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federal register

Friday
July 8, 1983

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Presidential Documents

Title 3—

The President

Executive Order 12430 of July 6, 1983

Reports of Identical Bids

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to eliminate an agency reporting requirement which has proved ineffective and which consumes resources that could be employed in a more effective manner to prevent antitrust violations, Executive Order No. 10936, of April 24, 1961, is hereby revoked.

Ronald Reagan

THE WHITE HOUSE,
July 6, 1983.

[FR Doc. 83-18672
Filed 7-7-83; 11:47 am]
Billing code 3195-01-M

Rules and Regulations

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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 Stabilization and Conservation Service

7 CFR Part 725

[Amdt. 4]

Flue-Cured Tobacco; 1982–83 Average Market Price and 1983–84 Penalty Rate

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This rule sets forth the average market price received by producers of flue-cured tobacco for the 1982–83 marketing year and the penalty rate for excess tobacco for the 1983–84 marketing year for such kind of tobacco. As required by section 314 of the Agricultural Adjustment Act of 1938, as amended, marketing quota penalties are assessed at the rate of 75 percent of the previous year's average market price.

EFFECTIVE DATE: July 8, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burgess, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013 (202) 447–2715. A Regulatory Impact Analysis has not been prepared since the effect of this final rule is primarily administrative.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291, and Secretary's Memorandum 1512–1 and has been classified "not major." It has been determined that this rule 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 the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Title: Commodity Loan and Purchases; Number: 10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Section 314 of the Agricultural Adjustment Act of 1938 provides that marketing quota penalties shall be assessed whenever a kind of tobacco is marketed in excess of the marketing quota for the farm on which such tobacco is produced. The rate of penalty per pound of a kind of tobacco as prescribed by section 314 of the 1938 Act is 75 percent of the previous year's average market price for such tobacco.

Since the 1982–83 average market price producers received for flue-cured tobacco and the rate of penalty reflect only mathematical computations which are required to be made in accordance with a statutory formula, it has been determined that no further public rulemaking is required. Accordingly, this final rule shall become effective upon date of publication in the **Federal Register.**

List of Subjects in 7 CFR Part 725

Marketing quotas, Penalties, Tobacco.

Final Rule

PART 725—[AMENDED]

Accordingly, the regulations at 7 CFR Part 725 are amended by revising § 725.92(b) to read as follows:

§ 725.92 Rate of penalty.

* * * * *

(b)(1) *Average market price.* The average market prices as determined by the Crop Reporting Board for the marketing years specified were:

AVERAGE MARKET PRICE

Marketing year	Cents per pound
1976–77	110.4
1977–78	117.6
1978–79	135.0
1979–80	140.0
1980–81	144.5
1981–82	166.4
1982–83	178.5

(2) *Rate of penalty per pound.* The penalty per pound for marketings of excess tobacco subject to marketing quotas during the marketing years specified shall be:

RATE OF PENALTY

Marketing year	Cents per pound
1977–78	83
1978–79	88
1979–80	101
1980–81	105
1981–82	108
1982–83	125
1983–84	134

(Secs. 301, 313, 314, 317, 372, 375, 52 Stat. 38, as amended, 47 as amended, 48 as amended, 79 Stat. 66, as amended, 52 Stat. 65, as amended, 66, as amended, (7 U.S.C. 1301, 1313, 1314, 1314c, 1372, 1375))

Signed as Washington, D.C. on July 1, 1983.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 83-18606 Filed 7-7-83; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 419]

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 July 10–16, 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: July 10, 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 July 5, 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 specifed, 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.

PART 910—[AMENDED]

Section 910.719 is added as follows:

§ 910.719 Lemon regulation 419

The quantity of lemons grown in California and Arizona which may be handled during the period July 10, 1983, through July 16, 1983, is established at 350,000 cartons.

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

Dated: July 7, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-18673 Filed 7-7-83; 12:05 pm]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 108

Loans to State and Local Development Companies; Eligibility Requirements for Certified Development Companies

AGENCY: Small Business Administration.

ACTION: Correction of final rule.

SUMMARY: This corrects a final rule published in the **Federal Register** on August 10, 1982 (47 FR 34530) concerning eligibility requirements for certified development companies.

EFFECTIVE DATE: July 8, 1983.

FOR FURTHER INFORMATION CONTACT: Wayne Foren, Director, Office of Lender, Relations and Certification, Small Business Administration, 1441 L Street, N.W., Room 720, Washington, D.C. 20416, (202) 653-6416.

SUPPLEMENTARY INFORMATION: On August 10, 1982, SBA published a final rule (47 FR 34530) amending Section 108.503-1. This amendment added a new paragraph (b) "Area of Operation" and recodified and changed existing paragraph (b) "Membership", as paragraph (c).

Inadvertently, existing paragraphs (c) and (d), which should have been recodified as (d) and (e), were omitted from the change as published. This correction will rectify that omission.

Pursuant to authority contained in section 308(c) of the Small Business Investment Act of 1958 (SBI Act), 15 U.S.C. 687, Chapter 1, Part 108 of Title 13, Code of Federal Regulations is being corrected as follows:

List of Subjects in 13 CFR Part 108

Loan programs—business (503 Program)

PART 108—[AMENDED]

In § 108.503-1, paragraphs (d) and (e) are added as follows:

§ 108.503-1 Eligibility requirements.

* * * * *

(d) *Good character and reputation.* A proposed 503 company must possess good character and reputation. Such company will be deemed to possess good character and reputation if all the holders of its voting power and all members of its management possess good character and reputation. Good character and reputation shall be presumed absent if such holders or management are currently incarcerated, on parole or probation following conviction of a serious offense, or when probation or parole is lifted solely for qualification under this program.

(e) *Sole purpose intention.* A 503 company shall operate pursuant to Title V of the Small Business Investment Act (Loans to State and Local Development Companies) and shall not participate in any other SBA program.

(Catalog of Federal Domestic Assistance No. 59.013 State and Local Development Company Loans)

Dated: June 30, 1983.

Heriberto Herrera,

Acting Administrator.

[FR Doc. 83-18507 Filed 7-7-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 83C-0051]

Listing of Color Additives for Coloring Contact Lenses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of four color additives for coloring contact lenses. This action is a partial response to a petition filed by Custom Tint Laboratories, Inc.

DATES: Effective August 9, 1983; objections by August 8, 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: Rudolph Harris, Bureau of Foods (HFF–334), 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 17, 1983 (48 FR 27834), FDA announced that a color additive petition (CAP 3C0169) had been filed by Custom Tint Laboratories, Inc., 6020 Six Forks Rd., Raleigh, NC 27609, proposing that the color additive regulations be amended to provide for the safe use of two orange dyes, 6,6'-diethoxy-2,2'-[3*H*,3'*H*]bibenzo[*b*] thiophene-3,3'-dione and dibromodibenzo[*b,def*] chrysene-7,14-dione; a brown dye, 16,23-diehydrodinaphtho[2,3-*a*:2',3'-*i*]naphth[2',3':6,7]indolo[2,3-*c*]carbazole-5,10,15,17,22,24-hexone; a yellow dye, *N,N'*-(9,10-dihydro-9,10-dioxo-1,5-anthracenediyl) bisbenzamide; a blue dye, 7,16-dichloro-6,15-dihydro-5,9,14,18-anthrazinetetrone; and a green dye, 16,17-dimethoxydinaphtho[1,2,3-*cd*:3',2',1'-*lm*]perylene-5,10-dione for coloring contact lenses. The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

With the passage of the Medical Device Amendments of 1976 (Pub. L. 94–295) to the act, Congress mandated the listing of color additives for use in medical devices where the color additive comes in direct contact with the body for a significant period of time (21 U.S.C. 376 (a)). The use of the six color additives presented in the petition now before the agency is subject to this listing requirement. These color additives are added to contact lenses in such a way that at least some of the color additive will come in contact with the eye when the lenses are worn. In addition, the lenses are intended to be placed in the eye for several hours a day each day for 1 year or more. Thus, the color additives will be in direct contact with the body for a significant period of time.

To establish that the color additives are safe for coloring the contact lenses it manufactures, the petitioner submitted toxicity and analytical data. The data reveal that the amount of these color additives that can be added to contact lenses is self-limiting because tinting above a certain intensity will result in a loss of visibility and a substantial and unacceptable distortion of color for the wearer. If each of a pair of lenses contains the amount of color additive necessary to achieve the maximum acceptable intensity, and all of the color additive migrates from the lenses to the eye over the lifetime of the lenses (1 year), the maximum exposure to the color additive from the pair of lenses will not exceed 20 nanograms per day (ng/day).

FDA has evaluated the toxicity data, which include the results of in vitro cytotoxicity tests of the color additives at many times the maximum use level in lenses and of primary ocular irritation studies in rabbits with saline extracts of the tinted lens materials. Based upon the results of these studies, FDA finds that it can conclude to a reasonable certainty that no harm will result from the petitioned use of 16,23-dihydrodinaphtho[2,3-*a*:2',3'-*i*]naphth[2',3':6,7]indolo[2,3-*c*]*carbazole-5,10,15,17,22,24-hexone; N,N'*-(9,10-dihydro-9,10-dioxo-1,5-anthracenediyl) bisbenzamide; 7,16-dichloro-6,15-dihydro-5,9,14,18-anthrazinetetrone; and 16,17-dimethoxydinaphtho[1,2,3-*cd*:3',2',1'-*lm*]perylene-5,10-dione. To ensure the safe use of these substances, FDA is adopting regulations that state that these substances may be used to color contact lenses in amounts not to exceed the minimum reasonably required to accomplish the intended coloring effect.

FDA will issue shortly a separate order for 6,6'-diethoxy-2,2'-[3*H*,3'*H*] bibenzo[*b*]thiophene-3,3'-dione and is deferring final action on the color additive dibromodibenzo [*b,def*]chrysene-7,14-dione pending receipt and evaluation of additional studies. Use of these two color additives will continue for the short period of time necessary to complete action on them under an investigational device exemption previously granted by FDA.

Based on its consideration of the factors listed in § 71.20(b) (21 CFR 71.20(b)), the agency concludes that certification of the four color additives listed by this final rule is not necessary for the protection of the public health.

In accordance with § 71.15(a) (21 CFR 71.15(a)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the use of these color additives in contact lenses are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 71.15(b), 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 carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting this finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 73

Color additives, Color additives exempt from certification, Color diluents, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371(e), 376) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 73 is amended in Subpart D by adding new §§ 73.3117 through 73.3120, to read as follows:

PART 73—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

§ 73.3117 16,23-Dihydrodinaphtho[2,3-a:2',3'-i] naphth [2',3':6,7] indolo [2,3-c] carbazole-5,10,15,17,22,24-hexone.

(a) *Identity.* The color additive is 16,23-dihydrodinaphtho [2,3- *a*:2',3'-*i*] napth [2',3':6,7] indolo [2, 3-*c*] carbazole-5,10, 15,17,22,24-hexone (CAS Reg. No. 2475–33–4), Colour Index No. 70800.

(b) *Uses and restrictions.* (1) The substance listed in paragraph (a) of this section may be used as a color additive in contact lenses in amounts not to exceed the minimum reasonably required to accomplish the intended coloring effect.

(2) Authorization for this use shall not be construed as waiving any of the requirements of sections 510(k), 515, and 520(g) of the Federal Food, Drug, and Cosmetic Act with respect to the contact lens in which the color additive is used.

(c) *Labeling.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore the color additive is exempt from the certification requirements of section 706(c) of the act.

§ 73.3118 N,N'-(9,10-Dihydro-9,10-dioxo-1,5-anthracenediyl) bisbenzamide.

(a) *Identity.* The color additive is *N,N'*-(9,10-dihydro-9,10-dioxo-1,5-anthracenediyl) bisbenzamide (CAS Reg. No. 82–18–8), Colour Index No. 61725.

(b) *Uses and restrictions.* (1) The substance listed in paragraph (a) of this section may be used as a color additive

in contact lenses in amounts not to exceed the minimum reasonably required to accomplish the intended coloring effect.

(2) Authorization for this use shall not be construed as waiving any of the requirements of sections 510(k), 515, and 520(g) of the Federal Food, Drug, and Cosmetic Act with respect to the contact lens in which the color additive is used.

(c) *Labeling.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore the color additive is exempt from the certification requirements of section 706(c) of the act.

§ 73.3119 7,16-Dichloro-6,15-dihydro-5,9,14,18-anthrazinetetrone.

(a) *Identity.* The color additive is 7,16-dichloro-6,15-dihydro-5,9,14,18-anthrazinetetrone (CAS Reg. No. 130-20-1), Colour Index No. 69825.

(b) *Uses and restrictions.* (1) The substance listed in paragraph (a) of this section may be used as a color additive in contact lenses in amounts not to exceed the minimum reasonably required to accomplish the intended coloring effect.

(2) Authorization for this use shall not be construed as waiving any of the requirements of sections 510(k), 515, and 520(g) of the Federal Food, Drug, and Cosmetic Act with respect to the contact lens in which the color additive is used.

(c) *Labeling.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore the color additive is exempt from the certification requirements of section 706(c) of the act.

§ 73.3120 16,17-Dimethoxydinaphtho [1,2,3-cd:3',2',1'-lm]perylene-5,10-dione.

(a) *Identity.* The color additive is 16,17-dimethoydinaphtho[1,2,3,-*cd*:3',2',1'-*lm*]perylene-5,10-dione (CAS Reg. No. 128-58-5), Colour Index No. 59825.

(b) *Uses and restrictions.* (1) The substance listed in paragraph (a) of this section may be used as a color additive in contact lenses in amounts not to exceed the minimum reasonably required to accomplish the intended coloring effect.

(2) Authorization for this use shall not be construed as waiving any of the requirements of sections 510(k), 515, and 520(g) of the Federal Food, Drug, and Cosmetic Act with respect to the contact lens in which the color additive is used.

(c) *Labeling.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore the color additive is exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 8, 1983 file with the Dockets Management Branch (address above) written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issues for the hearing and shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this document. Any objections received may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective August 9, 1983 except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the **Federal Register.**

(Secs. 701(e), 706, 70 Stat. 919, as amended, 74 Stat. 399-407 (21 U.S.C. 371(e), 376))

Dated: July 1, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18370 Filed 7-7-83; 8:45 am]

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21 CFR Part 172

[Docket No. 82F-0305]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Aspartame

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of aspartame in carbonated beverages and carbonated beverage syrup bases. The action responds to a petition filed by G. D. Searle & Co.

DATES: Effective July 8, 1983; objections by August 8, 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: Anthony P. Brunetti, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St., SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION:

I. Introduction

Aspartame, the methyl ester of a digestible dipeptide, with a nutritive value of four calories per gram, was first approved as a sugar substitute for table use, and for use in certain dry food applications as a sweetener and flavor enhancer on July 26, 1974 (39 FR 27317; correction published September 26, 1974 (39 FR 34520)). The approval responded to a petition from G. D. Searle & Co. and the regulation became codified in 21 CFR 172.804 (formerly 21 CFR 121.1258).

Formal objections to this regulation, based on safety concerns arising from toxic effects of certain amino acids in animals, resulted in the establishment of a Public Board of Inquiry (the Board) to investigate the safety questions. A comprehensive audit of the authenticity of selected toxicological studies on aspartame was also undertaken, and the regulation authorizing the marketing of aspartame was stayed pending the findings of these inquiries (40 FR 56907; December 5, 1975). In the **Federal Register** of July 24, 1981 (46 FR 38285; correction published September 18, 1981 (46 FR 46394)), the Commissioner of Food and Drugs reviewed in detail the contested aspects of aspartame's safety and issued his final decision on Searle's petition for the food additive use of aspartame ("Commissioner's decision"). The Commissioner's decision concluded that aspartame had been shown to be safe under section 409 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348), and vacated the stay of the original regulation, effective October 22, 1981 (46 FR 50947; October 16, 1981).

In a notice published in the Federal Register of October 15, 1982 (47 FR 46140), FDA announced that a petition (FAP 2A3661) had been filed by the Searle Research and Development Division of G. D. Searle & Co., 4901 Searle Parkway, Skokie, IL 60077, proposing that § 172.804 *Aspartame* be

amended to provide for the additional safe use of aspartame (1-methyl *N*-L-α-aspartyl-L-phenylalanine) as a sweetener in carbonated beverages.

II. Petition for Use in Carbonated Beverages

The proposed use of aspartame in carbonated beverages required the current petition to address the new issue of the stability of aspartame in a liquid medium. In addition, the petition had to address the issue of the dietary exposure to aspartame resulting from its use in carbonated beverages, as well as from other regulated uses. Safety data, in the form of clinical studies with various human subpopulations, were also provided to support the safe use of aspartame at the highest estimated exposure levels. These issues are discussed below.

A. Stability of Aspartame in Beverages

Studies on aspartame's stability in carbonated beverages and syrup concentrates were provided by Searle in the current petition to demonstrate the safety and functionality of the sweetener in carbonated beverages during typical storage periods (up to 52 weeks), and over a range of temperatures 5° to 55° C (41° to 131° F). These stability data were submitted under section 409(b)(2)(C) of the act which requires that a food additive petition contain data bearing on the physical or technical effect the additive is intended to produce. Sensitive chromatographic analyical techniques were used to identify and quantify aspartame and its decomposition products in the aged carbonated beverage preparations. Taste panel tests also verified that taste characteristics were retained for typical shelf-life periods. For example, levels of aspartame remaining in carbonated beverages stored for 8 weeks at 20° C (68° F) were shown to be between 84 and 89 percent of the original amount. The lost aspartame is degraded to diketopiperazine (DKP) and its component amino acids, aspartic acid, phenylalanine, plus aspartyl-1-phenylalanine (the deesterified dipeptide), and methanol. The DKP formed was 3 to 4 percent of the added aspartame. Approximately one-third of the decomposition products were in the form of DKP, a result which was shown to be relatively consistent for four flavors of carbonated beverages as well as for the syrup concentrates. At average aspartame use levels, 67 milligrams (mg) per 100 milliliters (mL) of carbonated beverage, the level of DKP formed was demonstrated to be approximately 2 mg/100 mL under these conditions. Storage at 5° C (41° F) for 52 weeks results in residual aspartame levels similar to the above. After 8 weeks at 5° C, aspartame levels were 90 percent of the amounts added.

Storage tests at 30° C (86° F) for 8 weeks resulted in 62 percent of the added aspartame remaining in a cola-type beverage, with 12 percent of the residue in the form of DKP. At temperatures above 30° C the stability drops off markedly. The petition shows that storage at 40° C (104° F) and 55° C (131° F) results in less than one-half of the added aspartame remaining after 9 weeks and 3 to 4 weeks, respectively. The agency believes, however, that storage at these times and temperatures can be avoided by attention to handling and distribution. More important, although this lack of stability might result in a marginally acceptable product, it would not lead to an unsafe product. Any concern over possible toxic effects from DKP has been eliminated as a result of long-term animal studies conducted using DKP itself as the test compound. These studies are discussed below in greater detail under "Safety Issues."

B. Consumption Levels

The additional use of aspartame in carbonated beverages is expected to increase the projected average daily consumption of the sweetener. Safety issues relating consumption levels of the sweetener to potential toxic effects from its component amino acid have been comprehensively reviewed in the Commissioner's final decision of July 24, 1981 (46 FR 38285). In the safety analysis of consumption levels described therein, estimates of the maximum possible daily intake of aspartame were computed by several methods (46 FR 38290). Significantly, these aspartame consumption estimates included calculations based on: (a) Substitution of aspartame for all sucrose in the diet of an average 60-kilogram (kg) individual (8.3 mg/kg body weight of aspartame per day), or substitution of aspartame for all dietary carbohydrate (25 mg/kg body weight per day); and (b) market survey data of actual dietary records for foods which could contain aspartame (data compiled by Market Research Corp. of America (MRCA)). The estimates based on the MRCA survey covered two groups of products: "Group A" products were those which are now approved for addition of aspartame (21 CFR 172.804); and "Group B" products include seven additional food categories for which aspartame has marketing potential, including carbonated beverages. The Commissioner thus considered use of aspartame in carbonated beverages in estimating its potential consumption.

For the product Groups A and B combined, the consumer group with the highest intake (young children, ages 2 to 5) had a calculated mean potential exposure of 11.1 mg/kg body weight per day, and a corresponding 90th percentile value of 25.0 mg/kg. Members of the Board, as well as the Commissioner, used an intake value of 34 mg/kg per day in their analysis of possible risk. This figure was the highest obtained from any estimate of potential consumption and exceeds the 99th percentile consumption (25 mg/kg) for all age groups combined from the MRCA survey. Subsequent safety calculations relating to the maximum risk from elevations in blood plasma levels of aspartame's component amino acids were referenced to this "loading dose" of aspartame consumption (46 FR 38304). The corresponding minimum elevation in plasma levels of amino acids that could be suspected of being neurotoxic was taken to be 100 micromoles per deciliter (dL), the cautiously estimated "toxic threshold" value adopted for human risk assessment purposes (46 FR 38291).

Referring to the projected maximum aspartame consumption estimate of 34 mg/kg per day and the threshold plasma level, the Commissioner concluded that all the evidence available established that aspartame intake from the maximum projected consumption of aspartame, which included beverage use, was "far, far below any level even suspected of being toxic" (46 FR 38303). After the Commissioner's decision was issued, the MRCA survey was updated with more recent data. Present consumption estimates based on the agency's analysis of the most recent MRCA survey compilations for products approved for aspartame use (and carbonated beverages) yield values comparable to those found by the Commissioner when aspartame was approved: mean intake in the 2- to 4-year age group is 12 mg/kg, and 24 mg/kg for the 90th percentile eaters in this group. The 99th percentile estimate for all age groups combined is 25 mg/kg. Current estimates of aspartame consumption are consistent with previous estimates and, therefore, the agency concludes that the maximum projected consumption of aspartame, including the use of aspartame in

carbonated beverages, is not regarded as being of toxicological concern.

C. Comments

FDA has received three comments in response to the October 15, 1982 notice of filing for Searle's new petition proposing the additional use of aspartame as a sweetener in carbonated beverages. These comments are discussed immediately below and the agency's response to them is set forth in Part III, "Safety Issues."

The first comment raised the following three issues: (1) Whether aspartame is sufficiently stable for liquid beverage use, (2) whether the resulting increase in consumption of aspartame and its component amino acids, phenylalanine and aspartic acid, would result in blood levels of amino acids which exceed previously "implied margins of safety," and (3) whether phenylalanine and aspartic acid have an adverse effect on neurotransmitter activity at concentrations and durations of exposure well below those involved in classical toxicological testing.

The second comment questioned the safety of aspartame for both carbonated beverage use and the currently approved uses. The letter contained an anonymous report (the anonymous report), authored by a "concerned scientist and citizen," with the stated purpose of reviewing aspartame's "unresolved" safety issues. No significant data or literature references were presented in the anonymous report other than a reference to unpublished results from a reproductive study with DKP. The safety issues relative to the use of aspartame, which the anonymous report identified as "unresolved" or "new areas of concern," were as follows: Risks to the general public, including brain cancer, possible toxic reaction products, nitrosation potential of aspartame and/or DKP; risks to children, including brain damage, phenylketonuria (PKU), and methyl alcohol; risks to the fetus and pregnant women, including mental retardation and induced resorptions; and risks to individuals already physiologically compromised, including persons with liver disease, diabetics, and the geriatric population.

A third comment raised a concern about possible adverse behavioral effects resulting from a diet consisting of high levels of aspartame in combination with high levels of carbohydrate. The comment argued that such an unusual dietary pattern, particularly after an overnight fasting period, could elevate plasma-phenylalanine levels while simultaneously depressing the concentration of other neutral amino acids in the blood. The plasma concentration ratio of phenylalanine to the sum of the other neutral amino acids is generally believed to be indicative of the corresponding brain levels of phenylalanine.

The comment claimed that the reported elevations in the plasma-phenylalanine ratio due to the unusual dietary regimen would lead to elevated brain levels of phenylalanine which may affect brain enzymes influencing the production of neurotransmitters in the brain, and this change in neurotransmitter production may ultimately lead to behavioral effects. The comment acknowledged, however, that any transient perturbations in brain amino acid metabolism caused by dietary exposure, such as the experimentally administered combination of high aspartame and high sucrose, are unlikely to lead to neurotoxicity. The comment also noted that the observed elevations in the plasma-phenylalanine ratio are much less than those which accompany phenylketonuria. The comment included a summary of results from preliminary experiments with five human subjects. These limited data showed an expected increase in the plasma-phenylalanine ratio, although the agency has not had access to the complete experimental data.

The agency believes that the majority of the safety questions posed in these comments are the same questions that were examined and evaluated previously by the agency and the Board. The Commissioner's final decision which discusses these issues in detail was published in the **Federal Register** of July 24, 1981 (46 FR 38284) and transcripts of all of the expert testimony before the Board, all of the scientific data, and agency memoranda and correspondence associated with these past safety decisions on aspartame are part of the public record available for review at the Dockets Management Branch (address above). Because of the availability of this record, the agency concludes that it is not necessary to respond again in detail to these issues. The agency has, however, responded briefly to these comments below, using references where appropriate.

III. Safety Issues

A. Brain Damage

The Commissioner's decision approving the food additive petition for aspartame found that there was no reasonable expectation that aspartame ingestion could influence either of two distinct types of brain damage. Specifically, the Commissioner found that there was a reasonable certainty that aspartame: (1) Does not cause brain tumors in rats and (2) does not pose a risk of contributing to mental retardation, brain lesions, or undesirable effects on neuroendocrine regulatory systems in humans.

The comments on the use of aspartame in carbonated beverages raised these same issues. The comments argued that the Commissioner's decision was incorrect regarding aspartame's potential for causing brain tumors, relying on the Board's disagreement with the Commissioner on this issue. The comments further argued that, in requiring post-market surveillance to confirm aspartame consumption levels, the agency had indirectly admitted that there is a potential risk of brain damage of the type described in item (2) above.

The comments did not, however, present any significant new information concerning the probability of toxic responses in humans due to the ingestion of aspartame.

1. *Aspartame's Potential for Causing Brain Tumors.* Interpretation of the results of the chronic rat feeding studies designed to determine aspartame's potential for causing brain tumors was one of the major scientific issues before the Board, and consequently one of the most comprehensively deliberated issues relative to aspartame's safety. The Board found that the results of these tests were not sufficiently conclusive and recommended that approval of aspartame be withheld pending results from further oncogenic studies with the additive. The Commissioner disagreed with the Board's findings and, as noted above, concluded that there was a reasonable certainty that aspartame does not cause brain tumors in rats. One of the comments contends that the Board's findings, rather than the Commissioner's, were correct. The comment did not, however, submit any new data on this issue.

An account of the record with regard to the positions of the Board and the Commissioner on the brain tumor studies, and a presentation of the reasons for the Commissioner's exceptions to the Board's findings, have been clearly stated in the Commissioner's final decision (46 FR 38295). This decision is fully supported by the record which included not only the three chronic studies before the Board, but also negative results observed in subsequent animal studies not available to the Board. Furthermore, the comments fail to acknowledge that two of the three members of the Board later concurred with the Commissioner's rebuttal of their evaluation, even though

the concurrence of these Board members is expressed in the same published article (*Science*, August 28, 1981) upon which the comment relies.

The administrative record shows that the regulatory approval of aspartame is supported by a complete series of toxicological tests in animals. These studies have been thoroughly reviewed by FDA scientists. Based on that review and for the reasons stated in the Commissioner's decision, the agency reaffirms the conclusion that there is a reasonable certainty that aspartame does not cause brain tumors in rats.

2. *Aspartame's Potential for Causing Mental Retardation, Brain Lesions, and Other Effects.* The major concerns about toxic effects from aspartame consumption are the possibility of adverse responses to its component amino acids, phenylalanine and aspartate. Because these amino acids are also constituents of normal dietary protein, any risk from aspartame ingestion must be considered in the context of the resulting increase in exposure to these amino acids compared with the exposure from the normal diet. The potential toxicity of these amino acids is discussed below.

a. *Aspartate.* High blood levels of aspartic and glutamic acids have been associated with focal brain lesions in animals after parenteral (non-dietary) administration of large doses of aspartate or glutamate (46 FR 38291). One of the comments on this issue contended that, in requiring postmarket surveillance of aspartame, the Commissioner indirectly admitted aspartame's potential to cause brain damage.

This contention is incorrect. Prior to the approval of a food additive petition, the agency is required to find that there is a reasonable certainty of no harm from the proposed use of a substance, as judged by competent scientists (21 CFR 170.3(i)). The Commissioner found that the evidence in support of aspartame's safety met this standard. The postmarketing survey was required to ensure the accuracy of estimates of the consumption of aspartame, not because of any doubts about its safety.

In determining the potential risk of aspartic and glutamic acids, the Commissioner and members of the Board did accept the assumption that a combined plasma level of 100 micromoles/dL of the amino acids glutamate and aspartate may be toxic in humans. It must be understood, however, that this assumption was made to permit potential risk comparisons to be made under assumed worst case exposure conditions. There is no evidence establishing that these levels are toxic in healthy humans, nor has it been shown that amino acid levels can attain this "threshold" concentration by ingestion of large doses of aspartame.

Searle's petition for carbonated beverage use of aspartame specifically addressed the issue of the potential glutamate and aspartate toxcity through the submission of new clinical safety studies. In these studies, the effects on amino acid blood levels resulting from the acute administration of high doses of aspartame were observed on different human subpopulations: normal adults, adolescents and children, diabetics, lactating mothers, infants, and obese and glutamate-sensitive individuals. These studies demonstrated that, when ingested aspartame doses are several multiples of the highest projected daily intake levels, only one-tenth, i.e., 10 micromoles/dL, of the conservatively derived toxic threshold value noted above is attained in humans. This margin of safety is considerable and adds additional support to the Commissioner's conclusion that the proposed use of aspartame, either alone or in combination with glutamate, will not cause focal brain lesions under conditions of use that include use of aspartame to sweeten carbonated beverages (46 FR 38294).

b. *Phenylalanine.* Sustained elevations of plasma-phenylalanine, resulting from the genetic disorder known as phenylketonuria (PKU), can lead to mental retardation in those infants who are homozygous for the gene coding for the deficient form of the enzyme, phenylalanine hydroxylase. One comment expressed concern that the proposed use of aspartame would increase the incidence of the particular form of mental retardation associated with sustained elevations of plasma-phenylalanine levels. Both the Board and the Commissioner agreed that such an increase in mental retardation would not be expected (46 FR 38290–91). Because no significant new evidence has been submitted concerning this issue, the agency has decided that the Commissioner's conclusion was correct for the reasons stated in his decision (*id.*).

Another comment expressed concern that extreme dietary patterns (aspartame and carbohydrate) may enhance the potential adverse effects of elevated plasma-phenylalanine levels by causing an increase in the concentration of phenylalanine and a concomitant decrease in the sum of the concentrations of other neutral amino acids in the blood. Resulting increases in the ratio of these quantities is postulated in the comment to be proportional to increased phenylalanine levels in the brain.

The comment provided limited details of experimental observations made on 5 human subjects. The subjects had received large doses of aspartame (about 1 gram (g)) in 2 quarts of beverage followed by a confection containing 200 g of sucrose, administered after overnight fasting. Increases were measured in the plasma phenylalanine ratio. It is difficult, however, if not impossible, to interpret the significance of the experiments in terms of normal eating habits and in the absence of a control experiment feeding only aspartame.

The comment maintains that toxic effects would not be anticipated from transient increases in the plasma phenylalanine ratio, but the concurrent changes in neurotransmitter activity due to expected changes in brain metabolism may be sufficient to affect human behavior, performance, and subjective feelings. The agency believes that the comment's conclusion regarding potential phenylalanine induced changes in neurotransmitter function appear to be unwarranted extrapolations. Even though elevated plasma amino acid ratios may produce similar elevations of the amino acid in the brain as claimed, recent detailed studies in the rat by Fernstrom, et. al., the best evidence submitted to FDA thus far, does not support the view that neurotransmitter activity is altered (Ref. 1). In one study, serum and brain levels of amino acids were measured in rats given up to 200 mg/kg of aspartame by gavage. The results of this work indicate that the elevations in phenylalanine plasma ratios and brain levels are not sufficient to influence either the levels or the rate of turnover of catecholamine or indoleamine neurotransmitters in the brain of the rat. Thus, perturbations in phenylalanine plasma ratios greater than those caused by the extreme dietary manipulation in the human study failed to produce the effects predicted by the comment on the levels of monoamines which are acepted indicators of neurotransmitter function.

To test the aspartame-carbohydrate dietary hypothesis, the person submitting these comments recently repeated the work of Fernstrom, *et al.* In addition to the 200 mg/kg of aspartame used by Fernstrom, fasted rats were first fed 3 g/kg of carbohydrate (as glucose). The agency has reviewed the results of these studies. The brain levels of the neurotransmitter serotonin and its metabolite 5-hydroxyindole acetic acid were assayed. In the rats fed the aspartame/carbohydrate diet, the levels

of these substances linked to serotenergic neurotransmitter function were essentially the same as those of the control group.

In conclusion, the agency finds that the data supplied with this comment do not provide support for its hypothesis that the ingestion of aspartame and carbohydrate will alter the brain levels of neurotransmitters, and thereby produce behavioral modification.

Further support for the safety of aspartame with respect to its contribution to additional dietary phenylalanine comes from previously submitted studies with infant monkeys (macaques) (Ref. 2). These animals were fed up to 3,000 mg/kg of aspartame or 1,650 mg/kg of phenlalanine in a liquid formula for 9 months. Postprandial blood levels of phenylalanine ranged from 180 to 300 micromoles/dL. Although these infant macaques were exposed to extremely high levels of phenylalanine (with phenylalanine-plasma ratios well in excess of those in the human study), the animals grew and developed normally. In addition, none of the treated or control animals showed electroencephalographic abnormalities or behavioral seizures.

Subsequent to the withdrawal of the macaques from the high aspartame/phenylalanine diets, the animals were also subjected to behavioral testing consisting of a series of a standardized primate tests. No differences were observed in the test scores between any of the treatment groups. These results support the conclusion that prolonged exposure to extremely high plasma levels of phenylalanine produced no long-term or irreversible changes in the physical or mental development in the primates.

The petitioner has also submitted studies in which aspartame has been administered to humans in acute doses of 34, 50, 100, and 150 mg/kg. No evidence of effects on mood or mental performance was observed (Ref. 3). Nausea was reported in subjects following ingestion of 200 mg/kg of aspartame, a result attributed to the extreme sweetness of aspartame. (The sweetness of 200 mg/kg of aspartame is comparable to eating 5.5 pounds of sucrose in a single serving.) Thus, the agency concludes, based on a review of all the relevant scientific data available, that the ingestion of aspartame, either alone or in combination with high levels of carbohydrate, will not result in behavorial modification even under the dietary extremes cited in the comment.

B. Decomposition and Reaction Products

1. *Diketopiperazine (DKP).* Aspartame is known to decompose at elevated temperatures, and in solution it decomposes at a rate that is dependent on the pH of the solution and its temperature. The decomposition products consist primarily of its component amino acids (phenylalanine and aspartic acid), methanol, and its DKP derivative. Of these products, only DKP is an uncommon constituent of foods. Amino acids are the subunits of all proteins, and methanol is a common metabolite of methyl esters found in a variety of foods. The original aspartame regulation, allowing use in dry foods, relied on data in the petition and the related master file demonstrating that the additive was sufficiently stable to be efficacious as a sweetener in such products. In these dry food uses DKP normally comprises less than two percent of added aspartame.

The comments objecting to the use of aspartame in liquid foods expressed concern about the toxicity of its decomposition products, particularly DKP. Subsequent to the original approval (1974) of aspartame for use in dry foods, the petitioner completed a series of toxicological tests on DKP. These studies included reproductive, mutagenic, and chronic bioassays in two rodent species. After evaluating these studies, the agency derived a no effect level of 3,000 mg/kg body weight to DKP. Based on these results, the acceptable daily intake of DKP exceeds any dietary exposure that is likely to result from aspartame consumption at the 99 percent level (25 mg/kg), even if total conversion to DKP is assumed.

One comment also contended that recent animal studies with DKP, conducted at the University of Louvain in Belgium by Professor Lederer and coworkers, have shown DKP to have adverse effects on fetal development. Although the agency has not had access to the complete experimental data resulting from this work, correspondence from Professor Lederer, as well as a summary report of the investigation, discloses that the authors conclude that no teratogenic effects were observed. Contrary to the implication made in the anonymous report submitted with one of the comments, no decrease in the number of implants or increase in the number of resorptions were observed which could be attributed in a dose-related manner to the maternal administration of DKP. Decreases in the number of implants, seen at the 1 percent DKP level relative to control animals, were not observed in the corresponding group fed at the highest level, 3 percent dietary DKP for 20 days of gestation. Consequently, the agency finds that its conclusion on the safety of DKP with regard to potential embryotoxicity need not be reexamined. Furthermore, the only dose-related effect observed in Lederer's study was a slight reduction in embryo (fetal) weights at the highest dose level of DKP. Prior to the original approval of aspartame, the agency also reviewed a series of four reproductive studies with DKP and DKP/aspartame mixtures. Two of these studies were in the rabbit and two studies were in the rat. No embryotoxic or teratogenic effects were demonstrated in these studies. In addition, there was no evidence of decreased pup (fetal) weight in these studies. Levels of DKP up to 2.4 percent of the diet were fed to the rat, equivalent to 2.4 g/kg body weight.

It should also be noted that a knowledge of experimental factors, such as the source and purity of DKP fed the animals, as well as the likelihood of effects that may be specific to the particular strain of rat used, is important in making meaningful comparisons of results from different laboratories. However, based on all the evidence available from reproductive studies, the agency concludes that pregnant women and their developing fetuses will not be harmed by exposure to DKP resulting from the decomposition of aspartame.

2. *Methanol.* One comment alleged that methanol, derived from the hydrolysis of the methyl ester in aspartame represents a serious health risk. The agency concludes that the level of dietary exposure to methanol is not of prime importance in the assessment of the safe use of aspartame. Methyl esters, which yield methanol on digestion, are not uncommon in foods. Dietary methanol also arises from fresh fruits and vegetables. It is estimated that a liter of beverage sweetened with aspartame would contain a maximum of 56 mg of methanol, if the aspartame were completely hydrolyzed. This is about one-third of the average methanol level that might be derived from a similar quantity of fruit juice. Clinical studies have shown that measurable blood levels of methanol are not detectable until single aspartame doses substantially exceed projected 99th percentile exposure levels (34 mg/kg) (Ref. 4). Thus, the agency finds no cause for concern from the levels of dietary methanol resulting from the highest projected levels of aspartame consumption.

3. *Other Reaction Products.* One comment questioned the safety of

aspartame for use in cooking on the grounds that all possible reaction products of aspartame and its derivatives have not been investigated for toxicity. Particular reference is made to possible nitrosamine derivatives of DKP or aspartame. The comment also argues that a more prominent label statement advising against cooking with aspartame is necessary.

FDA notes that Searle conducted a series of studies on potential nitrosation reactions as part of their original food additive petition (Ref. 5). These studies indicated that stable nitrosation products were not formed. The agency also concludes that the allegation that all possible reaction products have not been tested for safety is not a tenable issue in terms of regulatory food additive safety evaluation. Such a requirement for the demonstration of safety would necessitate an unlimited amount of experimental data. Scientific judgment is relied upon to identify potential areas of concern, such as the case with nitrosation products. Outside of these nitrosation derivatives, the agency has no basis for suspecting that potentially toxic derivatives could arise when aspartame is combined with food. Aspartame is structurally similar to a variety of natural dietary proteins which are customarily cooked and interact freely with other constituents of food.

It should also be noted that the current petition is solely for the use of aspartame in carbonated beverage, a use that is unlikely to result in aspartame being heated. In addition, the original approval attempts to avoid conditions under which aspartame would be used in cooking by limiting the types of products it can be used in and by requiring a label advisory not to use it for cooking or baking. The label statement, which is required on aspartame packaged for use as a sugar substitute and instructs that the product not be used in cooking or baking, is to inform users that the sweetener may not be efficacious for these uses. It is not a safety-related requirement. Certain label statements are necessary to ensure safe use, such as the warning to phenylketonurics (21 CFR 172.804(e)(2)). Other labeling provides information to aid in the efficacious use of the additive, as does the notice not to use aspartame in cooking or baking (21 CFR 172.804(e)(3)). This latter labeling requirement does not mean that all uses in cooking are without efficacy. It is impossible for a petitioner to explore all possible cooking combinations. The requirement does mean that the agency has concluded from the data available that the sweetener is not generally efficacious when used in foods exposed to high temperature cooking conditions. The agency, therefore, cannot agree that more prominent labeling to caution against cooking uses is warranted on the basis of safety concerns about harmful decomposition products.

C. Other Clinical Studies

To ensure further that the safety concerns expressed about potential adverse effects from additional exposure to aspartame are fully examined, the petitioner presented significant clinical studies on the use of aspartame in carbonated beverages. To assess the toxic potential of single high doses of aspartame, the substance was administered to patients in the fasting state so that peak plasma levels of amino acids would be accentuated. Doses given were up to 8 times greater than the highest estimated levels of daily intake resulting from all regulated food uses of aspartame plus its potential use in carbonated beverages. Combined blood levels of aspartic and glutamic acid did not exceed 10 micromoles/dL, a level far below that which results in acute hypothalamic lesioning in even the most sensitive animal species, the neonatal mouse (which requires about 60 micromoles/dL). Thus, even under extraordinary conditions of high aspartame ingestion over a short period of time (conditions which optimize peak plasma levels, but do not correspond to normal food intake which occurs throughout the daily waking period), the agency concludes that the plasma levels of aspartic acid, phenylalanine, and glutamic acid achieved do not indicate a potential for toxicity.

In addition to studies performed by Searle to evaluate the effects of acute administration of aspartame on plasma concentrations of free amino acids, the petitioner also monitored the influence of high continuous levels of aspartame on the day-to-day physiological processes of human subjects. In a study on long-term tolerance of aspartame on adults, doses as high as 135 mg/kg per day for 6 weeks resulted in no adverse clinical effects in a group of 50 adults. Ingestion by 126 children of 39.5 to 58.1 mg/kg per day (varying with age) of aspartame for 91 days showed no adverse clinical effect. Thus, regular ingestion of aspartame at dose levels far in excess of projected 99th percentile daily exposure (25 mg/kg) did not result in the occurrence of clinical anomalies or disorders.

Concern was also expressed by one comment about diabetic and geriatric populations that may be exposed to aspartame. The agency notes that the petitioner submitted the results of a clinical study performed on 39 insulin-dependent (14 male, 25 female) and 36 insulin-dependent (9 male, 27 female) diabetic subjects (ages 21 to 70 years). These subjects received 1.8 gm aspartame or (30 mg/kg) per day for 90 days. During the course of the study, no preexisting disease condition worsened, and neither aspartame nor placebo treatment produced changes or deterioration in the degree of diabetic control of any of the test subjects. Although none of the clinical studies performed were specifically directed at testing geriatric populations, the study in the diabetic population included elderly subjects. None of the subjects manifested any compound-related effects when administered up to 1.8 gm (30 mg/kg) per day of aspartame for 13 weeks.

Finally, the comments expressed concern about possible adverse affects of aspartame ingestion on other impaired individuals, such as individuals (e.g., alcoholic cirrhotics) whose liver function is severely compromised. Some clinicians believe that there is a relationship between the impaired ability to metabolize aromatic amino acids (e.g., phenylalanine) and the occurrence of a state of toxic encephalopathy. This toxic encephalopathy can lead in its extreme presentation to coma and even death. Patients with seriously impaired liver function would have their dietary intakes for all foods carefully monitored and controlled by a physician because of the high amino acid content in normal foods. The agency notes that the label on aspartame-containing products includes a statement which indicates phenylalanine content. If phenylalanine is a threat to these individuals, then the agency concludes that current labeling requirements should provide adequate warning.

IV. Environmental Findings

The agency has considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

V. Conclusions

FDA, having evaluated the data in the petition and other relevant material, concludes that the proposed food additive use is safe and that the

regulations should be amended as set forth below.

The administrative record shows that the regulatory approval is supported by more than 100 studies on the safety of aspartame and its decomposition products. These studies include an extensive program of clinical testing in various human subpopulations, as well as a complete series of toxicological tests in animals. All of these studies have been thoroughly reviewed by FDA scientists and the agency finds no basis upon which to alter the Commissioner's conclusions regarding the potential of aspartame to cause toxic effects, including brain tumors.

Further, the agency does not agree with the comments asserting that aspartame consumption beyond currently regulated uses will lower the margin of safety based on a toxic threshold of 100 micromoles/dL of combined aspartate and glutamate in blood, or that abnormal neurotransmitter activity might occur. Rather, the agency concludes that, because: (1) Ingestion of aspartame at high but conceivable amounts does not result in toxic plasma levels of amino acids, (2) these aspartame constituents are food-like and well-characterized with respect to metabolic fate and demonstrate no evidence of metabolic overload, and (3) clinically, no subpopulations, except homozygous PKU individuals or other individuals needing to control phenylalanine intake, have been identified that can suffer ill effects from long-term or excessive aspartame ingestion, the comments on the proposed addition of aspartame to carbonated beverages do not provide a basis for refusing to approve the petition.

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 21 CFR 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.

VI. References

The following materials are on file in the Dockets Management Branch (address above) where they may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Fernstrom, J. D., M. H. Fernstrom, and M.A. Gillis, *Life Sciences*, 32:1651–1658, 1983.

2. Food Additive Master File 134, Study E32.

3. *Journal of Nutrition*, 109:768–717, 1979; *Journal of Nutrition*, 110:2216–2224, 1980; *Journal of Nutrition*, 109:2173–2181, 1979; *Journal of Toxicology and Environmental Health*, 7:291–305, 1981.

4. L. D. Stegink, et al., *Journal of Toxicology and Environmental Health*, 7:281–290, 1981.

5. Food Additive Master File 134, Studies E50, E68, and E71.

List of Subjects in 21 CFR Part 172

Food additives, Food preservatives, Spices and flavorings.

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), Part 172 is amended in § 172.804 by adding new paragraph (c)(6) to read as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

§ 172.804 Aspartame.

* * * * *

(c) * * *

(6) Carbonated beverages and carbonated beverage syrup bases.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 8, 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 shall become effective July 8, 1983.

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

Dated: June 29, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 83-18193 Filed 7-1-83; 11:49 am]

BILLING CODE 4160-01-M

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21 CFR Parts 175 and 178

[Docket No. 83F-0042]

Indirect Food Additives: Adhesive Coatings and Components; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 2,2'-ethylidenebis(4,6-di-*tert*-butylphenol) as a component of adhesives and as an antioxidant and/or stabilizer in acrylonitrile-butadiene-styrene copolymers and rubber-modified (high impact) polystyrene. This action responds to a petition filed by Schenectady Chemicals, Inc.

DATES: Effective July 8, 1983; objections by August 8, 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: Vir Anand, Bureau of Foods (HFF–334), 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 March 4, 1983 (48 FR 9376), FDA announced that a petition (FAP 3B3691) had been filed by Schenectady Chemicals, Inc., P.O. Box 1046, Schenectady, NY 12301, proposing that the food additive regulations be amended to provide for the safe use of 2,2'-ethylidenebis (4,6-di-*tert*-butylphenol) as a component of adhesives and as an antioxidant and/or stabilizer in acrylonitrile-butadiene-styrene copolymers and rubber-modified (high impact) polystyrene.

FDA has evaluated 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 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 therefore an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 175

Adhesives, Food additives, Food packaging.

21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

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), Parts 175 and 178 are amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

1. Part 175 is amended in § 175.105(c)(5) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * * * *	
2,2'-Ethylidenebis (4,6-di-*tert*-butylphenol) (CAS Reg. No. 35958-30-6).	
* * * * *	

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

2. Part 178 is amended in § 178.2010(b) by adding items 7, 8, and 9 in the list of limitations for "2,2'-Ethylidenebis (4,6-di-*tert*-butylphenol)," to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
2,2'-Ethylidenebis (4,6-di-*tert*-butylphenol) (CAS Reg. No. 35958-30-6).	For use only: * * * 7. At levels not to exceed 0.2 percent by weight of acrylonitrile-butadiene-styrene copolymers containing less than 30 percent by weight of acrylonitrile and under conditions of use D through G described in table 2 of § 176.170(c) of this chapter. 8. At levels not to exceed 0.1 percent by weight of polystyrene and rubber-modified polystyrene complying with § 177.1640 of this chapter and under conditions of use D through G described in table 2 of § 176.170(c) of this chapter. 9. In adhesives complying with § 175.105 of this chapter.
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 8, 1983, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, 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 July 8, 1983.

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

Dated: June 28, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-18194 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 177

[Docket No. 82F-0038]

Indirect Food Additives; Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of poly(*p*-methylstyrene) and rubber-modified poly (*p*-methylstyrene) when used as articles or components of articles intended for food-contact applications. This action responds to a petition filed by Mobil Chemical Co., Edison, NJ.

DATES: Effective July 8, 1983; objections by August 8, 1983. The Director of the Federal Register approves the incorporation by reference of certain publications in 21 CFR 177.1635 effective July 8, 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: Garnett R. Higginbotham, Bureau of Foods (HFF–334), 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 March 12, 1982 (47 FR 10907), FDA announced that a petition (FAP 2B3617) had been filed by Mobil Chemical Co., Edison, NJ 08817, proposing that the food additive regulations be amended to provide for the safe use of poly(*p*-methylstyrene) and rubber-modified poly (*p*-methylstyrene) in food-contact applications.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed use is safe

and that Part 177 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 21 CFR 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 carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Incorporation by reference, 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 Subpart B by adding new § 177.1635 to read as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.1635 Poly(p-methylstyrene) and rubber-modified poly(p-methylstyrene).

Poly(*p*-methylstyrene) and rubber-modified poly(*p*-methylstyrene) identified in this section may be safely used as components of articles intended for use in contact with food, subject to the provisions of this section:

(a) *Identity.* For the purposes of this section, poly(*p*-methylstyrene) and rubber-modified poly(*p*-methylstyrene) are basic polymers, manufactured as described in this paragraph, meeting the specifications prescribed in paragraph (c) of this section.

(1) Poly(*p*-methylstyrene) (CAS Reg. No. 24936–41–2) polymer produced by the polymerization of *p*-methylstyrene.

(2) Rubber-modified poly(*p*-methylstyrene) (CAS Reg. No. 33520–88–6) polymer produced by combining styrene-butadiene copolymer and/or polybutadiene with poly(*p*-methylstyrene), either during or after polymerization of the poly(*p*-methylstyrene), such that the finished polymers contain not less than 75 weight percent of total polymer units derived from *p*-methylstyrene) monomer.

(b) *Optional adjuvants.* The basic polymers identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of such basic polymers. Such optional adjuvant substances may include substances permitted for such use by applicable regulations in this chapter, substances generally recognized as safe in food, substances generally recognized as safe in indirect additives, and substances used in accordance with prior sanction or approval.

(c) *Specifications.* (1) Poly(*p*-methylstyrene) basic polymers identified in paragraph (a)(1) of this section shall contain not more than 1 weight percent of total residual *p*-methystyrene monomer, as determined by a gas chromatographic method titled, "Gas Chromatographic Determination of PMS and PET in PPMS Basic Polymers," which is incorporated by reference. Copies are available from the Division of Food and Color Additives, Bureau of Foods (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(2) Rubber-modified poly(*p*-methylstyrene) basic polymers identified in paragraph (a)(2) of this section shall contain not more than 0.5 weight percent of total residual *p*-methylstyrene monomer, as determined by the method identified in paragraph (c)(1) of this section

(d) *Other specifications and limitations.* The poly(*p*-methylstyrene) and rubber-modified poly(*p*-methylstyrene) identified in and complying with this section, when used as components of the food-contact surface of any article that is the subject of a regulation in Parts 175, 176, 177, 178 and § 179.45 of this chapter, shall comply with any specifications and limitations prescribed by such regulation for the article in the finished form in which it is to contact food.

(e) *Conditions of use.* Poly(*p*-methylstyrene) basic polymers and rubber-modified poly(*p*-methylstyrene) basic polymers identified in paragraph (a)(1) and (2), respectively, of this section shall only be used in contact with foods described as types I, II, IV–B, VI, VII–B, and VIII, in table 1 of § 176.170(c) of this chapter, and only under conditions of use E, F, and G set forth in table 2 of § 176.170(c) of this chapter.

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 8, 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 shall become effective July 8, 1983.

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

Dated: June 28, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-18195 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 178

[Docket No. 83F-0084]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in chlorinated isobutylene-isoprene copolymers intended for use in contact with food. This action is based on a petition filed by Ciba-Geigy Corp.

DATES: Effective July 8, 1983; objections by August 8, 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: Vir Anand, Bureau of Foods (HFF–334), 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 April 12, 1983 (48 FR 15720), FDA announced that a petition (FAP 3B3710) has been filed by Ciba-Geigy Corp., Three Skyline Drive, Hawthorne, NY 10532, proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3, 5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in chlorinated isobutylene-isoprene copolymers complying with § 177.1420(a)(3) (21 CFR 177.1420(a)(3)) intended for use in contact with food.

FDA has evaluated 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 carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

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 Director of the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 178 is amended in § 178.2010(b) by adding a new limitation for "Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate" to read as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * *	* * *
Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate (CAS Reg. No. 2082–79–3).	For use only: * * * 13. At levels not exceeding 0.025 percent by weight of chlorinated isobutylene-isoprene copolymers complying with § 177.1420(a)(3) of this chapter.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 8, 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 shall become effective July 8, 1983.

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

Dated: June 24, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83–18072 Filed 7–7–83; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 529

Certain Other Dosage Form New Animal Drugs Not Subject to Certification; Gentamicin Sulfate Intrauterine Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Schering Corp., providing for safe and effective use of a higher concentration of gentamicin sulfate per milliliter of intrauterine solution. The drug is used in horses to control uterine bacterial infections.

EFFECTIVE DATE: July 8, 1983.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, filed supplemental NADA 46–724 providing for a 100-milligram per milliliter (mg/mL) gentamicin (as the sulfate) intrauterine infusion solution. Schering currently holds approval for a 50 mg/mL gentamicin solution. The drug is used for control of bacterial infections of the uterus in horses and as an aid in improving conception in mares with uterine infections caused by bacteria sensitive to gentamicin. The supplement is approved and the regulations are amended to reflect the approval.

This approval does not change the approved use of the drug. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this application does not require reevaluation of the safety and effectiveness data in the original approval.

Approval of this supplement did not require the generation of new effectiveness or safety data. Therefore, a freedom of information summary is not required for this action.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or

cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 529

Animal drugs—miscellaneous use.

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 529.1044a [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 529.1044a *Gentamicin sulfate intrauterine solution* is amended in paragraph (a) by removing "50" and inserting in its place "50 or 100".

Effective date. July 8, 1983.

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

Dated: June 30, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-18199 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

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 MAC-PAGE, Inc., providing for use of 50-gram-per-pound lincomycin premixes in making 4- and 20-gram-per-pound lincomycin intermediate premixes. The intermediate premixes are subsequently used to make swine feeds for treatment and/or control of dysentery and for reduction in the severity of swine mycoplasmal pneumonia.

EFFECTIVE DATE: July 8, 1983.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: MAC-PAGE, Inc., 1600 South Wilson Ave., Dunn, NC 28334, filed NADA 134-701 which provides for use of a 50-gram-per-pound lincomycin premix to make 4- and 20-gram-per-pound lincomycin intermediate premixes for subsequent incorporation into complete swine feeds. The feeds are used for control and/or treatment of swine dysentery and for reduction in the severity of swine mycoplasmal pneumonia as provided in 21 CFR 558.325(f)(2). The basis of approval of this NADA is discussed in the freedom of information summary. Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.325 is amended by adding new paragraph (b)(9), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * * * *

(b) * * *

(9) Premix levels of 4 and 20 grams per pound have been granted to No. 047427 in § 510.600(c) of this chapter for use as provided in paragraph (f)(2) of this section.

* * * * *

Effective date. July 8, 1983.

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

Dated: June 29, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-18200 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

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 Central Soya Co., Inc., providing for use of 20- or 50-gram-per-pound lincomycin premixes to make 5- and 10-gram-per-pound intermediate premixes subsequently used for the manufacture of complete swine feeds. The feeds are used for control and treatment of swine dysentery.

EFFECTIVE DATE: July 8, 1983.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Central Soya Co., Inc., P.O. Box 1400, 1300 Fort Wayne Bank Bldg., Fort Wayne, IN 46802, filed NADA 133-508 which provides for use of 20- or 50-gram-per-pound lincomycin premixes to make 5- and 10-gram-per-pound intermediate premixes for making 40- and 100-gram-per-ton lincomycin complete swine feeds used for control and treatment of swine dysentery as provided in 21 CFR 558.325(f)(2)(i), (ii), and (iii). The basis of approval of this NADA is discussed in the freedom of information summary. Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

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

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 7142) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.325 by adding new paragraph (b)(11), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * * * *

(b) * * *

(11) Premix level of 5 and 10 grams per pound has been granted to No. 012286 in § 510.600(c) of this chapter for use as provided in paragraph (f)(2)(i), (ii), and (iii) of this section.

* * * * *

Effective date. July 8, 1983.

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

Dated: June 29, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-18201 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 864

[Docket No. 83N-0196]

Opportunity To Request Change in Classification of Calibrator for Hemoglobin or Hematocrit Measurement

AGENCY: Food and Drug Administration.

ACTION: Notice; final rule-related.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to allow interested persons an opportunity to submit a request for a change in the classification of the calibrator for hemoglobin or hematocrit measurement based on new information relevant to the classification of the device. If FDA receives no request for a change in classification or if FDA receives a request but denies it, the agency will proceed to develop a performance standard for this device.

DATE: Requests shall be submitted on or before July 25, 1983.

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

FOR FURTHER INFORMATION CONTACT: James J. McCue, Jr., National Center for Devices and Radiological Health (HFK-310), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301-427-7182.

SUPPLEMENTARY INFORMATION: Under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA is required to classify each medical device into one of three regulatory categories: Class I (general controls); class II (performance standards); or class III (premarket approval).

In the **Federal Register** of September 12, 1980 (45 FR 60631), FDA published a regulation (21 CFR 864.8165) classifying the calibrator for hemoglobin or hematocrit measurement into class II. In the preamble to the proposal to classify this device, FDA explains why the device should be subject to performance standards, summarizes the data upon which the Hematology and Pathology Device Section of the Clinical Chemistry and Hematology Devices Panel (an FDA advisory committee) based its classification recommendation, and identifies risks to health determined by that panel and by FDA to be presented by the device (see the **Federal Register** of September 11, 1979; 44 FR 53033).

Opportunity To Request Reclassification

Before establishing a performance standard for a device classified into class II, FDA is required under section 514(b) of the act and Part 860 of the regulations governing medical device classification procedures (21 CFR Part 860) to allow interested persons an opportunity to request under section 513(e) of the act (21 U.S.C. 360c(e)) reclassification of the device into class I or class III. Section 514(b)(1) of the act requires that a proceeding for the development of a performance standard for a device be initiated by FDA publishing in the **Federal Register** a notice of opportunity to submit to the agency, within 15 days of the date of publication of the notice, a request for a change in the classification of the device based on new information relevant to its classification. Accordingly, FDA is publishing this notice of an opportunity to request by July 25, 1983, reclassification of the calibrator for hemoglobin or hematocrit measurement. Section 860.132 provides that any such request is to be in the form of a reclassification petition containing the information required by section 513(e) of the act and § 860.123 of the regulations and shall set forth new information relevant to the classification of the device. The legal standard governing reclassification under section 513(e) of the act and § 860.123 is discussed in detail in FDA's proposals to reclassify daily wear spherical contact lenses consisting of rigid gas permeable plastic materials and daily wear optically spherical (soft) contact lenses from class III into class I (47 FR 53402, 53411; November 26, 1982). The agency advises that to assure timely filing of any such petition, any request should be submitted in accordance with the procedures described below instead of those provided in § 860.123(b).

Section 514(b)(2) of the act provides that if FDA receives a timely request for a change in the classification of a device, FDA shall within 60 days of publication of the notice either deny the request or give notice of the agency's intent to initiate such a change under section 513(e) of the act. Accordingly, if FDA receives a timely request to change the classification of the calibrator for hemoglobin or hematocrit measurement, FDA will consult with the Hematology and Pathology Device Section of the Clinical Chemistry and Hematology Devices Panel and will, by September 6, 1983, publish in the **Federal Register** an order denying the request or a notice of intent to initiate a proceeding under section 513(e) of the act and § 860.130 to reclassify the device.

If FDA determines that the device will remain classified in class II, FDA will continue the procedure by which a performance standard for the device may be established, as provided in Subpart B of 21 CFR Part 861.

The agency has determined pursuant to § 25.24(b)(9) (21 CFR 25.24(b)(9)) (proposed December 11, 1979; 44 FR 71742) that publication of notices in the **Federal Register** under section 514(b) of the act does not individually or cumulatively have a significant impact on the human environment. Further, the agency has determined pursuant to proposed § 25.24(b) (13) and (20), respectively, that issuance of a standard for a class III device or reclassification of a device would not have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required for this notice or subsequent actions that may be taken in response to it.

FDA certifies that this notice does not require a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-35). FDA will consider the economic consequences of reclassifying this device if a petition for reclassification is received and granted. If the device is not reclassified, FDA will consider the economic consequences of the development of a performance standard when the provisions of the

standard are known. Until such time, the economic consequences cannot be determined.

List of Subjects in 21 CFR Part 864

Blood, Hematology and pathology devices, Medical devices, Packaging and containers.

Interested persons may, on or before July 25, 1983, submit to the Dockets Management Branch (address above) written requests to change the classification of the calibrator for hemoglobin or hematocrit measurement. Two copies of any requests are to be submitted, except that individuals may submit one copy. Requests are to be identified with the docket number found in brackets in the heading of this document. Received requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

FR Doc. 83-18583 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 868

[Docket No. 83N-0194]

Opportunity To Request Change in Classification of Continuous Ventilator; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice; final rule-related; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that allowed interested persons an opportunity to submit a request for a change in the classification of the continuous ventilator based on new information relevant to the classification of the device. This document corrects two typographical errors.

FOR FURTHER INFORMATION CONTACT: Tenny P. Neprud, Regulations Policy Staff (HFC-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: In FR Doc. 83-16396 appearing at page 27723 in the issue for Friday, June 17, 1983, the following corrections are made on page 27723: In the second column in the third line of the paragraph under the heading "Opportunity to Request Reclassification," "class III" is corrected to read "class II"; and in the third column, in the tenth line, "class II" is corrected to read "class I".

Dated: June 29, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18036 Filed 6-30-83; 10:15 am]

BILLING CODE 4160-01-M

21 CFR Part 866

[Docket No. 83N-0200]

Opportunity To Request Change in Classification of Toxoplasma Gondii Serological Reagents

AGENCY: Food and Drug Administration.

ACTION: Notice; final rule-related.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to allow interested persons an opportunity to submit a request for a change in the classification of the toxoplasma gondii serological reagents based on new information relevant to the classification of the device. If FDA receives no request for a change in classification or if FDA receives a request but denies it, the agency will proceed to develop a performance standard for this device.

DATE: Requests shall be submitted on or before July 25, 1983.

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

FOR FURTHER INFORMATION CONTACT: James J. McCue, Jr., National Center for Devices and Radiological Health (HFK-310), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301-427-7182.

SUPPLEMENTARY INFORMATION: Under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA is required to classify each medical device into one of three regulatory categories: Class I (general controls); class II (performance standards); or class III (premarket approval).

In the **Federal Register** November 9, 1982 (47 FR 50814), FDA published a regulation (21 CFR 866.3780) classifying the toxoplasma gondii serological reagents into class II. In the preamble to the proposal to classify this device, FDA explains why the device should be subject to performance standards, summarizes the data upon which the Microbiology Device Section of the Immunology and Microbiology Devices Panel (an FDA advisory committee) based its classification recommendation, and identifies risks to health determined by that panel and by FDA to be presented by the device (see the **Federal Register** of April 22, 1980; 45 FR 27287).

Opportunity To Request Reclassification

Before establishing a performance standard for a device classified into class II, FDA is required under section 514(b) of the act and Part 860 of the regulations governing medical device classification procedures (21 CFR Part 860) to allow interested persons an opportunity to request under section 513(e) of the act (21 U.S.C. 360c(e)) reclassification of the device into class I or class III. Section 514(b)(1) of the act requires that a proceeding for the development of a performance standard for a device be initiated by FDA publishing in the **Federal Register** a notice of opportunity to submit to the agency, within 15 days of the date of publication of the notice, a request for a change in the classification of the device based on new information relevant to its classification. Accordingly, FDA is publishing this notice of an opportunity to request by July 25, 1983, reclassification of the toxoplasma gondii serological reagents. Section 860.132 provides that any such request is to be in the form of a reclassification petition containing the information required by section 513(e) of the act and § 860.123 of the regulations and shall set forth new information relevant to the classification of the device. The legal standard governing reclassification under section 513(e) of the act and § 860.123 is discussed in detail in FDA's proposals to reclassify daily wear spherical contact lenses consisting of rigid gas permeable plastic materials and daily wear optically spherical (soft) contact lenses from class III into class I (47 FR 53402, 53411; November 26, 1982). The agency advises that to assure timely filing of any such petition, any request should be submitted in accordance with the procedures described below instead of those provided in § 860.123(b).

Section 514(b)(2) of the act provides that if FDA receives a timely request for a change in the classification of a device, FDA shall within 60 days of publication of the notice either deny the request or give notice of the agency's intent to initiate such a change under section 513(e) of the act. Accordingly, if FDA receives a timely request to change the classification of the toxoplasma gondii serological reagents, FDA will consult with the Microbiology Device Section of the Immunology and Microbiology Devices Panel and will, by September 6, 1983, publish in the **Federal Register** an order denying the request or a notice of intent to initiate a proceeding

under section 513(e) of the act and § 860.130 to reclassify the device.

If FDA determines that the device will remain classified in class II, FDA will continue the procedure by which a performance standard for the device may be established, as provided in Subpart B of 21 CFR Part 861.

The agency has determined pursuant to § 25.24(b)(9) (21 CFR 25.24(b)(9)) (proposed December 11, 1979; 44 FR 71742) that publication of notices in the **Federal Register** under section 514(b) of the act does not individually or cumulatively have a significant impact on the human environment. Further, the agency has determined pursuant to proposed § 25.24(b) (13) and (20), respectively, that issuance of a standard for a class II device or reclassification of a device would not have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required for this notice or subsequent actions that may be taken in response to it.

FDA certifies that this notice does not require a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). FDA will consider the economic consequences of reclassifying this device if a petition for reclassification is received and granted. If the device is not reclassified, FDA will consider the economic consequences of the development of a performance standard when the provisions of the standard are known. Until such time, the economic consequences cannot be determined.

List of Subjects in 21 CFR Part 866

Immunology and microbiology devices, Medical devices.

Interested persons may, on or before July 25, 1983, submit to the Dockets Management Branch (address above) written requests to change the classification of the toxoplasma gondii serological reagents. Two copies of any requests are to be submitted, except that individuals may submit one copy. Requests are to be identified with the docket number found in brackets in the heading of this document. Received requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18594 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 866

[Docket No. 83N-0199]

Opportunity To Request Change in Classification of Rheumatoid Factor Immunological Test System

AGENCY: Food and Drug Administration.

ACTION: Notice; final rule-related.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to allow interested persons an opportunity to submit a request for a change in the classification of the rheumatoid factor immunological test system based on new information relevant to the classification of the device. If FDA receives no request for a change in classification or if FDA receives a request but denies it, the agency will proceed to develop a performance standard for this device.

DATE: Requests shall be submitted on or before July 25, 1983.

ADDRESS: Requests shall be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James J. McCue, Jr., National Center for Devices and Radiological Health (HFK–310), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301–427–7182.

SUPPLEMENTARY INFORMATION: Under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA is required to classify each medical device into one of three regulatory categories: Class I (general controls); class II (performance standards); or class III (premarket approval).

In the **Federal Register** of November 9, 1982 (47 FR 50814), FDA published a regulation (21 CFR 866.5775) classifying the rheumatoid factor immunological test system into class II. In the preamble to the proposal to classify this device, FDA explains why the device should be subject to performance standards, summarizes the data upon which the Immunology Device Section of the Immunology and Microbiology Devices Panel (an FDA advisory committee) based its classification recommendation, and identifies risks to health determined by that panel and by FDA to be presented by the device (see the **Federal Register** of April 22, 1980; 45 FR 27353).

Opportunity To Request Reclassification

Before establishing a performance standard for a device classified into class II, FDA is required under section 514(b) of the act and Part 860 of the regulations governing medical device classification procedures (21 CFR Part 860) to allow interested persons an opportunity to request under section 513(e) of the act (21 U.S.C. 360c(e)) reclassification of the device into class I or class III. Section 514(b)(1) of the act requires that a proceeding for the development of a performance standard for a device be initiated by FDA publishing in the **Federal Register** a notice of opportunity to submit to the agency, within 15 days of the date of publication of the notice, a request for a change in the classification of the device based on new information relevant to its classification. Accordingly, FDA is publishing this notice of an opportunity to request by July 25, 1983, reclassification of the rheumatoid factor immunological test system. Section 860.132 provides that any such request is to be in the form of a reclassification petition containing the information required by section 513(e) of the act and § 860.123 of the regulations and shall set forth new information relevant to the classification of the device. The legal standard governing reclassification under section 513(e) of the act and § 860.123 is discussed in detail in FDA's proposals to reclassify daily wear spherical contact lenses consisting of rigid gas permeable plastic materials and daily wear optically spherical (soft) contact lenses from class III into class I (47 FR 53402, 53411; November 26, 1982). The agency advises that to assure timely filing of any such petition, any request should be submitted in accordance with the procedures described below instead of those provided in § 860.123(b).

Section 514(b)(2) of the act provides that if FDA receives a timely request for a change in the classification of a device, FDA shall within 60 days of publication of the notice either deny the request or give notice of the agency's intent to initiate such a change under section 513(e) of the act. Accordingly, if FDA receives a timely request to change the classification of the rheumatoid factor immunological test system, FDA will consult with the Immunology Device Section of the Immunology and Microbiology Devices Panel and will, by September 6, 1983, publish in the **Federal Register** an order denying the request or a notice of intent to initiate a proceeding under section 513(e) of the act and § 860.130 to reclassify the device.

If FDA determines that the device will remain classified in class II, FDA will

continue the procedure by which a performance standard for the device may be established, as provided in Subpart B of 21 CFR Part 861.

The agency has determined pursuant to § 25.24(b)(9) (21 CFR 25.24(b)(9)) (proposed December 11, 1979; 44 FR 71742) that publication of notices in the **Federal Register** under section 514(b) of the act does not individually or cumulatively have a significant impact on the human environment. Further, the agency has determined pursuant to proposed § 25.24(b) (13) and (20), respectively, that issuance of a standard for a class II device or reclassification of a device would not have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required for this notice or subsequent actions that may be taken in response to it.

FDA certifies that this notice does not require a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). FDA will consider the economic consequences of reclassifying this device if a petition for reclassification is received and granted. If the device is not reclassified, FDA will consider the economic consequences of the development of a performance standard when the provisions of the standard are known. Until such time, the economic consequences cannot be determined.

List of Subjects in 21 CFR Part 866

Immunology and microbiology devices, Medical devices.

Interested persons may, on or before July 25, 1983, submit to the Dockets Management Branch (address above) written requests to change the classification of the rheumatoid factor immunological test system. Two copies of any requests are to be submitted, except that individuals may submit one copy. Requests are to be identified with the docket number found in brackets in the heading of this document. Received requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18595 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 866

[Docket No. 83N-0197]

Opportunity To Request Change in Classification of Antimicrobial Susceptibility Test Disc

AGENCY: Food and Drug Administration.

ACTION: Notice; final rule-related.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to allow interested persons an opportunity to submit a request for a change in the classification of the antimicrobial susceptibility test disc based on new information relevant to the classification of the device. If FDA receives no request for a change in classification or if FDA receives a request but denies it, the agency will proceed to develop a performance standard for this device.

DATE: Requests shall be submitted on or before July 25, 1983.

ADDRESS: Requests shall be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James J. McCue, Jr., National Center for Devices and Radiological Health (HFK–310), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301–427–7182.

SUPPLEMENTARY INFORMATION: Under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA is required to classify each medical device into one of three regulatory categories: Class I (general controls); class II (performance standards); or class III (premarket approval).

In the **Federal Register** of November 9, 1982 (47 FR 50814), FDA published a regulation (21 CFR 866.1620) classifying the antimicrobial susceptibility test disc into class II. In the preamble to the proposal to classify this device, FDA explains why the device should be subject to performance standards, summarizes the data upon which the Microbiology Device Section of the Immunology and Microbiology Devices Panel (an FDA advisory committee) based its classification recommendation, and identifies the risks to health determined by that panel and by FDA to be presented by the device (see the **Federal Register** of April 22, 1980; 45 FR 27211).

Opportunity To Request Reclassification

Before establishing a performance standard for a device classified into class II, FDA is required under section 514(b) of the act and Part 860 of the regulations governing medical device classification procedures (21 CFR Part 860) to allow interested persons an opportunity to request under section 513(e) of the act (21 U.S.C. 360c(e)) reclassification of the device into class I or class III. Section 514(b)(1) of the act requires that a proceeding for the development of a performance standard for a device be initiated by FDA publishing in the **Federal Register** a notice of opportunity to submit to the agency, within 15 days of the date of publication of the notice, a request for a change in the classification of the device based on new information relevant to its classification. Accordingly, FDA is publishing this notice of an opportunity to request by July 25, 1983, reclassification of the antimicrobial susceptibility test disc. Section 860.132 provides that any such request is to be in the form of a reclassification petition containing the information required by section 513(e) of the act and § 860.123 of the regulations and shall set forth new information relevant to the classification of the device. The legal standard governing reclassification under section 513(e) of the act and § 860.123 is discussed in detail in FDA's proposals to reclassify daily wear spherical contact lenses consisting of rigid gas permeable plastic materials and daily wear optically spherical (soft) contact lenses from class III into class I (47 FR 53402, 53411; November 26, 1982). The agency advises that to assure timely filing of any such petition, any request should be submitted in accordance with the procedures described below instead of those provided in § 860.123(b).

Section 514(b)(2) of the act provides that if FDA receives a timely request for a change in the classification of a device, FDA shall within 60 days of publication of the notice either deny the request or give notice of the agency's intent to initiate such a change under section 513(e) of the act. Accordingly, if FDA receives a timely request to change the classification of the antimicrobial susceptibility test disc, FDA will consult with the Microbiology Device Section of the Immunology and Microbiology Devices Panel and will, by September 6, 1983, publish in the **Federal Register** an order denying the request or a notice of intent to initiate a proceeding under section 513(e) of the act and § 860.130 to reclassify the device.

If FDA determines that the device will remain classified in class II, FDA will

continue the procedure by which a performance standard for the device may be established, as provided in Subpart B of 21 CFR Part 861.

The agency has determined pursuant to § 25.24(b)(9) (21 CFR 25.24(b)(9)) (proposed December 11, 1979; 44 FR 71742) that publication of notices in the **Federal Register** under section 514(b) of the act does not individually or cumulatively have a significant impact on the human environment. Further, the agency has determined pursuant to proposed § 25.24(b) (13) and (20), respectively, that issuance of a standard for a class II device or reclassification of a device would not have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required for this notice or subsequent actions that may be taken in response to it.

FDA certifies that this notice does not require a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). FDA will consider the economic consequences of reclassifying this device if a petition for reclassification is received and granted. If the device is not reclassified, FDA will consider the economic consequences of the development of a performance standard when the provisions of the standard are known. Until such time, the economic consequences cannot be determined.

List of Subjects in 21 CFR Part 866.

Immunology and microbiology devices, Medical devices.

Interested persons may, on or before July 25, 1983, submit to the Dockets Management Branch (address above) written requests to change the reclassification of the antimicrobial susceptibility test disc. Two copies of any requests are to be submitted, except that individuals may submit one copy. Requests are to be identified with the docket number found in brackets in the heading of this document. Received requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18596 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 866

[Docket No. 83N-0198]

Opportunity To Request Change in Classification of Immunoglobulins A, G, M, D, and E Immunological Test System

AGENCY: Food and Drug Administration.

ACTION: Notice; final rule-related.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to allow interested persons an opportunity to submit a request for a change in the classification of the immunoglobulins A, G, M, D, and E immunological test system based on new information relevant to the classification of the device. If FDA receives no request for a change in classification or if FDA receives a request but denies it, the agency will proceed to develop a performance standard for this device.

DATE: Requests shall be submitted on or before July 25, 1983.

ADDRESS: Requests shall be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James J. McCue, Jr., National Center for Devices and Radiological Health (HFK–310), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301–427–7182.

SUPPLEMENTARY INFORMATION: Under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA is required to classify each medical device into one of three regulatory categories: Class I (general controls); class II (performance standards); or class III (premarket approval).

In the **Federal Register** of November 9, 1982 (47 FR 50814), FDA published a regulation (21 CFR 866.5510) classifying the immunoglobulins A, G, M, D, and E immunological test system into class II. In the preamble to the proposal to classify this device, FDA explains why the device should be subject to performance standards, summarizes the data upon which the Immunology Device Section of the Immunology and Microbiology Devices Panel (an FDA advisory committee) based its classification recommendation, and identifies risks to health determined by that panel and by FDA to be presented by the device (see the **Federal Register** of April 22, 1980; 45 FR 27334).

Opportunity To Request Reclassification

Before establishing a performance standard for a device classified into class II, FDA is required under section 514(b) of the act and Part 860 of the regulations governing medical device classification procedures (21 CFR Part 860) to allow interested persons an opportunity to request under section 513(e) of the act (21 U.S.C. 360c(e)) reclassification of the device into class I or class III. Section 514(b)(1) of the act requires that a proceeding for the development of a performance standard for a device be initiated by FDA publishing in the **Federal Register** a notice of opportunity to submit to the agency, within 15 days of the date of publication of the notice, a request for a change in the classification of the device based on new information relevant to its classification. Accordingly, FDA is publishing this notice of an opportunity to request by July 25, 1983, reclassification of the immunoglobulins A, G, M, D, and E immunological test system. Section 860.132 provides that any such request is to be in the form of a reclassification petition containing the information required by section 513(e) of the act and § 860.123 of the regulations and shall set forth new information relevant to the classification of the device. The legal standard governing reclassification under section 513(e) of the act and § 860.123 is discussed in detail in FDA's proposals to reclassify daily wear spherical contact lenses consisting of rigid gas permeable plastic materials and daily wear optically spherical (soft) contact lenses from class III into class I (47 FR 53402, 53411; November 26, 1982). The agency advises that to assure timely filing of any such petition, any request should be submitted in accordance with the procedures described below instead of those provided in § 860.123(b).

Section 514(b)(2) of the act provides that if FDA receives a timely request for a change in the classification of a device, FDA shall within 60 days of publication of the notice either deny the request or give notice of the agency's intent to initiate such a change under section 513(e) of the act. Accordingly, if FDA receives a timely request to change the classification of the immunoglobulins A, G, M, D, and E immunological test system, FDA will consult with the Immunology Device Section of the Immunology and Microbiology Devices Panel and will, by September 6, 1983 publish in the **Federal Register** an order denying the request or a notice of intent to initiate a proceeding

under section 513(e) of the act and § 860.130 to reclassify the device.

If FDA determines that the device will remain classified in class II, FDA will continue the procedure by which a performance standard for the device may be established, as provided in Subpart B of 21 CFR Part 861.

The agency has determined pursuant to § 25.24(b)(9) (21 CFR 25.24(b)(9)) (proposed December 11, 1979; 44 FR 71742) that publication of notices in the **Federal Register** under section 514(b) of the act does not individually or cumulatively have a significant impact on the human environment. Further, the agancy has determined pursuant to proposed § 25.24(b) (13) and (20), respectively, that issuance of a standard for a class II device or reclassification of a device would not have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required for this notice or subsequent actions that may be taken in response to it.

FDA certifies that this notice does not require a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). FDA will consider the economic consequences of reclassifying this device if a petition for reclassification is received and granted. If the device is not reclassified, FDA will consider the economic consequences of the development of a performance standard when the provisions of the standard are known. Until such time, the economic consequences cannot be determined.

List of Subjects in 21 CFR Part 866

Immunology and microbiology devices, Medical devices.

Interested persons may, on or before July 25, 1983, submit to the Dockets Management Branch (address above) written requests to change the classification of the immunoglobulins A, G, M, D, and E immunological test system. Two copies of any requests are to be submitted, except that individuals may submit one copy. Requests are to be identified with the docket number found in brackets in the heading of this document. Received requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18897 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 868

[Docket No. 83N-0193]

Opportunity To Request Change in Classification of Breathing Frequency Monitor

AGENCY: Food and Drug Administration.

ACTION: Notice; final rule-related.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to allow interested persons an opportunity to submit a request for a change in the classification of the breathing frequency monitor based on new information relevant to the classification of the device. If FDA receives no request for a change in classification or if FDA receives a request but denies it, the agency will proceed to develop a performance standard for this device.

DATE: Requests shall be submitted on or before July 25, 1983.

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

FOR FURTHER INFORMATION CONTACT: James J. McCue, Jr., National Center for Devices and Radiological Health (HFK-310), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301-427-7182.

SUPPLEMENTARY INFORMATION: Under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA is required to classify each medical device into one of three regulatory categories: Class I (general controls); class II (performance standards); or class III (premarket approval).

In the **Federal Register** of July 16, 1982 (47 FR 31130), FDA published a regulation (21 CFR 868.2375) classifying the breathing frequency monitor into class II. In the preamble to the proposal to classify this device, FDA explains why the device should be subject to performance standards, summarizes the data upon which the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel (an FDA advisory committee) based its classification recommendation, and identifies risks to health determined by that panel and by FDA to be presented by the device (see the **Federal Register** of November 2, 1979; 44 FR 63340).

Opportunity To Request Reclassification

Before establishing a performance standard for a device classified into class II, FDA is required under section 514(b) of the act and Part 860 of the regulations governing medical device classification procedures (21 CFR Part 860) to allow interested persons an opportunity to request under section 513(e) of the act (21 U.S.C. 360c(e)) reclassification of the device into class I or class III. Section 514(b)(1) of the act requires that a proceeding for the development of a performance standard for a device be initiated by FDA publishing in the **Federal Register** a notice of opportunity to submit to the agency, within 15 days of the date of publication of the notice, a request for a change in the classification of the device based on new information relevant to its classification. Accordingly, FDA is publishing this notice of an opportunity to request by July 25, 1983, reclassification of the breathing frequency monitor. Section 860.132 provides that any such request is to be in the form of a reclassification petition containing the information required by section 513(e) of the act and § 860.123 of the regulations and shall set forth new information relevant to the classification of the device. The legal standard governing relcassification under section 513(e) of the act and § 860.123 is discussed in detail in FDA's proposals to reclassify daily wear spherical contact lenses consisting of rigid gas permeable plastic materials and daily wear optically spherical (soft) contact lenses from class III into class I (47 FR 53402; 53411; November 26, 1982). The agency advises that to assure timely filing of any such petition, any request should be submitted in accordance with the procedures described below instead of those provided in § 860.123(b).

Section 514(b)(2) of the act provides that if FDA receives a timely request for a change in the classification of a device, FDA shall within 60 days of publication of the notice either deny the request or give notice of the agency's intent to initiate such a change under section 513(e) of the act. Accordingly, if FDA receives a timely request to change the classification of the breathing frequency monitor, FDA will consult with the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel and will, by September 6, 1983, publish in the **Federal Register** an order denying the request or a notice of intent to initiate a proceeding under section 513(e) of the act and § 860.130 to reclassify the device.

If FDA determines that the device will remain classified in class II, FDA will continue the procedure by which a performance standard for the device may be established, as provided in Subpart B of 21 CFR Part 861.

The agency advises that in the **Federal Register** of October 21, 1980 (45 FR 69684), FDA published a regulation classifying the neonatal ventilatory effort monitor (apnea detector) into class II and codifying the classification under 21 CFR 880.2440. The preamble to the proposal to classify this device explains why the device should be subject to performance standards, summarizes the data upon which the General Hospital and Personal Use Device Section of the General Medical Devices Panel (an FDA advisory committee) based its classification recommendation, and identifies risks to health determined by that panel and by FDA to be presented by the device (see the **Federal Register** of August 24, 1979; 44 FR 49856). Subsequently, the agency determined that the neonatal ventilatory effort monitor (apnea detector) is essentially the same generic type of device as the breathing frequency monitor and in a final rule published in the **Federal Register** of September 10, 1982 (47 FR 39816), removed § 880.2440, consolidating both generic types of devices under § 868.2375. FDA is considering in this proceeding the review and recommendation of the General Hospital and Personal Use Device Section of the General Medical Devices Panel for the neonatal ventilatory effort monitor (apnea detector) as well as the review and recommendation of the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel for the breathing frequency monitor.

The agency has determined pursuant to § 25.24(b)(9) (21 CFR 25.24(b)(9)) (proposed December 11, 1979; 44 FR 71742) that publication of notices in the **Federal Register** under section 514(b) of the act does not individually or cumulatively have a significant impact on the human environment. Further, the agency has determined pursuant to proposed § 25.24(b) (13) and (20), respectively, that issuance of a standard for a class II device or reclassification of a device would not have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required for this notice or subsequent actions that may be taken in response to it.

FDA certifies that this notice does not require a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). FDA will consider the economic consequences of reclassifying this device if a petition for reclassification is received and granted. If the device is not reclassified, FDA will consider the economic consequences of the development of a performance standard when the provisions of the standard are known. Until such time, the economic consequences cannot be determined.

List of Subjects in 21 CFR Part 868

Anesthesiology devices, Medical devices.

Interested persons may, on or before July 25, 1983, submit to the Dockets Management Branch (address above) written requests to change the classification of the breathing frequency monitor. Two copies of any requests are to be submitted, except that individuals may submit one copy. Requests are to be identified with the docket number found in brackets in the heading of this document. Received requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18598 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 868

[Docket No. 83N-0195]

Opportunity To Request Change in Classification of Ventilator Tubing

AGENCY: Food and Drug Administration.

ACTION: Notice; final rule-related.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to allow interested persons an opportunity to submit a request for a change in the classification of the ventilator tubing based on new information relevant to the classification of the device. If FDA receives no request for a change in classification or if FDA receives a request but denies it, the agency will proceed to develop a performance standard for this device.

DATE: Requests shall be submitted on or before July 25, 1983.

ADDRESS: Requests shall be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James J. McCue, Jr., National Center for Devices and Radiological Health (HFK–310), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7182.

SUPPLEMENTARY INFORMATION: Under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA is required to classify each medical device into one of three regulatory categories: Class I (general controls); class II (performance standards); or class III (premarket approval).

In the **Federal Register** of July 16, 1982 (47 FR 31130), FDA published a regulation (21 CFR 868.5975) classifying the ventilator tubing into class II. In the preamble to the proposal to classify this device, FDA explains why the device should be subject to performance standards, summarizes the data upon which the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel (an FDA advisory committee) based its classification recommendation, and identifies risks to health determined by that panel and by FDA to be presented by the device (see the **Federal Register** of November 2, 1979; 44 FR 63416).

Opportunity To Request Reclassification

Before establishing a performance standard for a device classified into class II, FDA is required under section 514(b) of the act and Part 860 of the regulations governing medical device classification procedures (21 CFR Part 860) to allow interested persons an opportunity to request under section 513(e) of the act (21 U.S.C. 360c(e)) reclassification of the device into class I or class III. Section 514(b)(1) of the act requires that a proceeding for the development of a performance standard for a device be initiated by FDA publishing in the **Federal Register** a notice of opportunity to submit to the agency, within 15 days of the date of publication of the notice, a request for a change in the classification of the device based on new information relevant to its classification. Accordingly, FDA is publishing this notice of an opportunity to request by July 25, 1983, reclassification of the ventilator tubing. Section 860.132 provides that any such request is to be in the form of a reclassification petition containing the information required by section 513(e) of the act and § 860.123 of the regulations and shall set forth new information relevant to the classification of the device. The legal standard governing reclassification under section 513(e) of the act and § 860.123 is discussed in detail in FDA's proposals to reclassify daily wear spherical contact lenses consisting of rigid gas permeable plastic materials and daily wear optically spherical (soft) contact lenses from class III into class I (47 FR 53402, 53411;

November 26, 1982). The agency advises that to assure timely filing of any such petition, any request should be submitted in accordance with the procedures described below instead of those provided in § 860.123(b).

Section 514(b)(2) of the act provides that if FDA receives a timely request for a change in the classification of a device, FDA shall within 60 days of publication of the notice either deny the request or give notice of the agency's intent to initiate such a change under section 513(e) of the act. Accordingly, if FDA receives a timely request to change the classification of the ventilator tubing, FDA will consult with the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel and will, by September 6, 1983, publish in the **Federal Register** an order denying the request or a notice of intent to initiate a proceeding under section 513(e) of the act and § 860.130 to reclassify the device.

If FDA determines that the device will remain classified in class II, FDA will continue the procedure by which a performance standard for the device may be established, as provided in Subpart B of 21 CFR Part 861.

The agency has determined pursuant to § 25.24(b)(9) (21 CFR 25.24(b)(9)) (proposed December 11, 1979; 44 FR 71742) that publication of notices in the **Federal Register** under section 514(b) of the act does not individually or cumulatively have a significant impact on the human environment. Further, the agency has determined pursuant to proposed § 25.24(b) (13) and (20), respectively, that issuance of a standard for a class II device or reclassification of a device would not have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required for this notice or subsequent actions that may be taken in response to it.

FDA certifies that this notice does not require a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). FDA will consider the economic consequences of reclassifying this device if a petition for reclassification is received and granted. If the device is not reclassified, FDA will consider the economic consequences of the development of a performance standard when the provisions of the standard are known. Until such time, the economic consequences cannot be determined.

List of Subjects in 21 CFR Part 868

Anesthesiology devices, Medical Devices

Interested persons may, on or before July 25, 1983, submit to the Dockets Management Branch (address above) written requests to change the classification of the ventilator tubing. Two copies of any requests are to be submitted, except that individuals may submit one copy. Requests are to be identified with the docket number found in brackets in the heading of this document. Received requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18599 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 870

[Docket No. 83N-0191]

Opportunity To Request Change in Classification of Cardiac Monitor (Including Cardiotachometer and Rate Alarm)

AGENCY: Food and Drug Administration.

ACTION: Notice; final rule-related.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to allow interested persons an opportunity to submit a request for a change in the classification of the cardiac monitor (including cardiotachometer and rate alarm) based on new information relevant to the classification of the device. If FDA receives no request for a change in classification or if FDA receives a request but denies it, the agency will proceed to develop a performance standard for this device.

DATE: Requests shall be submitted on or before July 25, 1983.

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

FOR FURTHER INFORMATION CONTACT: James J. McCue, Jr., National Center for Devices and Radiological Health (HFK-310), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301-427-7182.

SUPPLEMENTARY INFORMATION: Under Section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA is required to classify each medical device into one of three regulatory categories: Class I (general controls); class II (performance standards); or class III (premarket approval).

In the **Federal Register** of February 5, 1980 (45 FR 7923), FDA published a regulation (21 CFR 870.2300) classifying the cardiac monitor (including cardiotachometer and rate alarm) into class II. In the preamble to the proposal to classify this device, FDA explains why the device should be subject to performance standards, summarizes the data upon which the Circulatory Systems Devices Panel (an FDA advisory committee) based its classification recommendation, and identifies risks to health determined by that panel and by FDA to be presented by the device (see the **Federal Register** of March 9, 1979; 44 FR 13329).

Opportunity To Request Reclassification

Before establishing a performance standard for a device classified into class III, FDA is required under section 514(b) of the act and Part 860 of the regulations governing medical device classification procedures (21 CFR Part 860) to allow interested persons an opportunity to request under section 513(e) of the act (21 U.S.C. 360c(e)) reclassification of the device into class I or class II. Section 514(b)(1) of the act requires that a proceeding for the development of a performance standard for a device be initiated by FDA publishing in the **Federal Register** a notice of opportunity to submit to the agency, within 15 days of the date of publication of the notice, a request for a change in the classification of the device based on new information relevant to its classification. Accordingly, FDA is publishing this notice of an opportunity to request by July 25, 1983, reclassification of the cardiac monitor (including cardiotachometer and rate alarm). Section 860.132 provides that any such request is to be in the form of a reclassification petition containing the information required by section 513(e) of the act and § 860.123 of the regulations and shall set forth new information relevant to the classification of the device. The legal standard governing reclassification under section 513(e) of the act and § 860.123 is discussed in detail in FDA's proposals to reclassify daily wear spherical contact lenses consisting of rigid gas permeable plastic materials and daily wear optically spherical (soft) contact lenses from class III into class I (47 FR 53402, 53411; November 26, 1982). The agency advises that to assure timely filing of any such petition, any request should be submitted in accordance with the

procedures described below instead of those provided in § 860.123(b).

Section 514(b)(2) of the act provides that if FDA receives a timely request for a change in the classification of a device, FDA shall within 60 days of publication of the notice either deny the request or give notice of the agency's intent to initiate such a change under section 513(e) of the act. Accordingly, if FDA receives a timely request to change the classification of the cardiac monitor (including cardiotachometer and rate alarm), FDA will consult with the Circulatory Systems Devices Panel and will, by September 6, 1983, publish in the **Federal Register** an order denying the request or a notice of intent to initiate a proceeding under section 513(e) of the act and § 860.130 to reclassify the device.

If FDA determines that the device will remain classified in class II, FDA will continue the procedure by which a performance standard for the device may be established, as provided in Subpart B of 21 CFR Part 861.

The agency has determined pursuant to § 25.24(b)(9) (21 CFR 25.24(b)(9)) (proposed December 11, 1979; 44 FR 71742) that publication of notices in the **Federal Register** under section 514(b) of the act does not individually or cumulatively have a significant impact on the human environment. Further, the agency has determined pursuant to proposed § 25.24(b) (13) and (20), respectively, that issuance of a standard for a class II device or reclassification of a device would not have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required for this notice or subsequent actions that may be taken in response to it.

FDA certifies that this notice does not require a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). FDA will consider the economic consequences of reclassifying this device if a petition for reclassification is received and granted. If the device is not reclassified, FDA will consider the economic consequences of the development of a performance standard when the provisions of the standard are known. Until such time, the economic consequences cannot be determined.

List of Subjects in 21 CFR Part 870

Cardiovascular devices, Medical devices.

Interested persons may, on or before July 25, 1983, submit to the Dockets Management Branch (address above) written requests to change the classification of the cardiac monitor (including cardiotachometer and rate alarm). Two copies of any requests are to be submitted, except that individuals may submit one copy. Requests are to be identified with the docket number found in brackets in the heading of this document. Received requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18001 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 870

[Docket No. 83N-0190]

Opportunity To Request Change in Classification of Vascular Graft Prosthesis of 6 Millimeters and Greater Diameter

AGENCY: Food and Drug Administration.

ACTION: Notice; final rule-related.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to allow interested persons an opportunity to submit a request for a change in the classification of the vascular graft prosthesis of 6 millimeters (mm) and greater diameter based on new information relevant to the classification of the device. If FDA receives no request for a change in classification or if FDA receives a request but denies it, the agency will proceed to develop a performance standard for this device.

DATE: Requests shall be submitted on or before July 25, 1983.

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

FOR FURTHER INFORMATION CONTACT: James J. McCue, Jr., National Center for Devices and Radiological Health (HFK-310), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301-427-7182.

SUPPLEMENTARY INFORMATION: Under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA is required to classify each medical device into one of three regulatory categories: Class I (general controls); class II (performance standards); or class III (premarket approval).

In the **Federal Register** of February 5, 1980 (45 FR 7938), FDA published a regulation (21 CFR 870.3460) classifying the vascular graft prosthesis of 6 mm and greater diameter into class II. In the preamble to the proposal to classify this device, FDA explains why the device should be subject to performance standards, summarizes the data upon which the Circulatory Systems Devices Panel (an FDA advisory committee) based its classification recommendation, and identifies risks to health determined by that panel and by FDA to be presented by the device (see the **Federal Register** of March 9, 1979; 44 FR 13366).

Opportunity To Request Reclassification

Before establishing a performance standard for a device classified into class II, FDA is required under section 514(b) of the act and Part 860 of the regulations governing medical device classification procedures (21 CFR Part 860) to allow interested persons an opportunity to request under section 513(e) of the act (21 U.S.C. 360c(e)) reclassification of the device into class I or class III. Section 514(b)(1) of the act requires that a proceeding for the development of a performance standard for a device be initiated by FDA publishing in the **Federal Register** a notice of opportunity to submit to the agency, within 15 days of the date of publication of the notice, a request for a change in the classification of the device based on new information relevant to its classification. Accordingly, FDA is publishing this notice of an opportunity to request by reclassification of the vascular graft prosthesis of 6 mm and greater diameter. Section 860.132 provides that any such request is to be in the form of a reclassification petition containing the information required by section 513(e) of the act and § 860.123 of the regulations and shall set forth new information relevant to the classification of the device. The legal standard governing reclassification under section 513(e) of the act and § 860.123 is discussed in detail in FDA's proposals to reclassify daily wear spherical contact lenses consisting of rigid gas permeable plastic materials and daily wear optically spherical (soft) contact lenses from class III into class I (47 FR 53402, 53411; November 26, 1982). The agency advises that to assure timely filing of any such petition, any request should be submitted in accordance with the procedures described below instead of those provided in § 860.123(b).

Section 514(b)(2) of the act provides that if FDA receives a timely request for a change in the classification of a

device, FDA shall within 60 days of publication of the notice either deny the request or give notice of the agency's intent to initiate such a change under section 513(e) of the act. Accordingly, if FDA receives a timely request to change the classification of the vascular graft prosthesis of 6 mm and greater diameter, FDA will consult with the Circulatory Systems Devices Panel and will, by September 6, 1983, publish in the **Federal Register** an order denying the request or a notice of intent to initiate a proceeding under section 513(e) of the act and § 860.130 to reclassify the device.

If FDA determines that the device will remain classified in class II, FDA will continue the procedure by which a performance standard for the device may be established, as provided in Subpart B of 21 CFR Part 861.

The agency has determined pursuant to § 25.24(b)(9) (21 CFR 25.24(b)(9)) (proposed December 11, 1979; 44 FR 71742) that publication of notices in the **Federal Register** under section 514(b) of the act does not individually or cumulatively have a significant impact on the human environment. Further, the agency has determined pursuant to proposed § 25.24(b) (13) and (20), respectively, that issuance of a standard for a class II device or reclassification of a device would not have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required for this notice or subsequent actions that may be taken in response to it.

FDA certifies that this notice does not require a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). FDA will consider the economic consequences of reclassifying this device if a petition for reclassification is received and granted. If the device is not reclassified, FDA will consider the economic consequences of the development of a performance standard when the provisions of the standard are known. Until such time, the economic consequences cannot be determined.

List of Subjects in 21 CFR Part 870

Cardiovascular devices, Medical devices.

Interested persons may, on or before July 25, 1983, submit to the Dockets Management Branch (address above) written requests to change the classification of the vascular graft prosthesis of 6 mm and greater diameter. Two copies of any requests are to be submitted, except that individuals may submit one copy. Requests are to be identified with the docket number found in brackets in the heading of this document. Received requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18600 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 882

[Docket No. 83N-0192]

Opportunity To Request Change in Classification of Central Nervous System Fluid Shunt and Components

AGENCY: Food and Drug Administration.

ACTION: Notice; final rule-related.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to allow interested persons an opportunity to submit a request for a change in the classification of the central nervous system fluid shunt and components based on new information relevant to the classification of the device. If FDA receives no request for a change in classification or if FDA receives a request but denies it, the agency will proceed to develop a performance standard for this device.

DATE: Requests shall be submitted on or before July 25, 1983.

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

FOR FURTHER INFORMATION CONTACT: James J. McCue, Jr., National Center for Devices and Radiological Health (HFK-310), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7182.

SUPPLEMENTARY INFORMATION: Under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA is required to classify each medical device into one of three regulatory categories: Class I (general controls); class II (performance standards); or class III (premarket approval).

In the **Federal Register** of September 4, 1979 (44 FR 51769), FDA published a regulation (21 CFR 882.5550) classifying the central nervous system fluid shunt and components into class II. In the preamble to the proposal to classify this device, FDA explains why the device should be subject to performance standards, summarizes the data upon which the Neurological Device Section of the Respiratory and Nervous System Devices Panel (an FDA advisory committee) based its classification recommendation, and identifies risks to health determined by that panel and by FDA to be presented by the device (see the **Federal Register** of November 28, 1978; 43 FR 55714).

Opportunity To Request Reclassification

Before establishing a performance standard for a device classified into class II, FDA is required under section 514(b) of the act and Part 860 of the regulations governing medical device classification procedures (21 CFR Part 860) to allow interested persons an opportunity to request under section 513(e) of the act (21 U.S.C. 360c(e)) reclassification of the device into class I or class III. Section 514(b)(1) of the act requires that a proceeding for the development of a performance standard for a device be initiated by FDA publishing in the **Federal Register** a notice of opportunity to submit to the agency, within 15 days of the date of publication of the notice, a request for a change in the classification of the device based on new information relevant to its classification. Accordingly, FDA is publishing this notice of an opportunity to request by July 25, 1983, reclassification of the central nervous system fluid shunt and components. Section 860.132 provides that any such request is to be in the form of a reclassification petition containing the information required by section 513(e) of the act and § 860.123 of the regulations and shall set forth new information relevant to the classification of the device. The legal standard governing reclassification under section 513(e) of the act and § 860.123 is discussed in detail in FDA's proposals to reclassify daily wear spherical contact lenses consisting of rigid gas permeable plastic materials and daily wear optically spherical (soft) contact lenses from class III into class I (47 FR 53402, 53411; November 26, 1982). The agency advises that to assure timely filing of any such petition, any request should be submitted in accordance with the procedures described below instead of those provided in § 860.123(b).

Section 514(b)(2) of the act provides that if FDA receives a timely request for a change in the classification of a device, FDA shall within 60 days of publication of the notice either deny the request or give notice of the agency's intent to initiate such a change under section 513(e) of the act. Accordingly, if FDA receives a timely request to change the classification of the central nervous

system fluid shunt and components, FDA will consult with the Neurological Device Section of the Respiratory and Nervous System Devices Panel and will, by September 6, 1983 publish in the **Federal Register** an order denying the request or a notice of intent to initiate a proceeding under section 513(e) of the act and § 860.130 to reclassify the device.

If FDA determines that the device will remain classified in class II, FDA will continue the procedure by which a performance standard for the device may be established, as provided in Subpart B of 21 CFR Part 861.

The agency has determined pursuant to § 25.24(b)(9) (21 CFR 25.24(b)(9)) (proposed December 11, 1979; 44 FR 71742) that publication of notices in the **Federal Register** under section 514(b) of the act does not individually or cumulatively have a significant impact on the human environment. Further, the agency has determined pursuant to proposed § 25.24(b) (13) and (20), respectively, that issuance of a standard for a class II device or reclassification of a device would not have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required for this notice or subsequent actions that may be taken in response to it.

FDA certifies that this notice does not require a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). FDA will consider the economic consequences of reclassifying this device if a petition for reclassification is received and granted. If the device is not reclassified, FDA will consider the economic consequences of the development of a performance standard when the provisions of the standard are known. Until such time, the economic consequences cannot be determined.

List of Subjects in 21 CFR Part 882

Medical devices, Neurological devices.

Interested persons may, on or before July 25, 1983, submit to the Dockets Management Branch (address above) written requests to change the classification of the central nervous system fluid shunt and components. Two copies of any requests are to be submitted, except that individuals may submit one copy. Requests are to be identified with the docket number found in brackets in the heading of this document. Received requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18002 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Outer Continental Shelf; Interpretation Concerning Authority to Depart from OCS Requirements

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Interpretation.

SUMMARY: The Outer Continental Shelf (OCS) lease of the Department of the Interior (DOI) concerning operations on the OCS requires a lessee to clear a lease location of rigs and other facilities within a specified period of time following abandonment of a well and termination of a lease in whole or in part. This Notice sets out the policy of DOI with respect to allowable departures from this requirement for the purpose of the conversion of rigs to artificial reefs for the protection of fish and other aquatic life, and for other purposes.

FOR FURTHER INFORMATION CONTACT: David Schuenke (703) 860–7916.

SUPPLEMENTARY INFORMATION: Following the termination of a lease in whole or in part, an OCS lessee is required to clear the terminated areas within a specified period of time. This requirement is imposed several times on OCS lessees. Section 22 of the Oil and Gas Lease of Submerged Lands Under the Outer Continental Shelf Lands Act, Form MMS–2005, August 1982, (formerly Form 3300–1 of the Bureau of Lands Management), states:

> Within a period of one year after termination of this lease in whole or in part, the Lessee shall remove all devices, works, and structures from the premises no longer subject to the lease in accordance with applicable regulations and orders of the Director. However, the Lessee may, with the approval of the Director, continue to maintain devices, works, and structures on the lease area for drilling or producing on other leases.

The regulations at 30 CFR 256.76 on relinquishment of leases or parts of leases require a lessee "... to abandon all wells and condition or remove all platforms and other facilities on the land to be relinquished to the satisfaction of the Director."

OCS Order No. 3, "Plugging and Abandonment of Wells" requires in paragraph 2.9 the clearance of the location. However, paragraph 4 of the Order also allows for departures from the requirements pursuant to 30 CFR 250.11(b). That section states:

> The Director may prescribe or approve, in writing or orally with subsequent written confirmation, departures from the requirements of OCS Orders and other orders and field rules issued pursuant to paragraph (a)(1) of this section, when such departures are necessary for the proper control of a well, the facilitation of the proper development of a lease, the conservation of natural resources, the protection of life (including fish and other aquatic life), property, or the marine, coastal or human environment.

While the rules governing OCS operations require the removal of platforms and other structures no longer in use for oil and gas recovery, this announces the policy of DOI to permit platforms or other facilities or parts thereof to remain on the OCS lease for the protection of fish and other aquatic life and for the conservation of natural resources. The Director of the Minerals Management Service will exercise his discretionary authority under 30 CFR 250.11(b) to permit, when appropriate, the conversion of platforms and other facilities on the OCS from their primary function to use as artificial reefs as habitats for fish and other aquatic life. The Director will also take into account the potential use of such platforms and other facilities for future energy production through tertiary recovery in the interest of conservation of natural resources.

Numerous artificial reefs already exist both in State waters and on the OCS. These reefs have been strategically positioned to improve the habitat of fish. They have been constructed from a variety of materials, including old tires and discarded vessels. Recently-retired oil and gas rigs have already been placed as reefs in State waters. If not used as reefs, the oil and gas rigs are usually transported to shore and cut up for scrap, but lessees have indicated that the rigs generally have minimal salvage value. This circumstance makes obsolete rigs excellent candidates for use as artificial reefs.

The selection of ideal fish-habitat locations for artificial reefs will depend upon the determinations of the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, State agencies, and other governmental entities. Appropriate permissions from the U.S. Coast Guard, the U.S. Corps of

Engineers, State agencies, and other agencies will also need to be obtained for navigation, safety, and related considerations. The DOI will encourage the appropriate conversion and use of rigs as reefs in whatever location it is decided that a reef would be beneficial. The OCS requirements do not prevent conversion of a rig to a reef if it is removed and transported to another location. If it is decided that the rig should be left in place on the lease, the Director can approve this departure from the removal requirements under 30 CFR 250.11.

In determining whether a rig or other facility should be left in place on the OCS following the completion of primary and/or secondary recovery, the Director will also take into account the potential use of the rig or facility for future tertiary recovery of oil and gas. This is in the interest of the conservation of natural resources within the meaning of 30 CFR 250.11. The retention of a platform or other facility may provide a cost savings associated with future (although not currently planned) tertiary recovery rendering that recovery economically feasible.

Dated: June 29, 1983.

Dave Russell,

Acting Director.

[FR Doc. 83-18386 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-MR-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 6 A-2-FRL 2323-6]

Air Quality; Revision to the New Jersey State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces approval by the Environmental Protection Agency of a revision to the New Jersey State Implementation Plan. It approves two new State regulatory approaches to the control of sulfur dioxide (SO_2) emissions from fuel oil combustion sources: non-coal burning sources would be allowed to "bubble" their SO_2 emissions; and sources voluntarily converting to coal combustion would be allowed to use, in the period prior to conversion, oil with a higher sulfur content than currently permitted. Receipt of this SIP revision was announced in the **Federal Register** on February 3, 1982 at 47 FR 5014, where its provisions are fully described.

EFFECTIVE DATE: This action becomes effective on July 8, 1983.

ADDRESSES: Copies of the State's submittal and the public comments received on EPA's proposal are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Region II, Air Programs Branch, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 1005, New York, New York 10278

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

New Jersey Department of Environmental Protection, Bureau of Air Pollution Control, Room 1108, Labor and Industry Building, John Fitch Plaza, CN 027, Trenton, New Jersey 08625

A copy of the State's submittal is also available for inspection at the address below:

Office of the Federal Register, 1101 L Street, NW, Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 1005, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: On October 29, 1981 the Environmental Protection Agency (EPA) received from the State of New Jersey a proposed revision to its State Implementation Plan (SIP). This revision to the New Jersey SIP has two principal provisions. One provision would permit a non-coal fuel burning facility to average sulfur dioxide (SO_2) emissions from more than one of its stacks in determining compliance with State emission limits. The second provision would permit the burning of higher sulfur content fuel for up to three years by a facility which voluntarily plans conversion to burn coal or "other solid fuel." These new SO_2 control strategies are referred to as the "sulfur dioxide bubble" and the "clean conversion incentive," respectively. Both control strategies have been incorporated in the New Jersey SIP as revisions to the regulation entitled "Sulfur in Fuels" (Subchapter 9 Chapter 27, Title 7, New Jersey Administrative Code).

In an effort to expedite the processing of this SIP revision, EPA used a review procedure known as "parallel processing." Under this procedure EPA published a notice of proposed rulemaking in the **Federal Register** (February 3, 1982, 47 FR 5014) essentially at the same time as the action was proposed by the State. The reader is referred to the February 3, 1982 notice for a detailed description of the State's revision request. As described in EPA's notice of proposed rulemaking, approval of the revision was contingent upon the State finally adopting its proposal in a substantially unchanged form. On December 16, 1982 the State submitted to EPA for final approval its revision to "Sulfur in Fuels" in a substantially unchanged form from its proposal. The following summarizes the changes of most significance from the draft regulation discussed in EPA's February 3, 1983 **Federal Register** proposal:

7:27-9.1, "Definitions"

- The proposed definition of "Municipal solid waste" was reworded.
- Definitions of "Air quality simulation model" and "Solid fuel" were added to this section.

7:27-9.2, "Sulfur Content Standards"

- Section 9.2(d)3

Each applicant for an SO_2 bubble must now certify that the total SO_2 emissions from the proposed bubble during each 24-hour period will not exceed the maximum total weight of SO_2 that all the sources in the bubble were allowed to emit at the time of application.

- Section 9.2(d)

Applicants for an SO_2 bubble will now be required (unless waived by NJDEP) to demonstrate the protection of prevention of significant deterioration increments, as well as national ambient air quality standards.

- Section 9.2(g)

The provision calling for the periodic review and revision of Section 9.2 was not adopted.

7:27-9.4, "Waiver of Air Quality Modeling"

- Section 9.4(c)

The formula for calculating the "plume rise" was modified to provide results in feet instead of meters.

7:27-9.5, "Incentive for Conversion to Coal or Other Solid Fuel"

- All references to "municipal solid waste" in this section of the proposed regulation have been changed to "other solid fuel."
- Section 9.5(a)2

This provision which allows for the burning of high sulfur oil for up to two years has been expanded to allow for the burning of high sulfur oil for up to three years if the conversion from burning oil or gas is accomplished by

the installation of a new fuel burning unit.

Based on a careful review of the changes made to the regulation by the New Jersey Department of Environmental Protection, EPA has concluded that changes to the regulation were minor and did not result in any substantive changes from the proposed regulation.

However, EPA did note that use of the equation for determining plume rise in Section 9.4 of the regulation may cause some confusion. Although a user of the equation would arrive at a numerically correct solution and one that is appropriate for the regulation, the resultant units of the answer would not appear in feet, as specified by the regulation. Users of the equation are advised to ignore this apparent discrepancy. The numerical solution calculated by the equation is in feet. The New Jersey Department of Environmental Protection has advised EPA that it will similarly clarify this matter for the appropriate staff.

In its February 3, 1982 notice, EPA advised the public that comments would be accepted as to whether the proposed revision to the New Jersey SIP should be approved or disapproved. During the 30-day comment period, which ended on March 5, 1982, EPA received three comments, which are discussed as follows:

Comment No. 1

The Pennsylvania Department of Environmental Resources commented that it wanted to be consulted by the State when New Jersey was considering the issuance of a permit allowing the temporary use of higher sulfur at a converting facility. In addition, the commentator believes that New Jersey's regulation should provide for formal notification by New Jersey to its surrounding States regarding the potential air quality impacts of an action under the New Jersey regulation.

In response, it should be noted that EPA requires a SIP revision to be submitted for all "SO_2 bubbles" that require modeling and for all "clean conversion incentives". The SIP revision process will ensure that citizens, local governments, and states surrounding New Jersey will have ample opportunity to comment on such actions. "SO_2 bubbles" which do not require SIP revisions are defined as not causing significant increases in ground level contamination; thus interstate notification would serve no practical purpose. However it is EPA's understanding that notification on a local level and opportunity to comment is a standard procedure in New Jersey for all bubble actions.

Comment No. 2

The New Jersey Business Industry Association commented that it strongly supports the SO_2 bubble" and "clean conversion incentive" provisions of this revision to the New Jersey Administrative Code.

Comment No. 3

The New Jersey Department of Environmental Protection commented that it does not believe that SO_2 bubbles for which simulation modeling is required need to be handled as SIP revisions; they should be only reviewed by EPA, and approved on a case-by-case basis if necessary.

As discussed in its February 3, 1982 **Federal Register** proposal, EPA must review as a SIP revision any New Jersey SO_2 bubble application requiring detailed air quality simulation modeling. Such bubble applications could be exempt from SIP revisions if the state rule had specified exactly how air quality models would be applied, and insured that use of the models is replicable. Without such provision in the New Jersey regulations, bubbles requiring air quality modeling must be reviewed on a case-by-case basis as SIP revisions.

Conclusion

Based upon its review of the State's submittal, EPA finds that it meets the requirements of Section 110 of the Clean Air Act, and is approved. This action is being made immediately effective because it imposes no hardship on the affected sources, and no purpose would be served by delaying its effective date.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within sixty days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provision of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 of the Clean Air Act will not have a significant impact on a substantial number of small entities (46 FR 8709, Jan. 27, 1981). The attached rule constitutes a SIP approval under Section 110 within terms of the January 27 certification. This action only approves a State action. It imposes no new requirements.

The Office of Management and Budget (OMB) has exempted this regulation from the OMB requirement of Executive Order 12291.

List of Subjects in 40 CFR Part 52

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

(Secs. 110 and 301, Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

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

Dated: June 28, 1983.

William D. Ruckelshaus,

Administrator, Environmental Protection Agency.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Supart FF—New Jersey

1. Section 52.1570 is amended by adding new paragraph (c)(33) as follows:

§ 52.1570 Identification plan.

* * * * *

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

* * * * *

(33) A revision submitted by the New Jersey Department of Environmental Protection on December 16, 1982 consisting of amendments to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27–9.1 *et seq., Sulfur in Fuels,* to provide for "sulfur dioxide bubbles" and "clean conversion incentives."

* * * * *

2. Section 52.1605 is amended by revising the ninth entry to read as follows:

§ 52.1605 EPA-approved New Jersey regulations.

State regulation	State effective date	EPA approved date	Comments
* * *	* * *	* * *	* * *
Subchapter 9, "Sulfur in Fuels"	Feb. 4, 1983	July 8, 1983; 48 FR ——	Sulfur dioxide "bubble" permits issued by the State pursuant to § 9.2 and not waived under the provisions of § 9.4 become applicable parts of the SIP only after receiving EPA approval as a SIP revision. "Clean conversion incentive" permits issued pursuant to § 9.5 must receive EPA approval as a SIP revision to become applicable parts of the SIP
* * *	* * *	* * *	* * *

[FR Doc. 83-18406 Filed 7-7-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL 3220-1]

Air Quality; Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The EPA announces approval of revisions to the Ohio State Implementation Plan (SIP) for Rules 3745-35-03 of the Ohio Administrative Code. These rules set forth requirements for the issuance of variances in Ohio. EPA's action is based upon a revision request which was submitted by the State.

DATE: This action will be effective September 6, 1983 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of this revision to the Ohio SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revision, public comments on the notice of final rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Debra Marcantonio at (312) 886-6088 before visiting the Region V Office).

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

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

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, OH 43216

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch (5AP-26), Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, IL 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch (5AP-26), Environmental Protection Agency, Region V, Chicago, IL 60604; (312) 886-6088.

SUPPLEMENTARY INFORMATION: EPA is today approving revisions to Ohio SIP Rules 3745-35-03. The revisions amend the rules regarding the issuance of variances in Ohio. The State of Ohio submitted these rules to EPA on October 1, 1982 and February 28, 1983. Ohio revised OAC Rule 3745-35-03(G) by adding a new paragraph (8). This rule requires the Ohio EPA to propose to amend any existing Ohio emission limits to correspond with the emission limits in a variance, provided the variance has been approved by EPA and the change does not violate any applicable air pollution control requirements. The State has informed EPA of its intent that any revision to the Ohio rule under paragraph (G)(8) that is significantly different from the terms of EPA's prior approval of the variance on which that revision is based would need to be approved by EPA before it could become part of the federally enforceable Ohio SIP. The State has agreed that a significant difference would include any change in the compliance schedule, final compliance date, or emission limit. EPA is approving this revision to the Ohio SIP.

Ohio revised OAC Rule 3745-35-03(E)(2)(d)(i) by removing the phrase "at the same facility." The removal of this phrase allows Ohio to approve "bubble" variances between sources at different facilities in the same general geographical area. This revision is consistent with EPA's Emissions Trading Policy Statement which was published in the **Federal Register** on April 7, 1982 (47 FR 15076). EPA is approving this revision to the Ohio SIP.

Ohio also revised Rule 3745-35-03(H)(3) by allowing variances to be effective for up to 3 years rather than be limited to only 1 year. EPA is also approving this revision to the Ohio SIP.

Because EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on September 6, 1983. However, if we receive notice by 30 days from the date of this notice that someone wishes to submit critical comments, then EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

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.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 6, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

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 section 110, Clean Air Act, as amended (42 U.S.C. 7410).

Dated: June 28, 1983.

William D. Ruckelshoaus,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Section 52.1870 is amended by adding paragraph (c)(51) as follows:

§ 52.1870 Identification of Plan.

* * * * *

(c) * * *

* * * * *

(51) On October 1, 1982, and February 28, 1983 the State of Ohio submitted revisions to Ohio Administrative Code (OAC) Rules 3745–35–03 which set forth requirements for obtaining variances.

[FR Doc. 83-18286 Filed 7-7-83; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Parts 52 and 62

[A-4-FRL 2371-2; NC-005]

Air Programs; State Implementation Programs; North Carolina: Plan for TRS From Kraft Pulp Mills Alabama, Florida, Georgia, and North Carolina

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves a number of minor changes which North Carolina submitted for approval as State Implementation Plan (SIP) revisions, as well as a plan which the State developed pursuant to section 111(d) of the Clean Air Act for the control of total reduced sulfur (TRS) from kraft pulp mills. EPA is also reformatting the entries in 40 CFR Part 62 for Alabama, Florida, Georgia, and North Carolina to make them consistent with entries for other states.

DATE: This action is effective August 8, 1983.

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

Public Information Reference Unit, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460

Library, Office of the Federal Register, 1100 L Street N.W., Room 8401, Washington, D.C. 20005

Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina 27611

FOR FURTHER INFORMATION CONTACT: Walter Bishop, Air Management Branch, EPA Region IV, at the above address, telephone 404/881-3043 (FTS 257-3043).

SUPPLEMENTARY INFORMATION: On May 2, 1980, the North Carolina Division of Environmental Management submitted for EPA's approval a plan for the control of TRS from kraft pulp mills, as required by EPA regulations implementing section 111(d) of the Clean Air Act. On September 24, 1982, the State submitted changes in this plan and other changes in the North Carolina air pollution control regulations. EPA proposed approval of this section 111(d) plan and the SIP revisions on March 29, 1983 (48 FR 13052); no comments were received, and the Agency is today giving final approval to the changes. For the convenience of the reader, the materials are described in the order they appear in the State regulations.

Regulation 15 NCAC 2D.0501, Compliance with Emission Control Standards. Test methods for TRS are added—EPA method 16 and proposed method 16A.

Regulation 15 NCAC 2D.0524, New Source Performance Standards. Federal standards for six categories of new stationary sources are added to the list in this regulation.

Regulation 15 NCAC 2D.0528, Total Reduced Sulfur from Kraft Pulp Mills. This regulation sets the emission limits recommended in the EPA guideline document for various sources of TRS in kraft pulping operations. These limits call for substantial reductions by all of the State's five pulp mills. Compliance schedules with increments of progress are set forth in 2D.0528(f); the compliance deadlines extend several months beyond those specified in EPA's guideline except in the case of recovery furnaces. Optional compliance schedules are provided in 2D.0528(g) for sources which may have difficulty meeting the deadlines in 2D.0528(f); for sources other than recovery furnaces, these schedules extend final compliance for several months beyond the deadlines given in 2D.0528(f): to June 1986 for recovery furnaces, September 1984 for lime kilns, and December 1982 for other covered sources. To minimize compliance difficulties further, the State provides in 2D.0528(h) for alternate compliance schedules to be approved if resulting emissions of TRS will be no greater than under paragraphs (f) and (g) and if the same increments of progress are included.

Regulation 15 NCAC 2D.0603, Sources Covered by National Standards. The list of sources required by Federal standards to monitor and report emissions is updated by adding four source categories for which EPA recently promulgated performance standards.

Action

EPA is today approving the SIP revisions described in this notice. The Agency also approves the North Carolina section 111(d) plan for TRS from kraft pulp mills.

At this time EPA is promulgating technical amendments to the subparts of 40 CFR Part 62 which currently codify EPA's actions on section 111(d) plans for Alabama, Florida, Georgia, and North Carolina. Since the amendments merely reorganize those subparts to make them conform to a new format, and do not change their substance, it is unnecessary to solicit public comment on them. For this reason, EPA feels there is good cause under 42 U.S.C. 553(b)(B) to promulgate these technical amendments without further notice and comment.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 8, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

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

The Director of the Federal Register on July 1, 1982, approved the incorporation by reference of the North Carolina State Implementation Plan and the state plans for designated facilities and pollutants.

List of Subjects in 40 CFR Parts 52 and 62

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Fluoride, Sulfur, Administrative practice and procedure, Reporting and record keeping requirements.

(Sec. 110(a) and 111(d), Clean Air Act (42 U.S.C. 7410(a) and 7411(d)))

Dated: June 30, 1983.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

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

Subpart II—North Carolina

1. In §52.1770 is amended by adding paragraph (c)(35) as follows:

§ 52.1770 Identification of plan.

* * * * *

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

* * *

(35) Changes in regulations 2D.0524 and .0603, submitted on September 24, 1982, by the North Carolina Department of Natural Resources and Community Development.

PART 62—[AMENDED]

Part 62 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

2. Subpart B—Alabama is revised to read as follows:

* * * * *

Subpart B—Alabama

Plan for the Control of Designated Pollutants From Existing Facilities [111(d) Plan]

Sec.
62.100 Identification of plan.

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

62.101 Identification of sources.

Fluoride Emissions From Phosphate Fertilizer Plants

62.102 Identification of sources.
62.103–62.119 [Reserved].

Subpart B—Alabama

Plan for the Control of Designated Pollutants From Existing Facilities (Section 111(d) Plan)

§ 62.100 Identification of plan.

(a) *Identification of plan.* Alabama Designated Facility Plan (§ 111(d) Plan).

(b) *The plan was officially submitted as follows.* (1) Control of sulfuric acid mist emissions from existing sulfuric acid production units, submitted on May 18, 1980;

(2) Control of fluoride emissions from existing phosphate fertilizer plants, submitted on April 10, 1978.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

(1) Sulfuric acid plants;

(2) Phosphate fertilizer plants.

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

§ 62.101 Indentification of sources.

The plan applies to existing facilities at the following sulfuric acid plants:

(a) Acid plants operated by

(1) Reichhold Chemical Company in Tuscaloosa,

(2) Stauffer Chemical Company in Mobile, and

(3) Estech Chemical in Dothan.

(b) There are no oleum plants.

(c) There are not sulfur-burning plants.

(d) There are no bound sulfur feedstock plants.

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.102 Identification of sources.

The plan currently does not identify any sources subject to its fluoride emission limits.

§§ 62.103–62.119 [Reserved]

3. Subpart K—Florida and Subpart L—Georgia are revised to read as follows:

Subpart K—Florida

Plan for the Control of Designated Pollutants From Existing Facilities [Section 111(d) Plan]

Sec.
62.2350 Identification of plan.

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

62.2351 Identification of sources.
62.2352–62.2369 [Reserved].

Subpart L—Georgia

Plan for the Control of Designated Pollutants From Existing Facilities [Section 111(d) Plan]

62.2600 Identification of plan.

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

62.2601 Identification of sources.

Fluoride Emissions From Phosphate Fertilizer Plants

62.2602 Identification of sources—Negative declaration.

Total Reduced Sulfur Emissions From Kraft Pulp Mills

62.2603 Identification of sources.
62.2604 Compliance schedules.
62.2605–62.2619 [Reserved]

Subpart K—Florida

Plan for the Control of Designated Pollutants From Existing Facilities [Section 111(d) Plan]

§ 62.2350 Identification of plan.

(a) *Identification of plan.* Florida Designated Facility Plan (Section 111(d) Plan).

(b) *The plan was officially submitted as follows.* (1) Control of sulfuric acid mist emissions from existing sulfuric acid production units, submitted on December 14, 1978.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

(1) Sulfuric acid plants.

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

§ 62.2351 Identification of sources.

The plan applies to existing facilities at the following sulfuric acid plants:

(a) Acid plants operated by:

(1) Occidental Petroleum Company in Hamilton County,

(2) AMAX Phosphate Inc. in Manatee County,

(3) Conserv Chemical in Nichols,

(4) Farmland Industry in Bartow County,

(5) W. R. Grace Company in Polk County,

(6) Royster Fertilizer in Polk County,

(7) USS Agrichemicals in Polk County,

(8) Central Farmers Co-Op in Polk County,

(9) Agrico Chemical Company in Polk County,

(10) Gardinier, Inc. in Hillsborough County, and

(11) ESTECH in Polk County.

(b) There are no oleum plants.

(c) There are no sulfur-burning plants.

(d) There are no bound sulfur feedstock plants.

§§ 62.2352–62.2369 [Reserved]

Subpart L—Georgia

Plan for the Control of Designated Pollutants From Existing Facilities [Section 111(d) Plan]

§ 62.2600 Identification of plan.

(a) *Identification of plan.* Georgia Designated Facility Plan (§ 111(d) Plan).

(b) *The plan was officially submitted as follows.* (1) Control of sulfuric acid mist emissions from existing sulfuric acid production units, submitted on January 31, 1978;

(2) Control of total reduced sulfur emissions from existing facilities at Kraft pulp mills, submitted on January 8, 1982.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

(1) Sulfuric acid plants;

(2) Kraft pulp mills.

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

§ 62.2601 Identification of sources.

The plan applies to existing facilities at the following sulfuric acid plants:

(a) Sulfur-burning plants operated by:

(1) American Cyanamid Company in Savannah, and

(2) Cities Service Company in Augusta.

(b) Oleum plant of Cities Service Company in Augusta.

(c) There are no bound sulfur feedstock plants.

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.2602 Identification of sources—Negative declaration.

The Georgia Environmental Protection Division submitted on July 14, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B, of this chapter.

Total Reduced Sulfur Emissions From Kraft Pulp Mills

§ 62.2603 Identification of sources.

The plan applies to existing facilities at the following Kraft pulp mills:

(a) Continental Can in Augusta,
(b) Continental Can in Port Wentworth,
(c) Brunswick in Brunswick,
(d) Georgia Kraft in Rome,
(e) Georgia Kraft in Macon,
(f) Gilman in St. Marys,
(g) Great Southern in Cedar Springs,
(h) Interstate in Riceboro,
(i) ITT Rayonier in Jesup,
(j) Owens-Illinois in Valdosta, and
(k) Union Camp in Savannah.

§ 62.2604 Compliance schedules.

EPA takes no action on this portion of the plan because of the vagueness of the starting dates for compliance schedules.

§§ 62.2605–62.2619 [Reserved]

4. Subpart II—North Carolina is revised to read as follows:

Subpart II—North Carolina

Plan for the Control of Designated Pollutants From Existing Facilities [Section 111(d) Plan]

Sec.

62.8350 Identification of plan.

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

62.8351 Identification of sources.

Fluoride Emissions From Existing Primary Aluminum Plants

62.8352 Identification of Sources.

Total Reduced Sulfur Emissions From Kraft Pulp Mills

62.8353 Identification of sources.
62.8354–62–8369 [Reserved]

Subpart II—North Carolina

Plan for the Control of Designated Pollutants From Existing Facilities [Section 111(d) Plan]

§ 62.8350 Identification of plan.

(a) *Identification of plan.* North Carolina Designated Facility Plan (Section 111(d) Plan).

(b) *The plan was officially submitted as follows.* (1) Control of sulfuric acid mist emissions from existing sulfuric acid production units, submitted on October 27, 1978, and November 14, 1979.

(2) Control of fluoride emissions from existing primary aluminum plants, submitted on April 16, and August 24, 1981.

(2) Control of total reduced sulfur emissions from existing facilities at kraft pulp mills, submitted on May 2, 1980, and September 24, 1982.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

(1) Sulfuric acid plants.
(2) Primary aluminum plants.
(3) Kraft pulp mills.

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

§ 62.8351 Identification of sources.

The plan applies to existing facilities at the following sulfuric acid plants:

(a) Sulfur-burning plants operated by:

(1) Texasgulf Inc. in Beaufort County,

(2) Swift Agricultural Chemical Company in Brunswick County,

(3) USS Agri-Chemicals in Brunswick County,

(4) Wright Chemical Corporation in Columbus County, and

(5) Northeast Chemical Company in New Hanover County.

(b) There are no oleum plants.

(c) There are no bound sulfur feedstock plants.

Fluoride Emissions From Existing Primary Aluminum Plants

§ 62.8352 Identification of sources.

(a) The plan applies to the following existing primary aluminum plant facilities.

(1) Two potlines of prebake cells at the Badin (Stanly County) plant of the Aluminum Corporation of America.

Total Reduced Sulfur Emissions From Kraft Pulp Mills

§ 62.8353 Identification of sources.

The plan applies to existing facilities at the following kraft pulp mills:

(a) Federal Paper Board in Riegelwood,
(b) Hoerner-Waldorf in Roanoke Rapids,
(c) U.S. Plywood-Champion Paper in Canton,
(d) Weyerhaeuser in New Bern, and
(e) Weyerhaeuser in Plymouth.

§§ 62.8353–62.8369 [Reserved]

[FR Doc. 83-18270 Filed 7-7-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Parts 125, 146, 423, 425, 430, 431, 465, and 466

[OW-FRL-2395-5]

Reporting and Recordkeeping Requirements; OMB Approval; Technical Amendments

AGENCY: Environmental Protection Agency.

ACTION: Technical amendment.

SUMMARY: EPA is announcing a technical amendment to publish the Office of Management and Budget (OMB) control number that have been assigned to the information requirements contained in the following regulations: Modification of Secondary Treatment Requirements for Discharges Into Marine Waters; Underground Injection Control Program and Standards; and Effluent Guidelines for steam electric power; pulp, paper and paperboard; leather tanning and finishing; coil coating; and porcelain enameling.

DATES: The following sections are effective as of May 18,1983: 40 CFR 423.13(d)(3), 40 CFR 423.15(j)(3), 40 CFR 425.04(c)(5), 40 CFR 430.14–430.17, 40 CFR 430.24–430.27, 40 CFR 430.54–430.57, 40 CFR 430.64–430.67, 40 CFR 430.74–430.77, 40 CFR 430.84–430.87, 40 CFR 430.94–430.97, 40 CFR 430.104–430.107, 40 CFR 430.114–430.117, 40 CFR 430.134–430.137, 40 CFR 430.144–430.147, 40 CFR 430.154–430.157, 40 CFR 430.164–430.167, 40 CFR 430.174–430.177, 40 CFR 430.184–430.187, 40 CFR 430.194–430.197, 40 CFR 430.204–430.207, 40 CFR 430.214–430.217, and 40 CFR 430.224–430.227. 40 CFR 125.67(d)-(Appendices A and B) became effective on December 7, 1982; 40 CFR 146.23 and 146.33 on May 11, 1982; 40 CFR 423.12(a) on July 13, 1981; 40 CFR .13(d)(2) on May 31, 1983; 40 CFR 423.13(c)(2), 423.15(h)(2), 423.15(i)(2), and 423.15(j)(2) on May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Marion K. Thompson, Office of Regulation Review (WH–556), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, or by calling (202) 382–5686.

SUPPLEMENTARY INFORMATION:

I. Technical Amendment

In the preambles to the following regulations, EPA noted that the information requirements were under review at the Office of Management and Budget (OMB). In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), those provisions are not effective until OMB approval has been obtained.

Title	CFR citation	FEDERAL REGISTER date of promulgation	FEDERAL REGISTER citation
Modification of Secondary Treatment Requirements for Discharges into Marine Waters.	40 CFR 125.67(d) (Appendices A and B).	Nov. 26, 1982	47 FR 53680.
Underground Injection Control Program and Standards.	40 CFR 146.23, 146.33	Feb. 3, 1982	47 FR 4992.
Steam Electric Power Effluent Guidelines.	40 CFR 423.12(a)	Nov. 19, 1982	47 FR 52305.
Do	40 CFR 423.13(d)(2)	do	47 FR 52307.
Do	40 CFR 423.13(d)(3)	do	47 FR 52307.
Do	40 CFR 423.13(c)(2)	do	47 FR 52306.
Do	40 CFR 423.15(h)(2)	do	47 FR 52307.
Do	40 CFR 423.15(i)(2)	do	47 FR 52308.
Do	40 CFR 423.15(j)(2)	do	47 FR 52308.
Do	40 CFR 423.15(j)(3)	do	47 FR 52308.
Leather Tanning and Finishing Effluent Guidelines.	40 CFR 425.04 (b)	Nov. 23, 1982	47 FR 52872.
Pulp, Paper, and Paperboard Effluent Guidelines.	40 CFR 430.14–430.17	Nov. 18, 1982	47 FR 52023.
Do	40 CFR 430.24–430.27	do	47 FR 52025.
Do	40 CFR 430.54–430.57	do	47 FR 52026.
Do	40 CFR 430.64–430.67	do	47 FR 52028.
Do	40 CFR 430.74–430.77	do	47 FR 52030.
Do	40 CFR 430.84–430.87	do	47 FR 52032.
Do	40 CFR 430.94–430.97	do	47 FR 52033.
Do	40 CFR 430.104–430.107	do	47 FR 52035.
Do	40 CFR 430.114–430.117	do	47 FR 52037.
Do	40 CFR 430.134–430.137	do	47 FR 52041.
Do	40 CFR 430.144–430.147	do	47 FR 52043.
Do	40 CFR 430.154–430.157	do	47 FR 52045.
Do	40 CFR 430.164–430.167	do	47 FR 52047.
Do	40 CFR 430.174–430.177	do	47 FR 52048.
Do	40 CFR 430.184–430.187	do	47 FR 52050.
Do	40 CFR 430.194–430.197	do	47 FR 52052.
Do	40 CFR 430.204–430.207	do	47 FR 52053.
Do	40 CFR 430.214–430.217	do	47 FR 52055.
Do	40 CFR 430.224–430.227	do	47 FR 52056.
Do	40 CFR 430.234–430.237	do	47 FR 52058.
Do	40 CFR 430.244–430.247	do	47 FR 52059.
Do	40 CFR 430.254–430.257	do	47 FR 52060.
Do	40 CFR 430.264–430.267	do	47 FR 52062.
Do	40 CFR 431.14–431.17	Nov. 18, 1982	47 FR 52063.
Coil Coating Effluent Guidelines	40 CFR 465.03(a)(2)	Dec. 1, 1982	47 FR 54245.
Porcelain Enameling Effluent Guidelines.	40 CFR 466.03	Nov. 24, 1982	47 FR 53185.

The Agency is announcing today the approval of these information requirements by OMB. In conformance with this approval, the Agency will include the OMB control number in the body of the rule. The regulations are revised as follows:

1. At the end of 40 CFR 125.67(d) (Appendices A and B), the following language is inserted: "(Approved by the Office of Management and Budget under control number 2000–0427)".

2. At the end of 40 CFR 146.23, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2000–0456)".

3. At the end of 40 CFR 146.33, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2000–0456)".

4. At the end of 40 CFR 423.12(a), the following language is inserted: "(Approved by the Office of Management and Budget under control number 2000–0194)".

5. At the end of 40 CFR 423.13(d)(2), the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0040)".

6. At the end of 40 CFR 423.13(d)(3), the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

7. At the end of 40 CFR 423.13(c)(2), the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0040)".

8. At the end of 40 CFR 423.15(h)(2), the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0040)".

9. At the end of 40 CFR 423.15(i)(2), the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0040)".

10. At the end of 40 CFR 423.15(j)(2), the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0040)".

11. At the end of 40 CFR 423.15(j)(3), the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

12. At the end of 40 CFR 425.04(b), the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0032)".

13. At the end of 40 CFR 430.14–430.17, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

14. At the end of 40 CFR 430.24–430.27, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

15. At the end of 40 CFR 430.54–430.57, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

16. At the end of 40 CFR 430.64–430.67, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

17. At the end of 40 CFR 430.74–430.77, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

18. At the end of 40 CFR 430.84–430.87, the following language is inserted: "(Approved by ther Office of Management and Budget under control number 2040–0033)".

19. At the end of 40 CFR 430.94–430.97, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

20. At the end of 40 CFR 430.104–430.107, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

21. At the end of 40 CFR 430.114–430.117, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

22. At the end of 40 CFR 430.134–430.137, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

23. At the end of 40 CFR 430.144–430.147, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

24. At the end of 40 CFR 430.154–430.157, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

25. At the end of 40 CFR 430.164–430.167, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

26. At the end of 40 CFR 430.174–430.177, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

27. At the end of 40 CFR 430.184–430.187, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

28. At the end of 40 CFR 430.194–430.197, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

29. At the end of 40 CFR 430.204–430.207, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

30. At the end of 40 CFR 430.214–430.217, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

31. At the end of 40 CFR 430.224–430.227, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

32. At the end of 40 CFR 430.234–430.237, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

33. At the end of 40 CFR 430.244–430.247, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

34. At the end of 40 CFR 430.254–430.257, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

35. At the end of 40 CFR 430.264–430.267, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

37. At the end of 40 CFR 431.14–431.17, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

38. At the end of 40 CFR 465.03(a)(2), the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

20. At the end of 40 CFR 466.03, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040–0033)".

Dated: June 30, 1983.

Henry L. Longest II,

Acting Assistant Administrator for Water.

[FR Doc. 83-18287 Filed 7-7-83; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register
Vol. 48, No. 132
Friday, July 8, 1983

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Canned Ripe Olives

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this rule is to revise the voluntary U.S. Standards for Grades of Canned Ripe Olives. The proposed rule was developed by the U.S. Department of Agriculture (USDA) at the request of the California olive industry. This proposed rule would: (1) Delete "mixed sizes" from size designation; (2) change the count per pound for super colossal size olives from "26–40" to "40 or less"; (3) include definitions for "obvious split pit" and "misshapen"; (4) revise Tables IV, V, and VI which show limits for defects; and (5) incorporate minor editorial changes. The revision is designed to promote efficient and orderly marketing.

EFFECTIVE DATE: Comments must be received on or before August 8, 1983.

FOR FURTHER INFORMATION CONTACT: Harold A. Machias, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6247.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as 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 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.

Willian 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 USDA received a petition from the California olive industry to revise the U.S. Standards for Grades of Canned Ripe Olives. The California olive industry produces the entire U.S. crop.

Data collected and reviewed by the Processed Products Branch supports industry's request to revise the U.S. grade standards for canned ripe olives.

The latest revision of the U.S. Standards for Grades of Canned Ripe Olives, effective August 4, 1981, brought the size designations in the U.S. grade standards into agreement with the Olive Marketing Order. Drained weight requirements were revised to reflect the changes in the sized designations.

This proposal would revise the U.S. grade standards to bring them in line with current olive industry practices and provide a basis for changes in grade requirements under the olive marketing order. The proposed rule would delete specific references to single sizes within the grades and delete "mixed sizes" from the grade standards because mixed sizes are not in demand and cause confusion in the marketplace. This proposal would change the count per pound for super colossal size olives from "26–40" to "40 or less" to allow the marketing of olives that are larger than 26 count per pound.

Other changes would add definitions for "obvious split pit" and "misshapen" units not defined in the current U.S. grade standards but listed in the defect tables. Revision of Tables IV, V, and VI which show limits for defects and minor editorial changes recommended by the California olive industry are incorporated into this proposal.

List of Subjects in 7 CFR Part 52

Processed fruits and vegetables, Food grades and standards.

PART 52—[AMENDED]

Accordingly, the United States Standards for Grades of Canned Ripe Olives (7 CFR 52.3754 and 52.3761) would be revised to read as follows:

1. Section 52.3754(b) is revised to read as follows:

§ 52.3754 Size designations for whole and pitted style.

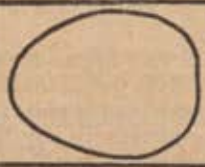
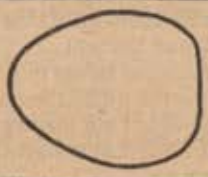
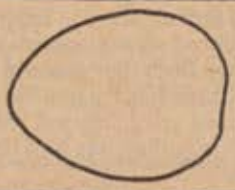
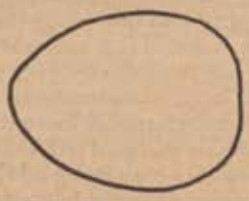
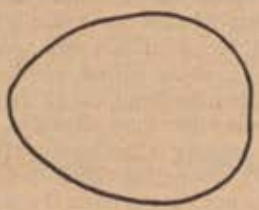
* * * * *

(b) *Size determination.* Size of canned whole or pitted olives shall conform to the applicable count per pound range indicated in Table I in the case of whole olives, or conform closely to the applicable illustration in Table I in the case of pitted olives. When the count per pound of whole olives falls between two count ranges, the size designation shall be the next smaller size.

BILLING CODE 3410-02-M

TABLE I

SIZE - CANNED WHOLE AND PITTED RIPE OLIVES

DESIGNATION	COUNT PER POUND	ILLUSTRATION	APPROXIMATE DIAMETER RANGE ILLUSTRATED (mm)
SMALL	128 - 140		16 - 17
MEDIUM	106 - 121		17 - 19
LARGE	91 - 105		19 - 20
EXTRA LARGE	65 - 88		20 - 22
JUMBO	51 - 60		22 - 24
COLOSSAL	41 - 50		24 - 26
SUPER COLOSSAL	40 or less		26 and over

BILLING CODE 3410-02-C

2. Section 52.3756 (a), (b), and (c) are revised to read as follows:

§ 52.3756 Grades of canned ripe olives.

(a) *U.S. Grade A* is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that has a good flavor, that has a good color, that is practically free from defects, that has a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 90 points: *Provided,* That such canned ripe olives may have a reasonably good color if the total score is not less than 90 points; and further *Provided,* That in the styles of whole and pitted olives, the variation in diameters does not exceed 4 mm, and of the 90 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 3 mm.

(b) *U.S. Grade B* is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that has a good flavor, that has a reasonably good color, that is reasonably free from defects, that has a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points: *Provided,* That for the styles of whole and pitted olives, the variation in diameters does not exceed 8 mm, and of the 80 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 4 mm.

(c) *U.S. Grade C* is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, chopped, and broken pitted styles that has a reasonably good flavor, that has a fairly good color, that is fairly free from defects, that has a fairly good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points: *Provided,* That for the styles of whole and pitted olives, of the 60 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 4 mm.

* * * * *

3. Section 52.3761 is revised to read as follows:

§ 52.3761 Defects.

(a) *General.* The factor fo absence of defects refers to the degree of freedom from harmless extraneous vegetable material, stems and portions thereof, blemishes, wrinkles, mutilated olives, and from any other defects which affect the appearance or edibility of the product.

(b) *Definition of defects.*—(1) *Blemishes* mean dark-colored surface marks in either ripe type or green-ripe olives which may or may not penetrate into the flesh. Olives or pieces of olives affected by blemishes are classified as follows:

(i) *Minor blemishes* mean surface discolorations on olives or pieces of olives which individually or collectively materially affect the appearance of the unit.

(ii) *Major blemishes* mean surface discolorations or black flesh (oxidized) on olives or pieces of olives which may or may not be associated with a soft texture below the skin and which individually or collectively seriously affect the appearance or edibility of the unit.

(iii) *Severe blemishes* mean dark brown, dark purple, or black surface areas on olives or pieces of olives of the green-ripe type; or any othe blemishes, whether or not specifically defined, which severely affect the appearance or edibility of the unit.

(2) *Blowout* refers to a soft pitted olive in which the pit has been pushed out instead of cut out leaving an irregular ring of flesh that materially affects its appearance.

(3) *Broken piece* in halved, segmented, and sliced style olives means any piece of olive flesh that appears to be less than three-fourths of a full unit. Also included are poorly cut units and end slices less than one-half the average size slice.

(4) *Cross pitted* refers to olives pitted along an axis other than the stem-flower axis. A defect is a unit where the angle of these two axes exceeds 45 degrees.

(5) *Harmless extraneous vegetable material.* Harmless extraneous vegetable material (HEVM), harmless extraneous material (HEM), and extraneous vegetable material (EVM), are synonymous terms and mean any vegetable substance that is harmless.

(6) *Mechanically damaged* means a unit in whole, pitted, and halved styles that is punctured, cut or damaged by means other than pitting so that its appearance is materially affected.

(7) *Misshapen* refers to an olive that does not have a normal shape for a given variety.

(8) *Mutilated* refers to an olive in whole or pitted styles that is so pitter-torn or damaged by other means that the entire pit cavity is exposed or the appearance of the olive is seriously affected.

(9) *Obvious split pit* means a pit in an olive that can be determined visually as split.

(10) *Pitter damage* means a loss of skin and flesh from a pitted olive caused by the pitter on the cut end exceeding the area of a circle 3 mm in diameter but is not mutilated.

(11) *Plunger damage* means a loss of skin and flesh from a pitted olive equal to or exceeding the area of a circle 5 mm in diameter.

(12) *Stem* means a stem that measures 3 mm or more from the shoulder of the olive. Stems are classified as follows:

(i) *Minor stem* is a stem that measures more than 3 mm but not more than 4 mm from the shoulder of the olive.

(ii) *Major stem* is a stem that measures more than 4 mm from the shoulder of the olive.

(iii) *Detached stem,* when it measures 4 mm or more, is a defect which shall be scored as a minor stem for whole pitted, halved, and broken pitted style olives and a major stem for segmented, sliced, and chopped style olives.

(13) *Wrinkles* are grooves 0.5 mm or more in width. Classification of wrinkles shall be determined immediately after removing surface moisture and any increase in wrinkles due to dehydration after removing from the container shall not be considered. Olives or pieces of olives affected by wrinkles are classified as follows:

(i) *Minor wrinkles* are wrinkles which collectively do not more than materially affect the appearance of the unit.

(ii) *Major wrinkles* are wrinkles which collectively more than materially affect the appearance of the unit.

(c) *Grade A.* Canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that any defects present, but not specifically limited in Table IV, may not more than slightly affect the appearance or edibility of the olives; and, in addition, specified defects may be present in all other styles except "broken pitted" not to exceed the allowances for grade A provided in Table IV.

(d) *Grade B.* If canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles are reasonably free from defects, a score of 32 to 35 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any defects present but not specifically limited in Table V may not more than materially affect the

appearance or edibility of the olives; and in addition, specified defects may be present in all other styles except "broken pitted" not to exceed the allowances for grade B provided in Table V.

(e) *Grade C.* If canned ripe olives of whole, pitted, halved, segmented, sliced, chopped, and broken pitted styles are fairly free from defects, a score of 28 to 31 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that any defects present but not specifically limited in Table VI may more than materially affect the appearance and edibility of the olives; and in addition, specified defects may be present in all other styles not to exceed the allowances for grade C provided in Table VI.

(f) *Substandard (SStd.).* Canned ripe olives that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, reardless of the total score for the product (this is a limiting rule).

TABLE IV—LIMITS FOR DEFECTS IN GRADE A

	Whole per 50 olives	Pitted per 50 olives	Halved per 100 halves	Segmented per 255 gm (9 oz)	Sliced per 255 gm (9 oz)	Chopped per 255 gm (9 oz)
HEVM, HEM, or EVM	1	1	1	Practically free	Practically free	Practically free.
Stems:						
Minor and Major stems incl	2	2	2			
Major stems	1	1	1	Practically free	Practically free	Practically free.
Minor and Major blemishes, Minor and Major wrinkles and Mutilated	5	5	10	Practically free	Practically free	Practically free.
Provided: Major blemishes, Major wrinkles do not exceed	2	2	5			
Further Provided: Mutilated do not exceed	1	1				
Broken pieces and Poorly cut units			8	Practically free	Practically free	
Mechanical Damage	2	2	5			
Blowouts, Cross pitted, Plunger and Pitter damage		5				
Obvious split pit or Misshapen	2					
Severe Blemishes (Green-ripe type only)	0	0	0			

TABLE V—LIMITS FOR DEFECTS IN GRADE B

	Whole per 50 olives	Pitted per 50 olives	Halved per 100 halves	Segmented per 255 gm (9 oz)	Sliced per 255 gm (9 oz)	Chopped per 255 gm (9 oz)
HEVM, HEM or EVM	1	1	1	Reasonably free	Reasonably free	Reasonably free.
Stems:						
Minor and Major stems incl	3	3	0			
Major stems	1	1	1	Reasonably free	Reasonably free	Reasonably free.
Minor and major blemishes, Minor and Major wrinkles, and Mutilated	10	10	20	Reasonably free	Reasonably free	Reasonably free.
Provided Major blemishes, Major wrinkles do not exceed	5	5	10			
Further provided: Mutilated do not exceed	2	2				
Broken pieces and Poorly cut units			15	Reasonably free	Reasonably free	
Mechanical Damage	5	5	10			
Blowouts, Cross pitted, Plunger and Pitter damage		10				
Obvious split pit or Misshapen	5					
Severe Blemishes (Green-ripe type only)	0	0	0			

TABLE VI—LIMITS FOR DEFECTS IN GRADE C

	Whole per 50 olives	Pitted per 50 olives	Halved per 100 halved	Segmented per 255 gm. (9 oz)	Sliced per 255 gm. (9 oz)	Chopped per 255 gm. (9 oz)	Broken pitted per 255 gm. (9 oz)
HEVM, HEM, or EVM	1	1	1	Fairly free	Fairly free	Fairly free	2.
Minor and Major, stems inclusive	4	4	4				
Major stems	2	2	2	Fairly free	Fairly free	Fairly free	4.
Minor, Major, blemishes, Major, Minor wrinkles	No limit	No limit	No limit	Fairly free	Fairly free	Fairly free	No limit.
Provided: Major blemishes, Major wrinkles do not exceed	13	13	25				51gm.[1]
Further Provided: Mutilated, Major blemish and Major wrinkles to not exceed	15	15	30				
Mutilated do not exceed	5	5	10				No limit.
Broken pieces and poorly cut units			25	Fairly free	Fairly free		
Mechanical Damage	10	10	20				
Blowouts, Cross pitted, Plunger and Pitter damaged		15					
Obvious split pit or Misshapen	No limit						
Severe blemishes (Green-ripe type only)	3	3	3	0	0	0	

[1] Major blemishes only.

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

Done at Washington, D.C., on June 30, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-18267 Filed 7-7-83; 8:45 am]

BILLING CODE 3410-02-M

RAILROAD RETIREMENT BOARD

20 CFR Part 299

Determination of the Level of Annuities Under the Railroad Retirement Act

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) hereby proposes to add a new Part 299 to 20 CFR Chapter II. This Part will provide for reducing annuities as authorized by section 22(c) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u).

DATE: Comments must be submitted on or before September 6, 1983.

ADDRESS: Office of Secretary of the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611; (312) 751–4944, (FTS 387–4944).

SUPPLEMENTARY INFORMATION: Section 22 of the Railroad Retirement Act requires that the Railroad Retirement Board promulgate regulations to provide a constant level of benefits at the maximum level possible for every month of a fiscal year in which there is a funding shortfall, and that no individual shall receive less during that fiscal year than the amount otherwise payable if the employee's service as an employee after December 31, 1936, had been covered under the Social Security Act, minus the amount of any reduction required under section 3(m) or 4(i) of the Railroad Retirement Act. The regulations must be published for comment in the **Federal Register** within 180 days after submission of a report to the President and Congress pursuant to section 22(a) of the Act which identifies a year in which the estimated tax collections under the Railroad Retirement Tax Act during the year plus any other funds available in the Railroad Retirement Account will be insufficient to pay full railroad retirement benefits unless some corrective action is taken. The Board submitted such a report on February 18, 1983, which identified Fiscal Year 1984 as the first year in which benefits in excess of the amount that would be payable under social security would have to be reduced. Notice of that report was published on March 17, 1983 (48 FR 11363); a correction to that notice was published on April 20, 1983 (48 FR 16996). The report has also been discussed by rail labor and management both in negotiating sessions and appearing before the Ways and Means, Energy and Commerce and the Labor and Human Resources Committees of the Congress.

Section 299.3 of the proposed new Part sets forth the procedure to be followed by the Board in determining whether benefits in excess of social security levels must be reduced in a fiscal year. Section 299.3(a) requires that on or before September 1 of each year beginning with the year immediately prior to the first year identified in a report under section 22(a) as a year in which benefits in excess of the amount that would be payable under social security will have to be reduced, the Board must make a determination of the level of benefits to be paid in the upcoming fiscal year. Sections 299.3 (b) and (c) provide the mechanism for determining whether there will actually be a shortfall in revenues in the fiscal year, and if so, the magnitude of the shortfall. Section 299.3(b) also requires the Board to make determinations of the amount of funds that will be available in the Railroad Retirement Account in each month of the fiscal year and the amount of benefits that will be payable in each month. Section 299.3(c) provides that if the amount of benefit payments for any month in the fiscal year exceeds the amount of funds available in the Railroad Retirement Account for such month, annuities payable in every month in the fiscal year will have to be reduced in accordance with § 299.3(d) and (e) of this Part. The reduction would be effective with respect to annuity payments beginning with the payments made on October 1 of the fiscal year. Section 299.3(d) provides that annuities shall be reduced in such a manner as to provide a constant benefit level throughout the year at the maximum level possible, and that every individual shall receive a benefit at a level at least equal to that which would be paid under social security. In addition, § 299.3(d) provides that if an annuity component is being reduced in a fiscal year, no cost-of-living increase in such component will be payable in that fiscal year unless the nonpayment of the increase would result in the person's benefit being below that which he or she would have received under the Social Security Act, in which case the increase will be paid to the extent required to bring the benefit up to the social security level amount. Section 299.3 establishes the order and manner of reduction of annuities.

Section 299.4 provides the rules to be applied in paying retroactive annuities and certain other payments that are for earlier periods.

Section 299.5 of the proposed new Part would require the Board to make periodic reviews within a fiscal year of the condition of the Railroad Retirement Account to determine whether there will be sufficient funds to continue the payment of benefits at the established level or whether a further reduction would be required to assure benefit payments at a constant level at least equal to the level that would be payable under social security minus any reductions required by sections 3(m) and 4(i) of the Railroad Retirement Act for the remaining months of the fiscal year. In addition, this section would authorize an increase in the level of annuities, but only if the Board finds that the balance in the Railroad Retirement Account is greater than would be required to pay benefits at the reduced rate *and* that the Railroad Retirement Account will have sufficient funds in the next fiscal year to pay full annuities for every month in that fiscal year.

Section 299.6 provides that the amount of the annuity as determined by the Board and paid to the beneficiary constitutes full and complete payment of the amount due the beneficiary.

Section 299.7 provides that lump-sum death benefits and residual lump-sum payments are not subject to reduction. This was provided largely in recognition of the administrative burden that would be imposed if these benefits were to be reduced and of the relatively small amount of moneys that would be saved if reductions were imposed.

Section 299.8 of the proposed new Part would require the Board to publish notice in the **Federal Register** of any decision to change the level of railroad retirement benefits to be paid.

The Board has determined that this is not a major rule under Executive Order 12291. Therefore, no regulatory analysis is required. In addition, this rule does not impose any information collection requirements on the public.

List of Subjects in 20 CFR Part 299

Railroad retirement, Pensions.

Title 20 CFR Chapter II, is proposed to be revised as follows:

1. The table of contents for Title 20, Chapter II, Railroad Retirement Board, Subchapter B, is proposed to be amended by adding a new Part 299, Reduction of railroad retirement annuities.

2. Part 299 is added to read as follows:

PART 299—REDUCTION OF RAILROAD RETIREMENT ANNUITIES

Sec.

299.1 Purpose.
299.2 Definitions.
299.3 Determination of amount by which monthly annuity payments must be reduced.
299.4 Reduction of retroactive and other similar payments.
299.5 Reconsideration of the reduction computation.
299.6 Reduced annuity constitutes full payment.
299.7 Benefits not subject to reduction.
299.8 Publication in the Federal Register.

Authority: Sec. 1126, Pub. L. 97-35, 95 Stat. 639 (45 U.S.C. 231u).

§ 299.1 Purpose.

Section 22 of the Railroad Retirement Act of 1974 requires that regulations be adopted to provide for payment of annuities under the Act at the maximum constant level possible at least equal to the level of benefits that would be payable under social security minus any reductions required under sections 3(m) and 4(i) of the Act in a fiscal year when funds available for the payment of such annuities in the fiscal year will not be sufficient to pay full annuities for every month in that year. This Part sets forth the Board's regulations as adopted pursuant to section 22 of the Railroad Retirement Act of 1974.

§ 299.2 Definitions.

As used in this part—

"Tier I component" means the component of an employee, spouse, and survivor annuity provided by sections 3(a), 4(a), and 4(f) of the Railroad Retirement Act, respectively, after any reductions required to be made in such component other than any reduction required under this part.

"Tier II component" means the component of an employee, spouse, and survivor annuity provided under sections 3(b), 4(b) and 4(g) of the Railroad Retirement Act, respectively, after any reductions required to be made in such component other than any reduction required under this part.

§ 299.3 Determination of amount by which monthly annuity payments must be reduced.

(a) *Time when determination will be made.* On or before September 1 of each fiscal year beginning with the fiscal year immediately prior to a fiscal year that the Board has identified in a report under section 22(a) of the Railroad Retirement Act of 1974 as a fiscal year in which benefits under the Act must be reduced due to insufficient funds, the Board shall, in accordance with this section, determine the level of annuity payments that shall be payable in each month of the next succeeding fiscal year.

(b) *Determination of the amount of funds available.* In making the determination required under paragraph (a) of this section, the Board shall first make a determination of the amount of funds that will be available in the Railroad Retirement Account for the payment from that Account in each month of the next succeeding fiscal year, including funds that may be borrowed pursuant to section 15(b)(2) of the Railroad Retirement Act, and of the amount of benefits that would be payable from the Railroad Retirement Account in the next succeeding fiscal year if no reduction in annuities under this Part were to be applicable.

(c) *Reduction of annuity payments if sufficient funds are not available.* If the Board determines that the amount of the benefits to be paid from the Railroad Retirement Account in any month or months in a fiscal year, if no reduction were applicable under this Part, would exceed the amount of funds that will be available in the Account for the payment of benefits in such month or months, including funds that may be borrowed pursuant to section 15(b)(2) of the Railroad Retirement Act, annuity payments for each month in the fiscal year, beginning with the payment to be made on October 1, shall be reduced in the manner and order specified in paragraphs (d) and (e) of this section.

(d) *Determination of the level of annuities to be paid.* Where a reduction in annuity payments to be made in a fiscal year is required under paragraph (c) of this section, the Board shall determine the amount of reduction in annuities to be made in the order specified in paragraph (e) of this section so as to provide a constant level of annuities and to insure that: (1) No beneficiary will receive a lower benefit than would have been payable under the Social Security Act had the employee's railroad service been covered under that Act minus any reduction required under section 3(m) or 4(i) of the Railroad Retirement Act of 1974 and (2) the Railroad Retirement Account will have sufficient resources to pay annuities at the maximum level possible for every month in the fiscal year. Subject to the proviso contained in paragraph (e)(2) of this section, no cost-of-living increase that would otherwise first be payable in a fiscal year shall be payable in such fiscal year if the annuity component to which the increase applies is being reduced under this Part in the fiscal year.

(e) *Annuities shall be reduced in the following order and manner.* (1) The Board shall first reduce the tier II component of all annuities by an equal percentage.

(2) If a reduction of 100 percent in the amount of the tier II component of all annuities payable under the Railroad Retirement Act of 1974 is insufficient to insure that the Railroad Retirement Account has sufficient resources to pay benefits in every month of the fiscal year, the tier I component of annuities payable under the Railroad Retirement Act of 1974 shall be reduced by an equal percentage: *Provided, however,* That in no case shall the amount of the tier I annuity component of an annuitant be reduced below the amount of the benefit that the person would have received under the Social Security Act had the employee's railroad service been covered by that Act minus any reduction required under section 3(m) or 4(i) of the Railroad Retirement Act of 1974.

§ 299.4 Reduction of retroactive and other similar payments.

If a person is entitled to a retroactive payment for a month or months in an earlier fiscal year or years, the reduction as imposed with respect to the person's annuity, including that portion attributable to an earlier fiscal year, shall be the reduction percentage applicable in the year of payment: *Provided, however,* That if the application of the payment year reduction percentage would result in a larger payment than would the application of the earlier year reduction percentage, the earlier year reduction percentage shall be applied. The reduction percentage imposed in the case of a replacement payment shall be that reduction percentage which was applicable to the original payment. The term "replacement payment" means a payment made to an annuitant to replace a check which was issued to the

annuitant in an earlier month, but which was not negotiated, and "replacement payment" also means a payment made to the annuitant for an earlier month in which his or her annuity was not paid for some reason such as lack of a current address.

§ 299.5 Reconsideration of the reduction computation.

The Board shall periodically, but at least quarterly, examine the determinations and calculations made under this Part. If, as a result of this examination, the Board determines that the balance in the Railroad Retirement Account will be insufficient to pay benefits from that Account for the balance of the fiscal year at the established rate, the Board shall establish a new reduction percentage or percentages in accordance with § 299.3 of this Part to be applied to benefits to be paid for the remaining months so that the balance in the Railroad Retirement Account will be sufficient to pay benefits for the remainder of the fiscal year. If, as a result of this examination, the Board finds that the balance in the Account is greater than would be required to pay benefits at the then applicable reduction percentage for the remainder of the fiscal year, and that the Account will have sufficient funds to pay full annuities in the next succeeding fiscal year even if the reduction percentage is decreased, the Board may decrease the reduction percentage for the remaining months.

§ 299.6 Reduced annuity constitutes full payment.

The amount of the annuity as determined by the Board and paid to a person under this part shall constitute full and complete payment of the person's annuity and there shall be no further liability on the part of the Board, the United States Government, or any other person or entity for the amount of any reduction imposed.

§ 299.7 Benefits not subject to reduction.

(a) *Lump-sum death payments and residual lump-sum payments.* Lump-sum death payments and residual lump-sum payments shall be paid in the amount provided for in sections 6(b) and 6(c), respectively, of the Railroad Retirement Act of 1974 and shall not be reduced under this part.

(b) *Social security minimum guaranty provision benefits.* Annuities computed pursuant to the social security minimum guaranty provision in section 3(f)(3) of the Railroad Retirement Act of 1974 shall not be reduced under this part.

§ 299.8 Publication in the "Federal Register."

No later than 30 days after the Board has rendered a determination to reduce annuities under §299.3 or to change the reduction percentage under § 299.5, the Board shall publish notice of such determination in the **Federal Register.**

Dated: July 1, 1983.

By Authority of the Board.

James T. Brown,

Chief Executive Officer, Railroad Retirement Board.

[FR Doc. 83-18522 Filed 7-7-83; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 803

[Docket No. 79N-0182]

Medical Device Reporting

Correction

In FR Doc. 83-14428 beginning on page 24014 in the issue of Friday, May 27, 1983, make the following correction:

On page 24015, second column, thirteenth line from the bottom of the page, "proposal" should read "reproposal".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-059B]

Occupational Exposure to Benzene

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for Information. Regulatory Schedule.

SUMMARY: OSHA intends to reconsider its present standard for benzene. The Agency requests information developed since 1977 concerning the health effects of benzene, its toxicologic properties, estimates of the risk presented, current occupational exposure levels, approaches and costs for reducing exposures and their cost-effectiveness. OSHA also sets forth the schedule it intends to follow in considering a new benzene standard.

DATES: Comments must be submitted by August 22, 1983.

ADDRESSES: Written comments should be submitted in quadruplicate to the Docket Officer, Occupational Safety and Health Administration, Docket No. H-059B, Room S-6212, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210, Telephone (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, Room N-3637, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210 (202) 523-8148.

SUPPLEMENTARY INFORMATION: The present OSHA standard for benzene is an 8-hour time-weighted average (TWA) of 10 parts per million (ppm) with a ceiling limit of 25 ppm and a maximum peak concentration of 50 ppm for a 10 minute period. It is codified at 29 CFR 1910.1000, Table Z-2, and was adopted in 1971 under the authority of section 6(a) of the Occupational Safety and Health Act from the American National Standards Institute's (ANSI) Z 37.4-1969 standard. The ANSI standard and the adopted OSHA standard were based on concern for the development of aplastic anemia and depression of various cellular elements in the blood, but not on concern for the development of cancer.

On May 3, 1977 (42 FR 22516), OSHA issued an Emergency Temporary Standard (ETS) reducing exposures to benzene to 1 ppm and including other provisions. A temporary stay was granted by the Fifth Circuit Court of Appeals which was never lifted, although no judgment on the merits was ever issued. On February 10, 1978 (43 FR 5418), OSHA promulgated a new permanent standard for occupational exposure to benzene based on evidence that there was a causal connection between benzene exposure and leukemia. This standard limited employee exposure to 1 part of benzene per million parts of air (1 ppm) as an 8-hour time-weighted average, the level then estimated to be the lowest feasible. The standard included a ceiling limit of 5 ppm for any 15-minute period during an 8-hour day, and limits on eye and skin contact with benzene as well as various industrial hygiene and medical surveillance provisions.

The United States Court of Appeals for the Fifth Circuit vacated the standard in the case of *American Petroleum Institute* v. *OSHA*, 581 F.2d 493 (1978). The Supreme Court affirmed that judgment under the name *Industrial Union Department, AFL-CIO* v. *American Petroleum Institute*, 448 U.S. 607 (1980) and stated "the judgment of

the Court of Appeals remanding the petition for review to the Secretary for further proceedings is affirmed." (p. 662)

The Supreme Court held that OSHA's prior approach of reducing exposures to the lowest feasible level when there was strong qualititative evidence of carcinogenicity was insufficient. It held that "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." (488 U.S. 642) The Court added that the significant risk determination is "not a mathematical straitjacket," and that "OSHA is not required to support its finding that a significant risk exists with anything approaching scientific certainty." (488 U.S. 655)

On April 14, 1983, the Oil, Chemical and Atomic Workers Union; the Industrial Union Dept., AFL–CIO; the AFL–CIO; the International Union of Allied Industrial Workers; the International Chemical Workers Union; the United Rubber, Cork, Linoleum and Plastics Workers of America; the United Steel Workers of America; the Public Citizen Health Research Group and the American Public Health Association petitioned OSHA to issue an Emergency Temporary Standard (ETS) reducing exposures to benzene. The petition includes references to various risk assessments performed on benzene. OSHA also has received comments on the petition from organizations such as the American Petroleum Institute and the Chemical Manufacturers Association. All of these documents are available for inspection and copying in the OSHA Docket Office.

OSHA has performed two quantitative cancer risk assessments on benzene and has a third performed under contract. The International Agency for Research on Cancer (IARC) also has performed a risk assessment on benzene. These assessments estimate an excess leukemia risk from lifetime occupational exposure to 10 ppm benzene ranging from 14-207 deaths per 1,000 workers. Comments on these risk assessments, as well as those conducted by others, have been received by OSHA and are available for inspection in the Docket Office. OSHA has requested the raw data for two studies used in the above-mentioned risk assessments. These data will be placed in the OSHA docket if they are forth coming.

OSHA has decided to deny the petition for an ETS for the reasons stated in its letter to the petitioners dated July 1, 1983. However, there are enough data to indicate that expedited consideraion of a new standard is needed due to the potential significance of the risk presented by occupational exposure to benzene.

Accordingly, OSHA intends to undertake an expedited rulemaking on benzene. It intends to have completed a proposal by November 1983, to hold hearings on the proposal in February 1984, and to promulgate a final rule in June 1984. OSHA is placing benzene on the Department of Labor's Regulatory Agenda and it will be included in the Semiannual Regulatory Agenda when next published in October.

In order to assist in the accelerated rulemaking, OSHA requests information in the following areas and other relevant areas. The information should be submitted by August 22, 1983 to the Docket Office at the above address. The entire record of the 1977 and 1978 proceedings will be placed in the record of this proceeding. Therefore, there is no need to re-submit information already in the docket. However, it would be useful to summarize or reference data in the record which commenters believe is particularly important.

OSHA has commenced a regulatory analysis of the technical and economic feasibility of a new standard for benzene. Data are being gathered by the consulting firm of JRB Associates, Inc. JRB is conducting a telephone survey of companies across the U.S. where occupational exposure to benzene is thought to occur. It is collecting data on compliance with the current standard of 10 ppm, and on compliance with 5, 1, and 0.55 ppm exposure limits. Industries being studied include rubber manufacturing, petroleum refining and distribution, chemical manufacturing and coke production as well as bulk terminal operations, oil and gas production sites, laboratories and other operations where benzene exposure is known to occur. Some of the following questions will provide useful information for this study which will be completed in September 1983. It would be helpful if persons contacted by JRB directly would respond in a short period of time. Interested parties may, of course, wish to perform their own analyses, which should be made availabe to OSHA by the end of the comment period.

OSHA requests answers to the following questions as well as other relevant information:

1. OSHA requests the submission of medical reports and epidemiologic and toxicologic studies related to potential benzene exposure, either through inhalation or skin absorption, that have been completed since 1977. For studies in progress, we request study protocols, interim or preliminary reports and expected completion dates of the studies. We are particularly interested in study results that address cancer, aplastic anemia, blood coagulation disturbances or any form of bone marrow depression.

2. Employee exposures to benzene have been reported in petroleum refineries, coke plants, petrochemical, plants, bulk terminals, oil and gas production sites, transportation systems, laboratories, and rubber products plants as well as in other industries. For each of these situations, OSHA requests information on current 8-hour TWA and peak level benzene exposures by occupational categogy. Indicate length of sampling period for peak exposures. Provide estimates of the numbers of workers currently exposed to 8-hour TWA's between 0.1, 0.5, 1.0, 5, and 10 ppm by segment of industry. We are also interested in small businesses or trades where exposure to benzene may not have been monitored. Information relating to such exposures should be submitted with as much detail as possible.

3. OSHA requests tha results of quantitative risk assessments that have been performed to date on the basis of epidemiologic or experimental study results. Include underlying assumptions and the consequences these assumptions may have on the results. We also request comments on the risk assessments currently published and on those in the OSHA docket.

4. What engineering and work practice controls are available to reduce exposre to benzene and what levels can they achieve? Are there working conditions in which a reduction in atmospheric banzene exposure to 8-hour TWA's of 10 ppm, 5 ppm, 1 ppm, or 0.5 ppm cannot be achieved through engineering controls?

5. What methods are avilable for reducing worker benzene exposure to less than 10 ppm, 5 ppm, 1 ppm or 0.5 ppm by means other than engineering controls, work practices, and substitutes?

6. Are negative pressure chemical cartridge respirators appropriate for use with benzene? What other respiratory protection is available for protection against benzene?

7. What is the current practice for respirator use in operations involving benzene exposure? Under what circumstances and for how long a time-period are respirators being worn? What types of respirators and cartridges currently are being provided?

8. In circumstances where respirators are currently being used, could exposure be reduced through engineering controls? Estimate the number of employees currently involved in these operations.

9. Have there been technological improvements or changes in the production or use of benzene which have resulted in reductions in benzene exposures since 1977?

10. Are there existing OSHA standards which require the use of engineering controls that would have an effect in controlling benzene exposure levels?

11. What is the level of benzene contamination in toluene, exylene, petroleum naptha and other solvents currently in use?

12. Supply available data indicating likely airborne exposures to benzene when solvents are used which contain small percentages of benzene as a contaminant. Based on such data or other considerations, what if any should be the percentage of benzene present in a solvent which would justify excluding that solvent from the benzene standard (percentage exclusion)?

13. Should there be a minimum number of days or hours of exposure to benzene, or solvents containing benzene, before the provisions concerning monitoring and medical surveillance become effective?

14. Are there workplaces where airborne exposure to benzene resulting from concentrations of benzene in solvents is low enough that monitoring for atmospheric exposure could be kept to a minimum or eliminated? Indicate sampling strategies that could characterize benzene exposure in these situations.

15. Is the percent of benzene absorbed through the skin from these solvents greater or less than the percent of pure benzene that may be absorbed?

16. What type of protective clothing, such as gloves, overalls, shoe covers, etc., is being worn currently to limit skin absorption of benzene either because of company requirements, or voluntarily?

17. Are adequate substitutes available for the industrial use of benzene? If so, what are the disadvantages of using these substitutes?

18. What analytical methods are appropriate for use in measuring benzene at various concentrations below 1.0 ppm? What costs are incurred with such exposure monitoring? How often should such measurements be made?

19. What, if any, exposure and medical monitoring requirements should be imposed at oil and gas production sites?

20. Are there situations in oil and gas production sites and pipeline or similar types of operations where exposure levels would be of such similarity that sampling results from one site could be extrapolated to other sites? Describe such conditions or operations.

21. What are the appropriate provisions for medical surveillance of workers exposed to benzene? How often should medical examinations be performed? Annually? Every six months? Should these provisions vary with exposure level? If so, how? What present medical surveillance is provided for workers exposed to benzene?

22. Describe appropriate standard provisions for respirators, personal protective clothing and equipment, hygiene facilities and practices, regulated areas, maintaining records, housekeeping, employee information and training, and labels and signs. What form should such provisions take in a proposed standard? To what extent are these provisions currently being employed by industry and what are their costs?

23. What are the relative effectiveness and costs of achieving compliance with permissible exposure limits of 5 ppm, 1 ppm and 0.5 ppm with a control strategy relying primarily on the use of engineering controls, when feasible; a control strategy utilizing engineering controls and respirators, as appropriate; and a control strategy leaving the choice to employer discretion?

Public Participation

Interested persons are invited to submit comments on these and other pertinent issues relating to occupational exposure to benzene by August 22, 1983. Comments should be sent in quadruplicate to the Docket Officer, OSHA, Docket H–059B, Room S–6212, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210. All written comments submitted in response to this notice will be available for inspection and copying at the Docket Office weekdays between 8:15 am and 4:15 pm. All such written submissions as well as other information will be considered by the Agency in making its determinations.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210.

List of Subjects in 29 CFR Part 1910

Chemicals, Diving, Electric power, Electronic products, Fire prevention, Gases, Hazardous materials, Health records, Noise control, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, Signs and symbols.

(Sec. 6 Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655) 29 CFR 1911; Secretary of Labor's Order No. 8–76 (41 FR 25029))

Signed at Washington, D.C., this 5th day of July 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83–18506 Filed 7–7–83; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Rule To Determine Frankenia johnstonii (Johnston's frankenia) To Be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to list a plant, *Frankenia johnstonii* (Johnston's frankenia), as an Endangered species. This species is known from two counties in Texas, and one locality in Mexico. About 1,000 plants are known to exist within a 35-mile radius in Texas; several hundred plants occur in Mexico. The plants are not reproducing well and show signs of having been browsed by cattle. There is no current management plan for Johnston's frankenia, nor is there State or Federal protection. This proposed rule, if made final, will put into effect the protection provided by the Endangered Species Act of 1973, as amended, for this plant. The Service seeks data and comments from the public on this proposed rule.

DATES: Comments from the public and the State of Texas must be received by September 6, 1983. Public hearing requests must be received by August 22, 1983.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the Service's Regional Office of Endangered Species, 421 Gold Avenue, SW, Room 407, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Dr. Russell L. Kologiski, Botanist, Region 2 Endangered Species Staff (see ADDRESSES above) (505/766–3972), or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

Frankenia johnstonii is a member of the family Frankeniaceae. Dr. D. S. Correll first collected and described this species in 1966. There are five populations in Texas, and another population is known from near Monterrey, Mexico. The most distinctive features of the plant are its blue-green color and wiry appearance. The branches of most plants are hedged or clipped, suggesting it is eaten by large herbivores, such as cattle. The plants are perennial shrubs, usually about 31 centimeters tall, but individuals may be up to 62 centimeters. The roots are wiry and dark brown. The leaves and numerous stems are grayish- or bluish-green from a dense covering of very short whitish hairs. The leaves are somewhat oblong in shape, about 13 millimeters long and 4 millimeters wide. The single, white flowers are 5-petaled and small, about 4 millimeters long. Flowering is from September to May. Pollination is mainly by bees and flies. Seed set in natural populations is less than 50 percent and seedliungs are very rarely observed. Experimental pollination attempts also resulted in less than 50 percent seed set (Turner, 1980).

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be Endangered, Threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27923) of its acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the 1973 Act (Section 4(b)(3)(A) now), and of its intention thereby to review the status of the plant taxa included therein. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. *Frankenia johnstonii* was included in the Smithsonian report, the July 1, 1975, notice of review and the June 16, 1976, proposal. General comments received in relation to the 1976 proposal were summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909).

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. Therefore, on December 10, 1979, the Service published a notice of withdrawal of the June 16, 1976, proposal, which included *Frankenia johnstonii*.

Frankenia johnstonii was again included in a list of plants under review for Threatened or Endangered classification published in the **Federal Register** (45 FR 82480–82569) on December 15, 1980. A status report compiled in 1980 and investigations carried out by Service botanists since December 1979 have provided new biological data concerning *Frankenia johnstonii*, including information on the low number of plants, low reproduction, and grazing pressure. This new information, as well as data previously available to the Service, forms the basis for the present proposed rule to list this species as Endangered.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et. seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate the 1982 Amendments Pub. L. 97–304) set forth procedures for adding species to the Federal list. The Secretary of the Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. It has been determined that *Frankenia johnstonii* is Endangered due primarily to factors A, C, and E. A discussion of these factors follows.

A. *The present or threatened destruction, modification or curtailment of its habitat or range.* There are six known populations of *Frankenia johnstonii*. Five occur in Zapata and Starr Counties in southern Texas on grazing land owned by approximately five private landowners. One of the populations in Starr County consists of about 200–400 plants scattered over 15–20 acres. Two other Starr County populations consist of several hundred individuals, each on less than an acre. One of the Zapata County populations has 50–100 plants on an area of less than 1 acre. A population estimate for an additional population (the type locality) is not available as it may no longer exist. There are several hundred plants in a population in Nuevo Leon, Mexico, which covers 4 to 5 acres. All populations are on rangeland in poor condition, show low reproduction, and could be impacted by any habitat change brought about by chaining or plowing. All known populations occur on private land, thus the Endangered Species Act would not restrict land use per se, unless Federal activities, funds or authorization are involved. Modification of the habitat could occur and result in destruction of some of the populations.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Critical Habitat is not being proposed because of the potential for collecting and vandalism. All of the populations are on private land and therefore not protected from taking by the Endangered Species Act.

C. *Disease or predation* (including grazing). All the known populations are located in heavily grazed areas. The branches of most of the *Frankenia johnstonii* appear to be hedged or clipped, a characteristic of plants which have been grazed by cattle. Grazing could not only affect the *Frankenia johnstonii* populations directly, but could also have an indirect adverse effect by altering the habitat of which the *Frankenia johnstonii* is a part.

D. *The inadequacy of existing regulatory mechanisms.* There are no State or Federal laws protecting Johnston's frankenia.

E. *Other natural or manmade factors affecting its continued existence.* Because of the low reproductive rate of this species, low population numbers, and its restricted habitat, any natural or human-caused environmental changes could have an effect on *Frankenia johnstonii*. There is a low pool of genetic variability because of the low numbers, resulting in a reduced ability of the species to tolerate stresses and loss of individuals. Any loss of individuals from these populations could cause irreversible decreases of the populations, especially when the added impacts of grazing are considered.

Critical Habitat

The Endangered Species Act of 1973 requires that Critical Habitat be determined at the time of listing, to the maximum extent prudent and determinable. If exact localities for *Frankenia johnstonii* were published in the **Federal Register**, the species might be additionally threatened by taking and vandalism. All populations occur on privately-owned lands and taking is not prohibited for plants on non-Federal lands by the Endangered Species Act of 1973, as amended. Since publication of Critical Habitat maps might make this

species more vulnerable to taking, it is not prudent to do so at this time.

Available Conservation Measures

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as Endangered or Threatened. This proposed rule requires Federal agencies to satisfy their statutory obligations with respect to this species, that is, as a proposed species, agencies are required under Section 7(a)(4) to informally confer with the Service on any action that is likely to jeopardize proposed species. This protection will now accrue to *Frankenia johnstonii*. A final rule, when published, will require Federal agencies to ensure that activities they authorize, fund or carry out are not likely to jeopardize the continued existence of *Frankenia johnstonii*. Provisions for Interagency Cooperation which implement Section 7 of the Act are codified at 50 CFR Part 402.

The Act and its implementing regulations published in the June 24, 1977, **Federal Register** set forth a series of general trade prohibitions and exceptions which apply to all Endangered plant species. The regulations are found at 50 CFR 17.61 and are summarized below. With respect to *Frankenia johnstonii* all trade prohibitions of Section 9(a)(2) of the Act, implemented by 50 CFR 17.61 would apply. The prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered species, under certain circumstances. International and interstate commerce trade in *Frankenia johnstonii* is not known to exist. It is not anticipated that many trade permits involving plants of wild origin would ever be issued since this plant is not common in the wild and is not presently in cultivation.

Section 9(a)(2)(B) of the Act, as amended in 1982, states that it is unalwful to remove and reduce to possession Endangered plant species from areas under Federal jurisdiction. This new prohibition will theoretically apply to *Frankenia johnstonii* when it is officially listed. Permits for exceptions to this prohibition are available through Section 10(a) of the Act, following the general approach of 50 CFR 17.62 and 17.63 until revised regulations are promulgated. However, this species is not known from Federal lands, so no effect from this regulation is expected.

Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903). It is anticipated that few taking permits for the species will ever be requested.

The Service will now review this species to determine whether it should be considered for placement upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, and whether it should be considered for other appropriate international agreements.

National Environmental Policy Act

A draft Environment Assessment has been prepared in conjunction with this proposal. It is on file in the Service's Regional Office (see Addresses section) and may be examined, by appointment, during regular business hours. This assessment will form the basis for a decision, to be made at publication of the final rule, as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500–1508).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited.

Comments particularly are sought concerning: (1) Biological or other relevant data concerning any threat (or the lack thereof) to *Frankenia johnstonii*;

(2) The location of any additional populations of *Frankenia johnstonii* and the reaons why any habitat of this species should or should not be determined to be Critical Habitat as provided by Section 4 of the Act; and

(3) Additional information concerning the range and distribution of this species.

Final promulgation of the regulations on *Frankenia johnstonii* will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Author

The primary author of this proposed rule is Sandra Limerick, Endangered Species Staff, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766–3972). A preliminary listing package was prepared by Barry S. Mulder, Office of Endangered Species, Washington, D.C. 20240 (7023/235–2760). Status information was provided by Dr. B. L. Turner, Department of Botany, University of Texas, Austin, Texas 78712. LaVerne Smith and John Paradiso of the Washington Office of Endangered Species served as editors.

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List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

§ 17.12 [Amended]

2. It is proposed to amend § 17.12(h) by adding, in alphabetical order, the following to the list of Endangered and Threatened plants:

Species			Status	When listed	Critical habitat	Special rules
Scientific name	Common name	Historic range				
* * *	*	*	*	*	*	*
FRANKENIACEAE—Frankenia family						
Frankenia johnstonii	Johnston's frankenia	U.S.A. (TX); Mexico (Nuevo Leon).	E		NA	NA
* * *	*	*	*	*	*	*

Dated: June 9, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-18401 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Permits and Prohibitions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: Revisions are proposed to 50 CFR Part 17 to implement certain aspects of the 1982 Congressional amendments to the Endangered Species Act of 1973. The proposed revisions would (1) provide, under limited circumstances, for permits to take endangered and threatened species incidental to, and not the purpose of, an otherwise lawful activity, and (2) add a prohibition against removing and reducing to possession, endangered and threatened plants from areas under Federal jurisdiction. An applicant for a permit for incidental taking would have to submit a conservation plan that specifies (1) the impacts that will likely result from such taking, (2) what steps the applicant will take to minimize and mitigate those impacts, (3) what other alternatives were analyzed that would not result in the takings, and (4) why those alternatives were not adopted. To issue the permit, the Service would have to find that the taking would be incidental, that the applicant will minimize and mitigate the impacts of the taking, that the applicant will ensure that there will be adequate funding for the conservation plan, and that appropriate measures will be taken by the permittee to successfully conduct the activities authorized by the permit.

Even though the proposed incidental taking regulations involve revisions to only parts of 50 CFR 17.22 and 17.32, the entirety of these sections is reprinted in this notice for the convenience of the reader.

DATE: Comments on this proposal must be received by August 8, 1983.

ADDRESS: Please address correspondence to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203. Information on this notice is available for review during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Larry LaRochelle, Staff Biologist, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203 (703/235-1903).

SUPPLEMENTARY INFORMATION: In authorizing appropriations to carry out the provisions of the 1973 Endangered Species Act for fiscal years 1983, 1984, and 1985, the 97th Congress of the United States enacted a number of changes known as the "Endangered Species Act Amendments of 1982." Among these amendments is a revision to section 10(a) of the Endangered Species Act giving the Secretary of the Interior more flexibility in regulating the incidental taking of endangered and threatened species. This provision establishes a procedure whereby those persons whose actions may affect endangered or threatened species may receive permits for the incidental taking of such species, provided the actions are not likely to jeopardize the continued existence of the species. This provision addresses the concerns of private landowners who are faced with having otherwise lawful actions not requiring Federal permits prevented by prohibitons against taking.

Another amendment revised section 9 of the Act to prohibit the removal and reduction to possession of any endangered or threatened plant that is on land under Federal jurisdiction.

Incidental Taking

As amended, section 10(a)(1)(B) of the Act authorizes the Secretary to permit any taking otherwise prohibited by section 9(a)(1)(B) of the Act if the taking is incidental to, and not the purpose of, an otherwise lawful activity. Section 10(a)(2)(A) requires each applicant for an incidental take permit to submit to the Secretary a conservation plan that specifies (i) the impact which will likely result from such taking; (ii) what steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps; (iii) what alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized; and (iv) such other measures that the Secretary may require as being necessary or appropriate for purposes of the plan.

Section 10(a)(2)(B) provides that the Secretary shall issue the permit if he finds that (i) the taking will be incidental; (ii) the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking; (iii) the applicant will ensure that adequate funding for the plan will be provided; (iv) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (v) any additional measures required by the Secretary as being necessary and appropriate for the purposes of the conservation plan will be met.

The following excerpts from the Conference Report on the Endangered Species Act Amendments of 1982 provides an extensive and useful discussion of the background and intended functioning of the revised incidental taking provisions of the Endangered Species Act:

> The Secretary will base his determination as to whether or not to grant the permit, in part, by using the same standard as found in section 7(a)(2) of the Act, as defined by Interior Department regulations [50 CFR 402.02], that is, whether the taking will appreciably reduce the likelihood of the survival and recovery of the species in the wild. Use of the regulatory language adopted by the Secretary of the Interior to implement section 7(a)(2) rather than the language of the provision itself eliminates the implication that other permits issued under section 10 do not require consultation and biological opinions issued pursuant to section 7. * *

As with all section 10 permits, the legislation provides that the Secretary shall prescribe terms and conditions to ensure that appropriate measures are taken by the applicant and shall revoke the permit if the permittee is not complying with those terms and

conditions. Because this provision contains its own explicit and detailed standards for the issuance of permits, it is exempted from the general permit conditions specified in section 10(d) of the Act.

Although the conservation plan is keyed to the permit provisions of the Act which only apply to listed species, conservation plans may address both listed and unlisted species.

In enacting the Endangered Species Act, Congress recognized that individual species should not be viewed in isolation, but must be viewed in terms of their relationship to the ecosystem of which they form a constituent element. Although the regulatory mechanisms of the Act focus on species that are formally listed as endangered or threatened, the purposes and policies of the act are far broader than simply providing for the conservation of individual species or individual members of listed species. This is consistent with the purposes of several other fish and wildlife statues (e.g. Fish and Wildlife Act of 1956, Fish and Wildlife Coordination Act) which are intended to authorize the Secretary to cooperate with the States and private entities on matters regarding conservation of all fish and wildlife resources of this nation. The conservation plan will implement the broader purposes of all of those statutes by allowing unlisted species to be addressed in the plan.

The Secretary may utilize this provision to approve conservation plans which provide long-term commitments regarding the conservation of listed as well as unlisted species and long-term assurances to the proponent of the conservation plan that the terms of the plan will be adhered to and that further mitigation requirements will only be imposed in accordance with the terms of the plan. In the event that an unlisted species addressed in an approved conservation plan is subsequently listed pursuant to the Act, no further mitigation requirements should be imposed if the conservation plan addressed the conservation of the species and its habitat as if the species were listed pursuant to the Act.

To the maximum extent possible, the Secretary [will] utilize this authority under this provision to encourage creative partnerships between the public and private sectors and among governmental agencies in the interest of species and habitat conservation.

A comprehensive conservation plan prepared pursuant to section 10(a) would be developed jointly between the appropriate Federal wildlife agency and the private sector or local or State governmental agencies. This provision is modeled after a habitat conservation plan that has been developed by three Northern California cities, the County of San Mateo, and private landowners and developers to provide for the conservation of the habitat of three endangered species and other unlisted species of concern within the San Bruno Mountain area of San Mateo County.

This provision will measurably reduce conflicts under the Act and will provide the institutional framework to permit cooperation between the public and private sectors in the interest of endangered species and habitat conservation.

The terms of this provision require a unique partnership between the public and private sectors in the interest of species and habitat conservation. However, it is recognized that significant development projects often take many years to complete and permit applicants may need long-term permits. In this situation, and in order to provide sufficient incentives for the private sector to participate in the development of such long-term conservation plans, plans which may involve the expenditure of hundreds of thousands if not millions of dollars, adequate assurances must be made to the financial and development communities that a section 10(a) permit can be made available for the life of the project. Thus, the Secretary should have the discretion to issue section 10(a) permits that run for periods significantly longer than are commonly provided for under current administration practices. In this regard the Committee notes that the existing permit regulations of the Department of the Interior contained in 50 CFR, Parts 13 and 17, do not establish a limit on the acceptable duration of section 10(a) permits. No particular time limit should be implied.

The Secretary is vested with broad discretion in carrying out the conservation plan provision to determine the appropriate length of any section 10(a) permit issued pursuant to this provision in light of all of the facts and circumstances of each individual case. Permits of 30 or more years duration may be appropriate in order to provide adequate assurances to the private sector to commit to long-term funding for conservation activities or long-term commitments to restrictions on the use of land. It is recognized that in issuing such permits, the Secretary will, be necessity, consider the possible positive and negative effects associated with permits of such duration.

The Secretary in determining whether to issue a long-term permit to carry out a conservation plan should consider the extent to which the conservation plan is likely to enhance the habitat of the listed species or increase the long-term survivability of the species or its ecosystem.

It is also recognized that circumstances and information may change over time and that the original plan might need to be revised. To address this situation the Committee expects that any plan approved for a long-term permit will contain a procedure by which the parties will deal with unforseen circumstances.

Because the San Bruno Mountain plan is the model for this long term permit and because the adequacy of similar conservation plans should be measured against the San Bruno plan, the Committee believes that the elements of this plan should be clearly understood. Large portions of the habitat on San Bruno Mountain are privately owned. Prior to the discovery of two species of endangered butterflies, the landowner planned to develop much of its land. The butterflies face threats to their existence, however, even in the absence of any development. The primary threats to the species consists of insuffficient regulation of recreational activities and encroachment on the species' habitat by brush and exotic species.

Prior to developing the conservation plan, the County of San Mateo conducted an independent exhaustive biological study which determined the location of the butterflies, and the location of their food plants. The biological study also developed substantial information regarding the habit and life cycles of the butterflies and other species of concern. The biological study was conducted over a two year period and at one point involved 50 field personnel.

The San Bruno Mountain Conservation Plan is based on this extensive biological study. The basic elements of the plan are the following:

1. The Conservation Plan addresses the habitat throughout the area and preserves sufficient habitat to allow for enhancement of the survival of the species. The plan protects in perpetuity at least 87 percent of the habitat of the listed butterflies;

2. The establishment of a funding program which will provide permanent on-going funding for important habitat managment and enhancement activities. Funding is to be provided through direct interim payments from landowners and developers and through permanent assessments on development units within the area;

3. The establishment of a permanent institutional structure to insure uniform

protection and conservation of the habitat throughout the area despite the division of the habitat by the overlapping jurisdiction of various governmental agencies and the complex pattern of private and public ownership of the habitat; and

4. A formal agreement between the parties to the plan which ensures that all elements of the plan will be implemented.

H.R. Rep. No. 835, 97th Cong. 2nd Sess. 29–32 (Sept. 17, 1982).

Subsequent to the submission of the Conference Report, the agreement implementing the San Bruno Mountain Conservation Plan was finalized and, on March 4, 1983, the Director of the Fish and Wildlife Service issued the first permit under the revised section 10(a) to the Country of San Mateo and the Cities of Brisbane, South San Francisco and Daly City. The permit term of the permit is 30 years. The Service agrees that the San Bruno permit, together with its supporting conservation plan, the agreement among the parties implementing the plan, other supporting documentation, and the cooperative and comprehensive natural of the process that led to the permit, should act as a model for all future proposed incidental take permits. The Service believes, in particular, that actions taken pursuant to this permit will protect and enhance to habitat and survival of the endangered species.

The Service proposes to implement the amended incidental take provisions of the Act by revising 50 CFR 17.22 (endangered species) and 50 CFR 17.32 (theatened species) by (1) redesignating current §§ 17.22(a)–(d) and 17.32(a)–(d) as §§ 17.22(a)(1)–(4) and 17.32(a)(1)–(4), respectively, (2) adding new §§ 17.22(b) and 17.32(b) that implement the revised incidental take provisions, and (3) redesignating current § 17.22(e) as § 17.22(c). The latter revision is intended to ensure that the current provisions for objections to permits to take endangered species apply to incidental take permits. Proposed revised §§ 17.22 and 17.32 are printed in their entirety in this notice because the entire sections have been renumbered and relettered. In addition, the Service proposes to define "incidental taking" in 50 CFR 17.3 as "any taking otherwise prohibited, if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." This language is taken from section 10(a)(1)(B) of the amended Act.

Prohibition on Removal or Reduction to Possession of Endangered Plants on Land Under Federal Jurisdiction

The Endangered Species Act Amendments of 1982 amended section 9 of the Act by redesignating subparagraphs (B), (C), and (D) of subsection (a)(2) as subparagraphs (C), (D), and (E) and by adding a new subparagraph (B) that prohibits removal or reduction to possession of endangered plants from areas under Federal jurisdiction. Prior to the 1982 Amendments to the Act, takings of endangered plants were not prohibited anywhere. As discussed in the Report of the Senate Committee on Environment and Public Works on the Endangered Species Act Amendments of 1982, amended section 9(a)(2)(B) of the Act prohibits, for example, collection of endangered plants from National Parks or lands administered by the Bureau of Land Management. Moreover, a violation would occur if an endangered plant were removed from its particular location on Federal land, even if it is not removed from the Federal land. As section 3(14) of the Act defines "plant" as any member of the plant kingdom, including seeds, roots and other parts of plants, removal of plant parts or cuttings is also prohibited. Unlike the section 9 prohibitions on taking endangered fish or wildlife, however, section 9(a)(2)(B) does not proscribe harm to endangered plants resulting from habitat modification. Section 9(a)(2)(B) also does not apply to areas other than those under Federal jurisdiction. *See* S. Rep. No. 418, 97th Cong., 2nd Sess. 26 (May 26, 1982).

The Service proposes to implement amended section 9(a)(2)(B) of the Act by redesignating current 50 CFR 17.61(c) and (d) as 50 CFR 17.61 (d) and (e) and adding a new § 17.61(c) that would prohibit removal or reduction to possession of any endangered plant from areas under Federal jurisdiction. In addition, 50 CFR 17.62(a)(1)(iii) and 17.72(a)(1)(iii) would be revised to require that applications to take endangered plants from the wild contain more precise geographic information on where takings will occur and contain information concerning the Federal agency having jurisdiction over the area. This provision would facilitate coordination among Federal agencies and ensure that the proper Federal agency is aware of the permit.

Miscellaneous

Current 50 CFR 17.22(c) and 17.32(c), which are proposed to be redesignated as §§ 17.22(a)(3) and 17.32(a)(3), would be altered slightly to make them consistent with each other and to make clear that each permit issued pursuant to these sections shall contain a condition requiring reporting of escaped wildlife covered by the permit.

New 50 CFR 17.62(a)(3)(iii) and 17.72(a)(3)(iii) would be added in compliance with the Paperwork Reduction Act, 44 U.S.C. 3507.

Required determinations: The Service has determined that these proposed regulations are categorically excluded from further National Environmental Policy Act (NEPA) requirements [Part 516 of the Departmental Manual, Chapter 6 Appendix I, section A(3) categorically excludes the issuance of regulatory procedures when the impacts are limited to administrative or technological effects].

The Department of the Interior has determined that this is not a major rule under Executive Order 12291, nor does it have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act. The potential applicants are not identified as small businesses in the Regulatory Flexibility Act. The Service anticipates that fewer than ten applications for permits will be received annually. The Determination of Effects on this proposed rule is available from the individual identified under the section "For further information contact."

Information Collection: The information collection requirements contained in this Part 17 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1018–0022.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine Mammals, Plants (agriculture).

Regulation Promulgation—Accordingly, under the authority of 16 U.S.C. 1538–39, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

§ 17.3 [Amended]

In § 17.3 add, in alphabetical order, the following definition:

* * * * *

Incidental taking means any taking otherwise prohibited, if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

* * * * *

2. Section 17.22 is revised to read as follows:

§ 17.22 Permits for scientific purposes, enhancement of propagation or survival, or for incidental taking.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.21, in accordance with the issuance criteria of this section, for scientific purposes, for enhancing propagation or survival, or for incidental taking of endangered wildlife. Such permits may authorize a single transaction, a series of transactions, or a number of activities over a specific period of time. (See § 17.32 for permits for threatened species.)

(a)(1) *Application requirements for permits for scientific purposes or for enhancement of propagation or survival.* Applications for permits under this paragraph must be submitted to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203, by the person who wishes to engage in the activity prohibited by § 17.21. Each application must be submitted on an official application (Form 3–200) provided by the Service, and must include as an attachment, all of the following information:

(i) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (taking, exporting, selling in interstate commerce, etc.);

(ii) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (A) is still in the wild, (B) has already been removed from the wild, or (C) was born in captivity;

(iii) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife;

(iv) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by the permit was born in captivity, the country and place where such wildlife was born;

(v) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(vi) If the applicant seeks to have live wildlife covered by the permit, a complete description, including photographs or diagrams of the facilities to house and/or care for the wildlife, and a resume of the experience of those persons who will be caring for the wildlife;

(vii) A full statement of the reasons why the applicant is justified in obtaining a permit including the details of the activities sought to be authorized by the permit;

(viii) If the application is for the purpose of enhancement of propagation, a statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook;

(ix) The information collection requirements contained in this paragraph have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018–0022. This information is being collected to provide information necessary to evaluate permit applications and make decisions, according to criteria established in various Federal wildlife and plant conservation statutes and regulations, on the issuance or denial of permits. The obligation to respond is required to obtain or retain a permit.

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a)(1) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(i) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(ii) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(iii) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(iv) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permits;

(v) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(vi) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(3) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this paragraph shall be subject to the special condition that the escape of living wildlife covered by the permit shall be immediately reported to the Service office designated in the permit.

(4) *Duration of permits.* The duration of permits issued under this paragraph shall be designated on the face of the permit.

(b)(1) *Application requirements for permits for incidental taking.* Applications for permits under this paragraph must be submitted to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22230, by the person who wishes to engage in the activity prohibited by § 17.21(c). Each application must be submitted on an official application (Form 3–200) provided by the Service, and must include as an attachment, all of the following information:

(i) A complete description of the activity sought to be authorized;

(ii) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species if known;

(iii) A conservation plan that specifies: (A) The impact which will likely result from such taking, (B) what steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps, (C) what alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized, and (D) such other measures that the Director may require as being necessary or appropriate for purposes of the plan;

(iv) The information collection requirements contained in this paragraph have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018–0022. This information is being collected to provide information necessary to evaluate permit applications. This information will be used to review permit applications and make decisions, according to criteria established in various Federal wildlife and plant conservation statutes and regulations, on the issuance or denial of permits. The obligation to respond is required to obtain or retain a permit.

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (b)(1) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the opinions or views of the public, scientists, or other persons or organizations having expertise concerning the wildlife or other matters germane to the application. To issue the permit, the Director must find that: (A) The taking will be incidental, (B) the applicant will, be the maximum extent practicable, minimize and mitigate the impacts of such taking; (C) the applicant will ensure that adequate funding for the conservation plan will be provided; (D) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (E) the measures, if any, required under subparagraph (b)(1)(iii)(D) will be met, and he has received such other assurances as he may require that the plan will be implemented.

(3) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this paragraph shall contain such terms and conditions as the Director deems necessary or appropriate to carry out the purposes of the permit including, but not limited to, such reporting requirements as he deems necessary for determining whether such terms and conditions are being complied with.

(4) *Duration of permits.* The duration of permits issued under this paragraph shall be such as to provide adequate assurances to the permittee to commit funding necessary for the activities authorized by the permit, including conservation activities and land use restrictions, and shall be designated on the face of the permit.

(5) *Revocation.* The Director shall revoke a permit issued under this paragraph if he finds that the permittee is not complying with the terms and conditions of the permit.

(c) *Objection to permit issuance.* (1) In regard to any notice of a permit application published in the Federal Register, any interested party that objects to the issuance, in whole or in part, of a permit, may, during the comment period specified in the notice, request notification of the final action to be taken on the application. A separate written request shall be made for each permit application. Such a request shall specify the Service's permit number of the application in question and state the reasons why that party believes the applicant does not meet the issuance criteria contained in §§ 13.21 and 17.22 or 17.23 of this subchapter or other reasons why the permit should not be issued.

(2) If the Service decides to issue a permit contrary to objections received pursuant to paragraph (c)(1) of this section, then the Service shall, at least ten days prior to issuance of the permit, make reasonable efforts to contact by telephone or other expedient means, any party who has made a request pursuant to paragraph (c)(1) of this section and inform that party of the issuance of the permit. However, the Service may reduce the time period or dispense with such notice, if it determines that time is of the essence and that delay in issuance of the permit would: (i) Harm the specimen or population involved; or (ii) unduly hinder the actions authorized under the permit.

(3) The Service will notify any party filing an objection and request for notice under paragraph (c)(1) of this section of the final action taken on the application, in writing. If the Service has reduced or dispensed with the notice period referred to in paragraph (c)(2) of this section, it will include its reasons therefor in such written notice.

3. Section 17.32 is revised to read as follows:

§ 17.32 Permits—general.

Upon receipt of a complete application the Director may issue a permit for any activity otherwise prohibited with regard to threatened wildlife. Such permit shall be governed by the provisions of this section unless a special rule applicable to the wildlife, appearing in §§ 17.40 to 17.48, of this part provides otherwise. Permits issued under this section must be for one of the following purposes: scientific purposes, or the enhancement of propagation or survival; or economic hardship; or zoological exhibition; or educational purposes; or incidental taking; or special purposes consistent with the purposes of the Act. Such permits may authorize a single transaction, a series of transactions or a number of activities over a specific period of time.

(a)(1) *Application requirements for scientific purposes, or the enhancement of propagation or survival; or economic hardship; or zoological exhibition; or educational purposes; or special purposes consistent with the purposes of the Act.* Applications for permits under this paragraph must be submitted to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203, by the person who wishes to engage in the prohibited activity. Each application must be submitted on an official application (Form 3–200) provided by the Service, and must include, as an attachment, as much of the following information which relates to the purpose for which the applicant is requesting a permit:

(i) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (taking, exporting, selling in interstate commerce, etc.);

(ii) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (A) is still in the wild, (B) has already been removed from the wild, or (C) was born in captivity;

(iii) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife;

(iv) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by the permit was born in captivity, the country and place where such wildlife was born;

(v) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(vi) If the applicant seeks to have live wildlife covered by the permit, a complete description, including photographs or diagrams of the facilities; to house and/or care for the wildlife and a resume of the experience of those persons who will be caring for the wildlife;

(vii) A full statement of the reasons why the applicant is justified in obtaining a permit including the details of the activities sought to be authorized by the permit;

(viii) If the application is for the purpose of enhancement of a propagation, a statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook;

(ix) The information collection requirements contained in this paragraph have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018–0022. This information is being collected to provide information necessary to evaluate permit applications and make decisions, according to criteria established in various Federal wildlife and plant

conservation statutes and regulations, on the issuance or denial of permits. The obligation to respond is required to obtain or retain a permit.

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a)(1) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(i) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(ii) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(iii) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(iv) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;

(v) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(vi) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(3) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this paragraph shall be subject to the special condition that the escape of living wildlife covered by the permit shall be immediately reported to the Service office designated in the permit.

(4) *Duration of permits.* The duration of permits issued under this paragraph shall be designated on the face of the permit.

(b)(1) *Application requirements for permits for incidental taking.* Applications for permits under this paragraph must be submitted to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203, by the person who wished to engage in the activity prohibited by § 17.31. Each application must be submitted on an official application (Form 3–200) provided by the Service, and must include as an attachment, all of the following information:

(i) A complete description of the activity sought to be authorized;

(ii) the common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, if known;

(iii) a conservation plan that specifies: (A) The impact which will likely result from such taking; (B) what steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps; (C) what alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized, and (D) such other measures that the Director may require as being necessary or appropriate for purposes of the plan;

(iv) The information collection requirements contained in this paragraph have been approved by the Office of Managment and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018–0022. This information is being collected to provide information necessary to evaluate permit applications and make decisions, according to criteria established in various Federal wildlife and plants conservation statutes and regulations, on the issuance or denial of permits. The obligation to respond is required to obtain or retain a permit.

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (b)(1) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the opinions or views of the public, scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application. To issue the permit, the Director must find that: (A) The taking will be incidental; (B) the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking; (C) the applicant will ensure that adequate funding for the conservation plan will be provided; (D) the taking will not appreciably reduce the likehood of the survival and recovery of the species in the wild; and (E) the measures, if any, required under subparagraph (b)(1)(iii)(D) will be met and he has received such other assurances as he may require that the plan will be implemented, the Director shall issue the permit.

(3) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this paragraph shall contain such terms and conditions as the Director deems necessary or appropriate to carry out the purpose of the permit including, but not limited to, such reporting requirements as he deems necessary for determining whether such terms and conditions are being complied with.

(4) *Duration of permits.* The duration of permits issued under this paragraph shall be such as to provide adequate assurance to the permittee to commit necessary for the activities authorized by the permit, including conservation activities and land use restrictions, and shall be designated on the face of the permit.

(5) *Revocation.* The Director shall revoke a permit issued under this paragraph if he finds that the permittee is not complying with the terms and conditions of the permit.

§ 17.61 [Amended]

4. Section 17.61(a) is amended by changing the letter "(d)" near the end of the paragraph to read "(e)".

5. Section 17.61 is amended by redesignating paragraphs (c) and (d) as (d) and (e), and by adding a new paragraph (c) to read as follows:

* * * * *

(c) *Remove and reduce to possession.* It is unlawful to remove and reduce to possession any endangered plant from areas under Federal jurisdiction.

* * * * *

6. Section 17.62(a)(1)(iii) is revised to read as follows:

§ 17.62 [Amended]

* * * * *

(a) * * *

(1) * * *

(iii) The year, country, state, county or any other description such as place name, township and range designation that will precisely place the location where taking occurred or will occur, name of Federal entity having jurisdiction over the area and the name, title, address and phone number of the person in charge.

* * * * *

7. Section 17.62 is amended by adding a new paragraph (a)(3)(iii) to read as follows:

* * * * *

(a) * * *

(3) * * *

(iii) The information collection requirements contained in this Section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018–0022. This information is being

collected to provide information necessary to evaluate permit applications and make decisions, according to criteria established in various Federal wildlife and plant conservation statutes and regulations, on the issuance or denial of permits. The obligation to respond is required to obtain or retain a permit.

* * * * *

8. Section 17.72(a)(1)(iii) is revised to read as follows:

§ 17.72 [Amended]

* * * * *

(a) * * *

(1) * * *

(iii) The year, country, state, county or any other description such as place, name, township and range designation that will precisely place, the location where taking occurred or will occur, name of Federal entity having jurisdiction over the area and the name, title, address and phone number of the person in charge.

* * * * *

9. Section 17.72 is revised by adding a new paragraph (a)(3)(iii) to read as follows:

* * * * *

(a) * * *

(3) * * *

(iii) The information collection requirements contained in this Section have been approved by the Office of Managment and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018–0022. This information is being collected to provide information necessary to evaluate permit applications and make decisions, according to criteria established in various Federal wildlife and plant conservation statutes and regulations, on the issuance or denial of permits. The obligation to respond is required to obtain or retain a permit.

* * * * *

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

May 19, 1983.

[FR Doc. 83-18492 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 132
Friday, July 8, 1983

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

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Advisory Committee Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following committee meeting:

Name: Federal Grain Inspection Service Advisory Committee.

Date: July 27, 1983.

Place: U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2096 South Building, Washington, D.C. 20250.

Time: 8:30 a.m.

Purpose: To enable the members to discuss and provide advice to the Administrator of the Federal Grain Inspection Service with respect to the efficient and economical implementation of the U.S. Grain Standards Act of 1976, in order to assure the normal movement of grain in an orderly and timely manner.

The agenda includes: (1) Financial matters; (2) grain moisture issues; (3) proposed changes to the scale regulations; (4) reports on the quality control plan, barge seal study, and grain standards proposals; (5) USDA role in grain elevator safety; and (6) other matters.

The meeting will be open to the public, but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meetings, should contact Dr. Kenneth A. Gilles, Administrator, FGIS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–0219.

Dated: July 1, 1983.

Kenneth A. Gilles,

Administrator.

[FR Doc. 83–18425 Filed 7–7–83; 8:45 am]

BILLING CODE 3410–02–M

Food and Nutrition Service

Fiscal Year 1984; Food Stamp Program State and Local Demonstration Project Initiatives

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of the availability of fiscal year 1984 Section 17(b)(1) demonstration projects financial assistance and waivers.

SUMMARY: With this Notice the Food and Nutrition Service (FNS) announces the availability of funds to assist State and local Food Stamp Program administrative jurisdictions in demonstrating State and/or local fraud prevention, detection and prosecution strategies and improved practices for reducing error and abuse in certification of program benefits. FNS invites potential grantees wishing to respond to this announcement to submit a preapplication, using Form AD–621. By requesting preapplications rather than full applications as original submissions, FNS hopes to keep to a minimum the costs involved in initial proposal preparation. Competing preapplications will be accepted and evaluated for full proposal solicitation and award. Financial assistance will be awarded as Grants or Cooperative Agreements. Waivers of provisions of the Food Stamp Act may be granted to support demonstration projects where such waivers are necessary and within the limitations placed on waivers by Section 17(b)(1) of the Act.

Financial assistance (beyond normal Federal matching of administrative funds) is not a precondition for waivers under Section 17. Unfunded demonstration projects will be considered within the same framework for technical evaluation and acceptance as proposals requesting Federal financial participation.

This program announcement consists of three parts. Part I covers background information, and general areas of potential demonstration activity. Part II describes the preapplication and application evaluation and selection process. Part III gives detailed guidance on how to prepare and submit a preapplication and includes copies of needed forms.

DATE: The closing date for receipt of preapplications is August 22, 1983.

ADDRESS: Preapplicatons should be submitted to Mr. Steve Rodriguez, Chief, Contracts Management Branch, Administrative Services Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302.

FOR FURTHER INFORMATION CONTACT: Marilyn Carpenter, Chief, Legislative Policy Planning and Demonstration Branch, Program Planning, Development and Support Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302 (703) 756–3383.

Part I—General Considerations

A. Background

In fiscal year 1981, FNS funded an initial group of State and local error reduction research and demonstration projects. This work is almost completed. The findings concerning these error reduction strategies are already being shared among State agencies, both directly and through professional groups such as the American Public Welfare Association. Final reports will be disseminated, increasing States' contribution to the literature and the process of improving program administration.

In fiscal year 1984, FNS will fund State and local demonstration projects to improve the prevention, detection and prosecution of fraud occurring in the certification process, including demonstrations of improved practices for reducing abuse and applicant errors due to misreporting and inaccurate replies. This is the second cycle of solicitations intended to provide a systematic mechanism for improving Food Stamp Program (FSP) certification operations through demonstration activities, and continues the framework of the earlier grants in providing opportunities for new developments in controlling error and fraud through sound managerial strategies. This is also one of many FNS actions under the "Operation Awareness" campaign to reduce program losses due to fraud, waste and abuse.

B. Classification

This Notice has been reviewed under Executive Order 12291. The Notice will not result in annual economic impacts of more than $100 million or major increases in costs or prices nor will it have a significant adverse effect on competition, employment productivity, investment, or foreign trade. Further, the

Notice is unrelated to the ability of United States based enterprises to compete with foreign based enterprises. Therefore, the Notice has been classified as "non-major."

This Notice also has been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164, September 19, 1980). The Administrator of the Food and Nutrition Service has certified that this action will not have a significant impact on a substantial number of small entities.

This Notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget.

C. Statutory Authorities

Subsection 17(b)(1) of the Food Stamp Act of 1977, as amended, gives the Secretary of Agriculture the authority to "conduct on a trial basis in one or more areas of the United States, pilot or experimental projects designed to test program changes that might increase the efficiency of the Food Stamp Program and improve the delivery of food stamp benefits to eligible households * * *. The Secretary may waive the requirements of the Act to the degree necessary for such projects to be conducted, except that no project * * * shall be implemented or provided waivers which would lower or further restrict the income or resource standards or benefit levels provided pursuant to sections 5 and 8 of this Act."

Subsection 18(a)(1) of the Act, as amended, authorizes the Secretary of Agriculture to use funds not in excess of one-fourth of one per centum of the previous year's appropriations to carry out the provisions of section 17 of the Act.

D. Governing OMB Circulars for Grant Administration

The FNS grant process is governed by USDA Uniform Federal Assistance Regulations (7 CFR Part 3015, **Federal Register** Volume 46, No. 217 55636) which primarily implement OMB Circular A-102 "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments," as well as A-87, A-21 and A-122. The application, reporting and recordkeeping, performance monitoring, and payment procedures established for these demonstration projects follow the requirements of 7 CFR Part 3015. Grantees/cooperators will be reminded of their obligations under this section in the Notice of Assistance Award.

E. Independent Evaluation

FNS will contract for a national evaluation of some or all of the demonstration projects selected and awarded assistance subsequent to this Notice. Grantees/cooperators may be precluded from bidding for the national evaluation contract. Such evaluation would not replace the requirement for each individual project to evaluate its own demonstration project effort. Grantees/cooperators will be asked to cooperate with the contractor by arranging convenient access to project staff and operations, and to records for data collection purposes. Additionally, FNS or its contractor may deliver technical assistance for project design methodologies and report writing as needed for maximum utility and transferability of project results.

F. Areas of Demonstration Project Activity

The scope of this solicitation is limited to State and local anti-fraud and error reduction efforts in the area of certification of households for FSP benefits. The issuance and redemption components of the benefit delivery system have been and are the subject of pilot tests and demonstration projects covered by other solicitations. The areas of retailer and wholesaler abuse in the program are areas of Federal responsibility and are likewise not covered here. Some examples of possible demonstration areas are listed below. Applicants should not be limited by these examples.

(1) *Prevention.* (a) Education programs which promote applicant awareness of responsibility for timely and accurate reporting and truthful replies as a means of preventing fraud and error.

(b) Strengthening the caseworker's role and performance in fraud prevention strategies, such as investigative interviewing techniques.

(c) Improve communication of fraud and error prevention activities among program staff, recipients, and the general public.

(d) Variations in monthly reporting and verification procedures.

(e) Agency vulnerability assessment programs.

(2) *Detection.* (a) Accelerated and computer assisted verfication strategies, such as records matching.

(b) Coordination of investigative case preparation training for caseworkers, investigators, and paraprofessional investigative case aids.

(c) Priorities and incentives for early investigation of suspected fraud.

(d) Peer and second party review systems.

(3) *Prosecution.* (a) Actions to counter fraud as supplements and alternatives to prosecution through the court system, such as administrative consent agreements.

(b) Accelerated claims collection systems.

Part II—Application

A. Eligible Applicants

Food Stamp Program "State agencies" are eligible applicants for assistance under Section 17(b)(1) to operate demonstration projects whose purpose is to improve program administration. Private and non-private organizations and public corporations may enter into subcontracts with State agenices for a portion of the grant activity but are not eligible for direct assistance from FNS under Section 17(b)(1) grants.

The Food Stamp Act defines "State agency" to mean:

(1) The agency of State government, including the local offices thereof, which has the responsibility for the administration of the federally aided public assistance programs within such State, and in those States where such assistance programs are operated on a decentralized basis, the term shall include the counterpart local agencies administering such programs, and (2) the tribal organization of an Indian tribe determined by the Secretary to be capable of effectively administering a food distribution program under section 4(b) of this Act or a Food Stamp Program under section 11(d) of this Act.

B. Duration and Performance

It is anticpated that most demonstration project funding will be awarded early in Fiscal Year 1984 while the formal calendar of activities will begin January 1, 1984.

These demonstration projects will be implemented in three separate and distinct phases. In Phase I grantees/cooperators will develop detailed design and documentation for the demonstration projects in coordination with FNS or its contractor. In the case of cooperative agreement formal authorization to proceed with the project will be made by FNS before the beginning of Phase II. The decision will take into consideration the results of performance to date, acceptability of deliverables, and the needs of the FSP Phase II operations will cover active research, date collection and demonstration. In Phase III the grantees/cooperators will conclude the analysis and final reporting requirements, including evaluation of the success and limitations of project results where possible.

Phase I—Detailed Design and Documentation (3 months)

This phase must be carried out with full cognizance of and attention to the numerous requirements, programmatic and economic, of the FSP and its operating environment. The end products of this phase are: (1) A research design and evaluation plan, (2) an operations plan, and (3) assurances of cooperation from essential agencies. Phase I is to be completed as stipulated in the award document but shall not last more than three months. FNS will review the research design and evaluation plan, the operating plan, and the assurances and respond within four weeks of receipt of project documentation. For grantees awarded assistance under the terms of a cooperative agreement, the authorization to proceed with Phase II will be provided in writing by FNS. FNS shall not be liable for any Phase II expenses incurred by these cooperators in the absence of this authorization.

(1) *Research Design and Evaluation Plan*—The research design and evaluation plan must be refined to reflect any modifications necessary to accommodate specific test site characteristics, research methods, or other changes requested by FNS, including specific evaluation components.

(2) *Operations Plan*—A comprehensive implementation plan for the operations of the demonstration activity must be prepared with active input form all major affected participant groups (program staff, law enforcement, systems analysts, etc.). This plan should include requests for any additional waivers, procedures unique to the project, forms, training plan, hiring and staffing, facilities, equipment, travel, and subcontracts as needed to implement full grant operations.

(3) *Assurances*—Grantees/cooperators will involve essential agencies in the development and review of the detailed design as described in the plans above. Essential agencies will provide written assurances/agreements to cooperate in the project operations so described.

Phase II—Demonstration Project Research and Operations (12 months)

During this period of performance, not to exceed twelve months, projects will be monitored by FNS against the assistance award document as modified by the Research Design and Evaluation Plan, Operating Plan, and the Assurances.

Phase III—Analysis and Final Report (3–5 months)

Grantees/cooperators shall submit an outline and draft final report on the design, development, and demonstration of the system, including if possible an evaluation of the effectiveness of the project and its products. This shall be submitted within one month of completion of Phase II depending on the length and volume of data collection and analysis required by the project Research Design and Evaluation Plan. FNS will review and comment on the draft within one month of receipt. The grantee shall provide a final report within one month after receipt of FNS comments.

C. Funding

FNS has set aside $2.5 million to support both the demonstrations and the contracted national evaluation effort. FNS plans to award five to eight grants or cooperative agreements. Depending on the nature and objectives of a demonstration project, FNS will pay up to 100 percent of the total cost. When a demonstration project involves an area of ongoing State agency administrative responsibility as established in regulations at § 271.4(a), FNS may pay up to 100 percent only of those administrative costs which exceed those usual and customary to program operations. All evaluation activity will be funded at 100 percent. The national evaluation contract is the subject of a separate solicitation.

D. Preapplication Form, Project Abstract and Program Narrative

Form AD–621 should be used in response to this Notice. The AD–621 is reprinted for your convenience at the end of this Notice. Copies of the form can also be obtained from FNS. See **"FOR FURTHER INFORMATION CONTACT"** at the beginning of this Notice. For detailed instructions on filling out the form AD–621, refer to Part III of this Notice.

The Project Abstract is a one-page description of the applicant's proposal. It should follow the format given below. On plain white bond, type (single-spaced):

- Title of preapplication (exactly as entered in item 7 on form AD–621).
- Name and address of applicant organization.
- Total project period, total cost and amount of Federal financial demonstration project assistance requested.
- Project abstract narrative summarizing, in nontechnical language, the proposed project. The abstract should be so clearly written that the following questions could be answered by a member of the general public who reads it: What is the specific purpose of the project? How is the project to be conducted? What difference might the results make? To whom?
- The name of the author(s), current relationship to the applicant, and proposed project role.

The Program Narrative section of the pre-application form (AD–621) should provide sufficient information to allow FNS to make a judgment on how the demonstration project will add to program knowledge, the proposer's ability to conduct the project, and the project's potential cost. At a minimum, the following information will be required:

(1) The added knowledge and/or the objectives of the demonstration project or problem(s) which the project is intended to address;

(2) A brief description of the demographic and administrative characteristics of the proposed demonstration project site;

(3) A description of the demonstration project's research design, evaluation, and operation in sufficient detail to demonstrate the proposer's development of the concept;

(4) A brief description of the qualifications of the staff which will be responsible for the development and conduct of the demonstration project and evaluation with reference to prior experience with similar efforts; and

(5) Estimated project cost, including an identification of that portion of the cost the potential grantee would be willing to share. Attach worksheets to show costs separately budgeted for each distinct phase of grant activity as discussed in Part II. B. above.

E. Preapplication Screening Requirements

All preapplications that meet the deadline will be screened to determine completeness and conformity to this accouncement. Complete, conforming preapplications will then be reviewed and evaluated competitively. In order for a preapplication to be in conformance it must meet all of the following requirements.

(1) *Number of copies:* An original signed preapplication and eight copies must be submitted by the State agency.

(2) *Length:* The narrative portion of the preapplication should not exceed 10 double-spaced pages (or five single-spaced pages) typewritten on one side of the paper only.

(3) *Agriculture Department Form 621:* The preapplication must include an AD-621 completed according to instructions.

(4) *Certification:* The preapplication must be signed by an official of the applicant organization having authority to legally obligate the applicant.

(5) *Eligibility:* The applicant must be an eligible entity as defined in this announcement.

(6) *FNS' Priorities:* The concept or project embodied in the preapplication should address either of these areas: (a) Fraud prevention, detection and prosecution actions to counter fraud in the Food Stamp Program benefit certification, or (b) improved practices for reducing error, misreporting, fraud, and abuse in certification.

F. Preapplication Evaluation Criteria

Federal Procedures. Preapplications for demonstration projects shall be reviewed by a panel consisting of appropriate FNS and USDA departmental representatives. Representatives from other U.S. Federal Departments and agencies may be invited to participate in preapplication review where proposed project could affect their programs. Preapplications will be judged on these criteria:

(1) How well project ideas conform to the priority policy areas mentioned in this announcement (20 points);

(2) The research/project design (40 points); and

(3) The proposer's ability to conduct the project (40 points)

Initial cost review will be conducted. Request for full applications will be in order of merit and priority.

G. Notice of Review Action.

Applicants will be informed of the results of the review of the preapplication forms submitted to FNS within 45 days of the receipt of the preapplication. If the review cannot be made within 45 days, the applicant shall be informed by letter as to when the review will be completed. Successful applicants will be invited to submit full proposals by a closing date to be announced at that time but no sooner than 30 days from the date of notification. At the same time, FNS will inform the potential grantees/cooperators of any modifications to the project scope which are considered necessary.

H. Application

The full application would be expected to contain, at a minimum, the following information:

(1) A detailed research/project design statement which would include:

(a) A statement of goals;

(b) A description of the project scope;

(c) A description of the operational procedures;

(d) Identification of statutory and/or regulatory waivers necessary to implement project operations; and

(e) A description of data sources to be used in the research, data collection methodology, a schedule for integrating data collection with other project components, and an analysis plan for use of the data within the scope of the project. Potential for evaluation of project success should also be discussed.

(2) A work plan describing specific tasks for project implementation and operation, including timeframes for task accomplishments and description of products to be generated.

(3) A management plan, which would include the identification and expected level of commitment of all groups or agencies to be involved in the research/project, the names of persons and/or job descriptions for key personnel, and a description of all facilities, equipment and other resources available to the applicant;

(4) A brief economic and demographic profile of the project jurisdiction, including the characteristics of persons currently participating in the program and an estimate of potential eligibles; and

(5) A budget summary and supporting justification for each identified cost element.

I. Application Evaluation Criteria

Full applications will be evaluated according to the following general criteria.

(1) The conceptual development and clarity of measurable objectives. (30 points)

(2) Probable effectiveness of the proposal to achieve the project objectives based on:

(a) A complete description of the purpose, hypothesis, and demonstration. (15 points)

(b) The adequacy of the work plan, indicating tasks, scheduling, and methodology. (15 points)

(c) A technical evaluation plan consistent with the objectives stated. (10 points)

(3) The capability of the applicant to conduct the product based on:

(a) A description of the qualifications of staff. (5 points)

(b) Availability of necessary facilities, staff, and other resources. (5 points)

(c) Administrative and supervisory capacity. (5 points)

(d) Knowledge of or previous experience in conducting demonstration, research, or evaluation projects. (5 points)

(4) Benefits in relation to projected costs and potential nationwide application. (5 points)

(5) The relationship of the proposal to other similar demonstration, research, or evaluation efforts. (5 points)

The costs and budgets for technically competent proposals will be separately reviewed. The proposed price will be considered. No numerical rating will be assigned to the cost review. Awards will be in order of merit and priority.

Applications deficient in two or more of these areas of evauation but proposing to demonstrate anti-fraud strategies of significant merit may be funded as cooperative agreements with the governing reserving the option not to fund the project after the first quarter until these criteria have been satisfactorily addressed. Cooperative agreements are similar to grants except that: (1) Federal participation in the assistance activity is substantial in partnership with the receiver of the grant-in-aid, and (2) the suspension and termination remedies of the Federal Government exceed the remedies of A-102 for grants.

J. Notice of Assistance Award

Successful proposals and negotiations will result in the issuance of a Notice of Assistance Award. The award will set forth the amount of the assistance, the purpose of the assistance, the terms and conditions of the assistance, the grantee or cooperator's level of financial participation, the effective date of the assistance, and the budget period of the assistance. Unsuccessful applicants will be notified in writing that their proposals have either not been selected for funding or are being held for consideration at a future date.

The assistance awards resulting from this notice will be awarded in Fiscal Year 1984. It is recognized that the operational period for the majority of such grants will extend beyond Fiscal Year 1984.

K. Public Notice

After award, if the demonstration project will have a significant impact on the public FNS will issue a General Notice as provided in 7 CFR 282.5(a). If required, an Amended General Notice will be issued as provided in 7 CFR 282.5(b) and further public comments received and reviewed prior to demonstration project operation.

Part III—Instructions for Completing Preapplication

A. Preapplication Package

Each preapplication package should include an original and a minimum of eight additional copies of the preapplication (See Seciton B below). Each copy should be stapled (back and front) in the upper left corner. The original copy of the preapplication must have an original signature. In order to facilitate handling, please do not use covers, binders or tabs. Do not incur additional expenses to produce or mail such materials such as agency promotion brochures, slides, tapes, film clips, etc., at this time.

B. Content of Preapplication

Each copy of the preapplication must contain in the order listed each of the following items:

(1) Form AD–621, pages 1 and 5 completed according to the instructions given in Part III.C. Attach budget worksheet in support of funding requested.

(2) Project abstract completed according to instructions given in Part II.D.

(3) Project narrative, preferably no more than 10 pages long, double-spaced and typewritten on one side only (or five pages single-spaced), completed according to instructions given in Part II. D.

C. Preparing the Preapplication Form AD–621

Preapplication Form AD–621, pages 1 and 5 are attached for your convenience. Copies are available from the agency information contact. We suggest that you reproduce them and type your application on the copies. Prepare your preapplication in accordance with the following instructions:

(1) Instructions for Form AD–621, page 1: Complete item numbers 1–14, 17, 20, 22 and 23 only. Specific instructions are as follows:

Item 1. Mark "preapplication" box.

Item 2a. Applicant's own number, if desired.

Item 2b. Date preapplication is submitted.

Item 3a. Number if assigned by State clearinghouse or, if delegated by State, by areawide clearinghouse.

Item 3.b. Date applicant notified of clearinghouse identifier.

Item 4a.–4h. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

Item 5. Employer identification number of applicant as assigned by Internal Revenue Service.

Item 6a. As entered on example.

Item 6b. As entered on example.

Item 7. Thue title should briefly and clearly describe the focus of the proposed project and be selected with public understanding of the value of the project in mind.

Item 8. As entered on example.

Item 9. As entered on example.

Item 10. List project operation sites, or statewide.

Item 11. Enter number of persons participating in the Food Stamp Program in the project operation sites.

Item 12. As entered on example.

Item 13. Amount requested or to be contributed by each contributor during the total period of the grant. (Refer to Part II. Preapplication Screening Requirements, for the limits of Federal funding.) Include value of in-kind contributions if appropriate.

Item 14a. Enter the number of the congressional district where the applicant's principal office is located.

Item 14b. Enter the number of the congressional district(s) where the project will be located.

Item 17. Estimated number of months to complete project after Federal funds are available.

Item 20. As entered on example.

Item 22. Self-explanatory. (b) Leave blank at preaplication stage.

Item 23. Self explanatory.

(2) Instructions for Form AD–621, page 5: Complete Part II, item numbers 1, 2, 3 and 10 only; Part III, line numbers 1, 6, 8, 9 and 10 only; and Part IV. Specific instructions are as follows:

Part II of the Form

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions:

Item 1. Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

Item 2. Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

Item 3. Attach the clearinghouse comments for the preapplication in accordance with the procedure used by your State as outlined in Executive Order 12372.

Items 4–9. Leave blank.

Item 10. Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status and the amount of each project where there is related previous, pending or anticipated assistance. Use additional sheets, if needed.

Item 11. Leave blank.

Part III of the Form

Line 1, column (a) and (b) as entered in example. Column (c) and (d) leave blank. Enter in Column (e) the estimated amount of Federal funds needed to support the project.

Item Lines 2–5. Leave blank.

Line 6. Show the total for line 1 for column (e).

Line 7. Leave blank unless the applicant is a county and the State as "FSP State agency" will financially participate in the demonstration activities.

Line 8. Enter the estimated amount of funds and value of in-kind contributions the applicants will provide to the program or project in column (e).

Line 9. Enter the amount of assistance, including the value of in-kind contributions, expected from all other contributors in colum (e).

Line 10. Enter the total of column (e). Attach budget worksheet in support of funding requested.

Part IV of the Form

Follow instructions given in Part II.D. of this notice.

BILLING CODE 3410-30-M

U.S. DEPARTMENT OF AGRICULTURE

OMB Approval No. 80-R0190

PREAPPLICATION FOR FEDERAL ASSISTANCE

FEDERAL ASSISTANCE

1. TYPE OF ACTION (Mark appropriate box)
- [X] PREAPPLICATION
- [ ] APPLICATION
- [ ] NOTIFICATION OF INTENT (Opt.)
- [ ] REPORT OF FEDERAL ACTION

2. APPLICANT'S APPLICATION — a. NUMBER; b. DATE (Year month day) 19

3. STATE APPLICATION IDENTIFIER — a. NUMBER; b. DATE (Year month day) ASSIGNED 19

Leave Blank

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
- a. Applicant Name :
- b. Organization Unit :
- c. Street/P.O. Box :
- d. City :
- e. County :
- f. State :
- g. ZIP Code:
- h. Contact Person (Name & telephone No.) :

5. FEDERAL EMPLOYER IDENTIFICATION NO.

6. PROGRAM (From Federal Catalog)
- a. NUMBER 10.551
- b. TITLE Food Stamps

7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT

8. TYPE OF APPLICANT/RECIPIENT
A-State; B-Interstate; C-Substate District; D-County; E-City; F-School District; G-Special Purpose District; H-Community Action Agency; I-Higher Educational Institution; J-Indian Tribe; K-Other (Specify): FSP State Agency
Enter appropriate letter: K

9. TYPE OF ASSISTANCE
A-Basic Grant; B-Supplemental Grant; C-Loan; D-Insurance; E-Other
Enter appropriate letter(s): A

10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)

11. ESTIMATED NUMBER OF PERSONS BENEFITING

12. TYPE OF APPLICATION
A-New; B-Renewal; C-Revision; D-Continuation; E-Augmentation
Enter appropriate letter: A

13. PROPOSED FUNDING

a. FEDERAL	$ .00
b. APPLICANT	.00
c. STATE	.00
d. LOCAL	.00
e. OTHER	.00
f. TOTAL	$ .00

14. CONGRESSIONAL DISTRICTS OF:
- a. APPLICANT
- b. PROJECT

15. TYPE OF CHANGE (For 12c or 12e)
A-Increase Dollars; B-Decrease Dollars; C-Increase Duration; D-Decrease Duration; E-Cancellation; F-Other (Specify):
Enter appropriate letter(s):

16. PROJECT START DATE (Year month day) 19

17. PROJECT DURATION (Months)

18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY (Year month day) 19

19. EXISTING FEDERAL IDENTIFICATION NUMBER

20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)
Family Nutrition Programs, Food and Nutrition Service, USDA 22302

21. REMARKS ADDED
[ ] Yes [ ] No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT ▶
a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached:

	No response	Response attached
(1)	[ ]	[ ]
(2)	[ ]	[ ]
(3)	[ ]	[ ]

23. CERTIFYING REPRESENTATIVE
- a. TYPED NAME AND TITLE
- b. SIGNATURE
- c. DATE SIGNED (Year month day) 19

SECTION III—FEDERAL AGENCY ACTION

24. AGENCY NAME

25. APPLICATION RECEIVED (Year month day) 19

26. ORGANIZATIONAL UNIT

27. ADMINISTRATIVE OFFICE

28. FEDERAL APPLICATION IDENTIFICATION

29. ADDRESS

30. FEDERAL GRANT IDENTIFICATION

31. ACTION TAKEN
- [ ] a. AWARDED
- [ ] b. REJECTED
- [ ] c. RETURNED FOR AMENDMENT
- [ ] d. DEFERRED
- [ ] e. WITHDRAWN

32. FUNDING

a. FEDERAL	$ .00
b. APPLICANT	.00
c. STATE	.00
d. LOCAL	.00
e. OTHER	.00
f. TOTAL	$ .00

33. ACTION DATE ▶ (Year month day) 19

34. STARTING DATE (Year month day) 19

35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)

36. ENDING DATE (Year month day) 19

37. REMARKS ADDED
[ ] Yes [ ] No

38. FEDERAL AGENCY A-95 ACTION
a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.

b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)

U.S. DEPARTMENT OF AGRICULTURE

OMB NO. 80-R0187

PREAPPLICATION FOR FEDERAL ASSISTANCE

PART II

	(Check one) Yes	No
1. Does this assistance request require State, local, regional or other priority rating?		
2. Does this assistance require State or local advisory, educational or health clearance?		
3. Does this assistance request require Clearinghouse review?		
4. Does this assistance request require State, local, regional or other planning approval?		
5. Is the proposed project covered by an approved comprehensive plan?		
6. Will the assistance requested serve a Fedefal installation?		
7. Will the assistance requested be on Federal land or installation?		
8. Will the assistance requested have an effect on the environment?		
9. Will the assistance requested cause the displacement of individuals, families, businesses, or farms?		
10. Is there other related assistance for this project previous, pending, or anticipated?		
11. Is the project in a designated flood hazard area?		

PART III – PROJECT BUDGET

FEDERAL CATALOG NUMBER (a)	TYPE OF ASSISTANCE LOAN, GRANT, ETC. (b)	FIRST BUDGET PERIOD (c)	BALANCE OF PROJECT (d)	TOTAL (e)
1. 10.551	Grant			
2.				
3.				
4.				
5.				
6. Total Federal Contribution		$		$
7. State Contribution				
8. Applicant Contribution				
9. Other Contributions				
10. Totals				$

PART IV – PROGRAM NARRATIVE STATEMENT

(Attach per instruction)

BILLING CODE 3410-30-C

D. The Preapplication Submission Process

The preapplication should be submitted in an original and eight copies to Mr. Steve Rodriguez, chief; Contracts Management Branch; Administrative Services Division; Food and Nutrition Service, USDA; 3101 Park Center Drive; Alexandria, Virginia 22302. The closing date for receipt of preapplications is forty-five calendar days following the date of publication of this Notice in the **Federal Register.**

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Program No. 10.551 Food Stamps)

Dated: July 5, 1983.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 83-18453 Filed 7-7-83; 8:45 am]

BILLING CODE 3410-30-M

Food Stamp Program; Alternative Issuance Demonstration Projects

AGENCY: Food and Nutrition Service, USDA.

ACTION: General notice.

SUMMARY: The Department is hereby notifying the public of its intent to implement demonstration projects testing alternative systems for issuing food stamp benefits. One alternative will test paper-based alternatives to the existing system, including the re-design of the current food coupon. The second is a test of the application of electronic funds transfer technologies to the delivery and control of program benefits. These projects are conducted under the authority of Section 17 of the 1977 Food Stamp Act as amended. Public comment is invited.

DATE: Comments must be received by August 8, 1983 to ensure consideration.

ADDRESS: Comments should be submitted to Marilyn Carpenter, Chief, Legislative Policy, Planning and Demonstration Branch; Program Planning, Development and Support Division; Family Nutrition Programs; Food and Nutrition Services, USDA; Alexandria, Virginia 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 am to 5:00 pm, Monday through Friday) at 3101 Park Center Drive; Alexandria, Virginia, Room 714.

FOR FURTHER INFORMATION CONTACT: If you have any questions, contact Ms. Carpenter at the above address or by telephone at (703) 756–3383.

SUPPLEMENTARY INFORMATION: In accordance with 7 CFR 282.5, this General Notice establishes the specific operational procedures and explains the basis and purpose for the alternative issuance demonstration projects. If comments received in response to this notice result, in the opinion of the Department, in a need for significantly changed operational procedures, an amended General Notice advising of such changes will be published in the **Federal Register.**

Classification

This notice has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been classified "not major." The notice will not have an annual effect on the economy of $100 million or more, nor is it likely to result in a major increase in costs or prices for consumers; individual industries; Federal, State or local government agencies; or geographic regions. Because this notice will not have a major effect on the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, or innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This notice has also been reviewed with regard to the requirements of the Regulatory Flexibility Act, Pub. L. 96–354. Mr. Robert E. Leard, Administrator of the Food and Nutrition Service (FNS), has certified that this action will not have a significant economic impact on a substantial number of small entities because it will be conducted in limited areas. State and local welfare agencies will be affected to the extent that they are involved in administering these alternative systems. Food retailers and banks will be affected to the extent that they agree to participate in the test. Individuals participating in the Food Stamp Program and living in an area operating an alternative issuance system will be affected to the extent that they will be using a new benefit issuance instrument and be subject to new issuance procedures.

Note.—This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

Background and Purpose

Authorization and delivery of food stamp benefits are currently performed using several different types of issuance systems. These current systems, by the nature of their design, are vulnerable to certain types of fraud and abuse. The Department, as part of a general effort to improve the efficiency and integrity of the Food Stamp Program, is examining alternate means of issuing food stamp benefits

On May 29, 1981, FNS issued a Notice of Intent in the **Federal Register** (46 FR 28885) announcing its intention to sponsor alternative issuance demonstration projects and inviting interested State and local agencies to submit ideas for the development and testing of alternative issuance systems. On November 23, 1981, FNS advised the respondents to the May 1981 solicitation that the project selection process was temporarily suspended. This suspension was to take advantage of a feasibility study being conducted.

The feasibility study was undertaken to assess the economical, technical and programmatic feasibility of the use of electronic funds transfer (EFT) technologies in the transfer of program benefits. The results of this study indicated that EFT technology could be applied to the Food Stamp Program, but that cost-effective EFT systems might not be feasible in all environments. With this in mind, the Department chose to experiment with alternative issuance systems in two ways: (1) A paper-based benefit transfer (PBT) system and (2) electronic benefit transfer (EBT) systems using EFT technology. The Department also chose, in the interest of assuming more direct control over projects and assuring a more general applicability, to directly solicit proposals from offerors from the private sector.

While this approach was being decided, the respondents to the May 29, 1981 notice were advised on April 30, 1982, and in a public notice in the **Federal Register** on July 16, 1982, that FNS encouraged States to continue to explore specific alternatives to or innovations in the current system on their own, such as modifications or improvements in food coupons, and other possible paper alternatives. The States were also informed that FNS would be happy to work with those wanting to test some of these systems and would assist in identifying needed waivers.

The State of Kentucky is pursuing this option by proposing an alternative paper-based issuance system. FNS is interested in this proposal and has agreed, following a successful pilot phase, to test it statewide. In preparation for the system's implementation, Kentucky has taken numerous steps to notify the public of

developments and to involve those interested and concerned in decisions being made along the way. These steps have included six public meetings in September and October of 1982 to discuss possible alternatives to the current system, seven public meetings in January 1983 to answer questions and hear concerns on the proposed system, and two telecasts on public television, with previous notice provided to all recipients, community leaders and advocacy groups, describing the proposed system. Kentucky has also established four technical advisory committees (recipients/advocates, retailers, financial institutions, local food stamp office staff) which have met to share approaches considered and to gather insight into benefits or problems of various approaches.

In accordance with the General Notice requirements of 7 CFR 282.5, FNS is providing the following description of the operational procedures of these various projects. Public comment is invited.

Kentucky PBT

The Kentucky issuance demonstration is part of the State's larger effort to automate their certification and issuance process, known as the Kentucky Automated Certification and Issuance System (KACIS). This demonstration will use a paper instrument which, within the context of the entire issuance system, is expected to convey benefits more securely than the current coupons. The Kentucky strategy is to use a personalized coupon which can be used only by the household to which it was issued or their authorized representative. Currently, coupons are developed by FNS and contain no household identifying information (see Section 7(c) of the 1977 Food Stamp Act, as amended). The Kentucky coupons will be personalized by printing names and identification numbers on the coupons. This will permit a complete and detailed audit trail. It is anticipated that this audit trail will allow improved monitoring of Program transactions and enforcement of fraud prevention regulations.

Under the KACIS system, the recipient household will continue to receive the benefits by mail in the 116 counties which currently use a mail issuance system. Issuance will be staggered over a 20 workday cycle instead of the 15 day stagger currently used and provided for in 7 CFR 274.2. In the four remaining urban counties, the household will continue to pick up their coupons at the currently established sites until such time that an evaluation indicates that benefits in these counties can be safely mailed directly to the household. In all cases, the household will also receive by mail, under a separate cover, an ID card with identifying information encoded on a magnetic stripe. This ID card will be renewed every six months.

The household will need to establish, before the coupons are accepted by the retailer for a transaction, that it is entitled to the benefits. This will be done by producing the magnetic ID card for on-line verification of identity. Identifying information on the magnetic stripe will be machine read and the coupon numbers will be entered by the cashier. This information will be electronically transferred to the central issuance file whereby verification of the customer's authority to use the coupons is made and the file is updated reflecting the purchase. If the presenter of the coupons is not entitled to use the coupons, the KACIS system will advise the retailer that the coupons are invalid and should not be accepted. Acceptance of the coupons by the retailer in this instance, or failure to use the on-line verification for identity verification, will result in the retailer being held liable for any improper transactions.

Should the system become unavailable due to mechanical or system failure, which is anticipated to be a rare occurrence, backup procedures will be used to permit the retailer to accept coupons in good faith. First, a visual match will be made of the household name embossed on the ID with that on the coupons. The unique ID card number would then be copied onto the coupons. That number and the coupon numbers would subsequently be entered into the system when it again becomes available. This subsequent entry will be distinquishable from normal transactions for reconciliation and audit trail purposes.

Coupons in the KACIS systems will differ from the current system in the denominations printed and issued to recipients. Coupons will be printed in $1, $2, $5, $10 and $20 denominations in lieu of the $1, $5, and $10 denominations currently printed. Coupons will no longer be prebound in booklets as is currently done, but will be bound in one or more booklets as part of the printing and issuance process. Consequently, the FNS issuance tables will no longer be used as currently required by 7 CFR 274.2. Coupons will also have an expiration date of 90 days, after which they cannot be used. If a household has not used an expired coupon, the coupon may be exchanged for new ones at the food stamp office or other designated points. Currently, coupons do not have an expiration date. The purpose of this limitation is to provide for better accountability of coupons in circulation.

Under KACIS, recipients will not receive cash change for purchases in excess of the 99¢ currently permitted (see 7 CFR 274.10). The KACIS system will avoid the need for change to the greatest extent possible by issuing larger amounts of small coupon denominations. The recipient household may request benefits to be issued in denominations which best suit its shopping needs. If the household is left with coupons in larger denominations than desired, the coupons may be exchanged for smaller denominations at the food stamp office or other designated points. This will be in lieu of the current system which permits the use of uncancelled one-dollar coupons for change (see 7 CFR 278.2 and, generally, 7 CFR 274.10).

The KACIS redemption and reconciliation process will differ from the current process by using EFT technology for payment in lieu of the current coupon cycle used by financial institutions and the Federal Reserve. The information generated by the on-line verification process will be used to develop payment tapes to initiate payments to the financial institutions of the respective retailers. Consequently, this system will entail different roles and/or procedures for retailers, wholesalers, financial institutions and the Federal Reserve than those provided in 7 CFR Part 278. The financial institutions and the Federal Reserve will no longer be processing coupons. Micro-encoding on the coupons will, however, permit machine processing of coupons in a post-payment audit. The coupons will be picked up from the retailers, who will batch them as they do currently. The coupons will subsequently be matched against the payments already initiated.

The KACIS system will permit reconciliation and reporting at each point in the issuance cycle. The audit trail will be able to establish when, where, and by whom coupons were transacted. The final reporting will be able to reconcile those benefits issued with those benefits redeemed by households at the retailers, as well as with payments made by FNS through the Federal Reserve.

The coupon production, inventory storage and management, and destruction requirements for the KACIS system will differ from those requirements for the current system provided in 7 CFR Part 274. Security will be maintained, though the measures

used will be tailored to the proposed system.

Prior to statewide implementation of the Kentucky issuance demonstration, a pilot will operate in a smaller area for at least three months. During this time, operations will be analyzed, and concerns and problems rectified prior to statewide implementation. Special attention will be given to recipient acceptance of change making procedures and to impacts on the retailers' processing of transactions. Following completion of a successful pilot, the demonstration will be fully operational for 31 months with an option to renew for two additional years should the Department determine that additional study would be warranted.

Electronic Benefit Transfer (EBT)

In addition to KACIS, the Department will conduct directly a limited number of demonstration projects concentrating on EBT. The EBT systems being considered will totally eliminate the paper food stamp and rely instead on the electronic transfer of benefits for delivery to recipients and redemption at the retailers. Households certified under these systems will be issued uniquely identified access devices in lieu of the current food coupon. A common access device proposed is a plastic credit-type card. At the store, payment for eligible food items would be made by electronically transfering program benefits from the participant's food stamp account to the retail grocer's credit. The participant's account will be automatically debited by the amount of the purchase made.

While all proposed systems will issue an access device to the recipients in lieu of coupons, the function of these devices may vary according to the system. In the proposed on-line systems, using information provided on the household's card, the cashier will access a centrally located computer file, via a telephone or direct terminal link, to verify the household's entitlement and allotment balance. The information on the card may be magnetically encoded to permit mechanical access to the file and to conceal the identifying information. The sale will then be completed in the normal manner and the household's account in the central file debited for the amount of the sale. This proposed system is very similar to credit authorization systems currently in use at retail stores.

In the proposed off-line systems, the allotment balances will be recorded on the plastic card rather than in a central computer file. This process involves the embedding of a small micro-processor chip in a plastic card. At the time of each food purchase, the cashier will access the information on the participant's card, using a card reading device. Through the use of this same device, the amount of the sale will be recorded, and the balance available on the card reduced by the amount of the transaction. Each month, the household's allotment information will be recorded on the card, at the food stamp office or other designated point, and the amount of each subsequent food purchase debited from the card's total at the point of sale.

Varying means of recipient identification are being considered under proposed systems, all of which use a Personal Identification Number (PIN) which the recipient would enter on a number pad at the Point of Sale. As with the PBT systems, the recipient will need to establish that he/she is entitled to the benefits. The retailer will be responsible for denying purchases if this cannot be established.

Due to the nature of EBT systems, cash change for purchases will not be necessary. The recipient's remaining benefits will remain stored, awaiting the next purchase. There may be an expiration date beyond which recipients might need to comply with certain procedures in order to gain access to the unused portion.

In some off-line systems, participating retailers will be responsible for depositing each electronic benefit transfer in their financial institutions, either directly or through a third party. This could be in the form of cassettes identifying the benfits transacted by recipients. The benefits may flow through the redemption cycle on-line, thus bypassing many of the current coupon steps. Under EBT systems, the financial institutions and Federal Reserve will be operating under different procedures than are currently used.

As with the proposed PBT systems, the EBT systems under consideration will create a complete audit trail and greatly facilitate indepth reconciliation and reporting capabilities. In addition, it is expected that this application of EBT technology to food stamp benefit issuance will eliminate or significantly reduce many of the opportunities for fraud existent in the current system, while at the same time, improving accountability and security.

The EBT demonstrations will be operational for 18 months.

General Food Stamp Requirements

Each PBT and EBT demonstration will be required to meet certain requirements. These include:

1. Provision for minimal disruption of recipient's access to retail outlets by ensuring the cooperation of a wide variety of currently participating retailers.

2. Assurance that recipients receive equal treatment at the retailers when transacting coupons. While there may be some limitation to the number of check-out lanes which have equipment for transacting benefits, excessive waiting time for recipients beyond that for other shoppers will be unacceptable.

3. The ability to meet expedited service requirements.

4. The ability to convert benefits into regular coupons when household moves to an area not in the demonstration. (Retailers in the demonstration area will continue to accept regular coupons for recipients from outside the demonstration area.)

5. The availability of a back-up system for emergency use when proposed system is inoperative for any reason.

6. The reporting to FNS of information regarding such areas as issuance, participation and redemption, similar or equivalent to what is currently received.

Implementation

Prior to implementation of each demonstration, the following steps will be taken:

1. Notice will be provided to retailers and recipients formally announcing project implementation and describing responsibilities.

2. A new agreement will be arranged with the Federal Reserve covering new methods to be used for Treasury payments.

3. Training on the new system will be provided for recipients, State agency staff, retailers, and financial institutions.

4. Evaluation plan will be finalized and baseline data collected.

All of the demonstration projects are expected to become operational in Fiscal Year 1984.

Robert E. Leard,

Administrator, Food and Nutrition Service.

July 5, 1983.

[FR Doc. 83-18452 Filed 7-7-83; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Land and Resource Management Plan; Modoc National Forest, California; Intent to Reevaluate Roadless Areas

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. 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 nonwilderness areas during the Forest planning process.

The reevaluation of areas on the Modoc National Forest will be done as part of the Forest's land and resource management plan.

During the reevaluation process, current management and protection policies and activities in the roadless areas will be continued. Wilderness values will be protected in areas recommended in RARE II for wilderness, and management for other uses will continue in areas recommended for nonwilderness.

On the Modoc National Forest, 5 roadless areas containing 1,940 acres were recommended for wilderness and 19 roadless areas of 196,540 acres were recommended for other than wilderness. These areas will now be reevaluated. They included:

Name	Gross acres	Net national forest acres
Callahan Flow	6,000	6,000
Mt. Hoffman	10,350	10,150
Knox Mountain	5,900	5,600
Sears Flat	12,500	12,000
Lavas	25,400	25,400
Damon Butte	24,700	24,700
Dobe Flat	12,900	12,900
Burnt Lava Flow	8,550	8,550
Hat Mountain	9,900	9,900
Mt. Vida	9,100	9,000
Bear Camp Flat	2,300	2,300
Soldier	9,400	9,400
Powley	6,200	6,000
Granger	400	400
Pepperdine	370	370
Parker	200	200
Mill (A)	670	670
Jess	300	300
Parsnip	8,200	8,200
Dry	7,100	7,100
Steele Swamp	20,000	20,000
Big Canyon	6,400	6,400
Crane Mountain	2,400	1,800
Mt. Bidwell (A)	11,760	11,140

Information on the roadless areas and the reevaluation process will be distributed to individuals on the Forest mailing list and to other individuals and organizations requesting a copy. In addition, there will be an open house held daily during normal working hours, 8:00 a.m. to 4:30 p.m., from July 25, 1983 through August 12, 1983, at the Forest Supervisor's Office, 441 North Main Street, Alturas, California, to further explain, discuss, and gather information about the roadless areas and the reevaluation process.

For a copy of information on the roadless areas to be reevaluated on the Modoc National Forest, and for further information, contact: Nancy Gardner, Public Affairs Officer, Modoc National Forest, 441 North Main Street, Alturas, CA 96101, Phone (916) 233-5811.

Dated: June 30, 1983.

Glenn Bradley,

Forest Supervisor, Modoc National Forest.

[FR Doc. 83-18496 Filed 7-7-83; 8:45 am]

BILLING CODE 3410-11-M

Draft Environmental Impact Statement on Vegetation Management for Reforestation—Pacific Southwest Region, California, Nevada—Mineral, Esmeralda, Carson City, Douglas and Washoe Counties, Oregon—Jackson County; Clarification and Notice of Public Participation Activities

Point of clarification and notice of public participation activities (formal hearings and public briefings) related to the Pacific Southwest Region's Draft Environmental Impact Statement on Vegetation Management for Reforestation.

Clarification: The title of the DEIS has been changed from "Competing Vegetation During Re-establishment of Forests on National Forest Lands in the Pacific Southwest Region" to "Vegetation Management for Reforestation". The original title was published on October 26, 1981 in Vol. 46 #208 of the **Federal Register.** The corrected title was published June 13, 1983 in Vol. 48 #114 of the **Federal Register.**

Notice of Public Participation Activities: The Forest Service will be conducting FORMAL PUBLIC HEARINGS and PUBLIC BRIEFINGS as follows:

Formal Public Hearings—Provide the public the opportunity to present oral testimony and/or written comment on the DEIS to a Hearing Officer. Proceedings and presentations are documented by a hearing recorder. Formal public hearings are scheduled for:

Place	Date	Time—location
Eureka	Aug. 9, 1983	1:30-5:00 p.m., 7:00-10:00 p.m., Red Lion Motor Inn, 1929 4th Street, Eureka, Calif.
Sacramento	Aug. 16, 1983	1:30-5:00 p.m., 7:00-10:00 p.m., Sacramento Community/ Convention Center, 1100 14th Street (14th & K), Sacramento, Calif.
Redding	Aug. 18, 1983	1:30-5:00 p.m., 7:00-10:00 p.m., Shasta High School, Room 29, Redding, Calif.

Public Briefing—Provide the public information on the format and content of the draft Environmental Impact Statement through explanation, questions and discussion. No formal oral input time will be scheduled, but provisions will be made to receive written comments. Public briefings are scheduled for:

Place	Date	Time—location
Fresno	July 28, 1983	7:00-10:00 p.m., Fashion Fair, North 1st & E. Shaw Avenue, Fresno, Calif.
Sacramento	Aug. 3, 1983	1:30-5:00 p.m., 7:00-10:00 p.m., Sacramento Community/ Convention Center, 1100 14th Street (14th & K), Sacramento, Calif.
Sonora	Aug. 4, 1983	7:00-10:00 p.m., Stanislaus Forest, Supervisors Office, 19777 Greenley Road, Sonora Calif.
Quincy	Aug. 8, 1983	7:00-10:00 p.m., Quincy High School Cafeteria, Hwy. 70, Quincy, Calif.
Truckee	Aug. 10, 1983	7:30-10:00 p.m., Truckee Donner Recreation & Park District, Church Street, Truckee, Calif.
Redding	do	1:30-5:00 p.m., 7:00-10:00 p.m., Shasta High School, Room 29, Redding, Calif.
Chico	Aug. 11, 1983	7:30-9:30 p.m., Card Community Center, 545 Vallonbrosa Ave., Chico, Calif.

Place	Date	Time—location
Santa Rosa	Aug. 15, 1983	7:30–9:30 p.m., Veteran's Memorial, 1351 Maple Avenue, Santa Rosa, Calif.

Notices will be published in local newspapers prior to the scheduled activity.

Federal, State and local agencies, and individuals and organizations who may be interested or affected by the guidelines proposed in this document are invited to participate. Because of printing delays the review and comment period has changed to July 1, 1983 through August 31, 1983. Comments on the DEIS must be postmarked no later than August 31, 1983.

The responsible official is Zane G. Smith, Jr., Regional Forester, Pacific Southwest Region, 630 Sansome Street, San Francisco, California 94111.

Comments or inquiries about the DEIS should be mailed to Don Beilefield in the Office of Information at the above address.

Dated: July 1, 1983.

W. Jane Westenberger,

Director, Office of Information.

[FR Doc. 83-18455 Filed 7-7-83; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Western Farmers Electric Cooperative, Inc., Environmental Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Finding 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 Bulletin 20–21:320–21, Environmental Policies and Procedures, has made a Finding of No Significant Impact (FONSI) with respect to proposed financing assistance to Western Farmers Electric Cooperative, Inc., (WFEC) of Anadarko, Oklahoma, for construction of 138 kV and 69 kV transmission facilities in 15 counties of southern and central Oklahoma.

FOR FURTHER INFORMATION CONTACT: REA's FONSI and Environmental Assessment (EA) and WFEC's Borrower's Environmental Report (BER) with supplement may be reviewed in the office of the Chief, Distribution and Transmission Engineering Branch, Southwest Area-Electric, Room 0009, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 382–1915, or at the office of Western Farmers Electric Cooperative, Inc. (Leon L. Wicks, Interim Manager), Northeast 7th Street, P.O. Box 429, Anadarko, Oklahoma 73005, telephone (405) 247–3351, during regular business hours.

SUPPLEMENTARY INFORMATION: REA, in connection with a request for financing assistance from WFEC, has reviewed the BER with supplement submitted by WFEC and has determined that it represents an accurate assessment of the environmental impact of the proposed construction of 415 km (257 mi) of 138 kV transmission line, 9.7 km (6 mi) of 69 kV transmission line, eight 0.2 ha (0.4 a) 138 kV substations, the rebuilding of 116 km (72 mi) of 69 kV transmission line to 138 kV and the conversion of 17 substations and expansion of three switch stations to 138 kV.

REA finds that the proposed projects will have no effect on cultural resources, threatened and endangered species or wetlands and no significant adverse impact on important farmland and floodplains.

Approximately 8 percent of the pole structures will be located within the 100-year floodplain associated with 23 of the rivers and streams crossed. Small amounts of land classified as prime farmland will also be impacted by pole structures. The environmental effects will be minimal.

REA has determined that there is a demonstrated, significant need for the project and that there are no practicable alternative actions that would reduce the 0.1 ha (0.2 a) of important farmland to be converted or the number of pole structures that will encroach upon floodplains.

Alternatives examined include: (1) Maintain the existing wheeling contacts with Oklahoma Gas & Electric Company (no action), (2) enter into wheeling agreements with Public Service Company of Oklahoma, and (3) construction of a 345 kV transmission line from the Hugo Power Plant to west central Oklahoma. Alternative line routes and substation sites for the proposed projects were also examined. After reviewing these alternatives, REA determined that the proposed projects are an acceptable alternative which meets WFEC 's needs with a minimum of adverse impacts.

Based upon the BER and supplement, REA prepared an Environmental Assessment concerning the proposed projects and their impacts. REA concluded that the proposed financing assistance would not be a major Federal action significantly affecting the quality of the human environment.

In accordance with REA Bulletin 20–21:320–21, dated January 21, 1980, WFEC advertised and requested comments on the environmental aspects of the project in newspapers local to Blaine, Byran, Caddo, Carter, Cleveland, Custer, Jefferson, Kingfisher, Logan, Love, Marshall, Okfuskee, Pottawatomie, Seminole and Stephens Counties, Oklahoma. No comments were received.

The program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: June 28, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-18061 Filed 7-7-83; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Finding of No Significant Impact; Shoal Creek Watershed, Georgia

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Dwight M. Treadway, State Conservationist, Soil Conservation Service, 355 E. Hancock Avenue (P.O. Box 832), Athens, Georgia 30613, telephone 404-546-2273.

Notice: 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 Shoal Creek Watershed, Marion County, Georgia.

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, Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns are rill, sheet, and gully erosion affecting cropland and county maintained roads. The planned works of improvement include cost-sharing and accelerated technical assistance to increase the application of

land treatment measures such as terraces, grassed waterways, no-till, critical area planting, etc.

The Finding of No Significant Impact (FONSI) and a copy of the Environmental Assessment have been forwarded to the Environmental Protection Agency, Federal, State, and local agencies, and interested parties. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Dwight M. Treadway. A limited number of copies of the environmental assessment are available to fill single copy requests at the above address.

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. 10.904, Watershed Protection and Flood Prevention 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: July 1, 1983

Donald K. Stewart,

Assistant State Conservationist for Water Resources.

[FR Doc. 83-18403 Filed 7-7-83; 8:45 am]

BILLING CODE 3410-16-M

Carlton County Road #1 Thomson Township Roadside Critical Area Treatment RC&D Measure, Minnesota; 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 the Carlton County Road #1 Thomson Township Roadside Critical Area Treatment RC&D Measure, Carlton County, Minnesota.

FOR FURTHER INFORMATION CONTACT: Mr. Donald G. Ferren, State Conservationist, Soil Conservation Service, 316 North Robert Street, Room 200, St. Paul, Minnesota, 55101, telephone 612-725-7675.

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. Donald G. Ferren, 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 critical area treatment. The planned works of improvement include conservation practices such as grassed waterway, subsurface drainage, and rock lined waterway.

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 request at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Donald G. Ferren.

No administrative action on implementation of the proposal will be taken until 39 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 No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: July 1, 1983.

Donald G. Ferren,

State Conservationist.

[FR Doc. 83-18413 Filed 7-7-83; 8:45 am]

BILLING CODE 3410-16-M

South Clarksville Flood Prevention RC&D Measure, Arkansas; 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 the South Clarksville Flood Prevention RC&D Measure, Johnson County, Arkansas.

FOR FURTHER INFORMATION CONTACT: Jack C. Davis, State Conservationist, Soil Conservation Service, Post Office Box 2323, Little Rock, Arkansas 72203, telephone 501-378-5445.

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, Jack C. Davis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for urban flood prevention. The project will protect 27 units of a multi-housing development from inside flooding caused by the 100-year storm. The planned works of improvement is 2,300 feet of channel enlargement, lined with rock riprap. Pipe drop inlets will be installed at specific locations along the channel.

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 Jack C. Davis.

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 clearing house review of Federal and federally assisted programs and projects is applicable)

Dated: June 30, 1983.

Jack C. Davis,

State Conservationist.

[FR Doc. 83-18422 Filed 7-7-83; 8:45 am]

BILLING CODE 3410-16-M

Tuscumbia River Watershed, Mississippi and Tennessee; Intent To Prepare Environmental Impact Statement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

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 Guidlines (7 CFR Part 650); the Soil conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Tuscumbia River Watershed, Alcorn and Prentiss Counties, Mississippi and McNairy County, Tennessee.

FOR FURTHER INFORMATION CONTACT: A. E. Sullivan, State Conservationist, Soil Conservation Service, 1321 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269, telephone 601–960–5205.

SUPPLEMENTARY INFORMATION: The environmental essessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, A. E. Sullivan, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for flood prevention. Alternatives under consideration to reach these objectives include nine floodwater retarding structures, some channel modifications andm a conservation easement on a tract of bottomland hardwoods.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. Further information on the proposed action may be obtained from A. E. Sullivan, state Conservationist, at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention 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 28, 1983.

A. E. Sullivan,

State Conservationist.

[FR Doc.83-18471 Filed 7-7-83; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Preliminary Affirmative Countervailing Duty Determination; Portland Hydraulic Cement and Cement Clinker From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary Affirmative Countervailing Duty Determination.

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to the manufacturers, producers, or exporters in Mexico of portland hydraulic cement and cement clinker, as described in the "Scope of Investigation" section of this notice. The estimated net subsidy is 5.69 percent *ad valorem*. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the products subject to this determination which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or bond on these products in the amount equal to the estimated net subsidy. If this investigation proceeds normally, we will make our final determination by September 14, 1983.

EFFECTIVE DATE: July 8, 1983.

FOR FURTHER INFORMATION CONTACT: Mary Martin or Rick Herring, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377–1778 or 377–3963.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe that benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to producers or exporters in Mexico of portland hydraulic cement and cement clinker, as described in the "Scope of Investigation" section of this notice.

We find the net estimated bounty or grant to be 5.69 percent *ad valorem*.

Case History

On March 8, 1983, we received a petition from counsel for Gifford-Hill Cement Company, Kaiser Cement Corporation, Monolith Portland Cement Company, and the United Cement, Lime, Gypsum, and Allied Workers International Union, AFL/CIO, CLC, filed on behalf of the United States industry producing portland hydraulic cement and cement clinker. The petition alleges that the government of Mexico bestows bounties or grants upon the production or exportation of portland hydraulic cement and cement clinker within the meaning of section 303 of the Act.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation and on March 28, 1983, we initiated a countervailing duty investigation (48 FR 14019). We stated that we would issue a preliminary determination on or before June 1, 1983.

We determined this case to be "extraordinary complicated" and on May 12, 1983, the preliminary determination was postponed until not later than July 1, 1983 (48 FR 22606).

Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and, therefore, section 303 of the Act applies to this investigation. The merchandise being investigated is nondutiable, but there are no "international obligations" within the meaning of section 303(a)(2) of the Act which require an injury determination for nondutiable merchandise from Mexico. Therefore, under this section the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

On April 14, 1983, we presented a questionnaire concerning the allegations in the petition to the government of Mexico in Washington, D.C. On June 3, 1983, we received the response to our questionnaire from the government of Mexico.

We received a request from one exporter asking that a separate rate be calculated for it. We preliminarily determine that this exporter has not received materially different benefits. To our knowledge there are no restrictions preventing any cement exporter from receiving any of the benefits preliminarily determined to be countervailable though some may not have benefited from those programs during the period for which we are measuring subsidization.

Scope of Investigation

The products covered by this investigation are portland hydraulic cement and cement clinker, which are currently imported under items 511.1420 and 511.1440 of the *Tariff Schedules of the United States Annotated (TSUSA)*. This investigation covers portland

hydraulic cement and cement clinker other than white, non-staining.

The period for which we are measuring subsidization is January 1, 1982 to December 31, 1982. For the preliminary determination we are measuring subsidization on the basis of benefits received by those cement companies which exported to the United States.

Analysis of Programs

In its response, the government of Mexico provided data for the applicable periods. Based upon our analysis of the petition and the response to our questionnaire, we determine the following:

I. Programs Preliminarily Determined to Confer Bounties or Grants

We preliminarily determine that a bounty or grant is provided to manufacturers, producers, or exporters in Mexico of portland hydraulic cement and cement clinker (cement) under the programs listed below.

A. *Fund for the promotion of Exports of Mexican Manufactured Products (FOMEX).* The Fund for the Promotion of Exports of Mexican Manufactured products (FOMEX) is a trust established by the government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury Department with the Bank of Mexico acting as the trustee. The Bank of Mexico administers the financing of FOMEX loans through financial institutions which establish contracts for lines of credit with manufcturers and exporters.

In order for a company to be eligibe for FOMEX financing for exports, the following requirements must be met: (1) The product to be manufactured must be included on a list made public by FOMEX; (2) the articles to be exported must have a minimum of 30 percent national content in direct production costs; (3) loans granted for pre-export must be in Mexican currency, while loans for export sales are established in U.S. dollars or any other foreign currency acceptable to the Bank of Mexico; and (4) the exporter must carry insurance against commercial risks to the extent of the loans. The maximum annual interest rate that credit institutions may charge borrowers for FOMEX pre-export financing is 8 percent, in Mexican pesos. The maximum annual interest rate for FOMEX export financing is 6 percent.

One cement company in Mexico received short-term pre-export financing at 7 percent from FOMEX for exports of cement during the period for which we are measuring subsidization. Since FOMEX pre-export financing is at interest rates less than those for comparable commercially available loans, we preliminarily determine that this program confers a bounty or grant upon the cement industry.

To calculate the benefit from these loans we used as a benchmark for the commercial interest rate in Mexico the monthly average commercial interest rate for peso-dominated loans during the months in which the company received FOMEX financing. These rates were 75.7, 70.8, 70.6, and 72.4 percent, respectively. The rates were provided by the U.S. Embassy in Mexico from *Economic Indicators*, which is published by the Bank of Mexico. We computed the difference in interest between the FOMEX loans and that which would have been incurred had the loans been made at the benchmark commercial rates of interest. We allocated the amount of the benefits over the value of all exports of cement. Exports were used because FOMEX financing operates and is intended to stimulate export performance over domestic sales. On this basis, we calculated an *ad valorem* benefit of 0.25 percent.

B. *Fund for Industrial Development (FONEI).* FONEI is a specialized financial development fund, administered by the Bank of Mexico, which grants long-term credit at below market rates for the creation, expansion or modernization of enterpises in order to foster the efficient production of industrial goods, the production of goods capable of competing in the international market, and industrial decentralization. FONEI loans are available under various programs having different eligibility requirements.

Two cement companies had FONEI loans outstanding during the period for which we are measuring subsidization. One loan was received for the expansion of a cement manufacturing plant. This loan was received in 1973 and the interest rate of this loan was 7 percent. The other FONEI loan was received in 1980 for the acquisition of pollution control equipment (for further information regarding this loan see section II F).

FONEI loans for plant expansion are only available to companies located outside of Zone III A. Because such loans are limited to particular geographic regions and are made at rates inconsistent with commercial considerations, we preliminarily determine that FONEI loans for plant expansion confer a countervailable benefit to the cement industry.

We used as our benchmark for the commercial rate of interest in Mexico, the commercial rate for comparable peso-dominated loans available at the time of the FONEI loan in 1973. According to the government of Mexico response, comparable commercial loans at that time were available at 14 percent.

We computed the difference in payment between the FONEI loan and that which would have been incurred had this loan been made at the benchmark commercial rate of interest. We allocated the amount of benefit from this loan over the total sales value of cement of those companies which exported to the United States during 1982. We determine the net amount of bounty or grant to be 0.01 percent *ad valorem*.

C. *Certificates of Fiscal Promotion (CEPROFI's).* In 1979 the government of Mexico introduced a four-year National Industrial Development Plan (NIDP) which sets forth broad economic goals for the country. Tax credits, which are called CEPROFI's, are used to promote the NIDP goals, which include increased employment, encouragement of regional decentralization, and industrial development, particularly of small and medium-sized firms.

CEPROFI certificates are tax certificates of fixed value which may be used for a five-year period to pay federal taxes. Certain CEPROFI certificates are granted for carrying out investments in "priority" industrial activities; others are available to all industries on equal terms.

Cement companies received two types of CEPROFI's which we have preliminarily determined to be countervailable. We determine that CEPROFI's received by the cement industry for new plant investment and capacity expansion, and for investment in machinery and equipment to increase productivity are countervailable because these types of CEPROFI's are targeted to a specific "priority of industry."

We allocated these CEPROFI benefits received by the cement exporters in 1982 over the total sales of cement of those companies which exported to the United States during 1982, which results in a net bounty or grant of 5.21 percent *ad valorem*.

D. *Immediate Depreciation Allowance.* The cement industry may begin immediate depreciation of capital goods. Depreciation for most industries normally begins only after the capital good is actually being used. Depreciation for the cement industry may begin after the receipt of CEPROFI's. The usual time period between receipt of CEPROFI's and equipment utilization is normally a

matter of months in cases of plant expansion. For construction of new plants, it may be three years or more between the time depreciation begins with the receipt of CEPROFI's and the time the plant is completed and made ready for operation.

Therefore, the cement industry may begin depreciation from three months to three years before depreciation would normally begin without this special allowance.

We determine that the immediate depreciation allowance confers a countervailable benefit to the cement industry, because this allowance is targeted to a specific industry. Cement companies were authorized to use the immediate depreciation allowance under a development program established for the cement industry.

To calculate the benefit received by this program we took the 1982 tax savings incurred by the cement exporters by their use of immediate depreciation and divided that by the total sales of cement for these companies for that year. On this basis, we calculated an *ad valorem* benefit of 0.22 percent.

II. Programs Determined Not To Be Countervailable

We preliminarily determine that the following programs do not confer bounties or grants upon the manufacturers, producers, or exporters in Mexico of portland hydraulic cement and cement clinker (cement).

A. *Preferential Prices on Petroleum Products Used to Produce Cement.* According to petitioners, approximately 50 percent of the direct cement manufacturing cost is attributable to heavy fuel oil and electricity. Petitioners allege that under the National Industrial Development Plan (NIDP) the Mexican Government, through Petroleos Mexicans (PEMEX), maintains a two-tier price structure on heavy fuel oil, both tiers of which provide preferential benefits to the cement industry.

In Mexico, PEMEX is the special government entity which owns and controls production of petroleum products which are used as an energy source in producing cement. Petitioners claim the alleged first-tier benefit is granted under the NIDP, and results from the differences between the government-controlled domestic prices on petroleum products paid by Mexican cement producers and the higher "world market prices" paid by U.S. producers. The second-tier benefit allegedly consists of a preferential 30 percent discount on heavy fuel oil to cement producers. Petitioners claim this price discount is given by the Mexican government to qualifying enterprises, including the cement companies, which are located in certain priority development regions established under the NIDP. For our determination regarding this allegation of a second-tier level of benefits see section III J.

Regarding the first-tier benefit, the price of Mexican heavy fuel oil in the export market was substantially higher than the domestic price of heavy fuel oil within Mexico during the period for which we are measuring subsidization. The existence of a price differential between export and domestic sales of heavy fuel oil does not, in and of itself, confer a bounty or grant on cement producers within Mexico. Rather, we follow the criteria in section 771(5) of the Act to determine whether this practice confers either an export or domestic bounty or grant. While this investigation is governed procedurally by section 303 of the Act, the analysis of programs is based on Title VII of the Act (*See* section 103(b) of the Trade Agreements Act of 1979).

On this basis, we determine that the pricing differential for export and domestic sales of Mexican heavy fuel oil confers neither an export subsidy nor a domestic subsidy upon the Mexican cement industry. The pricing differential does not confer a benefit contingent upon export performance or stimulate export sales of cement over domestic sales. Nor does it benefit a "specific enterprise or industry, or group of enterprises or industries" under section 771(5)(B) of the Act within Mexico.

In addition, the petitioners stated that not all Mexican industries may purchase heavy fuel oil at the same price. According to the government of Mexico response, the price of heavy fuel oil for industrial use is uniform in Mexico and does not vary by type of industry or customer purchasing the fuel except as stated in section III J. Since all industrial users of heavy fuel oil can obtain this good at the same price, this fuel is not provided at a preferential price to a "specific enterprise or industry, or group of enterprises or industries" except as stated in section III J. In addition, the price to all industrial users of heavy fuel oil is not contingent upon export performance. Nor do we have any information that the pricing policy for industrial users is operated to stimulate export sales over domestic sales. Therefore, the price of heavy fuel oil to industrial users confers neither a domestic nor an export bounty or grant.

B. *Preferential Rates on Commercial Risk Insurance.* The petitioner alleges that the cement industry has benefited from preferential rates on commercial risk insurance through the Compania Mexicana de Seguros de Credito (COMESEC). COMESEC, which provides export insurance, was specifically established by law, although it is owned by private insurance companies, according to the government of Mexico response only one company received commercial risk insurance from COMESEC.

The response of the Mexican government states that no preferential rates were given. In addition, according to that response the rates that COMESEC charged the manufacturers, producers, or exporters cover COMESEC's long-term operating costs and losses on insurance operations. Therefore, we preliminarily determine this program does not confer a countervailable benefit.

C. *Tax Exempt Status of Workers' Cooperatives.* Petitioners allege that a cement company categorized as a workers' cooperative may be exporting cement to the United States. Under Mexican law, it is claimed that such cooperatives are exempt from federal income taxes. Petitioners claim that this is a countervailable benefit.

According to the Mexican government there are two cement companies which are workers' cooperatives, or Cooperative Societies, and under the income tax law they are exempt from the payment of federal income tax. The government states that this benefit is not targeted to specific industries or to companies in specific regions or to exports.

We preliminarily determine that this program is not countervailable because it is not targeted to a specific industry, group of industries, or to companies located in specific regions of the country.

D. *Dual Exchange Rate System.* It has been alleged that companies in Mexico may receive exchange rate benefits on exports, because when exchanging pesos for dollars to make foreign purchases, they are allowed to convert currency at a "controlled" rate, but that they are entitled to exchange export proceeds at the free market rate. Currently, the controlled rate is less than the "free" rate of exchange.

According to the government of Mexico, any company which obtains dollars from the government at the controlled rate to purchase imports is also obligated to deposit and exchange dollars earned from exports for pesos at the controlled rate. In previous determinations regarding the dual exchange rate in Mexico, we determined that, when the controlled rate applies to both exchanges of pesos to dollars for import purchases and exchanges of

dollars earned by exports to pesos, there is no countervailable benefit.

We preliminarily determine that the dual currency exchange rate system does not confer a bounty or grant to the manufacturers producers, or exporters in Mexico of cement, because when the controlled rate is used to exchange pesos to dollars for import purchases, the controlled rate must also be used when converting dollars earned by exports to pesos. This results in no net benefit to the company.

E. *CEPROFI's for Creation of Jobs, Wage Increases, and Mexican Goods.* CEPROFI's received by the cement industry for the creation of jobs, purchase of Mexican-made capital goods, and for wage increases were not limited to a specific industry, group of industries, or to companies located in specific regions of the country. We preliminarily determine these types of CEPROFI not to be countervailable because they are not targeted to a specific industry, groups of industries, or to industries located in specific regions of the country.

F. *FONELI Loan for Pollution Equipment.* FONEI is a specialized financial development fund which is administered by the Bank of Mexico. For further information on this program see section I B. In 1980 a cement company received a FONEI loan for the acquisition of environmental control equipment. The purchase of this equipment was necessary for the company to comply with federal antipollution requirements.

We preliminarily determine that the FONEI loan for acquisition of environmental control equipment to comply with federal antipollution requirements is not countervailable, because this type of loan is not targeted to a specific industry, groups of industries, or to industries located in specific regions of the country.

III. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that the following programs have not been used by manufacturers, producers, or exporters of portland hydraulic cement and cement clinker (cement).

A. *Guarantee and Development Fund for Medium and Small Industries (FOGAIN).* FOGAIN provides financing at interest rates below prevailing commercial rates to small and medium sized firms in Mexico. The government of Mexico stated that no cement companies received FOGAIN loans.

B. *Mexican Institute for Foreign Trade (IMCE).* IMCE was created by a law published December 31, 1970 in the *Diario Oficial.* IMCE has as its organizational purpose the promotion of the foreign trade of Mexico and the coordination of efforts stimulating foreign trade. IMCE performs a number of functions including organizing and directing trade fairs abroad, promoting the visits of foreign trade missions to Mexico, carrying out investigations to indentify national products or services which might be in demand abroad, and providing exporters with technical assistance. The government of Mexico has stated that the cement industry has not availed itself of the services offered by IMCE.

C. *Trust for Industrial Parks, Cities, and Commercial Centers (FIDEIN).* This program is aimed at the development of industrial parks and cities. In its response, the government of Mexico stated that the cement industry has not received any type of assistance under this program.

D. *National Preinvestment Fund for Studies and Projects (FONEP).* The primary objective of FONEP is to assist firms to invest in economic feasibility studies. The government of Mexico stated in its response that the cement industry has not received benefits under FONEP.

E. *Fondo Nacional de Fomento Industrial (FOMIN).* FOMIN operates as a trust fund, providing funding to certain companies. The Mexican government's response stated that the cement industry has not received benefits through FOMIN.

F. *Import Duty Reductions and Exemptions.* Petitioners allege that companies establishing facilities in the border zone are eligible for import duty reductions or exemptions on raw materials, machinery, and equipment. In addition, petitioners allege that producers or exporters of cement may benefit from their location in areas which are declared "free zones" into which merchandise may be imported duty free. It has also been alleged in previous investigations that companies or producers capable of demonstrating increased export volume may receive a reduction or exemption of duties on imported machinery or equipment used in the manufacture of exported products. In its response, the government of Mexico stated that the cement industry has not received any type of duty reductions or exemptions.

G. *Preferential State Investment Incentives.* Petitioners allege that certain Mexican states offer the cement industry partial or total exemption from state taxes, free or low cost land, or certain local infrastructure improvements as incentives for establishing or expanding industrial facilities or incentives for exporting. The government of Mexico has stated that the cement industry has not received any of these benefits.

H. *Government Financed Technology Development.* Petitioners allege that the cement industry has received benefits under the NIDP, in the form of grants to purchase technological services needed to build plants. The government of Mexico stated that the cement industry has not received such benefits.

I. *Preferential Vessel, Freight, Terminal, and Insurance Benefits.* Petitioners allege that the cement industry has benefited from rebates or other discounts on transportation, storage, and insurance expenses involved in shipping cement to the United States. The government of Mexico stated that the cement industry has not received such benefits.

J. *Discounts and Rebates on Energy Used by the Cement Industry.* Petitioners allege that a preferential 30 percent discount on heavy fuel oil is available to the cement industry. They claim that a price discount is given by the Mexican government to qualifying enterprises, including cement companies, which are located in certain priority development regions established under the NIDP. Petitioners also allege that electric power is supplied by the government-owned Federal Electricity Commission to the cement industry at a preferential rate.

The criteria for these price differentials available under the NIDP for energy products are contained in the Regulations Regarding Price Differentials published in the *Diario Oficial de la Federacion* (*Diario Oficial*) on December 29, 1978, and June 19 and 21, 1979. Under certain conditions, Articles 8 and 9 allow 30 percent discounts on the cost of industrial energy or basic petrochemical products to firms located in Priority Zone 1A. Article 9A exempts companies located in priority zones from the Electric Energy Contractual Fee. Article 9C allows companies located in Priority Zone 1B that develop new industrial plants to receive a 30 percent discount on two of the following: Electric power, natural gas, combustibles or basic petrochemical products.

Certain of the cement plants are located in priority zones and therefore are eligible for benefits under this NIDP program.

In its response the Mexican government stated that the cement industry did not receive any discounts or rebates on purchases of energy under the NIDP, or any discounts or rebates on electricity through the Federal Electricity Commission.

IV. Program Determined To Be Suspended

We preliminarily determine that the following program has been suspended.

A. *Certificado de Devolucion de Impuesto (CEDI).* The Certificado de Devolucion de Impuesto (CEDI) is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b. value of the exported merchandise or, if national insurance and transportation are used, a percentage of the c.i.f. value of the exported product. The CEDIs are non-transferable and may be applied against a wide range of federal tax liabilities (including payroll taxes, value-added taxes, federal income taxes, and import duties) over a period of five years from the date of issuance.

The government of Mexico suspended eligibility for CEDI tax certificates by an Executive Order published on August 25, 1982, in the *Diario Oficial.* The order abrogates prior executive orders which contained the list of products eligible to receive CEDI certificates. Suspension of eligibility to apply for the CEDI was effective one day after publication of the Executive Order in the *Diario Oficial.*

Before this program was suspended, three cement companies did receive CEDI tax rebates. However, CEDIs are used on a current basis and none remain outstanding. Since this program is suspended, it is unlikely that cement from Mexico benefitting from CEDIs will enter the United States after the date of this preliminary determination. Therefore, we are not calculating a net bounty or grant for CEDIs received by the cement industry before the suspension of this program.

If we issue a countervailing duty order and if this program were to be reactivated, the Department will review its applicability in administrative review under section 751 of the Act.

V. Program for Which More Information Is Needed

The government of Mexico response states that the cement industry received the authorization to transfer CEPROFI's among affiliated companies under a development program for the cement industry. The response also states that some companies did transfer CEPROFI's during the period for which we are measuring subsidization. We need more information on the program before making a determination. We will seek additional information before the final determination.

Verification

In accordance with section 776(a) of the Act, we will verify all the information used in reaching our final determination.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of portland hydraulic cement and cement clinker from Mexico which are entered, or withdrawn from warehouse, for consumption, on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit or bond for each such entry of the merchandise in the amount of 5.69 percent *ad valorem.*

This suspension will remain in effect until further notice.

Public Comment

In accordance with section 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on August 12, 1983, at the U.S. Department of Commerce Room B841, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by August 5, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.46 within 30 days of this notice's publication, at the above address and in at least 10 copies.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

July 1, 1983.

[FR Doc. 83-18497 Filed 7-7-83; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Solicitation of Applications Under Minority Business Development Center Program

AGENCY: Department of 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 counties of Niagara and Erie in New York State (Buffalo SMSA). The cost of the project is estimated to be $198,000. The maximum Federal participation amount is $168,300. The minimum amount required for non-Federal participation is $29,700. The award number will be 02-10-83013-01.

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.

CLOSING DATE: July 15, 1983.

ADDRESS: New York Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 26 Federal Plaza, Room 36-116, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Joseph F. Korpsak, Telephone: (212) 264-3262.

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 and from 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 an 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 experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities 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 contacts 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 references 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 enhance 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 responsibilities 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 that 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.

(11.800 Minority Business Development, Catalog of Federal Domestic Assistance)

Dated: June 30, 1983

Joseph F. Korpsak,

Acting Regional Director.

[FR Doc. 83-18456 Filed 7-7-83; 8:45 a.m.]

BILLING CODE 3510-21-M

National Telecommunications and Information Administration

Frequency Management Advisory Council; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet from 9:30 a.m. to 3:30 p.m. on July 29, 1983, in Room 4099A at the United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. (Public entrance to the building is on 14th Street, between Pennsylvania Avenue and Constitution Avenue.)

The Council was established on July 19, 1965. The objective of the Council is to advise the Secretary of Commerce on radio frequency spectrum allocation matters and means by which the effectiveness of Federal Government frequency management may be enhanced. The Council consists of 15 members whose knowledge of telecommunications is balanced in the functional areas of manufacturing, analysis and planning, operations, research, academia and international negotiations.

The principal agenda items for the meeting will be:

(1) The outcome of the 1983 World Administrative Radio Conference for Mobile Services

(2) The outcome of the 1982 ITU Plenipotentiary Conference

(3) The Outcome of the Regional Administrative Radio Conference for Planning for Broadcasting—Statellite Service in Region 2

(4) CCIR Planning Activities

(5) Coordination between Government and Industry Relative to Incidental and Restricted Radiation Devices

(6) Discussion of the EPA Advanced Notice of Proposed Rulemaking entitled "Federal Radiation Protection Guidance for Public Exposure to Radio Frequency Radiation"

The Meeting will be open to public observation; and a period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each per member of the public. More extensive questions or comments should be submitted in writing before July 27, 1983. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 10 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Executive Secretary, FMAC, Mr. Charles L. Hutchison, National Telecommunications and Information Administration, Room 4701, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone 202-377-0605.

Dated: July 5, 1983.

Charles L. Hutchinson,

Executive Secretary, FMAC, National Telecommunications and Information Administration.

[FR Doc. 83-18486 Filed 7-7-83; 8:45 am]

BILLING CODE 3510-60-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Cotton Textile Products From Taiwan

July 5, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing from 42,875,872 square yards to 42,210,528 square yards the level of restraint established for cotton sheeting in Category 313, produced or manufactured in Taiwan and exported during the agreement year which began on January 1, 1983 to acount for 1982 overshipments.

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: Under the terms of the bilateral agreement concerning cotton, wool, and man-made fiber textile products from Taiwan, the United States Government is adjusting the level of restraint established for cotton textile products in Category 313 to account for 1982 overshipments.

EFFECTIVE DATE: July 8, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On Decemer 22, 1982, a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (47 FR 57083) which established levels of restraint for certain cotton, wool, and man-made fiber textile products, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1983. In the letter published below the level for Category 313 is being reduced to 42,210,528 square yards for the same period.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

July 5, 1983.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: The directive further amends, but does not cancel, the directive of December 16, 1982 concerning cotton, wool, and man-made fiber textile produced or manufactured in Taiwan and exported during the twelve-month period which began an January 1, 1983.

Effective on July 8, 1983, paragraph 1 of the directive of December 16, 1982 is further amended to include a level of 42,210,528 square yards for Category 313.[1]

The action taken with respect to the authorities in Taiwan and with respect to imports of cotton textile products from Tawian 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. 83-18499 Filed 7-7-83; 8:45 am]

BILLING CODE 3510-25-M

Adjusting Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products from India

July 5, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Decreasing from 100,000,000 square yards equivalent to 98,997,260 square yards equivalent the level of restraint established for cotton, wool and man-made fiber textile products in Categories 300-359, 431-459, and 630-659, as a group, produced or manufactured in India and exported during the agreement year which began

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

on January 1, 1983. This adjustment accounts for carryforward used in 1982.

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 December 21, 1982, between the Governments of the United States and India provides for the borrowing of yardage from the following agreement year with the amount used being deducted from the level in the following year (carryforward). Under the terms of the bilateral agreement the import restraint level established for Categories 300–359, 431–459, and 630–659, as a group, is being reduced to 98,997,260 square yards equivalent for the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

EFFECTIVE DATE: July 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 December 30, 1982 a letter dated December 27, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (47 FR 58337), which established import restraint levels for certain specified categories of cotton, wool, and man-made fiber textile products, including Categories 330–359, 431–459, and 630–659, as a group, produced or manufactured in India and exported to the United States 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 prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in Categories 330–359, 431–459, and 630–659, as a group, produced or manufactured in India, in excess of the designated, adjusted level of restraint during the twelve-month period which began on January 1, 1983.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

July 5, 1983.

Commissioner of Customs,

Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: On December 27, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption 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 specified categories, produced or manufactured in India, 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 December 30, 1977, as amended, between the Governments of the United states and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on July 11, 1983, to amend the twelve-month level of restraint established for cotton, wool, and man-made fiber textile products in Categories 330–359, 431–459, and 630–659, as a group, to the following:

Category	Amended 12-month level of restraint[1]
300–359, 431–459 and 630–659	[2]98,997,260

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1982.
[2] Square yards equivalent.

The action taken with respect to the Government of India and with respect to imports of cotton, wool, and man-made fiber textile products from India 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. 83-18498 Filed 7-7-83; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 21, 1982, between the Governments of the United States and India, which provide, in part, that: (1) Group and specific limits may be exceeded by designated percentages for swing, carryover, and carryforward; and (2) administrative arrangments or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Announcing Additional Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From Taiwan

July 5, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of cotton printcloth in Category 315, men's and boy's wool suit-type coats in Category 433, women's, girls' and infants' wool suits in Category 444, women's, girls' and infants' wool trousers in Category 448, and women's girls' and infants' man-made fiber suits in Category 644, produced or manufactured in Taiwan and exported during the agreement year which began on January 1, 1983.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in 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: During consultations held June 6–10, 1983 between representatives of the American Institute in Taiwan and the Coordination Council for North American Affairs, agreement was reached to establish levels for cotton, wool, and man-made fiber textile products in Categories 315, 433, 444, 448, and 644 during the agreement year which began on January 1, 1983. Notice of the intention to hold these consultations was published in the **Federal Register** on June 3, 1983 (48 FR 24962).

EFFECTIVE DATE: July 11, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 22, 1982 a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (47 FR 57083) which established levels of restraint for certain cotton, wool, and man-made fiber textile procducts, produced or manfactured in Taiwan and exported during the twelve-month period which began on January 1, 1983. In the letter published below additional levels are being established for Categories 315, 433, 444, 448, and 644 during the same twelve-month period.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

July 5, 1983.

Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 16, 1982 concerning cotton, wool, and man-made fiber textile products, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1983. Effective on July 11, 1983, paragraph 1 of the directive of December 16, 1982 is further amended to include the following levels for Categories 315, 433, 444, 448, and 644:

Category	12-Month Level of Restraint [1]
315 (square yards)	26,408,878
433 (dozens)	12,220
444 (dozens)	14,353
448 (dozens)	11,559
644 (dozens)	152,240

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

Textile products in Categories 315, 433, 444, 448, and 644 which have been exported to the United States prior to January 1, 1983 shall not be subject to this directive.

Textile products in Categories 315, 433, 444, 448, and 644 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-18500 Filed 7-7-83; 8:45 am]

BILLING CODE 3510-25-M

Announcing Extension of Consultation Period Concerning Trade in Categories 314, 317, 434, 612, 636, and 642 From Taiwan

On June 13 and June 21, 1983 notices were published in the **Federal Register** (48 FR 27122 and 28312) announcing that consultations had been requested concerning trade in Categories 314, 317, 434, 612, 636, and 642 from Taiwan and requesting public comment on these categories.

Inasmuch as it has not yet been possible to schedule these consultations, the representatives of the American Institute in Taiwan and the Coordination Council for North American Affairs have agreed to extend the consultation perid through July 31, 1983.

The purpose of this notice is to advise the public of the extension of the consultation period.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-18502 Filed 7-7-83; 8:45 am]

BILLING CODE 3510-25-M

Changes in Officials of the Government of Macau Authorized To Sign Visas for Certain Textile Products Exported to the United States

July 5, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing a new list of officials of the Government of Macau who are authorized to sign export visas for cotton, wool, and man-made fiber textile products from Macau.

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 Government of Macau has notified the Government of the United States that five new officials are authorized to sign export visas for cotton, wool, and man-made fiber textile products exported to the United States.

EFFECTIVE DATE: August 1, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230; (202/377-4212).

SUPPLEMENTARY INFORMATION: On September 16, 1981, a letter dated September 11, 1981 to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the Federal Register (46 FR 45979), which established an export visa requirement for cotton, wool, and man-made fiber textile products, produced or manufactured in Macau and exported to the United States under the provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended. One of the requirements is that the visas must be signed by an authorized official. Macau has designated the following five new officials to issue export visas:

Carlos Manuel Pereira Coutinho Jalles
Francisco Xavier Jose de Mesquita
Jorge Lo, alias Jorge Assuncao
Maria Isabel de Fatima Ferreira dos Santos Ferriera
Fernanda Jose Manhao Isidro

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-18501 Filed 7-7-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1983 a commodity to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: July 8, 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 November 26, 1982, March 18, 1983, April 1, 1983, April 15, 1983 and April 29, 1983, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 53447, 48 FR 11484 and 11485, 48 FR 14021, 48 FR 16313 and 48 FR 19456) of proposed additions to Procurement List 1983, November 18, 1982 (47 FR 52101):

After consideration of the relevant matter presented, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodity and services listed.

c. The actions will result in authorizing small entities to produce or provide a commodity and services procurred by the Government.

Accordingly, the following commodity and services are hereby added to Procurement List 1983:

Class 7920

Cloth, Wiping
7920-LL-L03-6103
(Requirements a for Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii only)

SIC 0782

Grounds Maintenance,
Federal Service Center,
4747 Eastern Avenue,
Bell, California
Grounds Maintenance,
Federal Building and U.S. Post Office,
11000 Wilshire Boulevard,
Los Angeles, California

SIC 5812

Catering Service,
New Cumberland Army Depot,
Armed Forces Entrance Examination Station,
Building 521,
New Cumberland, Pennsylvania

SIC 7349

Janitorial Service,
William M. Colmer Federal Building-Courthouse,
701 Main Street,
Hattiesburg, Mississippi
Janitorial/Custodial,
Lewisville Lake Park,
Lewisville, Texas
Janitorial Service,
Federal Building,
3002 Colby Avenue,
Everett, Washington

C. W. Fletcher,

Executive Director.

[FR Doc. 83-18448 Filed 7-7-83; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1983; Proposed Additions and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to and Deletions from Procurement List.

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1983 commodities and services provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: August 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: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1983, November 18, 1982 (47 FR 52101):

SIC 0782

Grounds Maintenance & Sprinkler System Maintenance
Hospital Building 2430 and Four New Athletic Fields: Softball; Little League; Soccer (Practice); and Little League (Practice) Edwards Air Force Base, California

SIC 7217

Carpet Cleaning
Portland, Oregon plus 10-mile radius

Deletions

It is proposed to delete the following commodities and a service from Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 7105

Mirror, Glass
7105-00-260-1390

Class 8415

Gloves, Cloth, Cotton, White
8415-00-268-8354
8415-00-268-8353

SIC 7349

Janitorial Service
U.S. Federal Building and Courthouse, 426 Dwight Street, Springfield, Massachusetts

C. W. Fletcher,

Executive Director.

[FR Doc. 83-18449 Filed 7-7-83; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; Intended Revisions; Proposed New Routine Use

AGENCY: Commidity Futures Trading Commission.

ACTION: Publication of New Systems Notice on intended modifications to existing systems of records and of proposed new routine use.

SUMMARY: The Future Trading Act of 1982, Pub. L. No. 97-444, 96 Stat. 2294 *et seq.*, established a new class of Commission registrant, the introducing broker, and expanded the associated person classification to include individuals engaged in certain activities on behalf of commodity trading advisors, commodity pool operators and introducing brokers. On April 6, 1983, the Commission proposed to amend its regulations and adopt new rules to include these new registrants within its existing regulatory scheme. Additionally, the Commission has determined to delegate to the National Futures Association responsibility for processing and registering applicants in the categories of introducing brokers and associated persons of introducing brokers. Accordingly, the Commission is now proposing to modify two of the systems of records it keeps in accordance with the provisions of the Privacy Act of 1974 to include registration materials submitted by these new registrants or obtained by the Commission as a result of its processing of these new registrants and to include the National Futures Association as a party that will be maintaining certain registration records. In addition, the Commission is proposing to amend an existing routine use to permit the disclosure of information contained in these systems to any person with whom an applicant or registrant is or plans to be associated as an associated person or affiliated as a principal.

DATE: The intended modifications to the two systems CFTC-12 and CFTC-20, will be effective in 60 days. Comments are requested by August 8, 1983 on the proposal to add the new routine use.

ADDRESS: Send comments to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Patricia N. Gillman, Special Counsel, Division of Trading and Markets, 2033 K Street, N.W. 20581. Telephone (202) 254-8955.

SUPPLEMENTARY INFORMATION: On June 27, 1983, the Commodity Futures Trading Commission submitted a New System Report on CFTC-12 [1] and CFTC-20 [2] to

[1] Fitness Investigations.

[2] Registration of Futures Commission Merchants, Floor Brokers, Associated Persons, Commodity Trading Advisors, Commodity Pool Operators and Introducing Brokers.

the Vice President of the United States, the Speaker of the House of Representatives and the Director of the Office of Management and Budget. CFTC–12 and CFTC–20 are two of the systems of records into which certain Commission records have been classified following the directives of the Privacy Act of 1974.[3] These two systems contain registration Forms 3–R, 7–R, 8–R, 8–S and 8–T, related supplements and schedules, and fingerprint cards that have been filed with the Commission, either by registrants or by individuals affiliated in certain specified capacities with futures commission merchants ("FCMs"), commodity trading advisors ("CTAs") or commidity pool operators ("CPOs"). The Commission is proposing to modify these two systems to reflect (1) the creation of a new class of registrant, the introducing broker ("IB"), and the expansion of the associated person ("AP") category to include APs of CTAs, CPOs, and IBs and (2) its plan to delegate to a registered national futures organization responsibility for certain registration functions.

On April 6, 1983, the Commission proposed regulations to govern registrations in the new IB category and in the expanded AP category. 48 FR 14933. In issuing these proposals, the Commission was implementing provisions of the Futures Trading Act of 1982,[4] which designated the new classes of persons who henceforth would be required to register under the Commodity Exchange Act. Procedurally, the Commission has indicated that it intends to establish for these new types of registrants the same registration requirements now applying to other categories of registrants. *See* 48 FR at 14935, 14936–38. For example, IBs will be submitting Form 7–Rs and Form 8–Rs for their principals as do FCMs, CTAs, and CPOs. The APs of IBs, CTAs and CPOs will be submitting Form 8–Rs as is now done by the APs of FCMs. The Commission's rules on fingerprinting will apply to these new groups in the same manner as they now apply to all Commission registrants. Thus, the proposed new rules will not change the kind of information collected but merely increase the categories of persons submitting the information, and the Commission's description of CFTC –12 and CFTC–20 had been altered to incorporate this modification.

The Futures Trading Act of 1982, section 224(6), 96 Stat. 2294, 2315, also empowered the Commission to delegate to any person any of the registration functions performed by the Commission under the Commodity Exchange Act, as amended. 7 U.S.C. 12(a)(10)/ In a **Federal Register** notice dated April 13, 1983, 48 FR 15940, the Commission announced that it was authorizing the National Futures Association, a futures association registered with the Commission under Section 17 of the Commodity Exchange Act,[5] to undertake the processing of applications for registration as an IB or associated person of an IB. The Commission is scheduled to consider shortly a proposal under which it would also delegate to NFA authority to register persons in these two categories. Therefore, the Commission is proposing to modify its description of CFTC–12 and CFTC–20 to reflect the fact that NFA will be receiving and maintaining records pertaining to the registration of IBs and APs of IBs.

In addition to modifying CFTC–12 and CFTC–20, the Commission is proposing to amend a previously adopted routine use that applies solely to these two systems of records.[6] This limited routine use now permits the Commission to disclose information contained in these systems of records in connection with the certification by a futures commission merchant of an application for registration of an associated person.[7] Pursuant to the directives of the Privacy Act, 5 U.S.C. 552a(e)(11), the Commission is proposing to expand this limited routine use to permit the disclosure of any information contained in CFTC–12 or CFTC–20 to any person with whom an applicant or registrant is or plans to be associated as an associated person or affiliated as a principal. As a result, the Commission would be able to make available to any FCM, CPO, CTA or IB, who planned to employ any applicant or employed any registrant as an associated person or who planned to hire or had hired any person as a principal, any of the information about that individual located in either system of records. The purpose behind this proposed amendment, the same purpose supporting the initial adoption of the limited routine use, is to enable the Commission to furnish to employers or prospective employers and derogatory information it has acquired on an applicant or registrant and thereby to assist employers in monitoring the caliber of persons employed in the industry.

[3] 5 U.S.C. 552a.

[4] Pub. L. No. 97–444, sections 207, 208(1) and 212, 96 Stat. 2294, 2302–2305, amending 7 U.S.C. 6d, 6f(1) and 6k.

[5] 7 U.S.C.21.

[6] While a principal purpose of the Privacy Act is to restrict the unauthorized dissemination of personal information concerning an individual, it does authorize the disclosure of records relating to individuals if such disclosire is made pursuant to a "routine use" which has been adopted by the affected agency. 5 U.S.C. 552a(b)(3). The Commission has already established eight routine uses that apply to all of its systems of records. These eight were set forth most recently at 47 FR 43759, 43760–61 (October 4, 1982).

[7] This limited routine use was added on May 6, 1982. 47 FR 19675.

CFTC–12

SYSTEM NAME:

Fitness Investigations.

SYSTEM LOCATION:

Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581. Limited records are located in the Chicago regional office, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606. Records on introducing brokers and the associated persons of introducing brokers are also located at the offices of the National Futures Association, 200 West Madison Street, Chicago, Illinois 60606.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied or who may apply to the Commission for registration as an associated person or as a floor broker, and principals (as defined in 17 CFR 3.1) of futures commission merchants, commodity trading advisors, commodity pool operators and introducing brokers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to the fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system includes copies of applications for registration (Form 7–R and 8–R), biographical supplements (Form 8–R), other forms (8–S and 8–T), fingerprint cards, and correspondence, reports and memoranda reflecting information developed from various sources outside the agency. In addition, the system contains records of each CFTC fitness investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4k(4), 4k(5), 8a(1) and 8a(10) of the Commodity Exchange Act, 7 U.S.C. 6k(4), 6k(5), 12a(1) and 12a(10).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are the routine uses applicable to all of the Commission's systems of records and were set forth most recently, under the caption "General Statement of Routine Uses," in 47 FR 43759, 43769–61 (October 4, 1982),

the Commission's annual publication of the existence and character of each system of records that contains information about individuals. In addition, information contained in this system of records will be disclosable by the Commission to any person with whom an applicant or registrant is or plans to be associated as an associated person or affiliated as a principal.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and computer tapes.

RETRIEVABILITY:

Firm or individual name.

SAFEGUARDS:

Lockable cabinets.

RETENTION AND DISPOSAL:

Applications for registration (Forms 7–R and 8–R), biographical supplements (Form 8–R), other forms (Form 8–S and 8–T) and related documents and correspondence are maintained on the premises for three years after the individual's registration, or that of the firm with which the individual is affiliated as a principal, becomes inactive. Records are then held in the Federal Records Center, or, in the case of NFA-held records, stored in fireproof off-site facilities, for seven years before being destroyed. Computer records are maintained permanently on the premises and updated periodically as long as the individual remains registered or affiliated with a registrant as a principal. Computer records on persons who may apply may be maintained indefinitely. Computer printouts are maintained on the premises for six months and then destroyed. Commission microfiche records are maintained permanently on the premises.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Director, Registration Unit, in the Commission's principal office and the Chief, Registration Branch, in the Commission's Chicago regional office. Addresses of CFTC offices are set forth in the Commission's annual publication of the existence and character of each system of records that contains information about individuals, under the caption, "The Location of Systems of Records." *See* 47 FR 43759 (October 4, 1982). The system manager responsible for the material held by the National Futures Association is Mary Ellen Spicuzza, Manager, Registration Department. Her address is 200 West Madison Street, Chicago, Illinois 60606.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records or contesting the content of records about themselves contained in this system of records, should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254–3382.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained, his employer, federal, state, and local regulatory and law enforcement agencies, commodity and securities exchanges, National Futures Association, National Association of Securities Dealers, and other miscellaneous sources.

CFTC–20

SYSTEM NAME:

Registration of Futures Commission Merchants, Floor Brokers, Associated Persons, Commodity Trading Advisors, Commodity Pool Operators and Introducing Brokers.

SYSTEM LOCATION:

Chicago office (primary files). All CFTC offices have summary information (microfiche records). Addresses and telephone numbers of these offices are set forth in the Commission's annual publication of the existence and character of system of records that contains information on individuals, under the caption "The Location of Systems of Records." 47 FR 43759 (October 4, 1982). Records on introducing brokers and the associated persons of introducing brokers are also located at the offices of the National Futures Association, 200 West Madison Street, Chicago, Illinois 60606.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied to the Commission for registration as an associated person or as a floor broker and principals (as defined in 17 CFR 3.1) of futures commission merchants, commodity trading advisors, commodity pool operators and introducing brokers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to the fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system includes applications for registration (Forms 7–R, 8–R and 8–S) and biographical supplements (Form 8–R), schedules and supplementary attachments to those Forms, fingerprint cards, Notices of Termination (Form 8–T), correspondence relating to registration between the Commission and the applicant, registrant or principal and reports reflecting information developed from various sources outside the agency. A computerized system, consisting primarily of information taken from the registration forms, is maintained by the Chicago office. The computer records include the name, date and place of birth, social security number (optional), exchange membership (floor brokers only), firm affiliation, and the residence or business address, or both, of each associated person, floor broker, and principal. In addition, the computer records include information relating to name, trade name, principal office address, records address, names of principals of futures commission merchants, introducing brokers, commodity pool operators and commodity trading advisors, names of advisory services for commodity trading advisors, and names of pools for commodity pool operators.

Monthly reports and microfiche records list the name, business address, and exchange membership affiliation of all registered floor brokers and the name and firm affiliation of all associated persons and principals. These reports and microfiche records as well as non-confidential portions of applications for registration and biographical supplements are considered to be public records and are available to any person for inspection and copying. Auxiliary records, such as card indices, are maintained which summarize information contained in the system regarding each associated person, floor broker and principal and, in the case of NFA-held records, each member and registrant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1), 4k(4), 4k(5), 4n(1), 8a(1) and 8a(10) of the Commodity Exchange Act, 7 U.S.C. 6f(1), 6k(4), 6k(5), 6n(1), 12a(1) and 12a(10).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to all of the Commission's system of records were set forth most recently under the caption, "General statement of Routine Uses," in 47 FR 43759, 43760–61 (October 4, 1982), the Commission's annual publication of the existence and character of each system of records that

contains information on individuals. In addition, information contained in this system of records will be disclosed by the Commission to any person with whom an applicant or registrant is or plans to be associated as an associated person or affiliated as a principal.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer printouts, index cards, computer memory, and microfiche.

RETRIEVABILITY:

By the name of the individual or firm. Where applicable, the computer cross-indexes the individual's primary registration file to the name of the futures commission merchant, commodity trading advisor, commodity pool operator or introducing broker with whom the individual is associated or affiliated.

SAFEGUARDS:

General office security measures including secured rooms or premises and, in appropriate cases, lockable file cabinets, with access limited to those official duties require access.

RETENTION AND DISPOSAL:

Applications (Forms 7–R, 8–R and 8–S) and biographical supplements (Form 8–R), related documents and correspondence are maintained on the premises for three years after the individual's registration, or that of the firm with which the individual is affiliated as a principal, becomes inactive. Records are then held in the Federal Records Center or, in the case of NFA-held records, stored in fireproof off-site facilities before being destroyed. The computer records are maintained permanently on the premises and updated periodically as long as the individual remains registered or affiliated with a registrant as a principal. Computer printouts are maintained on the premises for six months and then destroyed. Commission microfiche records are maintained permanently on the premises.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Registration Branch, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606. The system manager responsible for the material held by the National Futures Association is Mary Ellen Spicuzza, Manager, Registration Department. Her address is 200 West Madison Street, Chicago, Illinois 60606.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contain information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy or Sunchine Acts Compliance Staff, Office of the Secretariat, Commidity Futures Trading Commission 2033 K Street, N.W., Washington, D.C. 20581. Telephone (202) 254–3382.

RECORD SOURCE CATEGORIES:

The individual on whom the file is maintained, his employer, the commodity and securities exchanges, other government agencies, National Futures Association, National Association of Securities Dealers and other miscellaneous sources. The computer record is prepared from the application or biographical supplement and from information developed during the fitness inquiry.

Issued in Washington, D.C. on July 1, 1983 by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83–16477 Filed 7–7–83; 8:45 am]

BILLING CODE 6351–01–M

COPYRIGHT ROYALTY TRIBUNAL

[CRT Docket No. 81–1]

Order Directing Partial Distribution of 1980 Cable Royalty Fees

The Copyright Royalty Tribunal in an order of April 11, 1983 (48 FR 15508) directed that 50% of the amounts allocated to claimants in its final Determination of March 7, 1983 be distributed to parties as of May 6, 1983.

In light of subsequent developments the Tribunal has further considered the matter of partial distribution of the 1980 Royalty Fund. We have resolved that the retention of 20% of the Royalty Fund provides an adequate reserve to accommodate any adjustments resulting from judicial review of the Tribunal's determination. We do not wish to retain any more of the Royalty Fund than is necessary to protect the rights of all claimants. Our policy is particularly appropriate because of the protracted delays in the judicial disposition of the appeals of our determinations.

It is therefore ordered that 30% of the amounts allocated in the Tribunal's Final Determination of March 7, 1983 be distributed to claimants in the manner provided in the order of April 11, 1983, as of August 11, 1983. The distribution ordered at the present time is:

1980 CABLE ROYALTY FEES PARTIAL DISTRIBUTION—30 PERCENT

	Percent
MPAA	20.349
Joint Sports	4.500
PBS	1.575
U.S. Television (NAB)	1.516
Music Performing Rights	1.275
Canadian Television	0.225
National Public Radio	0.075
Multimedia	0.336
SIN	0.147
Total	30.000

Dated: July 5, 1983.

Edward W. Ray,

Chairman.

[FR Doc. 83–18478 Filed 7–7–83; 8:45 am]

BILLING CODE 1410–01–M

[CRT Docket No. 82–1]

Order Granting Partial Distribution of 1981 Cable Royalty Fees

On March 2, 1983, (48 FR 8848) the Copyright Royalty Tribunal published a Determination of Controversy with Respect to the Distribution of 1981 Cable Royalty Fees. On May 6, 1983, the Motion Picture Association of America, Inc., the Joint Sports Claimants, the Public Broadcasting Service, the Music Claimants and National Public Radio (the Settling Parties) informed the Tribunal that they had reached a settlement for division of the portions of the 1981 and 1982 cable which are awarded to them in the aggregate. The Settling Parties filed on May 23, 1983, a request for immediate, partial distribution of 88% of the 1981 fund.

The Tribunal held a prehearing conference on June 2, 1983, to discuss further hearing procedures and the partial distribution motion. At the conclusion of the conference, action was deferred to allow additional time for further negotiations. The parties subsequently were able to stipulate upon certain conditions as to the shares to be awarded to NAB and the Canadian Claimants in the 1981 proceeding.

The Settling Parties renewed their motion for an immediate, partial distribution, and requested that 90% of the fund be released. The Tribunal has determined, in its discretion, that partial distribution in the amount of 85% of the Royalty Fund is appropriate at this time. This situation is governed by Section 111(d)(5)(C) of the Copyright Act, 17 U.S.C. 111(d)(5)(c), which states:

(C) During the pendency of any proceeding under this subsection, the Copyright Royalty Tribunal shall withhold from distribution an amount sufficient to satisfy all claims with respect to which a controversy exists, but shall have discretion to proceed to distribute any amounts that are not in controversy.

In the Tribunal's view, this subsection contemplates the release of funds prior to the completion of a hearing. The Tribunal's discretion is limited on one side by the necessity of assuring that sufficient amounts remain in the fund to satisfy disputed claims and on the other side by providing the maximum benefit to copyright owners for claims that are no longer in dispute.

In this case, the settlement among the Settling Parties and the Stipulation would appear to remove the large bulk of the Phase I issues from dispute. The Devotional Claimants have matters in dispute about their entitlement to share in the 1981 fund. At the prehearing conference counsel for Christian Broadcasting Network indicated his view that 7% of the fund would cover the amount in controversy raised by the Devotional Claimants (Transcript pp. 33–34). In light of the Tribunal's past decisions as to the entitlement of this category of claimants, 7% of the fund is more than sufficient to cover any possible award in the 1981 proceeding. The only Phase II issues subject to dispute of which the Tribunal is aware are those of NAB, Multimedia and SIN. The total amount of phase II awards for these parties in 1979 and 1980 was slightly more than 2% of the fund.

Based upon the record of previous proceedings and prior requested allocations of Phase I and Phase II claimants whose shares are still in dispute, retention of 15% will reasonably accommodate such awards as the Tribunal may make in the 1981 proceeding.

During the pre-hearing conference, representatives of certain devotional claimants asserted that Program Suppliers Settling Parties have not established copyright ownership and that until this is done the entire Program Supplier claim is in controversy. In our order of June 3, 1982 (47 FR 24175) providing for partial distribution of the 1979 cable fees, we stated that the arguments of these devotional claimants "are without merit and that the Tribunal cannot be precluded from exercising its discretion to vote for at least a partial distribution." Certain devotional claimants sought a partial stay of our order in the Court of Appeals for the District of Columbia Circuit, which relief was denied.

On the other side of the issue, it is appropriate to authorize an 85% partial distribution as a means of encouraging future settlements which are applauded by the Tribunal and in accord with the public policy of the copyright law. By the vaious resolutions of the controversies among major claimant categories, the necessity for hearing has largely been eliminated. It would be unfair to retain funds that are not legitimately in dispute while the disputed claims go through the litigation process. The Settling Parties have indicated that early release of the funds is an important consideration in their settlement and the Tribunal believes that a partial distribution now will encourage future settlements. The Tribunal notes its view that early release of the undisputed amounts is consistent with the Act by giving copyright owners the maximum benefit of the royalty fees collected.

In comments submitted to the Tribunal certain claimants asserted that there was a likely prospect that the evidence in any 1981 Phase II Program Suppliers' proceeding would show significant changes from evidence presented in earlier proceedings. We find that these speculations do not provide any basis for not employing our 1980 Phase II allocations as the base for a pro rata partial distribution of the 1981 fund.

Parties have filed agreements or asserted positions during the 1981 cable royalty proceeding on a number of issues covering the cable royalty funds for several years and making provision for various contingencies in the event of certain holdings by the Tribunal or the Court of Appeals. The Tribunal welcomes such agreements, but the specific terms of these agreements cannot limit the Tribunal's discretion and jurisdiction on issues which may subsequently come before the Tribunal for determination.

The Settling Parties in an agreement filed with the Tribunal on May 6, 1983, as supplemented by stipulations with NAB and Canadian claimants covering their 1981 awards and the treatment of any 1981 Tribunal award to devotional claimants, provided that in the absence of an award to the devotional claimants, the Phase I royalty allocations would be in accordance with the Tribunal's Phase I awards in the 1979 and 1980 distribution proceedings.

It is therefore ordered that the following distribution be made as of August 11, 1983:

Distribution	Percent
MPAA	57.6555
Joint Sports	12.7500
PBS	4.4625
U.S. Television Broadcasters (NAB)	4.3010
Music Performing Rights	3.6125
Canadian Television	0.8375
National Public Radio	0.2125
Multimedia	0.9520
SIN	0.4165
Total	85.0000

It is further ordered that the partial distribution award to the Settling Parties be made to a designated common agent.

Dated: July 5, 1983.

Edward W. Ray,

Chairman.

[FR Doc. 83-18479 Filed 7-7-83; 8:45 am]

BILLING CODE 1410-01

DEPARTMENT OF DEFENSE

Department of the Air Force

Scientific Advisory Board; Meeting

July 5, 1983.

The USAF Scientific Advisory Board Strategic Cross Matrix Panel Ad Hoc Committee on The Small Missile will meet at Air Force Systems Command Headquarters on July 25 to 29, 1983 from 8:00 a.m. to 5:00 p.m. each day. The purpose of the meeting will be to assess technical approaches to implementing the small missile program. The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4811.

Darwin W. Berg,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 83-18514 Filed 7-7-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army, Corps of Engineers

Amendment to Notice of Intent To Prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS); Multipurpose Deepwater Port and Crude Oil Distribution System, Galveston, Texas

AGENCY: U.S. Army Corps of Engineers, DOD, Galveston District.

ACTION: Amendment to Notice of Intent to Prepare a Draft Supplement to an FEIS.

SUMMARY: 1. Original Notice of Intent. A Notice of Intent concerning this project was published in the **Federal Register** on May 24, 1983 (Vol. 48, No. 101). In this notice, the scoping process section noted that Galveston District was inviting

views and comments on the types of studies and depth of analyses which were required to address two main issues: (1) A "worst case" oil spill, and (2) effects of bulk commodities that might be induced by the project.

2. Amendment. Galveston District is amending the scoping section of the original notice of intent to allow interested parties to: (1) Identify any other significant issue deserving of additional consideration in the Supplement, (2) provide information on any new significant impacts, criteria or circumstances relevant to environmental considerations to be included in the Supplement, and (3) comment on the type of studies and depth of analyses which are necessary to address each issue or new significant impact. Identified issues, information and comments on these matters should be supported by substantiating data and/or references that would assist Galveston District in evaluating the need for their inclusion in the Supplement.

ADDRESS: Questions concerning the scoping changes should be directed to Mr. C. R. Harbaugh, Chief, Environmental Resources Branch, U.S. Army Engineer District, Galveston, P.O. Box 1229, Galveston, Texas 77553, (409) 766-3044.

Dated: June 30, 1983.

Alan L. Laubscher,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-18496 Filed 7-7-83; 8:45 am]

BILLING CODE 3710-GK-M

DELAWARE RIVER BASIN COMMISSION

Amendments to Comprehensive Plan; Hearings

AGENCY: Delaware River Basin Commission.

ACTION: Public hearings.

SUMMARY: Notice is hereby given that the Delaware River Basin Commission will hold four public hearings in accordance with this notice to receive comments on proposed amendments to the Commission's Comprehensive Plan to revise and update descriptions of the Francis E. Walter, Prompton, Cannonsville and Tocks Island reservoir projects.

These proposed amendments are based upon recommendations in the Commission's Final Level B Study and a recent agreement by the Governors of the Commonwealth of Pennsylvania, the States of New York, New Jersey and Delaware, and the Mayor of New York City entitled *Interstate Water Management Recommendations of the Parties to the U.S. Supreme Court Decree of 1954 to the Delaware River Basin Commission Pursuant to Commission Resolution 78-20.*

The proposed amendements provide revised and updated descriptions of the purposes of the projects, applicable project modifications and shedules.

DATES: The public hearings are scheduled as follows: August 3, 1983, August 4, 1983 and August 9, 1983 from 2:00 to 4:30 p.m., resuming at 7:00 p.m.; and August 11, 1983 from 3:00 to 4:30 p.m., resuming at 7:00 p.m.

Written testimony submitted to the Secretary to August 31, 1983 will be included in the hearing record.

ADDRESS: The August 3, 1983 hearing will be held in the Vocational School Cafeteria, Jumper Road, Wilkes Barre, Pennsylvania.

The August 4, 1983 hearing will be held in the Honesdale High School Auditorium, Terrace Street, Honesdale, Pennsylvania.

The August 9, 1983 hearing will be held in the Walton Junior and Senior High School, Stockton Avenue, Walton, New York.

The August 11, 1983 hearing will be held in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, Telephone (609) 883-9500.

SUPPLEMENTARY INFORMATION: Explantory material relating to these proposed amendments to the Comprehensive Plan may be examined at the Commission's offices. Persons wishing to testify at these hearings are requested to notify the Secretary in advance.

The subjects of the hearings will be as follows:

Amendments to the Comprehensive Plan to Revise and Update Descriptions of the Francis E. Walter, Prompton, Cannonsville and Tocks Island Projects

Since the Commission's adoption of the Comprehensive Plan, Phase I, in 1962 incorporating the Francis E. Walter (modified), Prompton (modified), Cannonsville and Tocks Island projects, detailed design studies by the Corps of Engineers and studies during the Level B planning process have developed revised descriptions for certain elements of the project. The Final Level B report further recommended that the Walter, Prompton and Cannonsville modifications be constructed expeditiously if found to be environmentally acceptable. Concurring in that recommendation, the parties to the U.S. Supreme Court Decree of 1954 unanimously recommended in the Interstate Walter Management ("Good Faith") Report to the Commission that the Walter, Prompton and Canonsville modifications be constructed by the year 2000. With respect to the Tocks Island project, both the Level B and "Good faith" reports recommended that the proposed Tocks Island project be held in reserve status for development after the year 2000 if needed for water supply.

Specifically, it is proposed to:

Amend the Comprehensive Plan as follows:

1. Delete in its entirety, the description of the Bear Creek Project (later renamed Francis E. Walter) on pages 13, 14, and 15, and insert, in lieu thereof, the description of the Francis E. Walter Project in Appendix A herewith.

2. Delete in its entirety, the description of the Prompton Project on pages 8 and 9 and insert, in lieu thereof, the description in Appendix B herewith.

3. Delete in its entirety, the description of the Cannonsville Reservoir contained in Addendum No. 1 to the Comprehensive Plan—Phase I, adopted July 25, 1962, and insert, in lieu thereof, the description in Appendix C herewith.

4. Delete in its entirety, the description of the Tocks Island Project on pages 9, 10, and 11 and insert, in lieu thereof, the description in Appendix D herewith.

These amendments shall take effect immediately.

Appendix A—Revised Comprehensive Plan Description of the Francis E. Walter Project

Description

The Francis E. Walter project, completed in 1961 as a single-purpose flood control project (with incidental recreation use), will be modified for multiple-purpose development to provide supplies of water and recreational use, as well as the presently authorized flood control. The earth and rock fill dam is located on the Lehigh River 77 miles above its confluence with the Delaware River and about 5 miles north of White Haven, Pennsylvania. At this location the dam controls 288 square miles of drainage area.

The modifications to the existing dam, as originally proposed by the Corps of

Engineers to make it serviceable for long-term storage in addition to the present flood control storage involve:

(1) Moving and raising the spillway crest.

(2) Raising the dam.

(3) Adding a concrete conduit to the downstream end of the outlet tunnel.

(4) Constructing new dikes and raising existing dikes north of the dam.

(5) Clearing of reservoir land and relocating roads subject to inundation.

The modified dam will rise about 263 feet above the stream bed and have a length of about 3,500 feet. The spillway will be raised 31 feet and cut through rock to the north of the dam, and farther north a dike will fill a swale in the reservoir rim. Multi-level outlet works will be provided in the new project. The reservoir for long-term storage of 69,500 acre-feet of water would have a maximum depth of about 185 feet and would extend about 7.0 miles up the Lehigh River and about 4.0 miles up Bear Creek from the dam. Modification of this reservoir will necessitate the purchase of land to be inundated on which flood easements have already been taken and require the acquisition of additional flood easements at high elevations. No economically valuable mineral deposits would be flooded. Relocation of about five miles of Bear Creek Road would be required.

Function

Supplies of Water. The modified project will augment the flow of the Delaware River at Trenton by 290 cfs on the basis of complete and uniform drawdown of flow augmentation storage (69,500 acre-feet) over a 120-day period.

Reduction of Flood Damages. The 108,000 acre-feet of existing short-term storage is effective in alleviating flooding in the upper reach of the Lehigh River, where damage is confined, primarily, to the towns of Jim Thorpe, Lehighton, Weissport, Parryville, Palmerton, and Bowmanstown, Pennsylvania. Damage centers in the reach from Lehigh Gap to Allentown, Pennsylvania, include industrial and residential areas located in the vicinity of the towns of Northampton, Hokendauqua, Catasauqua, Allentown, Bethlehem, Freemansburg and Easton, Pennsylvania. The flood control storage will be preserved as previously authorized, and flood reduction benefits will be unaffected by the modifications.

Recreation. The modified Francis E. Walter project will provide for public ownership of the desirable shore area and provide space for development of recreation sites. Operation of the project will consider the downstream flow requirements for stream fisheries and the management of the impoundment for lake fisheries.

Schedule

Modification of the existing Francis E. Walter project is targeted for completion by December 31, 1990.

Appendix B—Revised Comprehensive Plan Description of the Prompton Project

Description

The Prompton project, a single-purpose flood control project (with incidental recreation use) completed in 1960, will be modifed for multiple-purpose use to provide supplies of water and recreation benefits as well as the presently designed flood control function. The Prompton dam is located in the valley of the Lackawaxen River about one-half mile upstream of the confluence of Waymart Branch with the river, and about four miles west of Honesdale, Pennsylvania. The present dam controls 60 square miles of drainage area, and is 1,300 feet long and 140 feet high.

The long-term storage and operation for multiple-purposes will require the following additions or modifications to the existing structures:

(1) A control tower with gates to control releases from the reservoir and a service bridge.

(2) A blanket of impervious material on the vally wall and floor upstream of the dam.

(3) Widening of the spillway.

(4) Clearing of reservoir land and relocating roads subject to inundation.

The reservoir to be created by long-term storage will extend about 4.4 miles upstream of the dam.

Functions

Supplies of Water. The modified project will augment the flow of the Delaware River at Trenton by 130 cfs on the basis of complete and uniform drawdown of flow augmentation storage (30,900 acre-feet) over a 120-day period.

Reduction of Flood Damage. Flood heights on the Lackawaxen River are substantially reduced by the existing flood control storage of the Prompton project and the Edgar Jadwin dam and reservoir on Dyberry Creek, above Honesdale, Pennsylvania. The towns of Honesdale, located at the confluence of Dyberry Creek with the Lackawaxen River, and Hawley, located between the junctions of Middle Creek and Wallenpaupack Creek with the Lackawaxen River, and several villages and townships located on the lower reaches of the Lackawaxen River are protected. Conversion of the Prompton dam and reservoir to a multiple-purpose development will preserve the flood control function of this project as originally authorized, and flood reduction benefits will be unaffected by the proposed modification.

Recreation. Due to the lack of suitable terrain, recreation potential at this project is limited. However, lands suitable for day-use recreation may be included in the plan of improvement. Operation of the project will consider the downstream flow requirements for stream fisheries and the management of the impoundment for lake fisheries as a coordinated element for full realization of the recreational potential of the project.

Operating Policy

Releases from the project shall be coordinated with releases from the New York City reservoirs and accounted for at the Montague gaging station in accordance with the following policy:

(1) When New York City is releasing from its reservoirs by direction of the River Master to meet Montague flow objectives—

(a) Inflow to Prompton may be passed through the reservoir and released downstream with no change in the Montague flow objective, or stored in the reservoir with an equivalent reduction in the Montague flow objective;

(b) Releases may be made from Prompton storage to meet Trenton flow requirements, and such releases will not be counted as part of the Montague objective.

(2) When New York City is not releasing from its reservoirs to meet Montague flow objectives—

(a) Inflow at Prompton may be stored (except for minimum conservation releases);

(b) Releases may be made from Prompton storage to meet Trenton flow requirements, and such releases will not be counted as part of the Montague objective.

Schedule

Modification of the existing Prompton project is targeted for completion by December 31, 1995.

Appendix C—Revised Comprehensive Plan Description of the Cannonsville Project

Cannonsville Reservoir, part of the water supply system of the City of New York, is located on the West Branch of the Delaware River in Delaware County, New York, about four miles upstream of the Village of Deposit. It was financed and constructed by the City of New York and placed in operation in 1967.

Cannonsville dam is approximately 2,800 feet long (at the top) with a maximum height of about 175 feet above the original river channel. It has a top width of about 45 feet and is of the compacted (rolled) earth type. At its northerly contact with the valley wall there is a spillway. Spillage is directed into a channel, through a stilling basin, and into an outlet channel that guides the flow into the West Branch of the Delaware River.

Cannonsville Reservoir covers roughly 4,800 acres at flow line elevation 1150 feet above mean sea level with a capacity above sill elevation 1027.5 of some 97 billion gallons, and impounds the runoff from a watershed of about 45 square miles. The yield therefrom is used for supplying water to the City of New York, for conservation releases to the West Branch Delaware River, and, together with releases obtainable from the Neversink and Pepacton reservoirs, for meeting the Montague formula of the Supreme Court Decree of 1954.

Cannonsville Reservoir will be investigated for modification to increase the storage as described generally in a report of the Temporary Commission on the Water Supply Needs of Southeastern New York (Dec. 15, 1973). The reservoir level would be increased by modification of the existing spillway, if determined practicable by feasibility and environmental studies, which should be completed at the earliest possible date. Subject to the outcome of these studies, construction should be completed by December 31, 1990.

Modification of Cannonsville would add approximately 13 billion gallons of additional storage capacity. Additional project yield would be used primarily to maintain conservation releases. Secondary purposes would be to support Montague flow objectives and diversions to New York City within the limits of the 1954 U.S. Supreme Court Decree.

Appendix D—Revised Comprehensive Plan Description of the Tocks Island Project

Description

The Tocks Island project would be for multi-purpose development to provide water supplies, flood control, electric power, and recreation. The dam site is on the Delaware River about five miles upstream from the Delaware Water Gap, at the upstream end of Tocks Island. The contributing drainage area is 2,912 square miles, exclusive of 915 square miles that contribute to the Neversink, Pepacton, and Cannonsville reservoirs of the City of New York. The dam would contain about three and one-half million cubic yards of earth and rock, would be 3,000 feet long, and would rise 160 feet above the river bed to elevation 455. Consideration would be given to the development of hydroelectric power including pumped storage. Storage allocations, as determined from studies by the Corps of Engineers, indicate 96,300 acre/feet of inactive long-term storage to elevation 356; 425,600 acre/feet of active long-term storage for supplies of water, power, recreation, and other uses to elevation 410; and 323,500 acre-feet of short-term storage for flood control to elevation 432. The reservoir would extend approximately nine miles up Flat Brook and 37 miles up the Delaware River to Port Jervis, New York. It would necessitate the relocation of affected roads and Delaware Water Gap National Recreation Area facilities. The Town of Matamoras, Pennsylvania, at the upper end of the reservoir would be protected by a dike. The 37-mile section of the Delaware River that would be covered by the reservoir is a component of the National Wild and Scenic Rivers System.

Functions

Supplies of Water. Use of 425,600 acre/feet of active long-term storage at Tocks Island project would augment the flow of the Delaware River at Trenton by 1790 cubic feet per second (cfs) on the basis of complete and uniform drawdown of flow augmentation storage over a 120-day period. Net yield at the site on a year-round basis would be about 980 cfs.

Reduction of Flood Damage. The 1955 flood damages in the reach from Tocks Island to Burlington, New Jersey, exceed 85 percent of the total damages for the mainstem of the Delaware River, and occurred principally at the damage centers of Easton, Riegelsville, New Hope, and Yardley, Pennsylvania; and Belvidere, Phillipsburg, Trenton, and Burlington, New Jersey. Damages in this reach would be substantially reduced by system operation of the flood-control storage at Tocks Island with other projects in the Comprehensive Plan; the stage of the 1955 flood at Trenton would be reduced by six feet.

Power. The Tocks Island project was originally considered for a conventional hydropower installation of 46,000 kilowatts, a dependable capacity of 20,000 kilowatts, and an average production of 281.5 millon kilowatt-hours. Reevaluation of conventional and pumped-storage power schemes resulted in deletion of the conventional hydropower installation from the Comprehensive Plan. In light of current and future uncertainties regarding energy supplies, a full reevaluation of power would be called for when the project is reconsidered after the year 2000.

Recreation. Recreation capacity and facilities of the existing Delaware Water Gap National Recreation Area, developed under Pub. L. 89-158, would be altered to an extent to be determined by future studies. Reservoir operation would consider fisheries within the impoundment and downstream of the dam. Passage for anadromous fisheries would be provided and consideration given to additional flow augmentation from this project in October and November for moving fish population through the zone of low dissolved oxygen in the estuary.

Schedule

The Tocks Island project is placed in reserve for development if needed for water supply after the year 2000.

Dated: July 1, 1983.

Susan M. Weisman,

Secretary.

[FR Doc. 83-18398 Filed 7-7-83; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 83-CERT-114 et al.]

Yarnell Bros., Inc. et al.; Applications for Certification of the Use of Natural Gas To Displace Oil

The Economic Regulatory Administration (ERA) of the Department of Energy has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). End-users who have the capability to use natural gas in place of fuel oil at any of their facilities can arrange for direct purchases and transportation of the gas to those facilities under the Federal Energy Regulatory Commission's (FERC) fuel oil displacement program. The ERA certification is required by the FERC as a precondition to interstate transportation of fuel oil displacement gas in accordance with the procedures in 18 CFR Part 284, Subpart F.

Pertinent information regarding these applications is listed below, while more detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585 from 8:00 a.m. to

4:30 p.m., Monday through Friday, except Federal holidays.

1. 83-CERT-114.

Applicant: Yarnell Bros., Inc., Deshler, Ohio.

Date Filed: May 23, 1983.

Facility Location: Deshler, Ohio.

Gas Volume: 30,000 Mcf per year.

Oil Displacement: 210,000 gallons of No. 6 fuel oil (0.6% sulfur).

Eligible Seller: D'Appolonia Petro. Inc., Pittsburgh, Pa.; J&J Enterprise, Inc., Indiana, Pa.; Castle Gas Inc., Pittsburgh, Pa.

Transporter: Columbia Gas Transmission Corp., Charleston, W. Va. Suburban Fuel Gas Inc., Cygnet, Ohio.

2. 83-CERT-153.

Applicant: Sohio Chemical Co., Hawthorne, Calif.

Date Filed: June 1, 1983.

Facility Location: Covington, Ky.

Gas Volume: 75,000 Mcf per year.

Oil Displacement: 540,000 gallons of No. 2 fuel oil (0.3% sulfur).

Eligible Seller: Exxon U.S.A., Houston, Tex.; Texas Gas Corp., Owensboro, Ky.; Ohio Gas Marketing Corp., Newark, Ohio.

Transporter: Columbia Gas Transmission Corp., Charleston, W. Va.; Texas Gas Transmission Corp., Owensboro, Ky.; The Cincinnati Gas & Electirc Co., Cincinnati, Ohio; The Union Light, Heat & Power Co., Covington, Ky.

3. 83-CERT-159.

Applicant: Sun Chemical Corp. Cincinnati, Ohio.

Date Filed: June 2, 1983.

Facility Location: AZO Plant, Cincinnati, Ohio.

Gas Volume: 90,000 Mcf per year.

Oil Displacement: 650,000 gallons of No. 2 fuel oil (0.3% sulfur).

Facility Location: Peacock Plant, Cincinnati, Ohio.

Gas Volume: 108,000 Mcf per year.

Oil Displacement: 782,000 gallons of No. 2 fuel oil (0.3% sulfur).

Totals: gas volume, 198,000 Mcf per year; oil displacement, 1,432,000 gallons per year.

Eligible Seller: Exxon U.S.A. Houston, Tex.; Texas Gas Corp., Owensboro, Ky.; Ohio Gas Marketing Corp., Newark, Ohio.

Transporter: Columbia Gas Transmission Corp., Charleston, W. Va.; Texas Gas Transmission Corp., Owensboro, Ky.; The Cincinnati Gas & Electric Co., Cincinnati, Ohio.

4. 83-CERT-192.

Applicant: Shumaker Bros. Industries, Inc., Indianapolis, Ind.

Date Filed: June 14, 1983.

Facility Location: Plant 4, Indianapolis, Ind.

Gas Volume: 43,500 Mcf per year.

Oil Displacement: 7,595 barrels of No. 4 fuel oil (.45% sulfur).

Facility Location: Plant 5, Indianapolis, Ind.

Gas Volume: 42,000 Mcf per year.

Oil Displacement: 7,333 barrels of No. 4 fuel oil (.45% sulfur).

Facility Location: Plant 6, Indianapolis, Ind.

Gas Volume: 55,000 Mcf per year.

Oil Displacement: 9,428 barrels of No. 4 fuel oil (.45% sulfur)

Facility Location: Plant 9, Indianapolis, Ind.

Gas Volume: 10,000 Mcf per year.

Oil Displacement: 1,833 barrels of No. 4 fuel oil (.45 sulfur).

Totals: Gas volume, 150,500 Mcf per year; oil displacement, 26,190 barrels per year.

Eligible Seller: Oklahoma Natural Gas Co., Tulsa, Okla.

Transporter: Panhandle Eastern Pipe Line Co., Houston, Tex.; Citizens Gas & Coke Utility, Indianapolis, Ind.

5. 83-CERT-193.

Applicant: National By-Products, Inc., Indianapolis, Ind.

Date Filed: June 14, 1983.

Facility Location: Indianapolis, Ind.

Gas Volume: 140,000 Mcf per year.

Oil Displacement: 19,000 barrels of No. 6 fuel oil (1% sulfur).

Eligible Seller: Oklahoma Natural Gas Co.

Transporter: Panhandle Eastern Pipe Line Co., Houston, Tex.; Citizens Gas & Coke Utility, Indianapolis, Ind.

6. 83-CERT-194.

Applicant: The Stolle Corp., Sidney, Ohio.

Date Filed: June 14, 1983.

Facility Location: Plant 2, Sidney, Ohio.

Gas Volume: 169,000 Mcf per year.

Oil Displacement: 28,800 barrels of No. 2 fuel oil (.5% sulfur).

Facility Location: Plant 3, Sidney, Ohio.

Gas Volume: 106,000 Mcf per year.

Oil Displacement: 18,412 barrels of No. 2 fuel oil (.5% sulfur).

Totals: Gas volume, 275,000 Mcf per year; oil displacement, 47,212 barrels per year.

Eligible Seller: POI Energy, Inc., Cleveland, Ohio.

Transporter: Columbia Gas Transmission Corp., Charleston W. Va., Dayton Power and Light Co.; Dayton, Ohio

7. 83-CERT-207.

Applicant: St. Regis Corp., West Nyack, N.Y.

Date Filed: June 3, 1983.

Facility Location: York, Pa.

Gas Volume: 1,200,000 Mcf per year.

Oil Displacement: 8,400,000 gallons of No. 6 fuel oil (2.3% sulfur).

Eligible Seller: Exxon, U.S.A., Houston, Tex.

Transporter: Columbia Gas Transmission Co., Charleston, W. Va.; Columbia Gulf Co., Houston, Tex.; Columbia Gas of Pennsylvania, Columbus, Ohio.

To provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning any of these applications to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten calendar days of the date of publication of this notice in the **Federal Register**. The docket number of the case should be printed on the outside of the envelope.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of any of the above applications may be requested by any interested person in writing within the ten-day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary in a particular case, further notice will be given to the applicant and any person filing comments in that case and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 30, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-18451 Filed 7-7-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-577-000]

American Electric Power Service Corp.; Filing

July 1, 1983.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on June 20, 1983, tendered for filing on

behalf of its affiliate Indiana & Michigan Electric Company (I&ME) Modification No. 15 dated May 1, 1983 to the Interconnection Agreement dated June 1, 1968 between the Central Illinois Public Service Company (CIPS) and I&ME, I&ME's Rate Schedule FERC No. 67 and CIPS's Schedule FERC No. 62.

Section 1 of this Agreement modernizes the Billing and Payment section of the Interconnection Agreement. Section 2 revises the Interchange Power Service Schedule by including a provision for multi-party transactions. Section 3 revises the Short Term Power Service Schedule by increasing the demand charges and transmission charges for Short Term Power to $1.25 per kilowatt per week and $0.35 per kilowatt per week, respectively, when I&ME is the supplying party and to "up to $1.05 per kilowatt" per week and $0.35 per kilowatt per week, when CIPS is the supplying party. This service schedule also includes a provision to allow for Multi-Party Daily Short Term Power transactions to take place between the parties. Section 4 revises the Limited Term Power Service Schedule by increasing the demand charges and transmission charges for Limited Term Power to $6.50 per kilowatt per month and $1.50 per kilowatt per month, respectively, when I&ME is the supplying party and to "up to $5.50 per kilowatt" per month and $1.50 per kilowatt per month respectively when CIPS is the supplying party. The revisions contained in these Service Schedules are substantially the same as Service Schedules that I&ME presently has on file and accepted for filing by the Commission. This Agreement is proposed to become effective June 20, 1983.

AEP requests an effective date of June 20, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Central Illinois Public Service Company, the Illinois Commerce Commission, the Public Service Commission of Indiana, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 July 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-18374 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER79-126-000]

Arizona Public Service Co.; Refund Report

July 1, 1983.

Take notice that on March 4, 1983, pursuant to Section 6 of the Wholesale Power Agreement between Arizona Public Service Company (APS) and Plains Electric Generation and Transmission Coop., Inc. (Plains), FERC Rate Schedule No. 83, and to FERC acceptance of this Agreement on March 24, 1981, APS refunded to Plains all revenues collected in excess of the Docket No. ER79-126 rates which were approved by the Commission in a letter dated February 7, 1983.

APS states that the refund included interest in accordance with Section 35.19(a) of Title 18 of the Code of Federal Regulations, and is based on revised rates which amount to $36,579.28 plus $14,996.43 of interest computed from the date of payment to March 4, 1983, or $51,575.71.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 18, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-18375 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER79-126-000]

Arizona Public Service Co.; Refund

July 1, 1983.

Take notice that on March 4, 1983, Arizona Public Service Company (APS) refunded all revenues, with interest, which were collected in excess of the rates approved by the Commission, in accordance with 18 CFR 35.19(a).

The APS refund was pursuant to a February 7, 1983 letter by FERC accepting for filing APS revised rates, and Ordering Paragraph (E) of Opinion No. 137, respectively.

The total amount of the refund of $514,481.14 was refunded to the Town of Wickenburg, Navopache Electric Co-operative, Inc., and Citizens Utilities Company.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 18, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-18376 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-590-000]

Commonwealth Electric Co.; Filing

July 1, 1983.

The filing Company submits the following:

Take notice that on June 27, 1983, Commonwealth Electric Company (Commonwealth) tendered for filing on behalf of itself, Montaup Electric Company, and Boston Edison Company, supplemental data pertaining to their applicable gross investments, combined Federal income and franchise tax rates, and local tax rates for the twelve month period ending December 31, 1982. Commonwealth states that this supplemental data is submitted pursuant to a letter order of the Federal Power Commission in Docket No. E-7981 dated April 26, 1973, accepting for filing Commonwealth's Rate Schedule FERC No. 21, Boston Edison Company's Rate Schedule FERC No. 67, and Montaup Electric Company's Rate Schedule No. 27.

Commonwealth states that these rate schedules have previously been similarly supplemented for the calendar years 1972 through 1981.

Copies of the filing have been served upon Boston Edison Company, Montaup Electric Company, Northeast Utilities and the Massachusetts Department of Public Utilities.

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 July 20, 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. 83-18377 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-588-000]

Gulf States Utilities Co., Filing

July 1, 1983.

The filing Company submits the following:

Take notice that on June 24, 1983, Gulf States Utilities Company (GSU) tendered for filing an Interconnection Agreement between GSU and Mississippi Power & Light Company (MP&L). Additionally, GSU filed Service Schedule TS-3 which provides for transmission service by MP&L for GSU.

GSU requests an effective date of June 15, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on the Public Utility Commission of Texas, the Louisiana Public Service Commission and the Mississippi Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., 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 motions or protests should be filed on or before July 19, 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. 83-18378 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1766-001]

John M. Haynes; Application

July 1, 1983.

The filing individual submits the following:

Take notice that on June 13, 1983, John M. Haynes filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President, Niagara Mohawk Power Corporation

Director and Treasurer, Opinac Investments Limited

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the 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 July 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-18380 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1834-003]

Jerrold L. Jacobs; Application

July 1, 1983.

The filing individual submits the following:

Take notice that on June 22, 1983, Jerrold L. Jacobs filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President, Operations, Atlantic City Electric Company

Director, Deepwater Operating Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the 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 July 21, 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. 83-18379 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-586-000]

Minnesota Power & Light Co.; Filing

July 1, 1983.

The filing Company submits the following:

Take notice that on June 23, 1983, Minnesota Power & Light Company (MP&L) tendered for filing an Agreement between Southern Minnesota Municipal Power Agency (Southern) and Minnesota. Missesota states that the Agreement is for the sale of firm capacity from Minnesota's coal operated Steam Electric Generating Station, known as Clay Boswell Unit 4, located near Grand Rapids, Minnesota to Southern over a period of approximately eighteen months.

Minnesota requests an effective date of September 1, 1983.

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 July 19, 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. 83-18381 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER81-764-000 and ER81-764-002]

Minnesota Power & Light Co.; Refund Report

July 1, 1983.

Take notice that on May 27, 1983, Minnesota Power & Light Company ("MPL") filed a notice of refund report.

The refunds were made to each of the Company's sales-for-resale customer, in accordance with the provisions of the Settlement Agreement between MPL and those customers approved in a Commission order dated April 14, 1983.

MP&L states that the refund report indicates the monthly billing determinants and revenues for the period under the prior, present and settlement rates, the monthly revenue refund, and the monthly interest computation.

Copies of the refund report have been sent to each of MPL's sales-for-resale customers, and to the Minnesota and Wisconsin Public Service Commission.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 18, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-18382 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-358-000]

Mississippi River Transmission Corp.; Application

July 1, 1983.

Take notice that on June 1, 1983, Mississippi River Transmission Corporation (MRTC), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP83-358-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service under a gas transportation agreement (agreement) with United Gas Pipe Line Company (United) dated October 5, 1979, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MRTC states that United has not made gas available to it for transportation under the agreement since October 1982 and that in view of current gas supply and gas market conditions it is unlikely that in the foreseeable future there would be further purchases by United under its gas purchase agreement with East Texas Industrial Gas Company. MRTC further states that it has exercised its right to cancel the agreement by giving United written notice of cancellation effective July 20, 1983.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 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 service to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-18383 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-369-000]

Northwest Central Pipeline Corp.; Request Under Blanket Authorization

July 1, 1983.

Take notice that on June 6, 1983, Northwest Central Pipeline Corporation (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP83-369-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to abandon in place and by reclaim approximately 229 feet of 2-inch lateral line, metering, and appurtenant facilities in Section 31, Township 52 North, Range 23 West, Carroll County, Missouri, and the natural gas service rendered through said facilities under the authorization issued in Docket No. CP82-479-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant states that the former owner of the irrigation operations, L. C. Hudson, is deceased, and that gas service is no longer needed at this location. The estimated cost to reclaim these facilities is $630, with an estimated salvage value of $320.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the date after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-18384 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-573-000]

Portland General Electric Co.; Filing

July 1, 1983.

The filing Company submits the following:

Take notice that on June 17, 1983, Portland General Electric Company (PGE) tendered for filing the written report regarding Average System Cost (ASC) prepared by the Bonneville Power Administration (BPA), the BPA's Average System Cost determination and PGE's Appendix 1, Schedule 5. In accordance with the provisions of 18 CFR 35.13a(d)(5)(i), these documents are required to be filed with FERC within 15 working days of BPA's ASC determination. This determination was made on May 27, 1983.

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 July 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-18385 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-589-000]

Superior Water, Light and Power Co.; Filing

July 1, 1983.

The filing Company submits the following:

Take notice that on June 27, 1983, the Superior Water, Light and Power Company (SWL&P) filed, as an initial rate schedule, an executed Wheeling Agreement between SWL&P and Head of the Lakes Electric Cooperative (HLEC).

The Wheeling Service Agreement provides for a wheeling rate of 2.81 mills per kwh.

SWL&P requests an effective date of July 1, 1983, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was sent to the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 July 19, 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. 83-18386 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-308-001]

Transcontinental Gas Pipe Line Corp.; Amendment

July 1, 1983.

Take notice that on June 10, 1983,[1] Transcontinental Gas Pipe Line Corporation (Applicant), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP83-308-001 an amendment to its pending application filed in Docket No. CP83-308-000 pursuant to Section 3 of the Natural Gas Act to reflect a short-term importation of natural gas from Canada, 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 request expedited consideration and approval to import up to 75,000 Mcf of natural gas per day for the first two years (November 1, 1983, through October 31, 1985) of the eight-year term of Applicant's gas purchase contract with Sulpetro Limited (Sulpetro). Applicant states its current authorization to import these quantities expires on October 31, 1983.

Applicant proposes utilizing the existing facilities of Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and Consolidated Gas Supply Corporation to transport the Sulpetro gas from the point of import at Niagara Falls, New York to Applicant's market area. Applicant asserts that Commission authorization with respect to the remaining six years would be the subject of Commission review in connection with the Niagara Interstate Pipeline System project currently pending in Docket No. CP83-107-001.

Applicant avers that short-term authorization of the subject service would enhance its ability to meet its customers' growing winter period requirements, avoid imposing substantial financial hardship on Sulpetro, avoid a threat to Applicant's prospect of obtaining additional volumes from Sulpetro, and continue an already existing import arrangement.

Applicant also proposes to recover in its rates the cost of the imported gas through the operation of its purchase gas adjustment clause.

Any person desiring to be heard or to make any protests with reference to said amendment should on or before July 15, 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. 83-18387 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[1] The amendment was originally tendered for filing on June 10, 1983. However, the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until June 20, 1983; thus filing was not completed until the latter date.

[Project No. 6553-001]

Upper Mississippi Water Co.; Surrender of Preliminary Permit

July 1, 1983.

Take notice that the Upper Mississippi Water Company, Permittee for the Mississippi River Lock and Dam No. 7 Project No. 6553, has requested that its preliminary permit be terminated. The permit was issued on December 14, 1982 and would have expired on June 1, 1984. The project would have been located on the Mississippi River in La Crosse County, Wisconsin.

The Permittee filed its request on June 6, 1983, and the surrender of the preliminary permit for Project No. 6553 is deemed accepted 30 days from the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-18388 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-587-000]

Washington Water Power Co.; Cancellation

July 1, 1983.

The filing Company submits the following:

Take notice that on June 24, 1983, The Washington Water Power Company (Washington) tendered for filing Notices of Cancellation of Rate Schedules 48.2, 48.2.1, 48.3, 55.5, 59.2, 59.3, 62, 63, 63.1, 64.1, 64.2, 67, 68, 70, 72, 74, 75, 77, 78, 84, 85, 89, 93, 95, 96, 99, 102, 107, 110, 113, 118, 123, 129, 130, and 131, and Dockets ER81-595-000, ER82-234-000, ER82-382-000, ER83-443-000 and ER81-595-000. Washington states that these agreements have been cancelled in accordance with their definitions or

have expired of their own terms and have not been renewed.

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 July 19, 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. 83-18389 Filed 7-7-83; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Parker-Davis Project; Proposed Power and Transmission Rate Adjustments

ACTION: Western Area Power Administration, Doe.

ACTION: Notice of Proposed Power and Transmission Rate Adjustments—Parker-Davis Project.

SUMMARY: The Western Area Power Administration (Western) is proposing power and transmission rate increases for the Parker-Davis Project (P-DP). Power rates must, by law, be sufficient to recover the annual operation and maintenance expenses, and interest expenses plus repay the power and certain nonpower investment costs of the P-DP within allowable time periods. The current power and transmission rates provide insufficient revenues for recovering the required project costs.

The firm power rate currently in effect, Schedule PD-F1, Schedule of Rates for wholesale Firm Power Service, was designed to provide an average annual composite yield of 8.3 mills/kWh, utilizing a demand charge of $1.82/kW/month and an energy charge of 4.15 mills/kWh. The transmission rates include: Schedule PD-T1, Schedule of Rates for Firm Transmission Service, of $6.80/kW/year; Schedule PD-T2, Schedule of Rates for Transmission Service of Colorado River Storage Project Power and Energy, which is $3.67/kW/season; and Schedule PD-T3, Schedule of Rates for Nonfirm Transmission Service, of 1.3 mills/kWh. The Federal Energy Regulatory Commission (FERC) issued an order, dated October 29, 1981, confirming and approving these rates for the period June 16, 1980, through June 30, 1985.

The proposed power and transmission rates offered by Western for consideration are:

Wholesale Firm Power Service:
- Capacity Charge: $1.87 per kilowatt per year.
- Energy Charge: 4.28 mills per kilowatt-hour.

Firm Transmission Service: $7.56 per kilowatt per year.

Transmission Service of Colorado River Storage Project Power and Energy: $3.78 per kilowatt per season.

Nonfirm Transmission Service: 1.4 mills per kilowatt-hour.

An informational brochure will be distributed to all P-DP customers and other interested parties. A public information forum and a public comment forum will be held in accordance with current procedures for public participation in general rate adjustments. After public participation and review of public coments, Western's Administrator will propose rates to the Assistant Secretary for Conservation and Renewable Energy, to be confirmed, approved and placed in effect on an interim basis pending final confirmation and approval by the FERC.

Prior to the end of the consultation and comment period, interested parties should inform Western, at the address below, if they want to be notified by the FERC of its decision regarding finalization of these rates.

DATES: The consultation and comment period will begin with the date of publication of this notice in the **Federal Register** and will extend through October 21, 1983. The new rates are expected to become effective on an interim basis the first day of the first full billing period on or after December 15, 1983.

Western will explain the need for and answer questions concerning the rate increase, at a public information forum to be held on August 10, 1983, at the Showboat Hotel, in the Natchez Room, in Las Vegas, Nevada, beginning at 9 a.m. At the public comment forum, to be held at the same location beginning at 9 a.m. on September 13, 1983, interested parties will be provided an opportunity for oral presentation of views, data, and arguments on the proposed rate increases. The public comment forum will not be adjudicatory in nature.

Persons planning to speak at the public comment forum should submit their names and affiliation to the address noted below by September 8, 1983, in order that a speader list may be developed. Time permitting, other persons will be allowed to comment at the forum. Those desiring copies of the transcripts made of both forums must make their own arrangements for copies with the transcribing service.

Written comments may be submitted at the public comment forum or may be submitted to the address below throughout the consultation and comment period.

ADDRESS: For further information contact:

Mr. Robert A. Olson, Area Manager, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Bolder City, NV 89005 (702) 293-8878

or

Mr. John S. Forman, Deputy Area Manager, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005 (702) 293-8830.

SUPPLEMENTARY INFORMATION: Pursuant to the Department of Energy Organization Act, 42 U.S.C. 7101-7352, (Supp. IV 1981); the power marketing functions, as vested in the Bureau of Reclamation under the Reclamation Act of 1902, Pub. L. No. 57-161, 32 Stat. 388, 43 U.S.C. 372, et seq. (1976), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c) (1976)); and the acts specifically applicable to the project, were transferred to the Department of Energy (DOE).

The Secretary of Energy delegated to the Assistant Secretary for Resource Applications, by Delegation Order No. 0204-33 (43 FR 60636, December 28, 1978), the authority to develop, acting by and through the Administrator of Western, and to confirm, approve, and place into effect on an interim basis, power and transmission rates for Western. The delegation order also gave to the FERC the authority to make a final decision either confirming and approving, or disapproving such rates. On March 19, 1982, Delegation Order No. 0204-33 was amended by substituting the "Assistant Secretary for Conservation and Renewable Energy" for the "Assistant Secretary for Resource Application."

Western is developing these rates in accordance with Reclamation Law, DOE financial reporting policies, procedures, and methodology (DOE Order No. RA 6120.2 (September 20, 1979)), and the procedures for public participation in rate adjustments found at 10 CFR Part 903 (1982).

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612 (Supp. V 1982), each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. Under 5 U.S.C. 601(2), the term "rule" does not include a rule of particular applicability relating to rates. Therefore no flexibility analysis is required.

Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA) and section D of the DOE guidelines published in the **Federal Register** on February 23, 1982 (47 FR 7976), Western conducts an environmental evaluation of proposed rate adjustments. This section states that for rate increases for power marketing administrations, the level of documentation under NEPA depends on the magnitude of the rate increase as it relates to the rate of inflation since the last rate adjustment. If, as in the case of these proposed rates, the increases do not exceed the rate of inflation since the last rate adjustment, no further NEPA documentation is required. An administrative determination is made, and a memorandum is prepared explaining the basis for that determination.

Availability of Information

Documents relevant to development of the proposed rates are available for inspection and copying at the Boulder City Area Office.

Issued in Golden, Colorado, June 29, 1983.

William H. Clagett,

Deputy Administrator.

[FR Doc. 83-18371 Filed 7-7-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2396-1]

Availability of Environmental Impact Statements Filed June 27 Through July 1, 1983 Pursuant to 40 CFR 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities General Information, (202) 382–5075 or 382–5076.

US Army Corps of Engineers:
- EIS No. 830346, Final, COE, FL, Marco Island Vicinity Residential Development in Wetlands, Permit, Due: Aug. 8, 1983.
- EIS No. 830351, Final, COE, IL, South Quincy Drainage-Levee District Flood Damage Reduction, Adams County, Due: Aug. 8, 1983.
- EIS No. 830352, Final, COE, FL, Eastpoint Harbor Breakwater Const., Apalachicola Bay, Franklin County, Due: Aug. 8, 1983.

Department of the Interior:
- EIS No. 830356, Draft, MMS, SEV, MXG 1984 Central/Western Gulf of Mexico OCS Oil/Gas Sales, Leasing, Due: Sept. 1, 1983.
- EIS No. 830349, Final, NPS, DC, W. Potomac Park Modification/Franklin Delano Roosevelt Memorial Const., Due: Aug. 8, 1983.

Department of Transportation:
- EIS No. 830348, Draft, FHW, WA, North Foothill Drive Construction, Ruby to Crestline St., Spokane County, Due: Aug. 22, 1983.
- EIS No. 830350, Draft, FHW, CA, CA–41 Freeway Ext., Bullard Ave. to near Audubon Dr., Fresno County, Due: Aug. 22, 1983.
- EIS No. 830353, DSuppl, FHW, MA, Third Harbor Tunnel, I–90/Central Artery Extens., I–93 to East Boston, Due: Aug. 22, 1983.
- EIS No. 830347, Final, FHW, CO, Wolf Creek Pass East-US 160 Construction, Wolf Creek Pass to S. Fork, Due: Aug. 8, 1983.

Department of Housing and Urban Development:
- EIS No. 830354, Final, CDB, NY, Syracuse University Inn/Conference Center Const., UDAG, Onondaga County, Due: Aug. 8, 1983.

Department of Agriculture:
- EIS No. 830355, Final, SCS WV, Piney Creek Watershed Flood Plan, Little Whitestick-Cranberrry Creeks, Due: Aug. 8, 1983.

Dated: June 28, 1983.

Pasquale A. Alberico,

Acting Director, Office of Federal Activities.

[FR Doc. 83-18443 Filed 7-7-83; 8:45 am]

BILLING CODE 6560-50-M

[AMS-FRL 2395-8]

California State Motor Vehicle Pollution Control Standards; Extension of Time To Submit Written Comments Regarding California Request for Waiver of Federal Preemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Time to Submit Written Comments Regarding California Request for Waiver of Federal Preemption.

SUMMARY: Based on a request by the Motor Vehicle Manufacturers Association of the United States, Inc. (MVMA) EPA has decided to extend its comment period until July 25, 1983 in connection with the request by the California Air Resources Board (CARB) for a waiver of federal preemption for its 1985 and subsequent model year particulate matter emission standards for passenger cars, light-duty trucks and medium-duty vehicles.

DATES: EPA is extending the period for submission of written comments from July 7, 1983 until July 25, 1983.

ADDRESSES: Written comments may be submitted to: William Heglund, Acting Director, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Peter J. Murtha, Attorney/Advisor, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202) 382–2521.

SUPPLEMENTARY INFORMATION: In a letter to Mr. Richard D. Wilson, Director, Office of Mobile Sources, from Charles H. Lockwood II, Esquire, dated June 17, 1983, MVMA has requested that EPA extend the period for submitting written comments in the above-referenced matter to 30 days from the date at which the hearing transcript is placed in the EPA docket (EN–83–01). In the notice for opportunity for public hearing EPA had originally set the comment period to expire on July 7, 1983. 48 FR 22625 (May 19, 1983).

MVMA has submitted several reasons for its request including: (1) Some of its member companies require additional time to respond to EPA inquiries raised at the hearing, (2) the transcript for the hearing had not (at the time of its request) been docketed and (3) the original comment period includes a holiday which lessens the time available for comment.

In view of these factors MVMA's request appears reasonable. Therefore, I hereby extend the comment period until July 25, 1983, the first business day 30 days from the June 23, 1983, date on which the transcript was docketed.

Charles L. Elkins,

Acting Assistant Administrator for Air, Noise and Radiation.

July 1, 1983.

[FR Doc. 83-18459 Filed 7-7-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51474; TSH-FRL 2396-6]

Toxic Substances; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to

submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979, (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of sixteen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83–866—September 21, 1983.
PMN 83–867, 83–868, 83–869, 83–870 and 83–871—September 24, 1983.
PMN 83–872, 83–873 and 83–874—September 25, 1983.
PMN 83–875, 83–876, 83–877 and 83–878—September 26, 1983.
PMN 83–879, 83–880, and 83–881—September 27, 1983.

Written comments by:

PMN 83–866—August 22, 1983.
PMN 83–867, 83–868, 83–869, 83–870 and 83–871—August 25, 1983.
PMN 83–872, 83–873 and 83–874—August 26, 1983.
PMN 83–875, 83–876, 83–877 and 83–878—August 27, 1983.
PMN 83–879, 83–880 and 83–881—August 28, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS–51474]" 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 83–866

Manufacturer. Confidential.
Chemical. (G) Modified rosin zinc salt.
Use/Production. (S) Stabilizer for PVC. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 2 workers, up to 1 hr/da, up to 17 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by reclamation and private treatment system.

PMN 83–867

Importer. Confidential.
Chemical. (G) Alkyl ethoxylated, sulfated salt.
Use/Import. (S) Wetting agent in caustic soda for cotton fabric. Import range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Use: dermal, a total of 1 person/shift, 1hr/shift at a maximum of 10 sites.
Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by publicly owned treatment works (POTW).

PMN 83–868

Importer. Confidential.
Chemical. (G) Tallow alkyl, substituted propylene diamine.
Use/Import. (S) Fiber lubricant emulsifier. Import range: Confidential.
Toxicity Data. Acute oral: > 5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.
Exposure. Use: dermal, a total of 1 person/shift, 1 hr/shift at a maximum of 35 sites.
Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by on site biological treatment system.

PMN 83–869

Manufacturer. Confidential.
Chemical. (G) Reaction product of a diamine, cycloaliphatic diepoxide and a hydroxyl functional acid.
Use/Production. (S) Resin used in automotive paint. Prod. range: 250–21,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, (in case of spill), a maximum of 1 worker, up to 7 hrs/da, up to 35 da/yr; Processing: dermal, (in case of spill), a maximum of 9 workers, up to 7 hrs/da, up to 235 da/yr; Use: inhalation, a maximum of 8 workers up to 7 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. More than 10,000 kg/yr released to land. Disposal by landfill.

PMN 83–870

Manufacturer. Confidential.
Chemical. (G) Modified polyurethane from aliphatic polyester alkanepolyols and aliphatic diisocyanate.
Use/Production. (S) Industrial fabric lamination. Prod. range: 1,000–50,000 kg/yr.
Toxicity Data. No data submitted.
Exposure: Manufacture and use: dermal and inhalation.
Environmental Release/Disposal. No release.

PMN 83–871

Manufacturer. Confidential.
Chemical. (G) [Alkoxyalkyloxadiazol-nitrophenazo]—[Bis alkylamino methpyridinenitril].
Use/Import. (S) Textile dye. Prod. range: 50–200 kg/yr.
Toxicity Data. Acute oral: > 5 g/kg; Irritation: Skin—Minimally irritating, Eye—Minimally irritating.
Exposure. Processing, use and disposal: dermal, a total of 10 workers, up to 1hr/da, up to 30 da/yr.
Environmental Release/Disposal. 100–1,000 kg/yr released to water. Disposal by incineration.

PMN 83–872

Manufacturer. Confidential.
Chemical. (G) Epoxy modified alkyl polysiloxane.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture and processing: dermal, inhalation and ocular, a total of 12 workers, up to 2 hrs/da, up to 4 da/yr; Use: dermal, inhalation and ocular, a maximum of 75 workers, up to ½ hr/da, up to 50 da/yr.
Environmental Release/Disposal. No release expected.

PMN 83–873

Manufacturer. Confidential.
Chemical. (G) Substituted polyurethane.
Use/Production. (G) Open use. Prod. range: 10–1,500,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and use: dermal and ocular, a total of 115 workers, up to 8 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–10,000 kg/yr to land. Disposal by incineration, landfill or sold as fuel.

PMN 83–874

Manufacturer. Confidential.
Chemical. (G) Copolymer of alkyl and substituted alkyl methacrylates.
Use/Production. (G) Open use. Prod. range: 900–22,700 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and use: dermal, inhalation and ocular, a total of 52 workers, up to 8 hrs/da, up to 260 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–100 kg/yr to land.

Disposal by incineration, landfill or sold as fuel.

PMN 83-875

Importer. Confidential.
Chemical. (S) 4-[2-cyano-4-nitrophenylazo)-[N-(2-cyanoethyl)-N-(2-phenoxyethyl]amino]benzene.
Use/Import. (S) Dyestuff. Import range: 1,000-15,000 kg/yr.
Toxicity Data. Acute oral: > 5,000 mg/kg; Irritation: Skin—Slight irritant, Eye—Minimal irritation (unwashed).
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

PMN 83-876

Importer. Confidential.
Chemical. (S) 4-(2-cyano-4-nitrophenylazo)-[N,N-bis(2-propionyloxyethyl)amino]-3-chlorobenzene.
Use/Import. (S) Dyestuff. Import range: 1,000-15,000 kg/yr.
Toxicity Data. Acute oral: > 5,000 mg/kg; Irritation: Skin—Slight irritant, Eye—Minimal irritation (unwashed).
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

PMN 83-877

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Polymer of aliphatic diamine and benzenedicarboxylic acid.
Use/Production. (S) Parts for automotive electrical, and mechanical devices. Prod. range: 270,000-900,000 kg/yr.
Toxicity Data. Irritation: Skin—Not a primary irritant; Skin sensitization: Not a sensitizing agent.
Exposure. Manufacture and use: Dermal, a total of 115 workers, up to 8 da/yr.
Environmental Release/Disposal. 64,000-118,000 kg/yr released to land.

PMN 83-878

Importer. Confidential.
Chemical. (S) 2-Propanesulfenamide, N,N',N''-phosphinylidine-tris [N-phenyl].
Use/Import. (G) Tire manufacturing. Import range: 50,000-300,000 kg/yr.
Toxicity Data. Acute oral: >5,000 mg/kg; Irriatation: Skin—Non-irritant, Eye—Non-irritant.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

PMN 83-879

Manufacturer. Confidential.
Chemcial. (G) Epoxy modified acrylic copolymer.
Use/Production. (S) Site-limited used in metal coating formulation. Prod. range: 500-150,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and disposal: dermal, a total of 11 workers, up to 3 hrs/da, up to 63 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to land. Disposal by approved landfill.

PMN 83-880

Importer. Confidential.
Chemical. (G) Substituted-oxo-N-(substituted)butanamide, dichloride.
Use/Import. (S) Colorant for paper. Import range: Confidential.
Toxicity Data. Acute oral: 2.12 ml/kg; Irritation: Skin—Severe irritant.
Exposure. Processing: Negligible.
Environmental Release/Disposal. Confidential.

PMN 83-881

Importer. Confidential.
Chemical. (G) (Substituted) (substituted) anthraquinone.
Use/Import. Confidential. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure expected.
Environmental Release/Disposal. No release.

Dated: July 5, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83-18585 Filed 7-7-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Inactive Tariffs; Cancellation

By Notice published in the **Federal Register** on May 6, 1983, 48 FR 20493, the Commission notified the common carriers named therein of its intent to cancel their tariffs in the foreign commerce 30 days thereafter, in the absence of advice as to why such tariffs should not be cancelled as inactive.

Two such common carriers have advised that their tariffs should not be cancelled as inactive. One referred to future active trades between Taiwan and the U.S. Pacific Coast, and the other advised it had been very active during the past year. Accordingly, the following two tariffs shall not be cancelled:

Bankoku Kisen Kaisha, Ltd.; FMC-3
Turk & Caicos Traders Ltd.; FMC-1

The remaining common carriers have failed to advise that their tariffs should not be cancelled as inactive.

Accordingly, by authority delegated by section 9.04 of Commission Order No. 1 (Revised), effective November 12, 1981, the following tariffs are hereby cancelled:

Caribbean Supply Co.; FMC-1
Colcargo Empresa Naviera, S.A.; FMC-1
Comarvenca—Corp. Maritima Venzolana de Carga C.A.; FMC-1
Dominicana de Navegacion, C. por. A. d.b.a. Donaca Line; FMC-1
Gulf Link Services Inc.; FMC-2
Kien Hung Shipping Co., Ltd.; FMC-1
Marcella Shipping Co.; FMC-3
Natimar Compania Naviera S.A. Panama d.b.a. Natimar Line S.A.; FMC-1
Piura Trading Inc.; FMC-1
Sanmar Line S.A. Colombia d.b.a. Sanmarline; FMC-1
Seastar Shipping Co., Ltd.; FMC-1
Timber Line Ltd.; FMC-1 & 2
Victoria Line; FMC-2

Now, therefore it is ordered, That the inactive tariffs listed above are hereby cancelled;

It is further ordered, That a copy of this Notice be mailed to the last known address of the common carriers listed above;

It is further ordered, That this Notice be published in the **Federal Register;**

It is further ordered, That a copy of this Notice be filed with every tariff cancelled pursuant to this Notice.

By the Commission, pursuant to authority delegated by section 9.04 of Commission Order No. 1 (Revised), dated November 12, 1981.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 83-18445 Filed 7-7-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and

requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 83-0385—Societe Nationale Elf Aquitaine's proposed acquisition of all voting securities of Pen America, Incorporated (Jequet S.A. UPE).	June 21, 1983.
(2) 83-0428—The Pillsbury Company's proposed acquisition of all assets of Haagen Dazs (Reuben and Rose Mattus, UPE).	Do.
(3) 83-0429—The Pillsbury Company's proposed acquisition of all assets of Haagen Dazs Franchise, Inc., and Fort Lee Danish Sweets, Inc. (Doris Mattus Hurley, UPE).	Do.
(4) 83-0438—Netter International Ltd.'s proposed acquisition of all voting securities of The Madison Company.	Do.
(5) 83-0439—Brown-Forman Distillers Corporation's proposed acquisition of all voting securities of Lenox Incorporated.	Do.
(6) 83-0444—Diamond Shamrock Corporation's proposed acquisition of voting securities of Natomas Company.	Do.
(7) 83-0400—Bank of Boston Corporation's proposed acquisition of all voting securities of Stockton, Whatley Davin & Company, (Phillips Petroleum Company, UPE).	Do.
(8) 83-0440—CSX Corporation's proposed acquisition of voting securities of Texas Gas Resources Corporation.	June 23, 1983.
(9) 83-0441—CSX Corporation's proposed acquisition of voting securities of Texas Gas Resources Corporation.	Do.
(10) 83-0442—CSX Corporation's proposed acquisition of all voting securities of Texas Gas Resources Corporation.	Do.
(11) 83-0427—Regie Nationale des Usines Renault's proposed acquisition of voting securities of Mack Trucks, Incorporated (The Signal Companies, Incorporated, UPE).	June 28, 1983.
(12) 83-0430—Robert T. Shaw's proposed acquisition of voting securities of Van Schaack & Company.	Do.
(13) 83-0466—Allen E. Paulson's proposed acquisition of voting securities of Wheeling-Pittsburgh Steel Corporation.	Do.
(14) 83-0386—Tom E. Turner & Mary E. Turner's proposed acquisition of voting securities of Boxar Diversified Incorporated.	June 16, 1983.
(15) 83-0389—Control Data Corporation's proposed acquisition of assets of Chase Commercial Corporation and The Chase Manhattan Bank, N.A. (The Chase Manhattan Corporation, UPE).	Do.
(16) 83-0381—Columbus Foundries, Incorporated's proposed acquisition of voting securities of Lynchburg Foundry Company (Mead Corporation, UPE).	Do.
(17) 83-0402—Diamond Shamrock Corporation's proposed formation of a joint venture corporation with Showa Denko K. K.	Do.
(18) 83-0403—Showa Denko K. K.'s proposed formation of a joint venture corporation with Diamond Shamrock Corporation.	Do.
(19) 83-0460—Kobe Steel Limited's proposed acquisition of voting securities of Midrex Corporation (Mr. Charles Gielen, UPE).	June 29, 1983.
(20) 83-0423—Insilco Corporation's proposed acquisition of all voting securities of Signal Transformer Company and Minitran, Incorporated (Edward Polen, UPE).	June 15, 1983.
(21) 83-0315—Nippon Steel Corporation's proposed acquisition of voting securities of Special Metals Corporation (Allegheny International, Inc., UPE).	June 23, 1983.
(22) 83-0413—Swift Independent Corporation's proposed acquisition of assets of Armour Food Company (The Greyhound Corporation, UPE).	Do.
(23) 83-0425—Herbert H. Peyton's proposed acquisition of voting securities of FLC Inc. (Phillips Petroleum Company, UPE).	Do.
(24) 83-0453—Boca Raton Hotel Associates, Ltd.'s proposed acquisition of assets of Boca Raton Hotel and Club (The Penn Central Corporation, UPE).	Do.
(25) 83-0457—Crusader Oil N. L.'s proposed acquisition of voting securities of Triton Energy Corporation.	Do.
(26) 83-0459—Bobby B. Lyle's proposed acquisition of assets of Bethelehem Steel Corporation.	Do.

FOR FURTHER INFORMATION CONTACT:
Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580; (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 83-18438 Filed 7-7-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Mangement and Budget for Clearance

Each Friday the Department of Health and Hunan 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 July 1.

Public Health Service

Centers for Disease Control

Subject: National Self-Care Program Inventory: Screening Survey—New
Respondents: Directors of programs identified as probably having a "self-care" program
OMB Desk Officer: Fay S. Iudicello

Health Resources and Services Administration

Subject: Health Professions and Nursing Student Loan Verification of Federal Employee Deliquency Data—New
Respondents: Colleges and universities
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Request for Address Information from Motor Vehicle Records (SSA-L711) Request for Address Information from Employment Commission Records (SSA-L712)—New
Respondents: State Motor Vehicle Administrations and Employment Commissions
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 3108, Washington, D.C. 20503; Attn: (name of OMB Desk Officer).

Dated: June 30, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-18474 Filed 7-7-83; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

Immunology and Microbiology Devices Panel, Microbiology Device Section; Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is cancelling the meeting of the Microbiology Device Section of the Immunology and Microbiology Devices Panel scheduled for July 28 and 29, 1983. The meeting was announced by notice in the Federal Register of June 10, 1983 (48 FR 26887).

FOR FURTHER INFORMATION CONTACT: 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.

Dated: June 29, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18034 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

Public Meeting; Workshop on Live Varicella Virus Vaccine

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming public meeting to discuss a live varicella zoster virus vaccine.

DATE: The meeting will be held on September 20, 1983, from 8:30 a.m. to 5 p.m.

ADDRESS: The meeting will be held at Lister Hill Center Auditorium, 8600 Rockville Pike, Bethesda, MD 20209.

FOR FURTHER INFORMATION CONTACT: Gerald V. Quinnan, Jr., Office of Biologics (HFN-840), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-496-3144.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to conduct a scientific workshop on varicella, which continues to be a public health problem and for which no approved vaccine as yet exists. There will be a review and discussion of production methods and clinical and laboratory studies of live varicella zoster virus vaccine (OKA strain). Usage in both normal and high risk populations will be discussed.

Dated: July 1, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18366 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0186]

Morton Chemical; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Morton Chemical has filed a petition proposing that the food additive regulations be amended to provide for the safe use os high temperature laminates under increased processing temperature conditions.

FOR FURTHER INFORMATION CONTACT: Clyde A. Takeguchi, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3723) has been filed by Morton Chemical, Division of Morton Thiokol, Inc., 2 North Riverside Plaza, Chicago, IL 60606, proposing that the food additive regulations be amended to provide for the safe use of high temperature laminates fabricated from adhesives identified in § 177.1390(c)(2)(v) (21 CFR 177.1390(c)(2)(v)) by increasing the maximum processing temperature to 135° C (275° F).

The agency has determined pursuant to 21 CFR 25.24(b)(22) (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.

Dated: June 29, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-18367 Filed 7-7-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83-0154]

International Drug Scheduling; Convention on Psychotropic Substances; Benzodiazepines

Correction

In FR Doc. 83-14261, beginning on page 23913 in the issue of Friday, May 27, 1983, make the following corrections:

1. On page 23913, third column, fourth line of the third complete paragraph, "this Notes" should read "his Notes". In the eigthteenth line, "clotizepam" should read "clotiazepam", and in the twentieth line," loprozolam" should read "loprazolam".

On page 23914, first column, eleventh line of the first complete paragraph, "clotizepam" should read "clotiazepam".

BILLING CODE 1505-01-M

[Docket Nos. 78P-0432 et al.]

Availability of Approved Variances for Laser Light Shows

Corrections

In FR Doc. 83-14264, beginning on page 23910 in the issue of Friday, May 27, 1983, make the following correction:

On page 23911, in the table, under the column "*Demonstration laser products*" in the second line of the entry for "The Lightform Laser Light Show", "He-New" should read "He-Ne".

BILLING CODE 1505-01

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14876-A through F-14876-L]

Alaska Native Claims Selection; NANA Regional Corp.

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613 (1976) (ANCSA)), will be issued to NANA Regional Corporation, Inc., for approximately 79,714 acres. The lands involved are within:

Kateel River Meridian, Alaska (Surveyed)

T. 25 N., R. 24 W.
T. 26 N., R. 24 W.
T. 28 N., R. 24 W.
T. 26 N., R. 25 W.
T. 27 N., R. 25 W.
T. 28 N., R. 25 W.

T. 29 N., R. 25 W.
T. 27 N., R. 26 W.
T. 28 N., R. 26 W.
T. 27 N., R. 27 W.
T. 28 N., R. 27 W.
T. 28 N., R. 28 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Tundra 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 (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of 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 decison 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 August 8, 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, Divison of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Land and Water Management, Pouch 7-005, Anchorage, Alaska 99510

NANA Regional Corportion, Inc., P.O. Box 49, Kotzebue, Alaska 99752

Steven L. Willis,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-18457 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

[F-14932-A through F-14932-C]

Alaska Native Claims Selection; Shaktoolik Native Corp.

The purpose of this decision is to modify the Decision to Issue Conveyance (DIC) dated March 27, 1980, and published in the **Federal Register** on pages 20171, 20172, and 20173. The Alaska State Director (SD), Bureau of Land Management (BLM), issued a memorandum on February 4, 1980, which was amended February 6, 1980, and February 18, 1983, that administratively determined certain water bodies were navigable and certain water bodies were tidally influenced in the Shaktoolik area.

On August 12, 1980, a survey of the Shaktoolik area was accepted by the Department of the Interior, Bureau of Land Management, which portrays the approximate line of mean high-tide and mean high-water as shown on current U.S. Geological Survey quadrangle maps.

The DIC dated March 27, 1980, approved conveyance of the surface estate of the beds of certain water bodies to Shaktoolik Native Corporation and conveyance of the subsurface estate of the same land to Bering Straits Native Corporation. As the water bodies are now considered to be navigable because they have been or could be used in connection with travel, trade and commerce, or are tidally influenced, the submerged lands beneath them are not public lands and are not available for conveyance to the Native Corporations under the Alaska Native Claims Settlement Act. Therefore, the DIC of March 27, 1980, is hereby modified to exclude the submerged lands of those water bodies. The acreage for the submerged lands will not be charged against the village corporation's entitlement.

The land description is now modified to read as follows:

Kateel River Meridian, Alaska (Surveyed)

T. 11 S., R. 11 W.
- Sec. 5 (fractional), excluding Native allotment F-17912 Parcel B;
- Sec. 7 (fractional);
- Sec. 8 (fractional), excluding Native allotments F-14570 Parcel A and F-17912 Parcel B;
- Sec. 9, excluding Native allotments F-14570 Parcel A and F-19341;
- Sec. 10, excluding Native allotment F-19341 and Mineral Survey Application F-23169;
- Secs. 14 and 15, excluding Mineral Survey Application F-23169;
- Secs. 16, 17, and 18.

Containing approximately 4,952 acres.

T. 13 S., R. 11 W.
- Sec. 3;
- Secs. 4 and 5, excluding Native allotment F-11980 Parcel B;
- Secs. 6 and 7;
- Sec. 8, excluding Native allotment F-11980 Parcel B;
- Sec. 9, excluding Native allotment F-11980 Parcel B and F-19200;
- Secs. 10, 11, 15, and 16;
- Secs. 17 and 18.

Containing approximately 7,735 acres.

T. 11 S., R. 12 W.
- Secs. 12, 13, 14, and 15 (fractional);
- Sec. 16 (fractional), excluding Native allotment F-17734;
- Secs. 21, 22, and 23 (fractional);
- Secs. 24 and 25;
- Secs. 26 and 27 (fractional);
- Secs. 31 to 35 (fractional), inclusive;
- Sec. 36.

Containing approximately 7,229 acres.

T. 12 S., R. 12 W.
- Secs. 19 to 22, inclusive;
- Secs. 25 to 36, inclusive.

Containing approximately 10,231 acres.

T. 13 S., R. 12 W.
- Sec. 1, excluding Native allotment F-12007;
- Secs. 2 to 7, inclusive;
- Sec. 8, excluding Native allotment F-030533;
- Sec. 9, excluding U.S. Survey No. 2046 and Native allotments F-11980 Parcel A, F-16810, F-18050, and F-18410;
- Sec. 10, excluding Native allotments F-18050 and F-18410;
- Sec. 11;
- Sec. 12, excluding Native allotment F-12007;
- Secs. 13 and 14;
- Sec. 15, excluding Native allotment F-18410;
- Sec. 16, excluding Native allotments F-11980 Parcel A, F-16810, and F-18410;
- Sec. 17;
- Sec. 18, excluding Native allotments F-14570 Parcel B and F-18490;
- Secs. 19 to 24, inclusive;
- Secs. 26 to 30, inclusive;
- Sec. 31 (fractional), excluding U.S. Survey No. 3779;
- Secs. 32 to 36, inclusive.

Containing approximately 21,027 acres.

T. 14 S., R. 12 W.
- Secs. 2, 3, and 4;
- Secs. 5, 6, 8, and 9 (fractional);
- Secs. 10 and 11;

Secs. 13, 14, and 15;
Secs. 16 and 22 (fractional);
Secs. 23, 24, and 25;
Secs. 26, 27, 35, and 36 (fractional).
Containing approximately 10,478 acres.

T. 11 S., R. 13 W.
Secs. 19 and 20 (fractional);
Secs. 27, 28, and 29 (fractional);
Secs. 30, 31, 32, and 33;
Secs. 34, 35, and 36 (fractional).
Containing approximately 5,612 acres.

T. 12 S., R. 13 W.
Secs. 3 to 10, inclusive;
Secs. 15 to 27, inclusive;
Secs. 28 and 29 (fractional);
Sec. 30;
Secs. 31, 32, 33, and 34 (fractional);
Secs. 35 and 36.
Containing approximately 17,176 acres.

T. 13 S., R. 13 W.
Secs. 1, 2, and 3;
Secs. 4 and 10 (fractional);
Secs. 11, 12, and 13;
Secs. 14, 15, and 23 (fractional);
Sec. 24;
Sec. 25 (fractional), excluding U.S. Survey No. 3779 and U.S. Survey No. 4085;
Sec. 26 (fractional);
Sec. 36 (fractional), excluding U.S. Survey No. 3779.
Containing approximately 5,759 acres.

T. 11 S., R. 14 W.
Secs. 13, 14, and 24 (fractional);
Secs. 25 and 26.
Containing approximately 2,072 acres.

T. 12 S., R. 14 W.
Secs. 1, 2, and 3;
Secs. 4 and 9 (fractional);
Secs. 10 t 15, inclusive;
Secs. 16 and 21 (fractional);
Secs. 22, 23, and 24;
Secs. 25 to 33 (fractional), inclusive;
Sec. 36 (fractional).
Containing approximately 10,819 acres.

T. 13 S., R. 14 W.
Secs. 6 and 7 (fractional).
Containing approximately 215 acres.

T. 13 S., R. 15 W.
Secs. 1 and 12 (fractional).
Containing approximately 19 acres.
Aggregating approximately 103,324 acres.

Page 20172

Insert the following paragraphs immediately after "aggregating approximately 108,441 acres."

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce, or are tidally influenced. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14932-EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdication; or lands are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The paragraph beginning "The grant of the above-described lands" now reads:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

This paragraph is herby modified to read:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official supplemental plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

The paragraph beginning "Shaktoolik Native Corporation is entitled" now reads:

Shaktoolik Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, 108,441 acres of this entitlement have been approved for conveyance. The remaining 6,759 acres will be conveyed at a later date.

This paragraph is hereby modified to read:

Shaktoolik Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 103,324 acres. The remaining entitlement of approximately 11,876 acres will be conveyed at a later date.

The paragraph beginning "Only the following inland water body is considered to be navigable * * *" is now deleted.

The paragraph beginning "The following water bodies are determined to be tidally influenced as follows:" is now deleted.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this modified decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Nome Nugget.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E as revised. However, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have thirty days from receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until August 8, 1983 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Shaktoolik Native Corporation,
Shaktoolik, Alaska 99771
Bering Straits, Native Corporation,
P.O. Box 1008,
Nome, Alaska 99762.

Except as modified by this decision, the decision of March 27, 1980, stands as written.

Steven L. Willis,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-18458 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

Coal Management; Adoption of Regional Leasing Level; Powder River

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Under the Federal coal management regulations (43 CFR 3420.2), the Secretary of the Interior has the responsibility for establishing a Federal coal leasing level for each Federal coal production region during lease sale activity planning. This notice is to inform the public that on April 29, 1983, the Secretary adopted a leasing level of 1.2 billion to 4.85 billion tons of Federal recoverable coal resources for the Powder River Federal coal production region.

This decision was based on all available information pertaining to the factors enumerated in the regulations including extensive consultation with the Governors of Montana and Wyoming, the Department of Energy and Justice and the Northern Cheyenne and Crow Indian Tribes.

The regional leasing level will serve as the basis for the preferred alternative in the regional lease sale environmental impact statement to be prepared for the scheduled coal sale in 1984.

FOR FURTHER INFORMATION CONTACT: Project Manager, Powder River Region, Bureau of Land Management, 2515 Warren Avenue, Cheyenne Wyoming 82001, or Chief, Division of Solid Mineral Leasing, Bureau of Land Management, 18th & C Streets, N.W., Washington, D.C. 20240, (202-343-4636).

Dated: June 30, 1983.

James M. Parker,

Acting Director.

[FR Doc. 83-18368 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

[M 46372-A and M 46372-D]

Montana; Conveyance of Public Land

June 29, 1983.

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Conveyance of Public Land in Lewis and Clark County.

SUMMARY: Notice is hereby given that pursuant to Section 203 of the Act of October 21, 1976 (43 U.S.C. 1713 (976)), the following described land was conveyed to the parties shown:

Principal Meridian, Montana

T. 14 N., R. 3 W.,

Willis F. Mavis, Isabelle A. Mavis, Charles C. Streeter and Peggy J. Streeter:
Sec. 34, Lot 22.

Containing 0.09 acre.

Robert R., Bauch and Dolores A. Bauch:
Sec. 34, Lot 16.

Containing 0.07 acre.

The purpose of this notice is to inform state and local governmental officials and other interested parties of the conveyance of the above-described public land.

Edgar D. Stark,

Chief, Lands Adjudication Section.

[FR Doc. 83-18394 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

[M 54006]

Montana; Conveyance of Public Lands

June 27, 1983.

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Conveyance of Public Land in Fallon County, Montana.

SUMMARY: Notice is hereby given that pursuant to Section 203 of the Act of October 21, 1976 (43 U.S.C. 1713 (976)), the following described land was conveyed to Fallon County:

Principal Meridian, Montana

T. 7 N., R. 59 E.,
Sec. 15, All.

Containing 640 acres.

The purpose of this notice is to inform state and local government officials and any other interested parties of the conveyance of the above described land to the county.

Edgar D. Stark,

Chief, Lands Adjudication Section.

[FR Doc. 83-18395 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

Ely District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting and Tour.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Ely District Grazing Advisory Board will be held on Monday and Tuesday, August 8 and 9, 1983.

On Monday and Tuesday, August 8 and 9, 1983, the Ely District Grazing Advisory Board will participate in a two-day tour of the Long Valley/Buck and Bald Mountain area located in the northwestern portion of the Egan Resource Area. This is to be a joint tour with the Ely District Advisory Council.

BLM personnel will be conducting an on-the-ground tour of these sites for participants to view first hand the intensive utilization of this area by wildlife, wild horses, minerals exploration and development, and livestock grazing. Tour participants will leave the District Office at 1:00 p.m. on Monday, and are expected to return by 4:00 p.m. the following afternoon. Transportation and meals will be provided for Board and Council members, although everyone is responsible for his or her own camping equipment.

Members of the public are invited to accompany the advisory groups, but must provide their own transportation and camping equipment. Those who do not wish to provide their own food may purchase three meals for a fee of $15.00 by contacting the District Manager before August 1, 1983.

On Monday, August 8, 1983, prior to the tour, the Grazing Advisory Board will hold a two-hour meeting beginning at 10:00 a.m. PDST in the Conference Room of the District Office located on the Pioche Highway, Ely, Nevada. Agenda items for this meeting include a review of those range improvements projects proposed for construction in FY 84. A public comment period will be provided at 11:00 a.m. for those members of the public wishing to address the Board. Minutes of the meeting will be available for public inspection and reproduction during regular office hours within 30 days following the meeting. After recessing for lunch, the Board will reconvene in preparation for the joint tour detailed above.

DATE: August 8 and 9, 1983.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

Dated: June 28, 1983.

Merrill L. DeSpain,

District Manager.

[FR Doc. 83-18396 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

Ely District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Tour.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Ely

District Advisory Council will be held on Monday and Tuesday, August 8 and 9, 1983.

The Advisory Council will tour the Long Valley/Buck and Bald Mountains area located in the northwestern portion of the Egan Resource Area. The Ely District Grazing Advisory Board will join the Council in this tour conducted by BLM personnel for a first-hand view of the intensive utilization of this area by wildlife, wild horses, minerals exploration and development, and livestock grazing.

Tour participants will convene at the District Office on the Pioche Highway in time for a scheduled 1:00 p.m. departure, and are expected to return by 4:00 p.m. the following afternoon. Transportation and meals will be provided for Council and Board members, although individuals are responsible for their camping equipment.

Members of the public are invited to accompany the advisory group, but must provide their own transportation, camping equipment and food. The three meals to be provided for the tour may be purchased for a fee of $15.00 if members of the public do not wish to provide their own.

For further information and meal reservations which must be made before August 1, 1983, contact Cleone McDonald at (702) 289–4865.

DATE: August 8 and 9, 1983

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

Dated: June 28, 1983.

Merrill L. DeSpain,

District Manager.

[FR Doc. 83–18397 Filed 7–7–83; 8:45 am]

BILLING CODE 4310–84–M

Canon City District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Cannon City District Advisory Council Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 that a meeting of the Canon City District Advisory Council will be held on Thursday and Friday, August 25 and 26, 1983.

The Council will meet from 1 p.m. to 5 p.m. on August 25th at the Northeast Resource Area Office, 10200 West 44th Avenue, Wheatridge, Colorado. On August 26th from 8 a.m. to 1 p.m. a field trip along the I–70 corridor west of Denver to Georgetown is planned to view public land uses in this area.

The agenda will include:

1. The Northeast Resource Area—Resource Management Plan and Environmental Impact Statement in progress.
2. The Minerals Management Service and Bureau of Land Management merger.
3. Public presentations to the council (open invitation).

The meeting is open to the public, transportation for the field trip is the responsibility of the individual. Persons interested may make oral presentations to the council between 4 p.m. and 5 p.m., Thursday, August 25th, or they may file written statements for the Council's consideration. The District Manager may limit the length of oral presentations depending on the number of people wishing to speak.

ADDRESS: Anyone wishing to make a presentation to the council orally or in writing should notify the District Manager, Bureau of Land Management, 3080 East Main (P.O. Box 311), Canon City, Colorado 81212 by August 24, 1983.

SUPPLEMENTARY INFORMATION: Summary minutes of the meeting will be available for public inspection and reproduction during regular working hours at the District Office within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Glenn Wallace, (303) 275–0631.

Melvin D. Clausen,

District Manager.

[FR Doc. 83–18416 Filed 7–7–83; 8:45 am]

BILLING CODE 4310–84–M

Cedar City District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Tuesday, August 9, 1983. The meeting will begin at 9:30 a.m. in the Bureau of Land Management Cedar City District Office located at 1579 North Main Street, Cedar City, Utah.

The agenda is as follows: (1) Review of Proposed Allotment Management Plans, (2) Rangeland Planning Proposals, (3) Rangeland Betterment Projects, and (4) General Board Business.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received at 9:30 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801–586–2401, by August 5, 1983. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: July 1, 1983.

J. Kent Giles,

Acting District Manager.

[FR Doc. 83–18421 Filed 7–7–83; 8:45 am]

BILLING CODE 4310–84–M

Dickinson District Advisory Council Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Meeting.

SUMMARY: The Bureau of Land Management Dickinson District Advisory Council will meet August 9, 1983. The primary topics before the council will be the McKenzie-Williams and Southwest North Dakota management framework plans (MFPs). The council members will comment on land use recommendations concerning the management of federal coal, oil and gas, miscellaneous minerals, and certain federal surface lands in western North Dakota.

LOCATION, DATE, AND TIME: The meeting will be held August 9, 1983, in the Community Room of the Gate City Building, 204 Sims Street, Dickinson, North Dakota, beginning at 9:00 a.m., Mountain Daylight Time. The meeting may continue into the evening and even into the following morning if the council so decides.

FOR FURTHER INFORMATION CONTACT: Reed Smith, District Manager, Bureau of Land Management, Dickinson District, P.O. Box 1229, Dickinson, North Dakota 58602; or call (701) 225–9148.

SUPPLEMENTARY INFORMATION: The council is chartered by the Secretary of Interior to provide citizen advice to the Dickinson District Manager in matters concerning BLM administered lands and resources.

The meeting is open to the public. Any person may attend and/or file a written statement. During the meeting the public will be given the opportunity to ask questions or make statements. Written statements for the council can be mailed to the Dickinson District at the above address.

Minutes of the meeting will be prepared and made available for the public.

Recommendations documents for the McKenzie-Williams and Southwest North Dakota MFPs can be obtained from the Dickinson District Office.

Kenneth H. Burke,

Acting District Manager.

[FR Doc. 83-18415 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-01-M

Grand Junction District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of Grand Junction District Grazing Advisory Board.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Grand Junction District Grazing Advisory Board will be held on Thursday, August 11, 1983.

The meeting will begin at 9 a.m. in the third floor conference room of the Bureau of Land Management Office at 764 Horizon Drive, Grand Junction, Colorado.

The agenda for the meeting will include: (1) Election of officers, (2) Minutes of the previous meeting, (3) exchange of use and percentage permits, (4) actual use reporting and key area selection, (5) subleasing of base property, (6) update on the Glenwood Springs Rangeland Program Summary, (7) status on the maintenance transfer effort, (8) status on current range improvement work, (9) funding of project related work by advisory board funds, (10) discussion of water rights, (11) new range improvement project proposals, (12) public presentations, and (13) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:00 p.m., or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501, by August 10, 1983. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Further information on the meeting may be obtained at the above address or by calling (303) 243-6552.

David A. Jones,

District Manager.

[FR Doc. 83-18418 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

Anchorage District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: The Anchorage District Advisory Council will make a field trip to Western Alaska August 10. The aerial reconnaissance will be of lands in the Unalakleet, Anvik, Bonasilla, Iditarod and George Planning Blocks. These lands will be assessed during 1984 and 85 for possible opening for mineral leasing, mineral entry and settlement. A brief public meeting is scheduled to be conducted in McGrath to review the environmental assessment process and elect officers. Any member of the public wishing to address the council should write Joette Storm, Public Affairs Officer, prior to the meeting. Write: Anchorage District Office, 4700 East 72nd Avenue, Anchorage, Alaska 99507 or phone (907) 267-1284.

DATE: August 10, 1983 overflight 7:30 a.m.-2:00 p.m., meeting 3:00 p.m.—4:00 p.m.

ADDRESS: McGrath City Assembly Room, McGrath, Alaska.

SUPPLEMENTARY INFORMATION:

7:30 a.m., Depart Campbell Field for overflight—Wayne Boden, District Manager, staff & council members
10:30 a.m., Arrive Unalakleet
11:00 a.m., Depart Unalakleet—Fly Anvik and George River drainages
2:00 p.m., Arrive McGrath
2:30 p.m., Public Meeting Call to Order—Wayne Boden
Election of Officers
Review Environmental Assessment Process
Discuss Call for nomination of new members
3:30 p.m., Adjourn
4:00 p.m., Depart McGrath
5:30 p.m., Arrive Anchorage.

Richard J. Vernimen,

Associate District Manager.

[FR Doc. 83-18475 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

Federal Mineral Leasing Other Than Oil, Gas, Geothermal, Oil Shale and Combined Hydrocarbon Leasing; Extension of Comment Period on Combined Mineral Lease Form Proposal

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of comment period on combined mineral lease form proposal.

SUMMARY: The combined mineral lease form proposal was published in the **Federal Register** on April 28, 1983 (48 FR 19240), with a 30-day comment period. By subsequent notice published May 27, 1983 (48 FR 23925), the comment period was extended to June 30, 1983. By this notice, the comment period is further extended through August 1, 1983.

DATE: Comments should be submitted by August 1, 1983. Comments received or postmarked after that date may not be considered in the decisionmaking process on the final combined mineral leasing forms.

ADDRESS: Comments and suggestions should be sent to: Director (650), Bureau of Land Managment, 1800 C Street, NW., Washington, D.C. 20240. Comments will be available for pubic review in Room 3538 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Marcia Rohn (202) 343-8537.

Dated: July 1, 1983.

Robert F. Burford,

Director.

[FR Doc. 83-18380 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Preparation of Management Framework Plan Amendments, Planning Analyses and an Environmental Assessment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare Management Framework Plan (MFP) Amendments, Planning Analyses, and an Environmental Assessment (EA) for the Safford District, Arizona.

SUMMARY: Pursuant to the Federal Land Policy and Management Act and 43 CFR 1601.3, the Safford District hereby gives notice of its intent to prepare four MFP amendments, two planning analyses, and an environmental assessment to cover all disposal actions on public land within the District. This notice also invites public review and comment on preliminary issues and planning criteria to be used to determine those lands

suitable for disposal. Disposal actions to be considered include sales, exchanges, and disposal under the Recreation and Public Purposes Act.

The Safford District, containing approximately 1.35 million acres of public land, is located in Graham, Greenlee, and Cochise Counties and portions of Gila, Pinal, and Pima Counties in sourtheastern Arizona. The San Simon, Geronimo, Black Hills, and Winkelman MFPs will be amended. Planning analyses will be prepared for the Cochise and San Pedro Planning Units, for which no MFPs exist. An environmental assessment will be prepared to evaluate the impacts of any proposed land disposals. These documents will include a determination of the consistency of the proposed action with the policies and programs of local, state, and other federal agencies. Upon completion of the environmental assessment, a Record of Decision will be issued by the District Manager allowing a 30-day protest period.

SUPPLEMENTARY INFORMATION:
Preliminary issues to be addressed in the planning include: the effects of disposal on wildlife, livestock grazing, social and economic conditions, cultural resources, threatened and endangered plants and animals, minerals, and land tenure; the rights of permittees and lessees; and the interests of adjacent landowners. Planning criteria to be used in evaluating the proposal are: (1) Public lands may be offered for public sale when such lands, because of location or other characteristics, are difficult and uneconomic to manage and are not suitable for management by other federal, state, or local public entity. (2) Disposal will serve important public objectives which outweigh public objectives and values which would be served by maintaining such lands in federal owership. Clarification of these issues and planning criteria will be solicited through public involvement. Public meetings will be held to allow the public the opportunity to discuss this planning effort, issues and planning criteria, and potential land disposal at the following locations:

Monday, August 22, 1983, Bowie Gym Lounge, Bowie, AZ
Tuesday, August 23, 1983, J.P. Courtroom, Chohise County Service Center, Highway 80 & 7th Street, Benson, AZ
Wednesday, August 24, 1983, Bureau of Land Management, Safford District Office, 425 E. 4th Street, Safford, AZ
Thursday August 25, 1983, City Hall Council Chambers, 425 Tenth Street, Douglas, AZ
Monday, August 29, 1983, City Hall Council Chambers, 617 Clark Street, Mammoth, AZ
Tuesday, August 31, 1983, Modern Language Bldg., Room 210, University of Arizona Campus, Tucson, AZ
Wednesday, August 31, 1983, Oscar Yrun Community Center, 2400 E. Tacoma Street, Sierra Vista, AZ
Thursday, September 1, 1983, Town Hall, Airport Drive, Duncan, AZ
Monday, September 6, 1983, Conference Room, Greenlee County Courthouse Annex, Clifton, AZ

All meetings will begin at 7:00 p.m. Notice of all pubic meetings will be distributed to the local media at least two weeks prior to the meeting dates. Written comments are being solicited during the 30-day public comment period commencing with the publication of this notice.

An interdisciplinary term will be used to analyze identified issues, formulating possible alternatives, and to assist in the preparation of the environmental assessment. The following disciplines will be included on the interdisciplinary team: wildlife, recreation, minerals, realty, range, archaeology, sociology, and economics.

FOR FURTHER INFORMATION: All inquiries concerning the planning and EA should be directed to Pete Zwaneveld, Team Leader, Bureau of Land Management, 425 E. 4th Street, Safford, AZ 85546 or phone (602) 428–4040.

Dated: June 29, 1983.

Lester K. Rosenkrance,
District Manager.

[FR Doc. 83-18414 Filed 7-7-83; 8:45 am]
BILLING CODE 4310-84-M

[ES 32521]

Realty Action; Competitive Sale of Public Land in Madison County, Alabama

The following described land has 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:

Huntsville Meridian, Alabama

T. 1 S., R. 3 E.,
Section 5: SW¼SW¼
Containing 40 acres.

The land will be sold by competitive bidding.

The land has not been used for, and is not required for any Federal purpose. The location and physical characteristics of the parcel make it difficult and uneconomical to manage as public land. Disposal would best serve the public interest. The sale is consistent with the Bureau's planning system for the land involved. The land will not be offered for sale until at least 60 days after the date of this notice.

The patents for the land, when issued, will be subject to the condition that all minerals will be reserved to the United States in accordance with Section 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.

Bidding Information and Instructions:

Bidding Qualifications: The Federal Land Policy and Management Act of 1976 requires that bidders must 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 qualified agent.

Bid Standards: No bid will be accepted for less than the appraised fair market value. Bids must be for all of the land identified in this notice.

Method of Bidding: Bids may be made either by mail or personally at the sale. Bids sent by mail will only be considered if received at the Jackson District Office, 300 Woodrow Wilson Drive, Jackson, Mississippi 39213, prior to 1 p.m. on September 23, 1983. Bids sent by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. All sealed envelopes must be marked in the lower left-hand corner, "Sealed Bid, Public Land Sale, ES–32521." If two or more valid sealed bids in the same amount are received and they are the high bid, the determination of which bid is to be considered the highest bid shall be by a drawing. The drawing, if required, shall be held immediately following the opening of the bids. The highest qualifying sealed bid shall then be announced.

Oral bids will be received immediately after all sealed bids have been opened and the highest sealed bid is announced. The highest sealed bid will be the base for oral bids. All oral bids must be in increments of $20. Sealed bidders present at the sale may also make oral bids. The highest bid price, either sealed or oral, will establish the sale price.

Final Details: Once a high bid is accepted, the successful bidder shall submit the balance of the full bid price within thirty (30) days after receipt of the Decision in accepting the highest bid. Failure to submit the required balance will result in cancellation of the sale and the bid deposit will be forfeit. If the high bid is accepted, the full price is paid, and the required citizenship or

corporate qualifications are met, title to the lands will be conveyed by a patent.

Those parcels not sold pursuant to this Notice of Realty Action shall remain available for sale 2 years from the date of this Notice. Subsequent purchases may be transacted at the Eastern States Office.

Further Information:

Detailed information concerning the sale can be obtained by contacting Mr. Robert Todd, Jackson District Office, 300 Woodrow Wilson Drive, Jackson, Mississippi 39213, (601) 960–4415. 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. 83-18472 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

[CA-13307]

Realty Action; Non-Competitive Sale of Public Lands in Imperial County, California

AGENCY: Bureau of Land Management, Interior.

ACTION: State of California; Realty Action Sale.

SUMMARY: 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 shown:

San Bernardino Meridian

Legal Description: NE¼ SW¼, Section 1, T. 15 S., R. 12 E.
Acreage: 40
Value: $128,000

The land is completely surrounded by and integrated into the farm operations of the Fillaree Ranch, which is owned and operated by John R. Norton. The land has been under cultivation for 30+ years. The sale of this land will allow operation of the ranch as a whole, as opposed to separating said 40 acres and attempting to operate the surrounding property. Improvements on the land include concrete lined head ditches and subsurface tile lines. It is evident that the highest and best use of the land is for agricultural development.

The parcel will be offered at direct sale to John R. Norton at the appraised fair market value. No bids will be accepted. The land will not be offered for sale until 60 days after the publication of this notice. Upon notification of sale date, the purchaser will be given 30 days to pay the full appraised market value.

The terms and conditions applicable to this sale are:

1. All minerals in the land will be reserved to the United States in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719); however, under Section 209 of said Act of October 21, 1976, the purchaser may apply to purchase the mineral interests.

2. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

3. The land will be sold subject to those rights as have been granted to Chevron, Inc., by lease number California 10451 authorized by the Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181 et seq.).

4. Federal law requires that all bidders be United States citizens, or in the case of corporations be authorized to own real estate in the State of California. A State, State instrumentality or political subdivision must be authorized to hold property. Proof of these requirements shall accompany the bid.

This sale is consistent with the Bureau of Land Management's planning and Imperial County's planning and zoning designations.

FOR FURTHER INFORMATION: Detailed information concerning the sale, including the land report and environmental assessment report are available for review at the California Desert District Office at 1695 Spruce Street, Riverside, California 92507 or the El Centro Resource Area Office, 333 South Waterman Avenue, El Centro, California 92243. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the State Director, California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. 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 a final determination.

Dated: June 28, 1983.

Gerald E. Hillier,

District Manager.

[FR Doc. 83-18423 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Proposed Commercial Lease; Construction and Maintenance of an Office Complex; Albuquerque District, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action on a proposed commercial lease.

SUMMARY: This notice is to advise the public that the Albuquerque District of the Bureau of Land Management (BLM) is proposing to make a commercial lease available to a successful bidder.

SUPPLEMENTARY INFORMATION: The BLM has determined that the public lands described below in San Juan County are suitable for a commercial lease under authority of Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732).

T. 29 N., R. 13 W., New Mexico Principal Meridian, Section 7: Lot 6 (a metes and bounds description more particularly described as:)

Beginning at the northeast corner of lot 6 which is the C-N1/16 section corner;

Thence N 89° 21′ W, 9.88 chains;
Thence N 89° 20′ W, 4.94 chains;
Thence S 1° 07′ W, 9.72 chains;
Thence N 45° 40′ E, 6.47 chains;
Thence N 32° 50′ E, 11.53 chains to the point of beginning.

Said parcel contains approximately 13.50 acres.

Upon notification from the General Services Administration (GSA), the BLM will make this tract available under a commercial lease to the successful bidder for the contract to construct and maintain an office complex for the BLM. Duration of the lease is 15 years at an annual rental of $100.

Other conditions of the lease are listed below:

1. This lease shall be issued subject to any existing valid rights. The United States reserves:

(a) All the coal, oil, gas geothermal, and other mineral deposits in the leased land together with the right to enter upon the land and prospect for, mine, and remove such materials.

(b) The right to issue right-of-way or use permits over the areas. Such uses, however, shall not unduly impair the use of said lands for authorized purposes nor damage authorized improvements therein.

(c) The right to use the public lands or authorize use of the public lands by the general public in any way compatible or consistent with the use authorized by this lease.

During the 15 year lease, the United States will pay a rental in frequency and amount agreed to by the successful bidder. After expiration of the lease, title to the office complex and the real estate will rest with the United States.

Detailed information on this lease, including the environmental assessment and land report, is available for review at the BLM, Farmington Resource Area Office, 900 La Plata Highway, Farmington, New Mexico 87401.

For a period of 45 days after publication of this notice, interested parties may submit comments to the District Manager, Albuquerque District Office, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107. Any adverse comments will be evaluated by the BLM State Director in Santa Fe, 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 a final determination of the Department of Interior.

Matthew M. Millenbach,

[FR Doc. 83-18399 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

[I-20088]

Realty Action; Competitive Sale of Public Lands; Cassia County, Idaho; Correction.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I-20088, Competitive Sale of Public Lands In Cassia County, Idaho; Correction.

SUMMARY: This document corrects the patent reservations that were published May 26, 1983 (48 FR 23716).

FOR FURTHER INFORMATION CONTACT: Nick James Cozakos, District Manager, (208) 678-5514.

The May 26, 1983 (48 FR 23716) publication notice incorrectly listed the patent reservations as:

1. Ditches and Canals.
2. Oil and Gas and Geothermal rights.
3. Oil and Gas Lease I-14717.

These reservations are corrected to read:

1. A right-of-way for ditches or canals constructed by the authority of the United States under the Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.
2. All minerals will be reserved to the United States as required by Sec. 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.
3. All valid existing rights and reservations of record.

Dated: June 29, 1983.

Nick James Cozakos,

District Manager.

[FR Doc. 83-18478 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

[CA 12433]

Realty Action; Exchange of Public Land; Lassen County, California

AGENCY: Bureau of Land Management, Interior.

ACTION: CA 12433; California Realty Action, exchange of public land in Lassen County, California.

SUMMARY: The following described public 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:

Mount Diablo Meridian, California

T.29N., R.11E.,
Sec. 4; Lot 2 (or portions thereof).
Containing 43.66 acres.

In exchange for these lands, the Federal Government will acquire a tract of non-Federal land in Lassen County from William E. and Annie L. Reed, 420 "B" Carroll Street, Susanville, California 96130. The lands are described as follows:

Mount Diablo Meridian, California

T.29N., R.11E.,
Sec. 4; SE¼NW¼ (partial).
Containing 35.45 acres.

All the minerals in the private and public lands will be exchanged. The private land to be acquired is a scenic and integral part of the Bizz Johnson Trail. The acquistion would enhance trail management and directly benefit all trail users. The exchange is consistent with Bureau planning and has been discussed with Lassen County. The public interest will be well served by making the exchange.

The value of the lands to be exchanged is approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

There will be reserved to the United States in the public lands to be exchanged, a right-of-way thereon for ditches and canals constructed by the authority of the United States (Act of August 30, 1890, 43 U.S.C. 945).

The publication of this notice in the Federal Register shall segregate the public lands described herein from all other forms of appropriation and entry under the public land laws and the mining laws for a period of two years. The exchange is expected to be consummated before the end of that period.

Detailed information concerning the exchange, including the environmental analysis and record of non-Federal participation, is available for review at the Bureau of Land Management's Susanville District Office, 705 Hall Street, Susanville, California 96130 and at the Eagle Lake Resource Area Office, 2545 Riverside Drive, Susanville, California 96130.

DATE: The publication date of this notice will commence the 45 day comment period. On or before August 22, 1983, interested parties may submit comments to the District Manager.

ADDRESSES: Comments should be sent to the Susanville District Manager, Bureau of Land Management, 705 Hall Street, P.O. Box 1090, Susanville, California 96130.

Dated: June 28, 1983.

Ben Collins,

Acting District Manager.

[FR Doc. 83-18439 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the information collection requirement and supporting documentation may be obtained by contacting Mario Rivero at (703) 860-7916. Comments and suggestions on the requirement should be made directly to the Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior—Minerals Management Service, Office of Management and Budget, Washington, D.C. 20503.

Title: OCS Order No. 1—Plans, Programs, Procedures, and Other Narrative Formats
Bureau Form Number: N/A
Frequency: Nonrecurring
Description of Respondents: Federal Outer Continental Shelf Lessees
Annual Responses: 400
Annual Burden Hours: 400

Dated: May 31, 1983.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 83-18419 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-MR-M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the collection of information requirements and supporting documentation may be obtained by contacting David A. Schuenke at 703–860–7916. Comments and suggestions on the collection of information should be made directly to the Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior—Minerals Management Service, Office of Management and Budget, Washington, D.C. 20503.

Title: Remedies and Penalties, 30 CFR 250.70 and 250.80
Bureau Form Number N/A
Frequency: On occasion
Description of Respondents: Federal Outer Continental Shelf Lessees and Permittees
Annual Responses: 30
Annual Burden Hours: 2400

Dated: June 7, 1983.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 83-18420 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-MR-M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting Raymond A. Hicks at 303–231–3147. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer listed below and to the desk offices (Interior) of the Office of Management and Budget at 202–395–7340.

Title: Reports for the Production Accounting and Auditing System
Bureau form Number: MMS–4051, MMS–4052, MMS–4053, MMS–4054, MMS–4055, MMS–4056, MMS–4057, MMS–4058, MMS–4061
Frequency: Intermittently, monthly, quarterly, semiannually
Description of Respondents: Oil and gas companies producing and processing oil and gas from onshore and offshore Federal and Indian leases
Annual Responses: 110,390
Annual Burden Hours: 98,835
Bureau Clearance Officer: Dorothy Christopher, 703–435–6213.

Dated: June 28, 1983.

Orie L. Kelm,

Acting Associate Director for Royalty Management.

[FR Doc. 83-18401 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-MR-M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the collection of information requirement and supporting documentation may be obtained by contacting Bill D. Dockery at (703) 860–7916. Comments and suggestions on the collection of information should be made directly to the Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior—Minerals Management Service, Office of Management and Budget, Washington, D.C. 20503, with copies to David A. Schuenke; Chief, Branch of Rules, Orders, and Standards; 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.

Title: Well Potential Test Report.
Bureau Form Number: MMS–1868 (formerly USGS Form 9–1868).
Frequency: On occasion.
Description of Respondents: Federal Oil and Gas Lessees on the Outer Continental Shelf performing operations under OCS Order No. 11, "Oil and Gas Production Rates"; 30 CFR 250.16, Well potentials and permissible flow; and 30 CFR 250.33, Drilling and producing obligations.
Annual Responses: 9,000.
Annual Burden Hours: 18,000.

Dated: June 28, 1983.

John B. Rigg

Associate Director for Offshore Minerals Management.

[FR Doc. 83-18400 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; ARCO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that ARCO Oil and Gas Company, Unit Operator of the Mississippi Canyon block 148 Federal Unit Agreement No. 14–08–0001–16934, submitted on June 28, 1983 a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Mississippi Canyon block 148 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico OCS Region, Minerals, Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Materie, Louisiana 70002, phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 1, 1983.

John L. Rankin,

Acting Regional Manager Gulf of Mexico OCS Region.

[FR Doc. 83-18402 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Offshore Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4126, Block 310, Main Pass 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 7002.

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 7002, 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 Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 29, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-18440 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4433, Block 160, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico 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 30, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-18473 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-MR-M

Availability of Outer Continental Shelf Leasing Maps and Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following OCS Leasing Maps and Official Protraction Diagrams, last approved or revised on the dates indicated, are on file and available, for information only, in the Gulf of Mexico OCS Regional Office, Metairie, Louisiana. In accordance with Title 43, Code of Federal Regulations, these Leasing Maps and Protraction Diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic areas they represent.

Description	Latest revision date [1]
High Island Area, East Addition, Texas Map No. 7A.	Oct. 19, 1981.
High Island Area, East Add., So. Ext. Texas Map No. 7C.	Do.
West Cameron Area, West Addition, Louisiana Map No. 1A.	Do.
West Cameron Area, South Addition, Louisiana Map No. 1B.	Do.
Eugene Island Area, Louisiana Map No. 4.	Jan. 21, 1983.
Mobile, NH 16-4	April 19, 1983.
Pensacola, NH 16-5	June 2, 1983.
Appalachicola, NH 16-9	Do.
Gainesville, NH 17-7	Do.
Tarpon Springs, NH 17-10	Do.
St. Petersburg, NG 17-1	Do.
Charlotte Harbor, NG 17-4	Do.

[1] Changes in CFR notations are not considered as revisions.

2. Copies of these Leasing Maps and Protraction Diagrams may be purchased for $2.00 each from Public Records, Minerals Management Service, Gulf of Mexico OCS Regional Office, Metairie, Louisiana. Checks or money orders should be made payable to Minerals Management Service.

3. In 42 FR 4906, dated January 26, 1977, as corrected in 42 FR 6646, dated February 3, 1977, there was published a composite list of all Leasing Maps and Official Protraction Diagrams then covering the Gulf of Mexico OCS. This list, when taken in connection with the list set out above, constitutes, a complete list of Leasing Maps and Official Protraction Diagrams now covering said areas.

John L. Rankin,

Acting Regional Manager.

[FR Doc. 83-18405 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Mining Plan of Operations, Death Valley National Monument; Availability

Notice is hereby given that pursuant to provisions of Sec. 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, American Borate Company has filed a plan of operations in support of amending the current plan of operations at its Billie Mine within the Death Valley National Monument. The plans are available for public inspection during normal business hours at the Death Valley National Monument headquarters, Death Valley, California.

Dated: June 24, 1983.

Edwin L. Rothfuss,

Superintendent, Death Valley National Monument.

[FR Doc. 83-18494 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware National Scenic and Recreational River; Meeting

AGENCY: National Park Service, 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: July 22, 1983, 7 p.m.

ADDRESS: Town of Tusten Hall, Narrowsburg, 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., Damacus Township, Pennsylvania.

Dated: June 29, 1983.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 83-18403 Filed 7-7-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Forms Under Review by Office of Management and Budget

The following proposal for collection of information under provisions of the Paperwork Reduction Act (44) U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Lee Campbell (202) 275–7238. Comments regarding this information collection should be addressed to Lee Campbell, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3001 NEOB, Washington, DC 20503, (202) 395–7313.

Type of Clearance: Extension
Bureau/Office: Office of Proceedings
Title of Form: Application for approval under 49 U.S.C. 11349 of the temporary operation of motor carriers properties sought to be acquired under separately filed applicants
OMB Form No.: 3120–0079
Agency Form No.: OP–F–46
Frequency: non-recurring
Respondents: businesses or other for profit
No. of Respondents: 306
Total Burden Hrs.: 36,720
Type of Clearance: Extension
Bureau/Office: Office of Proceedings
Title of Form: Application for authority under 49 U.S.C. 11343, 11344 to consolidate, merge, purchase or lease operating rights and properties, or any part thereof, of a motor carrier
OMB Form No.: 3120–0080
Agency Form No.: OP–F–44
Frequency: non-recurring
Respondents: businesses or other for profit
No. of Respondents: 90
Total Burden Hrs.: 20,070

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-18434 Filed 7-7-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Approved Exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Field 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 wll be effective on August 8, 1983. Petitions for reconsideration must be filed by July 28, 1983. Petitions for stay must be filed by July 18, 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.

By the Commission, Division 1, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor dissenting in part. He would have imposed a one-year limitation.

[No. MC–F–15165]

Western Lines, Inc.—Purchase Exemption—L & L Motor Freight, Inc.

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

and

(2) Petitioner's representative: A. Charles Tell, Suite 1800, 100 E. Broad Street, Columbus, OH 43215.

Pleadings should refer to No. MC–F–15165.

Decided: June 30, 1983.

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 Western Lines, Inc., (No. MC–119908) of that portion of the operating rights of L & L Motor Freight, Inc. set forth in paragraph (1)(b) of L & L's Certificate No. MC–149152 (Sub-No. 6).

[No. MC–F–15179]

Ross Brothers Transporation, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzell, Trustee in-Bankruptcy)

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

and

(2) Petitioner's representative: David E. Wishney, 601 West Hays Street, Suite 11, Boise, ID 83701–0837.

Pleadings should refer to No. MC–F–15179.

Decided: June 30, 1983.

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 Ross Brothers Transportation, Inc., (Ross) (MC–139085), of a portion of the operating rights of Shoemaker Trucking Company, (Shoemaker), i.e. Certificate No. MC–138875 (Sub-No. 1 paragraph (9), 48, 81F 309X paragraphs (e) and 312X paragraphs (1)(Q) and (8)(B)) which authorize the irregular-route transportation of such commodities as are dealt in by grocery and food business houses and (2) food and related products between points in Portage

County, WI, on the one hand, and, on the other, points in Alabama, Alaska, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia and Wyoming and building materials and lumber and wood products, between points in Weld County, CO, on the one hand, and, on the other, points in Arizona, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Montana, Wyoming and Colorado, and metal products between points in York County, NE, on the one hand, and, on the other, points in Idaho, Nevada, Oregon, Utah, Washington and Wyoming.

[MC-F-15181]

Hamric Transportation, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-in-Bankruptcy)

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative: David E. Wishney, 601 West Hays Street, Boise, ID 83701.

Pleadings should refer to No. MC-F-15181.

Decided: June 30, 1983.

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 Hamric Transportation, Inc. (MC-142831), of a portion of the operating rights of Shoemaker Trucking Company, i.e. Certificate No. MC-138875 (Sub-No. 282), authorizing the transportation of such products as are distributed by farm and hardware supply stores (except commodities in bulk), between points in the United States and the facilities of Big R Stores located in California, Colorado, Iowa, Idaho, Kansas, Minnesota, Missouri, Montana, North Dakota, Nebraska, Nevada, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

[No. MC-F-15199]

CRST, Inc.—Purchase Exemption—Night Hawk Motor Transport Inc.

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative: Stephen D. Strauss, 2510 Carew Tower, Cincinnati, OH 45202.

Pleadings should refer to No. MC-F-15199.

Decided: June 30, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirements of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by CRST, Inc. (No. MC-114273), of a portion of the operating rights of Night Hawk Motor Transport, Inc., i.e., Certificate No. MC-147751, authorizing generally the irregular-route motor common carrier transportation of general commodities (with exceptions), between points in Chicago, IL, on the one hand, and, on the other, specified cities and points in Ohio.

[No. MC-F-15205]

Ed Wolfe Trucking, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-in-Bankruptcy)

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative: Philip G. Skofstad, 529 SE Grand Ave., Portland, OR 97214.

Pleadings should refer to No. MC-F-15205.

Decided: June 30, 1983.

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 Ed Wolfe Trucking, Inc., of those operating rights of Shoemaker Trucking Company found in paragraphs (1), (7), (8), (21), and (31) of certificate No. MC-138875 (Sub-No. 312)X, and in Certificates No. MC-138875 (Sub-Nos. 37, 194F, 289F, 150F, 160F, and 155F).

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.

[No. MC-F-15150]

Shaft, Inc.—Purchase Exemption—Sawyer Transport, Inc. (Nathan Yorke, Trustee in Bankruptcy) Harold Shafer—Continuance in Control Exemption—Shaft, Inc., and Shale Auto Transport, Inc.

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: Carl L. Steiner, 135 South La Salle Street, Suite 2106, Chicago, IL 60603.

Pleadings should refer to No. MC-F-15150.

Decided: June 29, 1983.

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(e), the purchase by Shaft Inc., (Shaft) of a portion of Sawyer Transport, Inc. (Sawyer) (MC-123407) (Sub-No. 668X), paragraph 69 and the involved underlying authority in Sub-No. 134, paragraph 2, which authorizes the transportation of transportation equipment, between points in United States. Harold Shafer controls Shaft and Shale Auto Transportation, Inc., (Shale) (MC-41635), and upon consummation of the purchase of the Sawyer authority there will be a continuance in control of Shaft and Shale.

[No. MC-F-15228]

Charles F. Peterlin, Robert A. Peterlin, Sharon Cole, and Raymond L. Peterlin, Jr.—Control Exemption—Peterlin Cartage Co. and Fast Freight, Inc.

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603.

Pleadings should refer to No. MC-F-15228.

Decided: June 30, 1983.

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)(4), the acquistion of control by Charles F. Peterlin, Robert A. Peterlin, Sharon Cole, and Raymond L. Peterlin, Jr., all non-carriers, of the outstanding and issued capital stock of Peterlin Cartage Co. (MC-67450), and Fast Freight, Inc. (MC-123272), by transfer from Frank Peterlin and Raymond L.

Peterlin, Sr., non-carriers who each control and own 50 percent of the outstanding and issued capital stock of said carriers.

[No. MC-F-15230]

Metroplex Freight Service, Inc.—Control Exemption—Metroplex Freight Service of Oklahoma, Inc.

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: D. Paul Stafford, Suite 1125, Frito Lay Tower, P.O. Box 45538, Dallas, TX 75245.

Pleadings should refer to No. MC-F-15230.

Decided: June 28, 1983

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(5), the acquisition of control of Metroplex Freight Service of Oklahoma, Inc. (MFSO) by Metroplex Freight Service, Inc. (MFS) and George Helleson and Charles Sarrett.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-18433 Filed 7-7-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

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 follwing decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275-7992.

Volume No. OP1-FC-262

MC-FC-81491. By decision of June 30, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board Members Williams, Dowell, and Carleton approved the transfer to ANTIOCH MOVING AND STORAGE COMPANY, INC., d.b.a. WEST COAST VAN AND STORAGE COMPANY, Vacaville, CA, of Certificate No. MC-127800 (Sub-No. 1) issued October 9, 1969, to DONALD J. FRENCH, d.b.a. WEST COAST VAN AND STORAGE, Vacaville, CA, authorizing the transportation over irregular routes, of used household goods, between points in Yolo, San Joaquin, Solano, and Sacramento Counties, CA, restricted to traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic. Representative: James D. Shurr, P.O. Box 418, Vacaville, CA 95696.

MC-FC-81536. By decision of June 29, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board Members Dowell, Carleton, and Parker approved the transfer to JAMES HOWARD LOFTIN, d.b.a. LOFTIN ENTERPRISES, Denton, NC, of Certificate No. MC-145931 (Sub-No. 2) F, issued July 24, 1980, to HORSESHOE'S GARAGE & TIRE CENTER, INC., Denton, NC, authorizing the transportation over irregular routes, of (1) wrecked and disabled tractors, wrecked and disabled trailers (except those designed to be drawn by passenger vehicles), wrecked and disabled trucks, and wrecked and disabled buses, from those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX (except FL and NC), to points in Davidson County, NC, (2) replacement vehicles for the vehicles named in (1) above, from points in Davidson County, NC, to the origin points described in (1) above, (3) wrecked and disabled tractors, wrecked and disabled trailers (except those designed to be drawn by passenger vehicles), wrecked and disabled trucks, and wrecked and disabled buses, from points in the U.S. (except AK, HI, and NC), to points in Guilford and Randolph Counties, NC, and (4) replacement vehicles for the vehicles named in (3) above, from points in Guilford and Randolph Counties, NC, to the origin points described in (3) above. Representative: Terrell Price, 800 Briar Creek Rd., Suite DD-504, Charlotte, NC 28205.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-FC-415

MC-FC-81545. By decision of July 1, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, The Review Board, Members Williams, Carleton, and Parker approved the transfer to MID CONTINENT EXPRESS, INC., of Oklahoma City, OK, of Certificate No. MC-157337, issued February 10, 1982, to ROBERT COOPER AND ROBERT STEWART, d.b.a. BOB'S TRUCKING, of Washington, OK, authorizing the transportation of *Mercer commodities*, between points in OK, on the one hand, and, on the other, points in AR, CO, KS, LA, NM, TX, UT, and WY. Representative: C. L. Phillips, Rm: 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. (405) 528-3884, for both transferee and transferor.

[FR Doc. 83-18437 Filed 7-7-83; 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 use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Associated Dry Goods Corporation, 417 Fifth Ave., New York, NY 10016.

2. Wholly owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(A) L. S. Ayres & Company, 1 West Washington Street, Indianapolis, IN 46204
(B) H. & S. Pogue Company, 4th and Race Streets, Cincinnati, OH 45201
(C) Stewart Dry Goods Company, 501–513 Fourth Avenue, Louisville, KY 40202
(D) Joseph Horne Company, 501 Penn Avenue, Pittsburgh, PA 15222
(E) Stix, Baer & Fuller, 1025 S. Brentwood Blvd., St. Louis, MO 63117.

1. Parent corporation and address of principal office: Ralston Purina Company, 835 South Eighth Street, St. Louis, Missouri 63102.

2. Wholly owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Foodmaker, Inc., 9330 Balboa Ave., San Diego, California 92123, a Delaware corporation.
(b) Bay-Mor Pet Feeds, Inc., 55 North Sillyman, Cressona, Pennsylvania 17929, a Delaware corporation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-18435 Filed 7-7-83; 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 redestgnated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, 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 presumtions 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 not a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition. To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

For the following, please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP–2–296

Decided: June 29, 1983.

By the Commission, Review Board Members Krock, Parker, and Joyce.

MC 87113 (Sub-36), filed June 2, 1983. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Rd., Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006 202–833–8884. Transporting *household goods*, between points in the U.S., under continuing contract(s) with American McGaw, Division of American Hospital Supply Corporation, of Irvine, CA, its subsidiaries and affiliates (1) American Pharmaseal Division, of Glendale, CA, and (2) American Medical Optics Division, of Irvine, CA.

MC 107012 (Sub-835), filed June 17, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46818. Representative: Margaret S. Vegeler (same address as applicant) 219–429–2213. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with D.E.A. Equipment Co., Inc., of Tempe, AZ.

MC 107012 (Sub-838), filed June 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN

46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *general commodities*, (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Howard Johnson Co., of Braintree, MA.

MC 107012 (Sub-839), filed June 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Babcock and Wilcox Company, of Barberton, OH.

MC 107012 (Sub-840), filed June 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Jack Eckerd Corp., of Largo, FL.

MC–146912 (Sub-2), filed June 20, 1983. Applicant: MID-CITIES MOTOR FREIGHT, INC., P.O. Box 25, Stockyards Station, St. Joseph, MO 64504. Representative: Tom B. Kretsinger, 20 Franklin, Liberty, MO 64068, 816–781–6000. Transporting *such commodities* as are dealt in by chain, wholesale, retail and mail order businesses, between points in the U.S., under continuing contract(s) with persons who operate chain, wholesale, retail and mail order businesses or who manufacture or distribute such commodities as are dealt in by chain, wholesale, retail and mail order businesses.

MC–155763 (Sub-2), filed May 31, 1983. Applicant: CAPSTAN TRANSPORTATION CO., 109 North Broad St., Lancaster, OH 43130. Representative: Mr. D. C. Bolger, (same address as applicant), 614–687–2271. 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 Anchor Class Container Corp. c/o Wesray Container Corporation, of Morristown, NJ.

MC–156822 (Sub-1), filed June 20, 1983. Applicant: LESLIE H. FARRIN, Rte. 113, North Fryeburg, ME 04058. Representative: Leslie H. Farrin, (same address as applicant), 207–697–2755. Transporting *metal and metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Eagle Precision Metals Corp. and (b) Dearborn Precision Tubular Products, both of Fryeburg, ME.

MC–159193 (Sub-1), filed June 20, 1983. Applicant: VAUGHN TRUCKING, INC., 524 W. Johnson, P.O. Box 127, Jonesboro, AR 72401. Representative: Ralph D. Golden, Suite 2348, 100 North Main, Memphis, TN 38103, 901–526–1122. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Memphis, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with U.S. Freight Forwarder Co., Inc., of Memphis, TN.

MC–160372 (Sub-1), filed June 20, 1983. Applicant: ALBION TRUCKING, INC., P.O. Box 1926, Columbia, SC 29202. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, 313–349–3980. Transporting (1) *food and related products* and (2) *such commodities* as are dealt in and used by restaurants, between points in GA and SC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166312 (Sub-1), filed June 20, 1983. Applicant: NATIONWIDE EXPRESS, INC., P.O. Box 364, Harrisburg, NC 28075. Representative: Terrell Price, 800 Briar Creek Rd., Suite DD–504, Charlotte, NC 28205, 704–372–8212. 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 Ray F. Foley and Larry T. Tyson dba Nationwide Brokers, of Harrisburg, NC.

MC 168792, filed June 21, 1983. Applicant: NARDELLI BROS., INC., North Main St., Cedarville, NJ 08311. Representative: William J. Nardelli, (same address as applicant), 609–447–4621. Transporting *general commodities* except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Clement Pappas & Co., Inc., of Seabrook, NJ.

For the following, please direct status inquires to Team 1, (202) 275–7030.

Volume No. OP–1–263

Decided: June 30, 1983.

By the Commission, Review Board Members Dowell, Krock, and Williams.

MC 2960 (Sub-51), filed June 22, 1983. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, P.O. Box 4362, Houston, TX 77210. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706, (409) 898–8086. 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 149361 (Sub-1), filed June 24, 1983. Applicant: EAGLE VALLEY, INC., P.O. Box 620, Shawneetown, IL 62984. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491, (317) 638–1301. Transporting *commodities in bulk*, between points in AL, AR IA, IL, IN, KY, LA, MI, MN, MO, MS, OH, PA, TN, WI and WV.

MC 163600, filed June 21, 1983. Applicant: DON SLOAN, d.b.a. DON SLOAN TRUCKING, 6466 McCain Road, Spring Arbor, MI 49283. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657–6071. Transporting (1) *Mercer commodities*, between points in TX, on the one hand, and, on the other, points in MI, IL, IN, OH, PA, MO, AR, TN, TX, LA, KY, MS, OK, WI, and IA, and (2) *building materials*, between points in MI, on the one hand, and, on the other, points in MI, IL, IN, OH, PA, MO, AR, TN, TX, LA, KY, MS, OK, WI, and IA.

MC 165311, filed June 22, 1983. Applicant: DMJ LEASING & TRUCKING, INC., 1985 North Anson Drive, Melrose Park, IL 60160. Representative: Steven C. Weiss, 29 South La Salle St., Chicago, IL 60603, (312) 236–0548. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Helene Curtis Industries, Inc., of Chicago, IL.

MC 167911, filed June 23, 1983. Applicant: STANELY AUTO OIL SERVICE CORP., 60 Forester Ave., Warwick, NY 10990. Representative: Jack L. Schiller, 111–56 76th Drive, Forest Hills, NY 11375, (212) 263–2078. Transporting *general commodities* (except classes A and B explosives and household goods and commodities in bulk), between points in NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168831, filed June 20, 1983. Applicant: SOUTHERN NATIONAL, INC., P.O. Box 2545, Green Bay, WI 54306. Representative: Thomas E. Vandenberg (same address as applicant), (414) 498–7689. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI). CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a

petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 1, Room 2379.

For the following, please direct status inquiries to Team Three (3) at (202) 275–5223.

Volume No. OP3–301

Decided: June 29, 1983.

By the Commission, Review Board Members Fortier, Krock, and Williams.

MC–1745 (Sub-21), filed June 20, 1983. Applicant: INTERSTATE VAN LINES, INC., 5801 Rolling Rd., West Springfield, VA 22152. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW, Suite 300, Washington, DC 20006 (202) 466–3778. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Advanced Technology, Inc., of McLean, VA.

MC–65895 (Sub-15), filed June 20, 1983. Applicant: REDDAWAY'S TRUCK LINE, a Corporation, 1721 N.W. Northrup, Portland, OR 97209. Representative: Jerry R. Woods, P.O. Box 28, Room 104, Flavia Hall, Marylhurst, OR 97036 (503) 635–5600. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AK, AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC–113855 (Sub-552), filed June 21, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. S.E., Rochester, MN 55903. Representative: Leonard L. Bennett (same address as applicant) (507) 288–3331. Transporting *general commodities* (except classes A and B explosives and household goods, and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with Weyerhaeuser Company, of Springfield, OR.

MC–148815 (Sub-6), filed June 20, 1983. Applicant: HUSKER DISTRIBUTION, INC., 4900 Superior St. #3, Lincoln, NE 68504. Representative: Lavern R. Holdeman, 1610 South 70th St., suite 200, Lincoln, NE 68506 (402) 488–0985. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IA, KS, MN, MO, NE, and SD.

MC–149205 (Sub-3), filed June 13, 1983. Applicant: BILL D. HAVENS and WILLIAM S. HAVENS, d.b.a. HAVENS TRUCKING, 1609 E. 27th St., Farminton, NM 87401. Representative: Roger V. Eaton, 2501 Yale Blvd. SE, Suite 301, Albuquerque, NM 87106 (505) 243–3501. Transporting *Clay, cement, glass or stone products,* between points in UT, CO, NM, and AZ.

MC 149285 (Sub-1), filed June 13, 1983. Applicant: GO TRANSPORT AND DELIVERY SERVICE, INC., P.O. Box 628, Houston, TX 77001. Representative: Ralph Garcia (same address as applicant), (713) 672–2144. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except HI).

MC 160155 (Sub-1), filed June 21, 1983. Applicant: MCT, INC., 6640 West Touhy Ave., Niles, IL 60648. Representative: Robert W. Murphy (same address as applicant), (312) 763–1106. 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 (1) W. R. Grace & Company, (2) Buckman Laboratories, Inc., and (3) Consolidations Unlimited, Inc., all of Memphis, TN, (4) Modern Line Products Company, of Indianapolis, MS, (5) J. R. Short Milling Company, of Chicago, IL, (6) RJW Enterprises of Bloomingdale, IL, and (7) Nibco, Inc., of Elkhart, IN.

MC 168055, filed June 13, 1983. Applicant: LARRY KNUDSEN, Route 2, Atlantic, IA 50022. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. (515) 244–2329. Transporting *clay, concrete, glass or stone products,* between points in Woodbury, Dallas, and Wapello Counties, IA, and points in Livingston, County, MO, on the one hand, and, on the other, points in NE.

MC 168225, filed June 20, 1983. Applicant: BILLY JOE KIVETTE, d.b.a. KIVETTE TRUCKING CO., Route 1, Box 257S, West Point, GA 31833. Representative: Archie B. Culbreth, Suite 570, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting (1) *clay, concrete, glass or stone products,* and (2) *petroleum products,* between points in GA, on the one hand, and, on the other, points in AL.

MC 168555, filed June 21, 1983. Applicant: MYRON AND PATRICK PETERSON, d.b.a. CAMPSTOOL CATTLE CO., Route 2, Oshkosh, NE 69154. Representative: Lavern R. Holdeman, 1610 South 70th St., Suite 200, Lincoln, NE 68506, (402) 488–0985. Transporting *such commodities* as are dealt in or used by farm and agricultural supply business houses, between points in CO, IL, IA, KS, NE, NM, OK, TX, and WY.

Volume No. OP3–302

Decided: June 30, 1983.

By the Commission, Review Board Members Williams, Fortier, and Krock.

MC 31024 (Sub-46), filed June 10, 1983. Applicant: NEPTUNE WORLD WIDE MOVING, INC., 55 Weyman Ave., New Rochelle, NY 10802. Representative: Luz Maria Moreno (same address as applicant), (914) 632–1300. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with ITT Continental Baking Company, Inc., of Rye, NY.

MC 113855 (Sub-548), filed June 10, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, MN 55901. Representative: Michael E. Miller, 15 Broadway—Suite 502, Fargo, ND 58102, (701) 235–4487. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with IT Distribution Services, Inc., of Rochester, MN.

MC 11394 (Sub-85), filed June 15, 1983. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant), (412) 461–5100. 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 135994 (Sub-1), filed June 13, 1983. Applicant: MOLASSES HAULERS, INC., 1618 Larkspur Dr., Gering, NE 69341. Representative: George L. Hirschbach, 920 W. 21 St., South Sioux City, NE 68776, (402) 494–5466. Transporting *sugar,* between points in the U.S. (except AK and HI).

MC 136575 (Sub-17), filed June 9, 1983. Applicant: GWINNER OIL CO., INC., Box 38, Gwinner, ND 58040. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340–0808. Transporting *general commodities* (except classes A & B explosives, household goods and commodities in bulk), between points in ND, SD, MN, and MT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 141804 (Sub-539), filed June 13, 1983. Applicant: WESTERN EXPRESS (Division of Interstate Rental, Inc.), P.O. Box 10 (1444 Blairbridge Rd.), Austell, GA 30001. Representative: Gene J. Margelli (same address as applicant), (404) 944–9300. Transporting *food and related products*, between points in ID, CA and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Basic American Foods, of Vacaville, CA.

MC 165915 , filed June 20, 1983. Applicant: D & P TRANSPORT, INC., 707 N. Raymond St., Griffith, IN 46319. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350 Chicago, IL 60603, (312) 782–8880. Transporting *metal products*, and *such commodities* as are dealt in or used by refineries and smelteries, between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168605 filed June 13, 1983. Applicant: CHEROKEE TRANSPORT, INC., Route 2, Nampa, ID 83651. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83791, (208) 336–5955. Transporting (1) *lumber and wood products* and *building materials*, between those points in the U.S. in and west of WI, MN, IA, MO, AR, and LA, (except AK and HI), and (2) *chemicals and related products*, between points in CA, ID, MT, NV, OR, UT, and WA.

MC 168674, filed June 13, 1983. Applicant: ALLIED FINE FURNITURE, INC., 7401 N. E. 47th Ave., Vancouver, WA 98661. Representative: Peter H. Glade, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258, (503) 227–1618. Transporting *plastic and rubber products, and furniture and fixtures*, between points in OR, WA, ID, UT, MT, NV and CA.

Volume No. OP3–307

Decided: June 30, 1983.

By the Commission, Review Board Members Krock, Williams, and Dowell.

MC 15735 (Sub-85), filed June 21, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680, (312) 681–8377. Transporting *household goods*, between points in the U.S. under continuing contract(s) with Commercial Shippers as defined at 49 CFR 1056.1(b)(6).

MC 31024 (Sub-47), filed June 21, 1983. Applicant: NEPTUNE WORLD WIDE MOVING, INC., 55 Weyman Avenue, New Rochelle, NY 10802–05. Representative: Luz Mareno (same address as applicant), (914) 632–1300. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Bethlehem Steel Corp., of Bethlehem, PA.

MC 141175 (Sub-9), filed June 22, 1983. Applicant: GARLEPIED TRANSFER, INC. 317 Butterworth Street, Jefferson, LA 70181. Representative: G. H. Knapp Jr., 3120 Lemon Street, Metairie, LA 70002 (504) 454–5080. 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 145954 (Sub-4), filed June 22, 1983. Applicant: FOUR TRUCKERS, INC., P.O. Box 1211, Morgantown, NC 28655. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204, (704 372–6730. Transporting *furniture and fixtures*, between points in NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168785, filed June 20, 1983. Applicant: UNR FREIGHT, INC., 701 16th Ave. East Springfield, TN 37172. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602 (502) 223–8244. 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 168815, filed June 21, 1983. Applicant: SOUTHWEST CARRIERS, INC., 14415 N. Scottsdale Rd., Scottsdale, AZ 85260. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012 (602) 274–5146. Transporting *automobiles*, between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team Four at (202) 275–7669.

Volume No. OP4–410

Decided: June 29, 1983.

By the Commission, Review Board, Members: Joyce, Williams and Dowell.

MC 168826, filed June 22, 1983. Applicant: MAPLEHURST REFRIGERATED EXPRESS, INC., 8929 W. Washington St., Indianapolis, IN 46231. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) Maplehurst Deli-Bake South, Inc., of Carrollton, GA, Maplehurst Deli-Bake, Inc., and Maplehurst Farms, Inc., both of Indianapolis, IN. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an aplication under 49 U.S.C. 11343(A) or submit an affidavit to the Secretary's office indicating why such approval is unnecessary. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the petition or application(s) for common control to Team 4, Room 2410. In lieu of filing an application for approval, such person or persons may wish to file a letter-petition for exemption from Commission action. Such a petition should include the notice required by Section 11343(e)(2). See Ex Parte 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 47 FR 42947.

MC 168836, filed June 23, 1983. Applicant: LUMBER JOBBERS LTD., Hwy 59 N., P.O. Box 309, Worthington, MN 56187. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101, (605) 335–1777. Transporting *lumber and wood products* and *building materials*, between points in AR, CA, CO, ID, LA, MT, OK, OR, TX, WA, and WY, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MN, MO, MT, ND, NE, SD, TN, WI, and WY.

MC 168837, filed June 23, 1983. Applicant: GENE BROWNLOW, d.b.a. G & M TRUCKING COMPANY, 5000 Alabama Hwy, NW., Rome, GA 30161. Representative: Archie B. Culbreth, Suite 570, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting (1) *pulp, paper and paper products*, between points in AL and GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX, and (2) *lumber and wood products*, between points in GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK and TX.

Volume No. OP4–411

Decided: June 30, 1983.

By the Commission, Review Board, Members: Carleton, Dowell and Williams.

MC 99567 (Sub-12), filed June 23, 1983. Applicant: KANE FREIGHT LINES, INC., P.O. Box 931, Scranton, PA 18501. Representative: William F. King, Suite 304, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between those points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 150917 (Sub-2), filed June 21, 1983. Applicant: FOOD EXPRESS INC., 4325 Fruitland Ave., Los Angeles, CA 90058. Representative: Michael L. Springer (same address as applicant), (213) 589–3231. Transporting *general commodities* (except classes A and B explosives and

household goods), between points in the U.S., under continuing contract(s) with CPC International, of Englewood Cliffs, NJ, and Terminal Flour Mills Company, of Portland, OR. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit to the Secretary's office indicating why such approval is unnecessary. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the petition or application(s) for common control to Team 4, Room 2410. In lieu of filing an application for approval, such person or persons may wish to file a letter-petition for exemption from Commission action. Such a petition should include the notice required by Section 11343(e)(2). See Ex Parte 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 47 FR 42947.

MC 168786, filed June 20, 1983. Applicant: WAGER TRANSFER, INC., 107 N. Lincoln (P.O. Box 257), Towanda, IL 61776. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL, (312) 298–1094. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, CA, CO, CT, GA, IL, IN, IA, KS, KY, ME, MI, MN, MO, NE, NJ, NY, NC, OH, OK, OR, SC, TN, TX, WV, and WI, on the one hand, and, on the other, points in AL, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NJ, NC, OH, OK, PA, SC, SD, TN, TX, WI, and WY.

MC 168787, filed June 20, 1983. Applicant: MERRITT OIL CO., INC., 952½ S. Conception St., Mobile, AL 36603. Representative: Prentiss Taylor (same address as applicant), (205) 432–6718. Transporting *petroleum and petroleum products*, between points in AL, LA, TX, TN, MS, FL, AR, NC, SC, GA, and KY.

MC 168856, filed June 23, 1983. Applicant: BRADFORD-WHITE CORPORATION, 200 Lafayette St., Middleville, MI 49333. Representative: Robert P. Cooper, 700 Frey Bldg., Grand Rapids, MI 49503, (616) 459–5151. Transporting *fiberglass bathtubs, showers, tub and shower combinations, lavatories, and related products*, between points in McNairy County, TN, on the one hand, and, on the other, points in AL, AR, DE GA, IL, IN, KS, KY, LA, MI, MS, MO, NE, NC, ND, OH, OK, PA, SC, SD, TX, VA, and WV, under continuing contract(s) with Aqua Glass Corporation, of Adamsville, TN.

Volume No. OP4–414

Decided: June 29, 1983.

By the Commission, Review Board, Members: Joyce, Williams, And Dowell.

MC 168706, filed June 16, 1983. Applicant: JET EXPRESS, INC., 716 Elberon St., Dayton, OH 45403. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *such commodities* as are dealt in or used in the manufacturer and distribution, and repair of motor vehicles and vehicle components, between points in the U.S. (except AK and HI), under continuing contract(s) with General Motors Corporation, of Troy, MI.

Volume No. OP4–413

MC 3647 (Sub-470) (republication), filed February 1, 1983; published in the **Federal Register** issue of February 15, 1983; and republished this issue. Applicant: NJ TRANSIT BUS OPERATIONS, INC., 180 Boyden Ave., Maplewood, NJ 07040. Representative: Irwin I. Kimmelman, McArthur Hwy and Market St., P.O. Box 10009, Newark, NJ 07101. In a decision by the Commission, Review Board members Carleton, Fortier, and Dowell, decided June 14, 1983; and finds that performance by applicant: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers*, in charter and special operations, between points in the United States, will serve a useful public purpose responsive to a public demand or need. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements.

*The purpose of this republication is to give notice of the proper Standards of Protest.

Note.—Applicant receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient.

MC 106207 (Sub-20) (republication), filed February 7, 1983; published in the **Federal Register** issue of February 28, 1983; and republished this issue. Applicant: NEW YORK-KEANSBURG-LONG BRANCH BUS CO., INC., 50 Hwy 36, Leonardo, New York 07737. Representative: Sidney J. Leshin, 3 East 54th Street, New York, NY 10022. In a decision, by the Commission, Review Board members Joyce, Fortier, and Krock, deciced June 8, 1983; and finds that performance by applicant: To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting passengers, between Freehold, NJ and the World Trade Center, New York, NY: from Freehold over New Jersey Hwy 33 to Freehold Circle at junction U.S. Hwy 9; then over U.S. Hwy 9 to junction Garden State Parkway; then over the Garden State Parkway to junction New Jersey Turnpike; then over the New Jersey Turnpike to junction Pulaski Skyway; then over the Pulaski Skyway to the Holland Tunnel; then through the Holland Tunnel to the Borough of Manhattan, New York, NY; then over city streets to the World Trade Center; and return over the same route, serving all intermediate points.

Note.—The purpose of this republication is to show the correct territorial description.

Volume No. OP4–416

Decided: June 30, 1983.

By the Commission, Review Board, Members: Joyce, Dowell, and Carleton.

MC 158196 (Sub-2), filed June 27, 1983. Applicant: BANKS WRIGHT, d.b.a., WRIGHT MOTOR LINES, P.O. Box 177, Armagh, PA 15920. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 164706 (Sub-1), filed June 17, 1983. Applicant: MAJIC TRANSPORT, INC., 305 Montgomery St., Syracuse, NY 13202. Representative: Herbert M. Canter (same address as applicant), (315) 472–8845). Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC–168426, filed June 24, 1983. Applicant: RRAMP, INC., P.O. Box 465, Bloomingdale, IL 60108. Representative: Albert A. Andrin, 180 N. La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, OH, MI, PA, WI, IA, KY, and TN.

MC–168816, filed June 22, 1983. Applicant: BLUE BIRD LINES, INC., 1418 Main St., Vincennes, IN 47591. Representative: Robert E. Vincent (same address as applicant), (812) 882–2796). 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–168857, filed June 23, 1983. Applicant: JACK CHRISTENSEN, P.O.

Box 113–A, Milory, MN 56236. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *chemicals and related products*, and *feed and feed ingredients*, between points in the U.S. (except AK and HI), under continuing contract(s) with Woods Farms Elevator Coop, of Leonard, ND.

MC–168866, filed June 23, 1983. Applicant: BURK SERVICES, INC., 112 Plover Pines, Plover, WI 54467. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC–168876, filed June 24, 1983. Applicant: JERRY LANDRUM, HUGO STOCKSTILL, CHARLES DUNHURST, AND T. F. PEARSON, d.b.a. SUNBELT TRUCK BROKERS, P.O. Box 727, Picayune, MS 39466. Representative: Jerry Landrum (same address as applicant), (601) 798–0672. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume NO. OP4–418

Decided: June 30, 1983.

By the Commission, Review Board, Members: Carleton, Dowel and Williams.

MC–102616 (Sub-1040), filed June 24, 1983. Applicant: COASTAL TANK LINES, INC., 250 N. Massillon Rd., Akron, OH 44319. Representative: Fred H. Daly, 2555 M St., NW, Suite 100, Washington, DC 20037, (202) 293–3204. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Dow Chemical, U.S.A., of Midland, MI, Union Camp Corporation and American Cyanamid Company, both of Wayne, NJ.

[FR Doc. 83-18429 Filed 7-7-83; 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 in for a named shipper "under contract."

Please direct status inquiries about the following to Team Three (3) at (202) 275–5223.

Volume No. OP3–308

Decided: June 30, 1983.

By the Commission, Review Board Members Krock, Williams, and Dowell.

MC 152135 (Sub-2), filed June 21, 1983. Applicant: FRANCISCO M. GINESTA, PAUL P. FRINGS, GABRIELE FIRNGS AND JUAN E. URETA, d.b.a. ACONCAGUA, 6106 Clearbrook Drive, Springfield, VA 22150. Representative Francisco Ginesta (same address as applicant), (703) 569–7753. Transporting *passengers*, in charter and special operations, beginning and ending at points in VA and DC and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168774, filed June 20, 1983. Applicant: AUDUBON AREA COMMUNITY SERVICES, INC., 403 West Third Street, P.O.Box 630, Owensboro, KY 42301. Representative: Buddy R. Fuqua (same address as applicant), (502) 683–9242. Transporting *passengers*, in charter and special operations, beginning and ending at points in Hancock, Daviess, Ohio, McLean, Webster, Union and Henderson Counties, KY, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status inquiries to Team 1, (202) 275–7030.

Volume No. OP–1–264 (F)

Decided: June 30, 1983.

By the Commission, Review Board Members Dowell, Krock, and Williams.

MC 162490, filed June 23, 1983. Applicant: PLAYERS TRANSPORT, INC., 2060 Coolidge, Berkley, MI 48072. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649–6650. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *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, and (4) *used household goods* for the account of the United States Government incidental to a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 168801, filed June 21, 1983. Applicant: VINTAGE ELECTRIC AUTO, INC., d.b.a. DOUBLE DECKER TOURS, P.O. Box 5032, Reno, NV 89502. Representative: George M. Keele, P.O. Box 1327, Gardnerville, NV 89410, (702) 782–3647. Transporting *passengers*, in charter and special operations, beginning and ending at Carson City, NV and points in Washoe and Douglas Counties, NV, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Please direct status inquiries about the following to Team Four at (202) 275–7669.

Volume No. OP4–409

Decided: June 29, 1983.

By the Commission, Review Board, Members: Joyce, Williams and Dowell.

MC 168707, filed June 16, 1983. Applicant: YELVINGTON TOURS CO., 314 E. Church, Mascoutah, IL 62258. Representative: Ruben L. Yelvington (same address as applicant), (618) 566–8282. Transporting *passengers*, in special and charter operations, beginning and ending at points in IL and MO, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168796, filed June 20, 1983. Applicant: DAVID S. FRIEDMAN, 447 Kings Highway, Milford, DE 19963. Representative: Robert B. Einhorn, 1077 Rydal Rd., P.O. Box 454, Jenkintown, PA 1400, (215) 922–1400. As a *broker of general commodities* (except household goods) between points in the U.S. (except AK and HI).

MC 168797, filed June 21, 1983. Applicant: J. B. HOME SALES, INC., 3530 Pine St., Quinnesec, MI 49876. Representative: James R. Beauchamp (same address as applicant), (906) 774–1283. Transporting (1) *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, (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (3) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 168807, filed June 22, 1983. Applicant: WILLIAM C. FISH, d.b.a. THE MAILBOX, 407 W. Maiden St., Washington, PA 15301. Representative: William C. Fish (same address as applicant), (412)(228–0493. As a broker of *general commodities* (except household goods) between points in the U.S.

MC 168827, filed June 22, 1983. Applicant: SCHNEIDER TRAFFIC MANAGEMENT INC., 16482 Germaine Circle, Huntington Beach, CA 92649. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212 (213) 277–2323. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP4–412

Decided: June 30, 1983.

By the Commission, Review Board, Members: Carleton, Dowell, and Williams.

MC 163086 (Sub-1), filed June 22, 1983. Applicant: CONTRACT CARGO, INC., P.O. Box 430, Stephens City, VA 22655. Representative: E. J. Donohue, Jr. (same address as applicant) (703) 233–0624. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI). Condition: The person or person who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit to the Secretary's office indicating why such approval is unnecesary. In lieu of filing an application for approval, such person or persons may wish to file a letter-petition for exemption from Commission action. Such a petition should include the notice required by Section 11343(e)(2). See Ex Parte 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property under 49 U.S.C. 11343*, 47 FR 42947. In order to expedite issuance of any authority, please submit a copy of the affidavit, or proof of filing the petition or application(s) concerning common control to Team 4, Room 2410.

MC 168817, filed June 22, 1983. Applicant: EARTH TOURS, INC., P.O. Box 31, Grove City, PA 16127. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., N.W., Washington, DC 20005 (202) 783–3525. 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. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit to the Secretary's office indicating why such approval is unnecessary. In lieu of filing an application for approval, such person or persons may wish to file a letter-petition for exemption from Commission action. Such a petition should include the notice required by Section 113434(e)(2). See Ex Parte 400 (Sub-No. 1), Procedures for Handling Exemptions Filed by Motor Carriers of Property under 49 U.S.C. 11343, 47 FR 42947. In order to expedite issuance of any authority, please submit a copy of the affidavit, or proof of filing the petition or application(s) concerning common control to Team 4, Room 2410.

MC 168867, filed June 24, 1983. Applicant: JAMES K. RHODES, INC., R.D. #1, Freedom, PA 15042. Representative: D. Mark Thomas, 212 Locust St., P.O. Box 999, Harrisburg, PA 17108 (717), 255–7519. Transporting *passengers*, in charter and special operations, beginning and ending at points in PA, OH, and WV, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

Volume No. OP4–417

Decided: June 30, 1983.

By the Commission, Review Board Members Joyce, Dowell, and Carleton.

MC 168907, filed June 24, 1983. Applicant: HARRY PLOGER & ASSOCIATES, INC., 325 S. Sycamore, Somanauk, IL 60552. Representative: Philip A. Lee, 120 W. Madison St. Chicago, IL 60602 (815) 498–2379. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

[FR Doc. 83–18430 Filed 7–7–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restrictions 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 redesigned 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 must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries about the following to Team Three (3) at (202) 275–5223.

Volume No. OP3–302A

Decided: June 30, 1983.

By the Commission, Review Board Members Williams, Fortier, and Krock.

MC 119094 (Sub-8)X, filed June 20, 1983. Applicant: C.S. WINTERSTEEN CO., INC., 1st Street and Park Avenue, Bemidji, MN 56601. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Sub-No. 7 permit: (1) Broaden (a) "food and related products", from malt beverage and (b) "construction materials", from steel culverts and (2) broaden to "between points in the United States (except AK and HI)" under continuing contract(s) with named shippers.

[FR Doc. 83–18431 Filed 7–7–83; 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).

DATES: Comments must be received within 30 days after the date of publication in the Federal Register.

FOR FURTHER IMFORMATION CONTACT: Warren C. 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.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume No. OP4–F–408

Decided: June 29, 1983.

[No. MC–F–15314]

David L. Bayne and Peggy I. Bayne—Continuance in Control Exemption—Carolina Western Express, Inc., and Jetway Express, Inc.

David L. Bayne and Peggy I. Bayne, who jointly control Carolina Western Express, Inc. (No. MC–138635) seek an exemption from requirements under section 11343 of prior regulatory approval for their continuance in control of Jetway Express, Inc. (No. MC–168307) upon institution of operations by the latter as a carrier.

Send comments to:

(1) Motor Section, Team 4, Room 2410, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioners' representative: Terrell Price, Registered Practitioner, 80 Briar Creek Rd., Suite DD–504, Charlotte, NC 28205.

Comments should refer to No. MC–F–15314.

[No. MC–F–15315]

National Retail Systems, Inc.—Control Exemption—National Retail Transportation Inc. et al.

National Retail Systems, Inc. (National), a non-carrier holding company seeks an exemption from the requirement under section 11343 of prior regulatory approval for acquisition of control of National Retail Transportation, Inc. (NRT) (MC–146386), American Delivery Service, Inc. (ADS) (MC–161571), Corsair Freightways, Corp. (Corsair) (MC–160862), Coastal Freight Lines, Inc. (Coastal) (MC–153985), Scarab Transportation, Inc. (Scarab) (MC–159707), and Vale Transport Services, Inc. (Vale) (MC–162332). National (transferee) would acquire all shares of the above-noted transferors. In return for those shares the individual shareholders of the transferor would receive shares of the transferee's stock. In effect, control of the transferors' operations would then be shifted to the transferee holding company which, in turn, would remain controlled by the former individual shareholders of the transferors.

Send Comments:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Transferee's representative: Donald Tompkins, General Counsel, 2820 16th Street, North Bergen, NJ 07047

(3) Transferors' representative: Richard Rueda, Esquire, 8415 Envoy Avenue, Philadelphia, PA 19153.

Comments should refer to No. MC–F–15315.

Volume No. OP3–311

Decided: July 1, 1983.

No. MC–F–15306

Grant Trucking Corporation—Continuance in Control Exemption—Grant Trucking, Inc. and G. C. Express, Inc.

Grant Trucking Corporation, a non-carrier holding company, seeks an exemption from the requirement under 49 U.S.C. 11343(e) of prior regulatory approval for its continuance in control of two wholly-owned motor carrier subsidiaries—Grant Trucking, Inc. (MC–13134) and G. C. Express, Inc., a newly formed corporation which has several requests for operating authority pending before the Commission.

Send Comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, OH 43215.

Comments should refer to No. MC–F–15306.

[No. MC–F–15305]

Dixon Brothers, Inc.—Purchase Exemption—Showmaker Trucking Company (Loren Wetzel, Trustee-In-Bankruptcy)

Dixon Brothers, Inc. (MC–128685) seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating rights of Shoemaker Trucking Company (MC–138875), specifically Sub-No. 312X, paragraphs 24 and 30 together with the underlying Sub-Nos. 196F and 100F. These authorities authorize generally the transportation of petroleum, natural gas and their products radially between Wyoming, Idaho, and Oregon and chemicals and related products, metal and stone products, transportation products and machinery radially between two California counties and 13 western States.

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission Washington, DC 20423

and

(2) Petitioner's representative: Jerome Anderson, P.O. Box Drawer 849, Billings, MT 59103–0849

and

David E. Wishney, P.O. Box 837, Boise, ID 83701.

Comments should refer to No. MC–F–15305.

[FR Doc. 83–18436 Filed 7–7–83; 8:45 am]

BILLING CODE 7035–01–M

[No. 38981]

Rail Carriers; Petition for Declaratory Order; Liability of Rate Bureau Members Under Section 219(g) of the Staggers Rail Act of 1980

AGENCY: Interstate Commerce Commission.

ACTION: Institution of declaratory order proceeding and request for comments.

SUMMARY: A declaratory order proceeding is instituted based upon the petition for declaratory order filed by the Traffic Executive Association—Eastern Railroads (TEA). Comments are requested on the issue of whether rail carriers who were members of the TEA on October 1, 1980, the effective date of the Staggers Rail Act of 1980, but have since resigned, continue to be liable for payments under section 219(g) to rate bureau employees dismissed or displaced after the effective dates of the carriers' resignations. Comments are also requested on the extent of the Commissioner's jurisdiction to consider the liability issue.

DATES: Comments of interested persons are due on or before August 8, 1983.

ADDRESS: An original and 10 copies of each comments referring to Docket No. 38981 should be sent to: Office of Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Dated: June 28, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Chairman Taylor dissented in part with a separate expression. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–18432 Filed 7–7–83; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Office of Attorney General

Proposed Agreement and Stipulation in an Action Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on June 24, 1983, a proposed Agreement and Stipulation in *United States* v. *Homestake Mining Co.*, Civil Action No. 83–1023–HB, was lodged in the United States District Court for the District of New Mexico. This action was filed under Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9606(a).

The agreement provides that Homestake will pay for an extension of the Milan, New Mexico, municipal water system to residential subdivisions near Homestake's uranium mill near Grants. Homestake will also pay basic water service charges for ten years. The extension of the water system is expected to be completed in 1984. Homestake will continue to carry out a program submitted to the State of New Mexico for cleaning up the aquifers in the vicinity of its mill, and the United States retains the right to require Homestake to decontaminate the aquifers.

The proposed agreement may be examined at the Office of the United States Attorney, 500 Gold Street, Albuquerque, New Mexico 87103, at the Region VI Office of the Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270, and at the Land and Natural Resources Division, Department of Justice, Room 2632, 10th and Pennsylvania Ave. NW., Washington, D.C. 20530. A copy of the proposed agreement may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.60 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed agreement for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States*

v. *Homestake Mining Co.*, DOJ Reference #90-9-1-3.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-18411 Filed 7-7-83; 8:45 am]

BILLING CODE 4410-01-M

Tennessee Thoracic Society, et al., and United States of America v. S. David Freemen, et al.; Proposed Amendments to Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on June 20, 1983, proposed amendments to a consent decree in *Tennessee Thoracic Society, et al., and United States* v. *S. David Freeman, et al.*, Civil Action No. 77-3286-NA-CV was lodged in the United States District Court for the Middle District of Tennessee, Nashville Division.

A consent decree was entered by the Court on December 12, 1980. The decree provides for the attainment of interim emission limitations and the eventual compliance with the applicable State Implementation Plans at specified facilities of the defendant by establishing a compliance schedule under which the defendant would take actions, including construction, installation and operation of pollution control facilities by a certain date.

The Paradise plant in Kentucky is the only plant where the defendant has not demonstrated compliance with the decree. The defendant hired a contractor to perform the necessary construction of pollution control facilities at this plant. The contractor apparently tried to rush construction of the facilities, resulting in a collapse of structural steel. The defendant is now performing the construction itself but the delays have caused a year's delay in the construction of desulfurization equipment at two of the plant's units, necessitating an extension in the dates for meeting emission limitations for SO_2 and particulates.

The substance of these amendments are as follows:

(1) TVA will be given extensions to achieve and certify compliance with the SO_2 limitations in the decree from June 1, 1982 to September 1, 1983 at Unit 1 and from September 1, 1982 until December 1, 1983 at unit 2; (2) an interim emission limit of 5.2 lbs. of SO_2 per million BTU's (plant-wide 24 hour average) is established for the period from December 1, 1982 until November 30, 1983; (3) the dates for final compliance with particulate emission limitations are extended from September 1, 1982 to December 1, 1983 for Units 1 through 3. The date for a performance test at Unit 1 is extended from June 1, 1982 to September 1, 1982. The date for a performance test at unit 2 is extended from September 1, 1982 to December 1, 1983; (4) the date to complete construction and initiate shakedown operations on Unit 1 is extended from March 1, 1982 to February 1, 1983 and at Unit 2 from June 1, 1982 until July 1, 1983; and (5) interim limitations for particulate emissions from January 1, 1983 until final compliance is demonstrated are established. All other terms of the consent decree except those that have heretofore expired shall remain in effect.

The proposed amendments to the consent decree may be examined at the Office of the United States Attorney, 879 U.S. Courthouse, Nashville, Tennessee, 37203, at the Region IV office of the Environmental Protection Agency, 345 Courtland Street Northeast, Atlanta, Georgia, 30365 and at the Environmental Enforcement Section, Land and Natural Resources Division Department of Justice, Room 1515, 10th and Pennsylvania Avanue, NW., Washington, D.C. 20530. A copy of the amended consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the amendments to the consent decree for a period of thirty (30) days from the date of this notice. Comments shall be directed to the Assistant Attorney General of the Land and Natural Resources Division of the Department of Justice, 9th and Pennsylvania Avenue, NW., Washington, D.C. 20530, and should refer to *Tenessee Thoracic Society, et al., and United States* v. *S. David Freeman, et al.*, Department of Justice Reference #90-5-2-3-840.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-18412 Filed 7-7-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

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 numbers 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.

NEW

Employment and Training Administration

Cap and Interest: Unemployment Insurance Program Letter No. 31–83
ETA–RC59
Annually
State government
SIC: 944
20 responses; 800 hours

The Secretary of Labor requires information from States requesting a cap or partial limitation on offset credit reduction, deferral and delay of interest payment, and a discounted interest rate. The data will provide the basis for certification.

Signed at Washington, D.C., this 5th day of July 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-18485 Filed 7-7-83; 8:45 am]

BILLING CODE 4510-30-M

Secretary of Labor's Committee on Veterans' Employment Meeting

The Secretary's Committee on Veterans' Employment was established under Section 308, Title III, Pub. L. 97–306 "Veterans Compensation, Education and Employment Amendments of 1982," to bring to the attention of the Secretary problems and issues relating to veterans' employment.

Notice is hereby given that the Secretary of Labor's Committee on Veterans' Employment will meet on Monday, July 25, 1983, at 11:00 A.M., in the Secretary's Conference Room, S2508–FPB.

Items to be discussed are:

- Status of LVER Program transfer
- Increased Federal Hiring of Veterans
- Status of H.R. 2355 (Emergency Vietnam Veterans Job Training Act of 1983)
- Program Updates

—Job Training Partnership Act (JTPA)
—Federal Contract Jobs Listing (FCJL)
—Job Service

- Interagency Demonstration/Pilot Projects

The public is invited.

For additional information contact: Mr. Vincent B. Pagano, 200 Constitution Avenue, NW., Room S1315–FPB, (202) 523–9116.

Official records of the meeting will be available for public inspection in Room S1315–FPB, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 6th day of July, 1983.

William C. Plowden, Jr.,

Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 83-18622 Filed 7-7-83; 9:23 am]

BILLING CODE 4510-79-M

Employment and Training Administration

[TA-W-14,171]

Clark Equipment Co., Benton Harbor, Michigan; Amended Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance on May 19, 1983 applicable to all workers of Clark Equipment Company, Benton Harbor, Michigan engaged in employment related to the production of front-end loaders and dozers who became totally or partially separated from employment on or after October 1, 1982 and before February 1, 1983. The Notice of Determinations was published in the **Federal Register** on May 31, 1983 (48 FR 24225).

On the basis of additional information furnished by the United Automobile Workers, on employee separations subsequent to February 1, 1983, the Office of Trade Adjustment Assistance reviewed the Department's determination to ascertain whether the February 1, 1983 termination date should be changed.

The Employer Relations Manager of Clark Equipment's Benton Harbor facility reported that between 50 and 60 employees were retained beyond February 1 to March 3, 1983 to complete on-line articles and to perform clean-up work.

The intent of certification for workers of the Benton Harbor facility was to include all workers who were separated because increased imports of front-end loaders and dozers. Accordingly the certification TA–W–14,171 for workers at the Benton Harbor, Michigan is amended by extending the February 1, 1983 termination date to March 5, 1983.

The certification applicable to TA–W–14,171 is hereby amended as follows:

"All workers of Clark Equipment Company, Benton Harbor, Michigan engaged in employment related to the production of front-end loaders and dozers who become totally or partially separated from employment on or after October 1, 1982 and before March 5, 1983 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C., this June 30, 1983.

Robert Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 83-18480 Filed 7-7-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14,534 and TA-W-14,535]

Houdaille Industries, Inc., Strippit Division, Akron, New York and Houdaille Electronics, Clarence, New York; Termination of Investigations

Pursuant to Section 221(a) of the Trade Act of 1974, investigations were initiated on March 31, 1983 in response to worker petitions received on March 24, 1983 which were filed on behalf of workers at Houdaille Industries, Incorporated, Strippit Division, Akron, New York (TA–W–14,534) and on behalf of workers at Houdaille Electronics, Clarence, New York (TA–W–14,535).

The petitioner has requested that the petitions be withdrawn. Consequently, further investigation in these cases would serve no purpose; and the investigations have been terminated.

Signed at Washington, D.C., this June 29, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-18481 Filed 7-7-83; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Periods in the States of Idaho, Oregon, and Washington

This notice announces the ending of the Extended Benefit Periods in The States of Idaho, Oregon, and Washington, effective on July 2, 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 takes 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 under 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 Idaho on October 18, 1981, in the State of Oregon on March 20, 1983, and in the State of Washington on July 6, 1980, 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 June 11, 1982, 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 July 2, 1982.

Information for Claimants

Each State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits at the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(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 29, 1983.

Albert Angrisani,

Assistant Secretary of Labor

[FR Doc. 83-18484 Filed 7-7-83; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of Maine

This notice announces the ending of the Extended Benefit Period in the State of Maine, effective on June 25, 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 takes 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 under 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 exceet 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 that 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Maine on March 27, 1983, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the insured unemployment in the State for the period consisting of the week ending on June 4, 1983, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending on June 25, 1983.

Information for Claimants

The 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 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State 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 29, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-18483 Filed 7-7-83; 8:45 am]

BILLING CODE 4510-30-M

Wage and Hour Division

Certificate Authorizing Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and Administrative Order No. 1–76 (41 FR 18949), the firm listed in this notice has been issued a special certificate authorizing the employment of learners at hourly wage rates lower than the minimum wage rate otherwise applicable under section 6 of the Act. The effective and expiration dates, number of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the caption below are as established in those regulations.

The following certificate was issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended).

Flushing Shirt Mfg. Co. Inc., Waynesburg, PA: 04–18–83 to 04–17–84; 10 learners for normal labor turnover purposes. (Work shirts)

The learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of this certificate may seek a review or reconsideration thereof on or before July 25, 1983.

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

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 18482 Filed 7-7-83; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-63]

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.

DATE AND TIME: July 26, 1983, 9 a.m. to 5 p.m., and July 27, 1983, 8:30 a.m. to 3:30 p.m.

ADDRESS: NASA Headquarters, Room 7002, 400 Maryland Avenue SW., Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, Code LB-4, National Aeronautics and Space Administration, Washington, D.C. 20546 (202/755-8383).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council was established as an interdisciplinary group to advise senior management on the full range of NASA's programs, policies, and plans. The Council is chaired by Mr. Daniel J. Fink and is composed of twenty-six members. Standing committees containing additional members report to the Council and provide advice in the substantive areas of aeronautics, life sciences, space applications, space and earth science, space systems and technology, and history, as they relate to NASA's activities.

Visitors will be admitted to the meeting room up to its capacity, which is approximately 60 persons including Council members and other participants. Visitors will be requested to sign a visitor's register.

Type of meeting: Open.

Agenda:

July 26, 1983

9 a.m.—Introductory Remarks.
9:15 a.m.—Council Task Force Reports.
9:45 a.m.—NASA Commercialization Task Force Study.
10:45 a.m.—Briefing on Global Habitability.
1 p.m.—Review of FY 1985 Planning (Aeronautics and Space Technology, Space Station).
5 p.m.—Adjourn.

July 27, 1983

8:30 a.m.—Review of FY 1985 Planning (Space Science and Applications, Space Tracking and Data Systems, Space Flight).
2:45 p.m.—Council Discussion.
3:30 p.m.—Adjourn.

Dated: July 1, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83-18424 Filed 7-7-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Change

Changes have been made to the meeting agenda of the National Advisory Committee on Oceans and Atmosphere (NACOA) scheduled to meet on Monday and Tuesday, July 11-12, 1983 and published in the **Federal Register** of June 27, 1983 (Page 48 FR 29637). The Panel session on Ocean Research, scheduled for July 12, 8:30 a.m.-10:30 a.m. and the Plenary session scheduled for 1:30 p.m.-3:30 p.m. (Review of Proposed Position on Undersea Technology) are postponed until further notice.

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building #1), Washington, DC 20235. The telephone number for NACOA is 202/653-7818.

Dated: July 6, 1983.

Steven N. Anastasion,

Executive Director.

[FR Doc. 83-18806 Filed 7-7-83; 8:45 am]

BILLING CODE 3510-12-M

OFFICE OF PERSONNEL MANAGEMENT

Data Collection for OMB Review

AGENCY: Office of Personnel Managemenmt.

ACTION: Notice of information data collection submitted to OMB for extension of a clearance.

SUMMARY: In accordance with the "Paperwork Reduction Act of 1980" (44 U.S.C. ch. 35), this notice announces a request submitted to OMB to extend a clearance for collecting data from selected Federal agencies for general purpose statistics. On an annual basis seven respondents submit salary and wage data, using OPM Form 1078-A and 1078-B or other automated means, on ten agencies for which such data are not otherwise available to the Office of Personnel Management. The data are used by the Office of Personnel Management for calculation of the Federal pay line and in management of pay policy and special rate programs. For copies of this clearance package, call John P. Weld, Agency Clearance Officer, on (202) 632-7720.

DATE: Comments on this data collection should be received within ten working days of this publication.

ADDRESSES: Send or deliver comments to:

John P. Weld, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6469, Washington, D.C. 20415

and

Frank Reeder, Information Desk Officer, Office of Information and Regulatory Affairs, Room 3235, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: John P. Weld, (202) 632-7720, Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83-18372 Filed 7-7-83; 8:45 am]

BILLING CODE 6325-01-M

Federal Prevailing Rate Advisory Committee; Open 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:

Thursday, August 4, 1983
Thursday, August 11, 1983
Thursday, August 18, 1983
Thursday, August 25, 1983

These meetings will convene at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, N.W., 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 material 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).

Dated: July 5, 1983.

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 83–18417 Filed 7–7–83; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13367; (812–5492)]

Cardinal Tax Exempt Money Trust; Filing of Application

June 30, 1983.

Notice is hereby given that Cardinal Tax Exempt Money Trust ("Applicant"), 155 East Broad Street, Columbus, Ohio 43215, an open-end, diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on March 11, 1983, and amendments thereto on April 15, and June 17, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from (1) 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 (a) to compute its net asset value per share using the amortized cost method of valuation, (b) to permit Applicant to purchase variable rate demand municipal obligations and to consider the maturity of such obligations as the longer of the notice period required before Applicant would be entitled to receive payment of principal and accrued interest on the obligation or the period remaining until the obligation's next interest rate adjustment, and (c) to value in the manner described below rights acquired from broker-dealers to sell Applicant's securities to such persons; and (2) from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit Applicant to acquire rights to sell its 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 text of the provisions from which an exemption is being sought.

Applicant states that its investment objective is maximizing current income exempt from federal income taxation while preserving capital an maintaining liquidity. According to the application, municipal obligations eligible for investment by Applicant ("Municipal Obligations") consist of debt obligations issued by or on behalf of any state, territory or possession of the United States or the District of Columbia or their political subdivisions, agencies or instrumentalities, the interest on which is, in the opinion of counsel for the issuer, wholly exempt from federal income taxation. Applicant states that it may purchase Bond Anticipation Notes, Construction Loan Notes, Project Notes, Revenue Anticipation Notes and Tax Anticipation Notes which (1) are backed by the full faith and credit of the United States, (2) are rated MIG–1, MIG–2 or their substantial equivalent by Moody's Investors Service, Inc. ("Moody's"), or (3) if such notes are not rated, they have, in the opinion of Applicant's Board of Trustees, characteristics and quality essentially equivalent to MIG–1 or MIG–2. Applicant states that it may also invest in Municipal Bonds, including Industrial Development Revenue Bonds and Pollution Control Revenue Bonds which are (1) rated Aaa or Aa by Moody's, (2) rated AAA or AA by Standard & Poor's Corporation, or (3) if not rated, have, in the opinion of the Board of Trustees of Applicant, essentially the same characteristics and quality as bonds having the above ratings. Applicant represents that it may purchase other types of tax-exempt Municipal Obligations such as Short-Term Discount Notes. Applicant represents further that these investments must be (1) rated Prime-1 or Prime-2 by Moody's, or (2) if not rated, possess equivalent characteristics and quality in the opinion of the Board of Trustees. Applicant may also invest in commitments to purchase Municipal Obligations on a "when issued" basis. Applicant states that it may hold up to 20% of its assets in high quality money market instruments but under normal circumstances Applicant will be managed with a view towards producing only income that is exempt from federal income taxation.

Applicant states that prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

According to the application, experience indicates that two features are necessary in any "money market" fund: (1) Stability of principal, and (2) steady flow of investment income. Applicant states that it can provide these features to investors by maintaining a portfolio of high quality Municipal Obligations valued at amortized cost. Applicant maintains that under the amortized cost method of valuation, a portfolio security is valued at its purchase price and the interest to be earned on the security (plus any discount received or less any premium

paid upon purchase) is accrued ratably over the remaining maturity of the security. Applicant represents that, by declaring these accruals to Applicant's shareholders as a daily dividend, the value of Applicant's assets and, thus, its net asset value per share, will generally remain constant. Applicant submits that, given the nature of its policies and operations, there should be a negligible discrepancy between prices obtained by the amortized cost method and those obtained by a market valuation method. Applicant states further that its Board of Trustees has determined in good faith that, in light of the characteristics of Applicant, absent unusual or extraordinary circumstances, the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market based valuation method and that the amortized cost method is in the best interest of Applicant's shareholders.

Applicant agrees that the following conditions may be imposed in any order of the Commission granting the relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Trustees 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 Trustees shall be the following:

(a) Review by the Board of Trustees, 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 Applicant's net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Trustees in the exercise of its discretion to be appropriate indicators of value. In addition, the quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of municipal obligations published by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the Board of Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Board of Trustees believes the extent of any deviation from 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 may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; reduction of the number of shares outstanding; 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. In fulfilling these conditions, 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.

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 the Board of Trustees' 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 Trustees' 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, to those U.S. dollar-denominated instruments which the Board of Trustees 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 so rated, of comparable quality as determined by the Board of Trustees.

6. Applicant will include in each of its quarterly report, 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.

It is stated that in connection with compliance with the undertaking set forth in condition (3) above, Applicant observes that the proliferation of tax-exempt mutual funds has significantly increased the demand for short-term tax-exempt instruments and, as a result, available yields on such instruments have tended to decline. Applicant states that, at the same time, certain issuers of tax-exempt instruments have sought to lengthen their terms in order, among other things, to decrease the transaction costs associated with repeated short-term issues. Applicant states that, in order to induce longer term borrowing relationships, issuers have begun offering higher yields on variable rate obligations containing a demand feature allowing either party to terminate the obligation within relatively short notice periods. In addition, financial institutions which have excessive tax-exempt income are offering variable rate tax-exempt obligations held in their portfolios with a demand feature that permits the purchaser to resell the variable rate obligation to the financial institution. Applicant maintains that the right to receive payment on demand may be supported by an irrevocable letter of credit or comparable guarantee provided by a financial institution which, in the case of Applicant, must have outstanding "high quality" debt meeting Applicant's investment criteria for Municipal Obligations. Applicant believes that the acquisition of such variable rate demand obligations would provide shareholders with a higher tax-exempt return without subjecting them to increased investment risk.

Applicant proposes to acquire tax-exempt variable rate demand obligations, including loan participation agreements, having the following features: (1) Each obligation would have an interest rate determined by a prescribed formula and adjusted at

periodic intervals not to exceed six months; (2) Applicant could at any time demand prepayment of the unpaid principal balance plus accrued interest thereon and would be entitled to prepayment within a prescribed notice period not to exceed seven calendar days; (3) issuers may have a corresponding right to prepay the outstanding principal plus accrued interest thereon upon notice to Applicant within a period comparable to the notice periods required for Applicant to demand prepayment; (4) absent an earlier exercise by Applicant or an issuer of their respective prepayment privileges, the principal under each obligation would be payable on a date exceeding one year from the date of purchase by Applicant; and (5) each such obligation purchased by Applicant would be determined under procedures prescribed by Applicant's Board of Trustees to present minimal credit risks and would be rated by a major rating service within its two highest rating categories or, if not rated, would be determined by the Board of Trustees to be comparable to tax-exempt securities which are of "high quality" (i.e., within the two highest ratings assigned by any major rating service). The issuer's obligation to pay principal and interest on its obligations would be supported by an irrevocable, bank letter of credit or comparable guarantee where necessary to ensure that the obligation was of "high quality" (i.e., in all cases where the Board could not determine that an obligation is of "high quality" without a letter of credit). If a letter of credit or guarantee is a feature of an obligation when it is purchased by Applicant, the obligation will always be supported by such letter of credit or guarantee unless the rating of the obligation rises to within the two highest grades without the letter of credit.

Applicant proposes to consider the maturity of variable rate demand municipal obligations, for purposes of computing its dollar-weighted average portfolio maturity, as the longer of the notice period required before Applicant is entitled to prepayment under the obligation, or the period remaining until the obligation's next interest rate adjustment. Applicant believes that neither its proposed purchase of variable rate demand obligations nor its proposed method of computing its dollar-weighted average portfolio maturity will violate the intent of the conditions set forth in the application. Applicant states that, because the interest rate adjustment provision of a variable rate demand obligation reflects the prevailing rate from time to time on comparable tax-exempt securities, unrealized gains and losses with respect to any such obligation would be eliminated as of each interest rate adjustment date. Applicant asserts that, absent unusual circumstances, the rate adjustment provision will permit the obligation to be sold at par on each interest rate adjustment date.

It is stated that, in addition to maintaining a constant net asset value per share, Applicant believes that it must provide its shareholders with the ability to receive same-day redemption proceeds in federal funds. Applicant maintains that redemption orders received before 4:00 p.m., Eastern time, will be effected at the net asset value determined at 4:00 p.m. and shareholders may receive redemption proceeds the next day in federal funds. Applicant states further that it will have little time to obtain the cash needed to meet net redemptions. Because the maturity dates of the Municipal Obligations to be held in Applicant's portfolio will be relatively infrequent and non-negotiable, Applicant will be unable to rely on scheduled maturities to meet net redemptions. Applicant asserts that, unless prior arrangements assuring immediate liquidity have been made, the negotiation of same-day settlements on sales of Municipal Obligations within the brief time available is frequently impossible or may require Applicant to receive a less favorable execution price on a sale even though the securities sold have a short remaining maturity. Other investment techniques used by taxable money market funds to obtain liquidity are not viable options because they are prohibitively expensive or would produce undesirable taxable income.

Applicant proposes to improve its portfolio liquidity through the acquisition of standby commitments ("Standby Commitments"), also known as "puts". A Standby Commitment is a right of a fund, when it purchases a security for its portfolio from a broker or dealer, to sell the same principal amount of such security back to the seller, at the fund's option, at a specified price. Applicant states that its investment policies permit the acquisition of Standby Commitments solely to facilitate portfolio liquidity. According to the application, the acquisition or exercisability of a Standby Commitment will not affect the valuation or maturity of Applicant's underlying portfolio.

Applicant represents that it will only acquire Standby Commitments having the following features: (1) They will be in writing and will be physically held by Applicant's custodian; (2) they may be exercisable by Applicant at any time prior to the underlying security's maturity; (3) Applicant's rights to exercise them will be unconditional and unqualified; (4) they will be entered into only with brokers or dealers who in the investment adviser's opinion present a minimal risk of default; (5) although they will not be transferable, Municipal Obligations purchased subject to such commitments could be sold to a third party at any time, even though the commitment was outstanding; and (6) their exercise price will be (a) Applicant's acquisition cost of the Municipal Obligations subject to the commitment (excluding any accrued interest which Applicant paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period Applicant owned the securities, plus (b) all interest accrued on the securities since the last interest payment date during the period the securities were owned by Applicant.

Applicant states that since it will value its Municipal Obligations on an amortized cost basis, the amount payable under a Standby Commitment will be substantially the same as the value assigned by Applicant to the underlying securities. Applicant submits that there is little risk of an event occurring which would make the amortized cost valuation of its portfolio securities inappropriate; however, in the unlikely event that the market or fair value of securities in its portfolio are not substantially equivalent to their amortized cost value, the securities would be valued on the basis of available market information and held to maturity. Applicant expects to refrain from exercising Standby Commitments in such a situation to avoid imposing a loss on a broker or dealer and jeopardizing Applicant's business relationship with that broker or dealer.

Applicant expects that Standby Commitments generally will be available without the payment of any direct or indirect consideration. Applicant states that if necessary or advisable, however, Applicant will pay for Standby Commitments, either separately in cash or by paying a higher price for portfolio securities which are acquired subject to the commitment. Applicant states that the total amount "paid" in either manner for outstanding Standby Commitments held in its portfolio will not exceed ½ of 1 percent of the value of its total assets calculated immediately after any Standby Commitment is acquired.

According to the application, it is difficult to evaluate the likelihood of use

or the potential benefit of a Standby Commitment. Therefore, Applicant's Board of Trustees will determine that Standby Commitments have a "fair value" of zero, regardless of whether any direct or indirect consideration is paid. Applicant states 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. Applicant states that, in addition, the maturity of a portfolio security shall not be considered shortened or otherwise affected by any Standby Commitment to which such security is subject.

Applicant represents that it has been advised by its counsel that the Internal Revenue Service ("IRS") has issued a favorable private ruling to the effect that a registered investment company will be the owner of municipal securities acquired subject to a put and that interest on the securities will be tax exempt to the company and that its counsel is prepared to render an opinion to Applicant to this effect. Applicant may, but does not currently intend to, seek a favorable ruling from the IRS with respect to its Standby Commitments. Applicant maintains that there is no assurance that Standby Commitments will be available to it nor does Applicant assume that such commitments would continue to be available under all market conditions.

Applicant submits that the proposed acquisition of Standby Commitments will not affect its net asset value per share for purposes of sales and redemptions and will not pose new investment risks, but rather will improve its liquidity and ability to pay redemption proceeds the same day in federal funds. Applicant's reliance upon the credit of brokers and dealers from which it purchases commitments will be secured to the extent of the value of the underlying municipal securities which are subject to the commitment. Applicant believes that a Standby Commitment presents 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 or dealer in the ordinary course of business. Moreover, Applicant's investment adviser intends to evaluate periodically the credit of broker and dealers issuing Standby Commitments. Applicant submits that for that reason and in light of the fact that Standby Commitments will not be ascribed value for purposes of determining Applicant's net asset value, the acquisition of such commitments will not meaningfully expose its assets to the entrepreneurial risks of the investment banking business, nor require it to evaluate the credit of brokers or dealers in determining its net asset value.

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 pesons, securities, or transactions, from any provision 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.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 25, 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 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. 83-18428 Filed 7-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19928; File No. SR-NYSE-83-22]

Self-Regulatory Organizations; Proposed Rule Changes by New York Stock Exchange, Inc.

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 June 28, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The proposed rule change consists of a revision to the Exchange's policy regarding certain types of halts in trading, namely, those that result from an imbalance of buying or selling orders (non-regulatory trading halts).

Pesent policy requires that when a situation develops in a stock in which there is an imbalance of buying or selling orders, a Floor Official determines whether to halt trading in a stock. The Floor Official also assists and advises the specialist in the best interest of the market. The proposed change in policy would require that these types of trading halts be approved and supervised by two Floor Officials or one Floor Governor.

The proposed rule change is concerned with the administration of Exchange Rule 47, which gives Floor Officials the authority to regulate and supervise active openings and unusual situations.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes, on Burden on Competition, and on Comments Received

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

(1) *Purpose.* According to present Exchange policy, a Floor Official may delay the opening or halt trading in a stock for reasons relating to market conditions in the stock. A second Floor Official's opinion and assistance should be sought in connection with opening or reopening a stock under any of the following circumstances:

(a) There is difficulty in arriving at a decision.

(b) The size of the price change from the previous close or previous sale is three points or more, or represents a 10% change in the price of the stock.

(c) When the stock has not opened by 10:50 a.m., or 30 minutes after a halt in trading.

As noted above, Exchange policy provides for a second Floor Official's opinion to be sought *after* a halt in trading has been declared under certain circumstances. However, the Exchange believes situations in which it appears a trading halt may be imminent because of an imbalance of orders should be reviewed by or a second Floor Official or by a more senior Official (i.e., a Floor Governor) *before* the important decision to halt trading is officially sanctioned. The purpose of the proposed change in policy is to provide additional assurance that such a decision reflects considered and professional appraisal of the situation. The proposal also ensures that in the event trading is halted in a stock, increased expertise and assistance in reopening the stock is provided to the specialist at the outset.

With respect to the situation where the opening of a stock is delayed because of an imbalance of orders, the present policy is not being changed. A single Floor Official would continue to be able to delay the opening because of an order imbalance. The present parameters as described above for seeking a second Official's opinion when openings are delayed highlight those situations in which a second opinion would be critical. The Exchange feels that as to delayed openings, these parameters provide the necessary guidelines for appropriate Floor Official supervision.

Statutory Basis

By providing additional assurance that certain trading halts are authorized after due deliberation of the situation, the proposed policy change is consistent with the provisions of Section 6(b)(5) of the Securities Exchange Act of 1934 which provides that the rules of an exchange should be designed, among other things, to promote just and equitable principles of trade, to perfect the mechanism of a free and open market, to facilitate transactions in securities and to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The policy change proposed herein will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Securities Exchange Act of 1934.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

The exchange has not solicited written comments on the proposed rule changes from its members or others, nor have any written comments been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comment

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, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the abovementioned 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 29, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18427 Filed 7-7-83; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

July 1, 1983.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of:

Dominion Resources, Inc., Common Stock, No Par Value (File No. 7–6803)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 25, 1983 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-18426 Filed 7-7-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before July 29, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

Copies: Copies of the proposed forms, the requests for clearance (S.F. 83), supporting statements, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653–8538

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395–4814

Forms submitted for review:

- Title: Physical Crop Damage Report
Form No.: SBA 1160
Frequency: On Occasion
Description of Respondents: Farmer's to determine a farmer's eligibility for disaster loan funds
Annual Responses: 150
Annual Burden Hours: 469
Type of Request: New
- Title: Supervisory Assessment of Traits Relative to Promotion and Placement
Form No.: SBA 1238
Frequency: On Occasion
Description of Respondents: Supervisors of applicants for positions in SBA
Annual Responses: 200
Annual Burden Hours: 100
Type of Request: New
- Title: Candidate's Self-Assessment
Form No.: SBA 1238A
Frequency: On Occasion
Description of Respondents: Applicants for positions in SBA
Annual Responses: 200
Annual Burden Hours: 100
Type of Request: New
- Title: Compliance Review Report
Form No.: SBA 747
Frequency: Once during the life of loan
Description of Respondents: Data is collected from the recipient during the course of an on-site review
Annual Responses: 1000
Annual Burden Hours: 2000
Type of Request: Extension (adjustment to burden)
- Title: Compliance Report
Form No.: SBA 707
Frequency: Once during life of loan
Description of Respondents: Recipients
Annual Responses: 10,000
Annual Burden Hours: 10,000
Type of Request: Extension (adjustment to burden)

Dated: June 30, 1983.

Elizabeth M. Zaic,

Chief, Paperwork Management Branch, Small Business Administration.

[FR Doc. 83-18503 Filed 7-7-83; 8:45 am]

BILLING CODE 8025-01-M

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Bussiness Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before July 29, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

Copies: Copies of the proposed forms, the requests for clearance (S.F. 83), supporting statements, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653–8538

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395–4814

Forms submitted for review:

- Title: Lender Transcript of Account
Form No.: SBA 1149
Frequency: Upon request by lender for SBA to purchase a loan
Description of Respondents: Lenders who request SBA to purchase their guaranty portion of a loan
Annual Responses: 6,759
Annual Burden Hours: 6,759
Type of Request: New
- Title: Executive Qualifications Questionnaire
Form No.: SBA 2014A
Frequency: On Occasion
Description of Respondents: Requested from applicants for SES positions
Annual Responses: 200
Annual Burden Hours: 100
Type of Request: New

Dated: July 1, 1983.

Elizabeth M. Zaic,

Chief, Paperwork Management, Small Business Administration.

[FR Doc. 83-18504 Filed 7-7-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 865]

Agency Forms Submitted for OMB Review

Correction

In FR Doc. 83–15401, appearing on page 26687, in the issue of Thursday, June 9, 1983, the "Public Notice" number should read as it appears in the heading.

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

On June 30, 1983 the Department of the Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 I Street, N.W., Washington, D.C. 20220.

Office of the Secretary

OMB Number: 1545–0231
Form Number: 6478

Title: Credit for Alcohol Used as Fuel
OMB Number: 1512–0043
Form Number: ATF F 8
Title: Renewal of Firearms License
OMB Number: 1545–0203
Form Number: 5329
Title: Return for Individual Retirement Arrangement Taxes
OMB Reviewer: Norman Frumkin, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Rita A. DeNagy,

Departmental Reports, Management Office.

June 30, 1983.

[FR Doc. 83-18364 Filed 7-7-83; 8:45 am]

BILLING CODE 4810-25-M

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954). The list is the same as the prior quarterly list published in the **Federal Register.**

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954).

Bahrain
Iraq
Jordan
Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Arab Republic
Yemen, Peoples Democratic Republic of

J. E. Chapoton,

Assistant Secretary for Tax Policy.

[FR Doc. 83-18410 Filed 7-7-83; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy

Note.—This document was originally published on July 6, 1983 at 48 FR 31136. It was inadvertently placed in the "Sunshine Act meetings" section and is reprinted in the regular "Notices" section for the information of the reader.

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held July 20, 1983 from 10:00 a.m. to 12:30 p.m. in Room 800, 400 C Street, S.W., Washington, D.C. The Commission will meet with representatives of the Private Sector Survey on Cost Control in the Federal Government and other nongovernment consultants. Preparation of the Commission's annual report will also be discussed.

Since space is limited, please call Elizabeth Fahl, (202) 485–2468, if you are interested in attending the meeting.

Dated: July 1, 1983.

Charles Canestro,

Management Plans, Analysis, Directives Staff.

[FR Doc. 83-18592 Filed 7-7-83; 8:45 am]

BILLING CODE 1505-02-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 132
Friday, July 8, 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

CIVIL AERONAUTICS BOARD

[M–383 Amdt. 6, June 27, 1983]

Addition and Closure of Item to the June 27, 1983 Portion of the June 23, 1983 Closed Meeting

TIME AND DATE: 2:30 p.m., June 27, 1983.

PLACE: Room 1012, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

26. Discussion on Brazil. (BIA)

STATUS: Closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S-905-83 Filed 7-6-83; 3:47 pm]

BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, July 12, 1983.

PLACE: Commission Conference Room No. 200, second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, DC 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Votes.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83–3–FOIA–015–IN, concerning a request for material from a closed Title VII file.
4. Proposed Notices to Parties of *Kremer* Decision.
5. Onsite Review Guide of 8717 Federal Affirmative Action Programs for Minorities and Women.
6. Management Directive 707A, Instructions for the Annual Accomplishment Reports and Plan Updates of the Affirmative Action Programs for Minorities and Women.
7. Proposed Contract for Processing of the 1983 State and Local Government Information Report (E??–4) Survey.

Closed:

1. Litigation Authorization; General Counsel Recommendations.
2. Discussion of Commissioner's Charges—Proposals from Systemic Programs.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions.

Please telephone (202) 634–6748 at all times for information on these meetings.

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634–6748.

This Notice Issued July 5, 1983.

[S-968-83 Filed 7-6-83; 9:34 am]

BILLING CODE 6750-06-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Tuesday, July 5, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,717–L: The Bollinger County Bank, Lutesville, Missouri

By the same majority vote, the Board further determined that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: July 5, 1983.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S-990-83 Filed 7-6-83; 3:47 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Tuesday, July 5, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the Corporation's assistance agreements involving two insured banks pursuant to Section 13 of the Federal Deposit Insurance Act.

Memorandum re: Contract Award for Architectural and Engineering Services.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), and (c)(6)).

Dated: July 5, 1983.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S-991-83 Filed 7-6-83; 3:47 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that a 4 p.m. on Thursday, June 30, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the application of The Bank of Middlesborough, Middlesboro, Kentucky, an insured State nonmember bank, for consent to merge, under its charter and with the title "The First State Bank of Pineville," with The First State Bank of Pineville, Pineville, Kentucky, and to establish the two offices of The First State Bank of Pineville as branches of the resultant bank which would have its main office at the present main office location of The First State Bank of Pineville.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8) and (c)(9)(A)(ii)).

Dated: July 1, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-992-83 Filed 7-6-83; 3:47 pm]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:20 p.m. on Friday, July 1, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed section, by telephone conference call, to consider a resolution making funds available for the payment of insured deposits in Mineral Bank of Nevada, Las Vegas, Nevada, which was closed by the Superintendent of Banks for the State of Nevada on Thursday, June 30, 1983.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(8) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(B)).

Dated: July 5, 1983.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S-993-83 Filed 7-6-83; 3:47 pm]

BILLING CODE 6714-01-M

7

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48, Page No., none at this time. Date Published, none at this time.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6970).

CHANGES IN THE MEETING: The Bank Board meeting that was previously scheduled to start at 10 a.m., has been changed to start at 3 p.m., Thursday, July 7, 1983.

[No. 46, July 6, 1983]

[S-989-83 Filed 7-6-83; 9:34 am]

BILLING CODE 6720-01-M

8

POSTAL RATE COMMISSION

TIME AND DATE: Thursday, July 14, 1983, at 10 a.m.

PLACE: Conference room, Suite 500, 2000 L Street NW., Washington, D.C. 20268.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Election of Vice Chairman

CONTACT PERSON FOR MORE INFORMATION: Cyril J. Pittack, Acting Secretary, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone (202) 254–3880.

[S-994-83 Filed 7-6-83; 3:47 pm]

BILLING CODE 7715-01-M

federal register

Friday
July 8, 1983

Part II

Department of Agriculture

Food and Nutrition Service

Special Supplemental Food Program for Women, Infants and Children; Proposed Rule

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

Special Supplemental Food Program for Women, Infants and Children

AGENCY: Food and Nutrition service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes changes which will reduce the regulatory burden on State and local agencies that administer the Special Supplemental Food Program for Women, Infants and Children (WIC Program) in a manner consistent with maintenance of effective Program accountability. The overall effect of these changes will be to reduce State burdens, streamline Program operations, and afford State agencies greater discretion in operating their programs The Department also proposes a reorganization of Progam regulations and numerous clarifications which will make the regulations easier to use.

DATE: Comments should be mailed so that they are received on or before September 6, 1983.

ADDRESS: Send comments to: Barbara P. Sandoval, Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 407, Alexandria, Virginia 22302.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, Branch Chief, Policy and Program Development Branch, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 407, Alexandria, Virginia 22302, (703) 756–3730

SUPPLEMENTARY INFORMATION: The proposed rule has been reviewed under Executive Order 12291, and has been determined to be nonmajor. The proposed rule will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation or on the ability of U.S. enterprises to compete. The proposed rule has been reviewed in accordance with the requirements of the Regulatory Flexibility Act and will not have a significant economic impact on a substantial number of small entities. The recordkeeping and reporting requirements contained in this regulation will be submitted to the Office of Management and Budget as required by the Paperwork Reduction Act.

Background

A major amendment to the WIC Program Regulations was last published on July 27, 1979, at 44 FR 44422. These regulations were based on amendments to Section 17 of the Child Nutrition Act of 1966 found in Pub. L. 95–627. On February 17, 1981, President Reagan issued Executive Order 12291, which established procedures for review of existing regulations to assure their compliance with his goal of reducing Federal regulatory burdens. In complying with this order, the Department evaluated the impact of regulatory requirements on State agencies and identified provisions which could be deleted or modified to: (1) Reduce Program administrative requirements; (2) reduce Program costs; (3) increase State and local flexibility; and (4) combat fraud, waste, and Program abuse.

In preparing to revise the regulations, the Department gathered comments and concerns from a variety of interested groups and organizations. Significant input was obtained from the National Association of State WIC Directors. The Association identified regulatory issues of major concern, including, for example, certification periods, priority systems, nutrition education, and processing standards. The Department utilized these recommendations as well as suggestions from the National Advisory Council on Maternal, Infant and Fetal Nutrition, Regional Offices, State agencies and other interested parties to develop this proposed rule.

When reviewing this proposed rule, commenters should be aware that the Department is proposing a reorganization of the WIC Program Regulations to more clearly identify major Program topics and to group related sections together under them. Subpart headings have been added to clarify the reorganization. A chart indicating old section numbers, section titles and new section numbers is provided at the beginning of the regulatory text. The proposed reorganization should make regulations easier to use.

In a further effort to facilitate use of the regulations, numerous minor editorial clarifications have been made. These are not individually discussed in the preamble because they merely clarify meanings rather than change them. In the preamble the Department does, however, address all substantive changes. The following sections do not contain significant changes: § 246.3 (Administration), § 246.6 (Agreements with local agencies), and § 246.21 (Investigations).

All sections of current Program regulations except § 246.8 (Supplemental foods, proposed to be redesignated § 246.10) and § 246.10 (Food delivery system, proposed to be redesigned § 246.12) are being proposed for public comment. Regulations governing these two aspects of the Program are comparatively recent. The May 28, 1982, amendment concerning food delivery (47 FR 23626) did not have to be fully implemented until May 28, 1983. The Department believes that all levels of Program administration should have the benefit of experience gained after full implementation before attempting to identify whatever changes might be needed. Consequently, only isolated provisions of the May 28 amendment related to, but not part of, the food delivery system appear in this rulemaking. One example of a related change is § 246.14(e), which addresses disposition of recovered vendor claims. This is discussed in greater detail in the Program costs section of the preamble.

The Department published Uniform Federal Assistance Regulations (7 CFR Part 3015) on November 10, 1981, at 46 FR 55636. These regulations primarily implement OMB Circulars A–102 and A–110, which standardize the administration of grants and cooperative agreements, and specify the principles for determining allowable costs as set forth in OMB Circulars A–87, A–21 and A–122, as well as OMB Guidance on implementation of the Federal Grant and Cooperative Agreement Act of 1977. However, 7 CFR Part 3015 does not fully replace all of these documents. Therefore, references to the circulars are retained. Appropriate revisions have been made in this proposal to incorporate the provisions of 7 CFR Part 3015. Sections 246.13 through 246.17, and 246.20 reflect 7 CFR Part 3015 revisions.

Changes occasioned by 7 CFR Part 3015 are nondiscretionary and are not subject to alteration because of public comment. Paragraphs embodying these changes will be cited under the appropriate section heading later in the preamble.

The Department does, however, encourage comments on discretionary amendments and on provisions proposed without change. The Department would like to know which provisions have public support, as well as which cause concern. Commenters are asked to cite the number (for example, § 246.4(a)(5)(ii)) of each provision they address. Comments prove most helpful when they are specific, stating the reasons for support or opposition, suggesting modifications which would resolve a commenter's

concerns, and providing relevant background information as appropriate.

Subpart A—General

General Purpose and Scope (§ 246.1)

This section has been condensed to more clearly specify the general purpose and scope of the Program.

Definitions (§ 246.2)

The Department proposes to replace the term "operational and administrative costs" in current regulations with "administrative costs" and to abbreviate the definition by referring to § 246.14(b)(2) for a listing of costs allowable under this category.

"A-95" has been deleted from the definitions because Executive Order 12372, issued July 14, 1982, mandated its revocation, which will become effective September 30, 1983, and "FMC 74-4" has been supplanted by "A-87."

The Department has expanded the definition of "competent professional authority." The expanded definition is taken from the statute and includes the professional requirements previously listed in the certification section of regulations.

Use of the words "disqualify," "suspend," and "terminate" in the regulations has sometimes created confusion. The regulatory amendment published on May 28, 1982, at 47 FR 23626, used only the term "disqualify" when referring to vendors and participants. The Department proposes to remove references to "suspension" and "termination" where they apply to participants, vendors and local agencies, and to use only the term "disqualify." To clarify its meaning, a definition has been added. Distinctions concerning disqualification periods are addressed within the text of the regulations.

The definition of "income poverty guidelines" was added in the regulatory amendment on eligibility requirements of January 23, 1981 (46 FR 7846). The definition has been slightly revised in the proposed rule to reflect changes in the method for annually adjusting the income poverty guidelines as required by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35).

A definition of "migrant farmworker" has been added to the proposal. The Department believes that a national definition will allow for the development of a consistent reporting system and promote consistent treatment of itinerant farmworkers as they travel from one State to another. Eight definitions were reviewed before selecting the one used by the Department of Health and Human Services (DHHS) for "migrant agricultural farmworker." This definition has been twice recommended by the National Advisory Council on Maternal, Infant and Fetal Nutrition. It also appears to be the most widely used national definition. The public is invited to comment on the appropriateness of the proposed definition and on the general issue of whether a national definition should be established.

The Department has added a definition for "OIG" to simplify references to the Department's Office of the Inspector General.

"7 CFR Part 3015" has been added to this section to reflect publication of the Department's Uniform Public Assistance Regulations, which apply to the WIC Program.

For convenience of reference, the Department proposes to replace the legislative term "State Plan of Operation and Administration" with the term "State Plan." The definition has not been altered.

A definition of "supplemental foods" was reserved in the 1979 regulations because of the pending issuance of the proposed Food Package Regulations. A definition consistent with the legislative definition and past regulatory definitions is proposed in this rulemaking.

Subpart B—State and Local Agency Eligibility

State Plan (§ 246.4)

A number of the specific content requirements of the State Plan are mandated by the Child Nutrition Act of 1966, as amended by Pub. L. 95-627; others have been added in the past to meet perceived information needs of FNS. Executive Order 12372, issued on July 14, 1982, mandates that, where permitted by law, Federal agencies allow for simplification and consolidation of State Plans. As a result of the Executive Order, the Department is proposing to allow State agencies to choose alternative formats, such as consolidation of the WIC State Plan with other planning documents, provided that they continue to include all information required by regulations. Further, the regulatory requirements for State Plans are proposed to be substantially reduced. Provisions included in this section are either legislative requirements contained in Section 17 of the Child Nutrition Act or requirements considered essential in support of legislative mandates. Finally, all actions of the Department with respect to the State Plans will be taken in accordance with requirements imposed pursuant to Executive Order 12372. The Department hopes that this will simplify State planning and administration for the WIC Program.

The Executive Order further requires that the Director of the Office of Management and Budget revoke OMB Circular A-95, which directed State and local governments to follow prescribed review procedures for specified Federal programs. On January 24, 1983, the Department published a proposal at 48 FR 3093 to implement regulatory provisions responsive to the revocation of A-95 for all Special Nutrition Programs.

Provisions currently at § 246.4(c), which addresses submission of the State Plan to the Governor, were removed and paragraphs (d) and (e) were redesignated as paragraphs (c) and (d), respectively. Additionally, the provision requiring the Chief State Health Officer's signature or equivalent was deleted. These two provisions were removed to eliminate Federally required review procedures rescinded by the pending revocation of A-95. Because the Department's proposal concerning State Plan review procedures is still pending final rulemaking and implementation, commenters should note that § 246.4 (c) to (d) are not specifically listed, but are included by reference after § 246.4(b). Executive Order 12416 signed on April 8, 1983, states that A-95 will remain in effect until September 30, 1983, and requires the Department to effect the changes published in Executive Order 12372 by September 30, 1983.

Selection of Local Agencies (§ 246.5)

The Department proposes two changes in this section: (1) The elimination of the requirement that the State agency provide a preapplication package to any local agency (§ 246.5(b) under current regulations) and (2) the addition of a paragraph (§ 246.5(e)) on the termination of a local agency or reduction of its caseload when a State agency's funding cannot support all existing local agencies.

The Department proposes to delete the requirement that States provide preapplication materials to prospective local agencies. State agencies can be expected to provide prospective local agencies with appropriate preapplication materials as a matter of course. The Department does not consider it necessary to mandate a practice which is an inseparable part of the application process, and which is so clearly in the best interest of the State agency, as well as the prospective local agency. This rulemaking also proposes to delete the requirement that the State agency return the application of an applicant agency denied participation

due to funding constraints. Retention of such applications would facilitate approval of the applicant agency in the event that sufficient funding became available.

Due to limited administrative resources, it may be necessary for a State agency to administer the Program through fewer local agencies. For example, in some circumstances, participants in a given area can be more efficiently served due to economies of scale if clinics under two or more local agencies are consolidated under one for purposes of WIC Program administration. Therefore, Paragraph (e) addresses the issue of local agency disqualification. This provision directs the State agency undertaking such an action to consider: Availability of other community resources, the cost efficiency and effectiveness of the local agency, relative position of the local agency in the local agency priority system and the Affirmative Action Plan, the relative percentages of participants served in different priority levels, and the capability of another local agency or agencies to accept the participants. When the State agency has determined that a local agency will be disqualified, the proposal requires that every effort be made to transfer affected participants without disruption of benefits, that a 60 day advance notice (including explanation, effective date, and appeal rights) be provided, and that no State or local agreements be violated. This proposal confirms the State agency's authority to disqualify local agencies, but ensures an orderly process to prevent arbitrary actions.

A new paragraph (f) has been added to confirm the State agency's authority to periodically review the qualifications of all local agencies under its jurisdiction. In conducting such reviews, the State agency would be required to consider the factors listed in paragraph (e)(1) of this section, in addition to whatever criteria it mught establish. Based on the results of such reviews, the State agency can adjust local agency caseloads or terminate local agency agreements. Disqualifications would be implemented in accordance with the procedures established in paragraph (e)(2). This provision would support the State agency's efforts to increase Program efficiency and effectiveness.

Subpart C—Participant Eligibility

Certification of Participants (§ 246.7)

WIC eligibility is based on three major characteristics: (a) Category (e.g., pregnant women or infants), (b) income below certain guidelines, and (c) nutritional risk, as determined by a health professional (e.g., anemia, high risk pregnancy or inadequate dietary pattern). State agencies may also require a recipient to reside in the State or locality. Section 246.7 encompasses the eligibility criteria and procedures to be used in deciding who can be a WIC participant.

A major share of administrative resources is devoted to certification. Consequently, WIC administrators, faced with tight WIC budgets and diminution of resources for related health services, are concerned about regulatory relief. The Department wishes to provide relief in this area, while continuing to ensure that the neediest persons are able to participate, in accordance with legislative mandates.

Income Eligibility Criteria. Current income eligibility regulations were published January 23, 1981, at 46 FR 7846 and amended September 25, 1981, at 46 FR 47422. The provisions have been slightly reorganized to clarify meaning, but unless explicitly addressed in the discussion below, no policy changes are intended.

Section 246.7(c)(1) has been revised to clarify how a State agency may establish its WIC income guidelines, i.e., the State WIC income standards for each family size used to assess an applicant's income eligibility. The proposal clearly specifies that a State may either adopt the national guidelines (the National School Lunch Act reduced price meals income guidelines, which equal 185 percent of the Office of Management and Budget (OMB) nonfarm income poverty guidelines) or State or local income guidelines for free or reduced price health care. However, the State or local health care income guidelines must fall between 100 and 185 percent of the OMB guidelines in order to be used as WIC income guidelines. This clarification is proposed due to possible ambiguities in the language of the current provisions. The Department believes that this clarification is consistent with the intent of the January 1981 rulemaking that enables States to choose WIC income guidelines consistent with health care guidelines, in order to ensure that WIC participants are eligible for free or reduced price health care and to streamline intake procedures. The Department is not aware of any significant impact this clarification might have. Commenters are invited to share information and views concerning possible effects of the clarification.

Related to this issue, a clarification is made regarding the definition of "income" in § 246.7(c)(2). The Department clarifies that if a State uses the national income standard, it shall use the national definition of income specified in § 246.7(c)(2)(ii). However, if it uses State or local health care guidelines, it may use the health care definition of "income." Current regulations allow the State to use the State or local health care definition of income in lieu of the national definition, but do not clearly delineate the circumstances under which a State health care definition of income may be used. The Department's intent is to facilitate coordination of WIC and health care services. This objective is achieved by permitting a State which employs health care guidelines for WIC income eligibility determinations to utilize, within limits, the State definition of "income" used with the health care guidelines.

The Department proposes to strike the reference to hardship deductions currently found in § 246.7(c)(2). This is deleted since the regulations already allow State agencies using health care income guidelines for WIC to use alternate health care income definitions, provided a person's gross income cannot exceed 185 percent of the Office of Management and Budget's nonfarm income poverty guidelines. It will still be allowable for such States to provide hardship deductions, but this need not be explicitly authorized in Federal regulations.

Current regulations (§ 246.7(c)(5)) require States to declare income eligible any instream migrant farmworker participant whose varification of certification (VOC) card has expired. The Department proposes to modify this policy by requiring in § 246.7(c)(2)(ii) of the proposal that an instream migrant farmworker's income be determined not less frequently than annually. When the current regulations were promulgated, it was assumed that migrant farmworkers are not instream all year and that they return periodically to their home base. Since then, it has been pointed out that some migrants are always instream. To ensure a periodic income determination for all migrants, the annual determination is proposed. This proposal constitutes a formalization of existing policy.

Certain sources of income or payments are excluded by Federal law from being counted in determining income eligibility. A new paragraph (G) is added to § 246.7(c)(2)(iv) to include payments under the Alaska Native Claims Settlement Act in this list of exempted income sources. If commenters are aware of payments under other programs which are excluded by Federal law from being

counted as income in the WIC Program or other Federal assistance programs, the Department requests notification.

Nutritional Risk Criteria. Five minor revisions are proposed in § 246.7(d) (1) and (2) for nutritional risk criteria. First, in § 246.7(d)(1), it is clarified that at least height or length and weight shall be measured for all participants, even those persons certified on the basis of another person's status. The anthropometric data is an important source of health status information. Second, § 246.7(d)(1)(ii) clarifies that a breastfed infant can be certified eligible based on the breastfeeding mother's nutritional risk. Current regulations § 246.7(d)(1)) already specify that a breastfeeding mother can be certified eligible based on her infant's nutritional risk. Under current regulations, it is possible for a breastfeeding mother to be eligible, but not the infant. Even though an infant is breastfed, he or she often needs to be provided with supplementary foods, such as juice, iron-fortified infant cereal or even supplementary formula. This may be particularly true if the breastmilk has deficiencies related to the mother's nutritional risk conditions. Thus, the Department believes it is important to ensure the breastfed infant's participation; this change acknowledges the importance of the breastfeeding mother-infant relationship, and provides a slight incentive toward breastfeeding in WIC.

Third, § 246.7(d)(1)(iii) clarifies the Department's intent that status as an infant under 6 months born to a woman who was a WIC participant during pregnancy or who has documented anthropometric, hematological or related medical problems during pregnancy be a category or nutritional risk. Under current regulations (§ 246.7(d)(2)(iv)(E)), this is provided as an example, rather than clearly identified as a standard category of nutritional risk.

Fourth, the proposed § 246.7(d)(1)(iv) confirms that the State agency has the authority to limit the number of times and the circumstances under which a participant can be certified due to the posibility of regression in nutritional status without supplemental foods. Current regulations (§ 246.7(e)) allow participants to be certified due to the possibility of regression. This is intended to prevent the situation in which participants improve their nutritional status, are therefore removed from the Program, and consequently deteriorate in status. However, the Department beleives that the possibility of regression should not be used excessively as a nutritional risk criterion. It may be inappropriate to be certifying persons with no current problems when other eligible applicants who are at nutritional risk go unserved. Thus, the Department confirms the State agency's authority to limit the number of times and circumstances under which a participant may be certified for regression. For example, a State agency may decide to certify participants only for regression and to certify for regression only persons with prior anthropometric, hematological, or medical nutritional risk conditions (e.g., not dietary inadequacies). The Department recognizes that use of regression is currently a professional judgment of the health professional, based on the professional's knowledge of the individual applicant's conditions. The Department does not wish to infringe upon the professional's exercise of discretion and is interested in comments which address this subject.

Fifth, the examples of nutritional risk listed in the current regulations are consolidated in § 246.7(d)(2). This change is proposed for brevity's sake; no substantive policy changes are intended since the conditions are only listed as examples.

Nutritional Risk Priority System. Due to the limit on WIC funding established annually by appropriations legislation, it is necessary to have a system to determine who is most needy when local agency funding is insufficient to serve all eligible applicants. The current system uses two primary factors to assign a priority level, as determined by a health professional: (1) Category (e.g., pregnant woman or child) and (2) type of nutritional risk (detected by anthropometric/hematological/medical tests or dietary assessments). The current regulations in § 246.7(d)(3) read: "The following priorities shall be applied by the competent professional authority when vacancies occur after a local agency has reached its maximum participation level, in order to assure that those persons at greatest nutritional risk receive program benefits. State agencies may set income priority levels within these six priority levels:

(i) *Priority I.* Pregnant women, breastfeeding women and infants at nutritional risk as demonstrated by hematological or anthropometric measurements, or other documented nutritionally related medical conditions which demonstrate the person's need for supplemental foods.

(ii) *Priority II.* Except those infants who qualify for Priority I, infants (up to 6 months of age) of WIC participants who participated during pregnancy, and infants (up to 6 months of age) born of women who were not WIC participants during pregnancy but whose medical records document that they were at nutritional risk during pregnancy due to nutritional conditions detectable by biochemical or anthropometric measurements or other documented nutritionally related medical conditions which demonstrated the person's need for supplemental foods.

(iii) *Priority III.* Children at nutritional risk as demonstrated by hematological or anthropometric measurements or other documented medical conditions which demonstrate the child's need for supplemental foods.

(iv) *Priority IV.* Pregnant women, brestfeeding women, and infants at nutritional risk because of an inadequate dietary pattern.

(v) *Priority V.* Children at nutritional risk because of an inadequate dietary pattern.

(iv) *Priority VI.* Post partum women at nutritional risk."

The current priority system was designed at a time when waiting lists were relatively short or nonexistent in most local agencies. As more local agencies have reached maximum caseloads, problems in the priority system have been reported by WIC administrators. There are two major criticisms of the priority system. First, it can be difficult to administer because of the extensive amount of screening which is necessary to determine the priority levels of applicants. Due to a shortage of clinic time and administrative resources, it is not always possible to provide prompt screening appointments for all applicants. This problem is compounded because all pregnant and breastfeeding women, infants and children must be screened in order to assign Priority Levels I through V. In order to see if a Priority IV woman can be enrolled, one must also know how many Priority III children have applied. This entails measuring the children's heights, weights, and hematocrit/hemoglobins and determining if they meet Priority III guidelines. This creates an administrative burden for local agencies. Second, many States want to have more flexibility in deciding who should be enrolled. For example, under the current system, teenage non-breastfeeding post partum women occupy the lowest priority level. Some States would like to give them a higher priority level because of the short interconceptual period common among teenage mothers. Those State agencies believe that post partum supplementation would aid pregnancy outcome in subsequent pregnancies.

Changing the priority system is one of the most important areas of WIC regulatory revision. The system directly affects who gets Program benefits and therefore determines the nutritional impact of the Program. It also has major implications for State and local caseload administration. The need for simple and efficient administrative procedures must be carefully balanced with the need for a system which meaningfully ranks applicants according to degree of nutritional need. In its effort to achieve this balance, the Department wishes to receive the best possible public input for decisionmaking. To accomplish this, the Department is proposing three alternative nutritional risk priority systems at § 246.7(d)(4). In establishing final regulations, the Department will consider comments on each alternative, modifications of the alternatives or combinations of any of these.

This strategy allows for public comment for or against each option and permits consideration of how features from options that are not mutually exclusive might be combined.This is similar to the rulemaking procedure used for the WIC income eligibility procedures (proposed February 8, 1980, at 45 FR 8876; final January 23, 1981, at 46 FR 7846). Commenters are urged to address each option in terms of its expected nutrition/health impact and administrative implications.

While the proposed alternatives offer considerable choice, the Department does not believe that State agencies should have total discretion in establishing priority systems. The Department strongly believes that a major goal of the WIC Program is targeting benefits to the neediest, most vulnerable groups. Therefore, it is essential to have a Federal regulatory framework on which to base eligibility determinations. Further, in managing and funding the 85 State WIC Programs it is imperative that the Department maintain a basic system to equitably compare State programs and the share of needy participants being served. Radically differing systems among the States would compromise the Department's ability to compare State agencies' success in reaching the neediest people.

Current regulations authorize State agencies to establish sub-priority levels within the priority system on the basis of income. It has long been the policy of the Department to authorize establishment of sub-priorities on the basis of other standards, e.g., age of children and degree of nutritional risk, which also serve to direct benefits to those most in need. All three alternative systems proposed in this rule confirm this authority. Since this change is common to all alternatives, it is not repeated in the following discussions of each.

The following three alternative priority systems are proposed under paragraph § 246.7(d)(4):

(A) The current nutritional risk priority system.

(B) The current system, modified by reversing Priority Levels III and IV and making "regression" a new Priority VII.

(C) A three category priority system:

I. Special nutrition conditions.

II. Women and infants, other than those in Priority I.

III. Children, other than those in Priority I.

A brief rationale for each alternative follows:

Alternative A is the current nutritional risk priority system. Its prime advantage is that it ensures that degree of nutritional risk (based on anthropometric/hematological/medical or dietary assessment) is a primary factor in assigning priority regardless of whether an applicant is a woman, infant or child, except for postpartum women, who are last priority. This is intended to emphasize the nutritional impact of the Program. For example, a 2 year old underweight child is a higher priority than a breastfeeding women with inadequate diet. Further, the current system is sufficiently structured to ensure a degree of national equity in treatment of applicants. Since State agencies are given flexibility in establishing sub-priorities, there is room for expression of State and local policies. Disadvantages of the current system were discussed above.

Alternative B modifies the current system by reversing Priority Levels III (children with problems detected by anthropometric/hematological/medical means) and IV (pregnant and breastfeeding women and infants with inadequate dietary patterns). This alternative would ease administration of the priority system by grouping all applicants into readily identifiable categorical clusters. Pregnant and breastfeeding women and infants comprise Priority Levels I through III. Children comprise Priorities IV and V. Postpartum women are in Priority VI. This should allow local agencies to reduce the amount of screening necessary when only high priority participants can be served. This alternative continues to ensure that within each categorical cluster, those with more severe types of nutrition problems are served first. Adoption of this alternative would probably increase the share of pregnant and breastfeeding women and infants in WIC.

One disadvantage of Alternative B is that it still requires nutritional screening before any person can be placed within the priority system. Another disadvantage is that it limits State flexibility. For example, it continues to place teenage postpartum women in Priority VI, even though some believe that their special needs ought to accord them a higher priority level. Furthermore, less needy women and infants would always be served before severely needy children.

A special feature of Alternative B is that it proposes creating Priority VII, which is reserved for participants certified due to the possibility of regression. Although this provision is only mentioned under Alternative B, the concept is applicable to all three alternatives. Currently, the placement of persons certified for regression in the priority system is not specified in the regulations; different States treat it differently.

The provision would require that it be the last priority level. Since in many areas WIC cannot serve all applicants, this would probably substantially reduce the number of persons enrolled due to regression. The major advantage of this provision is that persons with current nutrition problems would always be served prior to those without such problems who may regress in nutritional status. This can help target benefits in those areas which commonly use regression as a nutritional risk criterion.

The major disadvantage of this option is that it would limit the discretion of the State or competent professional authorities. For example, a health professional may wish to continue benefits to a previously anemic infant who is now barely over the hemoglobin cut-off for anemia, but be unable to enroll the infant because such persons must be placed in the last priority level. It is possible that, without supplemental foods, the infant will regress and be anemic again within a couple of months. Due to higher priority status, a child with inadequate dietary pattern would be served earlier than such an infant.

Alternative C creates a simplified priority system. Priority I would include applicants with special nutrition conditions, as determined by State criteria. The special nutrition conditions grouping allows very needy women, infants or children to be served as a first priority. Under Alternative C, State agencies could make Priority I very simple or very sophisticated. A fairly simple list of persons that a State

agency could assign to Priority I includes: Low birthweight infants, children below the fifth percentile of weight for height, teenage pregnant women and mothers, and pregnant women with toxemia or other metabolic disorders. A more comprehensive Priority I list could include a very wide variety of conditions which require detailed screening. Since States would have discretion in determining Priority I criteria, this would greatly augment State flexibility. Other than Priority I persons, priority levels would depend primarily on category: women and infants, then children. States could establish sub-priorities within each priority level for further refinement. This alternative could further simplify determination of an applicant's priority level. Adoption of this alternative would probably increase the share of women and infants in WIC. The major advantage of this alternative is that it allows State agencies to establish a much simpler priority system which would decrease the level of screening necessary. Yet it also provides enough flexibility that States can build a more comprehensive and sophisticated priority system.

The primary disadvantages of Alternative C are: (1) Priorities II and III, which will probably comprise the majority of participants, do not differentiate degree of nutritional risk as a factor in placement, and (2) all postpartum women are ranked higher than children. Thus, an adult postpartum woman with dietary inadequacies is ranked above an anemic 2 year old child (unless the anemic child is in Priority I by State criteria). These problems may impair the nutritional impact of the Program.

Waiting Lists. Section 246.7(e)(1) proposes a clarification in the language on waiting lists. It allows the State to establish policy on who needs to be placed on the waiting list, provided that the policy is not so restrictive that persons who might be reasonably expected to be enrolled later are not included on the waiting list. Further, if an applicant requests placement on the list, it mandates that he or she be so placed. These clarifications would formalize current policy in the WIC Program; no substantive change is intended.

Processing standards. Processing standards provide maximum timeframes for notification of an applicant's eligibility or ineligibility and for provision of food instruments or supplemental foods. Section 17(f)(7) of WIC legislation requires that applicants be notified of eligibility within 20 days of their first personal appearance to request participation. The statute also directs the Department to establish a shorter notification period or those persons who need benefits more quickly. Current WIC Regulations require applicant notification within 20 calendar days for most applicants and within 10 days if the applicant is a Priority I pregnant woman, an infant under 6 months old, or a member of a migrant farmworker household planning to leave the area soon. If the State agency uses the retail purchase system, the participant must receive food instruments in the day of certification. If the State agency uses home delivery or direct distribution, the participant must receive supplemental foods within 10 days.

Some WIC administrators believe the processing standards are not feasible. Critics cite three major problems. Overcrowded clinic schedules may make establishing appointments within 10 or 20 days extremely difficult. Also, if eligibility tests must be referred to a laboratory or other health professional, results may not be available on a timely basis.

Finally, satellite clinics in outlying areas may only operate once or twice a month. Despite these difficulties, the statutory 20-day timeframe cannot be extended. The Department interprets the law to mean 20 calendar days, not working or operational days. Without legislative change, the Department cannot revise this definition. Thus, no change is proposed.

The Department does, however, propose revising the expedited service timeframes in § 246.7(e)(2)(ii)(A). The proposal would allow State agencies to decide which groups require expedited services, except that members of migrant farmworker households who will soon leave the area must be included. The continued inclusion of migrants is due to time pressures of their work and the mandate of WIC legislation. Section 17(f)(3) of the Child Nutrition Act of 1966 requires the Secretary to assure that, to the maximum extent feasible, migrant households can continue to participate as they travel.

WIC legislation mandates that categories of persons at special nutritional risk be notified of their eligibility or ineligibility within a period of less than 20 days. Current regulations specify a 10-day expedited service period. Factors which make the 20-day timeframe difficult to meet are even more formidable impediments to compliance with the 10-day limit. However, the Department also recognizes the importance of providing timely service to special nutritional risk applicants. Therefore, the Department proposes to retain the 10-day expedited service requirement with the exception that local agencies may extend it to a maximum of 15 days if required to do so by circumstances beyond their control. An extension might be appropriate, for example, when the results of laboratory tests are delayed in reaching the local agency. The Department would expect States to ensure, as part of their standard oversight procedures, that the expedited service period is being extended only due to necessity, and not for convenience.

The Department proposes to retain the timeframes for provision of supplemental foods or food instruments. Standard practices in most State agencies already easily allow for prompt provision of food to participants.

Certification Periods. In § 246.7(f)(1)(iv) the Department proposes that State agencies be given the option to increase infant certification periods from 6 months to 1 year. Insofar as infants are very frequently recertified and they are in a critical stage of development, this would allow a conservation of administrative resources associated with infant certification at the clinic level.

Since periodic health screening is an important service for young infants, the proposal encourages State agencies to consider a 6-month certification period when other health services are not available to provide frequent and ongoing health care for infants. As a result of this revision, a conforming amendment is proposed in another part of the regulations. In § 246.11, the nutrition education contact frequency is adjusted for States which use 1-year infant certification periods to provide the same rate of nutrition education under an extended certification period: one contact per 3 months of certification.

A clarification is made in § 246.7(f)(2) that State agencies may establish shorter certification periods for individual cases. This is the current policy; no change is intended. A local agency may wish to establish a shorter certification period for persons with less serious problems, e.g., those with dietary inadequacies or the possibility of regression in status. It is intended that the 6-month certification will continue to be the norm for children and postpartum and breastfeeding women and a certification until 6 weeks postpartum will be normal for pregnant women.

A change in use of prior medical data is proposed in § 246.7(f)(4). A person can

be certified based on medical data collected by a non-WIC health professional within the 6-month period preceding certification. This allows coordination of WIC nutritional risk determinations with other health assessments and also removes the need for overly frequent blood drawing or measurement of applicants. However, under current rules, the person can only be certified until 6 months from the data collection date. For example, if the data is 2 months old, a child may only be certified for 4 months. The Department proposes to allow these persons to be certified for a full certification period, but would continue to prohibit the use of medical data collected by non-WIC health professionals which is more than 6 months old.

Actions Affecting Participation in Mid-Certification. Section 246.7(g) would clarify circumstances under which State or local agencies may disqualify participants or withhold benefits, in accordance with current policy.

This section specifies that individuals may be disqualified for three reasons: abusing the Program; failing to pick up food instruments or supplemental foods for a specified number of consecutive months; or being found ineligible due to reassessment of eligibility status. Types of Program abuse include, but are not limited to: Selling food instruments, dual participation, misrepresenting eligibility factors, or physically abusing a clinic staff person. Some State agencies terminate the certification of participants who have not picked up food instruments or supplemental foods for two or more consecutive months. This prevents caseload slots from being held by "no-shows" and allows for new, active participants to be enrolled. The proposal would confirm the State's authority to take this action, which is allowable under current regulations. Section 246.7(i)(3) would require that participants be notified of this policy in advance in States which choose to implement it. Finally, a local agency may reassess eligibility of participants during certification if it has reason to believe that eligibility status has changed, e.g., family income has risen. Upon determination that a participant is no longer eligible, the participant may be disqualified.

Section 246.7(g)(2) provides for situations in which benefits to a group of participants must be discontinued due to funding shortages. It authorizes two courses of action: Disqualifying participants or withholding benefits with the expectation of providing benefits when funds are sufficient. The regulation requires the State agency first to consider alternatives and to implement such caseload reductions only as a last resort. Alternatives to caseload reductions include: transfer of administrative funds to cover food costs; obtaining additional funding from private, local, State, or Federal sources; and choosing lower cost, but comparable, food package items (e.g., only allowing lower cost juices, only allowing dried milk, etc.). In general, the Department firmly believes that if a State agency is carefully monitoring participation and spending and making necessary adjustment throughout the year, last minute caseload reductions should not be necessary. Caseload reductions should affect the least number of participants and should affect those participants whose nutritional and health status would be least impaired by discontinuance of Program benefits.

Section 246.7(g)(3) requires that when States are deleting active participants, they may not enroll new participants. This prevents the inequity of providing benefits to new participants while others are being removed due to funding limitations. The Department believes that the commitment implicit in the length of the certification period should be kept if at all possible. Furthermore, the potential for harm to participants disqualified during their certification periods may more than offset the advangtages of replacing them even with needier participants. Therefore, the proposal does not authorize enrollment of new applicants to replace eligible and complying participants who are disqualified mid-certification, as a result of funds shortages.

Notification Requirements. In order that applicants, participants or their parents or caretakers be informed of their rights and responsibilities, the regulations require certain notifications at certain times. Section 246.7(i)(3) proposes that if a State chooses to disqualify participants for not picking up food instruments or supplemental food, the State agency shall notify the person at certification of this policy and of the importance of picking up supplemental foods.

The Department does not propose to delete the requirement for written notification of ineligibility, the reason for ineligibility, the upcoming end of certification, and the right to a fair hearing. The requirement for written notification is to the state agency's and participant's advantage and involves minimal work. A pre-printed checklist can adequately inform persons with minimal effort. It is already standard practice to inform persons of the upcoming end of a certification period at their last or next to the last food or food instrument pick-up. Written notification provides documentation of the oral notification and ensures that a third party, such as a parent, caretaker or review officer, has notice of the reason for ineligibiity.

The Department proposes in § 246.9(a) to remove the right of appeal for categorically ineligible persons and amends § 246.7(i)(5) to conform with that proposal. The local agency would still be required to notify such applicants in writing of their ineligibility and the reason for it.

Nondiscrimination (§ 246.8)

This section is amended in paragraph (a) to prohibit discrimination under the Program on the basis of age, sex, and handicap, as well as race, color, and national origin. These changes are mandated by law. Prohibitions against discrimination on the basis of age and sex apply only to persons who are categorically eligible for the Program. Since adult males and children age 5 or older are categorically ineligible, they are not covered by the prohibitions. However, pregnant women, for example, may not be discriminated against on the basis of their age, nor may infants be discriminated against due to their sex. However, this is not to say that a local agency could not first target limited benefits to subcategories of older or younger women, infants or children, who by virtue of their age, are deemed to be at a greater nutrition risk. For example, some locations target benefits first to postpartum teenagers before other postpartum women because adolescent pregancies pose greater risks than pregnancies in mature adults. When age is a factor directly related to nutrition risk of a category of participants, such age distinctions do not constitute program discrimination.

Paragraph (b) has been amended to indicate that complaints of discrimination received by State and local agencies are to be referred to the Director of the Civil Rights Division rather than the Supplemental Food Programs Division Director. This paragraph also provides that States with established procedures may resolve age, sex, and handicap discrimination complaints before referring them to FNS.

Fair Hearing Procedures for Participants (§ 246.9)

In order to protect applicant and participant rights, the regulations require the State agency to provide a hearing procedure through which an individual may appeal a State or local

agency action which results in the individual being denied participation or disqualified from the Program, the proposed regulations covering fair hearings set forth the requirements as contained in current regulations with minor modifications.

The Department proposes in § 246.9(a) the elimination of fair hearing rights for applicants or participants who are categorically ineligible for Program participation and whose status is documented, e.g., over-age children or adult males. This would help reduce State administrative burdens. Allowing fair hearings for categorically ineligible persons represents an inefficient use of Program resources because: (1) The State's actions cannot be considered arbitrary or capricious in such cases, and (2) the hearing officer cannot possibly decide in favor of the appellant in view of categorical ineligibility. States must proceed with caution and deny hearings only when the fact that the applicant is unable to make any showing of categorical eligibility is documented in agency files.

There may be situations in which a participant may abuse the fair hearing process by repeatedly requesting fair hearings for denial of certification based on the same reasons. In such cases the fair hearing official, upon receiving documentation that a participant has been provided a fair hearing and denied benefits, and seeks another fair hearing for the same reasons, can determine that the issue is "res judicata." This determination would mean that the hearing official's decision is final and the participant should not be provided another administrative fair hearing unless the participant is again denied and can provide evidence that his/her status or the status of his/her children has changed in such a way as to justify a hearing. The hearing official is required to explain the right to pursue judical review of the decision.

Nutrition Education (§ 246.11)

In order to allow State and local agencies flexibility in addressing participant needs, the Department is deleting the requirement specifying type and content of each participant contact, with one exception. The Department will continue to require that breastfeeding be encouraged in contacts with all pregnant participants, unless medically contraindicated. To comply with the legislative mandate that the Secretary prescribe standards which ensure that adequate nutrition education services are provided to participants, the Department would require in § 246.11(c)(7) that a State agency establish nutrition education standards for content of participant contacts. This revision is intended to augment the State and local exercise of professional judgment in establishing sound nutrition education standards and providing education which is appropriate to individuals' needs. The Department continues to support the importance of good nutrition education in the WIC Program and notes that the legal requirement to spend one-sixth of administrative funds on nutrition education ensures that resources devoted to WIC nutrition education will not diminish.

Under § 246.7(f)(1)(iv), the Department proposes to extend the maximum certification period for infants to one year. In tandem with that proposal, the Department is adding a provision (§ 246.11(e)(3)) requiring that at least one nutrition education contact per quarter of the certification period be provided to parents or caretakers of infant participants certified for one year.

Financial Management System (§ 246.13)

Paragraph (b) on reports under § 246.11 of the current regulations has been deleted from this section and incorporated into § 246.25 of this proposal. A new paragraph (b) on internal control has been added to incorporate a like provision in 7 CFR Part 3015.

Paragraph (h) on reconciliation now add women-owned banks. This requirement is specified in 7 CFR Part 3015.

Paragraph (g) on reconciliation now requires State agencies to reconcile food instruments in accordance with § 246.10(n) of the current regulations. Section 246.11(i) of the current regulations on identification of unredeemed food instruments has been deleted because the procedure is addressed in § 246.12(n) in this proposal.

Program Costs (§ 246.14)

The Department proposes to add a new paragraph (a)(2) to the treatment of allowable food costs confirming that, with the exception of funds recovered from vendor claims, food funds cannot be used to pay administrative costs. This paragraph also makes explicit the longstanding policy that administrative funds can be used for food costs.

An amendment to paragraph (c)(1) on allowable nutrition education costs is proposed to delete the requirement that State agencies request prior approval from FNS in their State Plan when they want to use other funds to meet the legislative requirement for expending one-sixth of their administrative funds on nutrition education. The Department believes that the State Plan is not the appropriate vehicle for requesting this approval. However, to remain in compliance with Pub. L. 95–627, State agencies must still request written approval from FNS prior to using other funds to meet the nutrition education expenditure requirement.

The Department also proposes to clarify paragraph (c)(1) concerning the amount to be expended on nutrition education, which is to be calculated by taking one-sixth of total administrative expenditures up to the amount of the administrative grant. The Department will compute the amount to be spent on nutrition education by multiplying total administrative expenditures up to the limit of the administrative grant by one-sixth. If less than one-sixth of the administrative expenditures is reported on the final closeout report as nutrition education expenses, the Department will access a claim against the State agency for the difference between the reported nutrition education expenditures and one-sixth of total administrative expenditures. For example, if the administrative expenditures reported on the closeout report equal $60,000, then $10,000 must be attributable to nutrition education. If the State agency only reports $5,000 in nutrition education expenditures, the Department will assess a claim against the State agency for $5,000.

Paragraph (c)(2)(iii) on allowable certification procedure costs is amended by deleting the provision requiring prior approval by FNS for the purchase of medical equipment that exceeds spending limits set by FNS. The Department believes it is not necessary to establish individual cost limitations for each piece of medical equipment. State agencies must still obtain prior approval from FNS to purchase equipment costing more than $5,000 as specified in paragraph (d)(2) of this section. In addition, the Department has effectively expanded the list of allowable medical equipment by no longer restricting it to the items mentioned in the law.

The paragraph listing restrictions on allowable costs ((d)(2)) has been amended by increasing from $2,500 to $5,000 the cost of capital expenditures that must be approved by FNS. The Department recognizes the effect inflation is having on the cost of equipment and, therefore, believes this increase is appropriate.

The Department also proposes to amend paragraph (e). This provision was part of the final rule published May 28, 1982, at 47 FR 23626. In general, the Department is not now proposing to

amend this rulemaking, but a few commenters have sought one particular technical revision. The current regulations allow State agencies to retain up one-half of funds recovered from vendor claims for administrative purposes. The intent of this provision was to establish a financial incentive for aggressive claims collections. When this rule was written, the Department considered only State systems which redeem food instruments, review them for overcharges or errors, then assess claims on a post-payment basis. However, some State agencies review food instruments prior to payment and reduce payments accordingly. The Department is proposing to include improper payments prevented by this method in the money which may be retained for administrative purposes. This would supplement the funding available to States for the operation of their pre-payment audit systems. It would also remove the incentive for such States to switch to post-payment food instrument review systems, which may be less cost-effective, simply to increase their administrative funding.

The Department is also aware of possible problems in implementing this proposal. Documentation of a claim and funds received in payment is strightforward. However, it is more complex to account for funds not paid, especially since vendors may later correct or justify their food instruments and receive payment. Thus the proposal requires the State to maintain documentation to support the funds retained. The Department is also concerned that withholding payment to vendors, a practice which would be supported by the proposal, may have a negative impact on certain vendors. For example, a voucher rejected as overpriced may actually equal the price charged to other customers. If a claim were assessed in a post-payment audit system, the vendor could justify the high price and not pay the claim. But if the funds are withheld in a prepayment system, then even if the vendor is eventually paid, he has lost use of the funds for a period of time. The Department invites comments explaining how States with pre-payment audit systems might maintain accurate records of improper payments which their systems have prevented.

Program Income Other Than Grants (§ 246.15)

Both paragraphs of this section have been expanded to incorporate provisions of 7 CFR Part 3015. The additions represent nondiscretionary provisions.

Distribution of Funds (§ 246.16)

The Department has added a requirement to paragraph (a) that State agencies must furnish FNS with any financial and Program data necessary to assist FNS in the decisionmaking process for distribution of funds to State agencies.

The reference to the $3 million for evaluating Program performance in paragraph (b) was slightly changed to conform exactly with Pub. L. 95–627. The law states tht the $3 million shall be available to the Secretary. Current regulations state that the $3 million will be used by the Department. This change will confirm the Secretary's legislatively authorized discretion to determine whether or not these funds should be spent in whole, or in part, or not at all. Funds unspent on evaluation or demonstration projects will be used to support Program food and administrative costs, which is the current practice.

In paragraph (c) of this section, the list of factors that State agencies have to consider when distributing funds to local agencies was revised and reduced to include only those items required by Pub. L. 95–627.

Closeout Procedures (§ 246.17)

Paragraph (c) has been expanded to include requirements in 7 CFR Part 3015. This change is nondiscretionary.

Administrative Appeal of State Agency Decisions (§ 246.18)

This section sets forth minimum rules that State agencies must follow when establishing a hearing procedure for local agencies or vendors whose participation is the subject of an adverse action. The current regulations provide that any such vendor or local agency adversely affected by a State decision is entitled to an impartial administrative appeal. Further, the adverse action must be postponed until the hearing decision is rendered. However, the delay of the adverse action until the hearing decision has been rendered may hamper the State agency's ability to deal effectively with abusive vendors or poorly managed local agencies. This, in turn, can lead to a loss of Program funds.

Therefore, the Department is proposing in paragraph (a)(1) that nonrenewal of a food vendor's or local agency's agreement not be subject to appeal. Aside from management considerations, appeal of nonrenewal is inappropriate since both parties to the contract have freely agreed upon an expiration date. The Department also proposes in paragraph (a)(3) to allow States to make adverse action against vendors effective following written notification of the action. This would remove the current requirement that vendors appealing adverse actions be allowed to retain their WIC authorization until a hearing decision is reached. The proposal would thus discourage vendors who do not intend to seriously contest the State agency's action from appealing merely to prolong their Program participation. It would also enable the State agency to prevent the possible loss of Program funds through vendor abuse taking place while an appeal is in process. Under this proposal States may, at their discretion, continue to allow a vendor to participate in the Program until a hearing decision is made. In deciding whether or not to postpone adverse action, the State agency shall consider whether participants would be unduly inconvenienced and other relevant criteria, determined by the State.

The Department believes this provision is necessary to strengthen State authority to combat vendor abuse. However, in order to ensure continuity of benefits to Program participants, this provision will not apply to a local agency appeal. States must continue to allow a local agency to participate in the Program until the hearing decision is rendered.

States will be required to provide written notification of adverse action to a food vendor or local agency. Such notification must state the cause for disqualification and must be provided to the participating food vendor or local agency not less than 15 days in advance of the effective date of the action. Local agencies disqualified for lack of funds or as a result of a comprehensive review of the qualifications of all local agencies in the State must be given 60 days advance notice.

State agencies have expressed concern that vendors and local agencies can postpone adverse action indefinitely by repeatedly rescheduling hearings. The Department therefore proposes in paragraph (b)(4) that State agencies be allowed to establish a limit on the number of times the date can be rescheduled, providing that a minimum of two hearing dates is permitted.

Management Evaluation System (§ 246.19)

The management evaluation system is the comprehensive management tool used to review State and local operations and to ensure correction of problems. The Department is proposing to revise regulations in accordance with administrative experience and the need for increased State flexibility. Section

246.19 includes several new proposals, in addition to incorporating changes from the October, 7 1980, interim rule concerning performance standards and sanction authority (45 FR 66447). The provision for administrative appeals of FNS sanctions by State agencies has been removed from the section and placed in § 246.22

The requirement for FNS to conduct on-site reviews of State agencies at least once every 2 years is deleted to allow FNS to target technical assistance and oversight efforts to State agencies most in need. This section does require State agencies to make all records available to FNS upon a reasonable request should FNS determine that an examination and evaluation of State agency operations is necessary. FNS retains the authority to sanction a State agency if it determines that the State is not efficiently and effectively administering its program. Sanctions applied under this authority are not to be confused with claims assessed against a State agency resulting in specifically identified overpayments. Claims are addressed in § 246.23 and are not subject to an appeal.

In § 246.19(c)(3), the Department is proposing to lower the required frequency of State agency on-site reviews of local agencies from every year to once every 2 years. Further, rather than requiring an annual minimum of 20 percent of clinics under each local agency, the proposal would allow State agencies to determine the appropriate level of clinic monitoring. These changes should reduce administrative burdens and costs while maintaining a sufficient frequency for proper evaluation.

Audits (§ 246.20)

With the exception of paragraph (b)(3), which contains a discretionary change, all amendments to this section incorporate requirements of 7 CFR Part 3015. Paragraph (b)(3) requires that computation of the Program's prorata share of organization-wide audit costs be based on the State or local agency's Program administrative funding. This provision would ensure that the Program does not bear a disproportionate share of such costs.

Administrative Appeal of FNS Decisions (§ 246.22)

In the October 7, 1980, interim rules published at 45 FR 66447, the Department included procedures which provide for a review, upon request, of sanction action taken by FNS against a State agency. These procedures are included in these proposed regulations with some minor changes. The changes proposed are intended to ensure submission of comprehensive information which will expedite the review process. One change which should be noted involves the submission of detailed information to the Director of the FNS Administrative Review Staff susequent to the request for a review or hearing. The proposed regulations require the State agency to submit 5 copies of information which must include a concise identification of the issues, the State agency's position, pertinent documents and records, the relief sought by the State, the person presenting the State's position, and a list of prospective State witnesses, if appropriate.

Paragraph (a) of this section has been amended to clarify that the right of appeal applies only to sanctions, and not to claims for repayment assessed by FNS against the State agency.

Claims and Penalties (§ 246.23)

The paragraph on withholding funds (§ 246.18(b) in the current regulations) has been replaced with a provision requiring interest on all financial claims owed to FNS that remain outstanding more than 30 days after FNS has issued the first demand letter for payment. The policy of assessing late charges on overdue amounts owned the Federal Government is authorized by the Federal Claims Collection Standards contained in the Treasury Fiscal Requirements Manual and mandated in the U.S. Department of the Treasury's directive on May 17, 1982. This directive states: "A late charge will be assessed on any overdue amounts owed to the Federal Government by any party outside the Federal Government. Since State Government agencies are outside the Federal Government, a late charge would be assesed on amounts paid late by them." This is an Agency-wide policy which became effective on July 28, 1982, and is outlined in FNS Instruction 494–2. Interest will be assessed on all claims billed after July 28, 1982, and on all old claims that are rebilled after July 28, 1982.

Procurement and Property Management Standards (§ 246.24)

In addition to the references to OMB Circulars, references to 7 CFR Part 3015, the Department's Uniform Federal Assistance Regulations, have been added in each paragraph.

Records and Reports (§ 246.25)

In addition to incorporating a reference to 7 CFR Part 3015, a sentence has been added to paragraph (a) to specify at a minimum, what records and reports State and local agencies are expected to maintain. Further, paragraph (a)(3) now requires that records of nonexpendable property be retained for 3 years after its final disposition.

The Department has combined separate references to financial reports and Program reports to reflect the combined Financial and Program Report (FNS–498) used by State agencies to submit such data.

Other Provisions (§ 246.26)

This section previously contained a list of FNS Regional Offices. This list has been included as a separate section (§ 246.27) of this part. No other changes have been made in this section.

Program Information (§ 246.27)

Changes in the list of Regional Offices and States include the transfer of New York from the Mid-Atlantic Region to the New England Region, which is now called the Northeast Region, and changes in the addresses of the Midwest Regional Office and the Mid-Atlantic Regional Office.

List of Subjects in 7 CFR Part 246

Food assistance programs, Food donations, Grant programs—social programs, Indians, Infants and children, Maternal and child health, Nutrition, Nutrition education, Public assistance programs, WIC, Women.

1. 7 CFR Part 246 is proposed to be redesignated as follows:

REDESIGNATION TABLE

Old section	Title	New section
246.1	General Purpose and Scope	246.1
246.2	Definitions	246.2
246.3	Administration	246.3
246.4	State agency plan of program operation and administration	246.4
246.5	Selection of local agencies	246.5
246.6	Agreements with local agencies	246.6
246.7	Certification	246.7
246.8	Supplemental foods (unchanged)	246.10
246.9	Nutrition education	246.11
246.10	Food delivery system (unchanged)	246.12
246.11	Financial management	246.13
246.12	Program costs	246.14
246.13	Program income	246.15
246.14	Distribution of funds	246.16
246.15	Records and reports	246.25
246.16	Closeout procedures	246.17
246.17	Procurement and property management standards	246.24
246.18	Claims and penalties	246.23
246.19	Management evaluation and reviews	246.19
246.20	Audits	246.20
246.21	Investigations	246.21
246.22	Nondiscrimination	246.8
246.23	Fair hearing procedures for participants	246.9
246.24	Administrative appeal of State agency decisions	246.18
246.25	Miscellaneous provisions	246.26
		246.27
None	Administrative appeal of FNS decisions	246.22

2. 7 CFR Part 246, except for § 246.4 (c), and (d) and newly redesignated §§ 246.10 and 246.12, is proposed to be

revised as follows. In addition, newly redesignated § 246.7(d)(4) is proposed as three alternatives, as shown in the text. The table of contents is revised.

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

Subpart A—General

Sec.
246.1 General purpose and scope.
246.2 Definitions.
246.3 Administration.

Subpart B—State and Local Agency Eligibility

246.4 State plan.
246.5 Selection of local agencies.
246.6 Agreements with local agencies.

Subpart C—Participant Eligibility

246.7 Certification of participants.
246.8 Nondiscrimination.
246.9 Fair hearing procedures for participants.

Subpart D—Participant Benefits

246.10 Supplemental foods.
246.11 Nutrition education.

Subpart E—State Agency Provisions

246.12 Food delivery systems.
246.13 Financial management system.
246.14 Program costs.
246.15 Program income other than grants.
246.16 Distribution of funds.
246.17 Closeout procedures.
246.18 Administrative appeal of State agency decisions.

Subpart F—Monitoring and Review

246.19 Management evaluation and reviews.
246.20 Audits.
246.21 Investigations.

Subpart G—Miscellaneous Provisions

246.22 Administrative appeal of FNS decisions.
246.23 Claims and penalties.
246.24 Procurement and property management.
246.25 Records and reports.
246.26 Other provisions.
246.27 Program information.

Authority: Child Nutrition Amendments of 1978, Pub. L. 95-627, Section 3, 92 Stat. 3611 et. seq.; Omnibus Reconciliation Act of 1980, Pub. L. 96-499, Title II, 94 Stat. 2599; Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35, Title VII, 95 Stat. 521, et seq.; 5 U.S.C. 301.

Subpart A—General

§ 246.1 General purpose and scope.

This part announces regulations under which the Secretary of Agriculture shall carry out the Special Supplemental Food Program for Women, Infants and Children (WIC Program). Section 17 of the Child Nutrition Act of 1966, as amended, states in part that the Congress finds that substantial numbers of pregnant, postpartum and breastfeeding women, infants and young children from families with inadequate income are at special risk with respect to their physical and mental health by reason of inadequate nutrition or health care, or both. The purpose of the program is to provide supplemental foods and nutrition education through payment of cash grants to State agencies which administer the program through local agencies at no cost to eligible persons. The Program shall serve as an adjunct to good health care during critical times of growth and development, in order to prevent the occurrence of health problems and to improve the health status of these persons.

§ 246.2 Definitions.

For the purpose of this part and all contracts, guidelines, instructions, forms and other documents related hereto, the term:

"Administrative costs" means those direct and indirect costs, exclusive of food costs, as defined in § 246.14(b)(2), which State and local agencies determine to be necessary to support program operations.

"Affirmative Action Plan" means that portion of the State Plan which describes how the Program will be initiated and expanded within the State's jurisdiction in accordance with § 246.4(a) of this part.

"A-87" means Office of Management and Budget Circular A-87, which sets forth principles and standards for determining costs applicable to grants and contracts to State and local governments and federally recognized Indian tribes.

"A-90" means Office of Management and Budget Circular A-90, which provides guidance for the coordinated development and operation of information systems.

"A-102" means Office of Management and Budget Circular A-102, which establishes uniform standards for the administration of grants to State and local governments and federally recognized Indian Tribal Governments.

"A-110" means Office of Management and Budget Circular A-110, which sets forth uniform administrative requirements for grants and agreements with institutions of higher education, hospitals and other nonprofit organizations.

"Breastfeeding women" means women up to one year postpartum who are breastfeeding their infants.

"Categorical eligibility" means persons who meet the definitions of pregnant women, breastfeeding women, postpartum women, or infants or children.

"Certification" means the implementation of criteria and procedures to assess and document each applicant's eligibility for the Program.

"Children" means persons who have had their first birthday but have not yet attained their fifth birthday.

"Clinic" means a facility where participants are certified.

"Competent professional authority" means an individual who determines nutritional risk and prescribes supplemental foods. The following persons are the only persons the State agency may authorize to serve as a competent professional authority: physicians, nutritionists (bachelor's or master's degree in Nutritional Sciences, Community Nutrition, Clinical Nutrition, Dietetics, Public Health Nutrition or Home Economics with emphasis in Nutrition), dieticians, registered nurses, physician's assistants (certified by the National Committee on Certification of Physician's Assistants or certified by the State medical certifying authority), or State or local medically trained health officials.

"Days" means calendar days except for those time standards which specify working days.

"Department" means the U.S. Department of Agriculture.

"Disqualification" means the act of ending the Program participation of a participant, authorized food vendor, or authorized local agency, whether as a punitive sanction or for administrative reasons.

"Dual participation" means simultaneous participation in the Program in more than one local agency, or participation in the Program and in the Commodity Supplemental Food Program (7 CFR Part 247) during the same period of time.

"Family" means a group of related or nonrelated individuals who are not residents of an institution but who are living together as one economic unit.

"Fiscal year" means the period of 12 calendar months beginning October 1 of any calendar year and ending September 30 of the following calendar year.

"FNS" means the Food and Nutrition Service of the U.S. Department of Agriculture.

"Food Costs" means the cost of supplemental foods, determined in accordance with § 246.14(b)(1).

"Food delivery system" means the method used by State and local agencies to provide supplemental foods to participants.

"Food instrument" means a voucher, check, coupon or other document which

is used by a participant to obtain supplemental foods.

"Health services" means ongoing, routine pediatric and obstetric care (such as infant and child care and prenatal and postpartum examinations) or referral for treatment.

"IHS" means the Indian Health Service of the U.S. Department of Health and Human Services.

"Income poverty guidelines" means the nonfarm income poverty guidelines prescribed by the Office of Management and Budget. These guidelines are adjusted annually by the Office of Management and Budget, with each annual adjustment effective July 1 of each year. The income poverty guidelines prescribed by the Office of Management and Budget for the contiguous forty-eight States and the District of Columbia shall also be used for Puerto Rico and the Virgin Islands. Separate income poverty guidelines are prescribed for Alaska, Hawaii and Guam.

"Infants" means persons under one year of age.

"Local agency" means: (1) A public or private, nonprofit health or human service agency which provides health services, either directly or through contract, in accordance with § 246.5 of the regulations; (2) an IHS service unit; (3) an Indian tribe, band or group recognized by the Department of the Interior which operates a health clinic or is provided health services by an IHS service unit; or (4) an intertribal council or group that is an authorized representative of Indian tribes, bands or groups recognized by the Department of the Interior, which operates a health clinic or is provided health services by an IHS service unit.

"Members of populations" means persons with a common special need who do not necessarily reside in a specific geographic area, such as off reservation Indians or migrant families.

"Migrant farmworker" means an individual whose prime employment is in agriculture on a seasonal basis, who has been so employed within the last 24 months, and who has established for the purpose of such employment a temporary abode.

"Nonprofit agency" means a private agency which is exempt from income tax under the Internal Revenue Code of 1954, as amended.

"Nutrition education" means individual or group education sessions and the provision of information and educational materials designed to improve health status, achieve positive change in dietary habits, and emphasize relationships between nutrition and health, all in keeping with the individual's personal, cultural, and socioeconomic preferences.

"Nutritional risk" means: (1) Deterimental or abnormal nutritional conditions detectable by biochemical or anthropometric measurements; (2) other documented nutritionally related medical conditions; (3) dietary deficiencies that impair or endanger health; or (4) conditions that predispose persons to inadequate nutritional patterns or nutritionally related medical conditions.

"OIG" means the Department's Office of the Inspector General.

"Participants" means pregnant women, breastfeeding women, postpartum women, infants and children who are receiving supplemental foods or food instruments under the Program.

"Participation" means the number of persons who have received supplemental foods or food instruments during the reporting period.

"Postpartum women" means women up to 6 months after termination of pregnancy.

"Pregnant women" means women determined to have one or more embryos or fetuses in utero.

"Program" means the Special Supplemental Food Program for Women, Infants and Children (WIC) authorized by Section 17 of the Child Nutrition Act of 1966, as amended.

"SFPD" means the Supplemental Food Program Division of the Food and Nutrition Service of the U.S. Department of Agriculture.

"Secretary" means the Secretary of Agriculture.

"7 CFR Part 3015" means the Department's Uniform Federal Assistance Regulations.

"State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and the Trust Territory of the Pacific Islands.

"State agency" means the health department or comparable agency of each State; an Indian tribe, band or group recognized by the Department of the Interior; and intertribal council or group which is an authorized representative of Indian tribes, bands or groups recognized by the Department of the Interior and which has an ongoing relationship with such tribes, bands or groups for other purposes and has contracted with them to administer the Program; or the appropriate area office of the IHS.

"State Plan" means a plan of Program operation and administration that describes the manner in which the State agency intends to implement and operate all aspects of Program administration within its jurisdiction in accordance with § 246.4.

"Supplemental foods" means those foods containing nutrients determined to be beneficial for pregnant, breastfeeding, and postpartum women, infants and children, as prescribed by the Secretary in § 246.10.

§ 246.3 Administration.

(a) *Delegation to FNS.* With the Department, FNS shall act on behalf of the Department in the administration of the Program. Within FNS, SFPD and the Regional Offices are responsible for Program administration. FNS will provide assistance to State and local agencies and evaluate all levels of Program operations to ensure that the goals of the Program are achieved in the most effective manner possible.

(b) *Delegation to State agency.* The State agency is responsible for the effective and efficient administration of Program in accordance with the requirements of this part A–87, A–90, A–102, A–110, 7 CFR Part 3015 and FNS guidelines and instructions. The State agency shall provide guidance to local agencies on all aspects of Program operations.

(c) *Agreement and State Plan.* Each State agency desiring to administer the Program shall annually submit a State Plan and enter into written agreement with the Department for administration of the Program in the jurisdiction of the State agency in accordance with the provisions of this part.

(d) *State staffing standards.* Each State agency shall ensure that sufficient staff is available to administer an efficient and effective Program including, but not limited to, the functions of nutrition education, certification, monitoring, fiscal reporting, food delivery, and training. Each State agency as a minimum shall, based on the June participation of the previous fiscal year, employ the following staff:

(1) A full time or equivalent administrator when the monthly participation level exceeds 1,500, or a minimum of a half-time or equivalent administrator when the monthly participation exceeds 500.

(2) At least 1 full-time or equivalent Program specialist for each additional 10,000 participants, but the State agency need not employ more than eight Program specialists unless the State agency considers it necessary. Program specialists should be utilized for fiscal management, providing technical assistance, monitoring vendors, reviewing local agencies training, and

nutritional services, or other duties as assigned by the State agency.

(3) For nutrition related services, one full-time or equivalent nutritionist when the monthly participation is above 1,500, or a minimum of a half-time or equivalent nutritionist when the monthly participation exceeds 500. The nutritionist shall be named State WIC Nutrition Coordinator and shall meet State personnel standards and qualifications in paragraphs (d)(3) (i), (ii), (iii), (iv), or (v) of this section and have the qualifications in paragraph (d)(3)(vi) of this section. Upon request, an exception to these qualifications may be granted by FNS.

(i) Hold a master's degree with emphasis in food and nutrition, community nutrition, public health nutrition, nutrition education, human nutrition, nutrition science or equivalent and have at least 2 years responsible experience as a nutritionist in education, social service, maternal and child health, public health, nutrition, or dietetics; or

(ii) Be registered or eligible for registration with the American Dietetic Association and have at least 2 years experience; or

(iii) Have at least a Bachelor of Science or Bachelor of Arts degree, from an accredited 4-year institution, with emphasis in food and nutrition, community nutrition, public health nutrition, nutrition education, human nutrition, nutrition science or equivalent and have at least 3 years of responsible experience as a nutritionist in education, social service, maternal and child health, public health nutrition, or dietetics; or

(iv) Be qualified as a Senior Public Health Nutritionist under the Department of Health and Human Services guidelines; or

(v) Meet the Indian Health Service standards for a Public Health Nutritionist; and

(vi) Have special skills in at least one of the following areas: Program development skills, education background and skills and development of educational and training resource materials, community action experience, counseling skills or experience in participant advocacy.

(4) The State agency shall enforce hiring practices which comply with the nondiscrimination criteria set forth in § 246.8. The hiring of minority staff is encouraged.

(e) *Delegation to local agency.* The local agency shall provide Program benefits to participants in the most effective and efficient manner, and shall comply with this part, A–87, A–90, A–102 or A–110 as appropriate, 7 CFR Part 3015 and State agency and FNS guidelines and instructions

Subpart B—State and Local Agency Eligibility

§ 246.4 State plan.

(a) By August 15 of each year, each State agency shall submit to FNS for approval a State Plan for the following fiscal year as a prerequisite to receiving funds under this section. The State agency may submit the State Plan in the format provided by FNS guidance. Alternatively, the State agency may submit the plan in combination with other federally required planning documents or develop its own format, provided that the information required below is included. FNS requests advance notification that a State agency intends to use an alternative format. FNS shall provide written approval or denial of a completed State Plan or amendment within 30 days of receipt. Within 15 days after FNS receives an incomplete Plan, FNS shall notify the State agency that additional information is needed to complete the Plan. Any disapproval shall be accompanied by a statement of the reasons for the disapproval. Portions of the State Plan which do not change annually need not be resubmitted. However, the State agency shall provide the title of the sections that remain unchanged, as well as the year of the last Plan in which the sections were submitted. The Plan shall include:

(1) An outline of the State agency's goals and objectives for improving Program operations;

(2) A budget for administrative funds, and an estimate of food expenditures;

(3) An estimate of Statewide participation for the coming fiscal year by category of women, infants and children;

(4) The State agency staffing pattern;

(5) An Affirmative Action Plan which includes:

(i) A list of all areas and special populations, in priority order based on relative need, within the jurisdiction of the State agency, and the State agency's plans to initiate or expand operations under the Program in areas most in need of supplemental foods, including plans to inform nonparticipating local agencies of the availability and benefits of the Program, availability of technical assistance in implementing the Program, and a description of how the State agency will take all reasonable actions to identify potential local agencies and encourage agencies to implement or expand operations under the Program within the following year in the neediest one-third of all areas unserved or partially served;

(ii) An estimate of the number of potentially eligible persons in each area, which areas in the Affirmative Action Plan are currently operating the Progran and their current participation, the relative percentages of participants in the various priority categories in Section 246.7 being reached in these areas, and which areas in the Affirmative Action Plan are currently operating a Commodity Supplemental Food Program and their current participation; and

(iii) A listing of the names and addresses of all local agencies.

(6) Plans to provide Program benefits to eligible migrant farmworkers and their dependents, and to Indians.

(7) The State agency's plans in cooperation with local agencies for informing eligible persons of the availability of Program benefits, including the eligibility criteria for participation and the location of local agencies operating the Program. Such information shall be publicly announced by the State agency and by local agencies at least annually. Such information shall also be distributed to offices and organizations that deal with significant numbers of potentially eligible persons, including health and medical organizations, hospitals and clinics, welfare and unemployment offices, social service agencies, farmworker organizations, Indian tribal organizations, and religious and community organizations in low income areas;

(8) A description of how the State agency plans to coordinate Program operations with special counseling services and other programs, including, but not limited to, the Expanded Food and Nutrition Education Program (Pub. L. 95–113), the Food Stamp Program, Early and Periodic Screening, Diagnosis and Treatment Program (Title XIX of the Social Security Act), family planning, immunization, prenatal care, well-child care, alcohol and drug abuse counseling, and child abuse counseling;

(9) The State agency's nutrition education goals and action plans, including a description of the methods that will be used to meet the special nutrition education needs of migrants and Indians;

(10) For Indian State or local agencies that wish to apply for the alternate income determination procedure, documentation that the majority of Indian household members have incomes below eligibility criteria.

(11) A copy of the procedure manual developed by the State agency for

guidance to local agencies in operating the Program. The manual shall include:

(i) Certification procedures, including a list of the specific nutritional risk criteria by priority level which cites conditions and indices to be used to determine a person's nutritional risk and the State agency's income guidelines for Program eligibility;

(ii) Methods for providing nutrition education to participants;

(iii) Instructions concerning all food delivery operations performed at the local level; and

(iv) Instructions for providing all records and reports which the State agency requires local agencies to maintain and submit.

(12) A description of the State agency's financial management system;

(13) A description of how the State agency will distribute administrative funds, including start-up funds, to local agencies operating under the Program;

(14) A description of the food delivery system as it operates at the State agency level, including:

(i) All food delivery systems in use within the State agency's jurisdiction;

(ii) Vendor selection criteria;

(iii) A sample form for the written agreement between the food vendor and the State or local agency;

(iv) The system for monitoring food vendors to ensure compliance and prevent fraud, waste and abuse and the State agency's plans for improvement in the coming year;

(v) Where food instruments are used, a facsimile of the food instrument, and the system for control and reconciliation of the food instruments;

(vi) The procedures used to pay food vendors; and

(vii) The names of companies with whom the State agency has contracted to participate in the operation of the food delivery system.

(15) Plans to prevent and detect simultaneous participation in the WIC Program and Commodity Supplemental Food Program, or in more than one WIC Program. In States where the Program and the CSFP operate in the same area, a copy of the written agreement between the State agencies for the detection and prevention of dual participation shall be submitted; and

(16) A description of procedures the State will use for processing discrimination complaints described in § 246.8(b).

(b) At least one month prior to submission of the State Plan to the Governor, or submission to FNS in the case of an Indian State agency, the State agency shall conduct hearings to enable the general public to participate in the development of the State Plan.

* * * * *

§ 246.5 Selection of local agencies.

(a) *General.* This section sets forth the procedures the State agency shall perform in the selection of local agencies and the expansion, reduction, and disqualification of Programs already in operation. In making decisions to initiate, continue, and discontinue local agencies, the State agency shall give consideration to the need for Program benefits as delineated in the Affirmative Action Plan.

(b) *Application of local agencies.* The State agency shall require each agency, including subdivisions of the State agency, which desires approval as a local agency to submit a written local agency application. Within 15 days after receipt of an incomplete application, the State agency shall provide written notification to the applicant agency of the additional information needed. Within 30 days after receipt of a complete application, the State agency shall notify the applicant agency in writing of the approval or disapproval of its application. When an application is disapproved, the State agency shall advise the applicant agency of the reasons for disapproval and of the right to appeal as set forth in § 246.18 of this part. When an agency submits an application and there are no funds to serve the area, the applicant agency shall be notified within 30 days of receipt of the application that there are currently no funds available for Program initiation or expansion. The applicant agency shall be notified by the State agency when funds become available.

(c) *Program initiation and expansion.* The State agency shall meet the following requirements concerning Program initiation and expansion:

(1) The State agency shall fund local agencies serving those areas or special populations most in need first, in accordance with their order of priority as listed in the Affirmative Action Plan described in § 246.4. The selection criteria cited in paragraph (d)(1) of this section shall be applied to each area or population before eliminating that area from consideration and serving the next area or population. The State agency shall consider the relative percentages of participants in each participant priority category being served by existing local agencies in determining when it is appropriate to move into additional areas in the Affirmative Action Plan or expand existing operations in an area. Additionally, the State agency shall consider the total number of people potentially eligible in each area compared to the number being served. Expansion of existing operations shall be in accordance with the Affirmative Action Plan and may be based on the percentage of need being met in each participant category.

(2) The State agency shall provide a written justification to FNS for not funding an agency to serve the highest priority area or population. Such justification may include its inability to administer the Program, lack of interest expressed for operating the Program, or for those areas or special populations which are under consideration for expansion of an existing operation, a determination by the State agency that there is a greater need for funding an agency serving an area or population not operating the Program. The State agency shall use the participant priority system in § 246.7 as a measurement of greater need in such determination.

(3) The State agency may fund more than one local agency to serve the same area or population as long as more than one local agency is necessary to serve the full extent of need in that area or population.

(d) *Local agency priority system.* The State agency shall comply with the following requirements in the selection of new local agencies:

(1) The State agency shall consider the following priority system, which is based on the relative availability of health and administrative services, in the selection of local agencies:

(i) First consideration shall be given to a public or a private nonprofit health agency that will provide ongoing, routine pediatric and obstetric care and administrative services.

(ii) Second consideration shall be given to a public or a private nonprofit health or human service agency that will enter into a written agreement with another agency for either ongoing, routine pediatric and obstetric care or administrative services.

(iii) Third consideration shall be given to a public or private nonprofit health agency that will enter into a written agreement with private physicians, licensed by the State, in order to provide ongoing routine pediatric and obstetric care to a specific category of participants (women, infants or children).

(iv) Fourth consideration shall be given to a public or private nonprofit human service agency that will enter into a written agreement with private physicians, licensed by the State, to provide ongoing, routine pediatric and obstetric care.

(v) Fifth consideration shall be given to a public or private nonprofit health or

human service agency that will provide ongoing routine pediatric and obstetric care through referral to a health provider.

(2) When seeking new local agencies, the State agency shall publish a notice in the media of the area next in line according to the Affirmative Action Plan, unless the State agency has received an application from a public or nonprofit private health agency in that area which can provide adequate health and administrative services. The notice shall include a brief explanation of the Program, a description of the local agency priority system cited in the paragraph and a request that potential local agencies notify the State agency of their interest. In addition, the State agency shall contact all potential local agencies in the area to ensure that they are aware of the opportunity to apply for participation under the Program. If no agency submits an application within 30 days, the State agency may then proceed with the selection of a local agency in the area next in line according to the Affirmative Action Plan. If sufficient funds are available, a State agency shall give notice and consider applications in more than one area at the same time but shall fund new local agencies in conformance with the sequential raking of the Affirmative Action Plan.

(e) *Disqualification due to limited resources.* (1) The State agency may disqualify a local agency under the Program when the State's WIC Program funds are insufficient to support the continued operation of all its existing local agencies at their current participation levels. When determining whether to close a local agency, the State agency shall consider the following factors:

(i) The availability of other community resources to participants and the cost efficiency and cost effectiveness of the local agency in terms of both food and administrative costs;

(ii) The relative percentages of participants in each priority category being served by the local agency, including the percentage of need being met in each participant category;

(iii) The relative position of the area or special population served by the local agency in the Affirmative Action Plan;

(iv) The local agency's place in the priority system in paragraph (e)(1) of this section; and

(v) The capability of another local agency or agencies to accept the local agency's participants.

(2) When disqualifying a local agency under the Program, the State agency shall comply with the following requirements:

(i) Make every effort to transfer affected participants to another local agency without distruption of benefits.

(ii) Provide the affected local agency with a 60-day notice of the pending action. The notice shall include an explanation of the reasons for disqualification, the date of disqualification, and the local agency's right to appeal as set forth in § 246.18 of this part.

(iii) Ensure that the action is not in conflict with any existing written agreements between the State and the local agency.

(f) *Periodic review of local agency qualifications.* The State agency may conduct periodic reviews of the qualifications of all authorized local agencies under its jurisdiction. Based upon the results of such reviews the State agency may make appropriate adjustments among the participating local agencies, including termination of agreements. In conducting such reviews, the State agency shall consider the factors listed in paragraph (e)(1) of this section in addition to whatever criteria it may develop. The State agency shall implement the procedures established in paragraph (e)(2) of this section when disqualifying a local agency.

§ 246.6 Agreements with local agencies.

(a) *Signed written agreements.* The State agency shall enter into a signed written agreement with each local agency, including subdivisions of the State agency, which sets forth the local agency's responsibilities for Program operations as prescribed in this part. Copies of the agreement shall be kept on file at both the State and local agencies for purposes of review and audit in accordance with §§ 246.19 and 246.20.

(b) *Provisions of agreements.* The agreement between the State agency and each local agency shall ensure that the local agency:

(1) Complies with all the fiscal and operational requirements prescribed by the State agency pursuant to this part and FNS guidelines and instructions, and provides on a timely basis to the State agency all required information regarding fiscal and Program information;

(2) Has the competent professional authority on the staff of the local agency and the capabilities necessary to perform the certification procedures;

(3) Makes available appropriate health services to participants and informs applicants of the health services which are available;

(4) Has a plan for continued efforts to make health services available to participants at the clinic or through written agreements with health care providers when health services are provided through referral;

(5) Provides nutrition education services to participants, in compliance with § 246.11 and FNS guidelines and instructions;

(6) Implements a food delivery system prescribed by the State agency pursuant to § 246.12 and approved by FNS;

(7) Maintains complete, accurate, documented and current accounting of all Program funds received and expended;

(8) Maintains on file and has available for review, audit, and evaluation all criteria used for certification, including information on the area served, income standards used, and specific criteria used to determine nutritional risk; and

(9) Does not discriminate against persons on the grounds of race, color, national origin, age, sex or handicap.

(c) *Indian agencies.* Each Indian State agency shall ensure that all local agencies under its jurisdiction serve primarily Indian populations.

(d) *Health and human service agencies.* When a health and a human service agency comprise the local agency, both agencies shall together meet all the requirements of this part and shall enter into a written agreement which outlines all Program responsibilities of each agency. The agreement shall be approved by the State agency during the application process, and shall be on file at both the State and local agency. No Program funds shall be used to reimburse the health agency for the health services provided. However, costs of certification borne by the health agency may be reimbursed.

(e) *Health or human service agencies and private physicians.* When a health or human service agency and private physician(s) comprise the local agency, all parties shall together meet all of the requirements of this part and shall enter into a written agreement which outlines the inter-related Program responsibilities between the physician(s) and the local agency. The agreement shall be approved by the State agency during the application process and shall be on file at both agencies. The local agency shall advise the State agency on its application of the name(s) and address(es) of the private physician(s) participating and obtain State agency approval of the written agreement. A competent professional authority on the staff of the health and human service agency shall be responsible for the certification of participants. No Program funds shall be

used to reimburse the private physician(s) for the health services provided. However, costs of certification data provided by the physician(s) may be reimbursed.

Subpart C—Participant Eligibility

§ 246.7 Certification of participants.

(a) *Integration with health services.* To lend administrative efficiency and participant convenience to the certification process, whenever possible, WIC Program intake procedures shall be combined with intake procedures for other health programs or services administered by the State and local agencies. Such merging may include verification procedures, certification interviews, and income computations.

(b) *Eligibility criteria.* To be certified as eligible for the Program, infants, children, and pregnant, postpartum, and breastfeeding women shall:

(1) Meet the requirement that the applicant reside within the jurisdiction of the State or local agency if such a requirement is established by the State agency. The State agency may determine a service area for any local agency, and may require that an applicant reside within the service area. However, the State agency may not use length of residency as an eligibility requirement;

(2) Meet the income criteria specified in paragraph (c) of this section; and

(3) Meet the nutritional risk criteria specified in paragraph (d) of this section.

(c) *Income criteria and income eligibility determination.* The State agency shall establish, and provide local agencies with, income guidelines, definitions, and procedures to be used in determining an applicant's income eligibility for the Program.

(1) The State agency may prescribe income guidelines either equaling the guidelines established under Section 9 of the National School Lunch Act for reduced price school meals or identical to State or local guidelines for free or reduced price health care. However, in conforming WIC income guidelines to health care guidelines, the State agency shall not establish WIC guidelines which exceed the guidelines for reduced price school meals in the State or are less than 100 percent of Office of Management and Budget nonfarm income poverty guidelines.

(i) Different guidelines may be prescribed for different local agencies provided that these guidelines are used by the local agencies for determining eligibility for free or reduced price health care.

(ii) On or before June 1, FNS shall annually announce adjustments in the income guidelines for reduced price meals under Section 9 of the National School Lunch Act, based on annual adjustments in Office of Management and Budget nonfarm income poverty guidelines. The State agency shall make conforming adjustments, if necessary, in local agency income guidelines.

(iii) On or before July 1, each State agency shall annually announce and transmit to each local agency the State agency's family size income guidelines unless changes in the income poverty guidelines issued by the Office of Management and Budget do not necessitate changes in the State agency's income guidelines. The local agency shall implement new guidelines effective July 1 of each year for which such guidelines are issued by the State.

(2) *Income determination.* (i) The State agency shall ensure that local agencies determine income through the use of a clear and simple application form provided or approved by the State agency. In determining the income eligibility of an applicant, the State agency may instruct the local agencies to consider the income of the family during the past 12 months and the family's current rate of income to determine which is the better indicator of income. However, persons for families with adult members who are unemployed shall be eligible based on income during the period of unemployment if the loss of income causes current rate of income to be less than the State agency's income guidelines for WIC eligibility.

(ii) If the State agency uses the National School Lunch Act reduced price meals income guidelines, as specified in § 246.7(c)(1), it shall use the following definition of income. Income for purposes of this party means gross cash income before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. Income includes the following:

(A) Monetary compensation for services, including wages, salary, commissions, or fees;

(B) Net income from farm and non-farm self-employment;

(C) Social Security;

(D) Dividends or interest on savings or bonds, income from estates or trusts, or net rental income;

(E) Public assistance or welfare payments;

(F) Unemployment compensation;

(G) Government civilian employee or military retirement or pensions or veterans' payments;

(H) Private pensions or annuities;

(I) Alimony or child support payments;

(J) Contributions from persons not living in the household;

(K) Net royalties; and

(L) Other cash income. Other cash income includes, but is not limited to, cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which are readily available to the family.

(iii) If the State agency uses State or local free or reduced price health care income guidelines, as authorized in § 246.7(c)(1), it may use the State or local definition or definitions of income used for the health care eligibility determinations. However, the State agency shall ensure that the value of in-kind housing and other in-kind benefits and of payments or benefits listed in § 246.7(c)(2)(iv) is not counted as income for WIC Program purposes.

(iv) In determining income eligibility, payments or benefits provided under certain Federal programs or acts are excluded from consideration as income by legislative prohibition. These programs include, but are not limited to:

(A) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646, section 216).

(B) Any payment to volunteers under Title II (RSVP, foster grandparents, and others) and Title II (SCORE and ACE) of the Domestic Volunteer Service Act of 1973 (Pub. L. 93–113, section 404(g)) as amended. Payments under Title I, part A (VISTA), to volunteers shall be excluded for those individuals receiving food stamps or public assistance at the time they joined VISTA.

(C) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Pub. L. 94–114, section 6).

(D) Payments or allowances received pursuant to the Home Energy Assistance Act of 1980 (Pub. L. 96–223, Title III, section 313(c)(1)).

(E) Payments received from the youth employment demonstration programs (Pub. L. 95–524, Title IV, part A, section 446).

(F) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94–540, section 6).

(G) Payments received under the Alaska Native Claims Settlement Act (Pub. L. 94–204, section 4).

(H) The value of assistance to children or their families under the National School Lunch Act as amended, the Child Nutrition Act of 1966 as

amended, and the Food Stamp Act of 1977 as amended.

(v) A State or local agency may require verification of information which it determines necessary to confirm income eligibility for Program benefits. The State agency may accept, as presumptive evidence of income within WIC guidelines, verification of the applicant's participation in other State-administered programs which routinely verify income, such as the Medicaid, public assistance or Food Stamp Programs; provided those programs have income eligibility guidelines at or below the State agency's WIC income guidelines.

(vi)(A) If a Indian State agency (or a non-Indian State agency which acts on behalf of a local agency operated by an Indian organization or the Indian Health Service) submits census data or other reliable documentation demonstrating to FNS that the majority of the Indian households in a local agency's service area have incomes at or below the State agency's income eligibility guidelines, FNS may authorize the State agency to approve the use of the following income certification system.

(B) The local Indian agency shall inform each Indian applicant household of the maximum family income allowed for that applicant's family size. The local agency shall ensure that the applicant signs a statement that his/her family income does not exceed the maximum. The local agency may verify the income eligibility of any Indian applicant.

(vii) Instream migrant farmworker participants with expired verification of certification cards shall be declared to satisfy the State agency's income standard: Provided, however, that the instream migrant farmworker participants's income shall be determined at least annually. Any determination that a migrant has met the income standard, either in the migrant's home base area before the migrant has entered the stream for a particular agricultural season, or in an instream area during the agricultural season, shall satisfy the income criteria in any State for any subsequent certification while the migrant is instream during that 12-month period.

(d) *Nutritional Risk.* To be certified as eligible for the Program, applicants who meet the Program's income eligibility standards must be determined to be at nutritional risk. A competent professional authority on the staff of the local agency shall determine if a person is at nutritional risk through a medical and/or nutritional assessment. This determination may be based on referral data submitted by a competent professional authority not on the staff of the local agency.

(1) *Determination on nutritional risk.* At a minimum, height or length and weight shall be measured, and a hematological test for anemia such as a hemoglobin, hematocrit, or free erythrocyte protoporphyrin test shall be performed. However, such hematological tests are not required for infants under 6 months of age. Height or length and weight measurements shall be obtained for all participants, including those who are at nutritional risk based solely on the established nutritional risk status of another person, as provided in paragraph (i), (ii), and (iii) of this paragraph.

(i) Based on the State agency or local agency's discretion, the blood test is not required for children who were determined to be within the normal range at their last certification. However, the blood test shall be performed on such children at least once a year.

(ii) A breastfeeding woman may be determined to be at nutritional risk if her breastfed infant has been determined to be at nutritional risk. A breastfed infant can be certified based on the mother's medical and/or nutritional assessment. A breastfeeding mother and her infant shall be placed in the highest priority level for which either is qualified.

(iii) An infant under 6 months of age may be determined to be at nutritional risk if the infant's mother was a WIC participant during pregnancy or if medical records document that the woman was at nutritional risk during pregnancy because of detrimental or abnormal nutritional conditions detectable by biochemical or anthropometric measurements or other documented nutritionally related medical conditions.

(iv) A participant who has previously been certified eligible for the Program may be considered to be at nutritional risk in the next certification period if the competent professional authority determines there is a possibility of regression in nutritional status without the supplemental foods. The State agency may limit the number of times and circumstances under which a participants may be certified due to possibility of regression.

(2) *Nutritional risk criteria.* The following are examples of nutritional risk conditions which may be used as a basis for certification. These examples include, but are not limited to:

(i) Determental or abnormal nutritional conditions detectable by biochemical or anthropometric measurements, such as anemia, underweight, overweight, abnormal pattern of weight gain in a pregnant woman, low birth weight in an infant, or stunting in an infant or child;

(ii) Other documented nutritionally related medical conditions, such as clinical signs of nutritional deficiencies, metabolic disorders, toxemia in a pregnant woman, or failure to thrive in an infant;

(iii) Dietary deficiencies that impair or endanger health, such an inadequate dietary patterns assessed by a 24 hour dietary recall, dietary history, or food frequency checklist; and

(iv) Conditions that predispose persons to inadequate nutritional patterns or nutritionally related medical conditions, such as chronic infections in any person, alcohol or drug abuse or mental retardation in women, history of high risk pregnancies or factors associated with high risk pregnancies (such as smoking, conception before 16 months postpartum, adolescent pregnancy, or current multiple pregnancy) in pregnant women, or congential malformations in infants or children.

(3) In determining nutritional risk, the State agency shall develop and include in its State Plan, specific risk conditions by priority level with indices for idntifying these conditions. The criteria shall be used statewide and in accordance with the priority system as set forth in paragraph (d)(4) of this section.

(4) *Nutritional risk priority system.* (The following three alternatives for this paragraph are proposed. In establishing final regulations, the Department will consider comments on each alternative and modifications or combinations of these.)

Alternative A

The following nutritional risk priority system shall be used by the competent professional authority to fill vacancies which occur after a local agency has reached its maximum participation level. The State agency may set income or other sub-priority levels within these six priority levels:

(i) *Priority I.* Pregnant women, breastfeeding women and infants at nutritional risk as demonstrated by hematological or anthropometric measurements, to other documented nutritionally related medical conditions which demonstrate the need for supplemental foods.

(ii) *Priority II.* Except those infants who qualify for Priority I, infants up to 6 months of age of WIC participants who participated during pregnancy but whose medical records documents that they were at nutritional risk during

pregnancy and infants up to 6 months of age born of women who were not WIC participants during pregnancy due to nutritional conditions detectable by biochemical or anthropometric measurements or other documented nutritionally related medical conditions which demonstrated the person's need for supplemental foods.

(iii) *Priority III.* Children at nutritional risk as demonstrated by hematological or anthorpometric measurements or other documented medical conditions which demonstrate the child's need for supplemental foods.

(iv) *Priority IV.* Pregnant women, breastfeeding women, and infants at nutritional risk because of an inadequate dietary pattern.

(v) *Priority V.* Children at nutritional risk because of an inadequate dietary pattern.

(vi) Priority VI. Postpartum women at nutritional risk.

Alternative B

The following nutritional risk priority system shall be used by the compentent professional authority to fill vacancies which occur after a local agency has reached its maximum paticipation level. The State agency may set income or other sub-priority levels within these seven priority levels:

(i) *Priority I.* Pregnant women, breastfeeding women and infants at nutritional risk as demonstrated by hematological or anthropometric measurements, or other documented nutritionally related medical conditions which demonstrate the person's need for supplemental foods.

(ii) *Priority II.* Except those infants who qualify for Priority I, infants up to 6 months or age of WIC participants who participated during pregnancy, and infants up to 6 months of age born of women who were not WIC participants during pregnancy but whose medical records document that they were at nutritional risk during pregnancy due to nutritional conditions detectable by biochemical or anthropometric measurements or other documented nutritionally related medical conditions which demonstrated the person's need for supplemental foods.

(iii) *Priority III.* Pregnant women, breastfeeding women, and infants at nutritional risk because of an inadequate dietary pattern.

(iv) *Priority IV.* Children at nutritional risk as demonstrated by hematological or anthropometric measurements or other documented medical conditions which demonstrate the child's need for supplemental foods.

(v) *Priority V.* Children at nutritional risk because of an inadequate dietary pattern.

(vi) *Priority VI.* Postpartum women at nutritional risk.

(vii) *Priority VII.* Participants certified due to the possibility of regression in nutritional status without supplemental foods.

Alternative C.

The following nutritional risk priority system shall be used by the competent professional authority to fill vacancies which occur after a local agency has reached its maximum participation level. The State agency may set income or other sub-priority levels within these three priority levels:

(i) *Priority I.* Women, infants or children with special nutrition conditions, as determined by the competent professional authority based on criteria established by the State agency.

(ii) *Priority II.* Women and infants, other than those with Priority I special nutrition conditions.

(iii) *Priority III.* Children, other than those with Priority I special nutrition conditions.

(e) *Processing standards*—(1) *Waiting lists.* When the local agency is serving its maximum caseload, the local agency shall maintain a waiting list of individuals who visit the local agency to express interest in receiving Program benefits and who may reasonably be expected to be enrolled. The waiting list shall include the person's name, address or phone number, status (e.g., pregnant, breastfeeding or age), and the date he or she was placed on the waiting list. The waiting list shall be used to ensure that the highest priority persons become Program participants when caseload slots become available. While not all persons need be placed on the waiting list, persons who might reasonably be expected to be enrolled later shall be included on the waiting list. However, an applicant who requests placement on the waiting list shall not be denied inclusion. Individuals shall be notified of their placement on a waiting list within 20 days after they visit the local agency during clinic office hours to request Program benefits.

(2) *Timeframes for processing applicants.* (i) When the local agency is not serving its maximum caseload, the local agency shall accept applications, arrive at eligibility determinations, notify the applicants of the decisions made and, if the applicants are to be enrolled, issue food or food instruments. All of these actions shall be accomplished within the timeframes set forth below.

(ii) The processing timeframes shall begin when the individual visits the local agency during clinic office hours to make an oral or written request for Program benefits. To ensure that accurate records are kept of the date of such requests, the local agency shall at the time of each visit record the applicant's name, address and the date. The remainder of the information necessary to determine eligibility shall be obtained by the time of certification. Medical data taken prior to certification may be used as provided in § 246.7(f)(4).

(iii) The local agency shall act on applications within the following timeframes:

(A) Special nutritional risk applicants shall be notified of their eligibility or ineligibility within 10 days of the date of the first request for program benefits, except the local agencies may, if required by circumstances beyond their control, extend this notification period to a maximum of 15 days. The State agency shall establish criteria for identifying categories of persons at special nutritional risk who require expedited services. At a minimum, however, these categories shall include members of migrant farmworker households who soon plan to leave the jurisdiction of the local agency.

(B) All other applicants shall be notified of their eligibility or ineligibility within 20 days of the date of the first request for Program benefits.

(iv) Each local agency using a retail purchase system shall issue a food instrument or instruments to the participant at the same time as the notification of certification. Such food instrument or instruments shall provide benefits for the current month or the remaining portion thereof and shall be redeemable immediately upon receipt by the participant. Local agencies may mail the initial food instrument or instruments with the notification of certification to those participants who meet the criteria for the receipt of food instruments through the mail.

(v) Each local agency with a direct distribution or home delivery system shall issue the supplemental foods to the participant within 10 days of issuing the notification of certification.

(f) *Certification periods.* (1) Program benefits shall be based upon certifications established in accordance with the following timeframes:

(i) Pregnant women shall be certified for the duration of their pregnancy and for up to 6 weeks postpartum.

(ii) Postpartum women shall be certified for up to 6 months postpartum.

(iii) Breastfeeding women shall be certified at intervals of approximately 6

months ending with the breastfeeding infant's first birthday.

(iv) Infants shall be certified for up to 1 year. The State agency is encouraged to require a shorter certification period of approximately 6 months when other health services are not available to provide frequent and ongoing health care for infants.

(v) Children shall be certified at intervals of approximately 6 months and ending with the end of the month in which a child reaches the fifth birthday.

(2) State agencies may establish shorter certification periods than outlined in § 246.7(f)(1) on an individual case basis.

(3) In cases where there is difficulty in appointment scheduling for persons referenced in § 246.7(f)(1) (iii), (iv) and (v), the certification period can be shortened or extended by a period not to exceed 30 days.

(4) Medical data collected before actual certification may be used to determine eligibility, providing that the data were collected no more than 6 months prior to certification. Even if the nutritional risk determination is based on data taken before the time of entrance to the program, the full certification periods specified in paragraph (e)(1) of this section may be granted.

(g) *Actions affecting participation in mid-certification.* (1) The State agency may elect to disqualify an individual in the middle of a certification period for the following reasons:

(i) Program abuse, such as sale of food instruments or dual participation;

(ii) Failure to pick up his or her food instruments or supplemental foods for a number of consecutive months, as specified by the State agency; or

(iii) Ineligibility determined through a reassessment of Program eligibility status.

(2) If a State agency experiences funding shortages, it may be necessary to discontinue program benefits to a number of certified participants. Such action may be taken only after the State agency has explored alternative actions. If taken, the action should affect the least possible number of participants and should affect participants whose nutritional and health status would be least impaired by withdrawal of program benefits. The State may discontinue benefits by:

(i) Disqualifying a group of participants; and/or

(ii) Withholding benefits of a group with the expectation of providing benefits again when funds are available.

(3) When a State agency elects to discontinue benefits to a number of certified participants due to insufficient funds for a period of time, it shall not enroll new participants during that period.

(h) *Certification forms.* All certification data for each person certified shall be recorded on a form (or forms) which are provided by the State agency. The information on the form shall include the following:

(1) Name and address;

(2) Date of initial visit to apply for participation;

(3) Information regarding family income eligibility for the Program as specified in paragraph (c) of this section;

(4) The date of certification and the date nutritional risk data was taken if different from the date of certification;

(5) Height or length, weight, and hematological test result;

(6) The specific nutritional risk conditions which established eligibility for the supplemental foods. Documentation should include health history when appropriate to the nutritional risk condition, with the applicant's or caretaker's consent; and

(7) The signature and title of the competent professional authority making the nutritional risk determination, and, if different, the signature and title of the administrative person responsible for determining income eligibility under the Program.

(8) After the applicant has been advised of the rights and obligations set forth in paragraph (i) of this section, the applicant, parent or caretaker shall read or be read the following statement and shall undersign on the form:

> I have been advised of my rights and obligations under the Program. I certify that the information I have provided for my eligibility determination is correct, to the best of my knowledge. This certification form is being made in connection with the receipt of Federal assistance. Program officials may verify information on this form. I understand that deliberate misrepresentation may subject me to civil or criminal prosecution under State and Federal law.

(i) *Notification of participant rights and responsibilities.* In order to inform applicants and participants or their parents or caretakers of Program rights and responsibilities, the following information shall be provided. Where a significant portion of the area served is composed of non-English-speaking or limited English-speaking persons who speak the same language, the information shall be provided in the appropriate language.

(1) During the certification procedure, every Program applicant, parent or caretaker shall be informed of the illegality of simultaneous participation in the Commodity Supplemental Food Program and the WIC Program or simultaneous participation in more than one WIC Program.

(2) At the time of certification, each Program participant, parent or caretaker shall read, or have read to him or her, the following sentences:

(i) "Standards for eligibility and participation in the WIC Program are the same for everyone, regardless of race, color, national origin, age, handicap, or sex."

(ii) "You may appeal any decision made by the local agency regarding your eligibility for the Program if you are a pregnant, breastfeeding, or postpartum woman, or if your child has not reached his or her fifth birthday."

(iii) "The local agency will make health services and nutrition education available to you, and you are encouraged to participate in these services."

(3) If the State agency implements the policy of disqualifying a participant for not picking up supplemental foods or food instruments in accordance with paragraph (g)(1)(ii) of this section, it shall provide notice of this policy and of the importance of regularly picking up food instruments or supplemental foods to each participant, parent or caretaker at the time of each certification.

(4) At least during the initial certification visit, each participant, parent or caretaker shall receive an explanation of how the local food delivery system operates and shall be advised of the types of health services available, where they are located, how they may be obtained and why they may be useful.

(5) Persons found ineligible for the Program during a certification visit shall be advised in writing of the ineligibility, of the reasons for the ineligibility, and, except for categorically ineligible persons, of the right to a fair hearing. The reasons for ineligibility shall be properly documented and shall be retained on file at the local agency.

(6) A person who is about to be disqualified from Program participation at any time during the certifiation period shall be advised in writing not less than 15 days before the termination of participation, of reasons for this action, and of the right to a fair hearing. Such notification need not be provided to persons who will be disqualified for not picking up supplemental foods or food instruments in accordance with § 246.7(g)(1)(ii).

(7) Each participant, parent or caretaker shall be notified not less than 15 days before the expiration of each certification period that certification for the Program is about to expire.

(j) *Transfer of certification.* (1) Each State agency shall ensure issuance of a verification of certification (VOC) card to every participant who is a member of a family in which there is a migrant farmworker or any other participant who is likely to be relocating during the certification period. Issuing agencies shall ensure that VOC cards are completed as required and contain all data necessary for use by the receiving agency.

(2) The State agency shall require the receiving local agency to accept VOC cards from participants, including migrant farmworker participants, who have been participating in the WIC Program in another local agency within or outside of the jurisdiction of the State agency. A person with a valid VOC card shall not be denied participation in the receiving State because the person does not meet that State's particular eligibility criteria.

(3) The verification of certification is valid until the certification period expires, and shall be accepted as proof of eligibility for WIC Program benefits. If the receiving local agency has waiting lists for participation, the transferring participant shall be placed on the list ahead of all waiting applicants.

(4) The VOC card shall include the name of the participant, the date the certification was performed, the nutritional risk condition of the participant, the date the certification period expires, the signature and printed or typed name of the local agency official in the originating jurisdiction, the name and address of the certifying local agency and an identification number or some other means of accountability. The VOC card shall be uniform throughout the jurisdiction of the State agency.

(k) *Dual participation.* The State agency shall be responsible for the following:

(1) In conjunction with the local agency, the prevention and detection of dual participation within each local agency and between local agencies.

(2) In areas where a local agency serves the same population as an Indian State agency or a Commodity Supplemental Food Program, the State agency and the CSFP or Indian State agency shall agree to a plan for the detection and prevention of dual participation. The agreement must be made prior to operation within the same area and must be in writing.

(3) Participants found in violation due to dual participation shall be disqualified from one of the programs immediately. Where deliberate misrepresentation is involved, the participant may be disqualified from participation in both programs as specified in § 246.12(k)(2).

(4) At certification, and when issuing food or food instruments, the State agency shall check the identification of each participant. For an infant or child participant, an immunization record, birth certificate, or other records that local agency personnel consider adequate establishment of identity, shall be acceptable.

(l) *Certification without charge.* The certification procedure shall be performed at no cost to the applicant.

§ 246.8 Nondiscrimination.

(a) *Civil Rights Requirements.* The State agency shall comply with the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Department of Agriculture regulations on nondiscrimination (7 CFR Parts 15, 15a and 15b), and FNS Instructions to ensure that no person shall, on the grounds of race, color, national origin, age, sex or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under the Program. Compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, and regulations and instructions issued thereunder shall include, but not be limited to:

(1) Notification to the public of the nondiscrimination policy and complaint rights of participants and potentially eligible persons;

(2) Review and monitoring activity to ensure Program compliance with the nondiscrimination laws and regulations; and

(3) Collection and reporting of racial and ethnic participation data as required.

(b) *Complaints.* All discrimination complaints received by State and local agencies shall be referred to the Director, Civil Rights Division, FNS, USDA, Alexandria, VA 22302. Persons seeking to file discrimination complaints may file them either with the Director, Civil Rights Division, FNS, USDA, Alexandria, VA 22302 or with the office established by the State agency to handle discrimination grievances or complaints. The State agency shall transmit to FNS all age, sex, and handicap discrimination complaints which have been filed with and resolved by State agencies, as well as all unresolved discrimination complaints.

(c) *Non-English materials.* Where a significant proportion of the population of the area served by a local agency is composed of non-English or limited English speaking persons who speak the same language, the State agency shall take action to ensure that required Program information, except certification forms which are used only by local agency staff, is provided to such persons in the appropriate language orally and in writing. The State agency shall ensure that appropriate staff, volunteers or other translation resources are available to serve these persons. The State agency shall also ensure that all rights and responsibilities listed on the certification form are read to these applicants in the appropriate language.

§ 246.9 Fair hearing procedures for participants.

Availability of hearings. The State agency shall provide a hearing procedure through which any individual, except categorically ineligible persons whose status is documented, may appeal a State or local agency action which results in the individual's denial of participation of disqualification from the Program. For the purposes of this section, "documented" means that the local agency has recorded that the applicant is unable to make any showing of categorical eligibility.

(b) *Hearing system.* The State agency shall provide for either a hearing at the State level or a hearing at the local level which permits the individual to appeal a local agency decision to the State agency. The State agency may adopt local level hearings in some areas, such as those with large caseloads, and maintain only State level hearings in other areas.

(c) *Notification of appeal rights.* At the time of participation denial or of disqualification from the Program, each individual shall be informed in writing of the right to a fair hearing, of the method by which a hearing may be requested, and that any positions or arguments on behalf of the individual may be presented personally or by a representative such as a relative, friend, legal counsel or other spokesperson. Such notification is not required at the expiration of a certification period.

(d) *Request for hearing.* A request for a hearing is defined as any clear expression by the individual, the individual's parent, guardian or other representative, that he or she desires an opportunity to present his or her case to a higher authority. The State or local agency shall not limit or interfere with the individual's freedom to request a hearing.

(e) *Time limit for request.* The State or local agency shall provide individuals a

reasonable period of time to request fair hearings. Such time limit shall not be less than 60 days from the date the agency mails or gives the applicant or participant the notice of adverse action to deny the applicant benefits or disqualify the participant.

(f) *Denial or dismissal of request.* The State and local agencies shall not deny or dismiss a request for a hearing unless:

(1) The request is not received within the time limit set by the State agency in accordance with paragraph (e) of this section.

(2) The request is withdrawn in writing by the appellant or a representative of the appellant.

(3) The appellant or representative fails, without good cause, to appear at the scheduled hearing.

(4) The appellant has been determined to be categorically ineligible for Program participation. Categorical ineligibility shall be documented and the documentation retained on file at the local agency.

(5) The appellant has been denied participation by a previous hearing and cannot provide evidence that circumstances relevant to Program eligibility have changed in such a way as to justify a hearing.

(g) *Continuation of benefits.* Participants who appeal the termination of benefits for reasons other than expiration of the certification period within the 15 days advance adverse notice period provided by § 246.7(i)(6) shall continue to receive Program benefits until the hearing official reaches a decision or the certification period expires, whichever occurs first. Applicants (except categorically ineligible applicants whose status is documented) who are denied benefits at initial certification or because of the expiration of their certification may appeal the denial, but shall not receive benefits while awaiting the hearing.

(h) *Rules of procedure.* The State and local agencies shall process each request for a hearing under uniform rules of procedure. The uniform rules of procedure shall be available for public inspection and copying. At a minimum, such rules shall include: the time limits for requesting and conducting a hearing; all advance notice requirements; the rules of conduct at the hearing; and the rights and responsibilities of the appellant. The procedures shall not be unduly complex or legalistic.

(i) *Hearing official.* Hearings shall be conducted by an impartial official who does not have any personal stake or involvement in the decision and who was not directly involved in the initial determination of the action being contested. The hearing official shall:

(1) Administer oaths or affirmations if required by the State;

(2) Ensure that all relevant issues are considered;

(3) Request, receive and make part of the hearing record all evidence determined necessary to decide the issues being raised;

(4) Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing;

(5) Order, where relevant and necessary, an independent medical assessment or professional evaluation from a source mutually satisfactory to the appellant and the State agency; and

(6) Render a hearing decision based exclusively on the hearing record which will resolve the dispute.

(j) *Conduct of the hearing.* The hearing shall be accessible to the appellant and shall be held within 3 weeks from the date the State agency received the request for a hearing. The State or local agency shall provide the appellant with a minimum of 10 days advance written notice of the time and place of the hearing and shall enclose an explanation of the hearing procedure with the notice. The State or local agency shall also provide the appellant or representative an opportunity to:

(1) Examine, prior to and during the hearing, the documents and records presented to support the decision under appeal;

(2) Be assisted or represented by an attorney or other persons;

(3) Bring witnesses;

(4) Advance arguments without undue interference;

(5) Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses; and

(6) Submit evidence to establish all pertinent facts and circumstances in the case.

(k) *Fair Hearing decisions.* (1) Decisions of the hearing official shall comply with Federal law, regulations or policy and shall be factually based on the hearing record. The verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding shall constitute the exclusive record for a final decision by the hearing official. This record shall be retained in accordance with § 246.25 and shall be available, for copying and inspection, to the appellant or representative at any reasonable time.

(2) A decision by the hearing official shall be binding on the local agency and shall summarize the facts of the case, specify the reasons for the decision, and identify the supporting evidence and the pertinent regulations or policy. The decision shall become a part of the record.

(3)Within 45 days of the receipt of the request for the hearing, the appellant or representative shall be notified in writing of the decision and the reasons for the decision in accordance with paragraph (k)(2) of this section. If the decision is in favor of the appellant and benefits were denied, benefits shall begin within this 45 day time period. If the decision is in favor of the agency, as soon as administratively feasible, any continued benefits shall be terminated as decided by the hearing official. If the appellant wishes to appeal a local hearing decision to the State agency, the appeal request shall be made within 15 days of the mailing date of the hearing decision notice. Benefits shall not continue while an appeal to the State agency of a decision rendered on appeal at the local level is pending.

(4) All State and local agency hearing records and decisions shall be available for public inspection and copying, provided the names and addresses of participants and other members of the public are kept confidential.

(l) *Judicial review.* If a State level decision upholds the agency action and the appellant expresses an interest in pursuing a higher review of the decision, the State agency shall explain any available State level review of the decision and any State level rehearing process. If these are either unavailable or have been exhausted, the State agency shall explain the right to pursue judicial review of the decision.

Subpart D—Participant Benefits

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§ 246.11 Nutrition education.

(a) *General.* (1) Nutrition education shall be considered a benefit of the Program, and shall be provided at no cost to the participant. Nutrition education shall be designed to be easily understood by individual participants, and it shall bear a practical relationship to participant nutritional needs, household situations, and cultural preferences including information on how to select food for themselves and their families. Nutrition education shall be thoroughly integrated into participant health care plans and the delivery of supplemental foods and other Program operations.

(2) The State agency shall ensure that nutrition education is made available to all participants. The nutrition education may be provided through the local agencies directly, or through

arrangements made with other agencies. At the time of certification, the local agency shall stress the positive, long-term benefits of nutrition education and encourage the participant to attend and participate in nutrition education activities. However, individual participants shall not be denied supplemental food for failure to attend or participate in nutrition education activities.

(b) *Goals.* Nutrition education shall be designed to achieve the following two broad goals:

(1) Stress the relationship between proper nutrition and good health with special emphasis on the nutritional needs of pregnant, postpartum, and breastfeeding women, infants and children under 5 years of age; and

(2) Assist the individual who is at nutritional risk in achieving a positive change in food habits, resulting in improved nutritional status and in the prevention of nutrition-related problems through optimal use of the supplemental foods and other nutritious foods. This is to be taught in the context of the ethnic, cultural and geographic preferences of the participants and with consideration for educational and environmental limitations experienced by the participants.

(c) *State agency responsibilities.* The State agency shall perform the following activities in carrying out nutrition education responsibilities:

(1) Develop and coordinate the nutrition education component of Program operations with consideration of local agency plans, needs and available nutrition education resources;

(2) Provide in-service training and technical assistance for professional and para-professional personnel involved in providing nutrition education to participants at local agencies;

(3) Identify or develop resources and educational materials for use in local agencies including materials in languages other than English in areas where a substantial number of persons speak a non-English language;

(4) Develop and implement procedures to ensure that nutrition education is provided to all adult participants and to parents and guardians of infant or child participants, as well as child participants whenever possible;

(5) Annually perform and document evaluations of nutrition education activities. The evaluations shall include an assessment of participants' views concerning the effectiveness of the nutrition education which they received;

(6) Monitor local agency activities to ensure compliance with provisions set forth in paragraphs (d) and (e) of this section; and

(7) Establish standards for participant contacts that ensure adequate nutrition education in accordance with paragraph (e) of this section.

(d) *Local agency responsibilities.* Local agencies shall perform the following activities in carrying out their nutrition education reponsibilities.

(1) Provide nutrition education or enter into an agreement with another agency to provide nutrition education to all adult participants, and to parents or caretakers of infant and child participants, and whenever possible, to child participants. Nutrition education may be provided through the use of individual or group sessions and the provision of educational materials designed for Program participants to pregnant, postpartum, and breastfeeding women and to parents or caretakers of infants and children participating in local agency services other than the Program.

(2) Develop an annual local agency nutrition education plan consistent with the State's nutrition education component of Program operations and in accordance with this part and FNS guidelines. The local agency shall submit its nutrition education plan to the State agency by a date specified by the State agency.

(e) *Participant contacts.* (1) The nutrition education contacts shall be made available through individual or group sessions which are appropriate to the individual participant's nutritional needs. All pregnant participants shall be encouraged to breastfeed unless contraindicated for medical reasons.

(2) During each 6-month certification period, all adult participants and the parents or caretakers of infant and child participants, and wherever possible, the child participants themselves, shall be provided at least two nutrition education contacts.

(3) At least one nutrition education contact during each quarter of the certification period shall be provided to parents or caretakers of infant participants certified for one year.

(4) The local agency shall document in each participant's certification file the nutrition education given the participant in accordance with the State agency standards. Should a participant refuse or be unable to attend or participate in nutrition education, the local agency shall document this fact in the participant's file for purposes of further education efforts and for monitoring purposes.

(5) All participants, parents, or caretakers shall be provided an individual participant care plan upon request.

(6) Contacts shall be designed to meet different cultural and language needs of Program participants.

Subpart E—State Agency Provisions

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§ 246.13 Financial management system.

(a) *Disclosure of expenditures.* The State agency shall maintain a financial management system which provides accurate, current and complete disclosure of the financial status of the Program. This shall include an accounting for all property and other assets and all Program funds received and expended each fiscal year.

(b) *Internal control.* The State agency shall maintain effective control over and accountability for all Program grants and funds. The State agency must have effective internal controls to ensure that expenditures financed with Program funds are authorized and properly chargeable to the Program.

(c) *Record of expenditures.* The State agency shall maintain records which adequately identify the source and use of funds expended for Program activities. These records shall contain, but are not limited to, information pertaining to authorization, receipt of funds, obligations, unobligated balances, assets, liabilities, outlays, and income.

(d) *Payment of costs.* The State agency shall implement procedures which ensure prompt and accurate payment of allowable costs, and ensure the allowability and allocability of costs in accordance with the cost principles and standard provisions of this part; A-87, 7 CFR Part 3015, Subpart T; and FNS guidelines and instructions.

(e) *Identification of obligated funds.* The State agency shall implement procedures which accurately identify obligated Program funds at the time the obligations are made.

(f) *Resolutions of audit findings.* The State agency shall implement procedures which ensure timely and appropriate resolution of claims and other matters resulting from audit findings and recommendations.

(g) *Use of minority and women-owned banks.* Consistent with the national goals of expanding opportunities for minority business enterprises, State and local agencies are encouraged to use minority and women-owned banks.

(h) *Reconciliation of food instruments.* The State agency shall reconcile food instruments in accordance with § 246.12(n).

(i) *Transfer of cash.* The State agency shall have controls to minimize the time

elapsing between receipt of Federal funds from the U.S. Department of Treasury and the disbursements of these funds for Program costs. In the Letter Credit system, the State agency shall make drawdowns from the U.S. Department of Treasury's Regional Disbursing Office as close as possible to the actual date that disbursement of funds is made. Advances made by the State agency to local agencies shall also conform to these same standards.

(j) *Local agency financial management.* The State agency shall ensure that all local agencies develop and implement a financial management system consistent with the requirements prescribed by FNS and the State agency pursuant to the requirements of this section.

§ 246.14 Program costs.

(a) *General.* (1) The two kinds of allowable costs under the Program are food costs and administrative costs. In general, costs necessary to the fulfillment of Program objectives are to be considered allowable costs. The two types of administrative costs are:

(i) Direct costs. Those direct costs that are allowable under A–87.

(ii) Indirect costs. Those indirect costs that are allowable under A–87. When computing indirect costs, food costs may not be used in the base to which the indirect cost rate is applied. A claim for indirect costs shall be supported by an approved allocation plan for the determination of allowable indirect costs.

(2) Except as provided in § 246.14(e) of this part, funds allocated by FNS for food purchases may not be used to pay administrative costs. However, administrative funds may be used to pay for food costs.

(b) *Specified allowable food costs.* Food costs are the acquisition cost of the supplemental foods provided to State or local agencies or to participants, whichever receives foods first. Food costs shall not exceed the food vendor's customary sale price. For example, in retail purchase systems, food costs may not exceed the shelf price of the food provided.

(c) *Specified allowable administrative costs.* (1) The cost of nutrition education which meets the requirements of § 246.11 is allowable. During each fiscal year an amount equal to at least one-sixth of the State agency's administrative expenditures up to the level of its administrative grant shall be used for nutrition education. The final closeout report for each fiscal year shall document the full amount of total administrative expenditures attributable to nutrition education, including grant funds and other funds or values. The amount to be spent on nutrition education shall be computed by taking one-sixth of the total fiscal year administrative expenditures or administrative grant level, whichever is less. If the State agency's reported nutrition education expenditures are less than the amount required to be spent, FNS shall issue a claim for the difference and accordingly reduce the State agency's Letter of Credit and grant level for that fiscal year. The State agency may request prioer written permission from FNS to spend less than one-sixth of its administrative expenditures on nutrition education if the State agency can document that a total of funds from other sources and Program funds will be expended at an amount equal to one-sixth of administrative expenditures. Nutrition education costs are limited to activities which are distinct and separate efforts to help participants understand the importance of nutrition to health. The cost of dietary assessments for the purpose of certification and the cost of prescribing and issuing supplemental foods shall not be applied to the one-sixth minimum amount required to be spent on nutrition education. Costs to be applied to the one-sixth minimum amount required to be spent on nutrition education may include, but need not be limited to, the following items:

(i) Salary and other costs for time spent on nutrition education consultations whether with an individual or group.

(ii) Procuring and producing nutrition education materials including handouts, flip charts, filmstrips, projectors, food models or other teaching aids and mailing nutrition education materials to participants.

(iii) Training nutrition educators, including costs related to conducting training sessions and purchasing and producing training materials.

(iv) Conducting evaluations of nutrition education.

(v) Salary and other costs incurred in developing the nutrition education portion of the State Plan and local agency nutrition education plans.

(vi) Monitoring nutrition education.

(2) The cost of certification procedures including the following is allowable:

(i) Laboratory fees incurred for tests conducted to determine the eligibility of persons to participate in the Program;

(ii) Expendable medical supplies necessary to determine the eligibility of persons to participate in the Program;

(iii) Medical equipment which includes, but is not limited to, centrifuges, measuring boards, skin fold calipers, spectrophotometers, hematofluorometers, and scales used for determining the eligibility of persons.

(iv) Salary and other costs for time spent on certification.

(3) The cost of outreach services.

(4) The cost of administering the food delivery system, including the cost of transporting food.

(5) The cost of translators for materials and interpreters.

(6) The cost of fair hearings, including the cost of an independent medical assessment of the appellant, if necessary.

(7) The cost of transportation of rural participants to clinics when prior approval for using program funds to provide transportation has been granted by the State agency and documentation that such service is considered essential to assure Program access has been filed at the State agency. Direct reimbursement to participants for transportation cost is not an allowable cost.

(8) The cost of monitoring and reviewing Program operations.

(d) *Restricted allowable costs.* The following costs are allowable only with the prior approval of FNS:

(1) Automated information systems which are required by a State or local agency except for those used in general management and payroll, including acquisition of automatic data processing hardware or software whether by outright purchase, rental-purchase agreement or other method of acquisition. Approval shall be granted by FNS if the proposed system meets the requirements of this part, A–90, and 7 CFR Part 3015. When a State agency decides to seek computerization, except for use in general management or payroll, it shall inform FNS and seek approval.

(2) Capital expenditures over $5,000.00, such as the cost of facilities, equipment, other capital assets and any repairs that materially increase the value or useful life of capital assets.

(3) Management studies performed by agencies or departments other than the State or local agency or those performed by outside consultants under contract with the State or local agency.

(e) *Recovery of vendor claims.* The State agency shall retain funds collected by the recovery of claims assessed against food vendors or funds not paid to food vendors as a result of reviews of food instruments prior to payment. The State agency may use up to 50 percent of these funds for administrative purposes and the remainder shall be used to pay food costs. When these funds are used for administrative purposes, such expenditures shall be reported to FNS

through routine reporting procedures. The State agency shall maintain documentation to support the level of funds retained by the State agency.

§ 246.15 Program income other than grants.

(a) *Interest earned on advances.* Interest earned on advances of Program funds shall be remitted to FNS except for interest earned by States in accordance with the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213). Interest to be returned includes any interest or investment income earned by local agencies, clinics, contractors or vendors on advances to them that result from advances of Program funds.

(b) *Other Program income.* Except for interest which must be returned to FNS in accordance with paragraph (a) of this section, the State agency may use current Program income for costs incurred in the current fiscal year and, with the approval of FNS , for costs incurred in previous or subsequent fiscal years. With the approval of FNS, Program income may be used for costs which are in addition to the allowable costs of the Program but which nevertheless further the objectives of the law authorizing the Program. Provided that the costs supported by the income further the broad objectives of the Program, they need not be a kind that would be permissable as charges to Federal funds.

§ 246.16 Distribution of funds.

(a) *General.* This section prescribes the procedures for the distribution of available funds by FNS to participating State agencies and by State agencies to local agencies. All Program funds shall be used only for Program purposes. As a prerequisite to the receipt of funds, the State agency shall have executed an agreement with the Department and shall have received approval of its State Plan. To accomplish the distribution of funds, State agencies shall furnish FNS with any necessary financial and Program data.

(b) *Distribution of funds to State agencies.* Funds made available to the Department for the Program in any fiscal year shall be distributed by FNS on the basis of funding formulas which allocate funds to all State agencies for food costs and administrative costs. However, up to one-half of one percent of the sums appropriated for each fiscal year, not to exceed $3,000,000, shall be available to the Secretary for the purpose of evaluating Program performance, evaluating health benefits, and the administration of pilot projects, including projects designed to meet the special needs of migrants, Indians, and rural populations. Each State agency's funds shall be provided by means of a Letter of Credit unless another funding method is specified by FNS. Funds shall be used by State agencies to cover those allowable and documented Program costs, as defined in § 246.14, which are incurred by the State agency and participating local agencies within its jurisdiction.

(c) *Distribution of funds to local agencies.* All funds made available by FNS to each State acency, except those funds necessary for allowable costs for State agency administration and foods costs paid directly by the State agency, shall be provided to local agencies. The State agency shall distribute the funds based on claims submitted at least monthly by the local agency. Where the State agency advances funds to local agencies, the State agency shall ensure that each local agency has funds to cover immediate disbursement needs, and the State agency shall make monthly adjustments to the funding level to reflect the actual expenditures reported by the local agency. Upon receipt of Program funds from the Department, the State agency shall:

(1) Distribute funds to cover expected food cost expenditures.

(2) Allocate funds to cover expected local agency administrative costs in a manner which takes into consideration each local agency's needs. For the allocation of administrative funds, the State agency shall:

(i) Develop an administrative funding procedure, in cooperation with several local agencies, which takes into account the varying needs of the local agencies. The State agency shall consider the views of local agencies, but the final decision as to the funding procedure shall remain with the State agency. The State agency shall take into account factors it deems appropriate to further proper, efficient and effective administration of the Program, such as local agency staffing needs, density of population, number of persons served, and availability of administrative support from other sources.

(ii) Forward in advance to local agencies those administrative funds necessary for the successful commencement of Program operations during the first three months of operation or until the local agency reaches its projected caseload level, whichever comes first.

(d) *Recovery of Funds.* Funds may be recovered from a State agency at any time FNS determines, based on State agency reports of expenditures and operations, that the State agency is not expending funds at a rate commensurate with the amount of funds distributed or provided for expenditures under the Program.

(e) *Reallocation of Funds.* Any funds recovered under paragraph (d) of this section shall be reallocated by FNS as deemed appropriate.

§ 246.17 Closeout procedures.

(a) *General.* State agencies shall submit preliminary and final closeout reports for each fiscal year. All obligations shall be liquidated before closure of a fiscal year grant. Obligations shall be reported for the fiscal year in which they occur.

(b) *Fiscal year closeout reports.* State agencies:

(1) Shall submit to FNS, within 30 days after the end of the fiscal year, preliminary financial reports which show cumulative actual expenditures and obligations for the fiscal year, or part thereof, for which Program funds were made available;

(2) Shall submit to FNS, within 150 days after the end of the fiscal year, final fiscal year closeout reports;

(3) May submit revised closeout reports at any time. However, FNS shall not be responsible for reimbursing State agencies for unreported expenditures or unpaid obligations later than one year after the close of the fiscal year in which they were incurred.

(c) *Grant closeout procedures.* When grants to State agencies are terminated, the following procedures shall be performed in accordance with 7 CFR Part 3015, Subpart N.

(1) *Disqualification for cause.* FNS may terminate a State agency's participation under the program, in whole or in part, or take such remedies as may be legal and appropriate, whenever FNS determines that the State agency failed to comply with the conditions prescribed in this part, in its Federal-State Agreement, or in FNS guidelines and instructions. FNS shall promptly notify the State agency in writing of the disqualification together with the effective date. A State agency shall disqualify a local agency by written notice whenever it is determined by FNS or the State agency that the local agency has failed to comply with the requirements of the Program.

(2) *Disqualification for convenience.* FNS or the State agency may disqualify the State agency or restrict its participation in the Program when both parties agree that continuation under the Program would not produce beneficial results commensurate with the further expenditure of funds. The State agency or the local agency may disqualify the local agency or restrict its participation in the Program under the same conditions. The two parties shall agree

upon the conditions of disqualification, including the effective date thereof, and, in the case of partial disqualification, the portion to be disqualified.

(3) *Disqualification settlements.* Upon termination of a grant, the affected agency shall not incur new obligations for the disqualified portion after the effective date, and shall cancel as many outstanding obligations as possible. FNS shall allow full credit to the State agency for the Federal share of the noncancellable obligations properly incurred by the State agency prior to disqualification and the State agency shall do the same for the local agency.

(4) *Records retention.* A grant closeout shall not affect the retention period for, or Federal rights of access to, grant records. The closeout of a grant does not affect the State or local agency's responsibilities regarding property or with respect to any Program income the State or local agency is still accountable for.

(5) *Final audits.* A final audit is not a required part of the grant closeout and should not be needed unless there are problems with the grant that require attention. If FNS considers a final audit to be necessary, it shall so inform OIG. OIG shall be responsible for ensuring that necessary final audits are performed and for any necessary coordination with other Federal cognizant audit agencies or the State or local auditors. Audits performed in accordance with § 246.20 may serve as final audits providing such audits meet the needs of requesting agencies. If the grant is closed out without the audit, FNS reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.

§ 246.18 Administrative appeal of State agency decisions.

(a) *Requirements.* The State agency shall provide a procedure for a food vendor or local agency adversely affected by a State or local agency action to appeal the action.

(1) The right of appeal shall be granted when a local agency's or a food vendor's application to participate is denied, when the vendor or local agency is disqualified, or when any other adverse action which affects participation is taken during the contract or agreement performance period. Nonrenewal of a contract or agreement with a food vendor or local agency is not subject to the right of appeal.

(2) The adverse action affecting a participating local agency shall be postponed until a hearing decision is reached.

(3) The State agency may make adverse action against a vendor effective after providing written notification of the adverse action to the vendor. In deciding whether or not to postpone adverse action until a hearing decision is rendered, the State agency shall consider whether participants would be unduly inconvenienced and may consider other relevant criteria, determined by the State agency.

(b) *Procedure.* The State agency hearing procedure shall at a minimum provide the local agency or vendor:

(1) Written notification of the adverse action and the cause(s) for it. Such notification shall be provided to participating local agencies and food vendors not less than 15 days in advance of the effective date of the action. In the case of local agencies being disqualified due to lack of funds or as a result of a comprehensive review of the qualifications of all local agencies in the State, the State agency shall provide the local agency with a 60-day notice of pending action in accordance with § 246.5(e)(2)(ii).

(2) The opportunity to appeal the adverse action within a time period specified by the State agency in its notification of adverse action;

(3) Adequate advance notice of the time and place of the hearing to provide all parties involved sufficient time to prepare for the hearing;

(4) The opportunity to present its case and one opportunity to reschedule the hearing date if requested. The State agency may set standards on how many hearing dates can be scheduled provided a minimum of two hearing dates is allowed.

(5) The opportunity to confront and cross-examine adverse witnesses;

(6) The opportunity to be represented by counsel, if desired;

(7) The opportunity to review the case record prior to the hearing;

(8) An impartial decision maker, whose decision as to the validity of the State or local agency's action shall rest solely on the evidence presented at the hearing and the statutory and regulatory provisions governing the Program. The basis for the decision shall be stated in writing, although it need not amount to a full opinion or contain formal findings of fact and conclusions of law; and

(9) Written notification of the decision concerning the appeal, within 60 days from the date of the request for a hearing.

(c) *Continuing responsibilities.* Appealing an action does not relieve a local agency, or a food vendor permitted to continue in the Program while its appeal is in process, from the responsibility of continued compliance with the terms of any written agreement or contract with the State or local agency.

(d) *Judicial review.* If a State level decision is rendered against the local agency or food vendor and the appellant expresses an interest in pursuing a higher review of the decision, the State agency shall explain any available State level review of the decision and any available State level rehearing process. If neither is available or both have been exhausted, the State agency shall explain the right to pursue judicial review of the decision.

Subpart F—Monitoring and Review

§ 246.19 Management evaluation and reviews.

(a) *Management evaluations.* (1) FNS and each State agency shall establish a management evaluation system in order to assess the accomplishment of Program objectives as provided under these regulations, FNS guidelines, instructions, and the written agreement with the Department. FNS will provide assistance to States in discharging this responsibility, establish standards and procedures to determine how well the objective of this part are being accomplished, and implement sanction procedures as warranted by State Program performance.

(2) If FNS determines that the State agency has failed, without good cause, to demonstrate efficient and effective administration of its program or has failed to comply with the requirements contained in this part or the State Plan, FNS may withhold an amount up to 100 percent of the State agency's administrative funds.

(3) Sanctions imposed upon a State agency by FNS in accordance with this section (but not claims for overpayment assessed against a State agency) may be appealed in accordance with the procedures established in § 246.22. Before carrying out any sanction against a State agency, the following procedures will be followed:

(i) FNS shall notify the Chief State Health Officer or equivalent in writing:

(A) Of the deficiences found; and

(B) Of FNS' intention to withhold administrative funds unless an acceptable corrective action plan is submitted by the State agency to FNS within 60 days after notification.

(ii) The State agency shall develop a corrective action plan with a schedule according to which the State agency shall accomplish various actions to

correct the deficiencies and prevent their future recurrence.

(iii) If the corrective action plan is acceptable, FNS shall notify the Chief State Health Officer or equivalent in writing within 30 days of receipt of the plan. The letter approving the corrective action plan shall describe the technical assistance that is available to the State agency to correct the deficiencies. The letter shall also advise the Chief State Health Officer or equivalent of the sanctions to be imposed if the corrective action plan is not implemented according to the schedule set forth in the approved plan.

(iv) Upon notification from the State agency that corrective action has been taken, FNS shall assess such action, and, if necessary, shall perform a follow-up review to determine if the noted deficiences have been corrected. FNS shall then advise the State agency of whether the actions taken are in compliance with the corrective action plan, and whether the deficiency is resolved or further corrective action is needed.

(v) If an acceptable corrective action plan is not submitted within 60 days, or if corrective action is not completed according to the schedule established in the corrective action plan, FNS may withhold administrative funds. This shall be done through a reduction of the State agency Letter of Credit (LOC) or by assessing a claim against the State agency. FNS shall notify the Chief State Health Officer or equivalent of this action.

(vi) If compliance is achieved before the end of the fiscal year in which the administrative funds are withheld, the funds withheld shall be restored to the State agency's LOC. FNS is not required to restore funds withheld if compliance is not achieved until the subsequent fiscal year. If the 60 day warning period ends in the fourth quarter of a fiscal year, FNS may elect not to withhold funds until the next fiscal year.

(b) *State agency responsibilities.* (1) The State agency shall establish an on-going management evaluation system which includes at least the monitoring of local agency operations, the review of local agency financial and participation reports, the development of corrective action plans to resolve Program deficiencies, the monitoring of the implementation of corrective action plans, and on-site visits.

(2) Monitoring of local agencies shall encompass, but not be limited to, evaluation of management, certification, nutrition education, civil rights compliance, accountability, financial management systems, and food delivery systems. In accordance with § 246.12(i), the State agency shall ensure that State or local agency personnel conduct the necessary on-site monitoring of high risk and representative vendors. If the State agency delegates vendor monitoring to local agencies, it shall evaluate the effectiveness of these monitoring visits.

(3) The State agency shall conduct on-site reviews at least once every 2 years of each local agency and representative clinics under its jurisdiction. The State agency may conduct such additional on-site reviews as it finds necessary.

(4) The State agency shall develop a corrective action process which includes: Prompt notification of deficiencies to the local agency, timely development of corrective action plans, and monitoring of local agency implementation of such plans.

(5) When required by FNS, the State agency shall provide special reports on Program activities and act to correct deficiencies in Program operations.

(6) The State agency shall require local agencies to establish management evaluation systems to review their operations and those of associated clinics or contractors.

§ 246.20 Audits.

(a) *Federal audit responsibilities.* (1) OIG reserves the right to perform audits of USDA assistance program at State and local agencies and other organizations involved in the Program as determined by OIG to be necessary. In performing such audits, OIG shall rely to the extent feasible on audit work performed by other Federal and non-Federal auditors.

(2) The State agency may take exception to particular audit findings and recommendations. The State agency shall submit a response or statement to FNS as to the action taken or a proposed corrective action plan regarding the findings. A proposed corrective action plan developed and submitted by the State agency shall include specific timeframes for its implementation and for completion of correction of deficiencies and their causes.

(3) FNS shall determine whether Program deficiencies have been adequately corrected. If additional corrective action is necessary, FNS shall schedule a follow-up review, allowing a reasonable time for such corrective action to be taken.

(b) *State audit responsibilities.* (1) State agencies shall comply with the provisions os A–102, Attachment P and 7 CFR Part 3015, Subpart I, regarding biennial independent organization-wide audits of financial operations. In conformance with A–102 and 7 CFR Part 3015, State agencies shall arrange for independent audits of financial operations, including compliance with appropriate provisions of Federal laws and regulations and shall ensure that audits are made on an organization-wide basis rather than on a program basis. When organization-wide audits are done, the State agency shall cause procedures to be established which ensure that FNS programs are included in the universe of Federal awards from which a sample is drawn.

(2) Such organization-wide audits are to determine whether:

(i) Financial operations are conducted properly;

(ii) Financial statements are presented fairly;

(iii) State and local agencies are complying with the laws and regulations that affect the expenditures of Federal funds;

(iv) State and local agencies have established internal procedures to meet the financial management objectives of federally assisted programs; and

(v) State and local agencies are providing accurate and reliable financial information to the Federal government. If State agencies fail to arrange for the performance of the required audits. If the cognizant audit agencies arrange for the required audits on at least a biennial basis or fail to assure that an acceptable audit is performed on at least a biennial basis, the respective cognizant audit agencies may arrange for the required audits because of these circumstances, the State agencies shall reimburse the respective cognizant audit agencies for the prorata cost of their organization-wide audits.

(3) Each State agency shall make all State or local agency sponsored audit reports of Program operations under its jurisdiction available for the Department's review upon request. The cost of these audits shall be considered a part of administrative costs and may be funded from the State or local agency administrative funds, as appropriate. For purposes of determining the Program's pro rata share of indirect costs associated with organization-wide audits, the cost of food shall not be considered in the total dollar amount of the Program.

§ 246.21 Investigations.

(a) *Authority.* The Department may make an investigation of any allegation of noncompliance with this part and FNS guidelines and instructions. The investigation may include, where appropriate, a review of pertinent practices and policies of any State or local agency, the circumstances under which the possible noncompliance with this part occurred, and other factors

relevant to a determination as to whether the State or local agency has failed to comply with the requirements of this part.

(b) *Confidentiality.* No State or local agency, participant, or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under this part because that person has made a complaint or formal allegation, or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of every complainant shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conducting of any investigation, hearing, or judicial proceeding.

Subpart G—Miscellaneous Provisions

§ 246.22 Administrative appeal of FNS decisions.

(a) *Right to appeal.* When FNS asserts a sanction against a State agency under the provisions of § 246.19, the State agency may appeal and must be afforded a hearing or review by an FNS Administrative Review Officer. The right of appeal shall not apply to claims for repayment assessed by FNS against the State agency. A State agency shall have the option of requesting a hearing to present its position or a review of pertinent documents and records including any additional written submission prepared by the State agency.

(1) FNS shall send a written notice by Certified Mail—Return Receipt Requested to the State agency or otherwise ensure receipt of such notice by the agency when asserting a sanction against a State agency as specified in § 246.19(a).

(2) A State agency aggrieved by a sanction asserted against it may file a written request with the Director, Administrative Review Staff, U.S. Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22302, for a hearing or a review of the record. Such requests must be sent by Certified Mail—Return Receipt Requested and postmarked within 30 calendar days of the date of receipt of the sanction notice. The envelope containing the request shall be prominently marked "REQUEST FOR REVIEW OR HEARING." The request shall clearly identify the specific FNS sanction(s) being appealed, and shall include a photocopy of the FNS notice of sanction. If the State agency does not request a review or hearing within 30 calendar days of receipt of the notice, the administrative decision on the sanctions shall be final.

(b) *Acknowledgment of request.* Within 15 calendar days of receipt by the Director of the Administrative Review Staff of a request for review or hearing, the Director shall provide the State agency with a written acknowledgment of the request.

(1) The acknowledgment shall include the name and address of the FNS Administrative Review Officer to review the sanction;

(2) The acknowledgment shall also notify the State agency that within 30 calender days of the receipt of the acknowledgment, the State agency shall submit five sets of the following information to the Director:

(i) A clear, concise identification of the issue(s) in dispute;

(ii) The State agency's position with respect to the issue(s) in dispute;

(iii) The pertinent facts and reasons in support of the State agency's position with respect to the issue(s) in dispute;

(iv) All pertinent documents, correspondence and records which the State agency believes are relevant and helpful toward a more thorough understanding of the issue(s) in dispute;

(v) The relief sought by the State agency;

(vi) The identity of the person(s) presenting the State agency's position when a hearing is involved; and

(vii) A list of prospective State agency witnesses when a hearing is involved.

(c) *FNS action.* (1) When a hearing is requested pursuant to this paragraph, the Director of the Administrative Review Staff shall, within 60 calendar days after receipt of the State agency's information, schedule and conduct the hearing. The Director shall advise the State agency of the time, date and location of the hearing at least 10 calendar days in advance.

(2) When a hearing is requested, the FNS Administrative Review Officer shall make a final determination within 30 calendar days after the hearing, and the final determination shall take effect upon delivery of the written notice of this final decision to the State agency.

(3) When a review is requested, the FNS Administrative Review Officer shall review information presented by a State agency and shall make a final determination within 30 calendar days after receipt of that information. The final determination shall take effect upon delivery of the written notice of this final decision to the State agency.

§ 246.23 Claims and penalties.

(a) *Claims.* (1) If FNS determines through a review of the State agency's reports, program or financial analysis, monitoring, audit, or otherwise, that any Program funds provided to a State agency for supplemental foods or administrative purposes were, through State agency or local agency negligence or fraud, misused or otherwise diverted from Program purposes, a formal claim shall be assessed by FNS against the State agency. The State agency shall pay promptly to FNS a sum equal to the amount of the administrative funds or the value of supplemental foods or food instruments so misused or diverted.

(2) If FNS determines that any part of the Program funds received by a State agency, or supplemental foods, either purchased or donated commodities, or food instruments, were lost as a result of thefts, embezzlements, or unexplained causes, the State agency shall, on demand by FNS, pay to FNS a sum equal to the amount of the money or the value of the supplemental foods or food installments so lost.

(3) The State agency shall have full opportunity to submit evidence, explanation or information concerning alleged instances of noncompliance or diversion before a final determination is made in such cases.

(4) FNS is authorized to establish claims against a State agency for unreconciled food instruments. When a State agency can demonstrate that all reasonable management efforts have been devoted to reconciliation and 99 percent or more of the food instruments issued have been accounted for by the reconciliation process, FNS may determine that the reconciliation process has been completed to satisfaction.

(b) *Interest Charge.* If an agreement cannot be reached with the State agency for payment of its debts or for offset of debts on its current Letter of Credit within 30 calendar days from the date of the first demand letter from FNS, FNS shall assess an interest (late) charge against the State agency. Interest accrual shall begin on the 31st day after the date of the first demand letter, bill or claim, and shall be computed monthly on any unpaid balance as long as the debt exists. From a source other than the Program, the State agency shall provided the funds necessary to maintain Program operations at the grant level authorized by FNS.

(c) *Penalties.* In accordance with Section 12(g) of the National School Lunch Act, whoever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property provide under section 17 of the Child Nutrition Act of 1966, as amended, whether received directly or indirectly from USDA, or whoever receives, conceals or

retains such funds, assets or property for his or her own interest, knowing such funds, assets or property have been embezzled, willfully misapplied, stolen, or obtained by fraud shall, if such funds, assets or property are of the value of $100 or more, be fined not more than $10,000 or imprisoned not more than 5 years, or both, or if such funds, assets or property are of a value of less than $100, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

§ 246.24 Procurement and property management.

(a) *Requirements.* State and local agencies shall comply with the requirements of A–87, A–90, Attachment O of A–102 and A–110, and 7 CFR Part 3015, Subparts, concerning the procurement and allowability of food in bulk lots, supplies, equipment and other services with Program funds. These requirements are adopted by FNS to ensure that such materials and services are obtained for the Program in an effective manner and in compliance with the provisions of applicable law and executive orders.

(b) *Contractual responsibilities.* The standards contained in A–87, A–90, A–102, A–110, and 7 CFR Part 3015 do not relieve the State or local agency of the responsibilities arising under its contracts. The State agency is the responsible authority, without recourse to FNS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with the Program. This includes, but is not limited to, disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State or Federal authority as may have proper jurisdiction.

(c) *State regulations.* The State or local agency may use its own procurement regulations which reflect applicable State and local regulations, provided that procurements made with Program funds adhere to the standards set forth in A–87, A–90, A–102, A–110, and 7 CFR Part 3015.

(d) *Property acquired with Program funds.* State and local agencies shall observe the standards prescribed in A–102, Attachment N, and 7 CFR Part 3015, Subpart R, in their utilization and disposition of real property equipment, including automated data processing equipment, acquired in whole or in part with Program funds.

§ 246.25 Records and reports.

(a) *Recordkeeping requirements.* Each State and local agency shall maintain full and complete records concerning Program operations. State agencies shall require local agencies to report such information as is necessary for the efficient Program management of food and administrative funds. Such information may include participation projections, priority categories served, number of persons on waiting lists, and itemized administrative funds expenditures. Such records shall comply with 7 CFR Part 3015 and the following requirements:

(1) Records shall include, but not be limited to, information pertaining to financial operations, food delivery systems, food instrument issuance and redemption, equipment purchases and inventory, certification, nutrition education, civil rights and fair hearing procedures.

(2) All records shall be retained for a minimum of 3 years following the date of submission of the final expenditure report for the period to which the report pertains. If any ligitation, claim, negotiation, audit or other action involving the records has been started before the end of the 3-year period, the records shall be kept until all issues are resolved, or until the end of the regular 3-year period, whichever is later. If FNS deems any of the Program records to be of historical interest, it may require the State or local agency to forward such records to FNS whenever either agency is disposing of them.

(3) Records for nonexpendable property acquired in whole or in part with Program funds shall be retained for 3 years after its final disposition.

(4) All records, except medical case records of individual participants (unless they are the only source of certification data), shall be available during normal business hours for representatives of the Department and the Comptroller General of the United States to inspect, audit, and copy. Any reports resulting from such examinations shall not divulge names of individuals.

(b) *Financial and participation reports.* State agencies shall submit all financial and Program performance data on a monthly basis. When considered necessary and feasible by FNS, State agencies may be required to:

(1) Show in the "Remarks" Section of the Financial and Participation Report the amount of cash advances exceeding 3 days need being held by their local agencies or contractors.

(2) Provide short narrative explanations of actions taken by the State agency to reduce such excess balances.

(c) *Civil Rights.* The State agency shall ensure that each local agency participating under the Program submits a report of racial and ethnic participation data, at a frequency prescribed by FNS.

(d) *Source documentation.* To be acceptable for audit purposes, all financial and Program performance reports shall be traceable to source documentation.

(e) *Certification of reports.* Financial and Program reports shall be certified as to their completeness and accuracy by the person given that responsibility by the State agency.

(f) *Use of reports.* FNS shall use State agency reports to measure progress in achieving objectives set forth in the State Plan, and this part, or other State agency performance plans. If it is determined, through review of State agency reports, Program or financial analysis, or an audit, that a State agency is not meeting the objectives set forth in its State Plan, FNS may request additional information including, but not limited to, reasons for the failure to achieve its objectives.

(g) *Extension of reporting deadline.* FNS may extend the due date for any Financial and Participation Report upon receiving a justified request from the State agency. The State agency should not wait until the due date if an extension is to be requested, but should submit the request as soon as the need is known. Failure by a State agency to submit a report by its due date may result in appropriate enforcement actions by FNS, including withholding or further grant payments, suspension or termination of the grant.

§ 246.26 Other provisions.

(a) *No aid reduction.* The value of benefits or assistance available under the Program shall not be considered as income or resources of participants or their families for any purpose under Federal, State or local laws, including, but not limited to, laws relating to taxation, welfare and public assistance programs.

(b) *Statistical information.* FNS reserves the right to use information obtained under the Program in a summary, statistical or other form which does not identify particular individuals.

(c) *Medical information.* FNS may require the State or local agencies to supply medical data and other information collected under the Program in a form that does not identify particular individuals, to enable the Secretary or the State agencies to

evaluate the effect of food intervention upon low-income individuals determined to be at nutritional risk.

(d) *Confidentiality.* Each State agency shall restrict the use or disclosure of information obtained from Program applicants or participants to persons directly connected with the administration or enforcement of the Program.

§ 246.27 Program information.

Any person who wishes information, assistance, records or other public material shall request such information from the State agency, or from the FNS Regional Office serving the appropriate State as listed below:

(a) Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont: U.S. Department of Agriculture, FNS, Northeast Region, 33 North Avenue, Burlington, Massachusetts 01803.

(b) Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, West Virginia: U.S. Department of Agriculture, FNS, Mid-Atlantic Region, One Vahlsing Center, CN–02150, Trenton, New Jersey 08650.

(c) Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee: U.S. Department of Agriculture, FNS, Southeast Region, 1100 Spring Street, N.W., Atlanta, Georgia 30309.

(d) Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin: U.S. Department of Agriculture, FNS, Midwest Region, 50 E. Washington Street, Chicago, Illinois 60602.

(e) Arkansas, Louisiana, New Mexico, Oklahoma, Texas: U.S. Department of Agriculture, FNS, Southwest Region, 1100 Commerce Street, Room 5–C–30, Dallas, Texas 75242.

(f) Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming: U.S. Department of Agriculture, FNS, Mountain Plains Region, 2420 West 26th Avenue, Room 430-D, Denver, Colorado 80211.

(g) Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, the Northern Mariana Islands, Washington: U.S. Department of Agriculture, FNS, Western Region, 550 Kearny Street, Room 400, San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. 10.577, National Archives Reference Service)

Dated: June 28, 1983.

John Harrison Stokes, III,

Acting Administrator, Food and Nutrition Service.

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federal register

Friday
July 8, 1983

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

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.

Connecticut: CT83-3021	June 3, 1983.
District of Columbia: DC82-3031	Nov. 12, 1982.
Florida:	
FL83-1021	Apr. 15, 1983.
FL83-1029	Apr. 22, 1983.
FL83-1031	Apr. 22, 1983.
Illinois: IL83-2043	June 3, 1983.
Kentucky: KY82-1071	Oct. 22, 1982.
New Jersey:	
NJ83-3015	June 17, 1983.
NJ83-3016	June 17, 1983.
New York:	
NY81-3030	May 1, 1981.
NY81-3039	Apr. 4, 1980.
Oregon: OR83-5100	Feb. 18, 1983.
Pennsylvania:	
PA79-3020	July 20, 1979.
PA82-3007	Feb. 26, 1982.
PA82-3008	Feb. 26, 1982.
Utah: UT83-5108	Mar. 25, 1983.
Virginia: VA82-3035	Dec. 3, 1983.
Washington: WA83-5110	June 3, 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.

Ohio: OH83-2039 (OH83-2055)	May 13,1983

Signed at Washington, D.C. this 1st day of July 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION NO. DC82-3031-MOD. #10 (47 FR 51304-November 12, 1982)	Basic Hourly Rates	Fringe Benefits
District of Columbia:Maryland Montgomery & Prince Georges Counties;& DC Training School Virginia-Independent City of Alexandria;Arlington; & Fairfax Counties.		
CHANGE:		
PAVING & INCIDENTAL GRADING (DISTRICT OF COLUMBIA ONLY)		
Laborers:		
SAND SETTER,FORM SETTER	$8.34	.80
BURNER PLANER OPERATOR	8.28	.80
ASPHALT RAKER,CONCRETE SAW OPERATOR	8.04	.80
JACK HAMMER	8.99	.80
ASPHALT TAMPER,HAND BURNER OPERATOR,CONCRETE SHOVELER	8.92	.80
ASPHALT SHOVELER	8.82	.80
LABORER	8.75	.80
Truck Drivers:		
TRUCK DRIVERS (STANDARD JOB)	8.75	.80
TANDEM	8.88	.80
TRACTOR TRAILER(CAPABLE OF MOVING HEAVY EQUIPMENT	9.34	.80

DECISION NO. CT83-3021 - MOD. #2 (48 FR 25090 - June 3, 1983)	Basic Hourly Rates	Fringe Benefit
STATEWIDE		
CHANGE:		
STEAMFITTERS: Area 1	18.28	4.16

DECISION NO. FL83-1021 - MOD. # 1 (48 FR 16402 -- April 15, 1983)	Basic Hourly Rates	Fringe Benefits
BUILDING CONSTRUCTION MARTIN & PALM BEACH COUNTIES IN FLORIDA		
CHANGE:		
Asbestos Workers	$ 17.73	2.70
Carpenters & Soft Floor Layers	13.05	1.63
Millwrights	15.12	2.40
Sheet Metal Workers	13.95	1.68+ 3%
Linemen:		
(1) Heavy Equipment Operators & Linemen	16.84	.65+ 9.75%
(2) Winch Truck Operator	13.39	.65+ 9.75%
(3) Cable Splicers	17.18	.65+ 9.75%
(4) Truck Drivers	10.78	.65+ 9.75%
(5) Groundmen	8.93	.65+ 9.75%

DECISON NO. FL83-1029 - MOD. #1 (48 FR 17500 - April 22, 1983)	Basic Hourly Rates	Fringe Benefits
Volusia (except Cape Kennedy Space center & Cape Canaveral Air Force Station) Florida		
BUILDING CONSTRUCTION		
CHANGE:		
Carpenters	$11.62	1.55
POWER EQUIPMENT OPERATORS:		
Group I	13.84	1.95
Group II	12.46	1.95
Group III	10.06	1.95
MILLWRIGHTS	15.55	2.72
PILEDRIVERMEN	12.12	1.55

DECISION NO. FL83-1031 - MOD. #2 (48 FR 17502-April 22, 1983) Hillsborough County, Florida	Basic Hourly Rates	Fringe Benefits
BUILDING CONSTRUCTION		
CHANGE:		
Carpenters:		
Commerical	$9.35	2.10
Industrial	14.45	2.19
PAINTERS:		
Brush & Roller:		
over 15,001 sq. ft.	9.70	1.43
under 15,000 sq. ft.	8.20	1.43

DECISION #IL83-3043 - Mod. #1
(48 FR 25095 - June 3, 1983)
Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Peoria, Stark, Tazewell, & Warren Counties, Illinois

CHANGE:

	Basic Hourly Rates	Fringe Benefits
CARPENTERS & PILEDRIVERMEN:		
Area 3	$12.78	1.38
ELECTRICIANS:		
Area 3	17.32	1.85 + 3.75%
LABORERS:		
Area 2		
Unskilled	14.42	2.15
Semi skilled	14.62	2.15
Skilled	14.82	2.15
PAINTERS:		
Area 2		
Brush	14.25	
Bridge; Steel; Work above 25 feet from ground level	14.75	
Spray	15.25	

ADD:

PLUMBERS & PIPEFITTERS:		
Hancock (Western Half) County	16.05	2.25

DECISION NO. KY82-1071 - MOD. #1
(47 FR 47153 - October 22, 1982)
Boone, Campbell, Kenton, & Pendleton Counties, Kentucky

Change:

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers	$18.32	4.06
Boilermakers	16.35	4.815
Bricklayers & Stone Mason	17.225	1.97
Carpenters & Piledrivermen	17.00	2.625
Cement Masons:		
Building structures without elevator & 8,00 square feet or less of floor space, & pre-engineered metal buildings	14.603	2.55
All other building projects	17.18	2.55
Ironworkers:		
Fence erectors	14.65	3.18
Reinforcing	16.58	3.62
Structural	16.28	3.18
Marble Setters	16.285	1.97
Marble Finishers	15.98	
Painters:		
Brush, roller, paperhanging, wall covering, & washing	16.25	1.00
Steamcleaning, exterior & interior work 40' & over	16.40	1.00
Paperhanging & Wall covering (furnishing own tools)	16.50	1.00
Taping on stilts	16.70	1.00
Spray	16.75	1.00
Sandblasting, waterblasting, & hopper tender	17.15	1.00
Drywall machine operator	17.25	1.00
Plumbers & Gas Fitters	16.32	3.42
Sheet Metal Workers:		
Pendleton County	16.74	3.68
Remaining Counties	18.29	3.18
Terrazzo & Tile Workers	16.235	1.97
Terrazzo & Tile Finishers	15.98	

DECISION NO. NJ83-3015 - Mod. #1
(48 FR 27991 - June 17, 1983)
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, New Jersey

Change:

	Basic Hourly Rates	Fringe Benefits
Bricklayers; Cement Masons, Plasterers, and Stonemasons:		
Zone 4:		
Cement Masons and Plasterers	$18.05	$2.15
Carpenters, Insulators and Millwrights:		
Zone 2:		
Carpenters and Insulators	16.63	20.5%
Millwrights	17.13	20.5%
Zone 3:		
Carpenters and Insulators	16.63	20.5%
Millwrights	17.13	20.5%
Zone 5:		
Carpenters and Insulators	16.63	20.5%
Millwrights	17.13	20.5%
Divers and Diver Tenders:		
Zone 1:		
Divers	20.87	5.98
Diver Tenders	16.27	5.98
Dock Builders and Piledrivermen	17.36	6.60
Ironworkers:		
Reinforcing; Ornamental; and Structural:		
Zone 1	16.95	3.20
Laborers:		
Zone 2:		
Group 1	11.55	3.60
Zone 4:		
Laborers	13.25	1.90
Zone 5:		
Laborers	12.25	2.90
Zone 6:		
Group 1	11.65	3.50
Zone 7:		
Laborers	11.85	3.20
Zone 9:		
Group 1	13.05	2.10
Group 2	13.30	2.10
Zone 11:		
Group 1	$12.55	$2.60
Zone 13:		
Laborers	12.25	2.90
Zone 15:		
Laborers	12.00	3.15
Zone 16:		
Group 1	12.25	2.90
Zone 17:		
Group 1	12.75	2.20
Zone 18	13.10	2.05
Line Construction:		
Zone 7:		
Linemen and Equipment Operators	19.23	2.90+ 11%+ $350.00 Per Yr
Groundmen and Line Truck Operators	14.56	2.90+ 11%+ $350.00 Per Yr
Pipefitters:		
Zone 3	17.67	3.76
Roofers:		
Zone 1:		
Composition	17.30	3.84
Zone 6:		
Composition, Damp and Waterproofing	13.84	6.55

Omit:
Lathers as issued

DECISION NO. NJ83-3016 - Mod. #1
(48 FR 28003 - June 17, 1983)
Atlantic, Burlington, Camden, Cumberland, Gloucester, Mercer, Ocean, and Salem Counties, New Jersey

Change:	Basic Hourly Rates	Fringe Benefits
Bricklayers, Cement Masons, Marble Masons, Plasterers, Tile Layers, and Terrazzo Workers:		
Zone 1	$15.15	$4.04
Zone 2:		
Bricklayers, Marble Masons, Stonemasons, Tile Layers, and Terrazzo Workers	15.76	3.22
Zone 3	15.45	3.00
Carpenters, Insulators and Millwrights:		
Zone 1	17.36	20.5%
Zone 4:		
Carpenters and Insulators	16.04	3.21
Millwrights	16.04	3.21
Zone 5:		
Carpenters and Insulators	16.01	20.5%
Millwrights	16.26	20.5%
Divers and Diver Tenders:		
Zone 1:		
Divers	20.87	5.98
Diver Tenders	16.27	5.98
Electricians and Cable Splicers:		
Zone 1	19.66	1.06+ 10%
Ironworkers:		
Reinforcing, Ornamental and Structural:		
Zone 2	15.18	6.95
Zone 3	18.65	3.50
Laborers:		
Building Construction:		
Zone 1:		
Group 1	11.45	2.45
Group 2	11.60	2.45
Group 3	11.85	2.45
Zone 2:		
Group 1	12.00	2.81
Group 2	12.10	2.81
Group 3	12.225	2.81
Group 4	12.35	2.81
Group 5	12.50	2.81
Zone 3:		
Group 1	$12.30	$2.80
Group 2	12.55	2.80
Zone 4	12.45	2.70
Zone 5:		
Laborers	11.45	2.70
Jackhammers	11.70	2.70
Zone 6:		
Laborers	11.15	4.00
Hod Carriers and Plasterers Tenders	11.25	4.00
Line Construction: (Except Railroad Construction):		
Zone 5:		
Linemen, Equipment Operators, Technicians and Certified Linemen Welder	16.18	1.35+ 3.75%
Truck Drivers	11.09	1.35+ 3.75%
Groundmen	10.33	1.35+ 3.75%

Laborers - Zone 2 - Group Description:
Zone 2: Burlington (Townships of Edgwater Park, Delance, Willingsboro, West Hampton, East Hampton, Pemberton, Delran, Cinnaminson, Morrestown, Mt. Laurel, Hainesport, Lumberton, South Hampton, Evesham, Medford, Shamong, Tabernacle and Woodland), Camden, Gloucester, Salem and Cumberland (Remainder of County) Counties

Omit:
Lathers as issued

DECISION NO. NY-81-3039 - MOD. #7
(45 FR 23264 April 4, 1980)
MONROE COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	17.93	3.19
BOILERMAKERS	17.85	3.74
BRICKLAYERS, CEMENT MASONS, PLASTERERS & STONE MASONS	15.52	4.40
CEMENT MASONS (Heavy & Highway)	12.61	3.95
CARPENTERS (Building)	14.63	4.44
Millwrights & Piledrivermen	15.08	4.57
CARPENTERS & PILDRIVERMEN (Heavy & Highway)		
Carpenters	11.48	3.415+a
Piledrivermen	12.49	2.405+a
ELECTRICIANS	18.05	3.75+ 3.5%
GLAZIERS	14.80	2.86
IRONWORKERS:		
Structural, Ornamental, Rodman, Machinery Mover, Rigger, Fence Erector, Reinforcing, Stone Derrickman, Precast Concrete Erector	16.32	3.37
Sheeters	16.57	3.37
Sheeter Bucker-Up	16.45	3.37
LABORERS (Building):		
Common Laborers	11.60	4.63
Blaster	12.97	4.63
Powder Monkey	12.47	4.63
Air Track Drill, Asphalt Rakers & Wagon Drill	12.00	4.63
Chuck Tender, all work on hanging or swinging scaffold, work at heights outside the building where safety lines or belts are required, & Bosin Chair	11.80	4.63
Jackhammers, Paving Breakers, Mortar Mixers, Concrete Vibrators, Barco Tampers, and Jumping Jacks, Pipelayers, Cutters for wrecking and demolition work, Burners	11.90	4.63
Concrete Vibrator for architectural concrete	12.10	4.63
New Chimney Work		
From Base to 100'	11.80	4.63
From 100' to 150'	12.05	4.63
From 150' to 200'	12.30	4.63
From 200' to 250'	12.55	4.63
From 250' and up	12.80	4.63
(Heavy & Highway)		
Class A	9.90	4.19+a
Class B	10.10	4.19+a
Class C	10.30	4.19+a
Class D	10.50	4.19+a
MARBLE, TILE, TERRAZZO WORKERS	16.91	2.54
PAINTERS:		
Basic	14.41	4.54
Wiper Drywall	14.61	4.54
Stilts (drywall only), Expoxy (brush & roll), Wall covering	14.66	4.54
Swing Scaffold, Window Brackets, Structural Steel (up to 40'), Cherry Pickers, Mechanical Lift, Aerial Lift	14.91	4.54
Regular Spray, Water-Hydroblasting, Mechanical Taper, Spray (epoxy), Structural Steel (over 40')	15.01	4.54
Sandblasting (from solid platform)	15.11	4.54
Sandblasting (any hanging platform)	15.16	4.54
Steeple Jack & Bridges	15.41	4.54
PLUMBERS & STEAMFITTERS	16.03	4.54
POWER EQUIPMENT OPERATORS (Building):	17.74	5.605
CLASS I:		
I - A	16.04	3.40
I - B	16.29	3.40
I - C	16.54	3.40
I - D	16.79	3.40
I - E	17.29	3.40
I - F	17.79	3.40
I - G	18.29	3.40
I - H	18.79	3.40
CLASS II	16.04	3.40
CLASS III	15.61	3.40
CLASS IV	14.13	3.40
CLASS V	11.62	3.40
CLASS VI	10.97	3.40
ROOFERS	16.69	2.25
SHEETERS METAL	16.43	4.88
SOFT FLOOR LAYERS	14.73	2.665
TRUCK DRIVERS (Heavy & Highway):		
CLASS I	12.24	2.55+a
CLASS II	12.29	2.55+a
CLASS III	12.34	2.55+a
CLASS IV	12.49	2.55+a
CLASS V	12.64	2.55+a

DECISION NO. NY81 - 3035 - MOD. #9 (46 FR 24850 - May 1, 1981) CATTARAUGUS, CHAUTAUQUA & ERIE COUNTIES, NEW YORK	Basic Hourly Rates	Fringe Benefits
CHANGE:		
POWER EQUIPMENT OPERATORS (Heavy & Highway):		
Zone I - ERIE COUNTY:		
CLASS I	15.74	5.36+a
CLASS II	15.54	5.36+a
CLASS III	14.97	5.36+a
CLASS IV	14.37	5.36+a
CLASS V	12.24	5.36+a
CLASS VI	12.05	5.36+a
CLASS VII	11.25	5.36+a
CLASS VIII	12.25	5.36+a
CLASS IX	11.65	5.36+a
CLASS X	16.48	5.36+a
CLASS XI	16.74	5.36+a
CLASS XII	17.24	5.36+a
Zone II - WYOMING, CATTARAUGUS CHAUTAUQUA, ORLEANS, GENESEE (Western Part Including City of Batavia)		
CLASS I	15.55	5.36+a
CLASS II	15.25	5.36+a
CLASS III	14.75	5.36+a
CLASS IV	13.79	5.36+a
CLASS V	12.24	5.36+a
CLASS VI	11.90	5.36+a
CLASS VII	11.14	5.36+a
CLASS VIII	11.71	5.36+a
CLASS IX	11.54	5.36+a
CLASS X	16.30	5.36+a
CLASS XI	16.55	5.36+a
CLASS XII	17.07	5.36+a

DECISION NO. GR83-5100 - Mod # 7 (48 FR 7379 Feb. 18, 1983) Statewide Oregon	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
Area 2:		
Electricians	$22.14	3.53+3%
Cable Splicers	23.25	3.53+3%
PAINTERS:		
Area 1:		
Painters and Tapers	12.25	1.71

DECISION NO. WA83-5110 - Mod #1 (48 FR 25106 June 3, 1983) Statewide Washington	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
Area 1:		
Electricians	$19.45	3%+2.58
Cable Splicers	19.85	3%+2.58
Area 2:		
Electricians	22.14	3%+3.53
Cable Splicers	23.25	3%+3.53
Area 3:		
Electricians	19.70	3%+3.58
Cable Splicers	21.67	3%+3.58
ELEVATOR CONSTRUCTORS:		
Area 2	21.305	a+2.69
GLAZIERS:		
Area 2	17.11	2.76
PAINTERS:		
Area 2:		
Brush	15.59	3.09
Spray	16.24	3.09
Bridges, High Work over 50 ft (Brush)	17.14	3.09
Bridges, High Work over 50 ft (Spray)	17.79	3.09
PLASTERERS:		
Area 3	16.23	3.31
SOFT FLOOR LAYERS:		
Area 5	16.03	3.10
SPRINKLER FITTERS:		
Area 1	20.14	5.86

DECISION NO. PA79-3020 - MOD. NO #11 (44 FR 42880 - July 20, 1979) Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS		
Zone 1	$14.40	2.25
Zone 3	14.48	2.53
Zone 4	15.72	1.75
ELECTRICIANS		
Monroe County: Barrett, Coolbaugh, Pardise and Price Townships, and that portion of Tobyhanna and Tunkhannock Townships east of State Highway 115.		
Zone A- From 20 to 30 miles from Zero Milestone Marker	15.60	2.90+3%
Zone B- All distance beyond 30 miles	16.10	2.90+3%
Carbon County: Towamensing Lower Towamening, East Penn Township and the Borough of Parryville in their entirety	15.35	1.84+3%
LABORERS		
Zone 1		
Class 1	12.80	2.67
Class 2	12.95	2.67
Class 3	13.20	2.67
Zone 2		
Class 1	10.09	2.16
Class 2	10.34	2.16
Class 3	10.59	2.16
Class 4	11.11	2.16
Class 5	10.84	2.16
LINE CONSTRUCTION:		
Linemen, dynamite man, equipment operators	$15.64	.65+3-3/8%
Winch truck operators	10.90	.65+3-3/8%
Groundman	10.46	.65+3-3/8%
ROOFERS		
Zone 2		
Composition & Kettleman	14.55	2.10
SHEET METAL WORKERS	15.92	2.10

MODIFICATIONS P. 9

DECISION NO. PA82 - 3007 - MOD. # 12
(47 FR 8529 - February 26, 1982)
BUCKS, CHESTER, DELAWARE, MONTGOMERY & PHILADELPHIA COUNTIES, PENNSYLVANIA

CHANGE:

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
GROUP 1	$15.96	$25.6%+a
GROUP 2	15.70	25.6%+a
GROUP 3	14.62	25.6%+a
GROUP 4	14.31	25.6%+a
GROUP 5	13.74	25.6%+a
GROUP 6	13.23	25.6%+a

POWER EQUIPMENT OPERATIONS CLASSIFICATIONS

WAGE GROUP I - Handling steel and stone in connection with erection, cranes doing hook work, any machines handling machinery, cable spinning machine, helicopters, and machines similar to the above.

WAGE GROUP II - All types of cranes, all types of backhoes, cableways, drag lines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pippin type backhoes, hoist with two towers, paver 21E and over, all types overhead cranes, building hoists - double drum (unless used as single drum), mucking machines in tunnel, gradalls, front-end loaders, boat captain, tandem scrapers, tower type crane operation, erecting, dismantling, jumping or jacking, drills self-contained (drillmaster type), fork lift (20 ft. and over), batch plant with mixer, scrapers & tournapulls, rollers (high grade finishing), mechanic-welder, spreaders, bulldozers and tractors, and machines similar to the above

WAGE GROUP III - Conveyors (except building conveyors), building hoists (single drum), asphalt plant engineers, high or low pressure boilers, concrete pumps, well drillers, fork lift trucks of all types, ditch witch type trencher, motor patrol, concrete breaking machines, rollers, and machines similar to the above

WAGE GROUP IV - Seaman pulverizing mixer, fireman on power equipment, farm tractors, fine grade machines, form line graders, road finishing machines, power brooms (self-contained), seed spreader, grease truck, and machines similar to the above , maintenance engineer (Power Boat)

WAGE GROUP V - Conveyors (building), welding machines, heaters, wellpoints, pumps, Compressors, and machines similar to the above

WAGE GROUP VI - Firemen, oilers nad deck hands (personnel boats),grease truck helpers

MODIFICATIONS P. 10

DECISION NO. PA82-3008
MOD. #6
(47 FR 8487 - February 26, 1982)
BUCKS, CHESTER, DELAWARE, MONTGOMERY & PHILADELPHIA COUNTIES, PENNSYLVANIA

CHANGE:

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS HIGHWAY CONSTRUCTION:		
GROUP 1	$15.71	$25.6%+d
GROUP 2	15.48	25.6%+d
GROUP 3	14.35	25.6%+d
GROUP 4	13.98	25.6%+d
GROUP 5	13.58	25.6%+d
GROUP 6	13.23	25.6%+d

HIGHWAY CONSTRUCTION CLASSIFICATIONS

WAGE GROUP 1 - Handling steel and stone in connection with erection, cranes doing work, any machine handing machinery, helicopters, machines similar to the above.

WAGE GROUP 2 - All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, pavers 21E and over, trenching machines, gradalls, front-end loaders, boat captain, pippin type backhoes, tandems scrapers, towers type crane operation erecting, dismantling, jumping, or jacking, drills self-contained, (drillmaster type), forklift (20 ft. and over, motor patrols (fine grade), batch plant with mixer, carryalls, scraper , tournapulls, roller (High Grade Finishing), spreaders (Asphalt), bulldozers and tractors, mechanic-welder, and machines similar to the above.

WAGE GROUP 3 - Asphalt plant engineers, concrete pumps, well drillers, ditch witch (small trencher), motor patrols, conveyors, ten-ton roller (grade fill stone base), concrete breaking machines, and machines similar to the above.

WAGE GROUP 4 - Seaman pulveriser, form line grader, fine grade machines, farm tractors, road finishing, concrete spreaders, power broom self contained, seed spreader, grease truck, and machines similar to the above

WAGE GROUP 5 - Compressors, pumps, well point pumps, welding machines, fireman, power equipment, maintenance engineers(Power Boats), and machines similar to the above.

WAGE GROUP 6 - Firemen, oilers and deck hands(Personnel Boats), grease truck helpers,

DECISION NO. PA81-3008 MOD. #6 (Cont'd)	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefit
POWER EQUIPMENT:				
HEAVY CONSTRUCTION				
GROUP 1	15.96	25.6%+a		
GROUP 2	15.70	25.6%+a		
GROUP 3	14.62	25.6%+a		
GROUP 4	14.31	25.6%+a		
GROUP 5	13.74	25.6%+a		
GROUP 6	13.23	25.6%+a		

HEAVY CONSTRUCTION CLASSIFICATION DEFINITIONS

WAGE GROUP I - Handling steel and stone in connection with erection, cranes doing hook work, any machines handling machinery, cable spinning machine, helicopters, and machines similar to above.

WAGE GROUP II - All types of cranes, all types of backhoes, cableways, drag lines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pippin type backhoes, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists - double drum, (unless used as single drum), mucking machines in tunnel, gradalls, front end loaders, boat captain, tandem scrapers, towers type crane operation, erecting, dismantling, jumping or jacking, drills self contained (drill-master type), fork lift (20 ft. and over), motor patrols (fine grade), batch plant with mixer, scrapers & tournapulls, rollers (high grade finishing), mechanic-welder, spreaders, bulldozers and tractors, and machines similar to the above.

WAGE GROUP III - Conveyors (except building converyors), building hoists (single drum), asphalt plant engineers, high or low pressure boilers, Concrete pumps, well drillers, fork lift trucks of all types, ditch witch type trencher, motor patrol, concrete breaking machines, rollers, and machines similar to the above.

WAGE GROUP IV - Seaman pulverizing mixer, tireman on power equipment, maintenance engineer (power boat), farm tractors, fine grade machines, form line graders, road finishing machines, power broom (self-contained), seed spreader, grease truck, and machines similar to the above.

WAGE GROUP V - Conveyors (building), welding machines, heaters, wellpoints, compressors, pumps, and machines similar to the above.

WAGE GROUP VI - Fireman, oilers and deck hands (personnel boats), grease truck helper,

DECISION NO. UT83-5108 - Mod. #6 (48 FR 12651 - March 25, 1983) Statewide, Utah	Basic Hourly Rates	Fringe Benefits
Change:		
Boilermakers	$15.91	$3.96
Carpenters:		
Heavy and Highway Construction:		
Zone 1:		
Carpenters	15.13	1.95
Cement Masons:		
Heavy and Highway Construction:		
Zone 1:		
Cement Masons	14.64	2.02
Machine Operator; Mastic Floor Materials	14.89	2.02
Zone 2:		
Cement Masons	17.14	2.02
Machine Operator; Mastic Floor Materials	17.39	2.02
Electricians:		
Area 2:		
Zones 1 and 1A:		
Electricians; Technicians	18.35	2.50+ 3-8/10%
Cable Splicers	18.85	2.50+ 3-8/10%
Zone 1B:		
Electricians; Technicians	19.10	2.50+ 3-8/10%
Cable Splicers	19.60	2.50+ 3-8/10%
Area 2: (Cont'd)		
Zone 1C:		
Electricians; Technicians	$19.85	$2.50+ 3-8/10%
Cable Splicers	20.35	2.50+ 3-8/10%
Zone 2:		
Electricians; Technicians	22.35	2.50+ 3-8/10%
Cable Splicers	22.85	2.50+ 3-8/10%
Ironworkers:		
Fence Erectors; Ornamental; Reinforcing; Structural	15.35	3.15
Line Construction Workers:		
Groundman	11.65	1.15+ 3-1/4%
Line Equipment Serviceman	14.32	1.15+ 3-1/4%
Line Equipment Mechanic Base Shop	14.32	1.15+ 3-1/4%
Right-of-way	15.30	1.15+ 3-1/4%
Line Equipment Operators	14.56	1.15+ 3-1/4%
Linemen	16.17	1.15+ 3-1/4%
Cable Splicers	17.81	1.15+ 3-1/4%

DECISION NO. UT83-5108 (Cont'd)	Basic Hourly Rates	Basic Hourly Rates
	AREA 1	AREA 2
Laborers:		
Heavy and Highway Construction:		
Group 1	$11.82	$14.82
Group 2	11.95	14.95
Group 3	12.07	15.07
Group 4	12.32	15.32
Group 5	12.82	15.82
Tunnel and Shaft Work:		
Group 1	11.97	14.97
Group 2	12.07	15.07
Group 3	12.27	15.27
Group 4	12.72	15.72
FRINGE BENEFITS: $2.04		
Power Equipment Operators:		
Heavy and Highway Construction:		
Group 1	15.72	18.72
Group 2	16.07	19.07
Group 3	16.25	19.25
Group 4	16.36	19.36
Group 5	16.82	19.82
Group 6	16.97	19.97
Group 6-A	17.08	20.08
Group 7	17.38	20.38
Group 7-A	17.44	20.44
Group 8	17.50	20.50
Group 9	17.66	20.66
Group 10	18.10	21.10
Group 10-A	19.06	22.06
Group 10-B	19.51	22.51
Group 11	19.67	22.67
FRINGE BENEFITS: $5.87		
TRUCK DRIVERS: (Heavy and Highway Constr.)		
Dump Trucks - water level capacity (bottom, end, and side) (including Dumpster Truck, Turna-wagons, Turnarockers and Dumpcrete):		
Less than 8 cu. yds.	14.90	17.90
8 cu. yds. and less than 14 cu. yds.	15.05	18.05
14 cu. yds. and less than 35 cu. yds.	15.20	18.20
35 cu. yds. and less than 55 cu. yds.	15.40	18.40
55 cu. yds. and less than 75 cu. yds.	$15.60	$18.60
75 cu. yds. and less than 95 cu. yds.	15.80	18.80
95 cu. yds. and less than 105 cu. yds.	16.00	19.00
105 cu. yds. and less than 130 cu. yds.	16.12	19.12
Flat Rack Trucks, Bulk Cement Trucks, Transport Trucks, Semi-trailer (carrying capacity):		
Pickup	14.725	17.725
Less than 10 tons	14.80	17.80
10 tons and less than 15 tons	14.95	17.95
15 tons and less than 20 tons	15.05	18.05
20 tons and over	15.20	18.20
Transit Mix Trucks:		
Less than 8 cu. yds.	15.125	18.125
Over 8 to 14 cu. yds.	15.225	18.225
Concrete Pumping Trucks	15.125	18.125
Water, Fuel and Oil Trucks:		
less than 1200 gallons	14.775	17.775
1200 gallons to less than 2500 gallons	14.90	17.90
2500 gallons to less than 4000 gallons	15.05	18.05
4000 gallons to less than 6000 gallons	15.35	18.35
6000 gallons to less than 10,000 gallons	15.60	18.60
10,000 gallons to less than 15,000 gallons	15.85	18.85
15,000 gallons to less than 20,000 gallons	16.10	19.10
20,000 gallons to less than 25,000 gallons	16.35	19.35
25,000 gallons and over	16.60	19.60
Oiler Spreader Operator where Boot Man is not required	15.60	18.60
Fork Lift Straddle Truck	15.10	18.10
FRINGE BENEFITS: $4.49		

DECISION NO. UT83-5108 - (Cont'd)	Basic Hourly Rates	Fringe Benefits
Omit:		
Mason Tenders (as originally issued):		
Add:		
Mason Tenders:		
Commercial	$8.10	$1.05
Industrial (Power Plants Refineries, Smelters)	12.02	1.05

DECISION NO. VA82-3035- Mod. #4 (47 FR 54747-December 3, 1982) YORK COUNTY, & THE CITIES OF HAMPTON & NEWPORT NEWS (INCLUDING LANGLEY AFB, FORT EUSTIS & FORT MONROE) CHANGE: DECISION NO. VA82-3025- Mod. #3 dated July 1,1983 TO READ: DECISION NO. VA 82-3035 Mod. #3	Basic Hourly Rates	Fringe Benefits

Basic Hourly Rates	Fringe Benefits

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NUMBER: OH83-2055
Supersedes Decision No. OH83-2039, dated May 13, 1983 in 48 FR 21795
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories)

*ADAMS, ALLEN, ASHLAND, ASHTABULA, BELMONT, BROWN, BUTLER, CARROLL, CHAMPAIGN, CLARK, CLERMONT, CLINTON, COLUMBIANA, COSHOCTON, CRAWFORD, DARKE, DEFIANCE, DELAWARE, ERIE, FAIRFIELD, FAYETTE, FRANKLIN, FULTON, GALLIA, GEAUGA, GREENE, GUERNSEY, HAMILTON, HANCOCK, HARDIN, HARRISON, HENRY, HIGHLAND, HOCKING, HOLMES, HURON, JACKSON, JEFFERSON, KNOX, LAWRENCE, LICKING, LOGAN, MADISON, MARION, MEDINA, MEIGS, MERCER, MIAMI, MONROE, MONTGOMERY, MORGAN, MORROW, MUSKINGUM, NOBLE, OTTAWA, PAULDING, PERRY, PICKAWAY, PIKE, PREBLE, PUTNAM, RICHLAND, ROSS, SANDUSKY, SCIOTO, SENECA, SHELBY, TUSCARAWAS, UNION, VAN WERT, VINTON, WARREN, WASHINGTON, WAYNE, WILLIAMS, WOOD, & WYANDOT

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Area 1	$18.32	4.06
Area 2	17.20	2.30
Area 3	17.75	2.24
Area 4	18.76	2.48
Area 5	16.13	3.64
Area 6	18.44	2.83
Area 7	18.12	3.78
Area 8	18.29	4.24
Area 9	17.50	2.48
Area 10	18.35	2.53
BOILERMAKERS:		
Area 1	16.35	4.815
Area 2	19.15	3.155
Area 3	18.35	2.815
Area 4	18.755	3.805
Area 5	16.67	3.21
BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS:		
Area 1	17.30	.55
Area 2	15.49	1.87
Area 3	17.13	2.94
Area 4	15.82	2.44
Area 5	17.225	1.99
Area 6	17.94	2.12
Area 7	15.59	3.23
Area 8	12.50	
Area 9	15.00	2.00
Area 10	15.74	2.70
Area 11	13.80	3.25
Area 12	15.60	3.58
Area 13	16.10	2.86
Area 14:		
Bricklayers; Caulkers; Cement Blocklayers; Cleaners; Pointers; & Stone Masons	16.54	2.44
Rubble Work	15.74	2.44
Area 15	15.84	3.03
Area 16	16.06	1.55
Area 17	17.685	2.99
Area 18	16.15	2.14
Area 19	18.12	2.65 +a
Area 20	15.60	3.58
Area 21	16.01	2.14
Area 22	14.05	2.55
Area 23	16.51	.55
Area 24	18.59	4.12
Area 25	18.47	2.67
Area 26	18.05	.81+b
Area 27	16.35	2.05
CARPENTERS:		
Area 1	14.91	2.95
Area 2	14.81	2.82
Area 3	16.45	2.75 +c
Area 4	16.12	3.15
Area 5	17.00	2.625
Area 6	17.19	3.02
Area 7	16.65	3.32
Area 8	17.51	1.81
Area 9	18.81	2.73
Area 10	18.45	4.36
Area 11	15.59	2.57
Area 12	16.90	3.24
CEMENT MASONS:		
Area 1	15.86	.65
Area 2	12.25	1.50
Area 3	14.35	2.20
Area 4	16.43	1.18
Area 5	17.19	2.55
Area 6	17.94	2.12
Area 7	16.73	1.87
Area 8	16.13	1.95 +d
Area 9	16.05	2.30
Area 10	15.00	2.20
Area 11	15.83	3.03
Area 12	15.50	2.12
Area 13	16.15	1.00
Area 14	18.12	2.65 +a
Area 15	17.98	2.04

DECISION NO. OH83-2055

CEMENT MASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits
Area 16	14.05	2.55
Area 17	16.51	.55
Area 18	18.05	.81+b
Area 19	18.39	1.92
Area 20	12.26	2.08
ELECTRICIANS:		
Area 1	17.03	3.32
Area 2	16.00	2.75
Area 3	18.22	2.39
Area 4:		
Electricians	15.03	4.49
Cable Splicers	15.28	4.50
Area 5:		
Up to & Incl. 18 mi. radius of Hamilton Co. Court House, Cincinnati	17.75	3.17
Over 18 mi. radius up to & Incl. 21 mi. radius of Hamilton Co. Court House, Cincinnati	18.05	3.18
Over 21 mi. radius up to & Incl. 25 mi. radius of Hamilton Co. Court House, Cincinnati	18.15	3.185
Over 25 mi. radius of Hamilton Co. Court House, Cincinnati	18.30	3.19
Area 6:		
Electricians	17.90	2.63
Cable Splicers	18.40	2.64
Area 7	17.59	4.75
Area 8:		
Electricians	18.00	7.74
Cable Splicers	18.50	7.955
Area 9	17.14	2.95
Area 10:		
Wiremen & Technicians within 11 mi. radius of 3rd & Main Street, Dayton	16.98	2.40 +3%%
Wiremen & Technicians beyond 11 mi. radius of 3rd & Main Street, Dayton	17.21	2.40 +3%%
Area 11:		
Electricians	13.30	3.02
Cable Splicers	13.70	3.03
Area 12	17.90	3.06
Area 13	15.95	2.53
Area 14:		
Electricians	20.00	3.66
Cable Splicers	23.00	3.76
Area 15:		
Electricians	16.90	2.59
Cable Splicers	17.50	2.605
Area 16	17.05	1.51
Area 17:		
Electricians	17.30	1.58
Cable Splicers	18.60	1.62
Area 18:		
Electricians	17.82	3.29
Cable Splicers	18.71	3.32
Area 19	19.83	3.36
Area 20	18.23	2.77
Area 21:		
Electricians	17.93	2.42
Cable Splicers	18.18	2.43
Area 22:		
Electricians	17.32	3.28
Cable Splicers	18.19	3.31
Area 23	18.22	2.39
Area 24	18.95	3.49
Area 25:		
Electricians	17.69	2.94
Cable Splicers	18.93	2.975
Area 26:		
Electricians	16.25	4.56
Cable Splicers	16.50	4.57
ELEVATOR CONSTRUCTORS:		
Area 1:		
Elevator Constructors	15.65	2.33 +e&f
Helpers	70%JR	2.33 +e&f
Helpers (Prob.)	50%JR	
Area 2:		
Elevator Constructors	16.95	2.69 +e&f
Helpers	70%JR	2.69 +e&f
Helpers (Prob.)	50%JR	
Area 3:		
Elevator Constructors	16.385	2.465 +e&f
Helpers	70%JR	2.465 +e&f
Helpers (Prob.)	50%JR	
Area 4:		
Elevator Constructors	15.07	2.69 +e&f
Helpers	70%JR	2.69 +e&f
Helpers	50%JR	
Area 5:		
Elevator Constructors	16.10	2.465 +e&f
Helpers	70%JR	2.465 +e&f
Helpers (Prob.)	50%JR	

DECISION NO. OH83-2055

	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTORS (CONT'D)		
Area 6:		
Elevator Constructors	19.945	2.69 +e&f
Helpers	70%JR	2.69 +e&f
Helpers (Prob.)	50%JR	
Area 7:		
Elevator Constructors	17.37	2.69 +e&f
Helpers	70%JR	2.69 +e&f
Helpers (Prob.)	50%JR	
Area 8:		
Elevator Constructors	17.095	2.465 +e&f
Helpers	70%JR	2.465 +e&f
Helpers (Prob.)	50%JR	
Area 9:		
Elevator Constructors	16.76	2.465 +e&f
Helpers	70%JR	2.465 +e&f
Helpers (Prob.)	50%JR	
GLAZIERS:		
Area 1	16.36	1.51
Area 2	12.55	1.00
Area 3:		
Outside Replacement	12.08	.51
Outside All Other Work	12.58	.51
Area 4	11.90	2.12
Area 5	15.78	1.01 +g
Area 6	14.43	3.06
Area 7	15.85	3.01
Area 8	16.49	2.37
Area 9	15.34	1.26
Area 10	18.03	2.61
IRONWORKERS:		
Area 1:		
Up to 10 mi. from Union Hall in Ashland, Ky	17.23	3.11
10 to 60 mi. from Union Hall in Ashland Ky.	17.56	3.11
Over 60 mi. from Union Hall in Ashland Ky.	19.52	3.11
Area 2:		
Reinforcing	16.58	3.62
Ornamental; Structural	16.28	3.18
Fence Erectors	14.65	3.18
Area 3:		
Within 15 mi. radius of Local Union Office #290	16.86	2.95
Outside 15 mi. radius of Local Union Office #290	17.01	2.95
Area 4	15.00	6.11
Area 5	15.66	5.44
Area 6	14.79	6.35
Area 7	16.10	4.66
Area 8	19.62	3.12
Area 9	17.51	3.31
Area 10	18.74	3.44
Area 11	16.00	4.66
Area 12	15.85	3.90
Area 13	16.88	3.17
LATHERS:		
Area 1	13.39	.41
Area 2	16.12	3.15
Area 3	16.62	2.625
Area 4	16.65	3.32
Area 5	17.51	1.81
Area 6	16.30	.01
Area 7	18.81	2.73
MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS		
Area 1	17.30	.55
Area 2:		
Tile Setters	15.49	1.87
Area 3	17.13	2.94
Area 4:		
Marble Setters	16.285	1.97
Terrazzo Workers; & Tile Setters	16.235	1.97
Area 5:		
Marble Setters	14.82	2.55
Terrazzo Workers	14.74	2.55
Tile Setters	14.65	2.55
Area 6	14.67	2.50
Area 7	12.50	
Area 8	19.34	
Area 9	15.00	2.00
Area 10	13.80	3.25
Area 11:		
Marble Setters	16.10	2.86
Area 12	16.75	.20
Area 13	15.83	3.03
Area 14:		
Marble Setters	17.685	2.99
Area 15:		
Terrazzo Workers & Tile Setters	18.00	1.36

DECISION NO. OH83-2055

	Basic Hourly Rates	Fringe Benefits
MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS (CONT'D)		
Area 16:		
Terrazzo Workers & Tile Setter	16.15	1.00
Area 17	18.12	2.65 +a
Area 18:		
Tile Setters	15.76	2.14
Area 19	14.05	2.55
Area 20	16.51	.55
Area 21:		
Marble Setters; Terrazzo Workers	18.59	4.12
Tile Setters	19.155	3.00
Area 22	17.51	2.57
Area 23	18.05	.81+b
Area 24:		
Marble Setters & Tile Setters	16.35	2.05
MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS & TILE SETTERS' FINISHERS		
Area 1:		
Finishers & Grinders	15.98	
Marble Sanders; Polishers; Sawyers; & Waxers	16.145	
Terrazzo Base Grinders (While Operating Base Grinding Machine)	16.40	
Area 2	14.42	1.06
Area 3:		
Marble Setters' Finishers	16.54	2.50
Terrazzo Workers' Finishers	16.57	2.50
Tile Setters' Finishers	17.79	2.75
Area 4:		
Finishers	10.84	
Base Machine	11.68	
Area 5:		
Terrazzo Workers' Finishers	13.86	2.55
Terrazzo Grinders	14.20	2.55
Tile Setters' Finishers	12.74	2.55
Area 6	14.405	
Area 7:		
Finishers	14.00	
Terrazzo Floor Grinders	14.15	
Terrazzo Base Grinders	14.35	
Area 8	11.09	3.03
Area 9	17.02	2.57
MILLWRIGHTS:		
Area 1	17.36	2.32
Area 2	15.46	2.82
Area 3	18.00	4.81
Area 4	15.90	5.08
Area 5	16.44	2.65
Area 6	17.66	3.02
Area 7	17.11	3.11
Area 8	18.81	2.73
Area 9	15.80	2.06
PAINTERS:		
Area 1:		
Brush; Roller; Paper or Wall covering; Taping	12.55	2.54
Floor Sanding; Power Tools; & Swing Stage Sandblasting; Spray & Steamcleaning	13.55	2.54
Area 2:		
Brush; Drywall Taping; & Rollers	13.05	1.89
Wall Covering; Paperhanging	13.30	1.89
Sandblasting; Spray; & Steamcleaning	13.55	1.89
Area 3:		
Brush; Cleaner; Roller; & Washer	13.70	.95
Drywall; Paperhanger; Pot Tender; Spray & Wall Coverer	14.45	.95
Area 4:		
Brush	12.60	1.75
Roller	13.10	1.75
Spray	13.60	1.75
Taping	14.75	1.75
Area 5:		
Brush; Paperhanging; Roller; Taping; Wall Covering; & Washing	16.25	1.00
Steamcleaning	16.40	1.00
Spray	16.75	1.00
Hopper Tender; Sandblasting; & Waterblasting	17.15	1.00
Area 6:		
Brush; Paperhanging; Roller; Taping; Wallcovering; & Washing	15.58	h
Hopper Tender; Sandblasting & Spray	16.58	h

DECISION NO. OH83-2055

	Basic Hourly Rates	Fringe Benefits
PAINTERS (CONT'D)		
Area 7:		
Brush; Rollers	16.76	2.10
Paperhangers	16.86	2.10
Drywalls	17.16	2.10
Spray	17.26	2.10
Area 8:		
Brush	14.75	1.00
Drywall Tapers & Finishers	15.10	1.00
Spray	15.45	1.00
Area 9:		
Brush Roller	17.62	1.00
Drywall Taping & Spackling; & Wallcovering	17.97	1.00
Structural Steel	18.02	1.00
Cleaning; Sandblast; & Spray	18.12	1.00
Area 10:		
Brush; Hydro-jet Cleaning; Paperhanging; Roller; Steam Cleaning; Wallwashing; & Waterproofing	15.54	3.16
Drywall Taping	15.69	3.16
Open Structural Steel	15.75	3.16
Spray	16.04	3.16
Area 11:		
Drywall Sanders	15.04	2.67
Brush; Paperhangers; Rollers; & Wall Washing	15.29	2.67
Structural Steel	15.59	2.67
Drywall Tapers & Finishers	15.69	2.67
Spray	15.79	2.67
Sandblasting; Steam Cleaning	15.99	2.67
Area 12:		
Old Commercial:		
Brush; Rollers; & Wash Clean Surfaces	13.80	1.70 +i
Drywall & Paperhangers	14.05	1.70 +i
Sandblasting; & Spray	14.30	1.70 +i
New Commercial:		
Brush; Rollers; & Wash & Clean Surfaces	15.30	1.70 +i
Drywall & Paperhangers	15.55	1.70 +i
Sandblasting; & Spray	15.80	1.70 +i
Area 13:		
Brush; Drywall Tapers & Finishers; Paperhangers; Spray & Sandblasting Pot Tenders	14.90	3.36
Pressure Cleaning; Sandblasting; & Spray	15.45	3.36
Area 14:		
Brush; Roller	12.55	.70+j
Drywall Tapers & Paperhangers	13.50	.70+j
Spray; Taping Finishers	13.25	.70+j
Area 15:		
Rollers; Brush; & Paperhangers	18.46	3.22
Spray	18.86	3.22
Area 16:		
Brush; Roller; Washing; Wallcovering; & Paperhanging	14.50	
Open Structural Steel	15.00	
Taping; Beding; Finishing & Sanding	15.25	
Spray; Sandblasting; Hopper Tender; Swing Stage; & Window Jacks	15.50	
Area 17:		
Brush	11.00	
Spray	12.00	
Area 18:		
Brush; Paperhangers; & Rollers	16.25	2.42
Structural Steel; Dry wall Finishers & Tapers	17.00	2.42
Spray	17.10	2.42
Area 19:		
Brush; Roller; Paperhanging & Taping	14.36	1.95
Spray; Sandblasting	15.13	1.95
PILEDRIVERMEN:		
Area 1	15.30	2.95
Area 2	15.46	2.82
Area 3	18.00	4.81
Area 4	16.94	3.15
Area 5	17.00	2.625
Area 6	17.66	3.02
Area 7	16.65	3.32
Area 8	18.81	2.73
Area 9	15.89	2.57

DECISION NO. OH83-2055

	Basic Hourly Rates	Fringe Benefits
PIPEFITTERS; PLUMBERS; & STEAMFITTERS:		
Area 1:		
Within 10 mi. radius of Portsmouth	17.00	2.85
Over 10 and within 20 mi. radius of Portsmouth	17.25	2.85
Over 20 and within 35 mi. radius of Portsmouth	17.35	2.85
Over 35 mi. raidus of Portsmouth	17.60	2.85
Area 2	18.85	2.20
Area 3	17.85	2.73
Area 4	15.63	3.97
Area 5:		
Pipefitters; Steamfitters	17.51	3.86
Plumbers; Gas Fitters	16.32	3.42
Area 6	20.10	2.50
Area 7	19.24	1.81
Area 8	16.91	3.07 +k
Area 9	19.15	2.22
Area 10:		
Within 12 mi. raidus of 3rd & Main Streets, Dayton, Ohio	18.56	2.98
Outside 12 mi. radius of 3rd & Main Streets, Dayton, Ohio	18.81	2.98
Area 11	18.13	2.72
Area 12	17.57	5.36
Area 13	18.90	3.42
Area 14	19.09	2.75
Area 15:		
Pipefitters; Steamfitters	17.67	3.18
Area 16:		
Plumbers	19.43	3.22
Area 17	17.40	3.90
Area 18	17.39	1.83
PLASTERERS:		
Area 1	15.86	.65
Area 2	15.56	1.33
Area 3	15.68	1.15
Area 4	16.645	1.27
Area 5	17.94	2.12
Area 6	18.20	.80
Area 7	15.61	.83
Area 8	15.83	3.03
Area 9	18.02	.71
Area 10	16.15	1.00
Area 11	18.12	2.65 +a
Area 12	17.98	2.04
Area 13	14.05	2.55
Area 14	16.51	.55
Area 15	18.05	.81 +b
Area 16	17.61	1.91
ROOFERS:		
Area 1	13.50	.65
Area 2	16.16	2.28
Area 3	17.14	2.96
Area 4	14.02	2.15
Area 5	17.52	1.53
Area 6:		
Composition, Damp, & Waterproof	16.00	1.90
Slate, Tile & Asbestos	16.22	1.90
Area 7	17.00	3.09
Area 8	19.78	2.80
SHEET METAL WORKERS:		
Area 1	15.65	2.97 +l
Area 2	16.84	3.07 +l
Area 3	15.17	2.14 +l
Area 4	14.07	1.98
Area 5	18.29	3.18
Area 6	15.14	1.64
Area 7	17.475	3.795
Area 8	13.91	2.11
Area 9	18.96	3.63
Area 10	12.48	1.33
SOFT FLOOR LAYERS:		
Area 1	14.91	2.95
Area 2	14.81	2.82
Area 3	16.45	2.75+ c
Area 4	16.12	3.15
Area 5	13.00	2.075
Area 6	17.01	3.02
Area 7	15.30	2.67
Area 8	16.99	2.91
Area 9	18.45	4.36
Area 10	15.19	2.57
Area 11	15.61	3.09

DECISION NO. 0883-2055	Basic Hourly Rates	Fringe Benefits
SPRINKLER FITTERS:		
Area 1	17.67	3.18
Area 2	17.67	2.83
LABORERS:		
Area:		
Group 1	12.06	2.70
Group 2	12.31	2.70
Group 3	12.58	2.70
Area 2:		
Group 1	11.85	2.70
Group 2	12.00	2.70
Group 3	12.15	2.70
Area 3:		
Group 1	12.46	1.70
Group 2	12.66	1.70
Group 3	13.06	1.70
Area 4:		
Group 1	13.42	2.45
Group 2	13.72	2.45
Group 3	14.07	2.45
Area 5:		
Group 1	14.45	2.25
Group 2	14.55	2.25
Group 3	14.60	2.25
Group 4	14.65	2.25
Group 5	14.80	2.25
Group 6	14.95	2.25
Group 7	15.20	2.25
Group 8	13.92	2.25
Group 9	14.07	2.25
Area 6:		
Group 1	13.74	2.70
Group 2	13.84	2.70
Group 3	14.07	2.70
Group 4	14.09	2.70
Area 7:		
Group 1	14.16	2.70
Group 2	14.36	2.70
Group 3	14.66	2.70
Group 4	14.76	2.70
Area 8:		
Group 1	10.95	2.70
Group 2	11.20	2.70
Group 3	11.35	2.70
Group 4	11.45	2.70
Area 9:		
Group 1	13.50	2.70
Group 2	13.67	2.70
Group 3	13.70	2.70
Area 10:		
Group 1	13.39	2.70
Group 2	13.54	2.70
Group 3	13.59	2.70
Group 4	13.64	2.70
Group 5	13.69	2.70
Group 6	13.84	2.70
Group 7	13.89	2.70
Group 8	13.99	2.70
Group 9	14.06	2.70
Area 11:		
Group	12.82	2.70
Group 2	12.94	2.70
Group 3	12.97	2.70
Group 4	12.965	2.70
Group 5	12.995	2.70
Group 6	13.055	2.70
Group 7	13.11	2.70
Group 8	13.225	2.70
Group 9	13.47	2.70
Area 12:		
Group 1	13.01	2.70
Group 2	13.21	2.70
Group 3	13.61	2.70
Area 13:		
Group 1	13.61	2.70
Group 2	13.81	2.70
Group 3	14.21	2.70
Area 14:		
Group 1	12.24	2.70
Group 2	12.54	2.70
Area 15:		
Group 1	16.54	4.50
Group 2	16.69	4.50
Group 3	16.74	4.50
Group 4	16.79	4.50
Group 5	16.94	4.50
Group 6	17.02	4.50
Group 7	17.04	4.50
Group 8	17.19	4.50
Group 9	18.04	4.50
Area 16:		
Group 1	12.57	2.70
Group 2	12.67	2.70
Group 3	12.92	2.70
Area 17:		
Group 1	12.24	2.70
Group 2	12.54	2.70
Area 18:		
Group 1	14.82	2.76
Group 2	14.52	2.76
Group 3	14.47	2.76
Group 4	14.32	2.76
Area 19:		
Group 1	14.00	2.70
Group 2	14.35	2.70
Area 20:		
Group 1	11.07	2.70
Group 2	10.87	2.70
Area 21:		
Group 1	14.93	2.71
Group 2	14.30	2.71
Group 3	15.01	2.71
Group 4	15.085	2.71

DECISION NO. 0883-2055	Basic Hourly Rates	Fringe Benefits
LABORERS (CONT'D)		
Group 5	15.13	2.71
Group 6	15.08	2.71
Group 7	15.185	2.71
LINE CONSTRUCTION		
Area 1:		
Cable Splicers	20.31	3.06
Linemen	18.46	3.00
Operators: All Mechanized Equipment	14.77	2.87
Groundmen	12.00	2.77
Area 2:		
Linemen	16.67	1.28
Equipment Operators	15.00	1.225
Groundmen; Truck Drivers	10.96	1.08
Area 3:		
Equipment Operators; Linemen	18.22	2.47
Line Truck Driver	10.93	2.21
Groundmen	11.84	2.24
Area 4:		
Linemen; Technicians	15.03	4.45
Cable Splicers	15.28	4.46
Groundmen	12.02	4.36
Area 5:		
Zone I - Up to & Incl. 18 mi. radius from Hamilton Co. Court House, Cincinnati:		
Linemen; Machine Operators	17.75	3.17
Groundmen	13.31	3.015
Zone II - Over 18 mi. radius up to & incl. 21 mi. radius from Hamilton Co. Court House, Cincinnati:		
Linemen; Machine Ops.	18.05	3.18
Groundmen	13.61	3.03
Zone III - Over 21 mi. radius up to & Incl. 25 mi. radius from Hamilton Co. Court House, Cincinnati:		
Linemen; Machine Ops.	18.15	3.185
Groundmen	13.17	3.03
Zone IV - Over 25 mi. radius from Hamilton Co. Court House, Cincinnati:		
Linemen; Machine Ops.	18.30	3.19
Groundmen	13.86	3.035
Area 6:		
Linemen	17.90	2.63
Cable Splicers	18.40	2.64
Groundmen	12.53	2.44
Area 7:		
Cable Splicers	16.48	4.63
Line Equipment Ops.	15.33	4.51
Groundmen; Truck Drivers	11.73	4.12
Linemen	17.59	4.75
Area 8:		
Linemen; Line Equipment Ops.; Truck Drivers	18.00	7.65
Cable Splicers	18.50	7.86
Groundmen	11.70	4.97
Area 9:		
Cable Splicers; Equipment Ops.; Linemen	20.00	1.55
Groundmen	13.00	1.305
Area 10:		
Cable Splicers; Linemen Operators	18.98	2.56
Hole Digging Equipment, Cranes, Hydraulic Lift or Bucket	18.98	2.56
Line Truck with Winch or Pole & Steel Handling	14.24	2.40
Non-Specialized Truck & Misc. Equipment; Groundmen - Truck Driver	11.34	2.30
Area 11:		
Cable Splicers	13.70	3.08
Linemen; Heavy Equipment Ops.	13.30	2.99
Groundmen & Truck Drivers	11.90	2.68
Area 12:		
Cable Splicers; Linemen; Operator - Pole-digging Equipment	18.70	2.29
Groundmen	14.96	1.97
Area 13:		
Cable Splicers; Equipment Op.; Linemen	17.24	1.45
Groundmen	10.25	1.21
Area 14:		
Linemen	19.16	2.33 +n
Technicians	18.59	2.28 +n
Cable Splicers	22.03	2.57 +n
Operator Class I	15.33	2.00 +n

DECISION NO. OB83-2055	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION (CONT'D)		
Operator Class II	13.41	1.84 +n
Groundmen	11.50	1.68 +n
Area 15:		
Cable Splicers; Equipment Operators & Linemen	18.32	1.49
Groundmen	10.25	1.21
Area 16:		
Cable Splicers; Equipment Ops.; & Linemen	17.05	1.58
Truck Driver (Winch) Groundman	11.08	1.37
Groundman	11.08	1.37
Area 17:		
Cable Splicers; Linemen; Ops.: All Mechanized Equipment	16.50	1.43
Groundmen - Truck Driver	13.08	1.31
Groundmen	10.09	1.20
Area 18:		
Cable Splicers	18.60	1.65
Linemen; Equipment Ops.	17.30	1.605
Truck Drivers	10.33	1.36
Groundmen	9.87	1.345
Area 19:		
Cable Splicers; Linemen	15.83	1.40
Operators	13.84	1.33
Groundmen	10.25	1.21
Area 20:		
Cable Splicers; Equipment Ops. & Linemen	17.93	2.98
Truck Drivers (Winch) Groundmen; Groundman	11.65	2.76
Area 21:		
Cable Splicers; Equipment Op.; & Linemen	18.95	3.56
Truck Drivers (Winch) Groundman; Groundman	12.33	3.33
Area 22:		
Linemen	17.69	2.99
Cable Splicers	18.93	3.03
Equipment Operators	13.27	2.83
Truck Drivers; Groundman	8.85	2.68
Area 23:		
Cable Splicers; Linemen; & Equipment Operators	17.24	1.20
Groundman	10.25	.96

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits
Area 1:		
Group 1	12.82	44.00q
Group 2	13.93	44.00q
Area 2:		
Group 1	9.60	44.00q
Group 2	8.60	44.00q
Area 3:		
Group 1	11.30	78.35q
Group 2	11.31	78.35q
Group 3	11.35	78.35q
Group 4	11.38	78.35q
Group 5	11.40	78.35q
Group 6	11.50	78.35q
Group 7	11.58	78.35q
Group 8	11.63	78.35q
Group 9	11.66	78.35q
Group 10	11.93	78.35q
Group 11	12.00	78.35q
Group 12	12.03	78.35q
Area 4:		
Group 1	13.06	92.00q
Group 2	13.21	92.00q
Group 3	13.31	92.00q
Group 4	13.47	92.00q
Group 5	13.51	92.00q
Area 5:		
Group 1	9.58	r,s&t
Group 2	9.64	r,s&t
Group 3	9.69	r,s&t
Group 4	9.75	r,s&t
Group 5	10.11	r,s&t
Area 6:		
Group 1	14.54	1.41+ 51.00q
Group 2	14.76	1.41+ 51.00q
Group 3	15.01	1.41+ 51.00q
Group 4	15.11	1.41+ 51.00q
Area 7:		
Group 1	13.65	43.00q
Group 2	13.75	43.00q
Group 3	13.85	43.00q
Area 8:		
Group 1	14.99	1.00+u
Group 2	15.29	1.00+u
Group 3	15.34	1.00+u
Group 4	15.41	1.00+u
Group 5	15.47	1.00+u
Group 6	15.77	1.00+u
Group 7	16.08	1.00+u

DECISION NO. OB83-2055	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS (CONT'D)		
Area 9:		
Group 1	10.76	39.50q
Group 2	10.77	39.50q
Group 3	10.81	39.50q
Group 4	10.84	39.50q
Group 5	10.86	39.50q
Group 6	11.09	39.50q
Group 7	11.39	39.50q
Group 8	11.49	39.50q
Area 10:		
Group 1	14.49	v
Group 2	14.59	v
Group 3	14.74	v
Group 4	14.89	v
Group 5	15.14	v
Group 6	15.24	v
Group 7	15.39	v
POWER EQUIPMENT OPERATORS: All Counties, except Columbiana: Well & Pump Work (Incl. Drilling & Repair of all Water Wells; Test Holes & Wells; Installation & Repair of Deep Well Type of Shallow Well Pumps on Water Wells)		
Well Driller & Pump Installer	8.10	.61+o+g
COLUMBIANA COUNTY:		
CLASS I	17.28	3.56
CLASS II	16.49	3.56
CLASS III	15.73	3.56
CLASS IV	15.26	3.56
CLASS V	15.16	3.56
CLASS VI	17.55	3.56
CLASS VII	17.78	3.56
CLASS VIII	18.28	3.56

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits
Zone 1:		
Group A	17.24	3.02
Group B	17.08	3.02
Group C	16.73	3.02
Group D	15.92	3.02
Group E	15.59	3.02
Group F	13.38	3.02
Zone 2:		
Group A	16.96	3.02
Group B	16.80	3.02
Group C	16.44	3.02
Group D	15.66	3.02
Group E	15.33	3.02
Group F	13.13	3.02
Zone 3:		
Group A	17.52	3.02
Group B	17.37	3.02
Group C	17.02	3.02
Group D	16.24	3.02
Group E	15.92	3.02
Group F	13.74	3.02

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AREA DESCRIPTIONS

ASBESTOS WORKERS

Area 1: Adams, Brown, Butler (Twps. of Fairfield, Hanover, Liberty, Milford, Morgan, Oxford, Ripley, Ross, St. Clair, Union & Wayne), Clermont, Hamilton, Highland, & Warren (Twps. of Deerfield, Hamilton, Harlan, Salem, Union, & Washington Cos.
Area 2: Allen, Defiance, Mercer, Paulding, Van Wert, & Williams Cos.
Area 3: Ashland, Coshocton, Holmes, Medina, Richland, Tuscarawas, & Wayne Cos.
Area 4: Auglaize, Butler (Middletown & Vic.), Champaign, Clark, Clinton, Darke, Greene, Logan, Miami, Montgomery, Preble, Shelby, & Warren (Twps. of Clear Creek, Franklin, Massie, Turtle Creek & Wayne) Cos.
Area 5: Belmont, Jefferson, & Monroe Cos.
Area 6: Carroll, Columbiana, & Harrison Cos.
Area 7: Crawford, Delaware, Fairfield, Fayette, Franklin, Guernsey, Hardin, Hocking, Knox, Licking, Madison, Marion, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Ross, Union, & Vinton Cos.
Area 8: Erie (E½), Geauga, & Huron Cos.
Area 9: Erie (W½), Fulton, Hancock, Henry, Ottawa, Putnam, Sandusky, Seneca, Wood & Wyandot Cos.
Area 10: Gallia, Jackson, Lawrence, Meigs, Pike, Scioto, & Washington Cos.

BOILERMAKERS

Area 1: Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Highland, Hocking, Jackson, Lawrence, Licking, Madison, Meigs, Miami, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Vinton, & Warren Cos.
Area 2: Allen, Ashland, Auglaize, Crawford, Darke, Defiance, Delaware, Erie, Fulton, Hancock, Hardin, Henry, Huron, Knox, Logan, Marion, Mercer, Morrow, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Shelby, Union, Van Wert, Williams, Wood, & Wyandot Cos.
Area 3: Belmont, Monroe, & Washington Cos.
Area 4: Carroll, Coshocton, Geauga, Harrison, Holmes, Medina, Tuscarawas, & Wayne Cos.
Area 5: Columbiana & Jefferson Cos.

BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS

Area 1: Adams, & Scioto Cos.
Area 2: Allen, Auglaize, Mercer & Van Wert Cos.
Area 3: Ashland, Crawford, Hardin, Holmes, Marion, Morrow, Richland, Wayne (Except Milton & Chippewa Twps.) & Wyandot (except Crawford, Ridge, Richland & Tymochtee Twps.) Cos.
Area 4: Belmont, Jefferson (Warren & Mt. Pleasant Twps. & Village of Dillonvale), & Monroe Cos.
Area 5: Brown, Butler, Clermont, Hamilton, Preble (Dixon, Israel, Lanier, Somers & Gratis Twps.) & Warren Cos.

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AREA DESCRIPTIONS (CONT'D)

BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS (CONT'D)

Area 6: Carroll, Columbiana (Twps. of Knox, Butler, West, & Hanover) & Tuscarawas Cos.
Area 7: Champaign, Clark, & Logan Cos.
Area 8: Clinton & Highland Cos.
Area 9: Columbiana (East Liverpool, Wayne, Franklin, Madison, St. Clair, & Yellow Creek Twps.), & Jefferson (Brush Creek & Saline Twps.) Cos.
Area 10: Columbiana (Center, Elk Run, Fairfield, Middleton, New Waterford, Perry, Salem & Unity Twps.) Co.
Area 11: Coshocton, Fairfield, Guernsey, Hocking, Knox, Licking, Morgan, Muskingum, & Perry Cos.
Area 12: Darke, Miami, & Shelby Cos.
Area 13: Defiance, Fulton (except, Fulton, Amboy & Swan Creek Twps.), Henry (except Monroe, Bartlow, Liberty, Washington, Richfield, Marion & Damascus Twps. & that part of Harrison outside city limits of City of Napolean), Paulding, Putnam, & Williams Cos.
Area 14: Delaware, Franklin, Madison, Pickaway, & Union Cos.
Area 15: Erie, Hancock, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps.), & Wyandot (Tymochtee, Crawford, Ridge, & Richland Twps.) Cos. & Island of Lake Erie North of Sandusky
Area 16: Fayette, Pike, & Ross Cos.
Area 17: Fulton (Fulton, Amboy, & Swan Creek Twps.), Henry (Washington, Damascus, Richfield, Bartlow, Liberty, Harrison, Monroe, & Marion Twps.), & Wood (Ross, Perrysbury, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson, & Grand Rapids Twps.) Cos.
Area 18: Gallia & Meigs Cos.
Area 19: Geauga Co.
Area 20: Greene, Montgomery & Preble (except Dixon, Israel, Lanier, Somers, & Gratis Twps.) Cos.
Area 21: Harrison, Jefferson (except, Mt. Pleasant, Warren, Brush Creek, & Salineville Twps. & Village of Dillonvale) Cos.
Area 22: Jackson & Vinton Cos.
Area 23: Lawrence Cos.
Area 24: Medina (Hinkley, Granger, Brunswick, Medina, Liverpool, Montville, & York Twps.) Co.
Area 25: Medina (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & Wayne (Milton & Chippewa Twps.) Cos.
Area 26: Medina (Litchfield, Chatham, Harrisville, Homer, & Spencer Twps.) Co.
Area 27: Noble (Brooksfield, Noble, Center, Sharon, Olive, Enoch, Stock, Elk, & Jackson Twps.) & Washington Cos.

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AREA DESCRIPTIONS (CONT'D)

CARPENTERS

Area 1: Adams, Fayette, Gallia, Highland, Jackson, Lawrence, Meigs, Pike, Ross, & Scioto Cos.
Area 2: Allen, Auglaire, Champaign, Clark, Coshocton, Delaware, Fairfield, Franklin, Guernsey, Hardin, Holmes, Knox, Licking, Logan, Madison, Marion, Mercer, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Putnam, Union, Van Wert & Wyandot Cos.
Area 3: Ashland, Crawford, Erie, Hancock (City of Fostoria), Huron, Ottawa, Richland, Sandusky, Seneca, & Wood (City of Fostoria) Cos.
Area 4: Belmont, Columbiana, Harrison, Jefferson, & Monroe Cos.
Area 5: Brown, Butler, Clermont, Clinton, Hamilton & Warren Cos.
Area 6: Carroll, Tuscarawas, & Wayne Cos.
Area 7: Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.
Area 8: Defiance, Henry, Paulding & Williams Cos
Area 9: Fulton, Hancock (except city of Fostoria), & Wood (Except city of Fostoria) Cos.
Area 10: Geauga County
Area 11: Hocking, Vinton, & Washington Cos.
Area 12: Medina County

CEMENT MASONS

Area 1: Adams, Lawrence (except Fayette, Union & Rome Twps.), Pike & Scioto Cos.
Area 2: Allen, Auglaize, Hardin, Logan, Mercer, & Van Wert Cos.
Area 3: Ashland, Crawford, Marion, Morrow, Richland, & Wyandot (Exclu. Tymochtee, Crawford, Ridge, & Richland Twps.) Cos.
Area 4: Belmont, Harrison, & Jefferson cos.
Area 5: Brown, Butler, Clermont, Hamilton, Highland, & Warren Cos.
Area 6: Carroll & Tuscarawas Cos.
Area 7: Champaign, Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.
Area 8: Columbiana County
Area 9: Defiance, Paulding, & Williams Cos.
Area 10: Delaware, Fairfield, Fayette, Franklin, Hocking, Knox, Licking, Madison, Morgan, Muskingum, Perry, Pickaway, Ross, & Union Counties
Area 11: Erie, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps.), Wyandot (Tymochtee, Crawford, Ridge & Richland Twps.) Cos. & the Island of Lake Erie North of Sandusky
Area 12: Fulton, Hancock, Henry, Putnam, & Wood (Exclu. Perry & Bloom Twps.) Counties
Area 13: Gallia & Meigs Counties
Area 14: Geauga County
Area 15: Holmes, & Wayne (Except Milton & Chippewa Twps.) Cos.
ARea 16: Jackson & Vinton Counties
Area 17: Lawrence (Fayette, Union, & Rome Twps.) Co.
Area 18: Medina (Litchfield, Chatham, Homer, Harrisville, & Spencer Twps.) County
Area 19: Medina (except Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) Co.
Area 20: Monroe, Noble, & Washington Counties

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AREA DESCRIPTIONS (CONT'D)

ELECTRICIANS

Area 1: Adams, Jackson (Bloomfield, Franklin, Hamilton, Jefferson, Lick, Marion, & Scioto Twps.), Pike (Camp Creek, Marion, Newton, Scioto, & Sunfish), & Scioto Counties
Area 2: Allen, Auglaize, Hardin, Logan, Mercer, Shelby, Van Wert, Wyandot (Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem Twps.) Co.
Area 3: Ashland, Crawford, Huron (New Haven, Richmond, Ripley & Greenwich Twps.) Knox (Liberty, Clinton, Union, Howard, Monroe, Middlesborg, Morris, Wayne, Berlin, Pike, Brown, & Jefferson Twps.) Co.
Area 4: Belmont Co.
Area 5: Brown, Clermont, & Hamilton Cos.
Area 6: Butler & Warren (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union, & Washington Twps.) Cos.
Area 7: Carroll (N½ incl. Fox, Harrison, Rose & Washington Twps.), Columbiana (Knox Twp.), Holmes, Tuscarawas (N. of Auburn, Clay, Rush, & York Twps.), & Wayne (S. of Baughman, Chester, Green & Wayne Twps.) Cos.
Area 8: Carroll (S. ½ Exclu. Fox, Harrison, Rose & Washington Twps.), Harrison, & Jefferson Cos.
Area 9: Champaign, Clark, & Madison (Pike, Paint, Somerford, Union, & Stokes Twps.) Cos.
Area 10: Clinton, Darke, Greene, Maimi, Montgomery, Preble, & Warren (Twps. of Wayne, Clear Creek, & Franklin Twps.) Cos.
Area 11: Columbiana (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.) Co.
Area 12: Columbiana (Butler, Fairfield, Perry, Salem & Unity Twps.) CO.
Area 13: Coshocton, Guernsey, Knox (Clay, Jackson, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, & College Twps.), Licking, Muskingum, Perry, & Tuscarawas (Auburn, York, Jefferson, Clay, Rush, Oxford, Washington, Salem, Perry & Bucks Twps.) Cos.
Area 14: Defiance, Fulton, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos.
Area 15: Delaware, Fairfield, Franklin, Madison (Canaan, Darby, Deer Creek, Fairfield, Jefferson, Monroe, Oak Run, Pleasant & Range Twps.), Pickaway (Darby, Circleville, Harrison, Jackson, Madison, Monroe, Washington, Muhlenberg, Scioto & Walnut Twps.), & Union Cos.
Area 16: Erie, & Huron (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarkfield, Norwick, Greenfield, Fairfield, Fitchville, & New London Twps.) Cos.
Area 17: Fayette, Highland, Hocking, Jackson (Coal, Jackson, Liberty, Milton, & Washington Twps.), Pickaway (Deer Creek, Perry, Pickaway, Salt Creek & Wayne Twps.) Pike (Except Camp Creek, Marion, Newton, Scioto, Sunfish & Union Twps.), Ross, & Vinton (Clinton, Eagle, Elk, Harrison, Jackson, Richland, Swan Twps.) Cos.
Area 18: Gallia Co.

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AREA DESCRIPTIONS (CONT'D)

ELECTRICIANS (CONT'D

Area 19: Geauga (Russell, Chester, & Bainbridge Twps.) Co.
Area 20: Geauga (Auburn, Middlefield, Parkman & Troy Twps.) Co.
Area 21: Geauga (Rem. of Co.) Co..
Area 22: Lawrence Co.
Area 23: Marion, Morrow, Richland, & Wyandot (Sycamore, Crane, Eden, Pitt, & Antrim Twps.) Cos.
Area 24: Medina (Litchfield, & Liverpool Twps.) Co.
Area 25: Medina (Rem. of Co.) & Wayne (N½) Cos,:
Area 26: Meigs, Monroe, Morgan, Noble, Vinton (Brown, Knox, Madison, Vinton, & Wilkesville Twps.), & Washington Cos.

ELEVATOR CONSTRUCTORS

Area 1: Adams, Brown, Butler, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, & Warren Cos.
Area 2: Allen, Auglaize, Defiance, Mercer, Paulding, Putnam, Van Wert, & Williams Cos.
Area 3: Ashland, Champaign, Clark, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Hardin, Hocking, Holmes, Knox Licking, Logan, Madison, Marion, Morgan, Morrow, Muskingum, Perry, Pickaway, Pickaway , Richland, Ross, Shelby, Tuscarawas, Union & Vinton Cos.
Area 4: Belmont, Carroll, Guernsey, Harrison, Jefferson, Monroe Noble, & Washington Cos.
Area 5: Columbiana Co.
Area 6: Erie, Geauga, & Huron Cos.
Area 7: Fulton, Hancock, Henry, Ottawa, Sandusky, Seneca, Wood, & Wyandot Cos.
Area 8: Gallia, Jackson, Lawrence, Meigs, Pike, & Scioto Counties
Area 9: Medina & Wayne Counties

GLAZIERS:

Area 1: Adams, Brown, Butler (Hamilton & Vic.), Clermont, Clinton (S½), Hamilton, Highland (S. Part), & Warren (Lebanon & South) Cos.
Area 2: Allen, Auglaize, Hancock, Hardin, Logan, Mercer, Paulding, Putnam, Shelby (N. part), Van Wert, & Wyandot (Western Part) Cos.
Area 3: Ashland, Crawford, Huron (S½), Knox, Marion, Richland & Wyandot (E. Part) Cos.:
Area 4: Belmont, Guernsey, Harrison, & Jefferson Cos.
Area 5: Butler (Exclu. Hamilton & Vic.), Champaign, Clark, Clinton (N½), Darke, Fayette, (W½), Greene, Highland (N Part), Miami, Montgomery, Preble, Shelby (S. Part), Warren (N. of Lebanon) Cos.
Area 6: Carroll, Coshocton, Holmes, Medina (S½), Tuscarawas, & Wayne Counties
Area 7: Columbiana CO.
Area 8: Defiance, Erie (NW Tip to Rte. #4), Fulton, Henry, Ottawa, Sandusky, Seneca, Williams, & Wood Counties
Area 9: Delaware, Fairfield, Fayette (E½), Franklin, Hocking, Jackson, Licking, Madison, Morgan, Muskingum, Perry, Pickaway

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AREA DEFINITIONS (CONT'D)

GLAZIERS (CONT'D)

Pike, Ross Union & Vinton Cos.
Area 10: Erie (Exclu. NW Tip to Rte. #4), Geauga, Huron (N½), & Medina Cos.

IRONWORKERS

Area 1: Adams (E½), Gallia, Jackson (S½), Lawrence, Pike (S½), & Scioto Cos.
Area 2: Adams (W½), Brown, Butler (s½), Clermont, Clinton (S. of a line drawn from Blanchester to Lynchburg), Hamilton, Highland (Exclu. E. 1/5 and portion of Co. inside lines drawn from Marshall to Lynchburgh from the N. Co. line through E. Monroe to Marhall), & Warren (S½) Cos.
Area 3 - Allen (S½), Auglaize, Butler (N½), Champaign (W 2/3), Clark (W 3/4) Clinton (Exclu. S. of a line drawn from Blanchester to Lynchburg) Darke, Greene, Highland (Inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), Logan (W 2/3) Mercer (S½), Miami, Montgomery, Preble,Shelby, & Warren (N½) Cos.
Area 4: Allen (N½), Defiance (except Portion S. of a Line Drawn from where Rte. 66 meets the No. line through Independence to the E. Co. border, Mercer (N½), Paulding, Putnam (except Portion E. of a line drawn from the N. border down thru Miller City to where #66 meets the S. border), Van Wert & Williams (Except Portion E. of a line drawn from Pioneer thru Stryker to the S. Border) Cos.
Area 5: Ashland, Carroll, Coshocton (Exclu. Portion W. of a line beginning at. N. W. Co. line going thru Walhonding & Tunnel Hill to the S. Co. line), Holmes, Richland, Tuscarawas, & Wayne Cos.
Area 6: Belmont, Guernsey, Harrison, Jefferson, Monroe, & Muskingum (Except portion W. of a line starting at Adams Mill going to Adamsville & going from Adamsville through Blue Rock to the S. border) Cos.
Area 7: Champaign (E 1/3), Clark (E½), Coshocton (W. of a line Beg. at N. W. Co. line going thru Walhonding & Tunnel Hill to the S. Co. line), Crawford (S. of Rte 30), Fayette, Hardin (Except a line drawn from Roundhead to Maysville), Highland (E 1/5), Hocking, Jackson (N½), Knox, Logan (E 1/3), Marion, Morrow, Muskingum (W. of a line Starting at Adams Mill going to Adamsville & going from Adamsville thru Blue Rock to the S. Border), Perry, Pike (N½), Ross, Vinton, & Wyandot (S. of Rte. #30) Cos.
Area 8: Columbiana (Exclu. portion E. of a line from Damascus to Highlandtown), Erie (Exclu. W. 1/3), Geauga (except portion E. of a line from Austinburg to Middlefield & South), Huron (Exclu. portion W. of a line drawn from the N. Border through Monroeville & Willard), & Medina Cos.
Area 9: Columbiana (E. of a line from Damascus to Highlandtown), & Geauga (E. of a line from Austinburg to Middlefield & S.) Cos.
Area 10: Crawford (Area bet. lines drawn from where Hwy #598 & #30 meet thru N. Liberty to the N. Border & from said Hwy junction point due w. to the Border), Defiance (S. of a line drawn from where Rte. #66 Meets the N. Line thru Independence to the E. Co. Border), Erie (W. 1/3), Fulton, Hancock, Hardin (N. of a line drawn from Maysville to a point 4 mi. S. of the N. line on the E. line), Henry, Huron (W. of a line drawn from the N. Border thru Monroeville & Williard), Ottawa, Putnam (E. of a line drawn from the N. Border down thru Miller City to where #696 meets the S. Border), Sandusky, Seneca, Williams (E. of a line drawn from Pioneer thru Stryker to the S. Border), Wood, & Wyandot (Area N. of Rte. #30) Cos.

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AREA DESCRIPTIONS (CONT'D)

IRONWORKERS (CONT'D)

Area 11: Delaware, Fairfield, Licking, Madison, Pickaway, & Union Counties
Area 12: Franklin Co.
Area 13: Meigs, Morgan, Noble, & Washington Cos.

LATHERS

Area 1: Auglaize, Butler (N½), Champaign (W½), Clark (W½), Clinton (W½), Fayette (W½), Logan (W½), Mercer, & Warren (N½) Counties
Area 2: Belmont, Columbiana, Harrison, Jefferson, & Monroe Cos.
Area 3: Clermont, Hamilton, Highland (Except NE Tip), & Warren ((S½) Cos.
Area 4: Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.
Area 5: Defiance, Henry, Paulding & Williams
Area 6: Erie & Huron Cos.
Area 7: Fulton, Hancock, Ottawa, Sandusky, Seneca, & Wood Cos.

MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS

Area 1: Adams & Scioto Cos.
Area 2: Allen, Auglaize, Mercer, & Van Wert Cos.
Area 3: Ashland, Crawford, Hardin, Holmes, Marion, Morrow, Richland, Wayne (except Milton & Chippewa Twps.), & Wyandot (Except Crawford, Ridge, Richland, & Tymochtee twps.) Cos.
Area 4: Brown, Butler, Clermont, Hamilton, Preble (Dixon, Israel, Lanier, Somers, & Gratis Twps.), & Warren Cos.
Area 5: Carroll & Tuscarawas Cos.
Area 6: Champaign, Clark, Darke, Greene, Logan, Miami, Montgomery, Preble (Except Dixon, Israel, Lanier, Somers, & Gratis Twps.), & Shelby Cos.
Area 7: Clinton & Highland Cos.
Area 8: Columbiana (Center, Elk Run, Fairfield, Middleton, New Waterford, Perry, Salem & Unity Twps.) Co.
Area 9: Columbiana (St. Clair, Madison, Wayne, Franklin, Washington, Yellow Creek, & Liverpool Twps.), Jefferson (Brush Creek & Saline Twps.) Cos.
Area 10: Coshocton, Fairfield, Guernsey, Hocking, Knox, Licking, Morgan, Muskingum, & Perry Cos.
Area 11: Defiance, Fulton (Except Fulton, Amboy & Swan Creek Twps), Henry (Except Monroe, Bartlow, Liberty, Washington, Richfield, Marion & Damascus Twps. & that part of Harrison outside city limits of City of Napolean), Paulding, Putnam & Williams Cos.
Area 12: Delaware, Franklin, Madison, Pickaway, & Union Cos.
Area 13: Erie, Hancock, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps.), & Wyandot (Ridge, Tymochtee, Crawford, & Richland Twps.) Cos. & Island of Lake Erie North of Sandusky
Area 14: Fulton (Fulton, Amboy, & Swan Creek Twps.), Henry (Washington, Damascus, Richfield, Bartlow, Liberty, Harrison, Monroe, & Marion Twps.), & Wood (Ross, Perrysburg, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson & Grand Rapids Twps.) Cos.

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AREA DESCRIPTIONS (CONT'D)

MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS (CONT'D)

Area 15: Fulton (Except Fulton, Amboy, & Swan Creek Twps.), & Wood (Except Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson & Grand Rapids Twps.) Cos.
Area 16: Gallia & Meigs Cos.
Area 17: Geauga Co.
Area 18: Harrison & Jefferson (Except Mt. Pleasant, Warren Brush Creek, & Salineville Twps. & the village of Dillonvale) Cos.
Area 19: Jackson & Vinton Cos.
Area 20: Lawrence Co.
Area 21: Medina (Hinckley, Granger, Brunswick, Median, Liverpool, Montville, & York Twps.) Co.
Area 22: Medina (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & Wayne (Milton & Chippewa Twps.) Cos.
Area 23: Medina (Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) Co.
Area 24: Noble (Brookfield, Noble, Creek, Sharon, Olive, Enoch, Stock Elk, Jackson, & Jefferson Twps.), & Washington Cos.

MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS & TILE SETTERS' FINISHERS

Area 1: Adams, Brown, Butler, Clermont, Clinton, Fayette, Gallia, Hamilton, Highland, Jackson, Lawrence, Meigs, Pike, Ross, Scioto, Clinton, Warren, & Washington Cos.
Area 2: Allen, Defiance, Fulton, Henry, Paulding, Putnam, Williams, & Wood (Exclu. Perry & Bloom Twps.) Cos.
Area 3: Ashland, Geauga, Medina (Exclu. Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & Richland Cos.
Area 4: Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan, Mercer, Miami, Montgomery, Preble, & Shelby Cos.
Area 5: Carroll & Tuscarawas Cos.
Area 6: Columbiana, Coshocton, Harrison, Holmes, Jefferson, & Wayne (Exclu. Milton & Chippewa Twps.) Cos.
Area 7: Delaware, Fairfield, Franklin, Pickaway, & Union Cos.
Area 8: Hancock, Ottawa, Sandusky, Seneca, Wyandot (Tymochtee, Crawford, Ridge, & Richland Twps.), Cos.
Area 9: Medina (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & Wayne (Milton & Chippewa Twps.) Cos.

MILLWRIGHTS

Area 1: Adams, Fayette, Gallia, Highland, Jackson, Lawrence, Meigs, Pike, Ross, & Scioto Cos.
Area 2: Allen, Auglaize, Champaign, Clark, Coshocton, Delaware, Fairfield, Franklin, Guernsey, Hardin, Holmes, Knox, Licking, Logan, Madison, Marion, Mercer, Morgan, Morrow, Muskigum, Noble, Perry, Pickaway, Putnam, Union, Van Wert & Wayandot Cos.

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AREA DESCRIPTIONS (CONT'D)

MILLWRIGHTS

Area 3: Ashland, Crawford, Erie (E. of B & O RR Tracks), Geauga, Huron, Medina, & Richland Cos.
Area 4: Belmont, Columbiana, Harrison, Jefferson, & Monroe Cos.
Area 5: Brown, Butler, Clermont, Clinton, Hamilton, & Warren Cos.
Area 6: Carroll, Tuscarawas, & Wayne Cos.
Area 7: Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.
Area 8: Defiance, Erie (W of B & O RR Tracks), Fulton, Hancock, Henry, Ottawa, Paulding, Sandusky, Seneca, Williams & Wood Cos.
Area 9: Hocking, Vinton & Washington Cos.

PAINTERS:

Area 1: Adams, Highland, Jackson, Pike, & Scioto Cos.
Area 2: Allen, Auglaize, Defiance, Hardin, Mercer, Paulding, Putnam, Shelby, Van Wert, & Williams Cos.
Area 3: Ashland, Crawford, Marion, Morrow, & Richland Cos.
Area 4: Belmont, Harrison, & Jefferson Cos.
Area 5: Brown, Clermont, & Hamilton Cos.
Area 6: Butler & Warren cos.
Area 7: Carroll, Holmes, Tuscarawas & Wayne Cos.
Area 8: Champaign, Clark, Logan, & Madison Cos.
Area 9: Clinton, Darke, Greene, Miami, Montgomery, & Preble Cos.
Area 10: Columbiana county
Area 11: Delaware, Fairfield, Fayette, Franklin, Pickaway, Ross, & Union Cos.
Area 12: Erie, Hancock, Huron, Sandusky, Seneca, & Wyandot Cos.
Area 13: Fulton, Henry, Ottawa, & Wood Cos.
Area 14: Gallia, Lawrence, Meigs & Vinton Cos.
Area 15: Geauga Co.
Area 16: Hocking Co.
Area 17: Knox, Licking, Muskingum, & Perry Cos.
Area 18: Medina Co.
Area 19: Monroe, Morgan, Noble & Washington Cos.

PILEDRIVERMEN

Area 1: Adams, Fayette, Gallia, Highland, Jackson, Lawrence, Miegs, Pike, Ross, & Scioto cos.
Area 2: Allen, Auglaire, Champaign, Clark, Coshocton, Delaware, Fairfield, Franklin, Guernsey, Hardin, Holmes, Knox, Licking, Logan, Madison, Marion, Mercer, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Putnam, Union, Van Wert, & Wyandot Cos.
Area 3: Ashland, Crawford, Erie, (E. of B & O RR Tracks), Geauga, Huron, Medina, & Richland Cos.
Area 4: Belmont, Columbiana, Harrison, Jefferson, & Monroe Cos.
Area 5: Brown, Butler, Clermont, Clinton, Hamilton, & Warren Cos.
Area 6: Carroll, Tuscarawas, & Wayne Cos.
Area 7: Darke, Greene, Miami, Montogmery, Preble, & Shelby Cos.
Area 8: Defiance, Erie (W. of B & RR Tracks), Fulton, Hancock, Henry, Ottawa, Paulding, Sandusky, Seneca, Williams & Wood Cos.
Area 9: Hocking, Vinton, & Washington Cos.

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AREA DESCRIPTIONS (CONT'D)

PIPEFITTERS; PLUMBERS; & STEAMFITTERS

Area 1: Adams, Gallia, Highland, Jackson, Lawrence, Pike, Scioto, & Vinton Cos.
Area 2: Allen, Auglaire, Hardin, Mercer, Shelby, & Van Wert Cos.
Area 3: Ashland, Crawford, Erie, Huron, Knox, Morrow, Richland, & Wyandot Cos.
Area 4: Belmont, & Monroe (N. of Rte. #78) Cos.
Area 5: Brown, Clermont, Hamilton, & Warren (S 1/3 of Co.)
Area 6: Butler & Warren Cos.
Area 7: Carroll (Ross, Monroe, Union, Lee, Orange, Perry, & Loundon Twps.), Coshocton, Guernsey, Holmes, Morgan (S. to State Rte. #78 & from McConnelsville W. on State Rte. #37 to the Perry Co. line), Muskingum, Noble, & Tuscarawas Cos.
Area 8: Carroll (Exclu. Ross, Monroe, Lee, Union, Orange, Perry, & Loudon Twps.), & Wayne Cos.
Area 9: Champaign, Clark, Greene, (Ross, Cedarville, Jefferson, Ceasar Creek, & New Jasper Twps.), Logan, & Madison (W. of Rte. #38, incl. city of London) Cos.
Area 10: Clinton, Darke, Fayette, Green (Exclu. Miami, Cedarville, Ross, Jefferson, Ceasar Creek, & New Jasper Twps.), Miami, Montgomery, & Preble Cos.
Area 11: Columbiana Co. (Exclu. Washington & Yellow Creek Twps. & Loverpool Twp. - Secs. 35 & 36 - W. of Co. Rd. #427)
Area 12: Columbiana (Washington & Yellow Creek Twps. & Liverpool Twp. - Sec. 35 & 36 - W. of Co. Rd. #427), Harrison, & Jefferson Cos.
Area 13: Defiance, Fulton, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos.
Area 14: Delaware, Fairfield, Franklin, Hocking, Licking, Madison (E. of Rte. #38 not incl. city of London), Marion, Perry, Pickaway, Ross, & Union Cos.
Area 15: Geauga, & Medina (N. of #18, exclu. city of Medina) Cos.
Area 16: Geauga, & Medina (N. of #18 & Smith Rd.) Cos.
Area 17: Medina (S. of #18. exclu. City of Medina) Co.
Area 18: Meigs, Monroe (S. of Rte. #78), Morgan (S. of Rte. #76), & Washington Cos.

PLASTERERS

Area 1: Adams, Lawrence (Except Fayette, Union & Rome Twps.), Pike & Scioto Cos.
Area 2: Allen, Auglaire, Delaware, Fairfield, Fayette, Franklin, Hardin, Hocking, Knox, Licking, Logan, Madison, Mercer, Morgan, Muskingum, Perry, Pickaway, Ross, Union, & Van Wert Cos.
Area 3: Belmont, Harrison, & Jefferson Cos.
Area 4: Brown, Butler, Clermont, Hamilton, Highland, & Warren Cos.

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AREA DESCRIPTIONS (CONT'D)

PLASTERERS (CONT'D)

Area 5: Carroll & Tuscarawas Cos.
Area 6: Champaign, Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.
Area 7: Columbiana Co.
Area 8: Erie, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps.), & Wyandot (Tymochtee, Crawford, Ridge & Richland Twps.) Cos. & The Island of Lake Erie N. of Sandusky
Area 9: Fulton, Hancock, Henry, Putnam & Wood (Exclu. Perry & Bloom Twps.) Cos.
Area 10: Gallia & Meigs Cos.
Area 11: Geauga Co.
Area 12: Holmes & Wayne (Except Milton & Chippewa Twps.) Cos.
Area 13: Jackson & Vinton Cos
Area 14: Lawrence (Fayette, Union & Rome Twps.) Cos.
Area 15: Medina (Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) Co.
Area 16: Medina (Except Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) Co.

ROOFERS

Area 1: Adams, Gallia, Guernsey, Jackson, Lawrence, Meigs, Morgan, Muskingum, Noble, Pike, Scioto, & Vinton Cos.
Area 2: Allen, Auglaize, Champaign, Delaware, Fairfield, Fayette, Franklin, Hardin, Hocking, Knox, Licking, Logan, Madison, Marion, Mercer, Morrow, Perry, Pickaway, Putnam, Ross, Union, Van Wert, & Wyandot Cos.
Area 3: Ashland, Carroll, Columbiana, Coshocton, Crawford, Holmes, Medina, Richland, Tuscarawas, & Wayne Cos.
Area 4: Belmont, Harrison, Jefferson, & Monroe Cos.
Area 5: Brown, Butler, Clermont, Hamilton, & Warren Cos.
Area 6: Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.
Area 7: Defiance, Fulton, Hancock, Henry, Paulding, Williams & Wood Cos.
Area 8: Erie, Geauga, Huron, Ottawa, Sandusky, & Seneca Cos.

SHEET METAL WORKERS

Area 1: Adams, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Hocking, Jackson, Knox, Lawrence, Licking, Madison, Marion, Meigs, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Scioto, Union, & Vinton Cos.
Area 2: Allen, Auglaize, Butler, Champaign, Clark, Clinton, Darke, Greene, Hardin, Logan, Mercer, Miami, Montgomery, Preble, Shelby, Van Wert, Warren & Wyandot Cos.

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Area 3: Ashland, Carroll, Coshocton, Crawford, Holmes, Medina, Richland, Tuscarawas, & Wayne Cos.
Area 4: Belmont, Harrison, Jefferson, & Monroe Cos.
Area 5: Brown, Clermont, Hamilton, & Highland Cos.
Area 6: Columbiana Co.
Area 7: Defiance, Fulton, Hancock, Henry, Ottawa, Paulding, Putnam, Seneca, Williams, & Wood Cos.
Area 8: Erie, Huron, & Sandusky Cos.
Area 9: Geauga Co.
Area 10: Washington Co.

SOFT FLOOR LAYERS

Area 1: Adams, Fayette, Gallia, Highland, Jackson, Lawrence, Meigs, Pike, & Scioto Cos.
Area 2: Allen, Auglaize, Champaign, Clark, Coshocton, Delaware, Fairfield, Franklin, Guernsey, Hardin, Holmes, Knox, Licking, Logan, Madison, Marion, Mercer, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Putnam, Union, Van Wert, & Wyandot Cos.
Area 3: Ashland, Crawford, Erie, Huron, Ottawa, Richland, Sandusky, & Seneca Cos. & that portion of the City of Fostoria located in Hancock & Wood Cos.
Area 4: Belmont, Columbiana, Harrison, Jefferson, & Monroe Cos.
Area 5: Brown, Butler, Clermont, Clinton, Hamilton, & Warren Cos.
Area 6: Carroll, Tuscarawas, & Wayne Cos.
Area 7: Darke, Greene, Miami, Montgomery, Preble & Shelby Cos.
Area 8: Defiance, Fulton, Hancock (Except city of Fostoria), Henry, Paulding, Williams & Wood (Except city of Fostoria) Cos.
Area 9: Geauga
Area 10: Hocking, Vinton, & Washington Cos.
Area 11: Medina County

SPRINKLERFITTERS

Area 1: Geauga, & Medina (N. of #18, exclu. City of Medina) Cos.
Area 2: Remaining Cos.

LABORERS:

Area 1: Adams, Gallia, Highland, Jackson, Lawrence, Meigs, Pike, & Scioto Cos.
Area 2: Allen, Auglaize, Mercer, Paulding, Putnam, Shelby & Van Wert Cos.
Area 3: Ashland, Crawford, Knox, Morrow, & Richland Cos.
Area 4: Belmont Co.: Charleston
Area 5: Brown, Clermont, Clinton & Hamilton Cos.
Area 6: Butler & Warren Cos.
Area 7: Carroll, Coshocton, Holmes, Tuscarawas, & Wayne cos.
Area 8: Champaign, Clark, & Logan Cos.
Area 9: Columbiana, Harrison, & Jefferson Cos.
Area 10: Darke, Greene, Miami, Montgomery, & Preble Cos.
Area 11: Defiance, Fulton, Henry, & Williams Cos.
Area 12: Delaware, Hancock, Hardin, Marion, Seneca, & Wyandot Cos.

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AREA DESCRIPTIONS (CONT'D)

LABORERS (CONT'D)

Area 13: Erie, Huron, Ottawa, & Sandusky Cos.
Area 14: Fairfield, Fayette, Franklin, Hocking, Madison, Pickaway, & Union Cos.
Area 15: Geauga Co.
Area 16: Guernsey, Muskingum, Noble, & Perry Cos.
Area 17: Licking Co.
Area 18: Medina Co.
Area 19: Monroe, Morgan, & Washington Cos.
Area 20: Ross & Vinton Cos.
Area 21: Wood Co.

LINE CONSTRUCTION

Area 1: Adams, Gallia, Jackson (Bloomfield, Franklin, Hamilton, Lick, Jefferson, Scioto, & Madison Twps.), Lawrence, Meigs, Pike, (Camp Creek, Marion, Newton, Scioto, Sunfish & Union Twps.), Scioto, & Vinton (Brown, Knox, Madison, Vinton, & Wilksville Twps.) Cos.
Area 2: Allen, Auglaize, Hardin, Logan, Mercer, Shelby, Van Wert, & Wyandot (Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem Twps.) Cos.
Area 3: Ashland, Crawford, Huron (New Haven, Richmond, Ripley & Greenwich Twps.), Knox (Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berline, Brown, & Jefferson Twps.), Marion, Morrow, Richland, & Wyandot (Sycamore, Crane, Eden, Pitt, Antrim & Tymochtee Twps.) Cos.
Area 4: Belmont Co.
Area 5: Brown, Clermont, & Hamilton Cos.
Area 6: Butler, Warren (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union & Washington Twps.) Cos.
Area 7: Carroll (N ½ Incl. Fox, Harrison, Rose & Washington Twps.), Columbiana (Knox Twp.), Holmes, Tuscarawas (N. of Auburn, Clay, Rush, & York Twps.), & Wayne Twps.(S. of Baughman, Chester, Greene & Wayne Twps.) Cos.
Area 8: Carroll (S. of Fox, Harrison, Rose & Washington Twps.), Harrison & Jefferson Cos.
Area 9: Champaign, Clark, Geauga (Bainbridge, Russell & Chester Twps.), & Madison (except Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range, & Pleasant Twps.) Cos.
Area 10: Clinton, Darke, Greene, Miami, Montgomery, Preble, & Warren (Wayne, Clear Creek, & Franklin Twps.) Cos.
Area 11: Columbiana Co. (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.)
Area 12: Columbiana (Twps. of Butler, Fairfield, Perry, Salem, & Unity), & Geauga (Twps. of Auburn, Middlefield, Parkman, Burton, & Troy) Cos.
Area 13: Coshocton, Guernsey, Muskingum, Perry, & Tuscarawas (Rem. of Co.) Cos.
Area 14: Defiance, Fulton, Hancock, Henry, Ottawa, Paulding, Putnam, Sanduky, Seneca, Williams, and Wood Cos.

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AREA DEFINITIONS (CONT'D)

LINE CONSTRUCTION (CONT'D)

Area 15: Delaware , Madison (Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range & Pleasant Twps.), Pickaway (Twps. of Circleville,, Darby, Harrison, Jackson, Madison, Monroe, Muhlenburg, Scioto, Walnut, & Washington), & Union Cos.
Area 16: Erie & Huron (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarksfield, Norwick, Greenfield, Fairfield, Fitchville, & New London Twps.) Cos.
Area 17: Fairfield, Knox (Butler, College, Clay, Harrison, Hillard, Jackson, Morgan, Milford, Miller, & Pleasant Twps.), & Licking Cos.
Area 18: Fayette, Highland, Hocking, Jackson (Coal, Jackson, Liberty, Milton, & Washington Twps.), Pickaway (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), Pike (Exclu. Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), Ross, & Vinton (Clinton, Eagle, Elk, Harrison, Jackson, Richland, & Swan Twps.) Cos.
Area 19: Franklin Co.
Area 20: Geauga (Exclu. Bainbridge, Chester, Russell, Auburn, Middlefield, Parkman & Troy Twps.) Co.
Area 21: Medina (Litchfield, & Liverpool Twps.) Co.
Area 22: Medina (Brunswick, Chatham, Granger, Guilford, Harrisville, Hinckley, Homer, Lafayette, Medina, Montville, Sharon, Spencer, Wadsworth, Westfield, & York Twps.), & Wayne (Northern ½ of Co.) Cos.
Area 23: Monroe, Morgan, Noble, & Washington Cos.

TRUCK DRIVERS:

Area 1: Adams, Brown, Highland, Jackson, Lawrence (W. of Coal Grove & W. of St. Rt. #75, Pike, Ross, Scioto & Vinton Cos.
Area 2: Allen, Auglaize, Defiance, Hancock, Hardin, Logan, Mercer, Paulding, Putnam, Shelby, Union, & Van Wert Cos.
Area 3: Belmont, Jefferson (N. to Short Creek), & Monroe Cos.
Area 4: Butler & Warren Cos.
Area 5: Clinton, Darke, Greene, Miami, Montgoemry, & Preble Cos.
Area 6: Columbiana Co.
Area 7: Delaware, Fayette, Franklin, Madison, Pickaway & Ross Cos.
Area 8: Gallia, Lawrence (E. of Ohio State Rte. #75) & Meigs Cos.
Area 9: Harrison & Jefferson (S. to Short Creek) Cos.
Area 10: Washington County

POWER EQUIPMENT OPERATORS

Zone I: Allen, Ashland, Belmont, Carroll, Coshocton, Defiance, Fulton, Guernsey, Hancock, Hardin, Harrison, Henry, Holmes, Jefferson, Monroe, Noble, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Tuscarawas, Van Wert, Washington, Wayne, Williams, & Wood Counties
Zone II: Adams, Augalize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Crawford, Darke, Delaware, Fairfield, Fayette, Franklin Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Montgomery, Morgan, Morrow, Muskingum, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Vinton, Warren, & Wyandot Counties
Zone III: Erie, Geauga, Huron, & Medina Counties

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CLASSIFICATION DEFINITIONS

LABORERS

AREA 1

Group 1 - Bottom Men; Building & Construction Laborers; Carpenters Tenders; Mason Tenders; Mortar Mixers; Pipelayers; Plasterers' Tenders; Sheeting & Shoring Men
Grroup 2 - Air & Machine Driven Tool Op.; Asphalt Rakers & Smoothers; Burning & Cutting Torches; Chain Saws; Form Setters (Street & Highway); Hand Spikers & Powered Concrete Buggies
Group 3 - Gunnite Men Machine Op.; Powdermen & Blasters

AREA 2

Group 1 - Building Laborers, Laser Beam; Power Wheelbarrow or Power Buggy
Group 2 - All Machine Driven Tools (Gas, Electric, Air); Asphalt Rakers; Caisson; Cement Finishers' Tenders; Cofferdam; Demolition; Packers; Pot Tenders; Pump Man Under 4" Discharge; Spikers by Hand (Railroad); Tamper; Torch Man; Tunnel Vibrators; & Cement Rakers
Group 3 - Blaster Tender; Cylinder, Shaft; Jackhammer; Manhole Builders; Mason Tenders; Mortar Mixers; Plasterers' Tenders; Sewer Bottom Man; Sewer Pipelayer; Sewer, Water Conduit; Gas, Oil Pipeline, except Mainlines; Wagon Drill Tender; Blaster-Powderman; Gunnite Ops. Muckers & Miners (Tunnel & Caisson) Free Air; Sandblasters; & Wagon Drill Ops.

AREA 3

Group 1 - Building & Construction Laborers; Carpenter Tenders; Concrete Handler; Finisher Tender; Guard Rail Erector; & Tool Cribmen
Group 2 - Air & Power Driven Tools; Bottom Men; Burner on Demolition Work; Caisson Worker; Cofferdam Worker; Creosote Worker; Form Setter; Hod Carrier; Laser Beam Set-up Man; Mason Tender; Mortar Mixer; Mucker; Pipe Layer; Plasterer Tender; Powder Men; Scaffold Builder; Stonemason Tender; Swinging Scaffold; & Tunnel Laborers
Group 3 - Gunnite Operator

AREA 4

Group 1 - Laborers; Carpenter Tender; Demolition Workers; Landscape Laborer
Group 2 - Powderman Tender; Semi-Skilled Laborer; Scaffold Builders; Grader Checker; Brick Masons Tenders; Plasterers Tenders; Cement Finishers Tenders; Stone Masons Tenders; Lathers Tenders; Tile Setters Tenders; Mortar Mixer; Jackhammer Operators; Vibrator Operators; Tamper Operators; Pavement Buster Operator; Chipping and Peening Hammer Operators; Air Siphon and Air Pump Operators; Riprap Finishers; Concrete Saw Operators; Concrete Technician; Power Saw Operators; Chain Saw Operators; Motorized Buggy Operators; Pipe Layers Tenders; Drill Operators Tenders; Sheeters and Shorers; Post Hole Digger Operator; Asphalt Rakers; Lance and/or Water Blaster

DECISION NO. OH83-2055

CLASSIFICATION DEFINITIONS (CONT'D)

LABORERS (CONT'D)

AREA 4 (CONT'D)

Operators; Blacksmith Tender; Batch House Scale Operators; Mastic Asphalt; Nozzlemen for Gunnite or Sandblasting; Ride or Walk Roller Tampers
Group 3 - Blacksmith; Powderman; Air Track Operator; Pipe Layer (Including Laser Beam Set Up) Burner

AREA 5:

Group 1 - Common Laborers; Cement Masons' Tenders; Hand Operated Mechanical Mule; & Mechanical Sweeper
Group 2 - Bottom Man; Pipelayer
Group 3 - Burning Torch Operator; Concrete Pump Hose Man; Jackhammer; Mechanical & Air Tamper Operator; Mechanical Concrete Buggies; Power Operated Mechanical Mule; Vibrator Man
Group 4 - Bottom Jackhammer Man; Mason Tenders; Plasterers' Tenders; Stonemasons' Tenders
Group 5 - Plaster Mixer Pump Operator
Group 6 - Tunnel Laborer
Group 7 - Gunnite Nozzle Operator
Group 8 - Demolition Construction - Wrecking Laborers
Group 9 - Demolition Construction - Jackhammer Man; Burner; & Wall Man

AREA 6

Group 1 - Common Laborers
Group 2 Asphalt Rakers; Hand Air Tamper Chisel; Smoothers Hand Air Pump; Tampers; Vibrator Power Tamper Op.
Group 3 - Mason Tenders; Mortar Mixers; & Scaffold Builders
Group 4 - Concrete Pumps & Hose Men; Gunnite Operator & Sandblasters

AREA 7

Group 1 - Building Construction Laborers; Carpenter Tender; Concrete Handler; Finisher Tender; Guard Rail Erector; Tool Cribmen & Utility Construction
Group 2 - Air & Power Driven Tools; Bottom Men; Burner on Demolition; Caisson Worker; Cofferdam Worker; Creosote Worker; Form Setter; Hod Carrier; Laser Beam Setup Man; Mucker; Pipelayer; Plasterer Tender; Powder Men & Dynamite Blasters; Scaffold Building; Swinging Scaffold & Tunnel Laborer
Group 3 - Mason Tender; Mortar Mixer; & Stonemason Tender
Group 4 - Gunnite Op.

DECISION NO. OH83-2055

CLASSIFICATION DEFINITIONS (CONT'D)

LABORERS (CONT'D)

AREA 8

Group 1 - Carpenters' Tenders; Laborers
Group 2 - Air & Machine Driven Tool Ops.; Asphalt Raker & Tamper; Barko & Chain Saw; Bottom Man; Gunnite Machine Op. & Nozzle Man; Hand Spikers; Jackhammer; Power Concrete & Buggies; Sewer Pipelayers; & Wagon Drill
Group 3 - Mason Tenders; Mortar Mixers; & Plasterers' Tenders
Group 4 - Miners & Muckers for Tunnel & Caisson; Powdermen & Blasters

AREA 9

Group 1 - Carpenters' Tenders; General Laborers
Group 2 - Brick Handlers; Men Mixing Cement for Cement Finishers; Mortar Mixer Machine Op.; Mortarmen for Mason & Plasterers; Scaffold Builders; Tenders for Brick Masons, Plasterers, Stonemasons, & Tile Setters
Group 3 - Acetylene Burners; Air Blow Pipe; Air Pump; Air Spades; Air Tampers; Power Diven Tools; Chipping Hammers; Concrete Saw; Jackhammers; Laborers Operating Concrete Busters; Panel Cleaning Machine Operators; Pipelayer & Tenders Working in Ditches or Tunnels & Hand Spikers on Railroads, & Laborers Handling Concrete for Test or working Tar, Acid & Creosote; Power Buggy; Power Saw; Sandblaster; Scuba Divers; Vibrators; & Welders

AREA 10

Group 1 - Laborers
Group 2 - All Machine Power Driven Tools; Chipping Hammers; Power Buggies; Railroad Spikers by Hand; Swinging Scaffold over 15 ft.; & Vibrators
Group 3 - Air Drill; Batter Board Setter & Bottom Men; Jackhammer; Man Hole Builders; Sandblasterers; & Sewer Pipelayers
Group 4 - Caisson Work; Scaffold W/Power Tools
Group 5 - Torch Man on Wrecking
Group 6 - Caisson Work W/Jackhammer
Group 7 - Gunnite Operator; Wagon Drill Operator, and Blaster - Powder Man
Group 8 - Tenders for Bricklayers and Masons
Group 9 - Tenders for Lathers and Plasterers

AREA 11

Group 1 - Carpenter Tenders; Cement Finishers' Tenders; Laborers

DECISION NO. OH83-2055

CLASSIFICATION DEFINITIONS (CONT'D)

LABORERS (CONT'D)

Group 2 - Gunnite Pot Man; Mason Tenders
Group 3 - All Power Driven Tools & Buggies
Group 4 - Burners, Torchmen & Nozzlemen for Concrete Pumps
Group 5 - Plasterers' Tenders
Group 6 - Bellman, Bottom Man; & Brick Expeditor
Group 7 - Car Pusher
Group 8 - Mucker W/D Pressure
Group 9 - Nozzle Operator Gunnite Work

AREA 12

Group 1 - Building & Construction Laborer; Tool Cribmen; Carpenter Tender; Finisher Tender; Concrete Handler; Utility Constuction Laborer; Guard Rail Erector
Group 2 - Bottom Man; Scaffold Builders; Tunnel Laborer; Pipelayer; Air & Power Driven Tool; Burner on Demolition; Swinging Scaffold Worker; Caisson Workers; Cofferdam Worker; Powdermen & Dynamite Blaster; creosote Worker; Mortar Mixer; Form Setter; Mason Tender; Plasterer Tender; Hod Carrier; Laser Beam Set-up Man & Stonemason Tender
Group 3 - Gunnite Operator

AREA 13

Group 1 - Building & Construction Laborer; Carpenter Tender; Concrete Handler; Finisher Tender; Guard Rail Erector; Tool Cribmen & Utility Construction Laborer
Group 2 - Air & Power Driven Tool; Bottom Men; Burner on Demolition Work; Caisson Worker; Cofferdam Worker; Creosote Worker; Form Setter Hod Carrier; Laser Beam Set-Up Man; Mason Tender; Mortar Mixer; Mucker;Pipelayer; Plasterer Tender; Powder Men & Dynamite Blaster; Scaffold & Swinging Scaffold & Tunnel Laborer
Group 3 - Gunnite Operator

AREA 14

Group 1 - Carpenter Tenders; Cleaning Debris; Cleaning of all Material; Common Laborer; Conveyor Belt; General Clean Up; Handling & Conveying all Material ; Landscape; Loading and Unloading All Trucks; Man on Bucket Pouring Concrete; Pouring of all Concrete; Salamander; Sod Layers; Washing of All Windows; & Wire Mesh Handlers or Setters
Group 2 - Air or Electric Pneumatic Tool Operator; All Scaffold Builders (Swinging Scaffold); Asphalt and Blacktop Rakers; Bottom Man; Brick Tenders; Caisson Bottom Man; Cement Mason Tender; Concrete Saw Operator, and Brush Feeders on Pulverizers; Forklift Operator; Gunnite Nozzle Man; Jackhammer Operator; Laser Gun Burners; Mortar Mixers & Operators; Pipe Layers; Plasterers' Tenders; Power Buggy Operator; Power Driven Tools; Power Wheelbarrow Operator; Sand and Vacuum Cleaning; Sandblasting of Concrete; Stone Mason Tender; Vibrator Man; Wagon and Churn Drill Operators; & Wall Wrecker & Bar Man on Demolition

DECISION NO. OH83-2055

CLASSIFICATION DEFINITIONS (CONT'D

LABORERS (CONT'D)

AREA 15

Group 1 - Equipment Replacing Wheelbarrow & Concrete Buggy; Laborers & Tenders
Group 2 - Fire Brick Tenders; Power Driven Tools & Vibrators; Sewer & Utilities Laborers
Group 3 - Acetylene Burner, Jackhammer; & Mucker
Group 4 - Air Track and Wagon Drill; & Winging Scaffold
Group 5 - Mason Tender Handling Carbon Block & Bottom Block Material
Group 6 - Gunnite Operating Machine of all types
Group 7 - Blasterers, Shooters Caisson, Well, Cylinder, Cofferdam & Mine Workers without Air; Acid Brick Tenders
Group 8 - Top man on Free Standing Radial Stack; Hellman & Bottom Man in Blast Furnace & Stove
Group 9 - Lansing Burners

AREA 16

Group 1 - Building & Construction Laborers; Carpenter Tenders; Planters (Landscape); Plumbers Tenders & Tree Trimmers
Group 2 - Air & Machine Driven Tool Operators; Asphalt Plant Aggremeter Operator; Asphalt Plant Mixer Men; Brick Slingers; Car Pushers; & Tunnel Laborers; Caulkers; Cement Handlers; Concrete Puddlers (behind mixers); Curb Cutters & Setters; Cutting with Burning Torches; Dumpmen (Batch Trucks); Hand Spikers Operators; Jackhammer Operator; Mason Tenders; Mortar Mixers; Muckers; Pipelayers; Plasterers' Tenders; Proportioning Plant Op.; Pump Men (under 4"); Road Form Setters; Sewer Bottom Men; Sheeting & Shoring Men; Stone Mason Tenders; Vibrator Operator; Tarners & Wrench Men
Group 3 - Brick Droppers; Lock Tenders; & Powdermen or Blasters

AREA 17

Group 1 - All Portable Heaters; Carpenter Tender; Cleaning of All Material; Common Laborers; Conveyor Belt; General Clean-up Incl. Vacuum Cleaning; Handling and Conveying All Material; Landscape; Loading & Unloading All Trucks; Man on Bucket Pouring Concrete; Pouring of all Concrete; Sod Layers; Washing of all Windows; Water Pumps up to & Incl. 4" Intake
Group 2 - Air or Electrical Pneumatic Tool Operator; all Scaffold Builders; Asphalt & Blacktop Rakers; Bottom Man; Brick Tender; Brush Feeders on Pulverizers; Burners; Cement Mason Tender; Concrete Saw Operators; Fork Lift Operators; Gunnite Nozzleman; Jackhammer Operator; Laser Gun; Mortar Mixer & Operator; Pipelayers; Plasterers' Tenders; Power Buggy Operators; Power Driven Tools; Power Wheelbarrow Operators; Sandblasting; Stonemason Tenders; Swinging Scaffold; Vibrator Man; Wagon & Churn Drill Operators; Wall Wrecker & Bar Man on Demolition; Welders on Demolition

DECISION NO. OH83-2055

CLASSIFICATION DEFINTIONS C(ONT;D)

LABORERS (CONT'D)

AREA 18:

Group 1 - Carpenter Tenders; Common Laborers; Concrete Bucket Tenders; Landscape Laborers; Mason Tender; & Welder Tenders
Group 2 - Air Driven Boring Machine; Asphalt Rake; Book-up Man on Demolition Work; Materials Mixer; Paving Bed Maker; Power Tools (Air, Gas or Electric); Scaffold Erector; Structural Precast Erector; Tamper Operator; & Wire Mesh Handler
Group 3 - Barco Type Tampers; Bob Cat or Similar; Bottom Man; Burners; Form Setters; Hod Carriers; Jackhammer; Muckers - Tunnel; Pipelayers; Power Buggy or Power Wheelbarrow; Power Saws; & Rock Drillers
Group 4 - Dynamite Men; Gunnite Nozzlemen; Pump Hose Nozzlemen; Structural Precast & Welder & Layout; Tunnel Miners; & Water Line Caulkers

AREA 19

Group 1 - Unskilled
Group 2 - Semi-Skilled

AREA 20

Group 1 - All Water Pumps Up to & inclu. 3" Intake; Cleanup incl. Vacuum Cleaning; Cleaning Debris; Common Laborers; Conveyor Belt; Handling & Conveying All Materials; Landscape; Loading & Unloading all Trucks; Man on Bucket Pouring of All Concrete; Sod Layers; & Washing of All Windows
Group 2 - Air or Electrical Pneumatic Tool Operators; All Scaffold Builders (Swinging Scaffolds); Asphalt & Blacktop Rakers; Bottom Man; Brick Tenders; Brush Feeders on Pulvetizers; Burners; Carpenters' Tenders; Cement Masons' Tenders; Concrete Saw Operators; Forklift Operators; Gunnite Nozzle Man; Jackhammer Operator; Laser Gun; Mortar Mixer & Operators; Pipelayers; Plasterers' Tenders; Power Buggy Operators; Power Driven Tools; Power Wheelbarrow Operators; Sandblasting; Stonemasons' Tenders; Vibrator Man; Wagon & Churn Drill Operators; Wall Wreckers & Bar Man on Demolition; Welders on Demolition

AREA 21

Group 1 - Unskilled Laborers
Group 2 - Plasterers' Tenders; Mixers
Group 3 - Mason Tenders
Group 4 - All Power Driven Tools & Buggies
GRoup 5 - Gunnite Pot Men
Group 6 - Mortar Mixers
Group 7 - Pipelayers

DECISION NO. 0883-2055

CLASSIFICATION DEFINITIONS (CONT'D)

TRUCK DRIVERS

AREA 1

Group 1 - Autos; Bus (inclu. Equip. used for hauling men, materials, & tools); Dumps up to 2 tons; Flat Bed (single axle vehicle under 2 tons); Fuel; Jeeps; & Pickups
Group 2 - Dumps over 2 Tons; Tandems; Forklift (inclu. Mason Tending Work); Truck Mechanic or Tender ; Semi-Tractor; Lowboys; Euclid; Dumpsters; End Dumps; Hopper Type Waster & Material Trucks; Truck with Hydraulic Attachments

Area 2

Group 1 - Lowboys
Group 2 - Tenders

AREA 3

Group 1 - Pickups; Tenders
Group 2 - Mechanic Tenders
Group 3 - Flat bed Material Trucks; Dumps & Semi-Dumps
Group 4 - Tank Truck (Straight & Semi)
Group 5 - Semi-Track Trailers
Group 6 - Pole Trailer
Group 7 - Agitator & Mixer Trucks (Up to 5 cu. yds.)
Group 8 - Euclids; Dumpsters; Tournarockers; Ross Carriers; & Athey Wagons
Group 9 - Agitator & Mixer Trucks (Over 5 cu. yds.)
Group 10 - Lowboy Trailer; Winch; Fork & Distributor Trucks (Front & Back End) & Trucks Crane
Group 11 - A-Frame
Group 12 - Mechanics

AREA 4

Group 1 - Jeeps; Pickup; & Single Axle Trucks
Group 2 - Fork Lifts; Tandem Axles; Dumps, Tandem Axles; & Winch Trucks
Group 3 - Semi-Combination & Combination of Hauling Units
Group 4 - Drag & Lowboys
Group 5 - Euclids; Mechanics

AREA 5

Group 1 - Straight Flat & Dumps; Winches
Group 2 - Ready Mix Dump Crete Tandems & Tractor Trailer Combination
Group 3 - Euclids to & including 12 yds.

DECISION NO. 0883-2055

CLASSIFICATION DEFINITIONS (CONT'D)

TRUCK DRIVERS (CONT'D)

AREA 6

Group 1 - Dumps; Stake Body; Batch; Flat Bottom; & Pickups
Group 2 - Semis; Tandems
Group 3 - Carry Alls; Euclid Wagon; D. W. 10 Caterpillar (or equivalent)
Group 4 - Tractor Trailer (Low Boy)

AREA 7

Group 1 - Dumps & Straight
Group 2 - Tandem & Semi-Farm Tractor
Group 3 - Lowboy

AREA 8

Group 1 - Truck Tenders; Pickups; Station Wagons; Panel Trucks; Flat-body Material Truck; Dump Truck (Up to 5 cu. yd.)
Group 2 - Tank Truck (straight); Dump Trucks (5 cubic yds. and over); Agitator or Mixer Trucks (up to 5 cubic yds.); and Flat Bed Tandems
Group 3 - Winch Trucks; Fork Trucks; Distributor Trucks (front end and back end); Truck Crane; Monorail Truck
Group 4 - Mechanic's Tender
Group 5 - Agitator or Mixer Truck (5 cubic yds. and over)
Group 6 - Tri-Axle Dump Trucks; Hydraulic Lift Tailgate Truck & Farm Type Tractors; End Dumpster; Tournarockers; Ross Carriers; Athey Wagon or Similar Equipment; A-Frame; Hydro-lift; Dual Purpose Truck Semi-Dump; Semi-Trailer; Semi-Tank and Lowboys Trailers; Mechancis

AREA 9

Group 1 - Truck Tenders
Group 2 - Mechanic Tenders
Group 3 - Flatboy Material Trucks; Dumps & Semi Dumps
Group 4 - Tanks Trucks (Straight & Semi)
Group 5 - Semi-Trailers & Tractor Trailers
Group 6 - Euclids; Dumpster; Tournarockers; Ross Carrier; Athey Wagon
Group 7 - Lowboy Trailers; Winches; A-Frames; Forks; Distributors (Front & Back End); & Truck Cranes
Group 8 - Mechanics

AREA 10

Group 1 - Pickups; Station Wagons; Panel Trucks
Group 2 - Flat Body Materials Truck (Straight Jobs); Dump Truck (up to 5 cu. yds.); Mechanic Tenders; Tank Truck (Straight)
Group 3 - Dump Trucks (5 cu. yds. & over); Semi-Dump Trucks; Semi-Trailers; Agitators or mixed Trucks (up to 5 cu. yds.); Monorails

DECISION NO. OH83-2055

CLASSIFICATIONS DEINIFITIONS (CONT'D)

TRUCK DRIVERS (CONT'D)

Group 4 - Low Boy Trailers; Winch Trucks; Fork Truck; Distributor Trucks (Front and Back end); Truck Crane; Agitators or Mixer Trucks (5 cu. yds. & Over); Hydraulic Tail Gate Farm Type Tractors
Group 5 - Euclids; Dumpsters; Turnarockers; Ross Carriers; Athey Wagons or similar Equipment; A-Frame; Hydrolift; Dual Purpose Trucks
Group 6 - Mechanics
Group 7 - Master Mechanics

LABORERS

BROWN, CLERMONT, CLINTON, & HAMILTON COUNTIES

GROUP 1 - Common Laborers; Cement Masons' Tenders; Hand Operated Mechanical Mule; & Mechanical Sweeper
GROUP 2 - Bottom Man; Pipelayer
GROUP 3 - Burning Torch Operator; Concrete Pump Hose Man; Jackhammer; Mechanical & Air Tamper Operator; Mechanical Concrete Buggies; Power Operated Mechanical Mule; Vibrator Man
GROUP 4 - Bottom Jackhammer Man; Mason Tenders; Plasterers' Tenders; Stonemasons' Tenders
GROUP 5 - Plaster Mixer Pump Operator
GROUP 6 - Tunnel Laborer
GROUP 7 - Gunnite Nozzle Operator
GROUP 8 - Demolition Construction - Wrecking Laborers
GROUP 9 - Demolition Construction - Jackhammer Man; Burner; & Wall Man

POWER EQUIPMENT OPERATORS

COLUMBIANA COUNTY

CLASS I - Asphalt Planer Heater; Austin Western & Similar Type; Backfiller W/Drag Attachment; Backhoe; Batch Plant-Central Mix; Batch Plant-Portable Concrete; Berm Builder-Automatic; Boat Derrick; Boat Tug; Boring Mach. Attached to Tractor; Bullclam; Bulldozer; C. M. I. Road Builder & Similar Types; Cable Placer & Layer; Carrier-Straddle; Carryall - Scraper or Scoop; Chicago Boom; Compactor W/Blade Attached; Concrete Spreader Finisher Comb.; Crane; Crane-Stationary or Climbing; Crane-Electric Overhead Crane-Side Boom; Crane Truck; Crane-Tower; Derrick-Boom; Derrick-Car; Diggers-Wheel (not trencher or road widener); Double Nine; Drag Line; Dredge; Drill-Kenny or Similar Type; Electromatic; Fork Lift; Frankie Pile; Gradall; Grader-Power; Gurry; Gurry-Self-Propelled; High Lift; Hoist-Monorail; Hoist-Stationary & Mobile Tractor; Hoist-2 or 3; Jackall; Jumbo Mach.; Kocal and Kuhlman; Land-Seagoing Vehicle; Loader - Elevating; Loader-Front End; Locomotive;

DECISION NO. OH83-2055

CLASSIFICATION DEFINITIONS (CONT'D)

COLUMBIANA COUNTY (CONT'D)

Mechanic as Welder; Metro Clip Harvester W/Boom; Mucking Mach.; Paving-Asphalt Finishing Mach.; Paver Road Concrete; Paver-Slip Form; Place Crete Mach; Post Driver; Power Driven Hydraulic Pumps & Jacks; Pump Crete Machine; Regulator-Ballast; Reigs- Drilling; Shovels; Spikemaster; Stonecrusher; Tie Puller & Loader; Tie Tamper; Tractor-Double Boom; Tractor w/Attachments; Trench Mach.; Trucks-Boom; Truck Tire-Assigned to Job; Tunnel Machine (Mark 21 Java or Similar); Whirley
CLASS II - Asphalt Plant; Bending Machine; Boring Mach.; Chip Harvester W/O-Boom; Cleaning Mach.- Pipeline Type; Coating Mach.- Pipeline Type; Concrete Belt Placer; Concrete Finisher; Concrete Planer or Asphalt; Concrete Spreader; Elevator; Fork Lift Walk Behind; Form Line Mach.; Grease Truck Op.; Grout Pump; Gunnite Mach.; Hoist-Single Drum; Huck Bolting Mach.; Hydraulic Scaffold; Paving Breaker; Pipe Dream; Pot Fireman; Power Broom; Refrigeration Plant; Sasgen Derrick; Seeding Mach.; Self-Propelled Mobile Vibrator Compactor or Roller; Soil Stabilizer (Pump Type); Spray Cure Mach. Self-Propelled; Straw Blower Mach.; Sub-Grader; Tube Finisher or Broom C.M.I or Similar Type; Tugger Hoist
CLASS III - Batch Plant-Job Related; Boiler Op.; Compressor (125 CFM or Over); Curb Builder (Self-Propelled); Generator-Steam; Jack-Hydraulic Driven; Mixer-Concrete; Mulching Mach.; Pin Puller; Pulverizer; Pump; Road Finishing Mach. (Pulltype); Roller; Saw-Concrete-Self-Propelled; Spray Cure Mach.-Motor Powered; Spreader (Side Driver Shoulder Attachment); Tractor; Trencher Form; Water Blaster
CLASS IV - Brake Man; Compressor Under 125 CFM; Conveyor; Conveyor 12 Feet or Under Other Than Servicing Bricklayers; Deck Hand; Drill Wagon; Fireman; Generator Sets; Heater-Portable Power (2 to 5); Jacks Hydraulic (Railroad); Ladavator; Roller (Walk Behind 1 Ton or Over); Steam Jenny; Syphons; Tender Mechanic; Vibrator-Gasoline; Welding Machines (2) (Fuel Burning)
CLASS V - Oiler
CLASS VI - Rigs-Pile Driving or Caisson Type; Rigs (Hydraulic unit attached)
CLASS VII - Lead Engineer
CLASS VIII - Placecrete Machine

DECISION NO. OH83-2055

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP A - A-Frames; Boiler or Compressor Operator mounted on Crane (Piggy-Back Operation); Boom Truck; Cableways; Cherry Pickers; Combination Concrete Mixer and Tower; Concrete Pumps; Cranes; Derricks; Draglines; Dredge (Dipper, Clam or Suction) 3 Man Crew; Elevating Grader or Euclid Loader; Floating Equipment; Gradalls; Hammerhead Tower Cranes; Helicopter Operator and Helicopter Winch Operator When Hoisting Builders Materials; Hoes; Hoisting Engines (Two or More Drums); Lift Slab or Panel Jack Operator; Locomotives; Maintenance Engineer (Mechanic or Welder); Mixer Paving (Multiple drum); Mobile Concrete Pumps with Boom; Panelboard; Pile Driver; Power Shovels; Rotary Drills used on Caisson work for Foundations and Sub-Structure Work; Side Boom; Slip Form Pavers; Straddle Carriers; Trench Machine (Over 24" Wide); Tug Boat

GROUP B - Asphalt Paver; Bulldozer; C.M.I. Type Equipment; End Loaders; Kohlman Type Loaders (Dirt Loading); Lead Greaseman; Mucking Machines; Power Grader; Power Scoops; Power Scrapers; Push Cat

GROUP C - Air Compressor (Pressurizing Shafts or Tunnels); Asphalt Rollers; Fork Lifts; Hoist (One Drum); House Elevators; Man Lift; Power Boilers (over 15 lbs. Pressure); Pump Operators Installing Well Points or other Type of Dewatering System; Pumps (4" and Over Discharge); Submersible Pumps (4" and Over Discharge); Trenchers 24" and under

GROUP D - Compressors on Building Construction; Conveyors (Building Material); Generators; Gunnite Machines; Mixers (Capacity more than One Bag); Mixers (One Bag Capacity, side Loader); Pavement Breaker (Hydraulic or Cable); Post Driver; Post Hole Diggers; Road Widening Trencher; Rollers; Welder Operator

GROUP E - Backfiller & Tamper; Bar and Joint Installing Machines; Batch Plant; Bullfloats; Burlap and Curing Machine; Clefplanes; Concrete Spreading Machine; Crushers; Deck Hands; Drum Fireman (asphalt); Farm Type Tractors Pulling Attachments; Finishing Machines; Form Trenchers High Pressure Pumps Over ½" Discharge; Hydro Seeders; Self-Propelled Power Spreader; Self Propelled Sub-Grader; Tire Repairman; Tractors Pulling Sheeps Foot Roller or Grader; Vibratory Compactor (with Integral Power)

GROUP F - Inboard & Outboard Motor Boat Launch; Light Plant Operator; Oiler; Power Driven Heaters (Oil Fired); Power Boiler (Less than 15 lbs. Pressure); Pumps under 4" discharge Boiler (Less than 15 lbs. Pressure); Pumps under 4" Discharge Submersible Pumps under 4" Discharge; Tenders

DECISION NO. OH83-2055

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

a. $75.00 per year
b. 2 paid holidays: C & D
c. 2 paid holidays: C & D
d. $25.00 per year
e. 7 paid holidays: A through F and Day after Thanksgiving
f. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for employee who has worked in business less than 5 years.
g. 3 paid holidays: D, E, & F
h. $25.00 per year
i. $50.00 per year
j. 6 paid holidays: A, C, E, F, Decoration Day, & Veterans' Day
k. 1 paid holiday: D, providing the employee has worked 5 consecutive days before and after the holiday.
l. 3% of gross earnings to SASMI
m. $150.00 per year
n. 10 paid holidays; A through F; Good Friday; Day After Thanksgiving Day; Christmas Eve & New Year's Eve
o. 9 paid holidays: A through F, plus Good Friday; Friday after Thanksgiving Day; & Christmas Eve
p. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' paid vacation
q. Per employee per week
r. $55.50 per week per employee
s. 1 year's employment - 1 week's paid vacation; 7 years' employment - 2 weeks' paid vacation providing the employee has been on payroll for 8 months during the previous 12 month period
t. An Employee who has been on the payroll 30 days or more & has worked his last scheduled workday witnin 7 calendar days before his next scheduled workday within 7 calendar days after New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, & Christmas Day shall receive 8 hours' pay for said holidays.
u. $305.50 per employee per month
v. $197.17 per employee per month

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)).

[FR Doc. 83-18360 Filed 7-7-83; 8:45 am]

BILLING CODE 4510-27-C

federal register

Friday
July 8, 1983

Part IV

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 1, 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
Issued July 1, 1983

VOLUME 928

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:	06/20/83	JA: CA			
8341945	83-6-0026	0401300000		102-4		STOLICH 7-2	SOUTH OAKLEY GAS	15.0	PACIFIC GAS & ELE
-ATLANTIC OIL CO				RECEIVED:	06/20/83	JA: CA			
8341948	83-6-0031	0401320190		102-4		NUNNALLY #1	OAKELY GAS	300.0	PACIFIC GAS & ELE
-CAPITOL OIL CORP				RECEIVED:	06/20/83	JA: CA			
8341938	83-6-0025	0411320738		102-4		FORTIS #1		2.0	
8341939	83-6-0024	0409520581		102-4		O'KEEFE #1		0.1	
-HUSKY OIL COMPANY				RECEIVED:	06/20/83	JA: CA			
8341959	83-3-0004	0408321767		103		SMV MINERALS 21-13	SANTA MARIA VALLEY	224.0	UNION OIL CO OF C
8341960	83-3-0005	0408321597		103		SMV MINERALS 32-13	SANTA MARIA VALLEY	175.0	UNION OIL CO OF C
8341956	83-3-0001	0408321730		103		SMV MINERALS 38-12	SANTA MARIA VALLEY	291.0	UNION OIL CO OF C
8341961	83-3-0006	0408321631		103		SMV MINERALS 41-13	SANTA MARIA VALLEY	48.0	UNION OIL CO OF C
8341962	83-3-0007	0408321446		103		SMV MINERALS 52-13	SANTA MARIA VALLEY	100.0	UNION OIL CO OF C
8341957	83-3-0002	0408321784		103		SMV MINERALS 56-12	SANTA MARIA VALLEY	10.0	UNION OIL CO OF C
8341958	83-3-0003	0408321574		103		SMV MINERALS 58-12	SANTA MARIA VALLEY	69.0	UNION OIL CO OF C
-MCOR OIL & GAS CORP				RECEIVED:	06/20/83	JA: CA			
8341943	83-6-0020	0409520584		102-4		AKERS #1-12	LINDSEY SLOUGH	1022.0	PACIFIC GAS & ELE
8341942	83-6-0021	0409520589		102-4		HIGHLANDS WILLOW SPRINGS #3-11	LINDSEY SLOUGH	292.0	PACIFIC GAS & ELE
8341941	83-6-0022	0409520572		102-4		HIGHLANDS WILLOW SPRINGS #4-12	LINDSEY SLOUGH	657.0	PACIFIC GAS & ELE
8341940	83-6-0019	0409520582		102-4		HIGHLANDS-WILLOW SPRINGS #2-11	LINDSEY SLOUGH	231.0	PACIFIC GAS & ELE
-NATIONAL OIL COMPANY				RECEIVED:	06/20/83	JA: CA			
8341946	83-6-0029	0409520591		102-4		GREINER #16-1	WINTERS	250.0	
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	06/20/83	JA: CA			
8341937	83-6-0023	0401320205		103		WESTERN MCKINNEY 1-35	RIVER BREAK	140.0	E I DUPONT DE NEM
-PETRO-LEWIS CORPORATION				RECEIVED:	06/20/83	JA: CA			
8341955	83-4-0219	0402968388		103		ELLIS 66K-19	SOUTH BELRIDGE	33.0	MOBIL OIL CORP
8341952	83-4-0222	0402968389		103		ELLIS 76J-19	SOUTH BELRIDGE	33.0	MOBIL OIL CORP
8341951	83-4-0223	0402968391		103		ELLIS 76L-19	SOUTH BELRIDGE	33.0	MOBIL OIL CORP
8341953	83-4-0221	0402968397		103		KING 82F-30	SOUTH BELRIDGE	33.0	MOBIL OIL CORP
8341954	83-4-0220	0402998395		103		KING 87K-19	SOUTH BELRIDGE	33.0	MOBIL OIL CORP
-QUADREN CORP				RECEIVED:	06/20/83	JA: CA			
8341947	83-6-0028	0406720203		102-2		FLORIN #1	FLORIN GAS FIELD	800.0	AMSTAR CORP
-TENNECO OIL COMPANY				RECEIVED:	06/20/83	JA: CA			
8341950	83-4-0224	0402967809		102-4		RIO VIEJO 81X-3	RIO VIEJO	31.0	ARCO OIL & GAS CO
-TXO PRODUCTION CORP				RECEIVED:	06/20/83	JA: CA			
8341944	83-6-0027	0409520577		102-4		PITTO 15-1	MILLAR GAS	150.0	PACIFIC GAS & ELE
-UNION OIL COMPANY OF CALIF				RECEIVED:	06/20/83	JA: CA			
8341949	83-6-0030	0406720206		102-2		FLORIN #2	FLORIN GAS FIELD	365.0	PROCTER & GAMBLE
NEBRASKA OIL & GAS CONSERVATION COMMISSION									
-MARATHON OIL COMPANY				RECEIVED:	06/16/83	JA: NB			
8341896		2603322159		103		RIPPE "B" WELL #7	HUNTSMAN	5.5	KN ENERGY INC
NORTH DAKOTA INDUSTRIAL COMMISSION									
-GULF OIL CORPORATION				RECEIVED:	06/20/83	JA: ND			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8342054	741	3300700212		102-2		HANSON 1-34-1B	LITTLE KNIFE (MISSION	16.0	NORTHERN GAS PROD
8342055	740	3300700748		102-2		ROMANYSHYN 2-33-4B	LITTLE KNIFE (MISSION	13.0	NORTHERN GAS PROD
-SAMEDAN OIL CORPORATION				RECEIVED:	06/20/83	JA: ND			
8342053	742	3310501037		102-2		OLSON HANSON #1-27	LAST CHANCE	35.0	PHILLIPS PETROLEU
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	06/20/83	JA: ND			
8342051	744	3310501022		102-2		CLARENCE JOHNSRUD #1-3	EIGHTMILE	19.0	PHILLIPS PETROLEU
8342052	743	3305301499		102-2		ERICKSON #1	WILDCAT	1520.0	PHILLIPS PETROLEU
-TOM BROWN INC				RECEIVED:	06/20/83	JA: ND			
8342050	745	3305301594		102-2		HEGGEN 11-14	RAWSON	16.0	PHILLIPS PETROLEU
8342047	748	3305301619		102-2		JOHNSON 4-34	ELK	117.0	PHILLIPS PETROLEU
8342048	747	3305301624		102-2		PESEK 10-12	ELK	167.0	PHILLIPS PETROLEU
8342046	749	3305301574		102-2		SIMPSON 3-12	ELK	31.0	PHILLIPS PETROLEU
8342049	746	3305301561		102-2		SIMPSON 9-32	ELK /	28.0	PHILLIPS PETROLEU
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-ANADARKO PRODUCTION COMPANY				RECEIVED:	06/20/83	JA: NM			
8341986		3001523177		103		CONTINENTAL A STATE #8	TURKEY TRACT 7 RIVERS	27.0	PHILLIPS PETROLEU
-EXXON CORPORATION				RECEIVED:	06/20/83	JA: NM			
8341988		3001524122		103		NEW MEXICO DE STATE COM #1	UNDESIG SIEGREST DRAW	263.0	
-JAKE L HAMON				RECEIVED:	06/20/83	JA: NM			
8341987		3001524308		103		STATE K-3328 #1	CARLSBAD (MORROW) SOU	547.5	LLANO INC
-SOUTHLAND ROYALTY CO				RECEIVED:	06/20/83	JA: NM			
8341985		3004512028		108-PB		CHAMBERLAIN #1	BLANCO MESAVERDE	0.0	SOUTHERN UNION GA
8341984		3004510503		108-PB		WEST SADIE #1	BLANCO MESAVERDE	0.0	SOUTHERN UNION GA
OKLAHOMA CORPORATION COMMISSION									
-BISHOP ROYALTY INC				RECEIVED:	06/16/83	JA: OK			
8341882	22345	3511123788		103		BRUNER #1	BRUNER	58.0	PHILLIPS PETROLEU
-CIMARRON MANAGEMENT CORP				RECEIVED:	06/16/83	JA: OK			
8341890	22380	3511721763		103		REYNOLDS #1	HALLETT	3.6	EMPIRE PIPELINE C
-COTTON PETROLEUM CORPORATION				RECEIVED:	06/16/83	JA: OK			
8341883	22348	3515321362		103		TOMMY #1	SHARON SW	0.0	PHILLIPS PETROLEU
-CREST RESOURCES & EXPL CORP				RECEIVED:	06/16/83	JA: OK			
8341865	22289	3511100000		103		A D KENNEDY CO #1	NORTH MORRIS (BALD HI	37.0	PHILLIPS PETROLEU
8341866	22290	3511100000		103		BEIDLEMAN #1	NORTH MORRIS (BALD HI	37.0	PHILLIPS PETROLEU
-EDWIN L COX				RECEIVED:	06/16/83	JA: OK			
8341847	14770	3512120443		108-ER		RAMBO UNIT #1	SOUTH ASHLAND	51.4	OKLAHOMA GAS & EL
-EXXON CORPORATION				RECEIVED:	06/16/83	JA: OK			
8341859	24122	3512920928		107-DP		E M CARLSON GAS UNIT #1	SWEETWATER	128.0	EL PASO NATURAL G
-F C D OIL CORP				RECEIVED:	06/16/83	JA: OK			
8341867	22291	3505320772		103		SKAGGS 1-32	EAST LAMONT	18.3	FARMLAND INDUSTRI
-GULF OIL CORPORATION				RECEIVED:	06/16/83	JA: OK			
8341872	20614	3506120553		102-2		BAGLEY-GRIFFIN #1-14	ENTERPRISE NORTH	540.0	
8341855	20586	3503920465		102-4		CURTIS LOCKHART #1-9	ARAPAHO NW	1000.0	TRANSOK PIPE LINE
8341871	20613	3514920250		102-4		MCRAE #1-16	SENTINEL	0.0	
-HADSON PETROLEUM CORP				RECEIVED:	06/16/83	JA: OK		730.0	
8341892	22429	3512920724		103		SCHOU #1-21			
-HAZLEWOOD OIL & GAS CO				RECEIVED:	06/16/83	JA: OK			
8341864	22279	3501121748		103		COMPTON #4-2	WATONGA	1.0	OKLAHOMA GAS & EL
-HEARTLAND EXPLORATION INC				RECEIVED:	06/16/83	JA: OK			
8341877	22284	3510900000		108		KING #4	WEST EDMOND	22.0	PHILLIPS PETROLEU
-HENSLEY ENERGY CORP				RECEIVED:	06/16/83	JA: OK			
8341888	22371	3503724286		103		WOOD #1-32		262.9	KERR-MCGEE CORP
-INTERNORTH INC				RECEIVED:	06/16/83	JA: OK			
8341860	20612	3503900000		102-2		HODGE 22 #1	HAMMON N E	0.0	NORTHERN NATURAL
-JAY PETROLEUM INC				RECEIVED:	06/16/83	JA: OK			
8341886	22366	3508121834		103		MILTON #2	WEST CHANDLER	18.0	TRIOK INC
-KABARD EXPLORATION & DRILLING CO				RECEIVED:	06/16/83	JA: OK			
8341881	22310	3510121331		103		BEARD #1-A-6	HASKELL	17.5	PHILLIPS PETROLEU
8341878	22307	3510121572		103		MCGRIFF #2-11	BOYNTON	1003.7	PHILLIPS PETROLEU
8341880	22309	3510121710		103		MCGRIFF #2-27	BOYNTON	280.0	PHILLIPS PETROLEU
8341879	22308	3510121404		103		MILLER #2-8	COLE DIST	72.6	PHILLIPS PETROLEU
-KAY PIPELINE CORP				RECEIVED:	06/16/83	JA: OK			
8341851	20160	3507121184		108		EDNA GARTNER #10-1	EAST DILWORTH	17.5	NORTHWEST CENTRAL
8341853	20162	3507121183		108		EDNA GARTNER #2-2		26.6	NORTHWEST CENTRAL
8341852	20161	3507121081		108		EDNA GARTNER #3-1	EAST DILWORTH	5.4	NORTHWEST CENTRAL
8341850	20163	3507121079		108		MOLACEK #11-1	EAST DILWORTH	17.1	NORTHWEST CENTRAL
8341854	20164	3507121777		108		ROSA GARTNER #9-1		12.7	NORTHWEST CENTRAL
-LEMA PETROLEUM INC				RECEIVED:	06/16/83	JA: OK			
8341856	20587	3510721312		103		SUTHERLAND #1	WEST PADEN	70.0	SWAB CORP
-LITTLE RIVER ENERGY CO				RECEIVED:	06/16/83	JA: OK			
8341870	20360	3511921981		103		LAWSON #1-A	WILDCAT	36.0	PHILLIPS PETROLEU
-M & A PETROLEUM INC				RECEIVED:	06/16/83	JA: OK			
8341868	19601	3508300000		102-2		EBERLE #1	EAST GUTHRIE LAKE	912.5	BUCKEYE NATURAL G
-MACKELLAR INC				RECEIVED:	06/16/83	JA: OK			
8341863	22263	3510321732		103		PFEIFFER B #4	E GREEN VALLEY	0.0	ARCO OIL & GAS CO
8341862	22262	3510321731		103		PFEIFFER B-#3	E GREEN VALLEY	0.0	ARCO OIL & GAS CO
-MARCUS EXPLORATION INC				RECEIVED:	06/16/83	JA: OK			
8341884	22364	3510321861		103		CARRIER #2	GANSEL	22.0	ARCO OIL & GAS CO
8341885	22365	3510321786		103		MEYER #2	GANSEL	75.0	ARCO OIL & GAS CO
-MONSANTO COMPANY				RECEIVED:	06/16/83	JA: OK			
8341848	17846	3515320276		108-ER		FERGUSON #1	NORTH WOODWARD	6.0	TRANSWESTERN PIPE
-MORGAN & STEINERT INC				RECEIVED:	06/16/83	JA: OK			
8341889	22378	3504723330		103		GROENDYKE #1	SOONER TREND	300.0	UNION TEXAS PETRO
-NATOMAS NORTH AMERICA INC				RECEIVED:	06/16/83	JA: OK			
8341869	20224	3500920207		102-4		FOWLER #1		547.0	ARKANSAS LOUISIAN
-ONEAL DRILLING				RECEIVED:	06/16/83	JA: OK			
8341857	20603	3508359624		102-2	103	OLIVE #1 083-59624	SOUTH GUTHRIE	48.0	BUCKEYE NATURAL G
-PAN WESTERN ENERGY CORP				RECEIVED:	06/16/83	JA: OK			
8341861	22219	3508121764		103		STINER #1	WEST PARKLAND	180.0	COLORADO GAS COMP
-PETRO-LEWIS CORPORATION				RECEIVED:	06/16/83	JA: OK			
8341849	19383	3509300000		108		CHESTNUT 18-1	SOONER TREND	0.0	PARTNERSHIP PROPE
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	06/16/83	JA: OK			
8341876	22243	3515321383		103		GADEN A #2	N E SEILING	0.0	PANHANDLE EASTERN
-RAMSEY PROPERTY MANAGEMENT INC				RECEIVED:	06/16/83	JA: OK			
8341891	22427	3507321920		103		OLTMANNS #1	SOONER TREND	8.0	EASON OIL CO
-STRIKER DRILLING CO				RECEIVED:	06/16/83	JA: OK			
8341887	22367	3508121930		103		JOHN ROBERSON #1-A	EAST DAVENPORT	0.0	MERIDIAN ENERGY I
-TENNECO OIL COMPANY				RECEIVED:	06/16/83	JA: OK			
8341858	20604	3507720258		102-4	103	EDNA GARTNER #10-1	WILBURTON	248.0	TENNESSEE GAS PIP
8341873	20661	3512920871		102-2	103	MERRICK #1-35	WILDCAT	785.0	DELHI GAS PIPELIN
-WHEATLAND OIL CO				RECEIVED:	06/16/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8341875	21938	3509322634		103		ARNOLD #1	N RINGWOOD	36.5	UNION TEXAS PETRO
-WILLIFORD ENERGY CO				RECEIVED:	06/16/83	JA: OK		94.9	NORTHERN NATURAL
8341874	21588	3500722394		103		JACOBSON #1			
********** PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES **********									
-ARROWHEAD GAS PRODUCERS INC				RECEIVED:	06/17/83	JA: PA			
8341900	18908	3712329396		107-TF		J RUTSKY #1	SUGAR GROVE	23.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	06/17/83	JA: PA	PERRY	21.9	GENERAL SYSTEM PU
8341897	15969	3706521657		108		WALTER G DAUGHENBAUGH WN-1708	UPPER DEVONIAN SANDS	20.0	INDUSTRIAL ENERGY
-DORAN & ASSOCIATES INC				RECEIVED:	06/17/83	JA: PA	BEALA	16.3	COLUMBIA GAS TRAN
8341898	16907	3706324933		108		D ORR #1 KL-123	WATTSBURGH	0.0	COLUMBIA GAS TRAN
-ELDER OIL & GAS CO				RECEIVED:	06/17/83	JA: PA	RUFF CREEK	10.0	NEW JERSEY NATURA
8341899	17446	3703120821		108		STITT FARM 026282	RUFF CREEK	7.5	NEW JERSEY NATURA
-KALTSAS OIL CO				RECEIVED:	06/17/83	JA: PA	RUFF CREEK	11.5	NEW JERSEY NATURA
8341910	20023	3704922431		107-TF		HERBERT MILLER #5	RUFF CREEK	11.5	NEW JERSEY NATURA
-KEPCO INC				RECEIVED:	06/17/83	JA: PA	RUFF CREEK	7.5	NEW JERSEY NATURA
8341928	20092	3705921734		102-4		A V PETRAITIS #2 (PK-41)	BLAIRSVILLE	36.8	PEOPLES NATURAL G
8341931	20095	3705921820		102-4		A V PETRAITIS #5 (PK-79)	SOUTH PYMATUNING	30.0	
8341932	20096	3705921821		102-4		A V PETRAITIS #6 (PK-80)	LEBOEUF	10.0	NATIONAL FUEL GAS
8341930	20094	3705921781		102-4		C HEADLEE #3 (PK-69)	LE BOEUF	10.0	NATIONAL FUEL GAS
8341929	20093	3705921823		102-4		M E SHOUP #7 (PK-68)	LEBOEUF	10.0	NATIONAL FUEL GAS
-MAC-MAR INC				RECEIVED:	06/17/83	JA: PA	LE BOEUF	10.0	NATIONAL FUEL GAS
8341901	19428	3712922066		103		MILLER #1	WATERFORD	10.0	NATIONAL FUEL GAS
-MARK RESOURCES CORP				RECEIVED:	06/17/83	JA: PA	LE BOEUF	10.0	NATIONAL FUEL GAS
8341927	20045	3708502050		102-2		J FITTING #1	LE BOEUF	10.0	NATIONAL FUEL GAS
-NEA CROSS CO				RECEIVED:	06/17/83	JA: PA	WATERFORD	10.0	NATIONAL FUEL GAS
8341914	20122	3704920830		102-2		CLARENCE & HELEN BOYD #3	LEBOEUF	10.0	NATIONAL FUEL GAS
8341913	20121	3704920663		102-2		CLARENCE V & HELEN BOYD #2	WATERFORD	10.0	NATIONAL FUEL GAS
8341912	20120	3704920603		102-2		CLARENCE V & HELEN M BOYD #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8341915	20123	3704920834		102-2		CORNISH LUMBER CO #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8341921	20129	3704920531		102-2		J A & R B KUZMA #1	WATERFORD	10.0	NATIONAL FUEL GAS
8341925	20133	3704920589		102-2		KENNETH ALAN & SHIRLEY A WISE #2	LE BOEUF	10.0	NATIONAL FUEL GAS
8341926	20134	3704920668		102-2		KENNETH ALAN & SHIRLEY A WISE #3	LE BOEUF	10.0	NATIONAL FUEL GAS
8341920	20128	3704920833		102-2		LAWRENCE C GEHRES #1	WATERFORD	10.0	NATIONAL FUEL GAS
8341916	20124	3704920415		102-2		NORBERT & NANCY CROSS #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8341917	20125	3704920416		102-2		NORBERT & NANCY CROSS #2	WATERFORD	10.0	NATIONAL FUEL GAS
8341918	20126	3704920760		102-2		NORBERT & NANCY K CROSS #3	LE BOEUF	10.0	NATIONAL FUEL GAS
8341924	20132	3704920695		102-2		PAUL WARNER #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8341919	20127	3704920696		102-2		RONALD ETHRIDGE #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8341923	20131	3704920831		102-2		SHIRLEY MCLAUGHLIN #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8341911	20119	3704920770		102-2		STANLEY M BEEZUB #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8341922	20130	3704920829		102-2		THOMAS L MANNARELLI #1			
-UNIVERSAL RESOURCES HOLDINGS INC				RECEIVED:	06/17/83	JA: PA	COLUMBUS	20.0	NATIONAL FUEL GAS
8341903	19724	3712332394		107-TF		L DODD #3	COLUMBUS	20.0	NATIONAL FUEL GAS
8341902	19723	3712332394		102-2		L DODD #3			
-US ENERGY DEVELOPMENT CORP				RECEIVED:	06/17/83	JA: PA	COLUMBUS	20.0	COLUMBIA GAS TRAN
8341905	19774	3712332214		107-TF		D CURTIS #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
8341904	19773	3712332214		102-2		D CURTIS #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
8341908	19782	3712332325		102-2		J ZAJAC #5	COLUMBUS	20.0	COLUMBIA GAS TRAN
8341909	19783	3712332325		107-TF		J ZAJAC #5	COLUMBUS	20.0	COLUMBIA GAS TRAN
8341907	19776	3712332213		107-TF		W JOHN SMITH #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
8341906	19775	3712332213		102-2		W JOHN SMITH #1			
********** WEST VIRGINIA DEPARTMENT OF MINES **********									
-ANCHOR HOCKING CORP				RECEIVED:	06/20/83	JA: WV	GRAHAM	2.0	GAS TRANSPORT INC
8342008		4705300137		108		EDWARD BUMGARNER 118	GRAHAM	12.0	GAS TRANSPORT INC
8342007		4705300169		108		GEORGE HOFFMAN 1-78-010	GRAHAM	1.0	GAS TRANSPORT INC
8342015		4705300136		108		RICHARD P ROUSH #1			
-ARTEX OIL CO				RECEIVED:	06/20/83	JA: WV	GLENVILLE SOUTH	2.0	CONSOLIDATED GAS
8342006		4702101922		108		GROVES #1	GLENVILLE SOUTH	2.0	CONSOLIDATED GAS
8342005		4702101949		108		GROVES #2	GLENVILLE SOUTH	3.0	CONSOLIDATED GAS
8342039		4702102362		108		GROVES #3	FINSTER-ASPINALL	6.0	EQUITABLE GAS CO
8342045		4704100204		108		HUNTER BENNETT #1	FINSTER-ASPINALL	3.0	EQUITABLE GAS CO
8342044		4704102009		108		JOHN FINSTER #11			
-ASHLAND EXPLORATION INC				RECEIVED:	06/20/83	JA: WV	MACCORKLE	6.0	ROARING FORK GAS
8342038		4700500224		108		GARNETT P WISMAN #8 - 000857			
-CABOT OIL & GAS CORP				RECEIVED:	06/20/83	JA: WV	BARKERS RIDGE	0.0	CONSOLIDATED GAS
8342036		4710900824		108		POCAHONTAS LAND I-17	BARKERS RIDGE	0.0	CONSOLIDATED GAS
8342037		4710900827		108		POCAHONTAS LAND I-19	MT COVE	18.0	EQUITABLE GAS CO
8342035		4701900400		108		THOMAS #1			
-CHESTERFIELD CORP				RECEIVED:	06/20/83	JA: WV	WASHINGTON	0.0	COLUMBIA GAS TRAN
8341991		4709702295		103		HANIFAN #A-1 47-097-2295			
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	06/20/83	JA: WV	GRANT	6.0	GENERAL SYSTEM PU
8341999		4703302786		103		AUBREY W RANDOLPH 12758	PHILIPPI	9.0	GENERAL SYSTEM PU
8342032		4700101719		103		CHARLEY POLING #1 12778	GRANT	3.0	GENERAL SYSTEM PU
8342000		4708505528		103		FRANKLIN D SPEARS 12756	SANDY RIVER	24.0	GENERAL SYSTEM PU
8342033		4704700408		108		OLGA COAL CO WN-10956			
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED:	06/17/83	JA: WV	COURTHOUSE	12.0	
8341973		4704100179		107-DV		JACOB #2	COURTHOUSE DISTRICT	10.0	COLUMBIA GAS TRAN
8341974		4704103194		107-DV		MCLAUGHLIN #4			
-ENERGEX OIL & GAS CORP				RECEIVED:	06/17/83	JA: WV	CLAY DISTRICT	150.0	CABOT PIPELINE CO
8341975		4710701217		107-DV		J COLLUMS #1			
-INLAND EXPLORATION INC				RECEIVED:	06/17/83	JA: WV	UNION	7.2	ROARING FORK GAS
8341971		4708505332		107-DV		IRA L JACKSON HEIRS #1A			
-INLAND EXPLORATION INC				RECEIVED:	06/20/83	JA: WV	GRANT	9.0	ROARING FORK GAS
8342034		4708505414		107-DV		A P & B F NULL #1A			
-J & J ENTERPRISES INC				RECEIVED:	06/20/83	JA: WV	GLADE	0.0	CONSOLIDATED GAS
8341992		4700101681		103		B-438	ELK	0.0	CONSOLIDATED GAS
8341997		4703302695		103		B-443	SARDIS	0.0	CONSOLIDATED GAS
8341998		4703302745		103		B-456	PHILIPPI	0.0	CONSOLIDATED GAS
8341993		4700101706		103		B-481	PHILIPPI	0.0	CONSOLIDATED GAS
8341994		4700101707		103		B-500	PHILIPPI	0.0	CONSOLIDATED GAS
8341995		4700101708		103		B-501	SARDIS	0.0	CARNEGIE NATURAL
8341996		4703302814		103		J-711			
-JAMES F SCOTT				RECEIVED:	06/20/83	JA: WV	COAL	6.0	CONSOLIDATED GAS
8342003		4703302574		103		ISABEL MORGAN 5-351	MCCLELLAN	20.0	COLUMBIA GAS TRAN
8342001		4701703114		103		JENNINGS STARKEY 5-368	VALLEY	127.0	ROARING FORK GAS
8342002		4701900484		103		PRATHER-HUMPHREYS	UNION	0.7	CONSOLIDATED GAS
8342004		4704900731		103		WALTER SHAFFER 5-414			
-KAISER ENERGY INC				RECEIVED:	06/17/83	JA: WV	ELK/POCA	18.0	COLUMBIA GAS TRAN
8341976		4703501678		107-DV		MELVIN CASTO KEM #165			
-KOBER OIL INC				RECEIVED:	06/17/83	JA: WV			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8341969		4708505514		107-DV		EVERETT MASON #1-A	UNION	10.0	
8341964		4708505645		107-DV		EVERETT MASON #1-C	UNION	10.0	
8341970		4708305515		107-DV		EVERETT MASON #1B	UNION	10.0	
8341965		4708505601		107-DV		EVERETT MASON #2 A	UNION	10.0	
8341968		4708500554		107-DV		JAMES ANDERSON #1	UNION	10.0	CABOT CORP
8341977		4708505602		107-DV		WOODROW HAMMOND #1	UNION	10.0	
-MURVIN OIL CORP				RECEIVED:	06/20/83	JA: WV			
8342022		4700721231		108		ANNA HALL #2	BIRCH	18.0	EQUITABLE GAS CO
8342026		4708524041		108		E J TAYLOR #3	CLAY	15.0	EQUITABLE GAS CO
8342021		4701521262		108		ERC & L #13	BUFFALO	12.0	EQUITABLE GAS CO
8342020		4701521263		108		ERC & L #14	HENRY	12.0	EQUITABLE GAS CO
8342030		4706724260		108		ERC & L #15	SUMMERSVILLE	18.0	EQUITABLE GAS CO
8342019		4701521311		108		ERC & L #16	HENRY	5.0	EQUITABLE GAS CO
8342018		4701521519		108		ERC & L #23	BUFFALO	10.0	EQUITABLE GAS CO
8342029		4706720448		108		ERC&L #18	SUMMERSVILLE	20.0	EQUITABLE GAS CO
8342023		4706720449		108		ERC&L #19	SUMMERSVILLE	20.0	EQUITABLE GAS CO
8342017		4701721782		108		H T DAVIS #1	ROCK RUN MIDDLE ISLAN	10.0	EQUITABLE GAS CO
8342027		4708524099		108		ORPHA FRESHOUR #1	UNION	20.0	EQUITABLE GAS CO
8342031		4708524340		108		S TAYLOR #2	CLAY	10.0	EQUITABLE GAS CO
8342028		4708524101		108		STEPHEN TAYLOR #1	CLAY	20.0	EQUITABLE GAS CO
8342009		4701722291		108		W B MAXWELL #10	SOUTHWEST	20.0	EQUITABLE GAS CO
8342024		4701722461		108		W B MAXWELL #11	SOUTHWEST	10.0	EQUITABLE GAS CO
8342025		4701722458		108		W B MAXWELL #12	SOUTHWEST	10.0	EQUITABLE GAS CO
8342010		4701722290		108		W B MAXWELL #9	SOUTHWEST	20.0	EQUITABLE GAS CO
8342016		4701721897		108		W BRENT MAXWELL #5	SOUTHWEST	10.0	EQUITABLE GAS CO
8342011		4701721902		108		W BRENT MAXWELL #6	SOUTHWEST	20.0	EQUITABLE GAS CO
-ROSS-WHARTON GAS CO				RECEIVED:	06/17/83	JA: WV			
8341972		4708300494		107-DV		MIKE ROSS #4	ELLAMORE	0.0	COLUMBIA GAS TRAN
-SOUTHERN TRIANGLE OIL CO INC				RECEIVED:	06/20/83	JA: WV			
8342042		4701700756		108		FAUPLE #1	COVE	0.6	CONSOLIDATED GAS
8342013		4701700590		108		GAMS JAGER #1	COVE	2.6	CONSOLIDATED GAS
8342043		4701700705		108		HINTER E	COVE	9.2	CONSOLIDATED GAS
8342041		4701700880		108		JERRY #1	COVE	1.6	CONSOLIDATED GAS
8342012		4701700659		108		KELLAK #1	COVE	0.7	CONSOLIDATED GAS
8342040		4704100855		108		MOODY #1	FREEMANS CREEK	0.0	CONSOLIDATED GAS
8342014		4703501386		108		RUTH FRENCH HRS #1	RIPLEY DISTRICT	4.5	CABOT CORP
-TRIO PETROLEUM CORP				RECEIVED:	06/17/83	JA: WV			
8341967		4702103842		107-DV		HENDERSON A #1	GLENVILLE NORTH	50.0	
8341966		4702103843		107-DV		HENDERSON A #2	GLENVILLE NORTH	40.0	
8341963		4702103886		107-DV		HENDERSON D #1	GLENVILLE NORTH	50.0	
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
-MOBIL OIL CORP				RECEIVED:	06/16/83	JA: CO 1			
8341893	CD-0069-83A	0506706227		102-2		UTE INDIAN 1-11	IGNACIO BLANCO	0.0	NORTHWEST PIPELIN
-SUN EXPLORATION & PRODUCTION CO-				RECEIVED:	06/16/83	JA: CO 1			
8341895	CD-0076-83	0508100000		108		FEDERAL FOX #29-1	CRAIG NORTH	6.0	MOUNTAIN FUEL SUP
8341894	CD-0610-82	0510300000		107-TF		SAGE BRUSH HILLS II #19-1-99	CORRAL CREEK	106.0	NORTHERN NATURAL
-TENNECO OIL COMPANY				RECEIVED:	06/20/83	JA: CO 1			
8341982	CD0085-83	0510308905		103	107-TF	BRUNEL E 28-10	BLUE CLOUD	75.0	NORTHWEST PIPELIN
8341981	CD-0073-83	0504506431		102-2		DOUGLAS PASS UNIT USA 2-12	DOUGLAS PASS	100.0	NORTHWEST PIPELIN
8341983	CD0072-83	0504506399		102-2		DOUGLAS PASS UNIT USA 3-6	DOUGLAS PASS	20.0	NORTHWEST PIPELIN
8341979	CD0070-83	0504506420		102-2		DOUGLAS PASS UNIT USA 32-14	DOUGLAS PASS	15.0	NORTHWEST PIPELIN
8341978	CD0071-83	0504506314		102-2		DOUGLAS PASS UNIT USA 33-5	DOUGLAS PASS	100.0	NORTHWEST PIPELIN
8341980	CD0075-83	0510308553		102-2	107-TF	EVACUATION CREEK UNIT USA 32-1	EVACUATION CREEK	65.0	NORTHWEST PIPELIN
-J C THOMPSON				RECEIVED:	06/17/83	JA: UT 1			
8341935	USL 023-83ER	4301920154		108-ER		HORSE POINT M-4	WESTWATER	1.3	NORTHWEST PIPELIN
8341934	USL 025-83ER	4301915660		108-ER		WESTWATER M-1	WESTWATER	9.7	NORTHWEST PIPELIN
8341933	USL 009-83ER	4301915657		108-ER		WESTWATER UNIT E-2	WESTWATER	1.8	NORTHWEST PIPELIN
8341936	USL 008-83ER	4301915662		108-ER		WESTWATER UNIT M-3	WESTWATER	7.3	NORTHWEST PIPELIN
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, LOS ANGELES,CA									
-CHEVRON U S A INC				RECEIVED:	06/20/83	JA: CA 2			
8341990	OCS-P 8-83	0431120537		102-5		OCS-P-0217 8A-27	SANTA CLARA UNIT	730.0	PACIFIC LIGHTING
8341989	OCS-P 7-83	0431120537		102-5		OCS-P-0217 8A-27	SANTA CLARA UNIT	730.0	PACIFIC LIGHTING
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	06/20/83	JA: CA 2			
8342057	CA-2-83	0411120974		103		ANZA RESERVE-STRAND 81-29	SESPE	17.0	SHELL OIL CO
8342056	CA-1-83	0411120973		103		ANZA-RESERVE 71-29	SESPE	0.7	SHELL OIL CO
8342058	CA-3-83	0411121005		103		BONEBRAKE A-21-6	SESPE	0.7	SHELL OIL CO
8342070	CA-4-83	0411121006		103		BONEBRAKE A-34-6	SESPE	0.7	SHELL OIL CO
8342060	CA-5-83	0411121127		103		CHODAR 83-1	SESPE	0.3	SHELL OIL CO
8342061	CA-6-83	0411120975		103		RED ROCK 15-32	SESPE	10.0	SHELL OIL CO
8342059	CA-7-83	0411121133		103		RED ROCK 16-32	SESPE	1.0	SHELL OIL CO
8342062	CA-8-83	0411121123		103		RED ROCK 25-32	SESPE	15.0	SHELL OIL CO
8342063	CA-9-83	0411120877		103		SHALE RIDGE 15-28	SESPE	12.0	SHELL OIL CO
8342064	CA-10-83	0411120899		103		SHALE RIDGE 17-28	SESPE	50.0	SHELL OIL CO
8342067	CA-14-83	0411120769		103		TAR CREEK (USL) 13-28	SESPE	45.0	SHELL OIL CO
8342068	CA-15-83	0411120852		103		TAR CREEK (USL) 149-28	SESPE	17.0	SHELL OIL CO
8342065	CA-11-83	0411120915		103		TAR CREEK-STRAND 74X-29	SESPE	15.0	SHELL OIL CO
8342069	CA-16-83	0411120882		103		THORNBURY GEIS RED ROCK 63-29	SESPE	1.0	SHELL OIL CO
8342066	CA-12-83	0411120979		103		WITMER 86X-31	SESPE	50.0	SHELL OIL CO

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federal register

Friday
July 8, 1983

Part V

Department of the Interior

Minerals Management Service

Outer Continental Shelf; Western Gulf of Mexico and Central California

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Western Gulf of Mexico
Oil and Gas Lease Offering (August 1983)

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (30 CFR Part 256, formerly 43 CFR Part 3300; see the Federal Register at 47 FR 47006, October 22, 1982). A revision of those regulations appeared in the Federal Register on June 16, 1982, at 47 FR 25967 and 26031.

2. Filing of Bids. Sealed bids will be received by the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Boulevard, Metairie, Louisiana 70002. Bids may be delivered in person to the above address until the Bid Submission Deadline at 10:00 a.m., c.s.t., August 23, 1983. Bids will not be accepted on August 24, 1983, the day of Bid Opening. Delivery by mail should be addressed to P.O. Box 7944, Metairie, Louisiana 70010, and must be received by the Bid Submission Deadline. Bids received by the Regional Manager later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the Regional Manager prior to 10:00 a.m., c.s.t., August 23, 1983. Bids may not be withdrawn unless written withdrawal is received by the Regional Manager prior to 8:30 a.m., c.s.t., August 24, 1983. Bid Opening Time will be 9:00 a.m., c.s.t., August 24, 1983, at the Hyatt Regency New Orleans, 500 Poydras Plaza, Ballroom E, New Orleans, Louisiana. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this offering appeared in the Federal Register at 48 FR 15795 on April 12, 1983.

3. Method of Bidding. Tract numbers will not be used. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert offering name; date of offering; map number(s); map name(s), if applicable, and block number(s)), not to be opened until 9:00 a.m., c.s.t., August 24, 1983," must be submitted for each block or prescribed bidding unit bid upon. For example, a block would be identified as follows: "Western Gulf of Mexico (August 1983), NH 15-1, (East Breaks) Block 701." For those blocks which must be bid on together as a bidding unit (see paragraph 12), it is recommended that all numbers of blocks comprising the bidding unit appear in the label on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Minerals Management Service. No bid for less than all of the unleased portions of a block or bidding unit will be

considered. Bidders are advised to use the description "All the Unleased Federal Portion" for those blocks having only aliquot portions currently available for leasing. Partnerships also need to submit or have on file a list of signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this offering must provide for a cash bonus in the amount of $150 or more per acre or fraction thereof. All leases awarded for this offering will provide for a yearly rental payment of $3 per acre or fraction thereof. Leases awarded under 4(a), (b), and (c) will provide for a minimum royalty of $3 per acre or fraction thereof. The bidding systems to be utilized for this offering apply to blocks or bidding units as shown on map 2 entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems, Final," available from the Gulf of Mexico OCS Regional Office at the address stated in paragraph 2. The following bidding systems will be used:

(a) Bonus Bidding With a Fixed Sliding Scale Royalty. Bids on blocks or bidding units offered under this system must be submitted on a cash bonus basis with the percent royalty due in amount or value of production fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64. The fixed sliding scale formula operates as follows:

When the quarterly value of production, adjusted for inflation, is less than or equal to $20.873434 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $20.873435 million, but less than or equal to $37,740.050000 million, the royalty percent due on the unadjusted value or amount of production is given by:

$$Rj = b\,[Ln\,(Vj/S)]$$

where Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j
b = 7.0
Ln = natural logarithm
Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars
S = 3.5

When the adjusted quarterly value of production is equal to or greater than $37,740.060000 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.56224 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., the nearest dollar; for example, $49.625834 million.

The form of the sliding scale royalty schedule is illustrated in figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula previously described under two different values for the quarterly price index.

(b) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the blocks or bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent.

(c) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the blocks or bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent.

(d) Bonus Bidding with a Fixed Net Profit Share. Bids on blocks or bidding units offered under this system must be submitted on a cash bonus basis with the fixed net profit share rate and the capital recovery factor indicated on map 2 entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems," as applicable to the block(s) bid upon. The net profit share payment shall be calculated according to regulations codified in 30 CFR 261, formerly 10 CFR 390 (see the Federal Register of January 11, 1983, at 48 FR 1181).

Figure 1
Form of the Sliding Scale Royalty Schedule

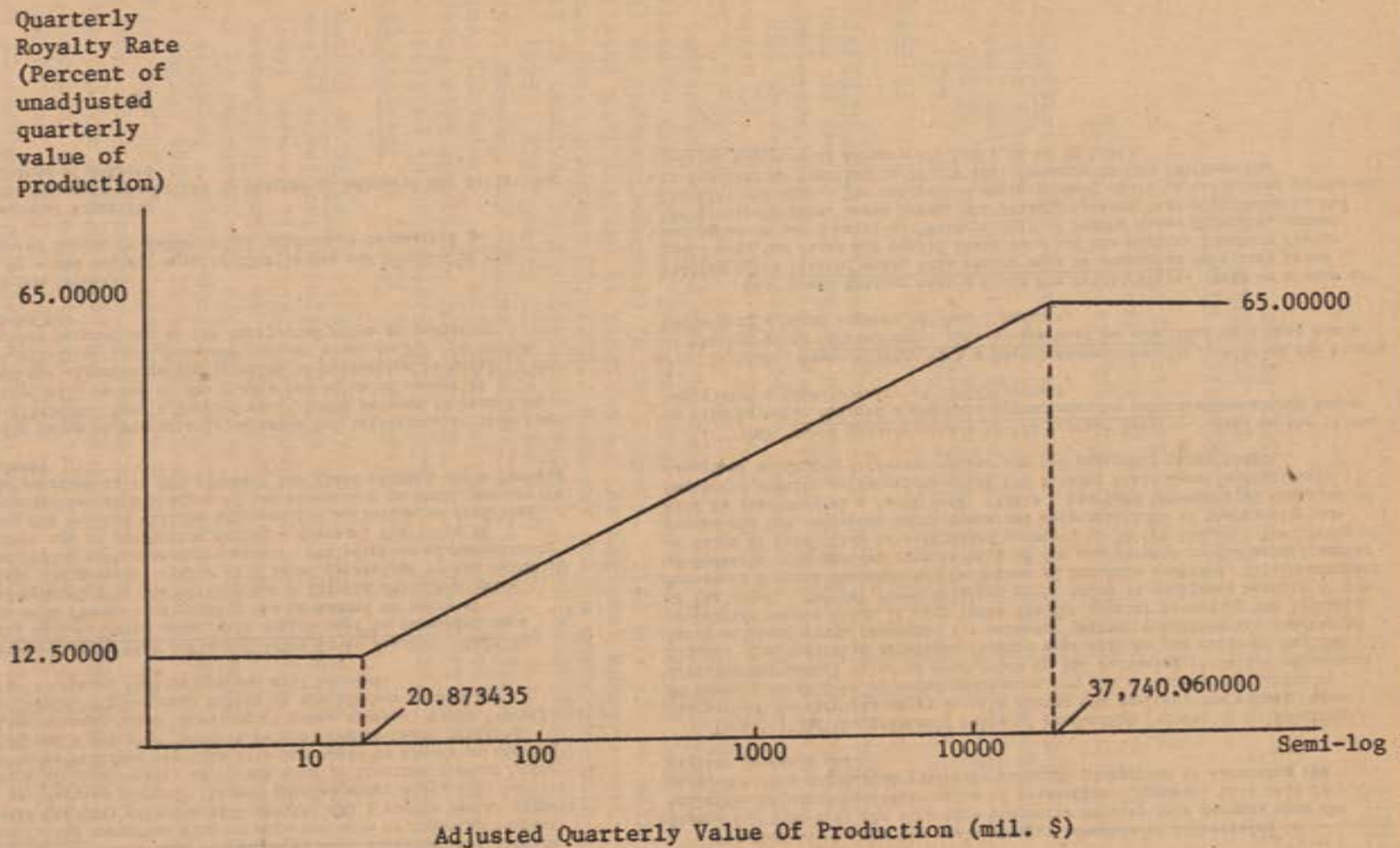


TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	12.50000	1.25000
30.000000	200.0	4/3	22.500000	13.02527	3.90758
90.000000	200.0	4/3	67.500000	20.71555	18.64400
270.000000	200.0	4/3	202.500000	28.40584	76.69577
810.000000	200.0	4/3	607.500000	36.09612	292.37857
10.000000	250.0	5/3	6.000000	12.50000	1.25000
30.000000	250.0	5/3	18.000000	12.50000	3.75000
90.000000	250.0	5/3	54.000000	19.15355	17.23820
270.000000	250.0	5/3	162.000000	26.84383	72.47834
810.000000	250.0	5/3	486.000000	34.53412	279.72637

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100. All values are rounded for display purposes only.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982) and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See paragraph 14, "Information to Lessees."

6. Bid Opening. Bids will be opened at the Bid Opening Time, stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on August 24, 1983, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this offering prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted and no lease for any block or bidding unit will be awarded to any bidder unless:

(a) the bidder has complied with all requirements of this notice and applicable regulations;
(b) the bid is the highest valid bid; and
(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $150 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this notice, the OCS Lands Act, as amended, or applicable regulations, may be returned to the person submitting that bid by the Regional Manager and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental, and satisfy the bonding requirements of 30 CFR 256 Subpart I within the following time periods:

(a) 15 days, if payment is made by Federal Reserve check. Federal Reserve checks are instruments which originate at Federal Reserve member banks. These checks are to be drawn on the New Orleans Federal Reserve Branch. Cut-off time for the presentation of Federal Reserve checks to the Gulf of Mexico OCS Regional Manager or his designee shall be specified at the time that leases are transmitted to successful bidders for execution.

(b) 14 days, if payment is made by commercial checks. Commercial checks are instruments drawn on a commercial bank located in New Orleans, Louisiana. Cut-off time for the presentation of commercial checks to the Gulf of Mexico OCS Regional Manager or his designee shall be specified at the time that leases are transmitted to successful bidders for execution. New payment procedures under development requiring the payment of the balance of the cash bonus with the first year's rental by means of electronic funds transfer will not be effective until after January 1, 1984. The implementation of such new payment procedures will be announced in the notice for the offering to which they will apply.

11. Leasing Maps/Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Leasing Maps/Official Protraction Diagrams which may be purchased from the Gulf of Mexico OCS Regional Office at the address stated in paragraph 2 of this notice:

(a) Outer Continental Shelf Leasing Maps - South Texas Set. This set of maps sells for $5.00.

Map 1	South Padre Island Area
Map 1A	South Padre Island Area East Addition
Map 2	North Padre Island Area
Map 2A	North Padre Island Area East Addition
Map 3	Mustang Island Area
Map 3A	Mustang Island Area East Addition
Map 4	Matagorda Island Area

(b) Outer Continental Shelf Leasing Maps - East Texas Set. The following set of maps sells for $7.00.

Map 5	Brazos Area
Map 5B	Brazos Area South Addition
Map 6	Galveston Area
Map 6A	Galveston Area South Addition
Map 7	High Island Area
Map 7A	High Island Area East Addition
Map 7B	High Island Area South Addition
Map 7C	High Island Area East Addition South Extension
Map 8	Sabine Pass Area

(c) Outer Continental Shelf Official Protraction Diagrams. These diagrams sell for $2.00 each.

NG 14-3	Corpus Christi (1/27/76)
NG 14-6	Port Isabel (1/27/76)
NG 15-1	East Breaks (1/27/76)
NG 15-2	Garden Banks (12/2/76)
NG 15-4	Alaminos Canyon (3/26/76)
NG 15-5	Keathley Canyon (12/2/76)

12. Description of the Areas Offered for Bids.

(a) Acreages of full and partial blocks occurring at the meeting of map borders appear on Leasing Maps and Official Protraction Diagrams (see paragraph 11). Acreages of split blocks on the Federal/State boundary appear on the set of drawings entitled "Split Blocks - Western Gulf of Mexico," available from the Gulf of Mexico OCS Regional Office (see paragraph 14(a)). Where part of any of the above full, partial, or split blocks is under lease (as indicated in subparagraph (c) of this section), the acreage available for leasing at this offering is listed in the document entitled "Western Gulf of Mexico Lease Offering, August 1983, Open Acreages for Blocks with Aliquots Under Lease," available from the Gulf of Mexico OCS Regional Office.

(b) In several instances two or more blocks have been joined together into bidding units totaling less than 5760 acres. Any bid submitted for a bidding unit having more than one block must be for all of the unleased Federal acreage within all of the blocks in that bidding unit. The list of those bidding units and their total acreage appear on the map entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems, Final," available from the Gulf of Mexico OCS Regional Office.

(c) The areas offered for leasing include all those blocks shown on the OCS Leasing Maps and Official Protraction Diagrams listed in paragraph 11 (a), (b), and (c), except for those blocks or partial blocks described as follows:

WESTERN GULF OF MEXICO LEASE OFFERING
AUGUST 1983
WESTERN GULF OF MEXICO LEASED LANDS

Descriptions of Blocks Listed Represent All Federal Acreage Leased Unless Otherwise Noted

S. Padre Island

1041
1049
1051
1069

S. Padre Island, East Addition

1117
A-62
A-64
A-65
A-70
A-71
A-72
A-73

N. Padre Island

919
924
946
947
956
957
958
965
966
967
968
999
1021
1022

N. Padre Island, East Addition

A-10
A-12
A-13
A-42
A-51
A-93

Mustang Island

738
739
755
757
758
759
762
763
765
791
799

Mustang Island (continued)

800
815
831
844
866
A-2
A-16
A-18
A-22
A-31

Mustang Island, East Addition

734
760
A-51
A-52
A-53
A-58
A-60
A-65
A-66
A-83
A-84
A-85
A-90
A-107
A-111
A-117
A-118
A-121
A-124
A-129
A-149
A-151
A-152
A-153
A-162
A-174
A-175

Matagorda Island

487
518
526
527
528
555
556
557
558
565
566
567

Matagorda Island (continued)

568
569
586
587
588
589
603
619
620
622
623
624
632
634
636
639
640
649
652
653
654
656
657
664
665
666
668
669
672
673
680
681
682
685
686
696
697
700
701
703
704
705
709
710
711
712
713
716
717
718
A-7

Brazos

412
436

Brazos (continued)

437
438
439
449
450
451
452
453
475
488
523
530
578
A-1
A-3
A-7
A-10
A-16
A-17
A-19
A-20
A-22
A-23
A-24
A-28
A-29
A-30
A-33
A-34
A-39
A-40
A-41

Brazos, South Addition

A-47
A-48
A-69
A-70
A-73
A-74
A-76
A-77
A-78
A-102
A-105
A-106
A-131
A-132
A-133

Galveston

103
104
144
151
180
181
189 (SE¼)
190 (W½)
192
213
223
239
241
255
257
282
288–
(S½NE¼NE¼; SE¼NW¼NE¼; S½NE¼; E½E½SW¼; SE¼)
289–
(S½NW¼NW¼; W½SW¼NW¼; SE¼SW¼NW¼; SW¼SE¼NW¼; SW¼; W½SE¼)
295–
(S½NE¼NE¼; NW¼NE¼; W½SW¼NE¼; NE¼SW¼NE¼; N½SE¼NE¼; W½;W½NW¼SE¼; S½SE¼)
296–
(NE¼; NE¼NE¼NW¼; S½NE¼NW¼; S½SW¼NW¼; SE¼NW¼; N½S½; NE¼SW¼SW¼; N½SE¼SW¼; N½SW¼SW¼; SE¼SE¼)
301
302
303
304
321
322–
(NE¼NE¼NE¼; W½NE¼NE¼; NW¼NE¼; N½SW¼NE¼;

Galveston (continued)

322–(cont'd)
SW¼SW¼NE¼; NW¼)
323
350
352
353
384
388
389
391
392
393
420
421
424
426
427
A-3
A-35
A-38
A-84
A-113

Galveston, South Addition

A-126
A-127
A-129
A-131
A-155
A-156
A-157
A-158
A-187
A-190
A-227

High Island

19
22
35
49
52
53–
(NE¼; E½NE¼SE¼)
71
72
94
105
107
108
109

High Island (continued)

110
111
135–
(N½; N½S½; SW¼SW¼; W½SE¼SW¼; NE¼SE¼SW¼; N½S½SE¼)
136–
(E½; E½NE¼SW¼; S½SE¼SW¼)
138 (N½)
139
140
141 (E½)
143
154
155 (W½)
160–
(NE¼; NE¼NW¼; E½SE¼NW¼; N½SE¼; N½SE¼SE¼)
161–
(NW¼NE¼NW¼; S½NE¼NW¼; W½NW¼; SE¼NW¼; NE¼NE¼SW¼; W½NE¼SW¼; NW¼SW¼; NW¼SW¼SW¼)
162
163
169
170
179
193
199
200
201
206
A-6
A-24
A-26
A-33
A-34

High Island, South Addition

A-414
A-416
A-417
A-437
A-438
A-439
A-440
A-441
A-442
A-443
A-444

High Island South Addition (continued)

A-445
A-446
A-447
A-448
A-454
A-455
A-461
A-462
A-466
A-467
A-468
A-469
A-471
A-472
A-474
A-475
A-476
A-480
A-487
A-489
A-490
A-492
A-494
A-498
A-499
A-507
A-508
A-511
A-514
A-515
A-517
A-520
A-522
A-523
A-531
A-532
A-536
A-537
A-542
A-543
A-545
A-546
A-547
A-548
A-549
A-550
A-551
A-552
A-555
A-557
A-561
A-563
A-564
A-567
A-568
A-569
A-570
A-571
A-572
A-573
A-574

High Island South Addition (continued)

A-578
A-579
A-582
A-595
A-596

High Island, East Addition

38
39
45
75
76
83
119
120
128
129
A-170
A-171
A-244

High Island, East Addition, South Extension

A-252
A-267
A-269
A-270
A-273
A-279
A-280
A-281
A-282
A-283
A-284
A-285
A-286
A-287
A-289
A-290
A-295
A-298
A-302
A-303
A-309
A-310
A-312
A-313
A-315
A-317
A-318
A-323
A-325
A-327
A-330
A-332
A-334
A-335

High Island, East Addition, South Extension (continued)

A-336
A-337
A-339
A-340
A-341
A-342
A-343
A-344
A-345
A-346
A-349
A-350
A-351
A-355
A-356
A-357
A-365
A-368
A-369
A-370
A-374
A-376
A-378
A-382
A-384
A-385
A-389
A-395
A-397

Sabine Pass

17
18
40

Corpus Christi

569
570
612
656
700
743
744

East Breaks

109
110
158
159
160
161
244
245
247
248
288
289

East Breaks (continued)

292
293

Garden Banks

159
192
193
236
237

Port Isabel

(Open)

Alaminos Canyon

(Open)

Keathley Canyon

(Open)

13. Lease Terms and Stipulations.

(a) Leases resulting from this offering will have initial terms as shown on map 1 entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems, Final," and will be on Form MMS-2005 (August 1982). Copies of the map and forms are available from the Gulf of Mexico OCS Regional Office at the address stated in paragraph 2.

(b) For leases resulting for blocks offered on a cash bonus basis with a fixed net profit share, Form MMS-2005 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."
Sec. 5 Minimum Royalty. Hereby deleted.
Sec. 6 Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of ___ percent with a ____ capital recovery factor, calculated pursuant to 30 CFR 261.

(c) For leases resulting from this offering for blocks offered on a cash bonus basis with a fixed sliding scale royalty, Form MMS-2005 will be amended as follows:

Sec. 6 Royalty on Production.(a) The lessee agrees to pay the lessor a royalty of that percent in amount or value of production from the leased area as determined by the sliding scale royalty formula as follows: When the quarterly value of production, adjusted for inflation, is less than or equal to $20.873434 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $20.873435 million, but less than or equal to $37,740.050000 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b\,[Ln\,(Vj/S)]$$

where
Rj = the percent royalty that is due and payable on the unadjusted amount or value of production in quarter j
b = 7.0
Ln = natural logarithm
Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars
S = 3.5

When the adjusted quarterly value of production is equal to or greater than $37,740.060000 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.56224 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 49.625834 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(d) The applicability of stipulations 1 through 3 that will be included in leases resulting from this offering is as shown on map 1 entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems, Final," available from the Gulf of Mexico OCS Regional Office. In all stipulations, the term RM refers to the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service. The following stipulations will be included in leases resulting from this offering:

Stipulation No. 1

(This stipulation will apply to all blocks offered for lease in this offering.)

(a) "Cultural resource" means any site, structure, or object of historic or prehistoric archeological significance. "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Manager (RM) believes a cultural resource may exist in the lease area, the RM will notify the lessee in writing. The lessee shall then comply with subparagraphs (1) through (3).

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RM, to determine the potential existence of any cultural resource that may be affected by operations. The report, prepared by an archeologist and geophysicist, shall be based on an assessment of data from remote-sensing surveys and other pertinent cultural and environmental information. The lessee shall submit this report to the RM for review.

(2) If the evidence suggests that a cultural resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to adversely affect the area where the cultural resource may be; or

(ii) Establish to the satisfaction of the RM that a cultural resource does not exist or will not be adversely affected by operations. This shall be done by further archeological investigation, conducted by an archeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RM. A report on the investigation shall be submitted to the RM for review.

(3) If the RM determines that a cultural resource is likely to be present on the lease and may be adversely affected by operations, he will notify the lessee immediately. The lessee shall take no action that may adversely affect the cultural resource until the RM has told the lessee how to protect it.

(c) If the lessee discovers any cultural resource while conducting operations on the lease area, the lessee shall report the discovery immediately to the RM. The lessee shall make every reasonable effort to preserve the cultural resource until the RM has told the lessee how to protect it.

Stipulation No. 2

In the Western Gulf of Mexico, this stipulation will be included in leases located in the areas so indicated on maps 1 and 3 entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems, Final," and "Detailed Maps of Biologically Sensitive Areas," respectively. The high relief banks with their appropriate "no activity" isobath are as follows:

Bank Name	Isobath (meters)
Mysterious Bank[1]	74, 76, 78, 80, 84
Blackfish Ridge[1]	70
Dream Bank[2]	78, 82
Southern Bank[2]	80
Hospital Bank[2]	70
North Hospital Bank[2]	68
Aransas Bank[2]	70
South Baker Bank[2]	70
Baker Bank[2]	70
Big Dunn Bar[1]	65
Small Dunn Bar[1]	65
32 Fathom Bank[1]	52
Stetson Bank[1]	62
Claypile Bank[1]	50
Applebaum Bank	85
Coffee Lump[4]	Various - see map
West Flower Garden Bank[3]	100 (defined by ¼¼¼ system)
East Flower Garden Bank[3]	100 (defined by ¼¼¼ system) (85 m on west side of Block A-375)[4]
MacNeil Bank	82
29 Fathom Bank	64
28 Fathom Bank	85
Geyer Bank	85
Elvers Bank[5]	85
Bright Bank[5]	85
18 Fathom Lump[5]	85
Rezak Bank[5]	85
Sidner Bank[5]	85
Parker Bank[5]	85

[1] Low Relief Banks - only subparagraph (a) of the stipulation applies.

[2] Other South Texas Banks - subparagraph (c) of the stipulation shall not apply to exploration, development, and production operations; subparagraph (b) shall apply in both the "1 Mile Zone" and the "3 Mile Zone" during development and production operations.

[3] Flower Garden Banks - has a "4 Mile Zone" vice "3 Mile Zone"; in the "1 Mile Zone", subparagraph (c)(2) of the stipulation shall apply in addition to subparagraph (b); in the "4 Mile Zone," only subparagraph (b) shall apply.

[4] The 85 m isobath will be the boundary of the "No Activity Zone" on the west side of High Island, East Addition, South Extension, Block A-375. Leases granted for this block will have an additional subparagraph (d) added to the Biological Stipulation indicated.

[5] Central Gulf of Mexico banks with "1 Mile Zone" and/or "3 Mile Zone" in Western Gulf of Mexico.

(a) No structures, drilling rigs, pipelines, or anchoring will be allowed within the isobaths of the banks listed above.

(b) Operations within the area shown as "1 Mile Zone" shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

(c) Operations within the area shown as "3 Mile Zone" shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the RM on a schedule established by the RM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the RM shall require shunting as specified in subparagraph (1) above or other appropriate operational restrictions.

(d) (For High Island, East Addition, South Extension, Block A-375, in addition to subparagraphs (a), (b), and (c)). Prior to undertaking any onsite post-lease activities, including the placing of structures, drilling rigs, or pipelines, the lessee shall consult with the RM to ensure that the proposed activity would, to the extent possible, avoid direct contact with any identified coral and algal sponge communities in the vicinity.

Stipulation No. 3

The following stipulation is required of the lessee for operations within each warning area:

Warning Areas Command Headquarters
Western Planning Area

Warning Areas	Command Headquarters
W-228	Naval Air Training Command Naval Air Station Corpus Christi, Texas
W-602	Director of Training Deputy Chief of Staff, Operations Headquarters Strategic Air Command Offutt AFB, Nebraska

(a) Hold Harmless

Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the United States Government, its contractors or subcontractors, or any of their officers, agents, or employees, being conducted as a part of, or in connection with, the programs and activities of the command headquarters listed in the table above.

Notwithstanding any limitation of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of its officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) Electromagnetic Emissions

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors, or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the command headquarters listed in the table above to the degree necessary to prevent damage to, or unacceptable interference with, DOD flight, testing, or operational activities, conducted within individual designated warning areas. Necessary monitoring control and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emission shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

(c) Operational

The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic into the individual designated warning areas, shall enter into an agreement with the commander of the individual command headquarters listed in the table above, prior to commencing such traffic. Such an agreement will provide for positive control of boats and aircraft operating into the warning areas at all times.

Stipulation No. 4

(To be included only in the leases resulting from this offering with the sliding scale royalty bidding system, as indicated on map 2 entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems, Final.")

(a) The royalty rate on production from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, Minerals Management Service, may grant a reduction for only 1 year at a time and reduction of royalty rates will not be approved unless production has been underway for 1 year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production from the lease area may be taken as royalty in amount, except as provided in section 15(d) of this lease; the royalty on any portion of the production from the lease in excess of 16-2/3 percent may only be taken in value of the production from the lease.

Stipulation No. 5

(To be included only in the leases resulting from this offering with the net profit share bidding system, as indicated on map 2 entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems, Final.")

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production from the lease area may be taken as a net profit share payment in amount, except as provided in section 15(d) of this lease; additional net profit share payments shall be calculated to include the value of such production in excess of 16-2/3 percent.

14. Information to Lessees.

(a) There is available from the Gulf of Mexico OCS Regional Office a set of drawings entitled "Split Blocks - Western Gulf of Mexico," depicting the State-Federal boundary, including the acreage on the Federal side of the line. For complete information on any of the subjects mentioned in this notice, including copies of the various documents identified as available from the Gulf of Mexico OCS Regional Office, prospective bidders should contact the Regional Supervisor for Leasing and Environment at the address stated in paragraph 2, either in writing or by phone (504) 837-4720 extension 336.

(b) Operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et. seq.), as amended. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.

(c) Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) Bidders are advised that in accordance with section 16 of each lease offered, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate, a royalty rate based on a sliding scale, or a net profit share payment.

(e) For those blocks identified as having lease terms with an initial period of 10 years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to MMS either an exploration plan, where required, or a general statement of exploration intention prior to the end of the ninth lease year.

(f) Revisions of Department of Labor regulations on affirmative action requirements for government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this offering, section 18 of the lease form (Form MMS-2005, August 1982), would be deleted from leases resulting from this offering. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations requirements will be deemed to be part of the existing affirmative action forms.

(g) Bidders are cautioned as to the existence of two inactive ordnance disposal areas in the Corpus Christi and East Breaks areas, shown on map 1 entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems, Final." These areas were used to dispose of ordnance of unknown composition and quantity. These areas have not been used since about 1970. Water depths in the Corpus Christi disposal area range from approximately 600 to 900 meters. Water depths in the East Breaks disposal area range from approximately 300 to 700 meters. Bottom sediments in both areas are generally soft, consisting of silty clays. Exploration and development activities in these areas require precautions commensurate with the potential hazards. Lessees are advised of an EPA dumping site located in portions of Alaminos Canyon, East Breaks, Garden Banks, and Keathley Canyon.

15. OCS Orders.

Operations on all leases resulting from this offering will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

16. OCS Bid Adequacy Procedures.

The following system of OCS bid adequacy procedures will be used for this offering. The system is composed of two phases. Phase 1 includes market-oriented evaluation criteria for accepting some bids on blocks or bidding units and determining what other bids will receive further evaluation in Phase 2 according to the traditional bid adequacy procedures. Phase 2 utilizes an independent Government evaluation and the traditional bid adequacy rules based upon the Mean Range of Values (MROV), Discounted Mean Range of Values (DMROV), and Geometric Average Evaluation of the Tract (GABOT) (a tract being a block or bidding unit).

Phase 1

Phase 1 is composed of criteria designed to partition blocks or bidding units receiving bids into three general categories:

* Those receiving bids which MMS has identified as being non-prospective blocks;

* Those where opportunities for strategic underbidding, information asymmetry, collusion, and other noncompetitive practices might most likely occur and where the Government has the most detailed and reliable data; and

* Those where the competitive market forces can be relied upon to assure fair market value.

It has been determined that the following four Phase 1 criteria will be applied:

1. High bids on all blocks or bidding units classified by MMS as being either development or drainage will be referred directly for further evaluation using the traditional criteria.

2. All legal high bids for blocks or bidding units judged by MMS to be not located on a viable prospect will be accepted.

3. After screening for anomalously low bids through application of the "one-eighth rule," [1] legal high bids will be accepted for prospective wildcat and proven blocks or bidding units receiving three or more bids and more than the average number of bids for prospective blocks or bidding units bid upon in the offering, i.e., whichever is more.

4. After adjusting for anomalously low bids through application of the "one-eighth rule," all legal high bids will be accepted for prospective wildcat and proven blocks or bidding units where the geometric average bonus bid for the block or bidding unit is in the upper 50th percentile for prospective wildcat and proven blocks or bidding units receiving bids.

Phase 1 will be conducted block-by-block or bidding unit-by-bidding unit, and it is expected that Phase 1 should be completed within 3 days of the Bid Opening.

Phase 2

All prospective wildcat and proven blocks or bidding units which are not accepted as a result of the application of the Phase 1 criteria and all drainage and development blocks or bidding units will receive further evaluation based upon the traditional bid adequacy procedures currently in effect, i.e., high bids will be compared to the MROV, DMROV, and GABOT. While it is expected that most analyses would be undertaken based upon data available at the time of the offering, additional geological and geophysical analyses, including additional mapping, can be undertaken post-offering at the discretion of the Regional Manager.

The bid adequacy recommendations developed in Phase 2 should be completed within 3 weeks of the offering.

Since the inception of the OCS leasing program, the Department has continually sought to improve upon techniques which determine bid adequacy. Much of the best information regarding the fair market value of a block or bidding unit is that which is available through observing the market for leases. The above procedures are designed to make better use of that information.

Acting Dave Russell
Director, Minerals Management Service

Approved:

J.J. Simmons III
Acting Secretary of the Interior

July 1, 1983
Date

[1] Anomalously low bids will not be included in the bid number; e.g., if the lowest bid on a block or bidding unit is less than 1/8 of the next lowest bid, the lowest bid will not be included in the number of bids. This rule can exclude no more than one bid for a given block or bidding unit.

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BILLING CODE 4310-MR-C

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Central California
Proposed Oil and Gas Lease Sale 73

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to section 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed notice of lease sale. The following is a proposed notice of sale for Sale 73, scheduled for November 1983, in the waters offshore of central California. This notice is hereby published as a matter of information to the public. Continuing discussions with the Department of Navy and other entities may cause adjustments in the final configuration or terms of this sale.

Director, Minerals Management Service
Dave Russell

Date: 6-30-83

Approved:

Acting Secretary
J. J. Simmons III

Certified to be a true [illegible] original

Certifying Officer

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Central California
Proposed Oil and Gas Lease Sale 73

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (30 CRF Part 256, formerly 43 CFR Part 3300; see the Federal Register at 47 FR 47006, October 22, 1982). A revision of those regulations appeared in the Federal Register of June 16, 1982, at 47 FR 25967 and 26031.

2. Filing of Bids. Sealed bids will be received by the Regional Manager, Pacific Outer Continental Shelf (OCS) Office, Minerals Management Service, 1340 West 6th Street, Los Angeles, California 90017. Bids may be delivered, either by mail or in person, to the above address until the Bid Submission Deadline at (time), November ___, 1983. Bids will not be accepted on November ___, 1983. Bids received by the Regional Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the Regional Manager prior to (time), November ___, 1983. Bids may not be withdrawn unless written withdrawal is received by the Regional Manager prior to (time), November ___, 1983. Bid Opening Time will be (time) at (place of sale). All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale was published at _____.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas lease (insert number of tract), not to be opened until (time), November ___, 1983," must be submitted for each tract. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Minerals Management Service. No bid for less than a full tract as described in paragraph 12 will be considered.

Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this offering must provide for a cash bonus in the amount of $371 or more per hectare or fraction thereof. All leases awarded for this sale will provide for a yearly rental payment of $8 per hectare or fraction thereof. The following bidding systems will be utilized:

(a) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on tracts 73-12, 73-15, 73-16, 73-28, 73-31, 73-60, 73-92, 73-94, 73-109, 73-112, 73-113, 73-114, 73-126, 73-127, 73-128, 73-129, 73-132, 73-133, 73-134, 73-148, 73-153, 73-154, 73-173, 73-174, 73-193, 73-194, 73-227, 73-233, 73-234, 73-249, 73-250, 73-270, 73-339, 73-341, 73-346 must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent.

(b) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the remaining tracts must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982) and the Affirmative Action Representative Form, Form 1140-7 (June 1982). See paragraph 14(e), "Information to Lessees."

6. Bid Opening. Bids will be opened starting at the Bid Opening Time, at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, on the day specified in Bid Opening Time, stated in paragraph 2 above, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid for any tract will be awarded to any bidder unless:

(a) the bidder has complied with all requirements of this notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $371 per hectare or fraction thereof. Any bid submitted which does not conform to the requirements of this notice, the OCS Lands Act, as amended, or applicable regulations, may be returned to the person submitting that bid by the Regional Manager and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid with the first year's rental, and satisfy the bonding requirements of 30 CFR 256 Subpart I within the following time periods:

(a) 15 days, if payment is made by Federal Reserve Check. Federal Reserve Checks are instruments which originate at Federal Reserve member banks. These checks are to be drawn on the San Francisco, California, Federal Reserve Bank. Cut-off time for the presentation of Federal Reserve Checks to the Pacific OCS Regional Manager or his designee shall be specified at the time the leases are transmitted to successful bidders for execution.

(b) 14 days, if payment is made by Commercial Checks. Commercial Checks are instruments drawn on a commercial bank located in San Francisco, California. Cut-off time for the presentation of Commercial Checks to the Pacific OCS Regional Manager or his designee shall be specified at the time that leases are transmitted to successful bidders for execution.

New payment procedures under development requiring the payment of the balance of the cash bonus with the first year's rental by means of electronic funds transfer wil not be effective until after January 1, 1984. The implementation of such new payment procedures will be announced in the notice for the offering to which they will apply.

11. Official Protraction Diagrams. Tracts offered for lease may be located on the following Official Protraction Diagrams which may be purchased for $2 each from the Pacific OCS Regional Office at the address stated in paragraph 2 of this notice:

Outer Continental Shelf Official Protraction Diagrams

NI 10-3 (3/26/76)
NI 10-6 (3/26/76)

12. Tract Descriptions. The tracts offered for bids are as follows:
Note: There may be gaps in the numbers of the tracts listed.

OCS OFFICIAL PROTRACTION DIAGRAM NI 10-3
(Approved March 26, 1976)

Tract	Block	Description	Hectares
73-001	578	All	2304.00
73-002	579	All	2304.00
73-003	580	All	2304.00
73-004	581	All	2304.00
73-005	582	All	2304.00
73-006	583	All	2304.00
73-007	584	All	2304.00
73-008	585	All	2304.00
73-009	586	All	2304.00
73-010	587	All	2304.00
73-011	588	All	2304.00
73-012	589	All	2304.00
73-015	592	All	2304.00
73-016	593	2/	469.44
	637		180.83
73-017	622	All	2304.00
73-018	623	All	2304.00
73-019	624	All	2304.00
73-020	625	All	2304.00
73-021	626	All	2304.00
73-022	627	All	2304.00
73-023	628	All	2304.00
73-024	629	All	2304.00
73-025	630	All	2304.00
73-026	631	All	2304.00
73-027	632	All	2304.00
73-028	633	All	2304.00
73-031	636	1/	2204.29
73-032	666	All	2304.00
73-033	667	All	2304.00
73-034	668	All	2304.00
73-035	669	All	2304.00
73-036	670	All	2304.00
73-037	671	All	2304.00
73-038	672	All	2304.00
73-039	673	All	2304.00
73-040	674	All	2304.00
73-041	675	All	2304.00
73-042	676	All	2304.00
73-043	677	All	2304.00
73-047	710	All	2304.00

NI 10-3 (Continued)

Tract	Block	Description	Hectares
73-048	711	All	2304.00
73-049	712	All	2304.00
73-050	713	All	2304.00
73-051	714	All	2304.00
73-052	715	All	2304.00
73-053	716	All	2304.00
73-054	717	All	2304.00
73-055	718	All	2304.00
73-056	719	All	2304.00
73-057	720	All	2304.00
73-058	721	All	2304.00
73-059	722	All	2304.00
73-060	723	All	2304.00
73-062	754	All	2304.00
73-063	755	All	2304.00
73-064	756	All	2304.00
73-065	757	All	2304.00
73-066	758	All	2304.00
73-067	759	All	2304.00
73-068	760	All	2304.00
73-069	761	All	2304.00
73-070	762	All	2304.00
73-071	763	All	2304.00
73-072	764	All	2304.00
73-073	765	All	2304.00
73-074	766	All	2304.00
73-078	798	All	2304.00
73-079	799	All	2304.00
73-080	800	All	2304.00
73-081	801	All	2304.00
73-082	802	All	2304.00
73-083	803	All	2304.00
73-084	804	All	2304.00
73-085	805	All	2304.00
73-086	806	All	2304.00
73-087	807	All	2304.00
73-088	808	All	2304.00
73-089	809	All	2304.00
73-090	810	All	2304.00
73-091	811	All	2304.00
73-092	812	All	2304.00
73-094	815	1/	355.54
73-095	842	All	2304.00
73-096	843	All	2304.00
73-097	844	All	2304.00

NI 10-3 (Continued)

Tract	Block	Description	Hectares
73-098	845	All	2304.00
73-099	846	All	2304.00
73-100	847	All	2304.00
73-101	848	All	2304.00
73-102	849	All	2304.00
73-103	850	All	2304.00
73-104	851	All	2304.00
73-105	852	All	2304.00
73-106	853	All	2304.00
73-107	854	All	2304.00
73-108	855	All	2304.00
73-109	856	All	2304.00
73-112	859	1/	2266.19
73-113	860	1/	1865.21
73-114	861	1/	1248.09
73-115	886	All	2304.00
73-116	887	All	2304.00
73-117	888	All	2304.00
73-118	889	All	2304.00
73-119	890	All	2304.00
73-120	891	All	2304.00
73-121	892	All	2304.00
73-122	893	All	2304.00
73-123	894	All	2304.00
73-124	895	All	2304.00
73-125	896	All	2304.00
73-126	897	All	2304.00
73-127	898	All	2304.00
73-128	899	All	2304.00
73-129	900	All	2304.00
73-132	903	All	2304.00
73-133	904	All	2304.00
73-134	905	1/	1408.67
73-135	930	All	2304.00
73-136	931	All	2304.00
73-137	932	All	2304.00
73-138	933	All	2304.00
73-139	934	All	2304.00
73-140	935	All	2304.00
73-141	936	All	2304.00
73-142	937	All	2304.00
73-143	938	All	2304.00
73-144	939	All	2304.00
73-145	940	All	2304.00
73-146	941	All	2304.00

NI 10-3 (Continued)

Tract	Block	Description	Hectares
73-148	943	All	2304.00
73-153	948	All	2304.00
73-154	949	1/	1188.83
73-155	974	All	2304.00
73-156	975	All	2304.00
73-157	976	All	2304.00
73-158	977	All	2304.00
73-159	978	All	2304.00
73-160	979	All	2304.00
73-161	980	All	2304.00
73-162	981	All	2304.00
73-163	982	All	2304.00
73-164	983	All	2304.00
73-165	984	All	2304.00
73-166	985	All	2304.00
73-167	986	All	2304.00
73-173	992	All	2304.00
73-174	993	1/	920.26

OCS OFFICIAL PROTRACTION DIAGRAM NI 10-6
(Approved March 26, 1976)

Tract	Block	Description	Hectares
73-175	5	All	2304.00
73-176	6	All	2304.00
73-177	7	All	2304.00
73-178	8	All	2304.00
73-179	9	All	2304.00
73-180	10	All	2304.00
73-181	11	All	2304.00
73-182	12	All	2304.00
73-183	13	All	2304.00
73-184	14	All	2304.00
73-185	15	All	2304.00
73-186	16	All	2304.00
73-193	23	All	2304.00
73-194	24	2/	485.18
	68		794.79
73-195	49	All	2304.00
73-196	50	All	2304.00
73-197	51	All	2304.00
73-198	52	All	2304.00
73-199	53	All	2304.00
73-200	54	All	2304.00

NI 10-6 (Continued)

Tract	Block	Description	Hectares
73-201	55	All	2304.00
73-202	56	All	2304.00
73-203	57	All	2304.00
73-204	58	All	2304.00
73-205	59	All	2304.00
73-206	60	All	2304.00
73-214	93	All	2304.00
73-215	94	All	2304.00
73-216	95	All	2304.00
73-217	96	All	2304.00
73-218	97	All	2304.00
73-219	98	All	2304.00
73-220	99	All	2304.00
73-221	100	All	2304.00
73-222	101	All	2304.00
73-223	102	All	2304.00
73-224	103	All	2304.00
73-225	104	All	2304.00
73-226	105	All	2304.00
73-227	106	All	2304.00
73-233	112	All	2304.00
73-234	113,	2/	451.59
	157		173.67
73-235	137	All	2304.00
73-236	138	All	2304.00
73-237	139	All	2304.00
73-238	140	All	2304.00
73-239	141	All	2304.00
73-240	142	All	2304.00
73-241	143	All	2304.00
73-242	144	All	2304.00
73-243	145	All	2304.00
73-244	146	All	2304.00
73-245	147	All	2304.00
73-246	148	All	2304.00
73-247	149	All	2304.00
73-249	151	All	2304.00
73-250	152	All	2304.00
73-255	181	All	2304.00
73-256	182	All	2304.00
73-257	183	All	2304.00
73-258	184	All	2304.00
73-259	185	All	2304.00
73-260	186	All	2304.00
73-261	187	All	2304.00
73-262	188	All	2304.00

NI 10-6 (Continued)

Tract	Block	Description	Hectares
73-263	189	All	2304.00
73-264	190	All	2304.00
73-265	191	All	2304.00
73-266	192	All	2304.00
73-267	193	All	2304.00
73-268	194	All	2304.00
73-270	196	All	2304.00
73-275	225	All	2304.00
73-276	226	All	2304.00
73-277	227	All	2304.00
73-278	228	All	2304.00
73-279	229	All	2304.00
73-280	230	All	2304.00
73-281	231	All	2304.00
73-282	232	All	2304.00
73-283	233	All	2304.00
73-284	234	All	2304.00
73-285	235	All	2304.00
73-286	236	All	2304.00
73-287	237	All	2304.00
73-288	238	All	2304.00
73-289	239	All	2304.00
73-296	269	All	2304.00
73-297	270	All	2304.00
73-298	271	All	2304.00
73-299	272	All	2304.00
73-300	273	All	2304.00
73-301	274	All	2304.00
73-302	275	All	2304.00
73-303	276	All	2304.00
73-304	277	All	2304.00
73-305	278	All	2304.00
73-306	279	All	2304.00
73-307	280	All	2304.00
73-308	281	All	2304.00
73-309	282	All	2304.00
73-310	283	All	2304.00
73-316	313	All	2304.00
73-317	314	All	2304.00
73-318	315	All	2304.00
73-319	316	All	2304.00
73-320	317	All	2304.00
73-321	318	All	2304.00
73-322	319	All	2304.00
73-323	320	All	2304.00

NI 10-6 (Continued)

Tract	Block	Description	Hectares
73-324	321	All	2304.00
73-325	322	All	2304.00
73-326	323	All	2304.00
73-327	324	All	2304.00
73-328	325	All	2304.00
73-329	326	All	2304.00
73-330	327	All	2304.00
73-331	328	All	2304.00
73-336	370	All	2304.00
73-337	371	All	2304.00
73-338	372	All	2304.00
73-339	373	All	2304.00
73-341	375	All	2304.00
73-343	414	All	2304.00
73-344	415	All	2304.00
73-345	416	All	2304.00
73-346	417	All	2304.00
73-351	458	All	2304.00
73-352	459	All	2304.00
73-353	460	All	2304.00
73-354	461	All	2304.00
73-355	462	All	2290.33

1/ That portion seaward of the Three Geographical Mile Line.
2/ Those portions of each block seaward of the Three Geographical Mile Line.

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale for tracts 73-001, 73-002, 73-003, 73-004, 73-005, 73-017, 73-018, 73-019, 73-020, 73-032, 73-033, 73-034, 73-047, 73-048, 73-062, 73-063, 73-064, 73-078, 73-079, 73-080, 73-095, 73-096, 73-097, 73-115, 73-116, 73-117, 73-118, 73-135, 73-136, 73-137, 73-138, 73-155, 73-156, 73-157, 73-158, 73-175, 73-176, 73-177, 73-195, 73-196, 73-197, 73-198, 73-214, 73-215, 73-215, 73-217, 73-218, 73-235, 73-236, 73-237, 73-238, 73-255, 73-256, 73-257, 73-275, 73-276, 73-277, 73-278, 73-279, 73-296, 73-297, 73-298, 73-299, 73-300, 73-301, 73-315, 73-316, 73-317, 73-318, 73-319, 73-320, 73-321, 73-322, and 73-323 will be for an initial term of 10 years. All other leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form MMS-2005 (August 1982), availabl from the Regional Manager at the address stated in paragraph 2 of this notice.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale.

Stipulation No. 1

(a) If the Regional Manager (RM) has reason to believe that biological populations or habitats exist and require protection, he shall give the lessee notice that the lessor is invoking the provisions of this stipulation and the lessee shall comply with the following requirements. Prior to any drilling activity or the construction or placement of any structure for exploration or development on lease areas including, but not limited to, well drilling and pipeline and platform placement, hereinafter referred to as "operation," the lessee shall conduct site specific surveys as approved by the RM and in accordance with prescribed biological survey requirements to determine the existence of any special biological resource including, but not limited to:

(1) Very unusual, rare, or uncommon ecosystems or ecotones;

(2) A species of limited regional distribution that may be adversely affected by any lease operations.

If the results of such surveys suggest the existence of a special biological resource that may be adversely affected by any lease operation, the lessee shall: (1) relocate the site of such operation so as not to adversely affect the resources identified; (2) establish to the satisfaction of the RM on the basis of the site specific survey, either that such operation will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist. The RM will review all data submitted and determine, in writing, whether a special biological resource exists and whether it may be significantly affected by lessee's operation. The lessee may take no action until the RM has given the lessee written directions on how to proceed.

(b) The lessee agrees that if any area of biological significance should be discovered during the conduct of any operations on the leased area, the lessee shall report immediately such findings to the RM and make every reasonable effort to preserve and protect the biological resource from damage until the RM has given the lessee directions with respect to its protection.

Stipulation No. 2

(a) "Cultural resource" means any site, structure, or object of historic or prehistoric archeological significance. "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Manager (RM) believes a cultural resource may exist in the lease area, the RM will notify the lessee in writing. The lessee shall then comply with subparagraphs (1) through (3).

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RM, to determine the potential existence of any cultural resource that may be affected by operations. The report, prepared by an archeologist and geophysicist, shall be based on an assessment of data from remote-sensing surveys and of other pertinent cultural and environmental information. The lessee shall submit this report to the RM for review.

(2) If the evidence suggests that a cultural resource may be present, the lessee shall either:

(i) Locate the site of any operations so as not to adversely affect the area where the cultural resource may be; or

(ii) Establish to the satisfaction of the RM that a cultural resource does not exist or will not be adversely affected by operations. This shall be done by further archeological investigation, conducted by an archeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RM. A report on the investigation shall be submitted to the RM for review.

(3) If the RM determines that a cultural resource is likely to be present on the lease and may be adversely affected by operations, he will notify the lessee immediately. The lessee shall take no action that may adversely affect the cultural resource until the RM has given the lessee written directions on how to protect it.

(c) If the lessee discovers any cultural resource while conducting operations on the lease area, the lessee shall report the discovery immediately to the RM. The lessee shall make every reasonable effort to preserve the cultural resource until the RM has told the lessee how to protect it.

Stipulation No. 3

(This stipulation will apply to tracts determined through consultation with the Department of Defense which conflict with military operating areas.)

(a) The lessee agrees that prior to operating or causing to be operated on its behalf boat or aircraft traffic into individual, designated warning areas, the lessee shall coordinate and comply with instructions from the Commander, Western Space and Missile Center (WSMC), the Commander, Pacific Missile Test Center (PMTC), and Commander, Fleet Area Control and Surveillance Facility (FACSFAC), or other appropriate military agency. Such coordination and instruction will provide for positive control of boats and aircraft operating in warning areas at all times.

(b) The lessee, recognizing that mineral exploration and exploitation and recovery operations of the leased areas of submerged lands can impede tactical military operations, hereby recognizes and agrees that the United States reserves and has the right to temporarily suspend operations of the lessee under this lease in the interests of national security requirements. Such temporary suspension of operations, including the evacuation of personnel and appropiate sheltering of personnel not evacuated (an appropriate shelter shall mean the protection of all lessee personnel for the entire duration of any Department of Defense activity from flying or falling objects or substances), will come into effect upon the order of the Regional Manager (RM) after consultation with the Commander, Western Space and Missile Center (WSMC), the Commander, Pacific Missile Test Center (PMTC), and the Commander, Fleet Area Control and Surveillance Facility (FACSFAC), or other appropriate military agency, or higher authority, when national security interests necessitate such action. It is understood that any temporary suspension of operations for national security may not exceed 72 hours; however, any such suspension may be extended by order of the RM. During such periods equipment may remain in place.

(c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual, designated defense warning areas in accordance with requirements specified by the Commander, Western Space and Missile Center(WSMC), the Commander, Pacific Missile Test Center (PMTC), and the Commander, Fleet Area Control Surveillance Facility (FACSFAC), or other appropriate military agency, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operations activities conducted within individual, designated warning areas. Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors will be affected by the Commander of the appropriate onshore military installation conducting operations in the particular warning area: provided, however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors, and onshore facilities.

Stipulation No. 4

This stipulation indemnifies and saves harmless the United States against all claims for loss, damage, or injury sustained by the lessee. (This stipulation will apply to tracts determined through consultation with the Department of Defense which conflict with military operating areas.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing

business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors, or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the aforementioned military installations and agencies, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

Stipulation No. 5

(a) Pipelines will be required: (1) if pipeline rights-of-way can be determined and obtained; (2) if laying of such pipelines is technologically feasible and environmentally preferable; and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced mutliple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the intergovernmental planning program for assessment and management of transportation of Outer Continental Shelf oil and gas with the participation of Federal, State, and local governments and the industry.

(b) Following the development of sufficient pipeline capacity, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Regional Manager.

(c) Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Port and Waterways Safety Act of 1978 (PL 95-474), 33 U.S.C. 1223 (1980).

Stipulation No. 6

(a) Wells. Subsea wellheads and temporary abandonments, or suspended operations that leave protrusions above the sea floor, shall be protected, if feasible, in such a manner as to allow commercial trawl gear to pass over the structure without snagging or otherwise damaging the structure or the fishing gear. Latitude and longitude coordinates of these structures, along with water depths, shall be submitted to the Regional Manager. The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with the accuracy of at least ±50 feet (15.25 meters) at 200 miles (322 kilometers).

(b) Pipelines. All pipelines, unless buried, including gathering lines, shall have a smooth-surface design. In the event that an irregular pipe surface is unavoidable due to the need of valves, anodes or other structures, those irregular surfaces shall be protected in such a manner as to allow trawl gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

Stipulation No. 7

The lessee shall include in his exploration and development plans, submitted under 30 CFR 250.34, a proposed fisheries and wildlife training program for review and approval by the Regional Manager. The training program shall be for all personnel involved in exploration, development, and production operations, and for platform and shorebased supervisors. The purpose of the training program shall be to familiarize persons working on the project of the value of the commercial fishing industry, the methods of offshore fishing operations, the potential conflicts between fishing operations and offshore oil and gas activities, the locations of marine mammal and bird rookery sites in the area, the seasonal abundance and sensitivities of these animals to disturbance, and the Federal laws that have been established to protect endangered and threatened species from harassment and injury. The program shall be formulated and implemented by qualified instructors.

Stipulation No. 8

(To be included in any lease resulting from this sale for tracts 73-141 through 73-143, 73-156 through 73-164, 73-175 through 73-183, 73-195 through 73-203, 73-214 through 73-221, 73-235 through 73-242, 73-255 through 73-261, 73-275 through 73-280, 72-296 through 73-301, and 73-316 through 73-320.)

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall investigate the potential existence of any radioactive waste, munitions, or toxic chemical waste on the lease. This investigation shall consist of examination of data acquired in the course of the shallow geologic hazard survey as conducted in accordance with the current Notice to Lessees issued by the Regional Manager and examination of the dump site records. This survey shall be over an acceptable grid and shall employ a magnetometer, water depth recorder, and dual side scan sonar or other equipment as determined necessary by the Regional Manager. If the results of the survey indicate the presence of such dumped materials, further investigation shall be included in the shallow geologic hazards survey report.

If the presence of dumped material is established, the lessee shall: (1) locate the site of the operation so as not to disturb the material, (2) conduct the operation in a manner that minimally disturbs the ocean floor (e.g., dynamically positioned drilling vessel), or (3) establish to the satisfaction of the Regional Manager, on the basis of further investigation, that disturbance of the material would not result in any adverse effects on the human or marine environments.

14. Information to Bidders and Lessees.

(a) Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(b) Bidders are advised that in accordance with section 16 of each lease offered, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with a different royalty rate.

(c) For those tracts identified in paragraph 13 as having lease terms with an initial period of 10 years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to the Minerals Management Service either an exploration plan or a general statement of exploration intention prior to the end of the ninth lease year.

(d) Revisions of Department of Labor regulations of Affirmative Action requirements for government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form, Form MMS-2005 (August 1982), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

(e) Surface occupancy or other activities which would, in the opinion of the U.S. Coast Guard, create a hazard to vessel traffic may be prohibited. Such areas include, but are not limited to, vessel safety fairways, precautionary areas, or vessel traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1223 et seq.), as amended.

(f) The U.S. Army Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the OCS Lands Act, as amended.

(g) To reduce impacts of aircraft disturbances at seabird colonies, marine mammal rookeries and to migrating gray whales, aircraft should operate, consistent with aircraft safety, at distances from the coastline and at altitudes for specific areas as identified by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the California Department of Fish and Game. The lessee is advised that all violations may be reported to the above agencies, as appropriate, for disposition.

(h) Bidders are advised that tract numbers 73-012, 73-028, 73-043, 73-058, 73-059, 73-060, 73-091, 73-092, 73-108, 73-109, 73-128, and 73-129 were included in the California v. Watt litigation involving Sale 53. These twelve tracts are being reoffered at this time, subject to the same terms and conditions listed in this notice as the remaining tracts offered in proposed Sale 73. The Department of the Interior will not accept any bids on these twelve tracts, however, until the Supreme Court has issued a determination in the pending California v. Watt litigation. Any cash bonus bid money received for high bids on these twelve tracts will be placed in an interest-bearing escrow account with the U.S. Department of the Treasury. Following a decision by the Supreme Court, the Department of the Interior will decide whether to accept bids on these twelve tracts.

(i) Bidders are alerted that the Department of the Air Force has advised that photography of military events offshore Vandenberg Air Force Base is prohibited.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Pacific Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

16. New OCS Bid Adequacy Procedures. The following system of OCS bid adequacy procedures will be used for this offering. The system is composed of two phases. Phase 1 includes market-oriented evaluation criteria for accepting some bids on blocks or bidding units and determining what other

bids will receive further evaluation in Phase 2 according to the traditional bid adequacy procedures. Phase 2 utilizes an independent Government evaluation and the traditional bid adequacy rules based upon the Mean of the Range of Values (MROV), Discounted Mean of the Range of Values (DMROV), and Geometric Average Evaluation of the Tract (GAEOT) (a tract being a block or bidding unit).

Phase 1

Phase 1 is composed of criteria designed to partition blocks or bidding units receiving bids into three general categories:

* Those receiving bids which MMS has identified as being non-prospective blocks;

* Those where opportunities for strategic underbidding, information asymmetry, collusion, and other noncompetitive practices might most likely occur and where the Government has the most detailed and reliable data; and

* Those where the competitive market forces can be relied upon to assure fair market value.

It has been determined that the following four Phase 1 criteria will be applied:

1. High bids on all blocks or bidding units classified by MMS as being either development or drainage will be referred directly for further evaluation using the traditional criteria.

2. All legal high bids for blocks or bidding units judged by MMS to be not located on a viable prospect will be accepted.

3. After screening for anomalously low bids through application of the "one-eighth rule," [1/] legal high bids will be accepted for prospective wildcat and proven blocks or bidding units receiving three or more bids and more than the average number of bids for prospective blocks or bidding units bid upon in the offering, i.e., whichever is more.

4. After adjusting for anomalously low bids through application of the "one-eighth rule," all legal high bids will be accepted for prospective wildcat and proven blocks or bidding units where the geometric average bonus bid for the block or bidding unit is in the upper 50th percentile for prospective wildcat and proven blocks or bidding units receiving bids.

1/ Anomalously low bids will not be included in the bid number; e.g., if the lowest bid on a block or bidding unit is less than 1/8th of the next lowest bid, the lowest bid will not be included in the number of bids. This rule can exclude no more than one bid for a given block or bidding unit.

Phase 1 will be conducted block-by-block or bidding unit-by-bidding unit, and it is expected that Phase 1 should be completed within three days of the Bid Opening.

Phase 2

All prospective wildcat and proven blocks or bidding units which are not accepted as a result of the application of the Phase 1 criteria and all drainage and development blocks or bidding units will receive further evaluation based upon the traditional bid adequacy procedures currently in effect, i.e., high bids will be compared to the MROV, DMROV, and GAEOT. While it is expected that most analyses would be undertaken based upon data available at the time of the offering, additional geological and geophysical analyses, including additional mapping, can be undertaken post-offering at the discretion of the Regional Manager.

The bid adequacy recommendations developed in Phase 2 should be completed within three weeks of the offering.

Since the inception of the OCS leasing program, the Department has continually sought to improve upon techniques which determine bid adequacy. Much of the best information regarding the fair market value of a block or bidding unit is that which is available through observing the market for leases. The above procedures are designed to make better use of that information.

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federal register

Friday
July 8, 1983

Part VI

Department of Transportation

Federal Highway Administration

Truck Size Policy Statement; Modifications of Certain Interim Designated Highways

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Ch. 1

[FHWA Docket No. 83-4, Notice No. 9]

Truck Size Policy Statement; Modifications of Certain Interim Designated Highways

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Modification of policy statement.

SUMMARY: The FHWA made an interim designation of each State's Federal-aid primary system highways on April 5, 1983. These roads were to be made available to certain size trucks from April 6 until issuance of the final regulation pursuant to the requirements of the Surface Transportation Assistance Act (STAA) of 1982. By this notice, the FHWA provides modifications to the interim designated highway networks for the States of California, Colorado, Idaho, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, New Jersey, North Carolina, Oregon, Puerto Rico, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin. This Notice provides the interim system for all States, and no further modifications are foreseen pending publication of the Notice of Proposed Rulemaking (NPRM) for the final system.

EFFECTIVE DATE: The modifications are effective July 8, 1983 and will expire upon designation of the final network.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon G. Strickland, Office of Highway Planning, (202) 426-0153, or Mr. David C. Oliver, Office of the Chief Counsel, (202) 426-0825, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are 7:30 a.m. to 4:00 p.m. EDT, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On April 5, 1983, FHWA issued a policy statement (48 FR 14844) that provided an interim designation of primary system highways on which commercial motor vehicles with dimensions authorized by Sections 411 and 416 of the STAA of 1982 (Pub. L. 97-424, as amended by Pub. L. 98-17) may be permitted to operate from April 6, 1983, until issuance of final regulations. The policy statement also provided that modifications to the interim designated network would be made under certain circumstances.

The designated routes in the Appendix to this notice supersede those routes designated in the April 5, 1983, policy statement. On May 3, 1983 (48 FR 20022), May 12, 1983 (48 FR 21317), and June 2, 1983 (48 FR 24852) modifications were made to 24 States. At this time the FHWA is announcing modifications to the interim designations in eight additional States, and additional modifications to the designations of 12 States previously modified. The FHWA has made modifications to a total of 32 States and does not propose any further changes to the interim system. The current interim system for the 50 States, the District of Columbia and Puerto Rico, is included in the Appendix. Highlights of the 20 State-by-State modifications follow.

—California—Routes CA 46/41, US 97, and portions of US 101 and US 395 have been removed from the interim system.
—Colorado—Routes CO 65, CO 114, CO 131, and CO 83 have been removed from the interim system. Portions of CO 88 and CO 470 have been added to the system.
—Idaho—Portions of US 95 and US 2 have been added to the interim system.
—Kentucky—Several corrections and additions have been made.
—Maryland—Routes MD 46, US 29, MD 43, US 219, US 220, US 1, US 219, US 522, and MD 2 have been removed from the interim system. Portions of MD 295, US 15, and US 50 have been deleted, and portions of MD 3, MD 201, and MD 695 have been added to the interim system.
—Massachusetts—Routes US 7, MA 146, MA 128, MA 25, MA 3 and MA 28 have been removed from the interim system. Portions of routes MA 2, US 1, and MA 24 have been removed from the interim system.
—Michigan—Several corrections and additions have been made.
—Minnesota—Several corrections and additions have been made.
—Missouri—A portion of US 60 has been added to the interim designated system.
—Montana—Several corrections and additions have been made.
—New Hampshire—Route NH 16 and a portion of Route NH 9 have been deleted from the interim system.
—New Jersey—Several corrections and deletions have been made.
—North Carolina—Route NC 54 has been deleted and portions of US 64, US 70 and US 15 have been removed from the interim system. Several other additions have been made.
—Oregon—Minor route adjustments to US 97, US 101, OR 39, US 199, have been made and portions of US 395 and US 95 have been added.
—Puerto Rico—Portions of PR 3 and PR 1 have been deleted from the interim system. Routes PR 52, PR 18, and portions of PR 22 and PR 26 have been added to the interim system.
—Rhode Island—Routes RI 78, RI 4, RI 24 and US 1 have been deleted from the interim system, and a portion of RI 146 has been deleted.
—Tennessee—Several corrections and additions have been made.
—Virginia—The permit system initiated in the May 12, 1983, policy statement (48 FR 21317) is hereby cancelled and is replaced by the designated interim system in the Appendix.
—West Virginia—Routes US 22, US 119, US 219, US 220, WV 2, US 522, US 340, and US 52 have been removed from the interim system.
—Wisconsin—Several corrections and deletions have been made.

In the April 5, 1983, policy statement we indicated that a Notice of Proposed Rulemaking (NPRM) for the final system would be published. The NPRM will be published in the near future in anticipation of a final system being designated by October 3, 1983. Because the NPRM is close to publication, the interim systems, as amended, for Pennsylvania, Georgia, Vermont, Florida, and Alabama will remain in effect. The NPRM will establish a proposed final system for these States as well as for all other States.

Issued on: July 5, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

Appendix—List of Other Qualified Routes

Posted route No.	Route description
Alabama	
AL 152 (North Bypass)	In the City of Montgomery from I-65 northeasterly to Jackson Ferry Road.

Posted route No.	From	To
Alaska		
AK 1	Anchorage	Palmer.
AK 2	Fairbanks	Delta Jct.
AK 3	Palmer at Jct. AK 1	Fairbanks at Jct. AK 2.
Arizona		
AZ 360	I-10 Phoenix	AZ 87 Mesa.
US 60	I-10 Brenda	I-17 Phoenix.
US 60	AZ 87 Mesa	Globe.
AZ 69	US 89 Prescott	I-17.

Posted route No.	From	To
US 70	US 60 Globe	New Mexico St. Line.
US 80	AZ 92 Bisbee	New Mexico St. Line.
AZ 84	I-10 Picacho	AZ 87.
AZ 85	I-8 Gila Bend	I-10.
AZ 85	I-10 Avondale	I-17.
AZ 87	AZ 84 Picacho	AZ 387.
AZ 87	AZ 93 Chandler	US 60.
AZ 93	I-10	AZ 87 Chandler.
AZ 187	I-10	AZ 387.
AZ 287	AZ 87 Coolidge	US 89 Florence.
AZ 387	AZ 187	AZ 87.
US 89	I-10 Tucson	US 60.
US 89	AZ 69 Prescott	I-40.
US 89	I-40	Utah St. Line.
AZ 90	I-10	AZ 92 Sierra Vista.
AZ 92	AZ 90 Sierra Vista	US 80 Bisbee.
US 95	Mexican Border	I-8 Yuma.
US 160	US 89 Tuba City	New Mexico St. Line.
AZ 169	AZ 69 Dewey	I-17.
AZ 189	Mexican Border	I-19 Nogales.
AZ 504	US 160	New Mexico St. Line.
US 666	I-10	US 70 Safford.
US 666	US 60	I-40.
US B-666	Mexican Border	US 80 Douglas.
US 163	US 160 Kayenta	Utah St. Line.
AZ 77	US 60	I-40.
US 60	Show Low	New Mexico St. Line.

Arkansas

US 49	Mississippi St. Line	US 62 Near Piggott.
US 61	I-55 Gilmore	I-55 Blytheville.
US 62	Oklahoma St. Line	Missouri St. Line.
US 63	I-55 Near Memphis	Missouri St. Line.
US 64	I-540 Ft. Smith	I-40 Lamar.
US 64	I-40 Near Conway	US 67 Near Beebe.
US 65	Louisiana St. Line	I-40 Little Rock.
US 65	I-40 Conway	Missouri St. Line.
US 64	US 67 Bald Knob	I-55 West Memphis.
US 67	US 82 Texarkana	I-30 Benton.
US 67	I-40 Little Rock	US 62.
US 67	US 62 Corning	Missouri St. Line.
US 70	Oklahoma St. Line	US 71 De Queen.
US 70	US 71 Provo	I-30 Benton.
US 71	Louisiana St. Line	I-540 Fort Smith.
US 71	I-40 Alma	US 62 Fayetteville.
US 71	US 62 Rogers	Missouri St. Line.
US 79	Louisiana St. Line	I-40 Shaarerville.
US 82	US 71 Texarkana	Mississippi St. Line.
US 70	I-440 Little Rock	I-40 Hicks Station.
US 412	US 67 Walnut Ridge	US 49 Paragould.
US 167	US 67 Bald Knob	US 62 Ash Flat.
US 167	Louisiana St. Line	US 65 Near Little Rock.
US 165	Louisiana St. Line	US 65 Dermott.
US 270	Oklahoma St. Line	US 71 Acorn.
US 270	US 71 "Y" City	US 65 Pine Bluff.

All other primary and secondary highways in Arkansas (with the following exceptions) are "qualifying" highways, but may have weight and speed limit restrictions.

AR 88	Mena AR 8	Oklahoma St. Line.
AR 22	I-540 Fort Smith	US 64.
US 64	AR 255	AR 22.
AR 59	I-40 Van Buren	Main Street Van Buren.
US 71	US 271	AR 22.

California

CA 2	I-5	I-210 in Los Angeles.
CA 7	I-405	I-10.
I-10	US 101	I-5 in Los Angeles.
CA 11	I-10	US 101.
CA 15	I-5	I-805 in San Diego.
CA 17	I-280 in San Jose	I-80 in Oakland.
CA 22	I-405 in Seal Beach	CA 55 in Orange.
CA 24	I-580 in Oakland	I-680 in Walnut Creek.
CA 52	I-5	I-805 in San Diego.
CA 55	I-405 in Costa Mesa	CA 91 in Anaheim.
CA 57	I-5 in Santa Ana	I-210 in Pomona.
CA 60	I-5/10 in Los Angeles.	I-10 in Beaumont.
CA 71	I-10	CA 60 in Pomona.
CA 76	I-5 in Carlsbad	I-15 in Escondido.
Bus I-80	US 50/CA 99 in Sacramento.	I-80 Near Watt Ave.
CA 85	I-280	CA 101 in San Jose.
CA 91	I-110 in Los Angeles	CA 60/I-215 in Riverside.
CA 92	I-280 Near San Mateo.	CA 17 in Hayward.
CA 94	I-5	CA 125 in San Diego.
CA 99	I-5 Near Wheeler Ridge.	US 50 in Sacramento.
US 101	I-5/10 in Los Angeles.	I-80 in San Francisco.
CA 117	I-5	I-805 in San Diego.
CA 118	I-405 in Los Angeles	I-210 in San Fernando.
CA 125	CA 94	I-8 in La Mesa.
CA 133	I-405	I-5 Near El Toro.
CA 134	US 101 in Los Angeles.	I-210 in Pasadena.
CA 163	I-8	I-15 in San Diego.
CA 170	US 101	I-5 in Los Angeles.
CA 215	I-15 Near Temecula	CA 60 Near Riverside.
CA 238	I-580 in Castro Valley.	CA 17 in San Leandro.
CA 14	I-5 Near San Fernando.	US 395 Near Ridgecrest.
CA 58	CA 99 in Bakersfield	I-15 in Barstow.
CA 198	I-5 Coalinga	CA 99 Visalia.
US 395	I-15 Near Victorville	Nevada St. Line.
US 95	I-40 Near Needles	Nevada St. Line.
US 6	US 395 Bishop	Nevada St. Line.
US 50	Sacramento	Sly Park Rd. Interchange.

Colorado

All US and State numbered routes are designated with the following exceptions:

CO 116	Jct. CO 89	Kansas St. Line.
CO 7	CO 72	Jct. US 36.
CO 72	Jct. CO 7	Jct. CO 119.
CO 119	Jct. US 6	Jct. CO 7.
US 40	Jct. I-70 Near Empire	Winter Park.
CO 6	Jct. I-70 Near Dillon	Jct. I-70 Near Silver Plume.
CO 82	Aspen	Jct. US 24.
CO 113	Jct. CO 92 Hotchkiss	Jct. CO 82 Carbondale.
CO 92	Jct. US 50 Sapinero	Jct. CO 133 Hotchkiss.
CO 149	US 160 Near Fork	Jct. US 50.
US 550	Jct. CO 110 Silverton	Jct. CO 361 Ouray.
CO 470	Jct. US 85	Jct. I-25.
CO 65	Jct. CO 92	Jct. CO 330.
CO 114	Jct. US 50	Jct. US 285.
CO 131	Jct. CO 134 at Toponas.	Jct. US 6 at Wolcott.
CO 83	Jct. CO 86 at Franktown.	Jct. I-25 North of Colo. Spgs.

The designated routes in Colorado include most of the Federal-aid Primary Routes as well as other routes designated by the State.

Connecticut

CT 2	Columbus Blvd. Hartford.	Jct. I-290 Norwich.
CT 8	I-95 Bridgeport	Jct. I-84 Waterbury.
CT 9	I-95 Old Saybrook	Jct. I-91 Cromwell.
CT 20	Jct. CT 401 (Bradley) International Airport, Windsor Locks.	I-91 Windsor.
CT 52	I-95 East Lyme	Massachusetts St. Line, Thompson.
CT 401	Jct. CT 20 Windsor Locks.	Bradley International Airport Access Rd., Windsor Locks.

NOTE.—CT 52 was approved as part of the Interstate System on April 18, 1963.

Delaware

DE 141	I-95	Jct. with DE 2.
US 13	Jct. with I-495 South of Wilmington.	Maryland St. Line.
US 301	US 13 near Tybouts Corner.	Maryland St. Line.
US 202	I-95 Wilmington	Pennsylvania St. Line.
DE Truck RT. 896.	US 301 Mt. Pleasant	US 13 Boyds Corner.

Posted route No.	From	To
District of Columbia		
Anacostia Freeway/ Kenilworth Ave.	I-295	Maryland St. Line.
Florida		
FL 202, J. Turner Butler Blvd.	I-95 in Jacksonville	San Pablo Road.

Posted route No.	Route description
Georgia	
GA14 Spur	Near Atlanta, From I-85/I-285 Interchange east to Welcome All Road.
GA21	In Savannah, the W.F. Lynes Parkway—from GA25 Spur southeasterly a distance of 6.2 miles.
GA316	From I-85 easterly toward Lawrenceville, a distance of 5.1 miles.
GA365	From I-85 northeasterly to Gainsville.
GA400	Near Atlanta, from I-285 north to GA369.
GA410	Stone Mountain Freeway from I-285 near Atlanta easterly to the Dekalb-Gwinnett County Line.
GA411	Near Columbus, the Linsey Creek Bypass from GA22 south to US 27/280.

Posted Route No.	From	To
Hawaii		
61	Vineyard Boulevard	Kawainui Bridge in Kailua.
63	Nimitz Highway	Kahekili Highway (83).
64	Sand Island Park	Nimitz Highway (92).
72	Kailua-Waimanalo Junction (61).	Ainakoa.
83	Weed Junction	Kalanianaole Highway (61).
92	Pearl Harbor-Main Gate.	Kalakaua Avenue.
93	Beginning of Route H-1.	Makaha Bridge.
95	Route H-1	Campbell Harbor.
99	Pearl Harbor Interchange.	Weed Junction.
78	Route H-1 (H-2 H)	Kamehameha Highway (90) in Aiea.

Idaho

ID 16	ID 44	Emmett.
ID 19	Wilder	Caldwell.
US 2	Sandpoint	Dover.
US 20	Oregon St. Line	I-84-Near Boise.
US 20	Mountain Home	Montana St. Line.
ID 22	ID 33	Dubois.
ID 24	Rupert	Shoshone.
ID 25	Jerome	I-84 Rupert.
US 26	Bliss	Blackfoot.
ID 27	Oakley	Paul.
ID 28	Mud Lake	Salmon.
US 30	US 95	I-84.
US 30	Nampa	I-84.
US 30	Bliss	Burley.
US 30	McCammon	Wyoming St. Line.
ID 33	US 20	Wyoming St. Line.
ID 34	Utah St. Line	Conda.
ID 39	American Falls	Blackfoot.
ID 40	I-15	Downey.
ID 41	I-90	Newport.
ID 44	I-84	Boise.
ID 46	Wendell	US 20.
ID 48	Roberts	Rigby.
ID 50	US 30	ID 25.
ID 51	Nevada St. Line	Mountain Home.
ID 53	Washington St. Line	US 95.

Posted Route No.	From	To
ID 55	Marsing	Eagle.
ID 64	Craigmont	Nez Perce.
ID 67	Mountain Home AFB	Mountain Home.
ID 74	US 93	Twin Falls.
ID 75	Shoshone	Ketchum.
ID 77	Declo	I-84.
ID 78	Marsing	ID 51.
ID 81	Malta	Burley.
ID 79	Jerome	South.
ID 87	US 20	Montana St. Line.
US 89	Utah St. Line	Montpelier.
US 91	Utah St. Line	I-15.
US 91	Pocatello	I-15 Bus.
US 93	Nevada St. Line	Shoshone.
US 95	Homedale	Weisner.
US 95	Grangeville	Moscow.
US 95	Coeur d'Alene	Bonners Ferry.
I-15 Bus.	I-15	Idaho Falls.
I-84 Bus.	I-84	Mountain Home.
US 93	Nevada St. Line	Montana Border.
US 12	Washington St. Line	Montana Border.
US 20	US 93 Arco	I-15 Idaho Falls.
US 20	I-84 Mountain Home	US 93 Carey.
US 30	I-15 McCammon	Wyoming St. Line.
US 91	Utah Border	I-15 Virginia.
US 91	Pocatello	Idaho Falls.
US 95	I-84	Canadian Border.
US 26	I-15	Wyoming St. Line.
US 26	US 20	I-15.
US 2	Washington Border/ Newport.	US 95.
US 2	US 95	Montana St. Line.
ID 200	Sand Point/US 95	Montana St. Line.
US 20/191	I-75 Near Idaho Falls	Montana St. Line.
ID 71	US 95 Cambridge	Oregon St. Line.
US 20/26	Oregon St. Line	Middleton.
US 95	Oregon St. Line	US 20/26.

Illinois

IL 5	I-80	US 30 Sterling.
IL 6	I-74	IL 88 Peoria.
US 20	I-90	East Dubuque.
US 50	Indiana St. Line	I-64 East St. Louis.
US 51	US 20	Anna IL 146.
IL 53	I-90	IL 68.
IL 53	I-290	Army Trail Road.
IL 394	I-80	IL 1 Crete.
IL 3	Cairo	East St. Louis.
US 50	Missouri St. Line	IL 3.
IL 13	Murphysboro	US 45 Harrisburg.
IL 149	IL 3	Murphysboro.
IL 146	Ware	I-57.
US 45	I-24 at Vienna	I-70.
US 67	Alton	Moline.
IL 130	Grayville	Newton.
IL 33	Newton	I-70.
IL 29	Pana	Springfield.
IL 125-97	Springfield	US 67 Beardstown.
US 54	Missouri St. Line	US 36 near Pittsfield.
US 36	Missouri St. Line	I-55.
US 36	Decatur	Indiana St. Line.
US 30	Iowa St. Line Clinton	IL 5 Sterling.
US 24	Quincy	Indiana St. Line.
US 34	Iowa St. Line near Gulfport.	IL 88.
IL 88	US 12	I-94.
IL 31	I-90	US 12.
US 45	IL 173	Wisconsin St. Line.
IL 173	US 45	I-94.
US 34	Oswego	Illinois Toll Road.
IL 88	US 34	I-80.
IL 141	US 45 Gossett	Indiana St. Line.
US 12	IL 31	Wisconsin St. Line.
IL 92	I-280	US 67 Rock Island.

Indiana

Indiana intends to designate all public roads, except those routes prohibited by State or local jurisdiction.

Iowa

IA 1	North Jct. IA16	West Jct. IA 78.
IA 1	North Jct. IA 92	IA 22.
IA 1	North Jct. US 6 & US 218.	I-80.
IA 1	SCL Martelle	Jct. US 151.
IA 2	Missouri River Bridge	Jct. IA 25.
IA 2	Decatur Co. Line	Mississippi River Bridge.
IA 3	South Dakota	North Jct. IA 12.
IA 3	Jct. US 75	Jct. IA 7.
IA 3	East Jct. IA 17	West Jct. IA 13.
IA 4	Jct. IA 3	East Jct. US 18.
IA 4	SCL Wallingford	Minnesota.
IA 5	Missouri	ECL Cincinnati.
IA 5	Jct. IA 2	Jct. I-35.
US 6	Nebraska	Jct. I-80.
US 6	Jct. IA 48	South Jct. US 71.
US 6	I-80 (Dexter)	I-80 (Altoona).
US 6	IA 14	I-80 (Cedar Co.).
US 6	Jct. IA 130	Jct. I-74
IA 7	Jct. IA 3	North Jct. US 71
IA 7	Barnum Road	US 20.
IA 8	US 63	US 218.
IA 9	IA 60	North Jct. US 69.
IA 9	South Jct. US 69	I-35.
IA 9	South Jct. US 69	I-35.
IA 9	East Jct. US 218	ECL Riceville.
IA 9	US 63	Wisconsin.
IA 10	East Jct. US 59	ECL Sutherland.
IA 12	US 20	NCL Sioux City.
IA 13	US 30	NCL Manchester.
IA 13	West Jct. IA 3	US 52.
IA 14	IA 163	NCL Newton.
IA 14	US 30	West Jct. IA 175.
IA 14	East Jct. IA 175	IA 57.
IA 15	East Jct. US 18	West Jct. IA 9.
IA 16	NCL Eldon	North Jct. IA 1.
IA 16	Denmark	US 61.
IA 17	IA 141	East Jct. US 20.
IA 17	West Jct. US 20	East Jct. IA 3.
US 18	WCL Rock Valley	North Jct. US 71.
US 18	South Jct. US 71	North Jct. US 218.
US 18	South Jct. US 218	ECL Bassett.
US 18	South Jct. US 63	Wisconsin.
US 20	I-29	Illinois.
IA 21	SCL What Cheer	West Jct. US 6.
IA 21	East Jct. US 6	East Jct. IA 8.
IA 21	West Jct. IA 8	IA 412.
IA 22	WCL Wellman	West Jct. IA 70.
IA 23	Jct. US 63	Jct. IA 137.
IA 25	IA 2	IA 92.
IA 25	West Jct. IA 925	IA 44.
IA 26	IA 9	Minnesota.
IA 26	IA 92	East Jct. IA 5.
IA 28	West Jct. IA 5	US 6.
US 30	Missouri River Bridge	Illinois.
IA 31	SCL Corectionville	US 59.
US 34	Missouri River Bridge	South Jct. IA 25.
US 34	North Jct. IA 25	Illinois.
IA 37	WCL Earling	US 59.
IA 38	US 61	I-80.
IA 38	SCL Tipton	East Jct. US 30.
IA 39	US 59	Deloit.
IA 40	Begin Route	IA 2.
IA 44	US 71	IA 141.
IA 46	IA 5	IA 163.
IA 48	US 59	NCL Essex.
IA 48	US 34	US 6.
IA 49	SCL Lanox	US 34.
IA 51	US 18	IA 9.
US 52	North Jct. US 61	North Jct. IA 386.
US 52	West Jct. IA 3	East Jct. US 18.
US 52	ECL Calmar	Minnesota.
IA 55	Begin Route	IA 2.
IA 57	IA 14	US 20.
US 59	Missouri	IA 184.
US 59	IA 92	North Jct. US 6.
US 59	IA 83	South Jct. US 30.
US 59	West Jct. US 20	IA 3.
US 59	East Jct. IA 10	East Jct. US 18.
IA 60	US 75	Minnesota.
US 61	Des Moines River Bridge.	South Jct. IA 2.
US 61	East Jct. IA 2	Wisconsin.
IA 62	US 61	US 52.
US 63	Missouri	West Jct. IA 2.
US 63	East Jct. IA 2	East Jct. US 34.
US 63	West Jct. US 34	IA 146.
US 63	I-80	East Jct. US 6.
US 63	West Jct. US 6	Minnesota.
IA 64	US 151	US 61.
US 65	North Jct. US 34	West Jct. US 6.
US 65	I-80	IA 117.
US 65	US 30	South Jct. US 20.
US 65	North Jct. US 20	Sheffield.
US 65	SCL Mason City	Minnesota.
US 67	Mississippi River	South Jct. US 30.
US 67	East Jct. US 30	4.64 miles North of Clinton.
US 69	SCL Lamoni	I-35.
US 69	North Jct. US 65	Minnesota.
IA 70	Begin Route	West Jct. IA 22.
US 71	Missouri	West Jct. IA 2.
US 71	East Jct. IA 2	IA 196.
US 71	North Jct. US 20	West Jct. IA 9.
US 71	East Jct. IA 9	Minnesota.
US 75	North Jct. I-29	Minnesota.
US 77	Nebraska	I-29.
IA 77	IA 92	Keota.
IA 78	IA 149	North Jct. US 218.
IA 78	South Jct. US 218	IA 249.
IA 78	WCL Morning Sun	US 61.
IA 83	US 59	West Jct. US 6.
IA 85	US 63	IA 21.
IA 86	US 71	IA 9.
IA 87	US 69	I-35.
IA 92	Nebraska	IA 48.
IA 92	WCL Fontanelle	West Jct. IA 5.
IA 92	East Jct. IA 5	North Jct. IA 1.
IA 92	South Jct. IA 1	Cotter.
IA 93	WCL Sumner	IA 150.
IA 94	Palo	I-380.
IA 95	Carbon	IA 148.
IA 96	Gladbrook	US 63.
IA 99	Toolesboro	Wapello.
IA 101	US 218	IA 150.
IA 103	US 218	US 61.
IA 105	US 65	US 218.
IA 107	SCL Thornton	US 18.
IA 110	US 20	IA 7.
IA 111	US 18	Woden.
IA 117	IA 163	US 65.
IA 127	South Jct. IA 183	US 30.
IA 130	US 67	I-80.
IA 133	US 30	Nevada.
US 136	East Jct. US 61	Mississippi River Bridge.
IA 136	ECL Delmar	WCL Lost Nation.
IA 136	SCL Worthington	IA 3.
IA 137	IA 5	IA 23.
IA 141	I-29	North Jct. US 30.
IA 141	WCL Manning	West Jct. US 71.
IA 141	East Jct. US 71	West Jct. IA 161.
IA 141	IA 141	US 169.
IA 141	IA 210	I-35.
IA 144	IA 141	NCL Dana.
IA 145	I-35	ECL Thurman.
IA 146	US 63	Dunbar.
IA 148	West Jct. IA 2	US 34.
IA 148	IA 95	I-80.
IA 149	US 63	IA 78.
IA 149	SCL Williamsburg	West Jct. US 6.
IA 149	East Jct. US 6	US 30.
IA 150	IA 151	IA 283.
IA 150	North Jct. US 20	South Jct. IA 3.
IA 150	North Jct. IA 3	US 18.
US 151	US 30	South Jct. US 61.
IA 157	US 63	Lime Springs.
IA 160	IA 415	I-35.
IA 161	West Jct. IA 141	SCL Dedham.
IA 163	US 65	IA 92.
US 169	Missouri	NCL Mt. Ayr.
US 169	SCL Arispe	West Jct. US 34.
US 169	East Jct. US 34	South Jct. IA 92.
US 169	SCL DeSoto	I-80.
US 169	US 6	IA 141.
US 169	West Jct. US 30	IA 3.
US 169	US 18	West Jct. IA 9.
IA 173	IA 83	I-80.
IA 175	Nebraska	ECL Onawa.
IA 175	South Jct. US 71	ECL Lake City.
IA 175	Gowrie	West Jct. US 169.
IA 175	East Jct. US 169	ECL Dayton.
IA 175	WCL Stratford	South Jct. IA 17.
IA 175	North Jct. IA 17	South Jct. US 69.
IA 175	North Jct. US 69	ECL Radcliffe.
IA 175	North Jct. US 65	US 63.
IA 181	Dallas	IA 5.
IA 183	North Jct. IA 127	NCL Pisgah.
IA 184	WCL Randolph	US 59.
IA 186	SCL Clarksville	US 63.
IA 191	NCL Council Bluffs	NCL Neola.
IA 192	I-29	East Jct. US 6.
IA 192	West Jct. US 6	I-29.
IA 196	US 71	US 20.
IA 205	US 65	Milo.
IA 210	IA 141	NCL Woodward.
IA 210	North Jct. IA 17	ECL Slater.
IA 214	IA 175	Wellsburg.
IA 215	Union	IA 175.
US 218	US 136	South Jct. US 61.
US 218	North Jct. US 61	IA 92.
US 218	Relocation IA 22	I-380.
US 218	I-80	East Jct. US 30.
US 218	West Jct. US 30	IA 227.

Posted Route No.	From	To
IA 220	US 6	IA 149.
IA 221	I-35	Roland.
IA 227	US 218	Stacyville.
IA 236	IA 141	Templeton.
IA 244	I-80	IA 191.
IA 249	IA 78	Winfield.
IA 272	Elma	US 63.
IA 273	WCL Drakesville	US 63.
US 275	Missouri	NCL Hamburg.
IA 276	US 71	Minnesota.
IA 279	US 30	Atkins.
IA 281	WCL Fairbank	IA 150.
IA 283	Brandon	IA 150.
IA 287	US 30	Newhall.
IA 299	New Providence	IA 175.
IA 300	Modale	I-29.
IA 301	I-29	Little Sioux.
IA 316	IA 5	NCL Runnells.
IA 325	Spillville	US 52.
IA 330	US 65	US 30.
IA 363	IA 101	Urbana.
IA 383	US 69	Randall.
IA 386	South Jct. US 52	North Jct. US 52.
IA 394	Missouri	US 218.
IA 401	US 6	Johnston.
IA 404	US 61	Montrose.
IA 405	Lone Tree	IA 22.
IA 406	US 34	US 61.
IA 412	US 63	US 218.
IA 415	US 6	NCL Polk City.
IA 927	IA 38	I-260.
IA 928	West Jct. US 20	East Jct. US 20.
IA 930	US 30	Ames.
IA 939	IA 150	IA 167
IA 964	IA 5	IA 975.
IA 967	US 20	Farley.
IA 970	Monona Co	US 75.
IA 975	IA 5	IA 964.

Kansas

All US and State numbered routes are designated. This includes all Federal-aid primary routes as well as other routes designated by the State.

Kentucky

Jackson Purchase Pkwy.	Tennessee St. Line W. of Fulton.	US 45 Bypass.
US 45B	Jackson Purchase Pkwy W. of Mayfield.	Jackson Purchase Pkwy N. of Mayfield.
Jackson Purchase.	US 45 Bypass	I-24 in Marshall County.
Western Kentucky Pkwy.	I-24 S. of Eddyville	US 31W in Hardin County.
Blue Grass Pkwy.	I-65	US 60 near Versailles.
Green River Pkwy.	I-65	US 60 Bypass in Owensboro.
Mountain Pkwy.	I-64 E. of Winchester	KY 15 N. of Campton.
KY 4	Entire Circle of Lexington US 41A S. City limits of Hopkinsville.	US 41 S. of Nortonville.
US 41	Pennyrile Pkwy near Western Kentucky Pkwy.	Pennyrile Pkwy at Madisonville.
Pennyrile Pkwy.	US 41 near N. City limits of Madisonville.	US 41 in Henderson.
US 41	Pennyrile Pkwy	Indiana St. Line.
Audubon Pkwy.	Pennyrile Pkwy in Henderson.	US 60 Bypass in Owensboro.
Cumberland Pkwy.	I-65 at Warren County Line.	US 27 W. of Somerset.
I-471 Connector.	US 27	I-471.
KY 841	Taylorsville Rd. (KY 155).	US 42.
KY 10	New Construction 4.21 miles E. of Bracken County line (MP 4.21).	US 62-68 at Maysville (MP 10.12).
KY 11	KY 3170 at Lewisburg.	US 62 and US 68 in Maysville.
KY 15	Mountain Pkwy at Campton.	US 119 in Whitesburg.
KY 18	KY 338 at Burlington	US 25 in Florence.
KY 21	I-75 near Berea	US 25 in Berea (US 25 S.).
US 23	Ohio St. Line	US 119 N. of Pikeville.
US 23	US 119 near Jenkins	Virginia St. Line.
US 23 Spur	Ohio River Bridge at Ashland.	
US 25	US 421 S. of Richmond.	KY 676 in Richmond.
US 25	KY 418	Nandino Blvd., in Lexington (via KY 4).
US 25	US 42 in Florence	Ohio St. Line.
US 25E	Virginia St. Line	I-75 N. of Corbin.
US 27	Tennessee St. Line	Ohio St. Line (via KY 4 in Lexington).
US 31W	Tennessee St. Line	KY 255 at Park City (via US 31W, Bypass in Bowling Green).
US 31W	US 31 W. Bypass in Elizabethtown.	I-264.
US 31W Bypass.	Western Kentucky Pkwy.	US 31W in Elizabethtown.
KY 32	I-64	US 60 at Morehead.
KY 35	US 127 at Bromley	I-71.
KY 36	I-64	US 60 at Owingsville.
KY 36	US 42 in Carrollton	KY 227
US 41	US 68 (Main Street) Hokpinsville.	US 68 (McLean Ave.) Hopkinsville.
US 41A	Tennessee St. Line	Pennyrile Pkwy S. City Limits Hopkinsville.
US 41A	KY 112 in Earlington	KY 281 and KY 1751 Madisonville.
US 42	I-264	Oldham County Line.
US 42	KY 55 at Carrollton	KY 47 at Ghent.
US 45	US 45 Bypass No. of Mayfield.	US 62 in Paducah.
KY 52	KY 876 in Richmond	KY 499 at Irvine.
KY 55	Cumberland Pkwy in Columbia.	US 150 at Springfield.
US 60	US 60 Bypass W. of Owensboro.	KY 69 Hawesville.
US 60	I-264	KY 1531 at Eastwood.
US 60	US 421 at Frankfort	I-75 near Lexington (via Versailles and KY 4 in Lexington).
US 60	Junction of KY 180 near Cannonsburg.	US 23 in Ashland.
US 60	KY 144 in Meade County.	US 31W at Ft. Knox.
US 60 Bypass.	US 60 W. of Owensboro.	US 60 E. of Owensboro.
KY 61	Tennessee St. Line	KY 90 at Burkesville.
US 62	I-24 at Paducah	Western Kentucky Pkwy.
US 62	KY 245 at Bardstown	US 150 at Bardstown.
US 62	KY 353	US 27 at Cynthiana.
US 68	I-24 in Trigg County	Green River Pkwy at Bowling Green.
US 68	US 27 at Paris	Ohio St. Line at Maysville (via Paris Bypass).
KY 69	US 60 at Hawesville	Indiana St. Line.
KY 79	KY 1051 in Bradenburg.	Indiana St. Line.
KY 80	US 27 at Somerset	US 25 N. of London.
KY 80	KY 15 at Hazard	US 23 at Allen.
KY 90	I-65	Cumberland Pkwy at Glasgow.
KY 90	KY 61 at Burkesville	US 27 at Burnside.
KY 114	US 460 E. of Salyersville.	US 23-460 at Prestonsburg.
KY 118	Daniel Boone Pkwy	US 421 and KY 80 NW of Hyden.
US 119	KY 15 at Whitesburg	US 23 at Jenkins.
US 119	US 25E S. of Pineville.	US 421 at Harlan.
US 119	US 23 at Pikeville	KY 1441.
US 127	Tennessee St. Line	US 60 in Frankfort (via Danville & Lawrenceburg Bypasses).
US 127	US 460 in Frankfort	I-71.
US 127 Bypass.	US 127 S. of Danville	US 127 N. of Danville.
US 127 Bypass.	US 127 S. of Lawrenceburg.	US 127 N. of Lawrenceburg.
KY 144	KY 448	US 60.
US 150	US 31E at Bardstown	US 27 N. City Limits of Standford (via Danville Bypass).
US 79	Tennessee St. Line	US 68 Russellville.
KY 151	US 127 near Lawrenceburg.	I-64 near Graefenburg.
KY 180	I-64 Interchange near Cannonsburg (MP 0.63).	Junction US 60 and KY 180 at Cannonsburg.
KY 192	I-75 S. of London	Daniel Boone Pkwy E. of London.
KY 205	Mountain Pkwy at Helechawa.	US 460 W. of Inde»
KY 212	KY 20	Greater Cincinnati Airport.
KY 227	KY 355 near Worthville.	KY 36 at Carrollton.
US 231	US 60 Bypass in Owensboro.	Indiana St. Line.
US 231	I-65	US 31W Bypass at Bowling Green.
KY 236	KY 212	US 25 at Erlanger
KY 237	KY 18	I-275 Boone County.
KY 245	I-65	US 62 at Bardstown.
KY 255	US 31W at Park City	I-65.
KY 259	Western Kentucky Pkwy	US 62 in Leitchfield.
KY 341	US 421 near Midway	I-64 near Midway.
KY 348	Jackson Purchase Pkwy W. of Benton.	US 641 in Benton.
KY 418	US 25 S. of Lexington.	I-75 S. of Lexington.
KY 421	US 119	0.1 mile S. of Harlan Appalachian Regional Hospital.
US 421 & KY 80.	Daniel Boone Pkwy	2nd Street in Manchester.
US 421	KY 4 in Lexington	KY 341 near Midway.
US 421	US 460 in Frankfort	Broadway at railroad bridge.
US 431	US 60 Bypass in Owensboro.	US 60 (4th Street) Owensboro.
KY 446	US 31W NW of Bowling Green.	I-65.
KY 448	KY 1051 at Brandenburg.	KY 144.
US 460	I-64	KY 686 N. of Mt. Sterling.
US 460	Mountain Pkwy Extension.	US 23 near Paintsville.
KY 555	US 150 at Springfield	Bluegrass Pkwy.
US 641	Tennessee St. Line	KY 348 in Benton.
KY 676	US 127 in Frankfort	US 60.
KY 686	KY 11 S. of Mt. Sterling.	US 460 N. of Mt. Sterling.
KY 876	I-75 at Richmond	KY 52 E. of Richmond.
KY 922	KY 4 in Lexington	I-64 and I-75.
KY 1051	KY 448 S. of Brandenburg.	KY 79.
KY 1682	US 68 W. of Hopkinsville.	Pennyrile Pkwy N. City Limits of Hopkinsville.
KY 1958	KY 627 S. of Winchester.	I-64 at Winchester.
KY 1998	US 27 at Cold Springs.	KY 9.
Daniel Boone Pkwy.	US 25 N. of London	KY 15 N. of Hazard
Mountain Pkwy Extension.	End of Mountain Pkwy at Campton.	US 460 at Salyersville.

Louisiana

LA 1	US 71 in Alexandria	US 71 near Shreveport.
LA 7	I-20	US 79 in Minden.
LA 8	Texas St. Line	LA 28 near Leesville.
LA 10	Proposed I-49 near Beggs.	US 71 Lebeau.
LA 14	US 90	I-210 in Lake Charles.
LA 15	US 65 Clayton	US 80 in Monroe.
LA 28	LA 8 near Leesville	US 84 near Archie.
US 65	Mississippi St. Line	LA 15 Clayton.
US 65	I-20 in Tallulah	Arkansas St. Line.
US 71	US 190 near Krotz Springs.	US 165 in Pinesville.
US 71	LA 1 near Shreveport	Arkansas St. Line.
US 79	LA 7 in Minden	Arkansas St. Line.
US 80	LA 15	US 165 in Monroe.

Posted Route No.	From	To
US 84	LA 28 near Archie	US 65 in Ferriday.
US 90	US 167 in Lafayette	New Orleans.
US 165	I-10 near Iowa	Arkansas St. Line.
US 167	US 71	Arkansas St. Line.
US 171	US 90 in Lake Charles.	US 80 in Shreveport.
LA 511	LA 3132	US 71 in Shreveport.
LA 3094	US 80	US 71 in Shreveport.
LA 3132	I-20	LA 511 in Shreveport.
LA 3052	LA 24 near Houma	US 90 near Raceland.
LA 3	I-20	I-220 in Bossier City.
LA 13	US 90	I-10 in Crowley.
LA 20	LA 24 near Thibodaux.	LA 1 in Thibodaux.
LA 23	Deer Range	US 90 Bus. in Gretna.
LA 24	US 90 in Houma	LA 20 near Thibodaux.
LA 30	LA 42	LA 73 in Baton Rouge.
LA 39	I-10 in New Orleans	LA 46 near Poydras.
LA 45	US 90 Bus. in Marrero.	LA 3134 near Marrero.
LA 46	LA 39 in New Orleans.	LA 47 in Chalmette.
LA 47	LA 46 in Chalmette	Proposed I-510 in New Orleans.
LA 48	US 90	LA 49 near New Orleans.
US 61	US 90 in New Orleans.	Mississippi St. Line.
LA 67	LA 408 in Baton Rouge.	Baker.
US 80	LA 72 in Bossier City	I-20 in Minden.
LA 83	US 90 near Baldwin	LA 182 in Baldwin.
US 90 Bus	US 90 New Orleans	I-10 in New Orleans.
LA 108	LA 27 in Sulphur	I-10 in Maplewood.
LA 137	I-20	US 80 in Rayville.
US 167	LA 14 Bypass in Abbeville.	I-10 in Lafayette.
US 190	Eunice	LA 1032 in Denham Springs.
US 190	I-55	LA 443 in Hammond.
US 190	LA 21 in Covington	LA 22 near Chinchuba.
LA 408	US 61	LA 67 in Baton Rouge.
LA 443	I-10	US 11 in Slidell.
LA 526	LA 3132	I-20 in Shreveport.
LA 3002	I-12	US 90 in Denham Springs.
LA 3021	LA 39	US 90 in New Orleans.
LA 3032	LA 1 in Shreveport	US 71 in Bossier City.
LA 3040	The Houma Tunnel	LA 24 in Houma.
LA 3064	LA 427	LA 73 in Baton Rouge.
LA 3105	US 71	US 80 in Bossier City.
LA 3134	LA 45	LA 45 near Marrero.
LA 3211	US 90	LA 182 near Franklin.
LA 1	South of Plaquemine	US 190 North of Port Allen.
LA 1	South of Alexandria	US 167 Alexandria.
US 71	LA 612 in Curtis	I-20 in Bossier City.

Maine

Scarboro Connector.	I-295 South Portland	US US 1 South Portland.
South Portland Spur.	I-95 South Portland	US 1 South Portland.
Maine Turnpike.	I-95 Portland	I-95 near Gardiner.
US 1	I-95 Yarmouth	I-95 Freeport.
US 1	I-95 Brunswick	Old US 1 (vicinity of Congress St.) Bath.
US 1	I-95 Houlton	Canada Border, Fort Kent.

Maryland

US 48	West Virginia St. Line	MD 639 at Cumberland.
US 340	MD 67 at Weverton	US 40 at Frederick.
US 40	MD 639 at Cumberland.	I-70 at Hancock.
US 40	US 340 in Frederick	I-70 in Frederick.
US 15	US 340 at Frederick	MD 26 North of Frederick.
MD 4	US 301 at Upper Marlboro.	MD 223 near Mellwood.
US 50	MD 201 Kenilworth Ave. Cheverly.	MD 2 near Annapolis.
MD 3	US 50/301 Bowie	I-695 Baltimore Beltway.
MD 100	MD 607 at Jacobville	MD 3.
MD 10	MD 648 in Glen Burnie.	I-695.
MD 295	I-895 Baltimore Beltway.	I-95 in Baltimore.
MD 702	I-695 East of Baltimore.	Old Eastern Avenue.
US 13	Virginia St. Line	Delaware St. Line.
US 301	Virginia St. Line	US 50 at Bowie.
US 301	MD 2 near Annapolis	Delaware St. Line.
MD 4	MD 223	I-95.
US 50	US 301 near Queenstown.	US 13 (Bypass) Salisbury.
MD 201 (Kenilworth Ave.).	US 50 Cheverly	DC Line.
MD 695	I-895 at MD 3 near Glen Burnie.	I-695 at I-95 near Kenwood.

Massachusetts

MA 2	I-90 Leominister	I-495 Littleton.
MA 52	Connecticut St. Line	I-90 Auburn.
US 3	I-95 Burlington	New Hampshire St. Line.
US 1	I-95 S. Lynnfield at MA 128.	I-95 Winona Street, West Peabody.
MA 24	I-195 Fall River	I-93 Randolph.
MA 140	I-195 New Bedford	MA 24 Taunton.

NOTE.—MA 52 was approved as part of the Interstate system on April 18, 1983.

Michigan

MI 1	US 10 BR & I-75BL: Pontiac.	Adams Street, Detroit.
US 2	Wisconsin St. Line, Ironwood.	Wisconsin St. Line, Crystal Falls.
US 2	Wisconsin St. Line, Iron Mountain.	International Boundary.
MI 3	Clark Street, I-75 in Detroit.	MI-29 & I-94.
MI 4	US 24	Orchard Lake Road.
MI 5	MI 102 Oakland-Wayne County Line.	I-96 at Schaffer Road.
US 8	US 2, Iron Mountain	Wisconsin St. Line.
US 10	Ludington	Jct I-375, Detroit.
US 10BR	South Jct. US 10, Pontiac.	MI 1, Pontiac.
US 12	Indiana St. Line	Jefferson Ave, Detroit.
MI 13	I-69, Lennon	US 23, Standish.
MI 14	I-94	I-275.
MI 15	US 110, Clarkston	MI 25, Bay City.
MI 18	US 10	MI 61 Gladwin.
MI 20	US 31 New Era	MI 37 White Cloud.
MI 20	US 27, Mt. Pleasant	US 10 Midland.
MI 21	I-96 near Grand Rapids.	MI 25, Port Huron.
US 23	Ohio St. Line	Mackinaw Bridge.
MI 24	I-75 Connector near Lake Orion.	MI 21, Lapeer.
MI 24	MI 46	MI 81, Caro.
US 24	Ohio St. Line	US 10BR, Pontiac.
MI 26	US 45	MI 38.
MI 27	I-75	US 23, Cheboygan.
US 27	Indiana St. Line	I-75, N. Higgins Lake.
MI 28	US 2, Wakefield	I-75.
US 31	Indiana St. Line	Manistee.
US 31	MI 37, Grawn	S. Approach Mackinaw Bridge.
MI 32	Hillman	Alpena.
MI 33	Mio	Fairview.
US 33	Indiana St. Line	I-196.
MI 35	US 2 & US 41, Escanaba.	US 2 & US 41, Gladstone.
MI 36	US 127, Mason	Dansville.
MI 37	MI 55	US 31 & MI 72 Traverse City.
MI 37	I-96, Grand Rapids	MI 46, Kent City.
MI 38	US 45	US 41, Baraga.
MI 39	Lafayette St/Lincoln Park, Detroit.	US 10.
MI 40	Allegan	US 31BR & I-196BL, Holland.
US 41	Wisconsin St. Line	Houghton.
MI 43	MI 37, Hastings	US 127, Lansing.
US 45	Wisconsin St. Line	Rockland.
MI 46	Cedar Springs	Port Sanilac.
MI 47	MI 46	US 10.
MI 50	MI 43 & MI 66, Woodbury.	Eaton Rapids.
MI 50	N. Jct. US 127	I-94.
MI 50	S. Jct. US 127	I-75.
MI 51	Niles	I-94.
MI 52	Ohio St. Line	US 12.
MI 52	I-96	MI 46.
MI 53	MI 3, Detroit	MI 25, Port Austin.
MI 55	US 31, Manistee	US 131, Cadillac.
MI 55	US 27	I-75.
MI 55	MI 65	Tawas City.
MI 56	MI 13 & MI 21	MI 54BR.
MI 57	US 131	US 27.
MI 57	MI 52	I-75.
MI 59	US 10BR, Pontiac	I-94.
MI 60	MI 62, Cassopolis	I-69 & US 27.
MI 61	MI 115	US 27, Harrison.
MI 61	MI 18, Gladwin	US 23, Standish.
MI 62	Indiana St. Line	US 12.
MI 64	US 2, Maronisco	US 2.
MI 64	MI 28, Merriweather	MI 28, Bergland.
MI 65	US 23, Omer	MI 55.
MI 65	MI 72	MI 32.
MI 65	Posen	US 23, North of Posen.
MI 66	Indiana St. Line	US 12.
MI 66	Battle Creek	MI 78.
MI 66	MI 43	MI 46.
MI 66	US 131, Mancelona	US 131, Kalkaska.
MI 67	US 41 Trenary	MI 94 Chatham.
MI 68	US 31 & US 131, Petoskey.	US 23 Rogers City.
MI 69	US 2 & US 141, Crystal Falls.	MI 95 Sagola.
MI 72	I-75	US 23, Harrisville.
MI 77	US 2	MI 28.
MI 78	MI 66	I-69.
MI 81	MI 24, Caro	MI 53.
MI 82	MI 37	US 131.
MI 83	Frankenmuth	I-75.
MI 84	I-75	MI 25.
MI 85	I-75, Woodhaven	I-75, Detroit.
MI 89	Allegan	US 131.
MI 90	MI 53	MI 53, Burnside.
MI 94	US 41	MI 28.
MI 95	US 2	US 41 & MI 28.
MI 97	MI 102	MI 59.
MI 102	I-96 & I-696	I-94.
MI 103	Indiana St. Line	US 12.
MI 104	US 31	I-96.
MI 115	US 27	MI 22.
MI 117	US 2	MI 28.
MI 123	I-75	MI 28.
US 127	Ohio St. Line	US 27.
US 131	Indiana St. Line	US 31, Petoskey.
US 141	Wisconsin St. Line	US 41, & MI 28.
MI 142	MI 25 near Bayport	MI 53.
MI 205	Indiana St. Line	US 12.
US 223	US 23	US 12.
I-75 Conn.	US 10BR, Pontiac	I-75.

Minnesota

US 2	North Dakota St. Line, Grand Forks.	I-35 at Duluth.
MN 3	I-494 at Inver Grove Heights.	I-94 at St. Paul.
MN 5	I-494 at Bloomington	I-35E at St. Paul.
MN 7	US 75 near Odessa	US 59 at Montevideo.
MN 7	US 59 at Montevideo	MN 100 at St. Louis Park.
MN 9	US 12 at Benson	US 59 at Morris.
US 10	Clay County State Aid Highway 11, E. of Moorhead.	I-694 at Arden Hills.
US 12	MN 9 at Benson	I-94 at Minneapolis.
US 12	I-694 at Woodbury	Wisconsin St. Line.
MN 13	MN 101 at Savage	I-35W at Barnesville.
US 14	US 75 at Lake Benton.	I-35 at Owatonna.
US 14	US 218 near Owatonna.	I-35 at Owatonna.
MN 23	US 12 at Willmar	I-35 near Hinckley.

Posted Route No.	From	To
MN 24	I-94 at Clearwater	US 10 at Clear Lake.
MN 27	N. Jct. MN 29 at Alexandria.	MN 127 at Osakis.
MN 27	US 71 at Long Prairie	US 10 at Little Falls.
MN 28	MN 27 at Browns Valley.	I-94 at Sauk Centre.
MN 29	I-94 at Alexandria	N. Jct. MN 27 at Alexandria.
MN 33	I-35 near Cloquet	US 53 at Independence.
MN 36	I-35W at Roseville	MN 95 at Oak Park Heights.
MN 41	US 212 near Chaska	US 169 near Chaska.
MN 43	I-90 at Wilson	US 61 at Winona.
MN 51	MN 5 at St. Paul	I-694 at Arden Hills.
US 52	US 63 at Rochester	MN 110 at Inver Grove Heights.
US 53	I-35 at Duluth	S. Jct. US 169 at Virginia.
MN 55	MN 28 at Glenwood	7th St. N in Minneapolis.
MN 55	E. Jct. I-94 in Minneapolis.	MN 3 at Inver Grove Heights.
MN 56	US 52 at Inver Grove Heights.	MN 3 at St. Paul.
US 59	I-90 at Worthington	MN 30 at Slayton.
US 59	I-94 at Fergus Falls	US 2 at Erskine.
MN 60	Iowa St. Line at Bigelow.	N. Jct. US 169 at Mankato.
US 61	MN 16 at la Crescent	Wisconsin St. Line.
US 61	I-90 at Dakota	MN 60 at Wabasha.
US 61	Jct. I-35 at Mesaba In Duluth.	Two Harbors (Jct. CSAA 2)
US 63	MN 58 at Red Wing	Wisconsin St. Line.
US 63	I-90	US 52 at Rochester.
MN 65	MN 23 at Mora	I-694 at Fridley.
US 71	Iowa St. Line	I-90 at Jackson.
US 71	I-94 at Sauk Centre	MN 27 at Long Prairie.
US 75	MN 7 near Odessa	I-94 at Moorhead.
US 77	I-35 E at Eagan	I-494 at Bloomington.
MN 100	I-494 at Bloomington	I-694 at Brooklyn Center.
MN 101	US 169 at Shakopee	MN 13 at Savage.
MN 110	MN 55 at Mendota Heights.	US 52 at Inver Grove Heights.
MN 127	MN 127 at Osakis	I-94 at Osakis.
US 169	N. Jct. MN 60 at Mankato.	MN 101 at Shakopee.
US 169	MN 95 at Princeton	US 10 at Elk River.
US 169	MN 210 at Aitkin	S. Jct. US 53 at Virginia.
US 169	I-494 at Eden Prairie	MN 100 at Edina.
US 169	MN 100 at Robbinsdale.	I-94 at Brooklyn Park.
MN 210	US 75 at Breckenridge.	MN 59 at Fergus Falls.
MN 210	US 10 at Motley	US 169 at Aitkin.
US 212	South Dakota St. Line.	I-494 at Eden Prairie.
US 218	I-90 at Austin	US 14 E. of Owatonna.
MN 371	US 10 at Little Falls	E. Jct. MN 210 at Brainerd.
MN 371	W. Jct. MN 210 Brainerd.	US 2 at Cass Lake.

NOTE.—All public roads are available to 102 inch wide vehicles (subject to local ordinance).

Mississippi

All U.S. and State numbered routes are available. This includes the Federal-Aid Primary System and other routes designated by the State.

Missouri

US 36	Kansas St. Line	Illinois St. Line.
US 40	I-70 St. Charles County.	I-55/70 St. Louis.
US 169	I-29 at Kansas City	MO 152 at Kansas City.
MO 725	US 40 at St. Louis	St. Louis Co. Route D.
US 67	Arkansas St. Line	Exit 174 on I-55.
US 61	I-70 St. Charles County.	Iowa St. Line.
US 63	Arkansas St. Line	Iowa St. Line.
US 65	Arkansas St. Line	Iowa St. Line.
US 71	Arkansas St. Line	I-435 Kansas City.
US 71	Exit 53 on I-29	US 136 Maryville.
Alt. US 71	I-44	US 71 Carthage.
US 136	Nebraska St. Line	Exit 110 on I-29.
US 54	South Junction US BR 54 at Lake Ozark.	Illinois St. Line.
US 60	MO 37 Monett	US 63 Cabool.
US 24	I-435 Kansas City	US 65 Waverly.
MO 7	US 71 Harrisonville	MO 13 Clinton.
MO 13	I-44 Springfield	US 24 Lexington.
US 50	Exit 7 I-470 Kansas City.	Exit 247 on I-44.
US 60	Oklahoma St. Line	US 71.
US 67	MO 367	Illinois St. Line.
US 412	Arkansas St. Line	Exit 19 on I-55.
MO 84	Arkansas St. Line	US 412 near Kennett.
MO 25	US 412 near Kennett	US 60 at Dexter.
MO 5	Arkansas St. Line	US 60.
MO 47	US 50 at Union	MO 100 at Washington.
MO 100	MO 47 at Washington.	I-44.
MO 367	I-270	US 67.
US 166	Kansas St. Line	I-44.
MO 171	Kansas St. Line at KS 57.	US 71 at Webb City.
US 60	2 mi. E. of MO 21	I-55/57 near Sikeston.
US 24	US 61 Taylor	Illinois St. Line.
MO 37	MO 76 Cassville	US 60 Monett.
US 59	Kansas St. Line	I-229 St. Joseph.
US 24	East Junction US 24 and US 36 in Marion County.	South Junction of US 24 and US 61 west of Hannibal.

Montana

US 2	Idaho St. Line	North Dakota St. Line.
US 12	Idaho St. Line	North Dakota St. Line.
US 89	Canadian Border	Wyoming St. Line.
US 310	Wyoming St. Line	Laurel.
MT 200	Idaho St. Line	North Dakota St. Line
US 93	Idaho St. Line	Canadian Border.
US 287	Wyoming St. Line	Choteau.
US 87	Wyoming St. Line	Havre.
US 20	Targhee Pass	West Yellowstone.
MT 87	Raynolds Pass	US 287.
MT 117	Fork Peck	Nashua.
MT 22	Miles City	Jordon.
MT 15	Conrad	Conrad.
MT 5	Scobey	North Dakota St. Line.
MT 59	Miles City	Wyoming St. Line.
MT 23	Sidney	North Dakota St. Line.
MT 7	Ekalaka	Wibaux.
US 10	North Dakota St. Line	Idaho St. Line.
MT 24	Canadian Border	MT 200.
MT 13	Circle	Canadian Border.
MT 37	Libby	Eureka.
MT 135	St. Regis	Paradise.
MT 28	Plains	Elmo.
US 212	Crow Agency	Wyoming St. Line.
MT 40	Whitefish	Columbia Falls.
MT 39	Lame Deer	Forsyth.
MT 141	Avon	MT 200.
MT 44	US 89	US 15.
US 191	West Yellowstone	Malta.
MT 43	Idaho St. Line	US 15 Divide.
MT 48	Anaconda	Warm Springs.
MT 47	Hardin	Custer.
MT 41	Dillon	US 10.
MT 16	Canadian Border	Glendive.
MT 35	Polson	US 2.
MT 3	Billings	Lavina.
MT 55	MT 41 Whitehall	Whitehall.
MT 56	MT 200	US 2.
MT 64	Big Sky	Mountain Valley.
MT 66	US 191	Fork Belknap.
MT 67	US 2 in Shelby	MT 15.
MT 69	Whitehall	Boulder.
MT 90	I-90 Missoula	Missoula.
MT 72	Wyoming St. Line	US 310.
MT 73	I-90 Lodge Grass	US 87.
MT 74	I-90	I-90 Wyola.
MT 77	MT 26 Hot Springs	Hot Springs.
MT 78	Red Lodge	Columbus.
MT 80	Fort Benton	Stanford.
MT 81	MT 80	US 191.
MT 82	Somers	MT 35 Big Fork.
MT 83	MT 200	MT 35 Big Fork.
MT 85	US 191 I-90	Belgrade.
MT 86	Bozeman	US 89.
MT 12	I-90 Garrison	Near I-90.
MT 89	Dillon	Near MT 15.
US 212	Wyoming St. Line	US 310.
MT 287	Ennis	Twin Bridges.
MT 19	MT 200 Grassrange	US 191 near Roy.
MT 200S	Circle	Glendive.
US 10A	I-90	Drummond.
MT 40	I-94	Terry.
MT 79	I-94	Hysham.

Nebraska

All U.S. and State numbered routes are designated, with the following exceptions:

- US 159 from the junction with US 73 in Falls City east to Missouri.
- State Highway 2 from the junction with US 73/75 in Nebraska City east to Iowa.
- US 34 from the junction with L-13G in Plattsmouth east to Iowa.
- US 30 from the east junction with US 73 in the City of Blair east to Iowa.

Nevada

US 395	California St. Line	US 50 Stewart.
US 395	US 50 Carson City	California St. Line.
US 50	California St. Line	Utah St. Line.
US 95	California St. Line	I-80.
US 95	I-80	Oregon St. Line.
US 6	California St. Line	US 95 Coaldale.
US 6	US 95 Tonopah	US 50 Ely.
US 93	Buchanan Blvd. Boulder City.	US 95.
US 93	I-15	US 50.
US 93	US 50	Idaho St. Line.
US 95 Alt	US 95 Schurz	I-80.
US 50 Alt	I-80	US 50.
US 93 Alt	US 93	I-80 Wendover.

New Hampshire

US 3	Massachusetts St. Line.	101A Nashua.
Everett Turnpike.	101A Nashua	I-293 Bedford.
NH 101	West End Milford Bypass.	I-293 Bedford.
NH 9	Vermont St. Line	NE Junction of NH 9 & NH 10 Keene.
NH 9	West End Henniker Bypass.	I-89 Hopkinton.
NH 101	I-93 Manchester	NH 51 Exeter.
NH 51	NH 101 Exeter	US 1 Hampton.
Spaulding Turnpike.	US 4 Dover	NH 16 Laskey Corner.
US 4	Exit 6 Spaulding Turnpike.	I-95 Portmouth.
US 3	I-93 North Woodstock.	Twin Mountain.
NH 18	Vermont St. Line	I-93 Littleton.

NOTE.—US 3 and NH 18 between completed sections of I-93 is the Interstate traveled-way. For other purposes, these portions of US 3 and NH 18 are not on the Federal-aid primary system.

New Jersey

Atlantic City Expressway.	Baltic Avenue in Atlantic City.	NJ 42 Turnersville.
NJ 42	Atlantic City Expressway at NJ 168 Washington.	I-295 Bellmawr.
US 322	Pennsylvania St. Line	I-295 Logan Township.
US 130	US 322 Bridgeport	I-295 Logan Township.
US 130	NJ 44 West Deptford	I-295 West Deptford.
New Jersey Turnpike.	I-295 Deepwater	I-95 Exit 6 Mansfield.
NJ 18	US 1 New Brunswick	Wayside Road, Tinton Falls.
US 1	Pennsylvania St. Line	I-287 Edison.
NJ 440	I-95 Edison	New York St. Line at Outer Bridge.
US 22	Pennsylvania St. Line Phillipsburg.	I-78 Greenwich.
NJ 495	I-95 Secaucus	I-495 Weehawken.
NJ 3	US 1 North Bergen	Sports Complex East Rutherford.

Posted Route No.	From	To
NJ 17	I-80 Hackensack	New York St. Line.

The following two sections of the New Jersey Turnpike are part of the Interstate System, but are unsigned. We are publishing this since the public may be unaware of this.

New Jersey Turnpike.	Pennsylvania St. Line	Exit 6 Mansfield.
New Jersey Turnpike.	Exit 6 Mansfield	Exit 10 Edison.

NOTE.—US 130 between US 322 Bridgeport and I-295 Logan Township is a Federal-aid Secondary route designated by the State in their March 15, 1983 submittal.

New Mexico

US 56	I-25 Springer	Oklahoma St. Line.
US 62	US 285 Carlsbad	Texas St. Line.
US 70	I-10 Las Cruces	US 84 Clovis.
US 84	I-40 Santa Rosa	Texas St. Line.
US 87	US 56 Clayton	Texas St. Line.
US 285	Colorado St. Line	Texas St. Line.
US 550	US 666 Shiprock	Colorado St. Line.
US 666	I-40 Gallup	Colorado St. Line.
US 60	Arizona St. Line	I-25 Socorro.
US 84	I-40	Colorado St. Line.
US 70	Lordsburg	Arizona St. Line.
NM 80	Arizona St. Line	I-10.
US 504	Arizona St. Line	Shiprock.
US 160	Arizona St. Line	Colorado St. Line.

New York

NY 430	Pennsylvania St. Line	NY 426 Findley Lake.
NY 426	NY 430 Findley Lake	NY 17 Findley Lake.
NY 17	NY 426 Findley Lake	I-87 Thruway Exit 16.
US 219	Pennsylvania St. Line	NY 17 Carrollton.
US 219	NY 17 Kill Buck	I-90 Thruway Exit 55.
NY 400	I-90 Thruway Exit 54	NY 16 South Wales.
NY 198	I-190 Thruway Exit N11.	NY 33 Buffalo.
NY 33	Michigan Avenue Buffalo.	NY 78 Williamsville.
NY 179	NY 5 Windom	I-90 Windom.
NY 75	NY 5 Mount Vernon	US 20 Mount Vernon.
Walden Avenue.	I-90 Thruway Exit 52	NY 277.
NY 277	Near NY 130	Walden Avenue.
NY 266	Buffalo City Limit	NY 325 Tonawanda.
NY 325	NY 266 Tonawanda	Kenmore Avenue Tonawanda.
NY 390	I-490 Rochester	NY 18 North Greece.
NY 590	I-490 Rochester	NY 104 Irondequoit.
Inner Loop	I-490 Rochester	I-490 Rochester.
NY 15	Commerce Drive Rochester.	NY 252 Rochester.
NY 15A	NY 252 Rochester	I-390 Rochester.
NY 204	NY 33A Gates	I-490 Gates.
NY 252	NY 15 Rochester	NY 15A Rochester.
NY 441	I-490 East Rochester	NY 253 East Rochester.
NY 690	I-90 Lakeland	NY 370 Baldwinsville.
NY 481	I-81 North Syracuse	NY 104 Oswego.
NY 695	NY 5 Fairmont	I-690 Solvay.
NY 5	Maple Avenue Camillus.	West Genessee Fairmont.
NY 298	I-690 Syracuse	I-81 Syracuse.
US 15	Pennsylvania St. Line	NY 17 Corning.
NY 7	I-81 Binghamton	I-88 Port Dickinson.
NY 12	I-81 Glen Castle	I-790 Utica.
NY 12	I-790 near I-90 Utica	US 11 Watertown.
NY 12F	US 11 Watertown	I-81 Watertown.
NY 8	County Road 9 Sauquoit.	NY 12 Utica.
NY 26	NY 365 Rome	NY 46 Rome.
NY 365	I-90 Thruway Exit 33	NY 49 Rome.
NY 49	NY 365 Rome	NY 12 Utica.
North Genessee Arterial.	NY 55 Utica	NY 5 Utica.
US 11	NY 12 Watertown	Canada Border.
NY 56	US 11 Potsdam	NY 37 Massena.
NY 37	NY 56 Massena	US 11 Malone.
Spur	NY 37 Rooseveltown	Canada Border.
US 2	US 11 Rouses Point	Vermont St. Line.
NY 254	I-87 Glen Falls	US 4 Hudson Falls.
US 4	NY 254 Hudson Falls	Vermont St. Line.
NY 7	I-787 Troy	Vermont St. Line.
NY 2	NY 278 Clums Corner.	Massachusetts St. Line.
Berkshire Thruway.	I-87 Thruway Exit 21A.	I-90 Thruway Exit B1.
US 9	Near NY 254 Glens Falls.	Near County Road 34 Glens Falls.
NY 7	I-890 Schenectady	West City Line of Watervliet.
NY 5	NY 7 Schenectady	North City Line of Albany.
Wolf Road	NY 5 at I-87 Colonie	I-87 at NY 155 Colonie.
NY 440	New Jersey St. Line	I-278 Staten Island Expressway.
NY 495	I-278 Brooklyn-Queens Expressway.	I-678 Van Wyuk Expressway.
NY 495	I-295 Clearview Expressway.	NY 25 Riverhead Suffolk.
NY 17	New Jersey St. Line	I-87 Suffern.

North Carolina

US 19	US 64 near Ranger	US 19A near Bryson City.
US 19A	US 19 near Bryson City.	US 19 near Lake Junaluska.
US 25	South Carolina St. Line.	I-26 near East Flat Rock.
US 221	Rutherfordton	I-40.
US 1	US 74 at Rockingham.	I-85 near Henderson.
US 15	US 401 near Laurinburg.	US 1 Aberdeen.
US 15	US 1 Northview	US 64 Pittsboro.
US 401	South Carolina St. Line.	I-40 Raleigh.
US 17	South Carolina St. Line.	Jct. US 74/76 West of Wilmington.
US 17	NC 1409	Virginia St. Line.
US 76	Jct. US 17/74 West of Wilmington.	SR 1409.
SR 1409 (Truck Rt.).	US 76	US 17.
US 64	Tennessee St. Line	Jct. US 19/129 near Ranger.
US 64	US 1/70/401 Raleigh	US 17 Williamston.
US 64	US 29 Lexington	US 15 Pittsboro.
US 258	NC 24 near Richlands.	US 64 Tarboro.
US 601	South Carolina St. Line.	US 74 near Monroe.
US 74	US 221 Rutherfordton.	I-85 near Kings Mountain.
US 220	US 1 near Rockingham.	Virginia St. Line.
NC 49	I-85 Charlotte	US 52 Richfield.
NC 18	I-40 near Morgantown.	US 321 near Lenoir.
US 321	I-40 near Hickory	NC 90 near Lenoir.
US 321	South Carolina St. Line.	I-85 near Gastonia.
US 52	NC 24/27 Albemarle	Virginia St. Line.
NC 87	NC 24/27 Spout Springs.	US 1 Sanford.
US 158	I-40 Winston-Salem	US 29 Reidsville.
US 158	I-85 Henderson	US 258 Murfreesboro.
I-40 Conn.	US 19 near Lake Junaluska.	I-40 West of Clyde.
US 70	US 70 A near Smithfield.	I-85 Durham.
US 70A	US 70 near Princeton.	US 70 near Smithfield.
I-95 Bus.	Kenly	Gold Rock.
US 74	I-277	US 17 near Wilmington.
US 23	US 19A Ditlsboro	US 441 Franklin.
US 29	US 52 Lexington	I-85 Greensboro.
US 258	US 158 Murfreesboro	Virginia St. Line.
US 521	South Carolina St. Line.	I-77.
NC 24	US 74 Charlotte	US 52 Albemarle.
US 29 I-95 Bus.	I-85 Greensboro Fayetteville.	Virginia St. Line.
US 264	US 17 Washington	US 64 near Zebulon.
NC 11	US 70 Kinston	US 264 Greenville.
SR 1728	US 1 Raleigh	I-40.
SR 1959-2028.	US 70 Bethesda	I-40.
I-85 Connector (SR 1007).	I-85 Salisbury	US 29-601 Salisbury.
US 70	US 29-601 Salisbury	I-77 Statesville.
US 421	Kure Beach	I-95 Dunn.
US 421	US 1 Sanford	US 64 Siler City.
US 421	I-40 Winston-Salem	Wilkesboro.
NC 24	US 70 Mansfield	US 701 Clinton.
NC 24	I-95	Spout Springs.
US 70	Beaufort	US 70A near Princeton.
US 19	I-240 Asheville	Jct. US 19-23 near Mars Hill.
US 25-70	US 19-23 at Weaverville.	US 25-70 Bypass at Marshall.
I-95 Bus.	I-95 N. of Fayetteville.	I-95 S. of Fayetteville.

North Dakota

US 85	South Dakota St. Line.	Canadian Border.
US 83	South Dakota St. Line.	I-94 Jct.
US 83	I-94 Jct./Bismarck	Canadian Border.
US 281	South Dakota St. Line.	I-94 Jct./Jamestown.
US 52/281	I-94 Jct./Jamestown	Carrington.
US 281	Carrington	Canadian Border.
US 81	I-29 Jct./Manvel	I-29 Jct./Joliette.
US 2	Montana Border	US 85 Jct./Williston.
US 2	US-85 Jct.	Minnesota St. Line.
US 52	Carrington	US 2 Jct./Minot.
US 52	US 2 Jct./Burlington	Canadian Border.
US 12	Montana Border	South Dakota St. Line.
US 10	I-94 Jct.	Minnesota St. Line.
ND 68	Montana St. Line	US 85.
ND 13	I-29 Mooreton	Minnesota St. Line.

Ohio

All public highways except where posted or within certain municipalities where there are restrictions.

Oklahoma

US 56	New Mexico St. Line	Kansas St. Line.
US 54	Texas St. Line	Kansas St. Line.
US 59	US 270 Heavener	I-44 Afton.
US 59	OK 10 Welch	Kansas St. Line.
US 60	Texas St. Line	US 283 Ellis Co.
US 60	US 81 Pond Creek	Missouri St. Line.
US 62	Texas St. Line	US 281 Lawton.
US 64	US 56 Boise City	OK 8 Alfalfa County.
US 64	US 81 Enid	I-35 Noble Co.
US 64	OK 99 Pawnee County.	US 69 Muskogee.
US 66	US 69 Commerce	Kansas St. Line.
US 62	US 69 Muskogee	Arkansas St. Line.
US 70	US 81 Waurika	Arkansas St. Line.
US 81	Texas St. Line	Kansas St. Line.
US 83	OK 3 Bryan's Corner	Kansas St. Line.
US 75	Texas St. Line	Kansas St. Line.
US 169	I-244 Tulsa	Kansas St. Line.
US 177	US 70 Dickson	US 60 Ponca City
US 69	US 75 Atoka	Kansas St. Line.
US 77	OK 11 Kildare	Kansas St. Line.
US 183	Texas St. Line	US 270 Seiling.
US 271	US 270 Wister	US 59 Poteau.
US 270	US 177 Tecumseh	Arkansas St. Line.
US 259	Texas St. Line	US 270 Leflore Co.
US 281	OK 5 Walters	Kansas St. Line.
US 271	OK 3 Antlers	Arkansas St. Line.
US 283	Texas St. Line	Kansas St. Line.
US 287	Texas St. Line	Colorado St. Line.
OK 3	US 54 Guymon	US 177 Shawnee.
OK 3W	US 177 Asher	OK 99 Ada.
OK 3	OK 99 Ada	Arkansas St. Line.
OK 15	US-283 Shattuck	US-64 Enid.
OK 33	US 183 near Custer City.	Arkansas St. Line.
OK 34	I-40 Elk City	US 64 Harper Co.
OK 8	OK 58 Fairview	US 64 Alfalfa Co.
OK 11	US 64 Cherokee	US 77 North of Ponca City.
OK 11	OK 99 Osage County	OK 20 Skiatook.
OK 45	US 281 Woods Co	OK 8 Alfalfa Co.
OK 51A	US 270 Watonga	OK 58 Major Co.
OK 53	OK 76 Fox	I-35 Springer.
OK 58	OK 51 A	OK 8 Fairview.
OK 5	US 183 Frederick	OK 53 Walters.
OK 67	US 75 Glenpool	US 64 Bixby.
OK 29	US 81 Marlow	I-35 near Wynnewood.
OK 76	OK 7 Ratliff City	OK 53 Fox.
OK 7	I-35 near Davis	OK 1 Johnston Co.
OK 7	US 281 Lawton	OK 76 Ratliff City
OK 6	US 283 Greer Co	I-40 Elk City.
OK 9	OK 44 Lone Wolf	US 177 Tecumseh.
OK 9	US 69 Pittsburg Co.	US 59 LeFlore Co.

Posted Route No.	From	To
OK 39	OK 9 Tabler	OK 3W Asher.
OK 44	US 283 Greer Co.	9 Lone Wolf.
OK 53	OK 5 Walters	US 81 Comanche.
OK 36	OK 5 Tillman Co.	US 281 near Lawton.
OK 18	OK 51 Payne Co.	US 60 Osage Co.
OK 1	OK 7 Johnston Co.	US 270 Calvin.
OK 20	OK 11 Skiatook	US 75 Tulsa County.
OK 48	I-44 Bristow	US 64 Pawnee Co.
OK 51	I-35 Payne Co.	Muscogee Turnpike/ Tulsa County.
OK 51	Muscogee Turnpike Wagoner County.	US 62 Tahlequah.
OK 16	US 75 Preston	US 64 Jamesville.
OK 10	OK 2 Welch	US 59 Miami.
OK 2	US 60 Vinita	OK 10 Welch.
OK 2	US 271 Clayton	I-40 Warner.
OK 19	I-35 Paul's Valley	OK 3W Ada.
OK 99	US 70 Madill	OK 11 Osage Co.
OK 199	I-35 Ardmore	US 70 Oakland.
Cimarron Turnpike.	I-35 Noble Co.	US 64 at OK 48.
Muscogee Turnpike.	OK 51 Broken Arrow	I-40 Webers Falls.
US 271	Texas St. Line	US 70 Hugo.
Indian Nation Turnpike.	US 70 Hugo	I-40 Henryetta.
Cimarron Turnpike Connection.	US 77 north of Stillwater N.E.	Cimarron Turnpike.
Oregon		
OR 99E	Portland	Salem.
OR 99W	Portland	Eugene.
US 730	I-84 Boardman	Washington St. Line.
US 30	Portland	Astoria.
US 97	Washington St. Line	Worden.
US 20	Bend	Idaho St. Line.
US 20	Sisters	US 97 near Bend.
US 20	Newport	Sweet Home.
OR 11	Washington St. Line	Pendleton.
US 101	Washington St. Line	Cannon Beach Jct.
US 101	OR 18 at Otis	Newport.
US 101	Florence	Port Orford.
US 101	Gold Beach	Harbor.
OR 126	Florence	Prineville.
OR 58	Eugene	US 97 near Chemult.
OR 31	La Pine	US 395 Valley Falls.
OR 62	Medford	Trail.
US 199	Grants Pass	Elk Creek.
US 26	Cannon Beach Jct	US 97 near Madras.
US 26	US 97 Metalius	Mitchell.
US 395	Umatilla	Stanfield.
US 395	Pendleton	Long Creek.
US 395	John Day	Burns
US 395	Riley	California St. Line.
OR 8	Beaverton	Forest Grove.
OR 22	OR 18 near Willamina.	Salem.
OR 42	Coos Bay	Coquille.
OR 6	Tillamook	US 26 near Banks.
OR 18	US 101 Abs	Dayton.
OR 10	Portland	Beverton.
US 197	I-84 Seufort	OR 216 Maupin.
OR 216	US 26 Warm Springs Jct.	Maupin.
OR 38	Reedsport	Antauf.
OR 140	Klamath Falls	OR 39.
OR 39	OR 140	Merrill.
US 99E	Albany	Junction City.
US 30 Bus	OR 99E	US 30 Bypass in Portland.
OR 99	Grants Pass	I-5.
US 30	North Powder	Baker.
US 30	In City of Pendleton	
OR 214	Woodburn	Silverton.
OR 217	US 26	I-5.
OR 22	Salem	Santiam Jct.
OR 223	Dallas	Rickreall.
OR 224	OR 99E	Clackamas.
OR 99	Central Point	Ashland.
OR 34	Corvallis	Lebanon.
OR 138	Elkton	I-5.
OR 99	OR 42	I-5.
OR 99	OR 38	I-5.
US 30	In City of Cascade Lock.	
OR 206	Wasco	Heppner.
OR 207	Cold Springs Jct.	Kinzua Road.
OR 78	Burns	US 95, Burns Junction.
US 95	OR 78, Burns Junction.	Nevada St. Line.

NOTE.—Qualified but unmarked routes have not been listed. In addition extensive partially qualifying routes have been identified by the State. Full information on Oregon's truck route system is available from the Oregon Division of Highways.

Posted route No.	Route description
Pennsylvania	
US 1	From Morrisville to US 13.
US 13	Controlled access segment south from US 1.
US 15	From Pennsylvania Turnpike (I-76) Interchange 17 northeast to the Harrisburg Expressway south of Camp Hill.
US 15	From PA 642 in Milton to the White Deer Exit at White Deer.
US 15	Controlled access segment north of junction with US 220 at Williamsport.
US 22	From I-279 west to the PA-West Virginia St. Line east of Steubenville, Ohio.
US 22	From west of PA 100 near Fogelsville east to the PA-New Jersey St. Line at Easton.
US 30	Greensburg Bypass south of Greensburg.
US 30	From a junction with PA 462 west of York to a junction with PA 462 east of Lancaster, excluding the four mile uncontrolled access segment north of York.
US 119	Limited access Bypass west of Uniontown.
US 119	From Pennsville north of Pennsylvania Turnpike (I-76) Interchange 8 at New Stanton.
US 202	From the south terminus of the West Chester Bypass north and east to I-76 near King of Prussia.
US 219	From vicinity of Pennsylvania Turnpike southeast of Somerset north to US 422 west of Edensburg.
US 219	From the PA-New York St. Line to just south of Bradford.
US 220	From Pennsylvania Turnpike Interchange 11 north to King.
US 220	From PA 147 near Halls, north of Muncy, west to western terminus of controlled access segment at Linden.
US 220	From just south of Athens north to NY 17 at the PA-New York St. Line.
US 222/422	Warren Street Bypass and Extension from Pricetown Road north of Reading west to Wyomissing.
US 6	From the Borough of Conneaut Lake east to just north of Meadville at the terminus of the North-South Bypass.
US 11	From Pennsylvania Turnpike Interchange 16 east to the western terminus of the Harrisburg Expressway near Camp Hill.
US 20	From I-90 Interchange 12 west to Northeast (PA 89).
US 30	Uncontrolled access segment of York Bypass from North Hills Road west to a point one mile north of the junction of PA 74.
US 119	Uncontrolled access segment northeast of Uniontown to Pennsville.
US 119	Uncontrolled access segment from the Pennsylvania Turnpike (I-76) Interchange 8 to the Greensburg Bypass.
US 202	From the PA-Delaware State Line north to West Chester Bypass.
US 322	From the junction of I-83 and I-283 east to the junction of US 422.
US 422	From the junction of US 322 east to the junction of LR 139 at the west end of Hershey.
PA 3	From West Chester Bypass (US 202) east to Garrett Road at Upper Darby.
PA 13	Uncontrolled access segment from PA 413 west of Bristol northeast to the limited access segment just south of US 1.
PA 42	From I-80 Interchange 34 south to Bloomsburg at US 11.
PA 51	From US 119 near Uniontown north to the Monongahela River at Elizabeth.
PA 54	From I-80 Interchange 33 south to Danville at US 11.
PA 60	Uncontrolled access segment in the vicinity of the Greater Pittsburgh International Airport.
PA 61	From US 222 near Tuckerton north to I-78 Interchange 9 at Hamburg.
PA 93	From I-81 Interchange 41 east and south to PA 924 at west end of Hazleton.
PA 114	From US 11 near Hogestown north to I-81 Interchange 18.
PA 132	From I-95 near Cornwells Heights northwest to Pennsylvania Turnpike Interchange 28 via US 1 connection.
PA 924	From junction with PA 93 west to I-81 Interchange 40 near Hazleton.
US 322	Commodore Barry Bridge in Chester.
US 422	From east terminus of limited access segment southeast of Reading northwest to the Warren Street Bypass.
PA 9	Northeast Extension of Pennsylvania Turnpike from Exit 25 (I-276) southeast of Norristown to Exit 38 at I-81 north of Scranton.
PA 28	From PA 8 near Etna northeast to Creighton, east of the Pennsylvania Turnpike.
PA 33/US 209	From US 22 near Wilson north to I-80 at Interchange 46 near Stroudsburg via US 209 at Snydersville.
PA 60/US 422	From I-80 Interchange 1 southeast of Sharon south to including the New Castle Bypass.
PA 60	From PA 51 west of Beaver Falls south to US 22, excluding the uncontrolled access segment near the Greater Pittsburgh International Airport.
PA 147	From I-80 Interchange 31 near Milton north to a junction with US 220 at Halls north of Adamstown.
PA 222	From US northeast of Lancaster to Pennsylvania Turnpike (I-76) Interchange 21 near Adamstown.
PA 283	From junction of US 30 north of Lancaster west to I-283 near the Pennsylvania Turnpike Interchange 19.
	Harrisburg Expressway (LR 767) from I-83 west to US 11 west of Camp Hill.
	Airport Access Road (LR 1081 Spur A) from PA 283 south to the Harrisburg International Airport at Middletown.
	Reading Outer Loop (LR 1035) from PA 183 near Leinbachs northeast to US 222 near Tuckerton.

Posted route no.	From	To
Puerto Rico		
PR 2	PR 22 San Juan	PR 1 Ponce.
PR 3	PR 31 near Ceiba	PR 26 Carolina.
PR 52	PR 1 Ponce	PR 18 San Juan.
PR 18	PR 52 San Juan	PR 22 San Juan.
PR 22	PR 2 San Juan	PR 26 San Juan.
PR 26	PR 22 San Juan	PR 3 Carolina.
PR 1	PR 2 Ponce	PR 52 Ponce.
Rhode Island		
RI 37	I-295 Cranston	I-95 near Pawtucket.
RI 195	I-295 Johnson	RI 10 Providence.
RI 10	RI 195 Providence	I-95 Cranston.
RI 146	I-95 Providence	I-295 near Lime Rock.
South Carolina		
US 78	Georgia St. Line	I-95 near St. George.
US 378	Georgia St. Line	SC 121 Saluda.
US 378	SC 262 Columbia	US 501 Conway.
SC 72	Georgia St. Line	I-77 Rockhill.
US 123	Georgia St. Line	US 25 Greenville.
US 76	US 52 Florence	SC 576 near Marion.
US 25	North Carolina St. Line.	Georgia St. Line.
SC 121	SC 72 Whitmire	US 25 Trenton.

Posted route no.	From	To
US 321	I-26 South of Columbia.	I-95 near Hardeeville.
US 601	North Carolina St. Line.	SC 9 Pageland.
SC 151	SC 9 Pageland	US 52 Darlington.
US 52	US 15 Society Hill	US 52/I-26 Connector at Goose Creek.
US 17	I-95 near Pocotaligo	US 21 Gardens Corner.
US 17	I-26 Charleston	North Carolina St. Line.
US 501	SC 576 Marion	US 17 Myrtle Beach.
SC 576	US 76 near Marion	US 501 near Marion.
US 21	US 17 gardens Corner.	SC 170 Beaufort.
US 276	I-85 Greenville	I-26 near Laurens.
US 521	I-20 Camden	North Carolina St. Line.
US 15	US 52 Society Hill	North Carolina St. Line.
US 301	Georgia St. Line	US 321 Ulmer.
SC 277	I-77 near Columbia	I-126 near Columbia.

South Dakota

All roads in the State are designated. This includes all Federal-aid Primary Routes as well as other routes designated by the State.

Tennessee

Briley Pkwy	I-40 near Nashville,	I-65 near Nashville Tennessee St. Line.
TN 137, US 23.	TN 67 Johnson City	TN 1 Kingsport.
US 51	Near Memphis	Purchase Pkwy, Kentucky St. Line.
US 45	Mississippi St. Line	Near Jackson.
US 45/45W Bypass.	Near Jackson	Union City near TN 22.
US 79	Memphis near I-40	Guthrie at US 41, Kentucky St. Line.
US 641	I-40 near Natchez Trace State Park.	Kentucky St. Line near Fayetteville near TN 140.
US 231	Alabama St. Line	Kentucky St. Line near TN 52.
US 127	TN 27 Spur near Chattanooga.	Static at Kentucky St. Line.
US 27	Walden	Kentucky St. Line.
US 25E	I-81	Harrogate at Virginia St. Line.
US 70 Alt.	Atwood at US 79	Huntingdon at TN 22.
US 70	Huntingdon at TN 22	Dickson.
US 70	Sparta at TN 111	Crossville at US 127.
US 70 S	Murfreseboro at US 231.	Sparta at TN 111.
US 64/41	Memphis at TN 15	I-24 at Monteagle.
US 64	Cleveland near I-40	Near Belltown at North Carolina St. Line.
US 43	Near St. Joseph at Alabama St. Line.	Lawrenceburg at US 64.
US 72	Alabama St. Line	I-24.
TN 153	I-75	US 27 at Walden.
TN 96	US 70	I-40.
US 70	Briley Pkwy	Sparta.
TN 27 Spur	I-124	US 127.

Texas

US 59	I-35 Laredo	Arkansas St. Line at Red River.
US 60	New Mexico St. Line	Oklahoma St. Line.
US 62	New Mexico St. Line	Jct. US 87 Lubbock.
US 67	US 87 San Angelo	Jct. US 84 Santa Anna.
US 69	TX 87 Port Arthur	I-20 near Tyler.
US 75	Jct. I-30 Dallas	Oklahoma St. Line.
US 77	Mexico Border	I-35 Waco.
US 82	US 87 Lubbock	Jct. US 277 Seymour.
US 82	Jct. US 287 near Henrietta.	US 75 Sherman.
US 83	US 77 in Harlinger	Jct. I-35 Laredo.
US 83	Jct. US 67 Ballinger	I-20 Abilene.
US 84	New Mexico St. Line	I-20 near Roscoe.
US 84	US 67 Santa Anna	I-35 Waco.
US 87	US 67 San Angelo	I-27 in Lubbock.
US 87	I-40 Amarillo	New Mexico St. Line.
US 90	US 277 Del Rio	I-35 San Antonio.
US 183	I-35 Austin	US 84 Goldthwaite.
US 259	US 59 Nacogdoches	Oklahoma St. Line.
US 277	US 277 Spur Del Rio	US 67 San Angelo.
US 277	I-20 Abilene	Oklahoma St. Line.
US 281	US 83 Pharr	I-37 near Three Rivers.
US 290	I-10 near Mountain Home.	I-610 Houston.
US 287	I-40 Amarillo	I-35W Ft. Worth.
US 385	I-10 Ft. Stockton	US 62 Seminole.
US 285	New Mexico St. Line	I-20 Pecos.
TX 19	I-30 Sulphur Springs	US 271 Paris.
US 81	US. 287 Bowie	Oklahoma St. Line.
US 283	US 287 Vernon	Oklahoma St. Line.
US 83	US 287	US 60.
US 62	US 83	Oklahoma St. Line.
US 287	Dumas	Oklahoma St. Line.
US 54	Dalhart	Texhoma.
US 277 Spur	US 277 Del Rio	Mexico Border.
US 271	TX 19 Paris	Oklahoma St. Line.

Utah

US 6	I-15 Near Spanish Fork.	I-70 near Green River.
US 40	I-80 Silver Creek Jct	Colorado St. Line near Dinosaur, CO.
US 89/UT 28.	I-70 Salina Interchange.	I-15 Near Nephi.
US 91	I-15 Perry-Brigham Interchange.	Idaho St. Line near Franklin, Idaho.
UT 201	I-80 Lake Point Interchange.	I-15 2100 S. Interchange, Salt Lake City.
US 50	Nevada St. Line	I-70 near Salina.
US 666	Monticello	Colorado St. Line.
US 163	Arizona St. Line	I-70 Crescent Junction.
US 89	Arizona St. Line	Sevier.

Posted Route No.	Route description
Vermont	
	None.

Posted route No.	From	To
Virginia		
US 1	Route 150	1.5 miles S. of Route 150.
US 1	Route 54 (Ashland)	1.99 miles N. Route 54.
US 1	Route 30	Route 738.
US 1 (Bypass).	Fall Hill Avenue (Fredericksburg).	Route 3.
VA 3	Route 1 By-pass (Fredericksburg).	Route 20 at Wilderness.
VA 7	Route I-81 (Winchester).	0.68 mile W. of W.C.L. Round Hill.
VA 10	Route 58 By-pass (Suffolk).	Route 66 (1.24 miles N. of Route 258 Bus. at Smithfield).
VA 10	E.C.L. Hopewell	0.37 mile W. Route 156 in Hopewell.
VA 10	Route 1	Route 827 (0.56 mile W. of W.C.L. of Hopewell).
US 11	0.62 Mile South of Route 612 (Verona).	Route 612.
US 11	N. Intersection Rt. 220 Alt.	2.15 miles S. of N. Intersection Route 220 Alt.
US 13	E.B.L. Route I-64 (Norfolk).	Maryland St. Line.
US 17	Route I-95	Route 29 at Opal.
US 19	Route I-81 via Routes 11 and 140 (Abingdon).	Temp. Route 460 (Route 720) (Bluefield).
US 23	Tennessee St. Line	Route Alt. 58 (Big Stone Gap).
US 23	Route Alt. 58 (Norton).	Kentucky St. Line.
US 29	North Carolina St. Line.	Route I-66 (Gainesville).
VA 30	Route I-95	Route 1.
US 33	North Carlton Street (Harrisonburg).	Route 340 (Elkton).
US 33	Route I-295	0.96 miles W. I-295.
US 33	Route I-64	Route 30 E. Intersection (West Point).
VA 36	Route I-95 (Petersburg).	Route 156 E. Intersection (Hopewell).
VA 37	Route I-81 S. of Winchester.	Route I-81 N. of Winchester via Route 11.
VA 42	Route 257 (Bridgewater).	Maryland Avenue (Harrisonburg).
US 50	Route 259 at Gore	Route 37.
VA 54	Route I-95	Route 1.
VA 57	Route 220 at Bassett Forks.	Route 666 at Bassett.
US 58	Access to Rt. 58 from Route 220 at Bassett Forks (Via Routes 220 Bus., 667, 1112, Commonwealth Boulevard and Fairy Street).	Routes 13 & I-264 at Bowers Hill.
US 58	Laigh Street (Portsmouth).	Route 239.
Alt. US 58	Route 19 at Hansonville.	Route 23 (Norton).
US 60	Route 150	Route 522 W. of Powhatan.
VA 76	Route I-195	Route 150.
VA 86	Route 29 (Danville)	North Carolina St. Line.
VA 100	Route I-81	Route 11 (Dublin).
VA 108	Route 57 (Martinsville)	Clearview Drive.
VA 146	Route 76	Route 195.
VA 150	Route 76	Route I-95.
VA 156	Route 10 (Hopewell)	Route 36 (Hopewell).
VA 166	Route 13	Bayside Road (Va. Beach).
VA 195	Route I-195	Route I-95.
VA 199	Route I-64	Route 60.
VA 207	Route I-95	Routes 2 and 301 at Bowling Green.
US 220	North Carolina St. Line.	Route I-581 (Roanoke).
US 220	Route I-81	S.C.L. of Fincastle.
Alt. US 220	Route I-81	Route 11.
VA 224	Route 460	Route 29.
VA 239	Route 58 (Portsmouth).	Route I-264.
VA 257	I-81 (Via Route 11)	Route 42.
US 258	North Carolina St. Line.	Route 58—Franklin By-pass.
US 258	I-64 (Hampton)	Route 10 (Benns Church).
US 301	Routes 2 and 207 at Bowling Green.	Maryland St. Line.
US 301	I-295	Route 1250.
US 340	Route 7 By-Pass (Berryville).	West Virginia St. Line.
US 340	I-66	2.85 miles N. of I-66.
US 360	Route I-64	Route 627 at Village.
US 360	Route 58 (South Boston).	Route 150.
US 460	Route 67 at Raven	Route 19 at Claypool Hill.
US 460	Route 19 at Bluefield via Route 720 (Temp. Route 460).	West Virginia St. Line.
US 460	West Virginia St. Line	Route I-81 at Christiansburg.
US 460	Route I-581 at Roanoke.	Route I-85 S. of Petersburg.
US 460	Route I-95 (Petersburg).	Route 58 (Suffolk).
US 501	Route 360 S. Int. (Halifax).	Route 58 (South Boston).
US 522	Route 37	1.07 miles N. of Rt. 705 at Cross Junction.
VA 612	Route I-81 (Augusta Co.).	Route 11 (Verona).
VA 737	Route 86 (Pittsylvania Co.).	0.90 mile E. Route 86.
VA 738	Route 1 (Hanover Co.).	1.90 miles E. of Route 1.

Posted route No.	From	To
VA 1250	Route 301 (Hanover Co.).	End of Route.

Washington

All US and State numbered routes are designated. This includes all Federal-aid primary routes and additional routes designated by the State.

West Virginia

US 19	Jct. I-77 Bradley	Jct. I-79 Gassaway.
US 48	I-79 Morgantown	Maryland St. Line.
US 50	I-77 Parkersburg	I-79 Clarksburg.
US 460	Virginia St. Line at Bluefield.	Virginia St. Line near Kelleysville.
WV 34	I-64 Putnam County	Jct. US 35 Winfield.
US 35	Jct. WV 34 Winfield	Ohio St. Line.

Wisconsin

US 2	Superior	Michigan St. Line at Hurley.
US 2	Michigan St. Line W. of Florence.	Michigan St. Line E. of Florence.
US 8	US 63 in Turtle Lake	Michigan St. Line.
US 10	US 53 in Osseo	I-43 N. of Manitowoc.
WI 11	US 61 near Dubuque	US 51 in Janesville.
WI 11	I-90 near Janesville west of Delavan.	US 14-WI 89, 5 miles.
WI 11	WI 15 near Elkhorn	WI 31 in Racine.
US 12	I-94 and County Hwy EE W. of Eau Claire.	US 53 in Eau Claire.
US 12	WI 67, 2 miles N. of Elkhorn.	Illinois St. Line.
WI 13	WI 21 N. of Friendship.	US 2 in Ashland.
US 14	US 51 at Janesville	I-90 at Janesville.
US 14	WI 11-89, 5 miles W. of Delavan.	WI 15 at Darien.
WI 15	I-90 at Beloit	US 45 in Greenfield.
WI 16	WI 78 at Portage	I-94 N. of Waukesha.
WI 17	US 8 in Rhinelander	US 45 in Eagle River.
US 18	Iowa St. Line	I-90 E. of Madison.
WI 20	I-94 W. of Racine	WI 31 in Racine.
WI 21	WI 27 in Sparta	US 41 at Oshkosh.
WI 23	WI 32 N. of Sheboygan Falls.	Taylor Drive in Sheboygan.
WI 26	I-94 at Johnson Creek.	WI 16 at Watertown.
WI 26	US 151 N.E. of Waupun.	US 41 S.W. of Oshkosh.
WI 27	US 41 at Westby	U.S. 10 E. of Fairchild.
WI 28	US 41 E. of Theresa	Kewaskum.
WI 29	I-94 W. of Elk Mound	US 53 at Chippewa Falls.
WI 29	WI 124 S. of Chippewa Falls.	US 41 in Green Bay.
WI 30	Madison	I-90 & I-94 E. of Madison.
WI 31	WI 11 in Racine	WI 20 in Racine.
WI 32	WI 29 W. of Green Bay.	Gillett.
WI 34	WI 13 in Wisconsin Rapids.	US 51 N.E. of Knowlton.
US 41	National Ave. in Milwaukee.	Garfield Ave. in Milwaukee.
US 41	107th St. in Milwaukee.	Michigan St. Line.
WI 42	I-43 W. of Manitowoc.	WI 57 S.W. of Sturgeon Bay.
US 45	US 45 Illinois St. Line	WI 28 in Kewaskum.
US 45	WI 29 in Wittenberg	Michigan St. Line.
WI 47	US 41 at Appleton	WI 29 in Bonduel.
WI 50	I-94 W. of Kenosha	45th Ave. in Kenosha.
US 51	South Corporate Limits of Janesville.	US 14 at Janesville.
US 51	WI 78 at Portage	US 2 near Hurley.
US 53	US 61 in La Crosse	US 10 in Osseo.
US 53	I-94 S.E. of Eau Claire.	I-535 in Superior.
WI 54	WI 13 in Wisconsin Rapids.	US 51 near Plover.
WI 57	I-43 in Green Bay	Sturgeon Bay.
US 61	Iowa St. Line	WI 129 S.E. of Lancaster.
US 61	WI 129 N.E. of Lancaster.	Minnesota St. Line.
US 63	Minnesota St. Line	US 2 W. of Ashland.
WI 69	WI 11 at Monroe	County Hwy. "PB" at Paoli.
WI 73	US 51 at Plainfield	WI 54 in Wisconsin Rapids.
WI 78	I-90 & I-94 S. Portage.	US 51 N. of Portage.
WI 80	I-90 & I-94 N. of New Lisbon.	WI 13 near Pittsville.
WI 119	I-94 in Milwaukee	WI 38 in Milwaukee.
WI 124	US 53 N. of Eau Claire.	WI 29 S. of Chippewa Falls.
WI 129	US 61 S.E. of Lancaster.	US 61 N.E. of Lancaster.
WI 139	US 8 near Cavour	Long Lake.
US 141	US 41 at Abrams	US 8 South of Niagara.
WI 145	Broadway in Milwaukee.	US 41-45 in Milwaukee.
US 151	Iowa St. line	US 18 E. of Dodgeville.
US 151	I-90 & I-94 in Madison.	US 41 at Fond du Lac.
WI 172	US 41 in Ashwaubenon.	County Hwy. "X" S. of Green Bay.
County Hwy "PB".	WI 69 at Paoli	US 18 E. of Verona.

Wyoming

All US and State numbered routes are designated with the exception of US 89/287 and US 212 in Yellowstone National Park. This includes all Federal-aid Primary Routes under the jurisdiction of the State of Wyoming as well as other routes designated by the State.

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Part VII

Department of the Interior

Fish and Wildlife Service

Implementation of the Endangered Species Act Exemption for Certain Raptors; Raptor Propagation Permits; Federal Falconry Standards; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13, 17 and 21

Implementation of the Endangered Species Act Exemption for Certain Raptors; Raptor Propagation Permits; Federal Falconry Standards

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service amends its regulations promulgated under authority of the Migratory Bird Treaty Act and the Endangered Species Act of 1973 to establish uniform standards and procedures for engaging in the propagation of raptors (birds of prey). This final rule enables raptor propagators and falconers to purchase, sell, or barter certain captive-bred raptors both in the U.S. and foreign countries, and identifies the conditions under which species listed as endangered or threatened under the Endangered Species Act are exempt from the Act's prohibitions. These actions should alleviate some of the human pressures on wild raptor populations, increase genetic diversity in captive populations, and encourage captive production of raptors for recreational, scientific, conservation, and breeding purposes.

EFFECTIVE DATE: August 8, 1983.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343–9242.

SUPPLEMENTARY INFORMATION:

Background

On January 12, 1983 (48 FR 1325), the Fish and Wildlife Service ("Service") proposed several changes to Federal regulations affecting raptors (birds of prey). Generally, the Service proposed the following:

1. Documentation requirements that must be satisfied to exempt a raptor listed as endangered or threatened under the Endangered Species Act of 1973 ("ESA") from the prohibitions in Section 9(a) of the Act and 50 CFR 17.21 and 17.31. Only raptors that were held in captivity or in a controlled environment in the United States on November 10, 1978, or their progeny qualify for this "exempt" status.

2. A raptor propagation permit authorizing raptor propagators to engage in certain activities under limited circumstances that otherwise are prohibited by the Migratory Bird Treaty Act ("MBTA"), such as the purchase, sale, or barter of captive-bred raptors, including captive-bred "exempt" raptors, that are banded with a numbered seamless leg marker.

3. Amendments to the Federal Falconry Permits (50 CFR 21.28) to allow falconers to purchase, sell, or barter captive-bred raptors that are banded with a numbered seamless leg marker. These amendments complement the authority given to raptor propagators.

4. Authorization for Apprentice Class falconers to possess captive-bred Harris' hawks.

The proposed rule invited comments for 30 days ending February 11, 1983. Because a number of comments were submitted after that date, the Service published a notice on the consideration of those comments in the **Federal Register** on March 7, 1983 (48 FR 9544), indicating that comments submitted on or before that date would be considered and any submitted after that date would be considered to the extent that it remained feasible to do so. All comments received as of April 13, 1983, have been considered by the Service in developing this final rule. After that date final administrative decisions regarding this rule were made by the Service.

The Service received numerous public comments from a variety of sources, including falconers, raptor propagators, State and Federal wildlife conservation agencies, conservation groups, and private individuals. Each comment has been considered in preparing this final rule. In addition, the Service has relied upon its substantial experience in developing and implementing programs affecting raptors.

Most of the comments received simply voiced support or opposition to various provisions in the proposed rule. The remainder were substantive or analytical to varying degrees. The significant comments are summarized and discussed in detail below by topic, including the Service's response to them and any significant changes in the final rule which resulted. Information contained in the Supplementary Information section of the Notice of Proposed Rulemaking is incorporated in this preamble, except insofar as it may be superseded here.

Implementation of the Endangered Species Act Exemption for Certain Raptors

Several comments requested clarification on the scope of the exemption with reference to those prohibitions of the ESA from which a qualifying raptor is exempt. That answer has already been provided by Congress. The Endangered Species Act Amendments of 1982 amended the introductory clause of the raptor exemption to indicate that only the provisions of Section 9(a)(1), 16 U.S.C. 1538(a)(1), do not apply to an "exempt" raptor. Therefore, the remaining prohibitions found in Section 9 do apply, particularly the need to satisfy any applicable requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES") to import or export "exempt" raptors listed on any of the appendices to CITES. The raptor exemption now, by its terms, exempts holders of qualifying raptors only from the prohibitions of Section 9(a)(1) of the ESA, 16 U.S.C. 1538:

> (2)(A) The provisions of subsection (a)(1) shall not apply to—
>
> (i) any raptor legally held in captivity or in a controlled environment on the effective date of the Endangered Species Act Amendments of 1978 [November 10, 1978]; or
>
> (ii) any progeny of any raptor described in clause (i); until such time as any such raptor or progeny is intentionally returned to a wild state.
>
> (B) Any person holding any raptor or progeny described in subparagraph (A) must be able to demonstrate that the raptor or progeny does, in fact, qualify under the provisions of this paragraph, and shall maintain and submit to the Secretary, on request, such inventories, documentation, and records as the Secretary may by regulation require as being reasonably appropriate to carry out the purposes of this paragraph. Such requirements shall not unnecessarily duplicate the requirements of other rules and regulations promulgated by the Secretary. Pub. L. 95–632, 92 Stat. 3760 as amended by Pub. L. 97–304, 96 Stat. 1427 [16 U.S.C. 1538(b)(2)].

The burden of proof for qualifying any raptor is on the person claiming the applicability of this exemption. The Government does not have to offer proof that the elements of this affirmative defense have not been satisfied.

Even if a raptor is "exempt," it loses that status once it is intentionally returned to a wild state. Several comments raised the question of whether captive-bred "exempt"' raptors retain their exemption if they are released for free flight on a limited-time basis for wild-conditioning purposes? Phrased in another way: Do captive-bred "exempt" raptors lose their exemption if they are released for the purpose of permanent incorporation into the ecosystem in a wild state, both functionally and behaviorally? The answer to both questions is yes.

The legislative history of this provision indicates that the exemption was meant to terminate under the following circumstances:

[W]here domestic captive-bred raptors ["exempt" raptors] have been intentionally released and returned to a wild state for conservation and reintroduction purposes, these raptors will be considered to be fully protected under the [Endangered Species Act of 1973]. H. Conf. Rept. 95–1084 at 23 (95th Cong. 2nd Sess. 1978).

This result is logical because the overriding purpose of the ESA is to conserve and protect endangered or threatened species. "Conservation" is defined by Section 3(3) of the ESA, 16 U.S.C. 1532(3) to mean "* * * the use of all methods and procedures which are necessary to bring any endangered species or threatened to the point at which the measures provided pursuant to [the ESA] are no longer necessary." Since the raptors released for conditioning purposes are captive-bred, adequately identified, and place no drain on any wild population, no conservation effort is enhanced by imposing the burdens of permit restrictions under the ESA.

A final question posed by the comments is this: What progeny are also "exempt?" The Service believes the proper answer is that the progeny of any "exempt" parent are also "exempt". That is, if either parent is "exempt," then all of the progeny are "exempt." The legislative history of the raptor amendment indicates that its purposes are to:

Alleviate some of the human pressures on wild raptor populations * * * increase genetic diversity in captive populations, and * * * further encourage captive production of raptors for conservation, recreation, scientific and breeding purposes. H. Conf. Rept. No. 95–1084 at 23 (95th Cong. 2nd. Sess. 1978).

However, if additional brood stock must be obtained from the wild, Congress has suggested the following limitations:

In order to augment wild populations, the Secretary should encourage the reintroduction of captive-bred raptors into the wild. To that end, it is anticipated that the [Fish and Wildlife Service], on a discretionary basis, may grant permits to qualified individuals and organizational raptor breeders to obtain additional brood stock from the wild populations, provided that offspring of such birds are reintroduced back into the wild in a manner designed to effect a net increase in the overall wild population. H. Conf. Rept. No. 95–1084 at 23 (95th Cong. 2nd Sess. 1978).

Finally, Congress also intended that the raptor exemption apply to raptors at the species level, such as the peregrine falcon, and not just to subspecies or populations of lower taxonomic order. However, the ESA itself does not apply to hybrid progeny, where each parent is from a different species and where at least one parent is from an endangered or threatened species. This policy is described in a memorandum dated August 2, 1977, from the Department's Office of the Solicitor on the subject, "Whether Hybrids are Covered by the Endangered Species Act of 1973." Therefore, there is no need for the exemption to apply to hybridized raptors. Moreover, hybrids are protected under the CITES and, as discussed below, under the MBTA.

Sale of Captive-Bred Raptors

The Services proposed to allow the sale of captive-bred raptors for three principal reasons: To alleviate some of the human pressures on wild raptor populations, to increase genetic diversity in captive populations, and to further encourage captive production of raptors for conservation, recreation, scientific, and breeding purposes.

Preliminarily, several comments contended that captive-bred birds and hybrids are not included within the terms of the MBTA and implied that coverage of such birds in these regulations is an unlawful expansion of the Act. Service regulations governing captive-bred birds have been held to be within the Secretary's authority under the MBTA. *U.S. v. Richards*, 583 F.2d 491 (9th Cir. 1978). The court upheld the regulations on the basis that MBTA enforcement would be hindered if the defense was available that a bird involved was raised in captivity. In view of this decision, and the Supreme Court's expansive reading of the MBTA in *Andrus v. Allard*, 444 U.S. 51 (1979), the Service believes the coverage of hybrids is similarly within the Secretary's authority under the MBTA.

In the preamble to the proposed rule the Service noted some possible objections to captive breeding:

Although the value of captive breeding has been widely accepted by many conservationists and scientists as a resource management tool, some persons oppose this activity because (1) it diverts effort and funding away from the primary resource need of protecting natural ecosystems, (2) behavioral and genetic aberrations acquired in captivity may be incompatible with enhancement of conspecifics in the wild, and (3) captive breeding may be viewed as a panacea leading to a ban on taking raptors from the wild for falconry or scientific purposes. These concerns largely are alleviated where wildlife agencies view captive breeding only as supplementing management of wild populations, and where propagators have made reasonable efforts to maintain the genetic variability of breeding stocks. 48 FR 1327 (1983).

In addition to these possible objections, the comments revealed many others. Some objected because of various perceived harmful effects that sale would cause. Others objected to particular provisions, but endorsed the Service's overall position on sale. To the extent possible, these general objections are grouped under one of the three principal reasons the Service gave in support of sale and are discussed below.

1. *Alleviate some of the human pressures on wild raptor populations.* Some comments were concerned that sale would increase human pressures on wild raptor populations, and not alleviate them as the Service judged. It was asserted that allowing the sale of captive-bred raptors, even if restricted to those raptors identified by a seamless tarsal marker, would create strong incentives to illegally take raptors from the wild and sell them and that the Service would not be able to prevent such illegal taking. Other comments saw that problem compounded by the fact that a seamless marker can be put on the leg of any eyass, not just one bred in captivity, and once so marked the eyass could be sold, purchased, or bartered as a "lawful" bird.

The Service recognizes that the procedure proposed is not foolproof. While lawful commercialization may create incentives to violate the law, strong deterrents are available. The sale of any raptor taken from the wild, any raptor hatched from an egg taken from the wild, any raptor eggs, or any raptor not marked with a seamless marker would be treated by the Service as more than a mere permit violation. The seller and other culpable parties would be subject to possible prosecution for a felony under both the MBTA and the Lacey Act Amendments of 1981 ("Lacey Act"). 16 U.S.C. 707(b), 3373(d)(1). Possible permit sanctions are available under both the ESA and the Lacey Act, as well as under 50 CFR 13.51. 16 U.S.C. 1540(b)(2), 3373(e). Upon conviction of a criminal violation of either statute, the Service may modify, suspend, cancel *any* Federal permit. Further, the permit-holder is not entitled to any compensation, reimbursement, or damages in connection with the modification, suspension, or revocation of a permit after conviction. Raptors involved in violations are subject to forfeiture, and in the case of violations of the ESA or Lacey Act are subject to forfeiture without regard to any additional evidence of culpability, as is required to assess a civil penalty or convict of a crime. 16 U.S.C. 1540(e)(4)(A), 3374(a)(1). That is, strict liability forfeiture may apply. The equipment (including vehicles) used to aid in a violation may also be subject to forfeiture upon conviction of certain

offenses. 16 U.S.C. 1540(e)(4)(B), 3374(a)(2). Any person convicted or assessed a civil penalty for a violation of the Lacey Act is liable for costs incurred by the Government in storing, caring for, and maintaining any raptors seized in connection with the violation. 16 U.S.C. 3374(c). A similar provision under the ESA enables the Government, upon forfeiture of seized raptors, to collect certain expenses from any person whose act or omission was the basis for the seizure. 16 U.S.C. 1540(f), 50 CFR 12.42. To the extent that any records are falsified to conceal any illegal transactions the felony provisions of 18 U.S.C. 1001 also may apply.

The Service will vigorously investigate any alleged violations involving raptors and will impose on any violators the full force of these sanctions to insure the conservation of wild raptor populations. Both the falconry and raptor propagating communities are encouraged to police themselves.

Second, many comments expressed concern that with this rule the Service was taking just the first step in opening up commercialization under the MBTA. The next step would be to allow additional persons to possess captive-bred raptors, or to allow commercialization with other species of captive-bred migratory birds. The final rule, like the proposal, remains extremely limited in scope. For the foreseeable future the Service does not envision making captive-bred migratory birds available to the pet industry, nor does this final rule lead to that result. Under the MBTA, possession of a raptor is permitted only with a valid permit issued under 50 CFR Part 21, unless one of two exceptions applies: the raptor was lawfully acquired before the effective date of Federal protection under the MBTA (i.e., pre-Act) or the person who possesses it is excepted from the permit requirements by 50 CFR 21.12(b). The purchase, sale, or barter of captive-bred raptors in the U.S. will be restricted to persons authorized to purchase, sell, or barter captive-bred raptors under 50 CFR Part 21. Only falconers, raptor propagators and persons excepted from the permit requirements by 50 CFR 21.12(b) are so authorized.

Third, several comments argued that the release or escape of nonendemic captive-bred raptors will be more prevalent thereby creating problems associated with competition, displacement, disease, and depredation. By opening up a market for raptors, the comments argue, the number of captive-bred birds will increase which will stimulate the sport of falconry and lead to a concomitant rash of inadvertently or unintentionally released captive-bred raptors in areas where their species is not indigenous. The comments listed several introduced species that have caused serious damage to ecosystems, such as the starling, but none identified any raptors. The Service has no evidence that any unintentionally released, escaped, or lost captive-bred raptors have had any negative impact on conspecifics in the wild. Nor does the Service expect this rule to result in any dramatic increase in the number of falconers. In 1981, there were 2,508 outstanding falconry permits, compared to 2,769 permits issued by State wildlife agencies in 1974. During the next decade the Service estimates that the number of U.S. falconers will remain between 2,500 and 3,000.

While these comments were concerned with the unintentional release of nonendemic migratory birds, they failed to realize that the propagation of exotic raptors, such as sakers, lanners, and luggars, is not Federally regulated. Subject to State law, anyone can propagate and sell these exotic species because they are not migratory birds, and falconers may fly these species. The Service wishes to encourage the production of raptors listed as migratory birds, not encourage the production of exotics.

The Service will still restrict the intentional release of raptors to those subspecies which are endemic to a particular region, if viable breeding populations occur there. Federal falconry standards still prohibit the intentional release of any species not indigenous to that State without written authorization and the Service also prohibits the intentional release of any interspecific hybrid.

2. *Increase genetic diversity in captive populations.* A few commenters felt that legalizing sale would not necessarily increase genetic diversity in captive populations on the belief that propagators would not sell valuable breeding stock that would undermine their profit margins. The Service finds no merit in that argument. Sale enables the market to determine the value of a propagator's stock, unlike the current system where there is no incentive to exchange valuable breeding stock.

In addition, raptors held by falconers can be put into breeding projects under a raptor propagation permit. The immediate effect is to increase the potential breeding stock already in captivity by several thousand birds.

3. *Further encourage captive production of raptors for conservation, recreation, scientific, and breeding purposes.* Several comments argued that encouragement of captive production is not needed at this time. The Service disagrees. Raptor propagation has been shown to benefit the migratory bird resource through production of captive-bred stock for restoration of endangered species, and as an ancillary source of raptors for falconry that reduces the demand for taking certain wild stocks. The Service wishes to encourage these activities by both permitting the sale of captive-bred raptors and implementing the raptor amendment under the ESA enacted by Congress. Raptor propagators will be afforded the opportunity to recover operating expenses and may possibly earn a profit. Falconers who desire to obtain those species which are not locally available from the wild may find it less costly to purchase captive-bred ones than to travel to distant locations to capture them. Public wildlife resource agencies may find it cheaper to purchase readily available captive-bred raptors for release to the wild instead of contracting for propagation without assurance that production will occur.

Sale of Captive-Bred Raptors for Profit

Many comments, including those of falconers and propagators objected to allowing captive-bred raptors to be sold for a profit. Some suggested a cap on the sales price so that the seller could recover only expenditures or costs. Others suggested that only non-profit breeding cooperatives be allowed to sell them, or that limitations be placed on the number of times a raptor could be sold. These arguments are premised on the belief that the potential profit involved increases the temptation to violate the law. The drawbacks of such limitations are that sellers would have to account for and calculate costs per bird and the resources needed by the Service to enforce the restriction are better applied elsewhere to enforce this rule. In the end supply and demand will determine prices.

Sale of Raptors for Export

The Service proposed to allow the sale of captive-bred raptors to foreign buyers authorized to possess such species for scientific, educational, or falconry purposes. The Service did not define the term "authorized." In addition to the proposal, three other options were identified by the comments.

1. *The proposal.* Propagators saw this provision as an opportunity to maximize returns for successfully breeding raptors, yet reduce world market prices for raptors almost immediately Some

propagators even suggested that profits from foreign sales could be used within their own operations to subsidize domestic sales, thereby reducing prices for U.S. falconers. Those who opposed this provision saw quite the opposite. Once a captive-bred raptor was sold overseas there would be no assurance that the foreign purchaser was authorized to possess such a raptor for scientific, education, or falconry purposes, and no assurance that a particular bird would remain in an authorized use. Captive-bred raptors could become pets overseas. Foreign sales would also reduce the number of birds available to U.S. falconers, especially those which are highly prized. U.S. falconers and propagators also would find themselves subject to permit conditions and requirements which their foreign counterpart would not have to satisfy, in effect discriminating against U.S. falconers and propagators. The Service agrees with the opponents of this measure and has not adopted the proposal.

2. *Prohibit export for sale.* As a result of the comments against the proposal, the Service considered a total prohibition on the export for sale. Such action would insure that U.S. residents are the only beneficiaries of the new raptor propagation permit. Superior stock produced in captivity would be retained in the U.S. resulting in lower prices for that stock. However, no export prohibition now exists under the MBTA. On August 24, 1981 (46 FR 42679), the Service deleted the import and export requirements formerly found under 50 CFR 21.21. Importers and exporters of lawfully possessed migratory birds, including parts and products, no longer are required to obtain a permit issued under the MBTA from the Service. One purpose of this amendment was to allow falconers to move their birds freely back and forth between the U.S. and Canada and the U.S. and Mexico. The Service does not want to renew this export permit requirement that is needed to make such a restriction effective. Moreover, establishing a ban on exportation for sale would immediately deprive the Service of the opportunity to determine whether such a ban is in fact necessary or advantageous. If need be, however, the Service retains the power to amend this rule, even on an emergency basis with immediate effect.

Even though no export permit is required under the MBTA, the exportation of certain species of raptors, including all species of the Order Falconiformes, is subject to the requirements of the Convention of International Trade in Endangered Species of Wild Fauna and Flora ("CITES"). A further discussion of those requirements appears below under the discussion of the definition of "bred in captivity."

3. *Require foreign purchasers to obtain a raptor propagation permit or a falconry permit.* Absent consent to U.S. jurisdiction, the prohibitions of the MBTA do not apply to persons in foreign countries, that is, section 2 of the MBTA (16 U.S.C. 703) is not to be applied extraterritorially. But the U.S. can require holders of U.S. permits to engage in transactions only with other holders of U.S. permits. Also, it is permissible for the Service to accept applications from and issue permits to foreign citizens. Therefore, the Service can complete an international "closed loop system" by requiring the appropriate U.S. permit before any person may purchase, sell, or barter captive-bred raptors. A similar, abbreviated system now exists for American alligators under the special rules for threatened species promulgated under the ESA, 50 CFR 17.42(a). Such a system would require a foreign purchaser to obtain either a raptor propagation permit or a falconry permit. A "closed loop system" would identify foreign purchasers, impose the same standards on both U.S. and foreign residents, and provide greater assurance that captive-bred raptors do not end up in the overseas pet trade. The drawbacks of a "closed loop system" are that enforcement actions are likely to be taken against U.S. residents and not foreign residents because of the Service's relatively greater access to resident permittees and the likelihood that few non-English speaking foreign residents would apply.

4. *Restrict export for sale or barter to experienced foreign falconers and raptor propagators or to foreign wildlife management authorities for conservation purposes.* Under this provision the competent wildlife management authority in the purchaser's country of residence or domicile must authorize the recipient to purchase or barter captive-bred raptors and must certify in writing that the recipient is an experienced falconer or raptor propagator who is required to maintain any raptors in his/her possession under conditions that are comparable to the conditions under which a U.S. permittee must maintain raptors under 50 CFR 21.29 and 21.30. If the competent wildlife management authority itself purchases or barters captive-bred raptors for conservation purposes, such as restocking wild populations, then no certification is required. This provision has been adopted by the Service in the final rule. While it may limit in the short-term the profit potential presented by overseas markets, it encourages other countries to adopt conservation measures that apply to raptors. Export opportunities should gradually increase enabling traditional international trade among falconers to continue.

Three years from the effective date of this rule, the Service will review the export provision to determine its effectiveness. During that time, of course, the Service will monitor exportations of raptors to insure compliance with its terms. Based upon that three-year review, or an earlier one if the circumstances warrant it, the Service will consider possible changes to this provision.

Definition of "Bred in Captivity"

The Service proposed a definition of "bred in captivity" that is different from the definition of that term adopted by the U.S. under the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES"). The CITES standards for "bred in captivity" are set forth in Conf. 2.12, a resolution adopted by the Party nations in 1979.

Under the CITES definition, wildlife may be considered as "bred in captivity" only if "the parental breeding stock [is] * * * managed in a manner designed to maintain the breeding stock indefinitely." This provision requires use of management techniques that have been "demonstrated to be capable of reliably producing second-generation offspring in a controlled environment."

Some comments felt it necessary for the Service to have a similar definition under the MBTA to avoid confusing raptor propagators and to avoid casting doubt on the Service's adherence to CITES.

The Service's definition in no way affects its obligation under CITES. The definition under the MBTA identifies those raptors that qualify as captive-bred under the MBTA. It does not identify those that qualify under CITES. For specimens subject to the requirements of CITES, the stricter definition under CITES must be satisfied. Whether a raptor is bred in captivity determines what documentation is necessary to comply with the export requirements of CITES for any raptors included on Appendix I, II, or III. A list of those raptors appears in 50 CFR 23.23. Under Article VII, paragraph 4 of CITES, a specimen of a raptor species listed on Appendix I that is bred in captivity for commercial

purposes is treated as if it were listed on Appendix II. This means that only an Appendix II export permit is required. It also means, however, that the Service's Office of Scientific Authority ("OSA") is required to make a finding that export will not be detrimental to the survival of that species. There may be circumstances when OSA may not advise in favor of export, even if the specimen is bred in captivity. Approval under CITES to export Appendix I raptors bred in captivity for commercial purposes is not automatic. Under Article VII, paragraph 5 of CITES, a certificate of captive breeding is all that is required to export a specimen of a raptor species listed on Appendix II or III that is bred in captivity. In addition, pre-Convention certificates are available for any raptors acquired before the date CITES requirements applied to that species. A word of caution, is appropriate, however, to holders of raptors "exempt" under the ESA. Any applicable CITES requirements must still be satisfied to export "exempt" raptors.

Possession Limit on Captive-Bred Raptors Held by Falconers

The Service proposed to allow Master Class falconers to possess an unlimited number of captive-bred raptors, to retain the current possession limit of two birds for General Class falconers, and to allow Apprentice Class falconers to possess a captive-bred Harris' hawk.

The Service proposed no limit on Master Class falconers, who are at least 23 years old with 7 years falconry experience, because as experienced falconers they should be competent to judge their own limits. As many falconers pointed out, however, three birds is all that a falconer can reasonably care for and fly. As the number of raptors possessed by a falconer increases, the time spent caring for and exercising each may decrease, eventually jeopardizing the birds' health. Also, falconers may end up as brokers or dealers, or status seekers who collect raptors and not fly them, causing what one comment called the "perched hawk syndrome." The Service agrees with these criticisms and has retained the current possession limit for Master Class falconers. Any combination of captive-bred raptors and raptors taken from the wild is permissible up to the possession limit. Even with this restriction, Master Class falconers may replace any number of captive-bred raptors a year.

At the request of the Washington Department of Game, the Service proposed to permit Apprentice Class falconers to possess a captive-bred Harris' hawk. Several concerns about this proposal were addressed by the comments. Under 50 CFR 21.29(i)(1), Apprentice Class falconers may not take any young birds not yet capable of flight (eyasses). This restriction was placed in the Federal falconry standards because the raising and successful training of eyasses requires a level of proficiency beyond that attained by an Apprentice Class falconer. But no such restriction was imposed on the acquisition of captive-bred Harris' hawks by Apprentice Class falconers, even though the experience required to raise them remains the same. If lost by a less experienced falconer, a captive-bred raptor may be unable to survive in the wild and could become a public nuisance if it is imprinted on humans.

Many falconers objected to allowing Apprentice Class falconers to possess captive-bred birds at all. The relationship between a Master or General Class falconer and his/her Apprentice Class falconer must be developed until the time the Apprentice Class falconer traps a passage bird and beyond. While attempting to acquire the skills necessary to trap that first passage bird, an Apprentice Class falconer learns a great deal about raptors in their habitat, develops a greater appreciation of falconry, and in the end becomes a better falconer. If the Apprentice loses interest along the way, no harm to any raptors occurs. If captive-bred raptors are made available to Apprentice Class falconers, this may short-circuit a critical stage in the training process. Therefore, under the final rule Apprentice Class falconers may not possess any captive-bred raptors and continue to have a one-bird limit of selected species taken from the wild.

Sale of Hybrids

The Service proposed to prohibit the sale of interspecific hybrids because it may result in the loss of production of pure species, but proposed to continue the existing policy of allowing hybridization if production would otherwise be lost, provided that the hybrid is either imprinted on humans (hand-raised in isolation from the sight of other raptors from 2 weeks of age until fully feathered), or surgically sterilized. Among those comments supporting sale, the prohibition on the sale of hybrids was universally criticized as too restrictive.

The comments opposed to the prohibition on the sale of hybrids made several salient arguments: the prohibition is unenforceable because hybrids can be difficult to distinguish from pure species; the prohibition itself would lead to the falsification of pedigree records; when semen from the same and different species is used during successive artificial inseminations it is difficult to determine whether a hybrid has occurred; hybrids can satisfy the demand for birds by falconers that would otherwise be met by taking pure species from the wild, resulting in less recruitment pressure on wild populations; as many propagators argued, current hybridization is the product of necessity and will be of short duration and as soon as propagators replace their existing stock with pure genotypes, the production of interspecific hybrids will decline; and the demand for hybrids as breeders should be lower because of their poor reproductive potential. As one comment put it, "[For falconry purposes] a pure peregrine is * * * far superior [to a peregrine hybrid]."

Those comments that criticized hybridization in general asked in essence, "What is going to happen when, over a period of years, a significant number of hybrids escape from falconers to the wild? The Service believes that the contamination or pollution of gene pools in wild populations will not occur, as some comments thought might happen.

First, as noted above, hybrids must be imprinted on humans or surgically sterilized, either of which virtually eliminates any possibility of reproduction. Second, no intentional release to the wild is permitted. Third, the chance of escapees surviving in the wild is more remote than it is for unaltered pure species. The occasional loss of a hybrid would be a random phenomenon, primarily resulting from their use in falconry.

The likelihood that a critical density of hybrids would occur in a discrete geographic region and generate a nucleus of breeding hybrids is very small. Even when establishment of a breeding population is the objective of a major program, raptor breeding populations are difficult to establish. As one comment noted:

> In the late 1960's and early 1970's, scientists at Cornell University, assisted by other Universities, government agencies, and the falconry community at large in the U.S., set out to establish a captive bred population of peregrine falcons in the wild. To this end a specific program was designed to achieve this objective which included the mass release of peregrines in designated areas, both east of the Mississippi River and in the Rocky Mountains. [The genetic background of peregrine falcons intentionally released to the wild that are now established in the eastern U.S. include representatives of breeding populations from Chile and Spain as

well as those from the Pacific Coast and arctic regions of North America.]

During the program, over 600 captive bred falcons were released, which has resulted in establishing 10 pairs of falcons or approximately 3% of the released population.

It is important to keep in mind that these birds were released specifically to establish a wild population, and every effort was made to enhance the survival of the birds to reproductive age. Special release towers were constructed and natural eyrie sites were used to release large numbers of falcons in order to create a critical mass of individuals in certain geographic regions. The outcome being a few males and females surviving to a mature reproductive age, and then finding one another to mate and rear young. This program currently involves a significant effort by hundreds of people throughout the eastern and western U.S., and requires a significant level of funding, now in excess of $500,000.

Finally, available information shows that the reproductive potential of hybrids declines sharply even when backcrossed to parental stock.

To repeat, even if a hybrid did escape to the wild, imprinting, surgical sterilization, the limited reproductive capacity of hybrids, the ability to form a territory in the wild state, are all factors which make any fear of wild population contamination or pollution unfounded. Thus, the Service has concluded that the advantages gained by permitting the sale of hybrids outweigh any likely disadvantages. For these reasons, the Service has removed the restriction on the sale of hybrids from the final rule.

Authorization To Take Raptors or Raptor Eggs From the Wild for Propagation Purposes

The Service proposed to provide limited authority to propagators to take from the wild if requested to do so by the applicant and if approved by the Service. Such authority would be provided by the Service only after reviewing the following factors: (1) Whether issuance of the permit would have a significant effect on any wild population of raptors; (2) whether suitable captive stock is available; and (3) whether wild stock is needed to enhance the genetic variability of captive stock.

Several comments felt these criteria did not go far enough and suggested the following criteria to replace or supplement the proposed criteria: (1) No eggs may be taken from the wild because portable incubators are unreliable and because it is not possible to determine the sex of an egg and thereby insure that it is the proper sex for the propagator's needs; (2) only young birds may be taken (nestlings or passage birds) because the taking of older birds may disrupt breeding pairs; and (3) no breeders should take more than two birds of any species during any three-year period so that unsuccessful breeders would not resort to wild populations time and time again.

The Service has not modified the criteria in the final rule, although additional restrictions may be incorporated in future Service guidelines on the issuance of raptor propagation permits. An initial period without the additional proposed restrictions will enable the Service to judge whether additional restrictions are advisable. If such taking appears to be having an adverse effect, the Service will impose such additional conditions on permits as are appropriate, or may deny authorization to take from the wild altogether. Most raptors currently possessed for breeding have been previously taken from the wild for falconry and transferred to propagators or obtained as the result of captive breeding. The final rule is not expected to result in the taking of many additional raptors from the wild. When necessary to do so, most will be acquired as eggs or eyasses. This removal should not jeopardize wild populations owing to the small number required and the high natural mortality that the stock would otherwise have incurred had it remained in the wild. It is possible that the taking of eggs or young could result in successful renesting or serve to enhance the survival of siblings and, thus, further mitigate any loss to wild populations.

Sale of Semen Collected From Lawfully Possessed Raptors

The proposal prohibited the sale of semen. A number of comments felt such sale should be permitted because semen is required for artificial insemination to prevent loss of production and if it can be sold more should be available. Also, it is costly to properly handle semen to insure its viability. Of even more importance is that research is being carried on with regard to raptor semen freezing, and long-term semen banks. The benefits of such a program for raptors (as well as other species) is obvious; however, there will be costs involved—such as laboratory work, freezing and maintenance costs, container and shipping fees, etc., that have to be recovered to make such research successful and eventually practicable. Therefore, the Service has authorized the sale of semen. However, the Service cautions that semen cannot be lawfully collected from raptors in the wild without special authorization under either a special purpose permit (50 CFR 21.27) or a scientific collecting permit (50 CFR 21.23). In addition, a permit issued under 50 CFR Part 17 is required to collect semen from endangered or threatened species. Semen collected under these permits cannot be sold.

Comment From State Wildlife Conservation Agencies

The Service received comments from 26 State agencies, which were about equally divided between those that favored and those that opposed the sale of captive-bred raptors. Many of the States indicated that additional restrictions or prohibitions would be imposed under State law. Falconers and propagators should become acquainted with State law because of the fact that each State retains the right under the MBTA to enact more restrictive State laws. Under section 708 individual States are not prevented from "making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs. * * * Because the MBTA prohibits States from enacting less restrictive laws, but enables States to freely enact more restrictive ones, the Service has not adopted comments of those States that called for more restrictions. Those States which wish to be more restrictive may do so under State law.

Recordkeeping

Propagators are required to maintain complete and accurate records of any raptor or raptor eggs acquired, possessed, sold, exported, or otherwise disposed of, together with known ancestral lineage of stock by area of natal origin. All records would be available to the Service during reasonable hours for inspection and the permittee would have to retain them for 5 years from the date the permit is issued.

Many comments found the recordkeeping requirements too detailed, complicated, and confusing. As they appeared in the proposal, the Service agrees that the requirements would be perceived as overwhelming. The Service has developed a format for maintaining these records that is much less complicated. Use of the Service's form is voluntary, not mandatory. These forms will be available when raptor propagation permits are issued.

Several comments said the Service should not get involved in the "pedigree" of any species. The Service disagrees. Specific information about a captive-bred bird is very important, particularly if the purchaser is buying a specific genotype for intentional release to the wild. This information also will assist an exporter in identifying specimens which qualify as capitive-bred under CITES, and assist the Service's Office of Scientific Authority

in making any required "no detriment" finding.

Other Provisions in the Final Rule

1. *Seamless markers.* The Federal raptor marker (i.e., band) the Service now uses to identify raptors held by propagators and falconers is an adjustable device that can be placed on raptors of any age. Because it is partially constructed of nylon, it wears out and breaks, and must be replaced. Although designed to be nonreuseable, it is not tamper-proof. When certain modifications are made, it may be reused. Although the present marker has proven acceptable for management of birds held for falconry and progagation, the Service opposes its use on raptors that may be sold, purchased, or bartered.

Under this rule, a captive-bred raptor is eligible for sale purchase, or barter only if a seamless leg marker is attached. A seamless leg marker is a one-piece metal ring that is placed on the leg of a young bird over its foot. As the bird's foot grows, the marker becomes fixed above the foot. The marker cannot be removed without damaging its one-piece construction or injuring the bird. The opening or diameter of the marker is small enough to prevent its use on older birds. As a result, a seamless marker serves as a tamper-proof means of permanently identifying captive-bred raptors. In conjunction with this final rule, the Service has developed an aluminum seamless marker in 10 sizes with the inside diameter varying from 4.3mm (1⅙₄ inch) to 16mm (⅝ inch).

There are problems associated with the use of seamless markers, however, because of the proportionally greater foot size of some raptors, the need to disturb naturally breeding pairs to attach the marker that could lead to loss of production and injury, and in some situations, incompatibility with falconry equipment. Considering these possible problems with seamless markers, the Service will not require one to be attached to each captive-bred raptor. The placement of a seamless marker on a bird would be voluntary. But only raptors on which a seamless marker is fixed can be sold, purchased, or bartered.

As noted above, some States may prohibit the sale of captive-bred raptors. Propagators in those States may still wish to qualify captive-bred raptors for sale by affixing a seamless marker. Because mere eligibility would not violate a State prohibition on sale, the Service will issue seamless markers to propagators in States that prohibit sale. Then, if a propagator changes residence to a State that permits sale or if the law is changed to allow sale in the propagator's home State, the birds should be eligible for sale.

Although the exact procedure that the Service will follow to issue seamless markers is still being developed, the propagator will be responsible for selecting the proper size for his/her birds. The Service has identified the typical application of certain size seamless markers by species, but the propagator remains ultimately responsible for selecting the proper size. If a seamless marker has to be removed from a raptor for *any reason*, the raptor is no longer eligible for sale, even if it has to be removed because the seamless marker is causing injury to the raptor. No exceptions will be granted to enable a raptor to retain eligibility for sale after a seamless marker has been removed.

Strict accountability for all seamless markers has also been included in the final rule. Used seamless markers must be returned to the Service to assist in insuring the integrity of seamless markers.

2. *Golden eagles.* The scope of the final rule extends to all species of raptors (as now defined in 50 CFR 21.3) and their hybrids that are listed in 50 CFR 10.13, except bald and golden eagles. The Eagle Protection Act (16 U.S.C. 668–668d) makes no provisions for the sale, purchase, barter, import, or export of bald or golden eagles for any purpose, nor the possession of bald eagles for falconry. Regulations governing these eagles are found in 50 CFR Part 22 and are not addressed in this final rule.

3. *Comparison to waterfowl sale and disposal permits (50 CFR 21.25).* Several comments argued that regulations governing the disposal of captive–bred raptors should be no more restrictive than for captive-bred waterfowl as is currently provided under 50 CFR 21.25. Transfer and sale of captive-bred waterfowl or eggs may be made by any person with a Waterfowl Sale and Disposal Permit to any person without a permit, provided that the stock is properly marked and a Notice of Waterfowl Sale or Transfer documents the transaction. The person acquiring captive-bred waterfowl may possess this stock for personal use, but may not transfer it or any progeny to another person without first obtaining a Waterfowl Sale and Disposal Permit. The Service believes that any comparison between waterfowl propagation and raptor propagation is inappropriate. Raptors occur in far fewer numbers in the wild, their breeding rates are naturally low, their care in captivity requires more experience, and they are more likely to have breeding interrupted by disturbances that occur while in captivity.

Also, this final rule attempts to insure that raptors are used only for falconry, propagation, and other approved purposes and not as household pets. An open-ended permit would destroy this goal. The Service also wants to control the intentional release of captive-bred raptors so that the health of wild populations is not jeopardized.

4. *Issuance of new raptor propagation permits.* New raptor propagation permits cannot be issued until the final rule becomes effective. Seamless markers will not be issued until a propagator has received a new permit issued under 50 CFR 21.30. Anyone now engaged in raptor propagation under a special purpose permit may continue to do so until the permit expires. Anyone who wishes to use a seamless marker, however, must obtain a new permit.

5. *Section 7 consultation under the ESA.* An evaluation of this action was completed in accordance with the Intra-Service Consultation Procedures, which resulted in the conclusion that this final rule will not affect species listed under the ESA.

Paperwork Reduction Act

The information collection requirement(s) contained in 50 CFR 21.30 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018–0022.

Primary Author

The primary author of this final rule is John T. Webb, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C.

Determinations of Effects of Rules

The Department of the Interior has determined that this is not a major rule under Executive Order 12291. The Department has also certified that the rule will not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It is unlikely that more than 200 raptor propagators and 1,000 other permittees would be affected by the proposed action. Raptor propagators may be able to recover operating costs and earn a profit. The sale and purchase of raptors would be limited to live captive-bred raptors identified by a numbered, seamless marker provided or authorized by the Service. Commercial taking or sale of raptors from the wild would continue to be prohibited as would the sale of any

captive-bred stocks not banded by a seamless marker. Properly identified captive-bred raptors may enter domestic and export markets. However, only those persons authorized by law to possess raptors for scientific, educational, or falconry purposes may acquire or dispose of these species. As discussed below, the provision to allow export and sale may result in higher prices for certain species. Falconers who desire to obtain those species which are not locally available from the wild may find it less costly to purchase captive-bred stocks. However, the foreign demand for large falcons may increase the domestic prices to a level beyond the reach of most U.S. falconers. If this occurs, it is likely to be of short-term duration owing to economic factors that should encourage further captive breeding and reduce the demand for such species. Public resource agencies may find it more cost effective to purchase raptors for release to the wild than to contract for propagation without assurance that production will occur. These determinations are discussed in more detail in a Determination of Effects which has been prepared by the Service. A copy of that document may be obtained by contacting one of the persons identified above under the caption **"FOR FURTHER INFORMATION CONTACT."**

National Environmental Policy Act

An environmental assessment has been prepared in conjunction with this action by the Service's Office of Migratory Bird Management. It is on file in the Division of Law Enforcement, 1375 K Street, N.W., Suite 300, Washington, D.C., and may be examined during regular business hours. Single copies are also available upon request by contacting one of the persons identified above under the caption **"FOR FURTHER INFORMATION CONTACT."** This assessment forms the basis for the decision that this final rule is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

List of Subjects

50 CFR Part 13

Administrative practice and procedure, Exports, Fish, Imports, Penalties, Reporting and recordkeeping requirements, Wildlife

50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

50 CFR Part 21

Exports, Imports, Reporting and recordkeeping requirements, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, Subchapter B, Chapter I of Title 50, Code of Federal Regulations is amended as follows:

PART 13—GENERAL PERMIT PROCEDURES

1. The authority citation for Part 13 reads as follows:

Authority: 18 U.S.C. 42; sec. 4, Pub. L. 97–79, 95 Stat. 1074 (16 U.S.C. 3373); sec. 7, Pub. L. 97–78, 95 Stat. 1078 (16 U.S.C. 3376); sec. 3, Pub. L. 65–186, 40 Stat. 755 (16 U.S.C. 704); sec. 3(h)(3), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712; sec. 2, 54 Stat. 251, as amended by sec. 9, Pub. L. 95–616, 92 Stat. 3114 (16 U.S.C. 668a); sec. 102, 76 Stat. 73 (19 U.S.C. 1202, "Schedule 1, Part 15D, Headnote 2(d), Tariff Schedules of the United States"; sec. 9(d), Pub. L. 93–205, 87 Stat. 893 (16 U.S.C. 1538(d)); sec. 6(a)(1), Pub. L. 96–159, 93 Stat. 1228 (16 U.S.C. 1537a); E.O. 11911, 41 FR 15683, 3 CFR, 1976 Comp., p. 112; sec. 10, Pub. L. 93–205, 87 Stat. 896, as amended by secs. 2 and 3, Pub. L. 94–359, 90 Stat. 3760; sec. 7, Pub. L. 96–359, 90 Stat. 911 and 912; sec. 5, Pub. L. 95–632, 92 Stat. 3760; sec. 7, Pub. L. 96–159, 93 Stat. 1230 (16 U.S.C. 1539); sec. 11, Pub. L. 93–205, 87 Stat. 897, as amended by sec. 6(4), Pub. L. 95–632, 92 Stat. 3761 (16 U.S.C. 1540(b)(2)(f); sec. 13(d), 86 Stat. 905, amending 85 Stat. 480 (16 U.S.C. 742j-1); Title I, sec. 112, Pub. L. 92–522, 86 Stat. 1042, as amended by Title II, sec. 201(e), Pub. L. 96–470 94 Stat. 2241 (16 U.S.C. 1382); 65 Stat. 290 [31 U.S.C. 483(a)].

2. Amend § 13.12(b) by adding the following entry in numerical order under "Migratory bird permits:"

§ 13.12 Information requirements on permit applications.

* * * * *

(b) * * *

"Raptor propagation permit * * * 21.30"

* * * * *

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

3. The authority citation for Part 17 is revised to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

4. Amend the table of contents by adding the following entry in numerical order under Subpart A of the table of contents:

Subpart A—Introduction and General Provisions

Sec.

* * * * *

17.7 Raptor exemption.

* * * * *

5. Add a new § 17.7 to read as follows:

§ 17.7 Raptor exemption.

(a) The prohibitions found in §§ 17.21 and 17.31 do not apply to any raptor [a live migratory bird of the Order *Falconiformes* or the Order *Strigiformes*, other than a bald eagle (*Haliaeetus leucocephalus*) or a golden eagle (*Aquila chrysaetos*)] legally held in captivity or in a controlled environment on November 10, 1978, or to any of its progeny, which is—

(1) Possessed and banded in compliance with the terms of a valid permit issued under Part 21 of this chapter; and

(2) Identified in the earliest applicable annual report required to be filed by a permittee under Part 21 of this chapter as in a permittee's possession on November 10, 1978, or as the progeny of such a raptor.

(b) This section does not apply to any raptor intentionally returned to the wild.

PART 21—MIGRATORY BIRD PERMITS

6. The authority citation for Part 21 reads as follows:

Authority: Migratory Bird Treaty Act, sec. 3, Pub. L. 65–186, 40 Stat. 755 (16 U.S.C. 704); sec. 3(h)(3), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712).

7. Amend the table of contents by adding the following entries in numerical order:

Subpart A—Introduction

Sec.

* * * * *

21.3 Definitions

* * * * *

Subpart C—Specific Permit Provisions

* * * * *

21.30 Raptor propagation permits.

* * * * *

8. Add § 21.3 to Subpart A to read as follows:

§ 21.3 Definitions.

In addition to definitions contained in Part 10 of this chapter, and unless the context requires otherwise, as used in this part:

"Bred in captivity" or "captive-bred" refers to raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

"Captivity" means that a live raptor is held in a controlled environment that is intensively manipulated by man for the purpose of producing raptors of selected species, and that has boundaries designed to prevent raptors, eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of captivity may include, but are not limited to, artificial housing, waste removal, health care, protection from predators, and artificially supplied food.

"Falconry" means the sport of taking quarry by means of a trained raptor.

"Raptor" means a live migratory bird of the Order *Falconiformes* or the Order *Strigiformes*, other than a bald eagle (*Haliaeetus leucocephalus*) or a golden eagle (*Aquila chrysaetos*).

9. Section 21.28 is amended by removing and reserving paragraph (a) and revising paragraph (e)(2) to read as follows:

§ 21.28 Falconry permits.

(a) [Reserved]

* * * * *

(e) * * *

(2) Any permittee may—

(i) Transfer any raptor to another permittee if the transaction occurs entirely within a State and no money or other consideration is involved;

(ii) Transfer any raptor to another permittee in an interstate transaction if the prior written approval of all State agencies which issued the permits is obtained and no money or other consideration is involved in the transaction; or

(iii) Purchase, sell, or barter any lawfully possessed raptor which is bred in captivity under authority of a raptor propagation permit issued under § 21.30 and banded with a numbered seamless marker issued or authorized by the Service, subject to the following additional conditions:

(A) The person who receives any raptor by transfer, purchase, sale, or barter must be authorized to possess it under this part, or, if in a foreign country, must be authorized to receive it by the competent wildlife management authority of his/her country of residence or domicile after the competent wildlife management authority of that country has certified in writing that the recipient is an experienced falconer or raptor propagator who is required to maintain any raptors in his/her possession under conditions that are comparable to the conditions under which a permittee must maintain raptors under § 21.29 or § 21.30; and

(B) The permittee who transfers, purchases, or sells, or barters any raptor must have acquired the raptor from a person authorized to possess it, and, if acquired from a person in the U.S., that person must be authorized to possess it under this part.

* * * * *

10. Amend § 21.29 by revising paragraphs (e)(1)(iv), (e)(3)(ii), (e)(3)(iii), and (e)(3)(v):

§ 21.29 Federal falconry standards

* * * * *

(e) * * *

(1) * * *

(iv) Permittee shall possess only the following raptors which must be taken from the wild: an American kestrel (*Falco sparverius*), a red-tailed hawk (*Buteo jamaicensis*), a red-shouldered hawk (*Buteo lineatus*), or, in Alaska only, a goshawk (*Accipiter gentilis*).

(3) * * *

(ii) A permittee may not possess more than three raptors and may not obtain more than two raptors taken from the wild for replacement birds during any 12-month period;

(iii) A permittee may not take any species listed as endangered in Part 17 of this chapter, but may transport or possess such species in accordance with Part 17 of this chapter.

* * * * *

(v) A permittee may not take, in any twelve (12) month period, as part of the three-bird limitation, more than one raptor listed as threatened in Part 17 of this chapter, and then only in accordance with Part 17 of this chapter.

11. Add § 21.30 to Subpart C to read as follows:

§ 21.30 Raptor propagation permits.

(a) *Permit requirement.* A raptor propagation permit is required before any person may take, possess, transport, sell, purchase, barter, or transfer any raptor, raptor egg or raptor semen for propagation purposes. The information collection requirements contained within this section have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018–0022. This information is being collected to provide information necessary to evaluate permit applications. This information will be used to review permit applications and make decisions, according to the criteria established in this section for the issuance or denial of such permits. The obligation to respond is required to obtain or retain a permit.

(b) *Application procedures.* Applications for raptor propagation permits must be submitted to the appropriate Special Agent in Charge (See § 13.11(b) of this chapter). Each application must contain the general information and certification required by § 13.12(a) of this chapter, plus the following additional information:

(1) A statement indicating the purpose(s) for which a raptor propagation permit is sought and, where applicable, the scientific or educational objectives of the applicant;

(2) A statement indicating whether the applicant has been issued a State permit authorizing raptor propagation (include name of State, permit number, and expiration date);

(3) A statement fully describing the nature and extent of the applicant's experience with raptor propagation or handling raptors;

(4) A description of each raptor the applicant possesses or will acquire for propagation purposes to include the species, age (if known), sex (if known), date of acquisition, source, and raptor marker number;

(5) A description of each raptor the applicant possesses for purposes other than raptor propagation to include the species, age (if known), sex (if known), date of acquisition, source, raptor marker number, and purpose for which it is possessed;

(6) A description and photographs of the facilities and equipment to be used by the applicant including the dimensions of any structures intended for housing the birds;

(7) A statement indicating whether the applicant requests authority to take raptors or raptor eggs from the wild.

(c) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (b) of this section, the Director will decide whether a permit should be issued. In making this decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this chapter, the following factors:

(1) Whether an applicant's raptor propagation facilities are adequate for the number and species of raptors to be held under the permit.

(2) Whether propagation is authorized by the State in which the propagation will occur, and if authorized, whether the applicant has any required State propagation permit.

(3) Whether the applicant is at least 18 years old with a minimum of 2 years experience handling raptors of the species to be propagated, and if the applicant requests authority to propagate endangered or threatened species, whether the applicant is at least 23 years old with a minimum of 7 years experience handling raptors of the species to be propagated.

(4) If the applicant requests authority to take raptors or raptor eggs from the wild—

(i) Whether issuance of the permit would have a significant effect on any wild population of raptors;

(ii) Whether suitable captive stock is available; and

(iii) Whether wild stock is needed to enhance the genetic variability of captive stock.

(d) *Additional permit conditions.* In addition to the general conditions found in Part 13 of this chapter, raptor propagation permits are subject to the following additional conditions:

(1) *Facilities.* Any tethered raptor possessed under this permit must be maintained in accordance with the Federal falconry standards for "facilities and equipment" described in § 21.29(g), unless a specific exception in writing is obtained. For untethered raptors, the breeding facilities must be soundly constructed and entirely enclosed with wood, wire netting, or other suitable material which provides a safe, healthy environment. The design of such facilities and ancillary equipment must—

(i) Minimize the risk of injury by providing protection from predators, disturbances that would likely cause harm, extreme weather conditions, and collision with interior or perimeter construction materials and equipment such as support poles, windows, wire netting, perches, or lights;

(ii) Enhance sanitation by providing a well-drained floor, fresh air ventilation, source of light, fresh water for bathing and drinking, access for cleaning, and interior construction materials suitable for thorough cleaning or disinfection; and

(iii) Enhance the welfare and breeding success of the raptors by providing suitable perches, nesting and feeding sites, and observation ports or inspection windows during times when disturbance is felt to be undesirable.

(2) *Incubation of eggs.* Each permittee must notify the Director in writing within 5 days from the day the first egg is laid by any raptor held under a raptor propagation permit, but notice is not required more often than once every 60 days.

(3) *Marking requirement.* Every raptor possessed under this permit must be banded with a numbered, nonreusable marker provided by the Service or with a marker provided by the competent wildlife management authority of a foreign country that meets the following Service marking standards:

(i) Any raptor taken from the wild or hatched from an egg taken from the wild must be banded with a black, adjustable marker.

(ii) Any captive-bred raptor must be banded by 2 weeks of age with either a yellow adjustable marker or a numbered seamless marker.

(iii) Any permittee who wants to use a numbered seamless marker provided by the Service—

(A) Must place the marker on the raptor's leg */metatarsus/*before full growth is attained;

(B) Must use as a marker with an opening (diameter) which is small enough to prevent its removal when the raptor is fully grown without causing serious injury to the raptor or damaging the marker's integrity or one-piece construction;

(C) May band a raptor with more than one size marker when the potential diameter of the raptor's leg at maturity cannot be determined at the time of banding; and

(D) Must remove all but one marker from any raptor with more than one marker before the raptor is 5 weeks of age and immediately return each marker that is removed to the Director.

(iv) Each permittee must submit a report of marking to the Director within 5 days of such activity. The report must contain the date of marking; marker number(s); and the species, sex and age of the raptor.

(4) *Taking Raptors or Raptor Eggs from the Wild.* Any permit authorizing the permittee to take raptors or raptor eggs from the wild for propagation purposes is subject to the following additional restrictions:

(i) The State in which the raptors or raptor eggs are taken must authorize the permittee in writing to take raptors or raptor eggs from the wild for propagation purposes; and

(ii) No raptor listed in § 17.11 of this chapter as "endangered" or "threatened" may be taken from the wild without first obtaining the proper permit under Part 17 of this chapter.

(5) *Transfer, purchase, sale, or barter of raptors, raptor eggs, or raptor semen.*

(i) A permittee may transfer any lawfully possessed raptor, raptor egg, or raptor semen to another permittee or transfer any raptor to a falconer who holds a valid State falconry permit if no money or other consideration is involved.

(ii) A permittee may transfer, purchase, sell, or barter any raptor which is banded with a numbered seamless marker provided or authorized by the Service, subject to the following conditions:

(A) When the permittee purchases from, sells to, or barters with any person in the U.S., that person must be authorized under this part to purchase, sell, or barter captive-bred raptors;

(B) When the permittee purchases from or barters with any person in a foreign country, that person must be authorized by the competent wildlife management authority of the foreign country in which the transaction occurs to sell or barter captive-bred raptors; and

(C) When the permittee transfers to, sells to or barters with any person in a foreign country, that person must be authorized to possess, purchase or barter captive-bred raptors by the competent wildlife management authority of his/her country of residence or domicile and the same wildlife management authority must certify in writing that the recipient is an experienced falconer or raptor propagator who is required to maintain any raptors in his/her possession under conditions that are comparable to the conditions under which a permittee must maintain raptors under § 21.29 or § 21.30. No certification is required if the competent wildlife management authority itself is the recipient of captive-bred raptors for conservation purposes.

(iii) No raptor may be traded, transferred, purchased, sold, or bartered until it is two weeks old and only after it is properly banded with a nonreuseable marker provided or authorized by the Service, unless it is transferred, sold, or bartered to a State or Federal wildlife management agency for conservation purposes.

(iv) A permittee may purchase, sell, or barter semen collected from any captive-bred raptor.

(v) A permittee may not purchase, sell or barter any raptor eggs, any raptors taken from the wild, any raptor semen collected from the wild, or any raptors hatched from eggs taken from the wild.

(6) *Use in falconry.* Permittees may use a raptor possessed for propagation in the sport of falconry only if such use is designated in both the propagation permit and the permittee's State falconry permit.

(7) *Interspecific hybridization.* Hybridization between species (interspecific hybridization) is authorized only if each raptor produced by interspecific hybridization is either imprinted on humans (hand-raised in isolation from the sight of other raptors from two weeks of age until it is fully feathered) or surgically sterilized.

(8) *Possession of dead raptors, non-viable eggs, nests, and feathers.* (i) Upon the death of any raptor held under permit, a permittee must remove the marker and immediately return it to the Director. The carcass must be destroyed immediately, unless the permittee requests authorization from the Director to retain possession of it. A permittee

who has obtained written authorization from the Director to retain possession of the carcass may transfer it to any other person authorized by the Service to possess it, provided no money or other consideration is involved.

(ii) A permittee may possess addled or blown eggs, nests, and feathers from raptors held under permit and may transfer any of these items to any other person authorized by the Service to possess them provided no money or other consideration is involved.

(9) *Intentional release to the wild.* (i) A permittee must obtain written authorization from the Director before intentionally releasing any raptor to the wild. The raptor marker must be removed from each bird and immediately returned to the Director. A Federal bird band must be attached to each raptor by a person designated by the Director before its release.

(ii) No raptor produced by interspecific hybridization may be intentionally released to the wild.

(10) *Recordkeeping.* A permittee must maintain complete and accurate records of all operations, to include the following:

(i) Acquisition of raptors, eggs, or semen from sources other than production.

(A) Description of stock:

(*1*) Species, sex, age of each (if applicable),

(*2*) Genotype-natal area (geographical breeding site or area that captive stock represents, e.g., Colville River, Alaska; unknown; migrant taken in Maryland, etc.), and

(*3*) Marker number (if applicable).

(B) Type of stock (including number or amount):

(*1*) Semen,

(*2*) Egg, or

(*3*) Bird.

(C) How acquired:

(*1*) Purchase, barter, or transfer (include the purchase price or a description of any other consideration involved), or

(*2*) Taken from the wild.

(D) Date acquired: month, day, and year.

(E) From whom or where stock acquired:

(*1*) Name, address, and permit number of seller, barterer, or transferor; or

(*2*) Location where stock taken from the wild.

(ii) Disposition of raptors, eggs, or semen.

(A) Description of stock:

(*1*) Species, sex, age of each (if applicable),

(*2*) Genotype-natal area (geographical breeding site or area that captive stock represents, e.g., Colville River, Alaska; unknown; migrant taken in Maryland, etc.), and

(*3*) Marker number (if applicable).

(B) Type of stock (including number or amount):

(*1*) Semen,

(*2*) Egg, or

(*3*) Bird.

(C) Manner of disposition:

(*1*) Sale, barter, or transfer (include the sale price or a description of any other consideration involved),

(*2*) Live loss,

(*3*) Intentional release to the wild, or

(*4*) Death.

(D) Date of disposition: month, day, and year.

(E) To whom or where stock disposed:

(*1*) Name, address, and permit number of purchaser, barterer, or transferee, or

(*2*) Description and location of other disposition.

(iii) Production and pedigree record.

(A) Mother and father(s):

(*1*) Species,

(*2*) Genotype-natal area, and

(*3*) Marker number.

(B) Insemination:

(*1*) Natural,

(*2*) Artificial, or

(*3*) Combined.

(C) Eggs laid:

(*1*) Total,

(*2*) First date, and

(*3*) Last date.

(D) Eggs hatched:

(*1*) Total,

(*2*) First date, and

(*3*) Last date.

(E) Young raised to 2 weeks of age:

(*1*) Total produced, and

(*2*) Marker number and date marked for each raptor.

(11) *Annual report.* A permittee must submit an annual report by January 31 of each year for the preceding year to the Director. The report must include the following information for each species possessed by the permittee:

(i) Number of raptors possessed as of December 31.

(ii) Number of females laying eggs.

(iii) Number of eggs laid.

(iv) Number of eggs hatched.

(v) Number of young raised to 2 weeks of age.

(vi) Number of raptors sold or bartered by species.

(e) *Tenure of permit.* The tenure of raptor propagation permits is 5 years from the date of issuance, unless a shorter period of time is prescribed in the permit.

Dated: May 2, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
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Note: **The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 40 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 30, 1983



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