seq.) and the United States mining laws, (ii) is not expressly prohibited by the laws of the United States, and (iii) would not be detrimental to the public interest.

(2) That where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under the regulations in this Part only with the consent of such Federal department or agency or of such State or local governmental unit;

(3) That disposal of mineral materials under the Materials Act may not be made from any lands in any national park or national monument or from any Indian lands or lands set aside or held for the use or benefit of Indians including lands over which jurisdiction has been transferred to the Department of the Interior by Executive Order for the use of Indians.

(4) Authority for the Secretary of the Interior, in his discretion to permit the free use of mineral materials by any Federal or State government agency, unit or subdivision, including municipalities, or any nonprofit association or corporation. The Materials Act *does not* permit these materials to be used for commercial or industrial purposes, resale or barter.

(b) Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) directs the Secretary:

(1) To manage public lands under the principles of multiple use and sustained yield in accordance with the land use plans developed under the Act (see Part 1601 of this title).

(2) To regulate, through easements, permits, leases, licenses, published rules or other instruments deemed appropriate, the use, occupancy and development of public lands.

(3) To prevent unnecessary and undue degradation of the public lands.

(c) Section 2 of the Act of September 28, 1962 (76 Stat. 652) requires the Secretary of the Interior to provide by regulation that limited quantities of petrified wood may be removed without charges from public lands which he shall specify. Section 2 of the above Act applies to the same public lands as the Act of July 31, 1947, as amended (30 U.S.C. 601, 602). Specifically excluded are lands in any national park, or national monument, or any Indian lands.

(d) Section 304(b) of the Federal Land Policy and Management Act of 1975 (43 U.S.C. 1734) and the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a) provide authorities for the collection of fees and the reimbursement of costs by the government.

§ 3600.0–4 Policy.

It is the policy of the Bureau of Land Management to permit the disposal of mineral material resources under the Bureau's jurisdiction at fair market value while ensuring that adequate measures are taken to protect the environment and minimize damage to public health and safety during the authorized exploration for and the removal of such minerals. No mineral material shall be disposed of if the Secretary determines that the aggregate damage to public lands and resources would exceed the benefits to be derived from the proposed sale or free use.

§ 3600.0–5 Definitions

As used in this group, the term:

(a) "Bureau" means Bureau of Land Management, Department of the Interior.

(b) "Director" means the Director of the Bureau of Land Management.

(c) "Permittee" means any person, corporation, partnership and association, Federal, or State agency, unit, or subdivision, including municipalities, and non-profit organization or corporation or other entity that has been issued a contract or a free-use permit for the removal of mineral materials from the public lands.

(d) "Authorized officer" means any employee of the Bureau of Land Management who has been delegated the authority to perform the duties described in this Part.

(e) "Mineral material" includes, but is not limited to, "common varieties" of sand, stone, gravel, pumice, pumicite, cinders, clay and other mineral materials and petrified wood.

(f) "Public lands" means any lands and interest in lands owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management without regard to how the United States acquired ownership, except lands held for the benefit of Indians, Aleuts, and Eskimos.

(g) "Community pit" means a site from which nonexclusive disposals of mineral materials can be made. The establishment of a community pit, when noted on the appropriate Bureau of Land Management records or posted on the ground, constitutes a superior right to remove material as against any subsequent claim or entry of the lands.

(h) "Common use area" means a generally broad geographic area from which nonexclusive disposals of mineral materials can be made, with only negligible surface disturbance. The establishment of a common use area does not create a superior right to remove material as against any subsequent claim or entry of the lands.

(i) "Performance bond" means a bond to ensure compliance with the terms of

the contract and reclamation of the site as required by the authorized officer.

(j) "Act" means the Material Act of July 31, 1947, as amended, (30 U.S.C. 601, et seq.).

(k) "Unnecessary or undue degradation" means surface disturbance greater than what would normally result when an activity is being accomplished by a prudent operator in usual, customary, and proficient operations of similar character and taking into consideration the effects of operations on other resources and land uses, including those resources and uses outside the area of operations. Unnecessary and undue degradation may involve failure to initiate and complete reasonable mitigation measures, including reclamation of disturbed area; creation of a nuisance; or failure to comply with applicable environmental protection statutes and regulations.

Subpart 3601—Limitations

§ 3601.1 Limitations; disposal of mineral materials.

§ 3601.1-1 Valid existing rights and unpatented mining claims.

(a) Mineral material disposals may not be made by the authorized officer from public lands where:

(1) There are any unpatented mining claims which have not been cancelled by appropriate legal proceeding;

(2) Expressly prohibited by law.

§ 3601.1-2 Authorization to use lands subject to material sales contracts and free use permits.

(a) The permittee under contract of sale or permit for free use shall, unless otherwise provided, have the right to:

(1) Extract, remove, process and stockpile the material until the termination of the contract regardless of any subsequent appropriation under the provisions of the general land laws; and

(2) Use and occupy the described lands if it is determined by the authorized officer to be necessary for fulfillment of the contract until termination of that contract.

(b) The permittee shall be subject to the continuing rights of the United States to issue leases, permits and licenses for the use and occupancy of the lands, provided that this authorized use does not endanger or materially interfere with the production or removal of materials under contract.

(c) Any person that has a subsequent settlement, location, lease, sale or other appropriation under the general land laws, including the mineral leasing and mining law on lands covered by a material sale contract or free use permit shall be subject to the existing use authorization.

§ 3601.1-3 Environmental protection and planning.

The authorized officer shall not dispose of mineral material under this Part where he/she determines that the proposed operation will cause unnecessary or undue degradation. Upon receipt of an application for sale or free use of mineral materials, the authorized officer shall complete an environmental review to ensure that unnecessary or undue degradation is prevented. Disposal actions which are categorically excluded from the NEPA process can be found in the Departmental manual. See 516 DM 6, Appendix 5. Decisions to authorize the disposal of mineral materials shall conform to approved land use plans, when available, in accordance with § 1610.5-3 of this title.

Subpart 3602—Disposal of Mineral Materials; General

§ 3602.1 Mining and reclamation plans.

The authorized officer may require the applicant to submit mining and reclamation plans prior to environmental review or issuance of a contract or permit. The mining plan and reclamation plan may be combined into one document.

§ 3602.1-1 Mining plans.

The applicant, when required by the authorized officer, shall prepare a mining plan that includes, but is not limited to:

(a) A map, sketch or aerial photograph showing the area applied for, the area to be disturbed, existing and proposed access and the names and locations of major topographic and known cultural features;

(b) A description of the proposed methods of operation and the periods during which the proposed activities will take place;

(c) A description of measures to be taken to prevent hazards to public health and safety and to prevent unnecessary and undue degradation.

§ 3602.1-2 Reclamation plans.

The applicant, when required by the authorized officer, shall submit a reclamation plan that includes, but is not limited to:

(a) A statement of the proposed manner and time for completion of the reclamation of the areas disturbed by the permittee's operations;

(b) A map or sketch which delineates the location and area to be reclaimed.

§ 3602.1-3 Approval and modification of mining and reclamation plans.

(a) Upon review of the mining and reclamation plans, the authorized officer shall promply notify the applicant of any deficiencies in the plan and of changes needed to prevent undue and unnecessary degradation of the lands, and hazards to public health and safety. Necessary changes shall be made as agreed by the authorized officer and the applicant.

(b) The permittee's operation shall not deviate from the plan approved by the authorized officer.

(c) An approved mining or reclamation plan may be modified by mutual agreement of the authorized officer and permittee at any time to adjust to changed conditions, or correct any oversight potentially resulting in undue or unnecessary degradation. Any change shall be consistent with the requirements under § 3601.1-3 of this title.

(d) The authorized officer shall review the proposed plan modification and within 30 days notify the permittee of its approval or needed changes.

§ 3602.2 Sampling and testing.

(a) Sampling and testing of mineral materials may be done pursuant to a letter of authorization issued by the authorized officer. These activities may be authorized prior to issuance of a sales contract or free use permit. The permittee shall submit his findings to the authorized officer. Information and data submitted and specifically identified by the permittee as containing trade secrets or confidential or privileged commercial or financial information shall not be available for public examination in accordance with the provisions of the Freedom of Information Act. A determination concerning information which may be withheld from public examination shall be made in accordance with the rules in 43 CFR Part 2.

(b) A letter of authorization to sample and test mineral materials does not give the applicant a preference right to a sales contract or free use permit.

(c) The authorized officer may impose bonding and reclamation requirements on sampling and testing activities conducted pursuant to a letter of authorization.

§ 3602.3 Removal of Improvements

After the permit period expires, the authorized officer may grant the permittee no more than 90 days, excluding periods of inclement weather, to remove the equipment, personal property and any other improvements

placed on the public lands by the permittee. Improvements such as roads, culverts and bridges may remain in place with the consent of the authorized officer. If the permittee fails to remove such equipment, personal property or any other improvements, they shall become the property of the United States but the permittee shall remain liable for the cost of removal of such equipment, personal property and any other improvements and for restoration of the site.

Subpart 3603—Unauthorized use

§ 3603.1 Unauthorized Use.

Except when authorized by sale or permit under law and the regulations of the Department of the Interior, the extraction, severance or removal of mineral materials from public lands under the jurisdiction of the Department of the Interior is unauthorized use. Unauthorized users shall be liable for damages to the United States, and shall be subject to prosecution for such unlawful acts (see subpart 9239 of this title).

Subpart 3604—Community Pits and Common Use Areas

§ 3604.1 Non-exclusive disposal.

(a) Non-exclusive mineral material sales and free use under permit may be made from the same deposit within areas designated by the authorized officer, and consistent with other provisions under this part. These designated community pit sites or common use areas are not limited in size.

(b) The designation of a community pit site constitutes a superior right to remove the material as against any subsequent claim or entry of the lands.

(c) The designation of a common use area does not establish a superior right to remove the material as against any subsequent claim or entry of the land; however, a person authorized by permit or sale to remove mineral materials from a common use area has a superior right to remove the material as against any subsequent claim or entry on the lands.

(d) Sales from community pit sites or common use areas shall be made at fair market value. No mining or reclamation plan shall be required, but the permittee shall comply with the terms of the contract or permit to protect health and safety and prevent undue or unnecessary degradation of the public lands.

§ 3604.2 Reclamation.

(a) Permits or contracts for the extraction of mineral materials from community pits or common use areas shall not require reclamation but shall require payment of costs of reclamation, as provided in paragraph (b) of this section. However, the authorized officer may allow qualified permittees to perform interim or final reclamation, where needed, in lieu of paying reclamation charges.

(b) The reimbursement cost of reclamation shall be a proportionate share of the total estimated cost of reclamation, determined by using a ratio of the material extracted under the permit or contract to the total estimated volume of the material to be extracted from the site.

2. Part 3610 is added to read as follows:

PART 3610—SALES

Subpart 3610—Mineral Material Sales

Sec.

3610.1 Procedures; general.
3610.1–1 Request for sale.
3610.1–2 Appraisal, reappraisals and measurements.
3610.1–3 Payments.
3610.1–4 Refunds or credits.
3610.1–5 Performance and reclamation bonds.
3610.1–6 Assignments.
3610.1–7 Extension of time.
3610.2 Non-competitive sales.
3610.2–1 Limitations in volume.
3610.2–2 Government programs.
3610.2–3 Federal mineral leases.
3610.2–4 Term of contract.
3610.3 Competitive sales.
3610.3–1 General.
3610.3–2 Advertising.
3610.3–3 Conduct of sales.
3610.3–4 Bid deposits.
3610.3–5 Contracts.
3610.3–6 Term of contract.

Subpart 3610—Mineral Material Sales

§ 3610.1 Procedures; general.

§ 3610.1–1 Request for sale.

Under the provisions of this part, the authorized officer may sell mineral materials upon receipt of a written Request by any person who expresses an interest in mineral materials; or his own initiative.

§ 3610.1–2 Appraisal, reappraisal and measurements.

(a) No mineral materials shall be sold at less than fair market value as determined by appraisal.

(b) The authorized officer shall reappraise mineral materials disposed of under this part at intervals of not less than 2 years and shall adjust the contract unit price accordingly.

(c) Mineral materials may be measured by in-place volume or weight equivalent.

§ 3610.1–3 Payments and termination by agreement.

(a) Under a contract of sale for mineral materials, the permittee:

(1) Shall not remove mineral materials until advance payment is made;

(2) Shall for contract sales of $2,000 or less, pay the full amount at execution of the contract;

(3) May, when the sale exceeds $2,000, make installment payments of not less that $500 or 10 percent of the total purchase price, whichever is greater and shall: (i) For non-competitive sales, pay the first installment prior to or at the time the contract is awarded; (ii) for competitive sales, pay the first installment as a deposit at the time the bid is submitted, and (iii) pay each subsequent installment for non-competitive and competitive sales in an amount equal to the value of the mineral material removed prior to removal of the material;

(4) Shall pay the total amount of the purchase price no later than 60 days before the expiration date of the contract;

(5) Shall annually produce an amount sufficient to pay to the United States a sum of money equal to the first installment, or in lieu of such production, shall make an annual payment in the amount of the first installment. Annual payments shall be due on or before the anniversary date of the execution of the contract;

(6) Shall forfeit all monies paid when the required payments under the terms and conditions of the contract are not met. Failure to comply with the terms and conditions for payment shall constitute a breach of contract and the authorized officer may terminate the contract;

(7) Shall be required to make an annual report of production under the contract and to provide written verification of the amount of mineral materials removed upon request by the authorized officer to allow verification of payments.

(b) The permittee and the authorized officer may, by agreement, terminate the contract of sale at any time.

§ 3610.1–4 Refunds or credits.

(a) Refunds or credits may be made to the permittee:

(1) If upon expiration total payments made exceed the total value of mineral materials covered by the contract;

(2) If it is determined by the authorized officer that insufficient mineral materials existed in the sales area to fulfill the terms of the contract; or

(3) If materials paid for are unavailable as a result of termination of a contract, as provided in § 3610.1–3(b) of this title.

(b) Refunds of credits may not be made where the total payment made by a permittee does not exceed the administrative cost of processing the disposal action.

(c) Payments made in lieu of production, as provided in § 3610.1–3(a)(5), may be credited to future production, but not refunded, unless upon expiration, the total value of payments made exceeds the total value of mineral materials covered by the contract. Payments made in lieu of production prior to termination or relinquishment of contract will not be refunded.

§ 3610.1–5 Performance and reclamation bonds.

(a) The authorized officer shall require a performance bond of not less than $500 or 20 percent of the total contract value, whichever is greater, for contracts of $2,000 or more, except for contract sales or permits made from community pits when a reclamation fee is paid by the permittee.

(b) The authorized officer may require a reclamation or performance bond for contract sales of less than $2,000, but in no event shall the bond be for more than 20 percent of the total contract value.

(c) A performance and reclamation bond may be a:

(1) Bond of a corporate surety shown on the approved list issued by the U.S. Treasury Department;

(2) Cash bond, with a power of attorney to the Secretary to convert such cash upon default in the performance of the terms and conditions of the contract or permit; or

(3) Negotiable Treasury bond of the United States of a par value equal to the amount of required bond, together with a power of attorney to the Secretary to sell such securities upon default.

§ 3610.1–6 Assignments.

(a) The permittee may not assign the contract, permit or any interest therein without the written approval of the authorized officer. The authorized officer shall ensure that all terms and conditions agreed upon are contained in the assignment and are assumed by the assignee.

(b) The authorized officer shall not approve any proposed assignments involving contract performances unless the assignee furnishes a performance bond as required by § 3610.1–5 of this title or obtains a written commitment from the previous surety to be bound by the assignment when approved.

(c) Upon approval of an assignment by the authorized officer, the assignee shall be entitled to all the rights and be subject to all the obligations under the contract, and the permittee shall be released from any further liability under the contract.

§ 3610.1–7 Extension of time.

The authorized officer may grant a one-time extension not to exceed 1 year, if the permittee:

(a) Submits a written request that is received by the authorized officer no later than 30 days or earlier than 90 days prior to the expiration date of the contract; and

(b) Shows, in writing that the delay in removal of the mineral materials was due to causes beyond the control of and without fault or negligence of the permittee.

§ 3610.2 Noncompetitive sales.

§ 3610.2–1 Limitations in volume.

(a) When it is determined to be in the public interest, and where it is impracticable to obtain competition, the authorized officer may sell at not less than fair market value, without advertising or calling for bids, mineral materials not to exceed 100,000 cubic yards (or weight equivalent) in any individual sale.

(b) The authorized officer shall not approve noncompetitive sales that exceed the total aggregate of 200,000 cubic yards (or weight equivalent) made in any one State for the benefit of any one individual, partnership, corporation or entity in any period of twelve consecutive calendar months.

(c) The volume limitations in paragraphs (a) and (b) of this section shall not apply to sales in the State of Alaska of mineral materials which the authorized officer determines are needed for construction, operation, maintenance or termination of the Trans-Alaska Pipelines System or the Alaska Natural Gas Transportation System.

§ 3610.2–2 Government programs.

The authorized officer may sell mineral materials not exceeding 200,000 cubic yards (or weight equivalent) at not less than fair market value without advertising or calling for bids when:

(a) The authorized officer determines the sale to be in the public interest; and

(b) The materials are to be used in connection with a public works improvement program that requires urgent attention on behalf of a Federal, State or local govermental agency and that does not permit time required for advertising.

§ 3610.2–3 Federal mineral leases.

Where the materials are to be used in connection with the development of public lands under a mineral lease issued by the United States, the authorized officer may without calling for competitive bids, sell a volume of mineral materials not to exceed 200,000 cubic yards (or weight equivalent) to any one permittee in one State in any calendar year. No charge shall be made for mineral materials necessarily moved in the process of extracting minerals under Federal lease, as long as the materials remain within the boundaries of the lease and are used for lease development.

§ 3610.2–4 Term of contract.

The term for noncompetitive contracts for the sale of mineral materials shall not exceed 5 years, excluding extension and removal periods.

§ 3610.3 Competitive sales.

§ 3610.3–1 General.

(a) The authorized officer shall make sales, except those specified in Subpart 3604 and § 3610.2 of this title, only after inviting competitive bids through publication and posting in conformance with § 3610.3 of this title.

(b) The authorized officer shall not hold sales sooner than 1 week after the last advertisement inviting competitive bids.

§ 3610.3–2 Advertising.

(a) When offering mineral materials for sale by competitive bidding, the authorized officer:

(1) Shall advertise the sale through publication in a newspaper of general circulation in the area where the material is located, on the same day once a week for two consecutive weeks;

(2) May extend the period of a time for advertising; and

(3) Shall post a notice of sale in a conspicuous place in the office where bids are to be submitted.

(b) In the advertisement of sale, the authorized officer shall state:

(1) The location by legal description of the tract or tracts on which the material is being offered;

(2) The kind of materials being offered;

(3) The estimated quantities of materials being offered;

(4) The unit of measurement;

(5) The appraised prices;

(6) The time and place for receiving and opening of bids;

(7) The minimum deposit require;

(8) The access requirement;

(9) The method of bidding;

(10) The requirement that mining and reclamation plans shall be filed and that reclamation will be required if applicable.

(11) The bonding requirement;

(12) The location for inspection of contract terms and proposed stipulations;

(13) The office where additional information may be obtained; and

(14) Any additional information deemed necessary.

§ 3610.3-3 Conduct of sales.

(a) Bidding at competitive sales shall be by the submission of written sealed bids, oral bids or a combination of both, as directed by the authorized officer. In the event of a tie in high sealed bids, the highest bid shall be determined by oral auction among the persons making high bids. If no oral bid is made which is higher than the sealed bids, the successful bidder shall then be determined by lot. In oral auctions, immediately after the high bid is announced, the person offering the high bid shall confirm that bid in writing.

(b) When it is in the interest of the Government to do so, the authorized officer may reject any or all bids and may waive minor deficiencies in the bids.

§ 3610.3-4 Bid deposits.

A person making a bid to purchase mineral materials shall submit a deposit in advance of the sale.

(a) Sealed bids shall be accompanied by a deposit. At oral auctions, persons making bids shall make the deposit prior to opening of the bidding. The amount of the deposit shall be $500 or 10 percent of the appraised value as specified in the sale advertisement, whichever is greater.

(b) Deposits may be in the form of cash, money orders, bank drafts, or cashier's or certified checks made payable to the Bureau of Land Management.

(c) The bid deposits of all persons making bids, except that of the successful bidder, shall be returned upon conclusion of the bidding.

(d) The deposit of the person making the successful bid shall be applied to the purchase price at the time the contract is signed by the authorized officer.

§ 3610.3-5 Contracts.

(a) The authorized officer may require the person making the high bid to furnish information that is necessary to determine his ability to fulfill the obligations of the contract. The contract shall be awarded by the authorized officer to the person making the highest bid, unless he is unwilling to accept the terms of the contract or unless all bids are rejected.

(b) Within 30 days after receipt of the contract, the person making the successful bid shall sign and return the contract, together with any required performance bond and mining and reclamation plan when applicable. The authorized officer may extend this period an additional 30 days upon written request of the applicant, within the first 30-day period. If the person making the successful bid fails to comply within the first 30-day period, or an approved 30-day extension, the successful bidder shall forfeit the bid deposit as liquidated damages. The authorized officer may offer and award the contract for the amount of the high bid to the person making the next highest bid who is qualified and willing to accept the contract, upon the redeposit of the amount required under § 3610.3-4(a).

(c) The authorized officer shall make all sales on contract forms approved by the Director. The authorized officer may include in the contract such additional provisions as are deemed necessary to protect other resource values or prevent unnecessary and undue degradation of the public lands.

§ 3610.3-6 Term of Contract.

The term for competitive contracts of sale for mineral materials shall not exceed 10 years, excluding extension or removal periods.

3. Part 3620 is added to read as set forth below:

PART 3620—FREE USE

Subpart 3621—Free Use; General

Sec.

3621.1 Permits; general.
3621.1-1 Applications.
3621.1-2 Terms.
3621.1-3 Assignment.
3621.1-4 Conditions.
3621.1-5 Removal of materials by agent.
3621.1-6 Bonds.
3621.1-7 Cancellation.
3621.2 Permits to governmental units and non-profit organizations.

Subpart 3622—Free Use of Petrified Wood

3622.1 Program; general.
3622.2 Procedures; permits.
3622.3 Designation of areas.
3622.4 Collection rules.

Subpart 3621—Free Use, General

§ 3621.1 Permits; general.

§ 3621.1-1 Applications.

An application for a free use permit shall be filed with the authorized officer on forms approved by the Director.

§ 3621.1-2 Terms.

The authorized officer may grant free use permits to any Federal, or State agency, unit or subdivision, including municipalities, for periods deemed appropriate, not to exceed 10 years. The authorized officer may issue free use permits not to exceed 1 year in duration to non-profit organizations, and may extend any free use permit for a single additional period not to exceed 1 year.

§ 3621.1-3 Assignment.

A free use permit may be assigned or transferred to persons or other entities listed in § 3621.1-2 of this title qualified to hold a free use permit with the written approval of the authorized officer.

§ 3621.1-4 Conditions.

(a) The authorized officer shall incorporate the provisions governing the selection, removal and use of the mineral materials in the free use permit.

(b) The authorized officer shall not issue a free use permit upon determination that the applicant owns or controls an adequate supply of suitable mineral materials that are readily available and can be mined in a manner which is economically and environmentally acceptable.

(c) Mineral materials obtained under a free use permit shall not be bartered or sold.

(d) The permittee shall not remove the mineral materials before a permit is issued or after a permit has expired.

§ 3621.1-5 Removal of materials by agent.

A free use permittee may allow an agent to extract the mineral materials. This agent shall not charge the permittee for the materials extracted, processed or removed, or receive mineral materials from the permit area as payment for services rendered, or as a donation or gift.

§ 3621.1-6 Bond.

The authorized officer may require a bond as a guarantee of faithful performance of the provisions of the permit and applicable regulations.

§ 3621.1-7 Cancellation.

The authorized officer may cancel a permit if the permittee fails, after adequate notice, to observe the terms and conditions of the permit.

§ 3621.2 Permits to governmental units and non-profit organizations.

(a) The authorized officer may issue a free use permit to any Federal or State agency, unit or subdivision, including municipalities, without limitation as to the number of permits or as to the value

of the mineral materials to be extracted or removed, provided the applicant makes a satisfactory showing to the authorized officer that these materials will be used for a public project.

(b) The authorized officer may issue a free use permit to a non-profit organization or corporation for not more than 5,000 cubic yards (or weight equivalent) in any period of twelve consecutive months.

(c) Permits issued under this subpart shall constitute a superior right to remove the materials and shall continue in full force and effect, in accordance with its terms and provisions, as against any subsequent claim to or entry of the lands.

Subpart 3622—Free Use of Petrified Wood

§ 3622.1 Program; general.

(a) Persons may collect limited quantities of petrified wood for noncommercial purposes under terms and conditions consistent with the preservation of significant deposits as a public recreational resource.

(b) The purchase of petrified wood for commercial purposes is provided for in § 3610.1 of this title.

§ 3622.2 Procedures; permits.

No application or permit for free use is required except for specimens over 250 pounds in weight. The authorized officer may issue permits, using the procedures of subpart 3621 of this title, for the removal of such specimens if the applicant certifies that they will be displayed to the public in a museum or similar institution.

§ 3622.3 Designation of areas.

(a) All public lands administered by the Bureau of Land Management and the Bureau of Reclamation are open to or available for free use removal of petrified wood unless otherwise provided for by notice in the **Federal Register**. Free use areas under the jurisdiction of said Bureaus may be modified or cancelled by notices published in the **Federal Register**.

(b) The heads of other Bureaus in the Department of the Interior may publish in the **Federal Register** designations, modifications or cancellations of free use areas for petrified wood on lands under their jurisdiction.

(c) The Secretary of the Interior may designate, modify or cancel free use areas for petrified wood on public lands which are under the jurisdiction of other Federal departments or agencies, other than the Department of Agriculture, with the consent of the head of other Federal departments or agencies concerned, upon publication of notice in the **Federal Register**.

§ 3622.4 Collection rules.

(a) *General.* The authorized officer shall control the removal without charge of petrified wood from public lands using the following criteria:

(1) The maximum quantity of petrified wood that any one person is allowed to remove without charge per day is 25 pounds in weight plus one piece, provided that the maximum total amount that one person may remove in one calendar year shall not exceed 250 pounds. Pooling of quotas to obtain pieces larger than 250 pounds is not allowed.

(2) Except for holders of permits issued under Subpart 3621 of this title to remove museum pieces, no person shall use explosives, power equipment, including, but not limited to, tractors, bulldozers, plows, power-shovels, semi-trailers or other heavy equipment for the excavation or removal of petrified wood.

(3) Petrified wood obtained under this section shall be for personal use and shall not be sold or bartered to commercial dealers.

(4) The collection of petrified wood shall be accomplished in a manner that prevents unnecessary and undue degradation of lands.

(b) *Additional rules.* The head of the agency having jurisdiction over a free use area may establish and publish additional rules for collecting petrified wood for noncommercial purposes to supplement those included in § 3622.4(a) of this title.

PART 23—SURFACE EXPLORATION, MINING AND RECLAMATION OF LANDS

2. Part 23 is amended as follows:

Authority [Amended]

A. The authority section is amended by removing the citation "61 Stat. 681, as amended; 30 U.S.C. 601" after the citation "30 U.S.C. 359".

§ 23.2 [Amended]

B. Section 23.2(a) is amended by changing "paragraphs" to "paragraph" and removing the phrase "and (c)" from the first sentence and removing the citation "the Materials Act of July 31, 1947, as amended (30 U.S.C. 601–604)".

C. Section 23.2(b) is amended by deleting the phrase "which are under the jurisdiction of the Secretary of Agriculture (74 Stat. 205)".

D. Section 23.2(c) is removed in its entirety and paragraph (d) is redesignated as (c).

§ 23.3 [Amended]

E. Section 23.3(b) is removed in its entirety and the succeeding paragraphs are appropriately renumbered.

§ 23.4 [Amended]

F. Section 23.4 is amended by the removal of the words "or the Materials Act" after the words "subject to disposition under the mineral leasing Acts".

§ 23.5 [Amended]

G. Section 23.5(a)(1) is amended by removing the words "or an application for a permit or an offer to make a contract under the Materials Act".

H. Section 23.5(b) is amended by removing from the fourth sentence the words "or the Materials Act".

§ 23.7 [Amended]

I. Section 23.7(b) is removed in its entirety and the succeeding paragraphs are appropriately renumbered.

§ 23.8 [Amended]

J. Section 23.8(a) is amended by removing subparagraph (2) in its entirety and renumbering paragraph (a)(1) as (a).

§ 23.10 [Amended]

K. Section 23.10(a)(1) is amended by removing the sentence, "The holder of a permit or a party to a contract under the Materials Act shall file such reports with the district manager."

L. Section 23.10(a)(2) is amended by removing the words "and upon district managers with respect to permits issued or contracts made under the Materials Act".

M. Section 23.10(e)(2)(ii) is amended by removing the phrase "or the Materials Act".

N. Section 23.10(e)(2)(iii) is amended by removing the phrase "or the Materials Act".

§ 23.11 [Amended]

O. Section 23.11(a) is amended by removing the words "and upon district managers with respect to permits issued or contracts made under the Materials Act".

[FR Doc. 83-15509 Filed 6-9-83; 8:45 am]
BILLING CODE 4310-84-M

federal register

Friday
June 10, 1983

Part VII

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

[Vol. 907]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 6, 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 907

ISSUED JUNE 6, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-ARKOMA PRODUCTION CO				RECEIVED:	05/12/83	JA: CA			
8336717	83-6-0018	0409520593		103		BRIGANTINO 13-1	MILLAR	1050.0	
-CHEVRON U S A INC				RECEIVED:	05/12/83	JA: CA			
8336715	83-5-0002	0403120239		102-4		SALYER 678X	TULARE LAKE FIELD	365.0	
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	05/12/83	JA: CA			
8336719	83-2-0017	0411120659		103		ARCO 11 (REDRILL 2)	OJAI-SILVERTHREAD	50.0	ARCO OIL & GAS CO
8336718	83-2-0018	0411120940		103		HOBSON BFB1-170	RINCON	15.0	PACIFIC LIGHTING
-TXO PRODUCTION CORP				RECEIVED:	05/12/83	JA: CA			
8336716	83-6-0017	0401120219		102-4		STAPP-ASH 3-1	GRIMES GAS FIELD	109.0	PACIFIC GAS & ELE
KANSAS CORPORATION COMMISSION									
-DYNAMAR ENERGY INC				RECEIVED:	05/12/83	JA: KS			
8336713	K-83-0232	1500721279		102-4		OLDHAM 'U' #2	BOGGS SW	126.0	
8336714	K-83-0231	1500721220		102-4		SWAYDEN #1	DEERHEAD N	200.0	
-DYNAMAR ENERGY INC				RECEIVED:	05/13/83	JA: KS			
8336773	K-83-0230	1500721542		102-4		KINCAID #26-1	UNNAMED	0.0	
LOUISIANA OFFICE OF CONSERVATION									
-BLG CO				RECEIVED:	05/09/83	JA: LA			
8336836	83-0162	1711123838		103	108	WELLS #3 (SN 182343)	MONROE	9.0	MID LOUISIANA GAS
MONTANA BOARD OF OIL & GAS CONSERVATION									
-GULF OIL CORPORATION				RECEIVED:	05/13/83	JA: MT			
8336761	5-82-154	2509121418		102-2		STRINGER 2-14-1B	KATY LAKE	29.0	TRUE OIL CO
-MIDLANDS GAS CORPORATION				RECEIVED:	05/13/83	JA: MT			
8336764	6-82-153	2507121205		108		STATE #1-3651	BOWDOIN	22.0	KN ENERGY INC
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	05/13/83	JA: MT			
8336763	6-82-155	2509121427		103		E GOFF #1	GOOSE LAKE (RED RIVER	34.0	PHILLIPS PETROLEU
-WEST GAS INC				RECEIVED:	05/13/83	JA: MT			
8336762	5-82-158	2509521056		103		FRADET 4-24	LAKE BASIN	57.0	MONTANA DAKOTA UT
8336765	6-82-156	2509521165		108		NORDAHL 9A-11	LAKE BASIN	3.6	MONTANA DAKOTA UT
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-CLEMENTS ENERGY INC				RECEIVED:	05/13/83	JA: NM			
8336766		3002526091		103		MGF NM 22 STATE #1	HIGH PLAINS (PENN)	36.5	WARREN PETROLEUM
-EL PASO NATURAL GAS COMPANY				RECEIVED:	05/13/83	JA: NM			
8336772		3003920539		108-PB		JOHNSTON A #14	OTERO-CHACRA	0.0	EL PASO NATURAL G
8336769		3003907983		108		SAN JUAN 32-5 UNIT #18	BLANCO-MESAVERDE	11.0	EL PASO NATURAL G
8336771		3004507630		108		SCHULTZ COM F #11	AZTEC - FRUITLAND	16.0	EL PASO NATURAL G
8336770		3004505721		108		THOMPSON A #1	BALLARD - PICTURED CL	15.0	EL PASO NATURAL G
8336768		3004506485		108-PB		TURNER B COM B #7	FULCHER KUTZ-PICTURED	0.0	EL PASO NATURAL G
-SANTA FE EXPLORATION CO				RECEIVED:	05/13/83	JA: NM			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8336767		3001524091		102-4		EXXON STATE COM #1	UNDESIGNATED MORROW	219.0	EL PASO NATURAL G
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ALTIMUS H DEAN				RECEIVED:	05/12/83	JA: NY			
8336712	2978	3101312717		102-4		SZPAK #1	FREDONIA REEF	5.0	NATIONAL FUEL GAS
OKLAHOMA CORPORATION COMMISSION									
-ARCO OIL AND GAS COMPANY				RECEIVED:	05/12/83	JA: OK			
8336738	21583	3505921166		103		GEBHARDT ZOLLINGER UNIT #3	MOCANE - LAVERNE	18.1	
8336746	21652	3504721953		103		ORA MAXEY #1	SOUTH DOUGLAS	27.0	ARCO OIL & GAS CO
-BRACKEN EXPLORATION CO				RECEIVED:	05/11/83	JA: OK			
8336676	20185	3503920734		102-4		REID #1-32	STAFFORD	118.0	
-BRISCOE LAND DEVELOPMENT INC				RECEIVED:	05/11/83	JA: OK			
8336678	20874	3508121811		103		BATTLE #1A	SW DAVENPORT	50.0	MERIDIAN ENERGY I
-BROCK HYDROCARBONS INC				RECEIVED:	05/11/83	JA: OK			
8336673	16747	3504321222		102-4		BLACKSHOMAN #1-17	FONDA	0.0	
-COASTAL OIL & GAS CORP				RECEIVED:	05/11/83	JA: OK			
8336688	20578	3503920646		102-2		BAKER 1-31 (31-15-19)	KAUK	547.0	
-CORE OIL & GAS CORP				RECEIVED:	05/11/83	JA: OK			
8336684	09292	3504920637		102-4		WILLIE SMITH #1	NOT AVAILABLE	0.0	WARREN PETROLEUM
-CORE OIL & GAS CORP				RECEIVED:	05/12/83	JA: OK			
8336753	10826	3510920445		102-4		EUEL #2	CHOCTAW	0.0	
-DYCO PETROLEUM CORPORATION				RECEIVED:	05/12/83	JA: OK			
8336752	24188	3501521508		107-DP		STEVENS 1-7	WEST SICKLES	3.5	EL PASO NATURAL G
-ENTEX PETROLEUM INC				RECEIVED:	05/11/83	JA: OK			
8336681	21560	3508320765		103		HUMP HALSEY #2	WEST LAWRIE	2.0	EASON OIL CO
-EUREKA OIL LTD PARTNERSHIP				RECEIVED:	05/12/83	JA: OK			
8336761	21665	3513723012		103		LOWERY #1	WEST LOCO SW SE NE 32	0.0	
-F C D OIL CORP				RECEIVED:	05/12/83	JA: OK			
8336750	21622	3508121765		103		SILL 1-28	N STROUD	459.9	MERIDIAN ENERGY I
-GRIFFIN HARRY				RECEIVED:	05/12/83	JA: OK			
8336743	21621	3510121631		103		JOHNSON #1		0.0	PHILLIPS PETROLEU
-HIGHLANDS GOODALL & GREER INC				RECEIVED:	05/11/83	JA: OK			
8336674	19045	3507323414		102-4	103	ANNA SCHWARZ #1-3	N OKARCHE	0.0	PHILLIPS PETROLEU
-INTEGRATED ENERGY INC				RECEIVED:	05/12/83	JA: OK			
8336756	18472	3510525628		102-2	103	VIVIAN F GALLERY - BLANTON #17	CALIFORNIA CREEK	1460.0	
8336757	18473	3510522518		102-2	103	VIVIAN F GALLERY-BLANTON #1	CALIFORNIA CREEK	31.8	
8336755	18471	3510525651		102-2	103	VIVIAN F GALLERY-BLANTON #12	CALIFORNIA CREEK	36.5	
-INTERNORTH INC				RECEIVED:	05/11/83	JA: OK			
8336677	20195	3503920584		102-2		SMITH "B" 21 #1	HAZZION N E	472.0	NORTHERN NATURAL
-JUMAS OIL PART CORP				RECEIVED:	05/11/83	JA: OK			
8336693	21425	3510720793		108		HARRIER #3	DUTCHER & BOOCH	5.7	PHILLIPS PETROLEU
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	05/12/83	JA: OK			
8336740	21597	3509322018		103		JEFFERIES #2	RINGWOOD	20.8	UNION TEXAS PETRO
-LEEDE OIL & GAS INC				RECEIVED:	05/12/83	JA: OK			
8336747	21653	3503920730		103		HODGE # 1	REDMOON	30.0	NORTHERN NATURAL
-MELBOURNE OIL COMPANY				RECEIVED:	05/11/83	JA: OK			
8336680	21524	3504520966		103		STATE "16" #1	NORTH CHANEY (MORROW	40.0	NORTHERN NATURAL
-MONSANTO COMPANY				RECEIVED:	05/11/83	JA: OK			
8336692	21374	3508720824		103		DOSS #2	NO FREENY	700.0	LONE STAR GAS CO
-MULTISTATE OIL PROPERTIES NV				RECEIVED:	05/11/83	JA: OK			
8336690	21050	3502500000		108		BUSTER GUM #2	GRIGGS SOUTHEAST	4.0	PHILLIPS PETROLEU
8336689	21049	3502500000		108		BUSTER GUM #7	GRIGGS SOUTHEAST	8.4	PHILLIPS PETROLEU
-OFS-TULSA CORP				RECEIVED:	05/11/83	JA: OK			
8336671	21592	3507323530		103		MOSHE #4-31	SOONER TREND	99.0	PHILLIPS PETROLEU
8336672	21593	3507323603		103		SUE ANN #1-32	SOONER TREND	19.0	CONOCO INC
-OFS-TULSA CORP				RECEIVED:	05/12/83	JA: OK			
8336748	21594	3507323616		103		BRIAN #2-32	SOONER TREND	0.0	CONOCO INC
-OKLAHOMA PETROLEUM MANAGEMENT CORP				RECEIVED:	05/12/83	JA: OK			
8336754	18456	3511921947		102-2		CASIDA #2		0.0	PARKS ENERGY INVE
-PETRO DAVIS INC				RECEIVED:	05/11/83	JA: OK			
8336682	21586	3508300000		103		DANNY #1	CRESCENT	0.0	EASON OIL CO
-PETRO-LEWIS CORPORATION				RECEIVED:	05/12/83	JA: OK			
8336737	21579	3500722415		103		CATES 2-9	SOUTH BEAVER	18.0	PHILLIPS PETROLEU
-PORTS OF CALL OIL CO				RECEIVED:	05/12/83	JA: OK			
8336739	21555	3501722360		103		MILLER #14-1	WILDCAT	365.0	PHILLIPS PETROLEU
-PREMIER RESOURCES LTD				RECEIVED:	05/11/83	JA: OK			
8336695	21443	3500721858		108		BARBY E029	MOCANE - LAVERNE	14.0	PANHANDLE EASTERN
8336694	21442	3515120474		108		MAYES P003	TEGARDEN	10.0	PANHANDLE EASTERN
8336670	21444	3500720934		103		STATE E001	W FORGEN 16	12.0	PANHANDLE EASTERN
-PRICE RESOURCES				RECEIVED:	05/12/83	JA: OK			
8336744	21630	3510321798		103		SEEGARS #1		54.8	ARCO OIL & GAS CO
-RICHARD WHEELER JR				RECEIVED:	05/12/83	JA: OK			
8336742	21609	3500320680		103		BERGEN #1	EAST MARSHALL	17.0	EASON OIL CO
-ROBINSON OIL CO				RECEIVED:	05/12/83	JA: OK			
8336736	21503	3513722555		103		SIMS "A" #1	SHO-VEL-TUM	10.8	MOBIL OIL CORP
-SAMSON RESOURCES COMPANY				RECEIVED:	05/11/83	JA: OK			
8336685	15611	3506120514		102-4	103	COX #1	QUINTON	164.3	ARKANSAS LOUISIAN
8336686	19038	3509120431		102-4	103	JANEWAY UNIT #1	E SALEM	38.1	COLUMBIA GAS DEVE
-SENECA OIL CO				RECEIVED:	05/11/83	JA: OK			
8336657	20114	3504321530		102-4		FRANS TRUST #1-22		784.8	TRANSOK PIPE LINE
8336675	20116	3501722205		102-4	103	HARD #1-32		127.8	PHILLIPS PETROLEU
-SUNRISE EXPLORATION INC				RECEIVED:	05/11/83	JA: OK			
8336691	21364	3500920453		102-2		DAWSON #1	INDIAN CREEK	308.0	MICHIGAN WISCONSI
-SUNRISE EXPLORATION INC				RECEIVED:	05/12/83	JA: OK			
8336751	23056	3505120685		102-4		JENKINS #1		730.0	MOBIL OIL CORP
-SUNLA OIL & GAS CORP				RECEIVED:	05/12/83	JA: OK			
8336734	21169	3515121243		103		REITZ #1		182.5	PANHANDLE EASTERN
-TENNECO OIL COMPANY				RECEIVED:	05/11/83	JA: OK			
8336679	21521	3510321868		103		SOUTH LONE ELM CLEVELAND S U #70	SOUTH LONE ELM	7.0	AMINOIL U S A INC
-TOLAND & JOHNSTON INC				RECEIVED:	05/12/83	JA: OK			
8336759	18937	3510920556		102-2		ANNIE #1	MU MARRAH	4.0	CONTINENTAL GAS P
8336733	18939	3510920328		102-2		COUCH #1	MU MARRAH	4.0	CONTINENTAL GAS P
8336758	18936	3510920553		102-2		DEVILLA #1		36.0	CONTINENTAL GAS P
8336760	18938	3510920469		102-2		HELEN COUCH #1		72.0	CONTINENTAL GAS P
-TXO PRODUCTION CORP				RECEIVED:	05/12/83	JA: OK			
8336745	21640	3512920836		102-2		BOTTOMS "B" #1	E ROLL	0.0	DELHI GAS PIPELIN
-VULCAN ENERGY CORP				RECEIVED:	05/11/83	JA: OK			
8336683	21600	3507323335		103		NEWER #1	SOONER TREND	146.0	
-WAHN OIL CO INC				RECEIVED:	05/12/83	JA: OK			
8336735	21405	3510525916		103		J L ALLISON #G-1	WILDCAT	19.0	
-WARD PETROLEUM CORP				RECEIVED:	05/12/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8336749	21619	3505121352		103		ROSALIA 1-35	S W NORGE	120.0	PHILLIPS PETROLEU
		PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES							
-ALCOVE INVESTMENTS				RECEIVED:	05/11/83	JA: PA			
8336633	19881	3706321546		107-PE		INDIANA INVESTMENT #6	FULTON RUN	4.0	PEOPLES NATURAL G
-ANGERMAN ASSOCIATES INC				RECEIVED:	05/11/83	JA: PA			
8336632	19814	3706327376		103		K D COLEMAN #9 - IND-27376	W PENNA - UPPER DEVON	35.0	PEOPLES NATURAL G
-ATLAS RESOURCES INC				RECEIVED:	05/11/83	JA: PA			
8336629	19756	3715527346		102-4		OVERMAN #2	CHERRYHILL	335.0	COLUMBIA GAS TRAN
8336628	19755	3706327373		102-4		OVERMAN #3	CHERRYHILL	292.0	COLUMBIA GAS TRAN
-C & N CO				RECEIVED:	05/11/83	JA: PA			
8336612	15961	3706324077		108		RESCHINI INSURANCE AGENCY #1	WHITE	200.0	PEOPLES NATURAL G
-CASTLE GAS CO INC				RECEIVED:	05/11/83	JA: PA			
8336658	19952	3706322739		108		R D HENRY #1 (C-246) IND-22739	EAST MAHONING	2.9	PEOPLES NATURAL G
8336659	19953	3706323294		108		R D HENRY #2 (C-247) IND-23294	EAST MAHONING	2.9	PEOPLES NATURAL G
8336660	19954	3706324474		108		W LETSON #1 (C-515) IND-24474	GRANT	4.6	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	05/11/83	JA: PA			
8336635	19885	3703321425		102-2		J M CHASE #1 WN-1936	KNOX	2.0	GENERAL SYSTEM PU
8336634	19834	3702120197		102-2		WILLIAM D WILSON WN-1989	SUSQUEHANNA	55.0	GENERAL SYSTEM PU
8336636	19886	3703321471		102-4		WILLIAM PIFER #1 WN-1945	BELL	9.0	GENERAL SYSTEM PU
-DOC-NCC SERVICE CO				RECEIVED:	05/11/83	JA: PA			
8336617	18234	3712921901	D	108		ALVIN B VANCE 451-2	EAST HUNTINGDON	20.8	TEXAS EASTERN TRA
-HAROLD E BROWN				RECEIVED:	05/11/83	JA: PA			
8336638	19918	3712500000		108		BOOTH #1	ELLSWORTH	9.8	PEOPLES NATURAL G
8336639	19919	3712500000		108		FIFOLTE #1	MONONGALIA	11.6	PEOPLES NATURAL G
8336642	19922	3705900000		108		FURBEE #1	GILMORE	2.6	PEOPLES NATURAL G
8336640	19920	3712500000		108		MONTGOMERY #1	WASHINGTON	6.0	PEOPLES NATURAL G
8336637	19917	3700900000		108		RIDENOUR #1	KISKI	0.6	PEOPLES NATURAL G
8336641	19921	3712500000		108		VAN ROBENSON #1	MONOGLIA	3.4	PEOPLES NATURAL G
8336643	19923	3712500000		108		WOSCOSHESKI #1	WEST PIKE	8.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC				RECEIVED:	05/11/83	JA: PA			
8336614	16044	3706326111		108		DAVID L JOYCE #2	BURRELL	0.0	PEOPLES NATURAL G
8336611	15895	3706324079		108		ERNEST FOWLER #1	WHITE	200.0	PEOPLES NATURAL G
8336613	16040	3700522300		108		N MUSSER #1 (34A)	PLUMCREEK	200.0	PEOPLES NATURAL G
8336615	16058	3706324871		108		T FRICK #1 (23.7A)	WHITE	0.0	PEOPLES NATURAL G
8336616	16059	3706324875		108		VERNON K LIGHTNER #2	WEST MAHONING	0.0	PEOPLES NATURAL G
-MITCH-WELL ENERGY INC				RECEIVED:	05/11/83	JA: PA			
8336631	19791	3704922654		102-2		GERALD BECK #1	REEDS CORNERS	0.0	NATIONAL FUEL GAS
8336630	19790	3704922654		107-TF		GERALD BECK #1	REEDS CORNERS	0.0	NATIONAL FUEL GAS
-MEA CROSS CO				RECEIVED:	05/11/83	JA: PA			
8336620	19594	3704922464		102-2		JOSEPH M & MILDRED MAJERIK #1	WATERFORD BOROUGH	10.0	NATIONAL FUEL GAS
8336619	19593	3704922464		107-TF		JOSEPH M & MILDRED MAJERIK #1	WATERFORD BOROUGH	10.0	NATIONAL FUEL GAS
8336621	19595	3704922460		102-2		PAUL & SILVA SKELTON #2	WATERFORD	10.0	NATIONAL FUEL GAS
8336622	19596	3704922460		107-TF		PAUL & SILVA SKELTON #2	WATERFORD	10.0	NATIONAL FUEL GAS
-PENN PROJECTS LTD DRILLING PROGRAM				RECEIVED:	05/11/83	JA: PA			
8336607	19626	3712921953		102-4		DAVID C HYSKELL #1	MT PLEASANT	25.0	
8336609	19628	3712922037		102-4		LLOYD W SHERBONDY #1	MT PLEASANT	25.0	
-PENN-CAL CONTRACTORS INC				RECEIVED:	05/11/83	JA: PA			
8336618	19495	3703100000		103		SLAUGENHAUPT #1	LICKING	3.5	COLUMBIA GAS TRAN
-PETROBANK OPERATING CO				RECEIVED:	05/11/83	JA: PA			
8336627	19728	3706327325		102-2		CLARK ESTATE #39	MONTGOMERY	9.8	COLUMBIA GAS TRAN
-PIONEER WESTERN ENERGY CORP				RECEIVED:	05/11/83	JA: PA			
8336608	19627	3712922101		102-4		ROY B SMITH #1	MT PLEASANT	25.0	
-QUESTA PETROLEUM CO				RECEIVED:	05/11/83	JA: PA			
8336610	19629	3712921970		102-4		DAVID C HYSKELL #2	MT PLEASANT	25.0	
-R D WERNER CO INC				RECEIVED:	05/11/83	JA: PA			
8336651	19931	3708520477		103		C BARROWS UNIT #1	SUGAR GROVE	28.5	
8336650	19930	3708520477		107-TF		C BARROWS UNIT #1	SUGAR GROVE	28.5	
8336647	19927	3708520445		103		G STEVENSON #1	SUGAR GROVE	45.0	
8336646	19926	3708520445		107-TF		G STEVENSON #1	SUGAR GROVE	45.0	
8336653	19935	3708520444		107-TF		L CARLSON UNIT #1	SUGAR GROVE	0.0	
8336652	19934	3708520444		103		L CARLSON UNIT #1	SUGAR GROVE	30.0	
8336657	19939	3708520466		107-TF		L GRUDER #1	SUGAR GROVE	30.0	
8336656	19938	3708520466		103		L GRUDER #1	SUGAR GROVE	30.0	
8336655	19937	3708520467		107-TF		L WILLIAMS UNIT #1	SUGAR GROVE	31.0	
8336654	19936	3708520467		103		L WILLIAMS UNIT #1	SUGAR GROVE	31.0	
8336645	19925	3708520446		103		R WEAVER #1	SUGAR GROVE	40.0	
8336644	19924	3708520446		107-TF		R WEAVER #1	SUGAR GROVE	40.0	
8336648	19928	3708520460		107-TF		W MCINTIRE #1	SUGAR GROVE	30.0	
8336649	19929	3708520460		103		W MCINTIRE #1	SUGAR GROVE	30.0	
-T W PHILLIPS GAS & OIL CO				RECEIVED:	05/11/83	JA: PA			
8336663	19960	3700500000		103		DANIEL BECK #1	BURRELL	2.2	T W PHILLIPS GAS
8336661	19958	3700500000		103		DANIEL BECK #2	BURRELL	0.8	T W PHILLIPS GAS
8336666	19963	3700521072		103		E E SCHAEFFER #2	BURRELL	2.1	T W PHILLIPS GAS
8336667	19964	3700521182		103		J C SCHALL #1	BURRELL	1.7	T W PHILLIPS GAS
8336668	19965	3700520575		103		J P SCHALL #2	BURRELL	2.9	T W PHILLIPS GAS
8336664	19961	3700520717		103		S F PETERS #2	BURRELL	0.6	T W PHILLIPS GAS
8336662	19959	3700500000		103		S F PETERS #4	BURRELL	1.7	T W PHILLIPS GAS
8336665	19962	3700520953		103		S F PETERS #5	BURRELL	3.6	T W PHILLIPS GAS
8336669	19966	3700520493		103		WILLIAM SHELLHAMMER #1	BURRELL	2.5	T W PHILLIPS GAS
-VINEYARD OIL & GAS CO				RECEIVED:	05/11/83	JA: PA			
8336626	19713	3704922629		102-2		BELT #1	DRUMLIN	20.0	COLUMBIA GAS TRAN
8336625	19712	3704922629		107-TF		BELT #1	DRUMLIN	20.0	COLUMBIA GAS TRAN
8336624	19711	3704922575		102-2		GRAY #1	DRUMLIN	18.0	COLUMBIA GAS TRAN
8336623	19710	3704922575		107-TF		GRAY #1	DRUMLIN	18.0	COLUMBIA GAS TRAN
		WEST VIRGINIA DEPARTMENT OF MINES							
-ALFRED E KNOBLER				RECEIVED:	05/13/83	JA: WV			
8336809		4701100695		107-DV		ELMER RIDDLE K-71	MCCOMAS DISTRICT	1200.0	COLUMBIA GAS TRAN
8336782		4701100703		107-DV		NIDA #2 (K-75)	MCCOMAS DISTRICT	240.0	COLUMBIA GAS TRAN
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:	05/12/83	JA: WV			
8336708		4708703588		107-DV		E HAWKINS #2	HARPER DISTRICT	36.0	ROARING FORK GAS
8336704		4708703643		107-DV		J VINEYARD #1	HARPER DISTRICT	36.0	ROARING FORK GAS
8336706		4708703576		107-DV		PARKER #2	WALTON DISTRICT	36.0	ROARING FORK GAS
8336705		4708703577		107-DV		PARKER #3	WALTON DISTRICT	36.0	ROARING FORK GAS
8336707		4708703642		107-DV		V KYLE	WALTON DISTRICT	36.0	ROARING FORK GAS
-ASHLAND EXPLORATION INC				RECEIVED:	05/13/83	JA: WV			
8336777		4701900473		103		POCAHONTAS LAND CORP #36 - 092861	LOUP CREEK	24.0	
8336774		4701900473		107-DV		POCAHONTAS LAND CORP #36 - 092861	LOUP CREEK	24.0	
8336791		4700501364		103		SOUTHERN LAND CO #12 - 093671	COAL RIVER	25.0	
8336776		4700501364		107-DV		SOUTHERN LAND CO #12 - 093671	COAL RIVER	25.0	
-BEREA OIL AND GAS CORPORATION				RECEIVED:	05/12/83	JA: WV			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8336697		4708121652		107-DV		DELAUDER #1	BARKER DISTRICT	15.0	BROOKLYN UNION GA
8336696		4708121628		107-DV		N PRICE #1	VALLEY DISTRICT	7.0	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP				RECEIVED:	05/12/83	JA: WV			
8336699		4703300478		107-DV		PREISSE #1	ELLAMORE	40.0	COLUMBIA GAS TRAN
8336698		4703300497		107-DV		TENNEY #1	ELLAMORE	40.0	COLUMBIA GAS TRAN
-BUDDETTE OIL & GAS CO INC				RECEIVED:	05/12/83	JA: WV			
8336710		4703903817		107-DV		JOHN FLEMING #1	POCATALICO	0.0	
8336711		4703903224		107-DV		ORVILLE CARNEY #1	POCATALICO	0.0	
-CABOT OIL & GAS CORP				RECEIVED:	05/13/83	JA: WV			
8336805		4708501352		107-DV		ALLAN-PRYOR A-2	SCOTT	7.0	TENNESSEE GAS PIP
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	05/12/83	JA: WV			
8336709		4709900338		107-DV		J F CALDWELL 39 805670	WEST VIRGINIA FIELD A	24.6	COLUMBIA GAS TRAN
-GLENN L HAUGHT & SONS				RECEIVED:	05/13/83	JA: WV			
8336780		4709500730		103		ALDEN MINCE H-841	MEADE DISTRICT	18.0	COLUMBIA GAS TRAN
8336786		4709500700		103		CARL NOLAN H-766	CENTERVILLE DISTRICT	15.0	CARNEGIE NATURAL
8336785		4709500702		103		CARL NOLAN H-768	CENTERVILLE DISTRICT	15.0	CARNEGIE NATURAL
8336784		4709500703		103		CARL NOLAN H-769	CENTERVILLE DISTRICT	15.0	CARNEGIE NATURAL
8336778		4709500699		103		CARL M NOLAN H-765	CENTERVILLE DISTRICT	15.0	CARNEGIE NATURAL
8336792		4708504754		103		CHARLIE STADLEY H-965	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
8336787		4708504424		103		G Y RECROAD HEIRS H-783	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
8336788		4708504532		103		LUCILLE RYDER H-943	UNION DISTRICT	15.0	CONSOLIDATED GAS
8336789		4708504533		103		LUCILLE RYDER H-944	UNION DISTRICT	15.0	CONSOLIDATED GAS
8336783		4708504448		103		STADLEY H-887	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
8336790		4708504562		103		STADLEY H-964	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
-GRANDAD RESOURCES INC				RECEIVED:	05/12/83	JA: WV			
8336781		4707300936		107-DV		MAX MATTESON H-1053	JEFFERSON DISTRICT	15.0	COLUMBIA GAS TRAN
8336780		4708504757		107-DV		SHERMAN ROBINSON H-968	GRANT DISTRICT	15.0	CONSOLIDATED GAS
8336782		4707301067		107-DV		WATSON-HAAS H-1185	WASHINGTON DISTRICT	15.0	COLUMBIA GAS TRAN
-HAUGHT INC				RECEIVED:	05/13/83	JA: WV			
8336779		4709500897		103		GEORGIA ESTLACK H-1192	CENTERVILLE DISTRICT	15.0	COLUMBIA GAS TRAN
8336781		4707301656		103		GLADYS ALLEN H-1152	JEFFERSON DISTRICT	15.0	COLUMBIA GAS TRAN
8336794		4708505526		103		JOHN & EDNA FOSTER H-1317	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
-J SCOTT TALBOTT				RECEIVED:	05/13/83	JA: WV			
8336795		4704302341		103		W-B BATES #1		8.4	COLUMBIA GAS TRAN
-KAISER ENERGY INC				RECEIVED:	05/13/83	JA: WV			
8336804		4703501692		107-DV		ESTEL SIMMONS KEM #159	ELK/POCA	18.0	ROARING FORK GAS
8336802		4703501655		107-DV		ROY CASTO KEM #156	ELK/POCA	18.0	ROARING FORK GAS
8336803		4703501637		107-DV		K H ARMENTROUT KEM #155	ELK/POCA	18.0	ROARING FORK GAS
-TOC EXPLORATION INC				RECEIVED:	05/13/83	JA: WV			
8336805		4708703485		107-DV		C O HOPKINS #1	HARPER DISTRICT	22.0	ROARING FORK GAS
8336807		4708703567		107-DV		JARVIS #1	SPENCER DISTRICT	22.0	ROARING FORK GAS
8336806		4708703487		107-DV		WESTFALL #1	SPENCER DISTRICT	22.0	ROARING FORK GAS
-UNITED OPERATING COMPANY				RECEIVED:	05/13/83	JA: WV			
8336703		4708300514		107-DV		SUSANNA QUICK #3	MIDDLE FORK	0.0	COLUMBIA GAS TRAN
-WAYMAN W BUCHANAN				RECEIVED:	05/13/83	JA: WV			
8336799		4703501666		107-DV		HARRISON #4	MIDWAY-EXTRA	0.0	CABOT CORP
8336798		4703501644		107-DV		JONES #2	MIDWAY-EXTRA	0.0	CABOT CORP
8336797		4703501643		107-DV		JONES #3	MIDWAY - EXTRA	0.0	CABOT CORP
8336796		4703501673		107-DV		JONES #3-R	MIDWAY - EXTRA	0.0	CABOT CORP
8336795		4703501532		107-DV		JONES #4	MIDWAY - EXTRA	0.0	CABOT CORP
8336775		4703905761		107-DV		METZ #1		0.0	CONSOLIDATED GAS
8336800		4708505668		107-DV		WOLFE #1		0.0	CABOT CORP
8336801		4708505434		107-DV		WILLINGHAM #1		0.0	CONSOLIDATED GAS
**********									
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK									
**********									
-BENTON ENERGY CORP				RECEIVED:	05/13/83	JA: OK &			
8336817		3511300000		103		JACK DRUMMOND #1	SOUTH BIRCH CREEK	18.3	PHILLIPS PETROLEU
8336818		3511300000		103		LESLIE DRUMMOND #1	SOUTH BIRCH CREEK	18.3	PHILLIPS PETROLEU
-CLASS PETROLEUM CORP				RECEIVED:	05/13/83	JA: OK &			
8336814		3511300000		103		TATE #28	RELOGONEY	282.7	PHILLIPS PETROLEU
-DCX RESOURCES LTD				RECEIVED:	05/13/83	JA: OK &			
8336813		3511300000		102-A		ANDOVER #1C	SIGNAL HILLS	5.0	PHILLIPS PETROLEU
-ECC OIL CO				RECEIVED:	05/13/83	JA: OK &			
8336819		3511300000		103		MULLENDORE #5 SW/4 S17-T29N-R11E	TURKEY CREEK	14.0	AJAX OIL & GAS CO
8336820		3511300000		103		MULLENDORE #6 SW/4 S17-T29N-R11E	TURKEY CREEK	8.0	AJAX OIL & GAS CO
-HALLER J P				RECEIVED:	05/13/83	JA: OK &			
8336815		3511300000		103		BIG ELK 12-B	BIG ELK	7.0	PHILLIPS PETROLEU
-J M GRAVES				RECEIVED:	05/13/83	JA: OK &			
8336816		3511300000		103		MULLENDORE #6-B	HICKORY CREEK	40.0	AJAX OIL & GAS CO
-LAMB PRODUCTION CC				RECEIVED:	05/13/83	JA: OK &			
8336812		3511300000		103		HUNT 3-A	PRUE (HUNT LEASE)	15.0	PHILLIPS PETROLEU
-K D T PROPERTIES				RECEIVED:	05/13/83	JA: OK &			
8336810		3511300000		103		PERSHING #4A	PERSHING	25.0	PHILLIPS PETROLEU
8336811		3511300000		103		SPERRY #16	BIRD CREEK	25.0	PHILLIPS PETROLEU
-RICKELSON OIL & GAS CO				RECEIVED:	05/12/83	JA: OK &			
8336720		3511300000		103		ALRED #1	ATLANTIC	6.6	PHILLIPS PETROLEU
8336721		3511300000		103		ALRED #2	ATLANTIC	6.6	PHILLIPS PETROLEU
8336722		3511300000		103		ALRED #5	ATLANTIC	6.6	PHILLIPS PETROLEU
8336723		3511300000		103		ALRED #6	ATLANTIC	6.6	PHILLIPS PETROLEU
8336724		3511300000		103		BIG EAGLE #1	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336725		3511300000		103		BIG EAGLE #2	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336726		3511300000		103		BIG EAGLE #3	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336727		3511300000		103		BIG EAGLE #4	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336728		3511300000		103		BIG EAGLE #5	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336729		3511300000		103		BIG EAGLE #7	N ATLANTIC	1.9	PHILLIPS PETROLEU
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8336731		3511300000		103		OXLEY 1-A	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336732		3511300000		103		OXLEY 2-A	N ATLANTIC	1.9	PHILLIPS PETROLEU
-RICKELSON OIL & GAS CO				RECEIVED:	05/13/83	JA: OK &			
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8336833		3511300000		103		GEORGIA #2	MYRONA	2.4	PHILLIPS PETROLEU
8336834		3511300000		103		GEORGIA #3	MYRONA	2.4	PHILLIPS PETROLEU
8336835		3511300000		103		GEORGIA #4	MYRONA	2.4	PHILLIPS PETROLEU
8336830		3511300000		103		LARNER #11	ATLANTIC	3.5	PHILLIPS PETROLEU
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8336829		3511300000		103		LARNER 10	ATLANTIC	3.5	PHILLIPS PETROLEU
8336821		3511300000		103		SAM FARMER #1	MYERS	0.8	PHILLIPS PETROLEU
8336822		3511300000		103		SAM FARMER #2	MYERS	0.8	PHILLIPS PETROLEU
8336823		3511300000		103		SAM FARMER #3	MYERS	0.8	PHILLIPS PETROLEU
8336824		3511300000		103		SAM FARMER #4	MYERS	0.8	PHILLIPS PETROLEU
8336825		3511300000		103		SAM FARMER #6	MYERS	0.8	PHILLIPS PETROLEU
8336832		3511300000		103		SYKES #8	ATLANTIC	3.5	PHILLIPS PETROLEU

federal register

Friday
June 10, 1983

Part VIII

Department of Labor

Mine Safety and Health Administration

Safety Standards for Gassy Mines

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 57

Safety Standards for Gassy Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of Availability of Preproposal Draft.

SUMMARY: The Mine Safety and Health Administration (MSHA) has developed a preproposal draft of revisions to existing gassy mines standards for the metal and nonmetal mining industry. MSHA solicits comment from all interested parties on the preproposal draft. Copies of the draft may be obtained by contacting the Agency.

DATE: Comments must be received on or before August 9, 1983.

ADDRESS: Send comments to the Office of Standards, Regulations, and Variances, MSHA, Room 631, Ballston Towers No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: On March 25, 1980, MSHA published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** (45 FR 19267) announcing its comprehensive review of existing metal and nonmetal mine safety and health standards in 30 CFR Parts 55, 56, and 57. The Agency is reviewing the standards to eliminate duplicative and unnecessary standards, provide alternative methods of compliance, reduce recordkeeping requirements, and upgrade provisions consistent with advances in mining technology.

MSHA believes this review will result in more effective standards for assuring the safety and health of miners. The reivew is consistent with the specific goals of Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act.

On November 20, 1981, MSHA published a subsequent ANPRM in the **Federal Register** (45 FR 57253) listing eight sections the Agency had selected for priority review. Standards related to gassy mine hazards were included in the priority group.

On March 9, 1982, MSHA published a notice in the **Federal Register** (46 FR 10190) announcing public conferences to discuss issues related to the standards under priority review. The Section .21 conferences were concluded in the Spring of 1982. During the conferences many commenters requested that the Agency make available a preproposal draft of the standards under review before issuing a proposed rule.

MSHA has now completed development of the preproposal draft for Section .21. The draft restructures the standards into a new Part 58. The preproposed revisons for gassy mines designate each standard as: "Surface" (S) applies to the surface areas of any mine and "Underground" (U) applies to underground mines. These designations assure that the standards will apply only to the appropriate types of mine operations and eliminate unnecessary duplication. In addition, the standards in Section .21 have been reorganized to provide more logical groupings and an index has been developed to enable ready reference among existing standard numbers and their new numerical designations.

The agency has redrafted the existing standards and will propose to replace the classification procedures with a new category system. Category placement will be determined by:

1. The history and geology of the province and mine;

2. The nature of the ore body and the host rock; and

3. The character (origin or source, type and amount) of methane gas emission.

The draft standards applicable to each of five (5) categories are related to the degree of hazards for each category of mines. Each mine will be required to comply with only those standards that apply to the problems inherent in the mine's category and the hazard level within the category.

MSHA requests comment on the substance of the preproposal standards, as wells on the reorganization of the standards. The Agency is interested in any alternatives to this requirement.

MSHA in interested in any economic data or other regulatory impact information commenters may wish to submit.

A copy of the preproposal draft notice has been mailed to interested persons and organizations. A copy of the preproposal draft may be obtained by submitting a request to the address provided above. The draft document contains the Agency's recommended revisions, a comparison with existing provisions, and a summary explanation of the proposed changes.

Dated: June 6, 1983.

Ford B. Ford,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 83-15687 Filed 6-9-83; 8:45 am]

BILLING CODE 4510-43-M

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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). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

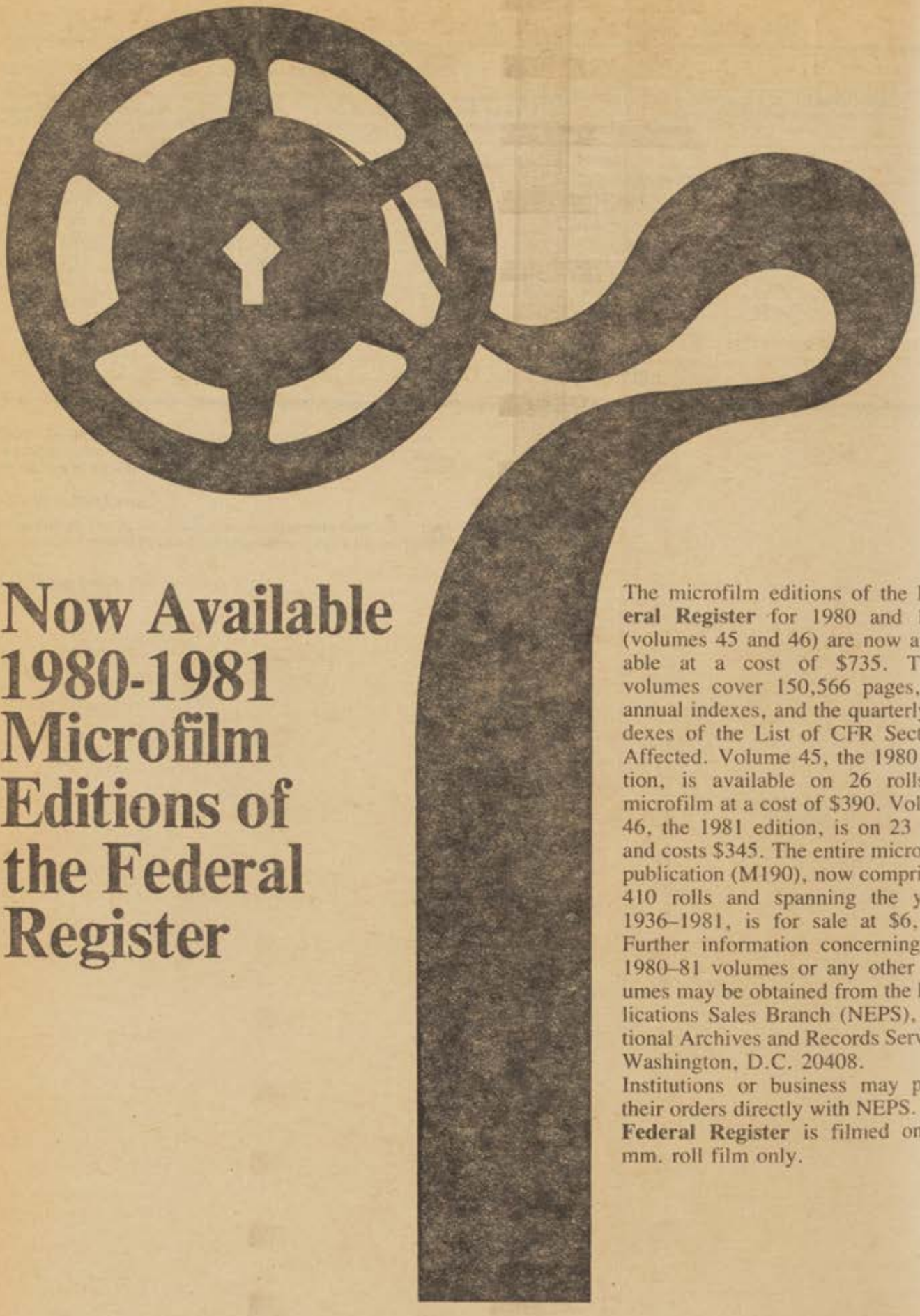
Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

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 June 9, 1983



Now Available 1980-1981 Microfilm Editions of the Federal Register

The microfilm editions of the **Federal Register** for 1980 and 1981 (volumes 45 and 46) are now available at a cost of $735. These volumes cover 150,566 pages, the annual indexes, and the quarterly indexes of the List of CFR Sections Affected. Volume 45, the 1980 edition, is available on 26 rolls of microfilm at a cost of $390. Volume 46, the 1981 edition, is on 23 rolls and costs $345. The entire microfilm publication (M190), now comprising 410 rolls and spanning the years 1936–1981, is for sale at $6,150. Further information concerning the 1980–81 volumes or any other volumes may be obtained from the Publications Sales Branch (NEPS), National Archives and Records Service, Washington, D.C. 20408.

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