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federal register

Friday
August 12, 1983

Selected Subjects

Accounting
Securities and Exchange Commission

Air Carriers
Civil Aeronautics Board

Air Pollution Control
Environmental Protection Agency

Animal Drugs
Food and Drug Administration

Authority Delegations (Government Agencies)
Federal Deposit Insurance Corporation
Food and Drug Administration

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Defense Department
Veterans Administration

Fisheries
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Flood Insurance
Federal Emergency Management Agency

Hazardous Waste
Environmental Protection Agency

Lawyers
Government National Mortgage Association

Marketing Agreements
Agricultural Marketing Service

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

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Presidential Documents

Title 3—

The President

Presidential Determination No. 83–9 of August 5, 1983

Determination To Authorize the Furnishing of Additional Immediate Military Assistance to Chad

Memorandum for the Honorable George P. Shultz, the Secretary of State

Pursuant to the authority vested in me by Section 506(a) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby determine that:

1) an unforeseen emergency exists which requires immediate military assistance to Chad; and

2) the aforementioned emergency requirement cannot be met under the authority of the Arms Export Control Act or any other law except Section 506(a) of the Act.

Therefore, I hereby authorize the furnishing of up to $15,000,000 in defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training to Chad under the provisions of Chapters 2 and 5 of Part II of the Act.

This determination shall be reported to Congress immediately and published in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
Washington, August 5, 1983.

cc: The Secretary of Defense

[FR Doc. 83-22215
Filed 8-10-83; 2:39 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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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 726

[Amendment 4]

Farm Marketing Quotas and Acreage Allotment; Burley Tobacco—1982-1983 Average Market Price and 1983-1984 Penalty Rate

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule sets forth the average market price received by producers of burly tobacco for the 1982–1983 marketing year and the penalty rate for excess tobacco for the 1983–1984 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: August 12, 1983.

FOR FURTHER INFORMATION CONTACT: Harry D. Millner, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013 (202) 447–4281.

A Regulatory Impact Analysis was not prepared since the effect of this final rule is primarily administrative.

SUPPLEMENTARY INFORMATION: This final rule 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; (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 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 1982–1983 average market price producers received for burley 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 publication in the **Federal Register**.

List of Subjects in 7 CFR Part 726

Marketing quotas, Penalties, Tobacco.

Final rule

PART 726—[AMENDED]

Accordingly, the regulations at 7 CFR Part 726 are amended by revising § 726.86(c) to read as follows:

§ 726.86 Rate of penalty

* * * * *

(c)(1) *Average market price.* The average market price as determined by the Crop Reporting Board for the 1982–83 marketing year is $1.81.

(2) *Rate of penalty per pound.* The penalty per pound for marketings of excess tobacco subject to marketing quotas for the 1983–84 marketing year is $1.36.

(Sec. 314 of the Agricultural Adjustment Act of 1938, as amended, 52 Stat. 48, as amended, (7 U.S.C. 1314).

Signed at Washington, D.C. on August 5, 1983.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 83-22100 Filed 8-11-83; 8:45 am]
BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 424]

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 at 250,000 cartons during the period August 14–20, 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: August 14, 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) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing 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 currently in effect. The committee met publicly on August 9, 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 continues to be weak.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act.

Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

Section 910.724 is added as follows:

§ 910.724 Lemon Regulation 424.

The quantity of lemons grown in California and Arizona which may be handled during the period August 14, 1983, through August 20, 1983, is established at 250,000 cartons.

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

Dated: August 11, 1983.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-22327 Filed 8-11-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records; Correction

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule, correction.

SUMMARY: This document corrects an effective date contained in a final rule designating Application Adjudicators and Contact Representatives as Immigration Inspectors in the Up-Front Adjudications process which was published July 21, 1983 (48 FR 33242). The correct effective date should read "March 15, 1983".

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048

For Specific Information: Thomas Cook, Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–3946.

Dated: August 5, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-22096 Filed 8-11-83; 8:45 am]

BILLING CODE 4410-01-M

8 CFR Part 212

Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This technical amendment clarifies and defines passport and visa requirements for Mexican nationals.

EFFECTIVE DATE: August 12, 1983.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW, Washington, D.C. 20536, Telephone: (202) 633–3048

For Specific Information: Valerie M. Blake, Immigration Inspector, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–2694.

SUPPLEMENTARY INFORMATION: On November 1, 1982, in 47 FR 47230 dated October 25, 1982, the Immigration and Naturalization Service published a final rule which amended 8 CFR 212.1(c) to implement the visa agreement between the United States and Mexico regarding the documentary requirements for entry of certain government officials. Sections 212.1(c)(1) and (c)(2) will remain. Language contained in § 212.1(c) was quoted in error, using the March 15, 1967 revision instead of the August 27, 1975 revision which was in effect prior to the amendment published in November 1982. Therefore, § 212.1(c) can now be interpreted to waive the passport requirement for citizens of Mexico under any and all circumstances, which was not the intent of the Service. This technical correction will restore the regulation in its proper form.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment in this order is merely technical in nature.

This order is not a rule within the meaning of 5 U.S.C. 601(2) since it is merely a technical amendment and the Regulatory Flexibility Act does not apply.

This rule is not a major rule within the meaning of Section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 212

Border crossing cards, Documentary requirements for nonimmigrants, Parole of aliens, Waivers of documentary requirements.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Accordingly, Title 8 of the Code of Federal Regulations is amended as follows:

1. Section 212.1 is revised by amending paragraph (c) to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(c) *Mexican Nationals.* A visa and a passport are not required of a Mexican national who is in possession of a border crossing card on Form I–186 or I–586 and is applying for admission as a temporary visitor for business or pleasure from contiguous territory; or is entering solely for the purpose of applying for a Mexican passport or other official Mexican document at a Mexican consular office on the United States side of the border. A visa is not required of a Mexican national who is in possession of a border crossing card and is applying for admission to the United States as a temporary visitor for business or pleasure from other than contiguous territory. A visa is not required of a Mexican national who is a crewman employed on an aircraft belonging to a Mexican company authorized to engage in commercial transportation into the United States.

* * * * *

(Secs. 103 and 212, Immigration and Nationality Act, as amended; 8 U.S.C. 1103, 1182)

Dated: August 5, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations Immigration and Naturalization Service.

[FR Doc. 83-22097 Filed 8-11-83; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 303

Delegations of Authority to Officers of Division of Bank Supervision

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: FDIC is amending its regulations to delegate authority to certain officers of FDIC's Division of Bank Supervision to execute and issue orders to cease and desist under section 8(b) of the Federal Deposit Insurance Act ("Act") when the bank or other respondent consents to the issuance of the order and waives any right to a notice of charges, a hearing on the charges, defenses to the charges, and findings of fact, conclusions of law and a recommended decision of an administrative law judge.

EFFECTIVE DATE: August 12, 1983.

FOR FURTHER INFORMATION CONTACT: James L. Meador, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, 550—17th Street, N.W., Washington, D.C. 20429; (202) 389-4171.

SUPPLEMENTARY INFORMATION: Section 303.13(o)(2) of FDIC's rules and regulations contains a comprehensive regime of delegations of authority under section 8(b) of the Act. The amendment refines an existing delegation of authority to the Director of FDIC's Division of Bank Supervision to execute and issue orders to cease and desist by consent. 12 CFR 303.13(o)(2) (i), (ii) and (iv)(A). That regulation has been effective since November 30, 1982 (47 FR 53838), and previously, was published as a proposal in the **Federal Register** (47 FR 28108 (June 29, 1982)).[1]

The amendment delegates authority to the Director of the Division of Bank Supervision, or where confirmed in writing by the Director, to an Associate Director of the Division of Bank Supervision to execute and issue orders to cease and desist under section 8(b) of the FDI Act when the bank or other respondent consents to the issuance of such order prior to the service of a notice of charges and formally waives any right to such a notice of charges, a hearing, defenses, and findings of fact, conclusions of law and the recommended decision of an administrative law judge.

Regulatory Factors

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is inoperative here because the amendment does not impose recordkeeping or reporting burdens on any member of the public.

The amendment is technical and only involves internal agency procedure. Therefore, in accordance with the Administrative Procedure Act (5 U.S.C. 553) and FDIC's statement of policy entitled "Development and Review of FDIC's Rules and Regulations" (44 Fed. Reg. 31007 (1979)), the Board of Directors suspends the requirements for notice of proposed rulemaking and public comment and delayed effective date.

The Board of Directors hereby certifies that the amendment will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 12 CFR Part 303

Administrative practice and procedure, Authority delegations, Bank deposit insurance, Banks, Banking.

PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES OF ACQUISITION OF CONTROL

Part 303 of Chapter III of Title 12 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 303 reads as follows:

Authority: Secs. 2(5), 2(6), 2(7)(j), 2(8), 2(9 "Seventh" and "Tenth"), 2(18) 2(19), Pub. L. No. 797, 64 Stat. 876, 881, 891, 893 as amended by Pub. L. No. 86-463, 74 Stat. 129; sec. 2, Pub. L. No. 87-827, 76 Stat. 953; Pub. L. No. 88-593, 78 Stat. 940; Pub. L. No. 89-79, 79 Stat. 244; sec. 1, Pub. L. No. 89-356, 80 Stat. 7; sec. 12(c), Pub. L. No. 89-485, 80 Stat. 242; sec. 3, Pub. L. No. 89-597, 80 Stat. 824; title II, secs. 201, 205, Pub. L. No. 89-695, 80 Stat. 1055; sec. 2(b), Pub. L. No. 90-505, 82 Stat. 856; secs. 6(c) (7), (12), (13), Pub. L. No. 95-369, 92 Stat. 616-620; title III, secs. 306, 309 and title VI, sec. 602, Pub. L. No. 95-630, 92 Stat. 3677, 3683 (12 U.S.C. 1815, 1816, 1817(j), 1818, 1819 "Seventh" and "Tenth", 1828, 1829); title I, sec. 108, Pub. L. No. 90-321, 82 Stat. 150 as amended by title IV, sec. 403, Pub. L. No. 93-495, 88 Stat. 1517 and title VI, sec. 608, Pub. L. No. 96-221, 94 Stat. 171 (15 U.S.C. 1607).

2. By adding a new paragraph (o)(2)(v) to § 303.13 as follows:

§ 303.13 Other delegations of authority.

* * * * *

(o) * * *

(2) * * *

(v) *Stipulated Section 8(b) orders when respondent waives right to notice of charges, hearing, defenses, and findings of fact, conclusions of law and recommended decision of hearing officer.* The Director of the Division of Bank Supervision, or where confirmed in writing by the Director, an Associate Director of the Division of Bank Supervision, is delegated authority to execute and issue an order to cease and desist under section 8(b) when the insured bank or other respondent consents to such order prior to the issuance or a notice of charges and waives any right to a notice of charges, a hearing, defenses, and findings of fact, conclusions of law and the recommended decision of an administrative law judge or other hearing officer. *Provided,* that the authority delegated under this paragraph to issue consent orders to ceases and desist shall be contingent upon certification by the Deputy General Counsel for Open Bank Regulation and Supervision or the Assistant General Counsel of the Compliance and Enforcement Section of the Legal Division that, in the opinion of the certifying officer, the provisions of the order are authorized under section 8(b) of the Act and can be enforced under section 8(i) of the Act in the United States District Court. The Board of Review may act on any matter under this paragraph provided it has been referred to the Board of Review by the Director of the Division of Bank Supervision and/or the Deputy General Counsel for Open Bank Regulation and Supervision.

Any member of the Board of Review may refer any case which is before the Board of Review pursuant to this § 303.13(o)(2)(v) to the Board of Directors for decision.

* * * * *

By order of the Board of Directors, August 8, 1983.

Federal Deposit Insurance, Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-22057 Filed 8-11-83 8:45 am]

BILLING CODE 6714-01-M

[1] The public submitted no comments on the proposal.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1013

Provision for Public Participation in Commission Meetings

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission amends its rule which limits public attendance at Commission meetings to observation and prohibits participation by members of the public. Current rules provide that while members of the public may attend, they may not participate in Commission meetings. The proposed amendment will permit limited public participation when a majority of the Commission so decides.

DATE: This amendment will become effective on September 12, 1983.

FOR FURTHER INFORMATION CONTACT: Cynthia Anderson, Office of General Counsel, (301) 492–6980.

SUPPLEMENTARY INFORMATION: The Commission regularly conducts meetings ("Commission Meeting") consisting of the joint deliberation of at least a majority of the Commission where such deliberations determine or result in the joint conduct or disposition of official Agency business. Under current Commission rules (16 CFR Part 1013) the public may observe but may not participate in Commission meetings.

However, on certain occasions, the Commission finds it desirable for particular members of the public to provide data or perspectives, rather than relying altogether on discussions by the Commissioners and on presentations by Commission staff members. In the past the Commission on occasion has waived the aforementioned restriction. What is now provided is an amendment whereby the Commission, by majority vote, may allow some public participation at its meetings.

Because the amendment is a change in an internal rule of agency procedure, in accordance with 5 U.S.C. 553(b)(A), a notice of proposed rulemaking is not required.

List of Subjects in 16 CFR Part 1013

Government in the Sunshine Act, Rules for Commission meetings.

PART 1013—[AMENDED]

Part 1013 of Title 16 of the Code of Federal Regulations is amended as shown.

Section 1013.4(a) is revised to read as follows:

§ 1013.4 Public attendance at Commission meetings.

(a) *Attendance by the public.* Every portion of every Commission meeting shall be open to public observation except as provided in paragraph (b) of this section. Notwithstanding the applicability of the exemptions contained in paragraph (b) of this section, a Commission meeting or portions thereof shall be open to public observation when the Commission determines that the public interest so requires. The Commission shall take into account in all cases the relative advantages and disadvantages to the public of conducting the Commission meeting in open session. The number of public observers shall be limited only by availability of space. Attendance by the public shall usually be limited to observation and shall not include participation except where, by majority vote, the Commission determines that data or views from certain members of the public will be permitted. To the extent their use does not interfere with the conduct of open meetings, cameras and sound-recording equipment may be used at open Commission meetings. The Chairman or presiding Commissioner shall insure that use of such equipment does not disrupt the meeting.

* * * * *

Dated: August 4, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-21782 Filed 8-11-83; 8:45 am]

BILLING CODE 6355-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210 and 239

[Rel. Nos. 33-6476; 34-20061; FR-12; File No. S7-968]

Accounting for Costs of Internally Developing Computer Software for Sale or Lease to Others

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces final rules which amend Regulation S–X and Form S–18 to prohibit the adoption of the practice of capitalization of costs of internally developing computer software for sale or lease to others, in order to prevent further divergence of practice in accounting for such costs. The prohibition of capitalization does not apply to those companies which had disclosed the practice of capitalization prior to April 14, 1983; however, those registrants will be required to disclose the effect of not expensing all such costs as incurred. The requirements of these rules shall not apply to financial statements which reflect the provisions of a pronouncement adopted after August 4, 1983 by the Financial Accounting Standards Board which provides specific accounting guidance in this area.

EFFECTIVE DATE: August 12, 1983.

FOR FURTHER INFORMATION CONTACT: Robert K. Herdman (202/272–2130), Office of the Chief Accountant, or Howard P. Hodges (202/272–2553), Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is adopting new Rule 3–21 of Regulation S–X [17 CFR 210] and new Item 21(j) of Form S–18 which prohibit the adoption of the practice of capitalization costs of internal development of computer software to be sold or leased to others. The rules permit existing registrants and companies which file initial registration statements with the Commission to continue to follow a previously adopted practice of capitalizing of such costs provided, however, that the practice of capitalizing software costs had been disclosed in either (1) audited financial statements issued prior to April 14, 1983; (2) a report or registration statement filed with the Commission prior to April 14, 1983; or (3) a document for an offering of securities by the issuer, other than a registration statement, which document was used in such offering prior to April 14, 1983. Registrants permitted to continue their previously adopted practice will be required to disclose the net amount of internal software development costs capitalized during the period.

Background

As a result of its concern about the increasing number of registrants capitalizing costs of internal development of computer software, on April 14, 1983 the Commission authorized the publication of proposed Rule 3–21 of Regulation S–X and Item 21(j) of Form S–18 for public comment.[1]

[1] Securities Act Release No. 6461 [48 FR 17107]. The proposing release specified that the proposed rules would provide that companies which had not disclosed the practice of capitalizing internal software development costs either in audited financial statements issued prior to the date of the proposing release (i.e., April 14, 1983) or in a report or registration statement filed with the Commission prior to that date shall not follow such a practice in financial statements filed with the Commission after that date.

The Commission's concerns resulted from the fact that this trend created a source of incomparability in financial reporting between those registrants that are capitalizing such costs and those that are following the predominant practice of expensing them as incurred. The existing accounting literature in this area is unclear [2] and has not been interpreted consistently. Therefore, similar factual situations are being accounted for differently. This inhibits meaningful comparison of the financial position and results of operations of registrants engaged in these activities. Further, while acknowledging that the computer software industry and the accounting profession have begun activities intended to result in clarification of the accounting literature, the Commission expressed its concern about continuation of the trend towards capitalization in the intervening period, not only because it would exacerbate the problems of financial comparison, but also because of the potential for inappropriate capitalization in the absence of clear guidance.

Therefore, the proposed rules were intended to accomplish two purposes. The first was to maintain present practice in place during the time the private sector develops clear guidance for the classification of the costs of these activities. Guidance is needed regarding both the relationship of internal development of computer software to research and development and the proper accounting for the costs of any such activities which are not research and development activities. The latter issue is not explicitly addressed by the existing accounting literature. The second purpose of the proposal was to facilitate comparison of financial information of companies engaged in these activities by requiring disclosure of the effect of not expensing all such costs as incurred which the Commission understands to be the predominant accounting practice in the industry.

Views of Commentators and Final Rules

The Commission received a total of 49 letters during the comment period which expired May 31, 1983.[3] The principal comments and the Commission's response to them are discussed below.

Prohibition of Adoption of Practice of Capitalization.—The proposed prohibition on adoption of the practice of capitalizing internal software development costs was supported by financial analysts, as well as by several other commentators.

The analysts indicated that their major concern is comparability of financial information. The analysts' letter referred to in footnote 3 also stated that the committee and a substantial majority of the aforementioned 40 industry specialists believe that internal software development costs should never be capitalized. This belief is based on the following:

1. Such costs are very similar to research and development expenditures, which must be expensed.

2. The substantial degree of competition in the industry as well as the very rapid pace of change makes capitalized software development costs a highly questionable asset.

3. There is potential for abuse in this area because of the subjectivity involved.

The letter also states that a significant minority of the industry specialists believe that the costs are different from research and development and that capitalization of such costs may be appropriate in some circumstances. This latter group would like to see the FASB establish guidelines governing capitalization.

Most of the commentators from industry and public accounting expressed the view that adoption of such a prohibition by the Commission would be undesirable and unnecessary. Many of them acknowledged the existence of diverse accounting practices in this area, but emphasized that they believed that a prohibition would be inequitable because companies that had previously disclosed a capitalization practice would be allowed to continue it, while others who, for various reasons, had not made such a disclosure would be precluded from adopting an accounting practice that would be appropriate for their software development activities. Included in this latter group would be those companies that have not disclosed capitalized internal software development costs because they had not incurred any such costs in the past (or had not incurred material amounts thereof), nonpublic companies desirous of registering with the Commission that had not previously issued audited financial statements, and companies that had capitalized material amounts of such costs but had not disclosed that fact because it was not believed to be required by either Regulation S–X or generally accepted accounting principles ("GAAP").[4] Thus, it was argued, the Commission's proposal would have the effect of prohibiting the practice of capitalization for certain companies in the absence of clear evidence that capitalization is always inappropriate for those companies. Most of these commentators also expressed concerns that such an action by the Commission conveyed a bias against the practice of capitalization and thus would prejudge the outcome of the private sector standards-setting activities which had already begun prior to the Commission's proposal, and unfavorably impact the credibility of private sector standards-setting in general. Finally, many of the critical commentators expressed views about the competitive impact of adoption of the proposed rules. They maintained that those companies prevented from adopting the practice of capitalization (and especially smaller companies) would not be able to effectively compete in the capital markets for funds necessary for growth due to the fact that their financial statements would suffer in comparison with others in the industry permitted to continue capitalizing. As an alternative that would prevent these consequences, it was suggested that the Commission limit its activities in this area to a requirement for disclosure of the practice being followed.

The Commission, after careful consideration of the views of all commentators on the proposed rules, has determined that it should issue final rules prohibiting the adoption of the practice of capitalizing costs of internal development of computer software to be sold or leased to others. The Commission recognized at the time of issuance of its proposal that such rules would permit the continuation of diverse accounting practices during the period necessary to develop specific accounting guidance in this area. As a result, the final rules (as did the proposed rules) contain a disclosure requirement to facilitate comparison of financial information among companies following

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[2] The Financial Accounting Standards Board's ("FASB") pronouncements in this area address accounting for no-contractual internal software development costs, in the context of their relationship to research and development costs, which are required to be expensed as incurred. *See*, Release No. 33–6481 for a description of these pronouncements and certain recent developments in the interpretation thereof.

[3] Representation among the commentators was as follows: industry and related groups (38); accounting firms and groups (8); others (3).

The latter group includes a letter prepared by the Financial Accounting Policy Committee of the Financial Analysts Federation which stated that it excompassed the views of approximately 40 analysts who specialize in the securities of registrants in the computer services industry.

[4] It is important to note that no specific instances of non-disclosure of material amounts of such costs were brought to the Commission's attention as a result of the comment process.

different practices. However, disclosure requirements alone would not alleviate the Commission's concerns that in the absence of clear accounting guidance (which is not expected before 1984), continuation of the recent trend towards increased use of capitalization, including inconsistencies in the application of that practice, will result in increasing disparity among companies engaged in these activities notwithstanding the fact that they have essentially the same facts and circumstances. Further, it may result in inappropriate capitalization by some registrants. The only alternative action that would alleviate those concerns would be development by the Commission of definitive accounting guidelines in this area which, as stated in the proposing release, the Commission determined not to undertake in view of the current and expected private sector activities. Additionally, the Commission has determined that its rules will terminate when an FASB pronouncement which provides specific accounting guidance in this area becomes effective. Thus, the Commission views its action as consistent with its previous expressions of its policy of relying on the FASB for leadership in establishing financial accounting and reporting standards.[5] Further, the Commission believes that concerns about the effect of its action on competition and access to capital markets must be evaluated in the context of its understanding, disputed by none of the commentators, that the predominant practice in accounting for such costs is to charge them all to expense as incurred. The Commission believes that it would be preferable for a change from such predominant practice to occur only after deliberation of the issues in the context of standards-setting.

The final rules predicate the ability to continue a previously adopted practice of capitalization on prior disclosure of that practice. The Commission does not anticipate that its action will require companies that have capitalized material amounts of internal software development costs to change their accounting practice.[6] With respect to existing registrants, the Commission believes that the requirements of Regulation S-X in Rules 5-02.15 and .16 (Intangible Assets) or, alternatively, 5-02.17 (Other Assets) and GAAP [7] would require disclosure of amounts of software costs capitalized and related amortization, together with the method and period of amortization, as well as the bases therefor. Not all of the disclosures are specifically required by GAAP, but the APB 22 disclosures would permit formerly nonpublic companies to meet the test of having previously disclosed the practice of capitalizing sofware costs.[8]

Disclosure of Effect of Capitalization.—As noted above many commentators agreed that diverse accounting practices for internal software development costs exist. Some stated that the proposed requirement to disclose the effect on net income and earnings per share of not following the predominant practice of expensing such costs as incurred would provide an adequate basis for comparison of financial information during the time specific accounting guidance is being developed. Several commentators, however, expressed the view that disclosure of these amounts would be potentially confusing and may imply that the financial statements are not prepared in conformity with GAAP.

In response to these latter comments, the final rules hve been modified to require disclosure, for each period for which an income statement is required to be presented, only of the amount of internal software development costs capitalized during the period, less amortization. These disclosures will enable financial statement users to ascertain the impact of capitalization on the financial statements.

Other Matters.—The final rules have been modified in several other respects in response to comments.

It was pointed out by one commentator that the text of the proposed rules would literally require their application to development activities undertaken pursuant to contractual arrangements. This was not the Commission's intent and the final rules clarify their applicability only to costs of internal development of software not subject to accounting for contracts.

Several commentators addressed the applicability of the proposed rules to development of computer software to be used as part of a product or process to be sold or leased to others. Since the existing accounting literature [9] discusses the relationship of such activities to research and development activities in the same context as it does software developed solely as a product or process to be sold or leased, the Commission intended that the new rules apply to such development costs. The text of the rules has been modified to make this clear.

There were several comments about the Commission's views on appropriate amortization periods for capitalized software costs. While not incorporated in the final rules, the Commission deems it appropriate to reaffirm the views expressed in Release No. 33-6461. GAAP requires that the determination of an appropriate amortization period for such amounts be based on careful consideration of the relevant facts. The Commission believes that computer software (whether internally developed or purchased) is an area characterized by both rapid technological development and increased industry competition and growth. Therefore, the use of very short amortization periods is indicated. Further, the Commission reminds registrants that have capitalized such costs that careful periodic evaluation of the recoverability thereof is necessary.

Codification Update

The "Codification of Financial Reporting Policies" announced in Financial Reporting Release No. 1 (April 15, 1982) [47 FR 21028] is updated to:

1. Add a new Section 218 as follows:

218 Costs of Internally Developing Computer Software for Sale or Lease to Others

2. Include in Section 218 the sections of this release entitled "Background" and "Views of Commentators and Final Rules," identified as specified below:

.01 Background
.02 Views of Commentators and Final Rules

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[5] *See* Accounting Series Release Nos. 150 and 280, reproduced in pertinent part in Section 101 of the Commission's Codification of Financial Reporting Policies, announced in Financial Reporting Release No. 1 (April 15, 1982) [47 FR 21028].

[6] Obviously this conclusion would not apply to companies whose capitalization practices are clearly inconsistent with the existing accounting literature (e.g., costs associated with the "conceptual formulation or translation of knowledge into a design" phase of a software development project).

[7] Paragraph 12b of Accounting Principles Board Opinion No. 22, "Disclosure of Accounting Policies," ("APB 22") provides that disclosure of accounting policies should encompass "principles and methods peculiar to the industry in which the reporting entity operates, even if such principles and methods are predominantly followed in that industry." Paragraph 13 of APB 22 cites policies with respect to amortization of intangibles as an example of a disclosure that would commonly be required.

[8] After consideration of the comments received, the Commission has amended the final rules to permit disclosure in a document for an offering of securities by the issuer, other than a registration statement, which document was used in such offering prior to April 14, 1983 (e.g., offering documents prepared under Regulation D under the Securities Act [17 CFR 230.501-.506]), as an additional exception to the prohibition of the practice of capitalization.

[9] FASB Interpretation No. 6, "Applicability of FASB Statement No. 2 to Computer Software," paragraph 9.

.a. Prohibition of Adoption of Practice of Capitalization
.b. Disclosure of Effect of Capitalization
.c. Other Matters

This codification is a separate publication issued by the Commission. It will not be published in the Federal Register/Code of Federal Regulations System.

List of Subjects in 17 CFR Parts 210 and 239

Accounting, Reporting and recordkeeping requirements, Securities.

Text of Amended Rules

Chapter II Title 17 of the Code of Federal Regulations is amended as follows:

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. By adding § 210.3–21 to read as follows:

§ 210.3–21 Special provisions as to financial statements of companies engaged in marketing computer software.

(a) Companies shall not capitalize costs of internally developing (other than under a contractual arrangement for which accounting for contracts is appropriate) computer software as a product or process (or a part of a product or process) to be sold, leased, or otherwise marketed to others in financial statements included in documents prepared pursuant to rules adopted pursuant to either the Securities Act of 1933 or the Securities Exchange Act of 1934 and filed with or furnished to the Commission after April 14, 1983, unless they had disclosed the practice of capitalizing software costs in either: (1) Audited financial statements issued prior to April 14, 1983; (2) a report or registration statement filed with the Commission prior to April 14, 1983; or (3) a document for an offering of securities by the issuer, other than a registration statement, which document was used in such offering prior to April 14, 1983.

(b) Because the term "product" also encompasses services that are sold, leased, or otherwise marketed to others, the prohibition in paragraph (a) of this section applies, for example, to a data processing service bureau or a computer time-sharing company.

(c) A company which, pursuant to paragraph (a) of this section, continues to follow the practice of capitalizing costs of internally developing computer software as a product or process to be sold, leased, or otherwise marketed to others, shall disclose for each period for which an income statement is required to be presented, the net amount of such costs capitalized during the period.

Note.—The requirements of this rule shall not apply to financial statements which reflect the provisions of a pronouncement adopted after August 4, 1983 by the Financial Accounting Standards Board which provides specific accounting guidance in this area.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

2. By adding Item 21(j) in Form S–18 described in § 239.28 to read as follows (Form S–18 does not appear in the Code of Federal Regulations):

§ 239.28 [Amended]

* * * * *

Item 21(j) Special Instructions for Companies Engaged in Marketing Computer Software

(1) Companies shall not capitalize costs of internally developing (other than under a contractual arrangement for which accounting for contracts is appropriate) computer software as a product or process (or a part of a product or process) to be sold, leased, or otherwise marketed to others in financial statements included in documents prepared pursuant to rules adopted pursuant to either the Securities Act of 1933 or the Securities Exchange Act of 1934 and filed with or furnished to the Commission after April 14, 1983, unless they had disclosed the practice of capitalizing software costs in either: (i) Audited financial statements issued prior to April 14, 1983; (ii) a report or registration statement filed with the Commission prior to April 14, 1983; or (iii) a document for an offering of securities by the issuer, other than a registration statement, which document was used in such offering prior to April 14, 1983.

(2) Because the term "product" also encompasses services that are sold, leased, or otherwise marketed to others, the prohibition in paragraph (1) of this section applies, for example, to a data processing service bureau or a computer time-sharing company.

(3) A company which, pursuant to paragraph (1) of this section, continues to follow the practice of capitalizing costs of internally developing computer software as a product or process to be sold, leased, or otherwise marketed to others, shall disclose for each period for which an income statement is required to be presented, the net amount of such costs capitalized during the period.

Note.—The requirements of this item shall not apply to financial statements which reflect the provisions of a pronouncement adopted after August 4, 1983 by the Financial Accounting Standards Board which provides specific accounting guidance in this area.

* * * * *

(Secs. 5, 6, 7, 10, 19(a) and Schedule A[25] and [26], Securities Act of 1933, 15 U.S.C. 77e, 77f, 77g, 77s[a], 7nn[25] and [26]; secs. 12, 13, 14, 15(d), and 23(a), Securities Exchange Act of 1934, (15 U.S.C. 78*l*, 78m, 78n, 78o(d), 78w(a))

By the Commission.

George A. Fitzsimmons,

Secretary, Securities and Exchange Commission.

August 8, 1983.

Final Regulatory Flexibility Analysis

This final regulatory flexibility analysis, which relates to rules for financial statements of companies engaged in marketing computer software, has been prepared in accordance with 5 U.S.C. 604(a).

1. *Need for and Objectives of the Rules*—The Commission is adopting amendments to Regulation S-X and Form S-18 to prohibit the capitalization of costs of internally developing computer software for sale or lease to others by registrants that had not disclosed the adoption of such a practice prior to April 14, 1983. The final rules are being adopted substantially as proposed.

As discussed in the section of the release entitled, "Background," the Commission proposed the amendments as a result of its concerns about the increasing number of registrants engaged in the development of computer software that are capitalizing material amounts of internal software development costs. Because most registrants engaged in these activities continue to expense all such costs as incurred, the trend towards capitalization has created a source of incomparability between the financial statements of those registrants that are capitalizing such costs and those registrants that are expensing them.

Existing accounting literature discusses such costs in the context of their relationship to research and development costs, which are required to be expensed as incurred. However, the Commission believes that the existing literature is unclear, resulting in inconsistent interpretations. While the private sector has initiated activities intended ultimately to result in clarification of the requirements for accounting for such costs, the Commission is concerned that, until such time as appropriate clarification occurs, the present diversity in practice will lead to increased use of the capitalization method without adequate guidance as to either its propriety or the proper accounting for costs that have been capitalized. Should this occur, incomparability of financial information among registrants engaged in these

activities would increase. Also, inappropriate capitalization of costs by some registrants might occur.

Thus, the primary objective of the rules is to prevent further divergence in practice in accounting for internal computer software development costs. To that end, the rules prohibit the capitalization of internal costs of developing computer software for sale or lease to others by registrants that had not disclosed the adoption of such a practice prior to April 14, 1983. When the authoritative accounting literature provides better guidance for determining (1) which activities associated with developing such computer software are not research and development activities, and (2) the appropriate accounting for costs of those activities, if any, which are not research and development activities, the Commission will reconsider its rules in this area.

Further, in order to facilitate comparison of financial information of registrants engaged in such activities, and in view of the Commission's understanding as to the predominant accounting practice for such costs, the rules would also require disclosure, by registrants that are permitted to continue to capitalize, of the net amount of internal software costs capitalized during each period.

2. *Issues Raised by Comments on the Initial Analysis and Commission's Response Thereto*—Only one commentator, the Office of Advocacy of the U.S. Small Business Administration ("SBA"), specifically directed comments to the Initial Regulatory Flexibility Analysis ("IRFA") published with the proposed rules. The issues raised by the commentator and the Commission's responses thereto are as follows.

1. Promulgation of an accounting rule by the Commission will be applied by the accounting and financial communities to the financial statements of all companies, regardless of whether they report to the Commission. Response—The Commission does not believe this assertion to be correct. The Commission's rulemaking authority, by statute, applies to those companies that are registered with the Commission. Generally accepted accounting principles for companies that are not registrants are promulgated by the Financial Accounting Standards Board ("FASB"), a private sector organization.[10]

2. The IRFA did not adequately provide a basis for determining the economic impact of the proposed rules on small firms.

a. The SBA believes that the Commission's definition of "small business" should be changed from an issuer or person whose total assets on the last day of its most recent fiscal year were $3 million or less to a threshold of $10—$15 million. Response—The SBA's views in this regard were considered by the Commission when the Commission's definition, as adopted in Securities Act Release No. 6380,[11] was being formulated. The SBA has not brought anything to the Commission's attention which the Commission believes warrants reconsideration of the definition at this time.

b. The Commission should have been able to develop tangible information about the number of potential users of Form S–18 that would be affected by the proposed rules (e.g., by determining the number of firms within the appropriate Standard Industrial Classification Code that could be defined as small businesses on the basis of the number of employees). Reponse—The Commission continues to believe, as stated in the IRFA, that it is not possible to estimate with any confidence the number of small businesses that would be affected by the proposal, since a forecast of the number of issuers, with assets less than $3 million, engaged in computer software development that would choose to conduct an initial public offering and capitalize their software development costs (during, for example, the next twelve months) would be no more than speculation.

3. Since SBA's experience has been that technical rules of this type take nearly two years to become sufficiently understood by small companies, and since the private sector is currently addressing this accounting matter, the Commission should take no action. Response—As stated under "Prohibition of Adoption of Practice of Capitalization" above, the Commission neither intends nor anticipates that its rules will require companies that have capitalized material amounts of internal software development costs to change their accounting practice.

Further, as stated in the IRFA, the rules would introduce no new data collection or recordkeeping requirements for any companies which are engaged in marketing computer software. Information about internal costs of developing such software is already generally available as an integral part of existing accounting records. For companies for which the practice of capitalization is permitted, the proposed requirement to disclose the net amount of internal software development costs capitalized can be satisfied by a relatively simple calculation based on data already generally available as an integral part of existing accounting records.

4. The Commission should consider the impact its rules might have to access to the capital markets by small companies in the software industry and the related impact on these companies' ability to grow.

Response—As stated in the discussion "Prohibition of Adoption of Practice of Capitalization" above, the predominant practice in accounting for software costs is to charge them all to expense as incurred. There is no evidence that either large or small companies currently expensing such costs have any undue difficulty in raising capital. In this regard sophisticated financial analysts who advise institutions that provide capital may be able to make adjustments in financial statements to put them on a comparable basis. Nonetheless the Financial Analysts Federation ("FAF") has stated that "[i]f such differences are not disclosed it can be virtually impossible to make fair comparisons." Furthermore, the FAF has stated that "capitalization, unless accompanied by adequate disclosure precludes rational analysis of a company's securities and therefore inhibits coverage of such companies by professional analysts."

In any event, the Commission believes that the benefits of comparable disclosures to investors will offset the detrimental effects, if any, on capital raising efforts of small issuers. No changes in the rule resulted from these comments.

3. *Significant Alternatives*—The most straightforward manner of accommodating small businesses in this rulemaking would be to exempt them from the rules. Another alternative would be to allow capitalization without regard to past practices of particular issuers but with supplemental disclosure of the effects of capitalization on financial statements. The Commission has not chosen to grant either exemption because the rules are intended to prevent further incomparability of financial information among all registrants in the computer software industry, regardless of size. With respect to the reporting requirements of the rules, the consideration of differing reporting or compliance requirements is not necessary since the rules will not

[10] *See* note 5, *supra*, for a reference to the Commission's expressions of policy with respect to its relationship with the FASB.

[11] Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

change the recordkeeping requirements or other compliance burdens.

Lastly, the consideration of performance versus design standards does not appear to be relevant since rules providing specific guidance to registrants on how to meet disclosure requirements are, by their nature, design standards.

[FR Doc. 83-22148 Filed 8-11-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Commissioner of Food and Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority to the Commissioner of Food and Drugs to correct the reference to section 501 of the Public Health Service Act (PHS Act) which has been redesignated.

EFFECTIVE DATE: August 12, 1983.

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

SUPPLEMENTARY INFORMATION: Section 2(a)(1) of the Alcohol and Drug Abuse Amendments of 1983 (Pub. L. 98-24) transferred Title V of the PHS Act to the end and redesignated it as Title XXI. Section 501 of the PHS Act was redesignated as section 2101. Therefore, FDA is revising 21 CFR 5.10(a)(20) to change the reference to section 501 of the PHS Act to section 2101.

List of Subjects in 21 CFR Part 5

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

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

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

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

(a) * * *

(20) Functions vested in the Secretary under section 2101 of the Public Health Service Act (42 U.S.C. 219) as amended, to accept offers of gifts, excluding the acceptance of gifts of real property. Only the authority to accept unconditional gifts of personal property valued at $5,000 or less may be redelegated.

* * * * *

Effective date. This regulation shall be effective August 12, 1983.

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

Dated: August 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-22020 Filed 8-11-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 452

[Docket No. 81N-0245]

Microbiological Turbidimetric Assay for Chloramphenicol and Troleandomycin; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that amended the antibiotic drug regulations by revising the microbiological turbidimetric assay for chloramphenicol and troleandomycin for both human and veterinary use.

EFFECTIVE DATE: February 28, 1983.

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

SUPPLEMENTARY INFORMATION: In FR Doc. 83-2228 beginning on page 3959 in the issue of Friday, January 28, 1983, the following corrections are made on page 3960 in the center column:

In § 452.175d *Troleandomycin chewable tablets*, the first sentence in paragraph (b)(1) is corrected by changing the word "In" to "in" and by inserting the phrase "(solution 15)" between the words "isopropyl alcohol solution" and "to".

Dated: August 8, 1983.

James C. Morrison,

Assistant Director for Regulatory Affairs.

[FR Doc. 83-22021 Filed 8-11-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Furosemide Injection

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 Anthony Products Co., providing for safe and effective use of furosemide injection for treating horses for acute noninflammatory tissue edema.

EFFECTIVE DATE: August 12, 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: Anthony Products Co., 5600 Peck Rd., Acadia, CA 91006, filed NADA 118-550 providing for use of furosemide injection for treating horses for acute noninflammatory tissue edema. The NADA is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary (FOI summary).

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 (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 522

Animal drugs, Injectable.

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 522 is amended in § 522.1010 by revising paragraphs (b) and (c)(2), to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.1010 Furosemide injection.

* * * * *

(b) *Sponsor.* See No. 012799 in § 510.600(c) of this chapter for use in dogs and cats as in paragraph (c)(1) of this section, horses as in paragraph (c)(2)(i) of this section, and cattle as in paragraph (c)(3) of this section. See No. 000864 in § 510.600(c) for use in horses as in paragraph (c)(2)(ii) of this section. See No. 013983 in § 510.600(c) of this chapter for use in dogs as in paragraph (c)(1) of this section.

(c) * * *

(2) *Horses.* (i) It is used for the treatment of edema (pulmonary congestion, ascites) associated with cardiac insufficiency and acute noninflammatory tissue edema.

(*a*) Administer intramuscularly or intravenously at 250 to 500 milligrams per animal once or twice daily at 6- to 8-hours intervals until desired results are achieved.

(*b*) Do not use in horses intended for food.

(ii) It is used for treatment of acute noninflammatory tissue edema.

(*a*) Administer intramuscularly or intravenously at 0.5 milligram per pound of body weight (1.0 milligram per kilogram); once or twice daily at 6- to 8-hour intervals.

(*b*) The dosage should be adjusted to the individual's response. In refractory or severe edematous cases, the dosage may be doubled or increased by increments of 1 milligram per pound of body weight to establish the effective dose. The established effective dose should be administered once or twice daily on an intermittent daily schedule, i.e., every other day or 2 to 4 consecutive days weekly. Concurrent therapy for treatment of systemic conditions causing edema (pulmonary congestion, ascites, cardiac insufficiency) should be instituted.

* * * * *

Effective date: August 12, 1983.

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

Dated: August 4, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-21750 Filed 8-11-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

24 CFR Part 300

[Docket No. R-83-1110]

GNMA Attorneys-in-Fact; Removal of Lists from CFR

AGENCY: Government National Mortgage Association, HUD.

ACTION: Final rule.

SUMMARY: This rule removes from the CFR lists of persons appointed as attorneys-in-fact to act for Government National Mortgage Association (GNMA) in executing documents. HUD has determined that these appointments need not be codified in the CFR, but will be published as Notices in the **Federal Register.** The Department is implementing this procedure to enable it to respond in a timely fashion to the appointment or removal of persons authorized to act for the Government National Mortgage Association.

EFFECTIVE DATE: October 11, 1983.

FOR FURTHER INFORMATION CONTACT: John Maxim, Associate General Counsel, Insured Housing and Finance, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Telephone (202) 755-6274. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Currently, lists of persons appointed as attorneys-in-fact to act for GNMA in executing documents are codified in the Code of Federal Regulations (see 24 CFR 300.11 (c) and (d)). Codification of these lists is cumbersome and not required by law. Every time an attorney-in-fact is appointed or resigns, HUD must publish a technical amendment to the CFR.

This document changes this procedure by removing the lists from the CFR and by announcing that, beginning with the effective date of this rule, appointments and resignations of attorneys-in-fact will be announced by rule-related notices in the **Federal Register.** Because rule-related notices appear in the "Rules and Regulations" section of the **Federal Register,** these documents will be carried in all of the **Federal Register** indexes. This should ensure quick accessibility to the information on an ongoing basis.

The Department is publishing elsewhere in this Part of today's issue of the **Federal Register** a current list of all GNMA attorneys-in-fact, will be effective on the same day as the effective date of this rule.

Since this document is a rule of agency procedure under 5 U.S.C. 553(b), it need not be published initially as a proposed rule. As a matter of policy, the Department frequently provides for public participation in rulemakings which are otherwise exempt under the Administrative Procedure Act. This rulemaking, however, does not affect the general public; it merely changes the procedure whereby the Government National Mortgage Association announces the appointment of persons authorized to act in its behalf. Since the new procedure of announcing changes to the list will enable the Department to respond efficiently to staff changes, the new procedures will benefit all involved in GNMA programs.

Under 24 CFR 50.20(k), this rule is categorically excluded from the requirement of an environmental assessment as specified in the National Environmental Policy Act (NEPA) (42 U.S.C. 4321-4347).

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

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, because it affects only administrative procedure of the Department.

This rule is listed in the Department's Semiannual Agenda of Regulations published on April 25, 1983 (48 FR 18054, 18092) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 300

Lawyers, Organization and function (Government agencies).

PART 300—GENERAL

Accordingly, 24 CFR Part 300 is amended as follows:

Section 300.11 is amended by removing paragraphs (c) and (d), and by revising paragraphs (a) and (a)(1) to read as follows:

§ 300.11 Power of attorney.

(a) The Association does hereby make, constitute, and appoint each of the persons named by Notice published in the **Federal Register**, its true and lawful attorney-in-fact, for the Association and in its name and stead, in accordance with this chapter and the Association's guidebooks, contracts, and oral or written instructions.

(1) To purchase or contract to purchase any note, bond, or other evidence of indebtedness and any accompanying real estate mortgage, deed of trust, security deed, chattel mortgage, or collateral or security of whatsoever kind or nature, to modify or consent to the modification of any such contract, and to act or authorize action to enforce any such contract;

* * * * *

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); sec. 309(d), National Housing Act, 12 U.S.C. 1723a)

Dated: August 3, 1983.

Warren A. Lasko,

Executive Vice President.

[FR Doc. 83-22052 Filed 8-11-83; 8:45 am]

BILLING CODE 4210-01-M

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24 CFR Part 300

[Docket No. N-83-1271]

List of GNMA Attorneys-in-Fact

AGENCY: Government National Mortgage Association, HUD.

ACTION: Rule-related notice.

SUMMARY: This document announces the current list of persons appointed as attorneys-in-fact to act for the Government National Mortgage Association in executing documents. These lists previously were carried in the Code of Federal Regulations. However, by another document appearing in this Part of today's **Federal Register**, GNMA removes these lists from the Code of Federal Regulations and announces the new procedure of making changes to the list by Notice. The Department is implementing this procedure to enable it to respond in a timely fashion to the appointment or removal of persons authorized to act for the Government National Mortgage Association.

EFFECTIVE DATE: October 11, 1983.

FOR FURTHER INFORMATION CONTACT: John Maxim, Associate General Counsel, Insured Housing and Finance, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755-6274. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Government National Mortgage Association (GNMA) periodically approves staff members of the Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage Corporation (Freddie Mac) to be delegated signatory authority to act in GNMA's behalf as attorneys-in-fact.

Until now, these lists of persons appointed as attorneys-in-fact have been codified in the Code of Federal Regulations (CFR at 24 CFR 300.11 (c) and (d)). These lists have had to be amended every time a new attorney-in-fact is added or removed from the list. By a separate rulemaking document elsewhere in this Part of today's issue of the **Federal Register**, GNMA is changing this procedure by removing these sections from the CFR, and by codifying the new procedure of announcing changes to the list by Notice in the **Federal Register**.

Because rule-related notices are carried in all of the **Federal Register** indexes, this procedure of issuing changes by notice will ensure quick accessibility to the information on an on-going basis by the user of the Federal Register system, and at the same time permit GNMA to make changes to the lists in a much more timely fashion.

This document prints the current list of all attorneys-in-fact authorized to act as attorneys-in-fact for GNMA. As stated in the rulemaking document, this list will be updated by notice as needed.

Accordingly, the following lists represent the current lists of persons appointed as attorneys-in-fact delegated signatory authority to act in GNMA's behalf:

I. Staff members of the Federal National Mortgage Association, a government-sponsored private corporation, appointed attorneys-in-fact.

Name	*Region*
Leo E. Abueg	Los Angeles, CA
Robert E. Allen	Los Angeles, CA
Angelina P. Alleva	Philadelphia, PA
Ellen W. Allison	Atlanta, GA
Pam Andrus	Los Angeles, CA
Victoria L. Arrington	Chicago, IL
Walter T. Ausfeld	Atlanta, GA
Glenn T. Austin, Jr.	Atlanta, GA
Irene S. Baggio	Philadelphia, PA
Darlene Bagley	Atlanta, GA
Evelyn C. Ball	Atlanta, GA
J. M. Benavides	Dallas, TX
Frances E. Bennett	Atlanta, GA
James H. Benson	Los Angeles, CA
Barbara Berry	Atlanta, GA
Barbara D. Berry	Atlanta, GA
E. N. Biggerstaff	Atlanta, GA
James R. Blakeley	Los Angeles, CA
Norman T. Bolas	Los Angeles, CA
Donna F. Bonnett	Philadelphia, PA
W. R. Bowen	Los Angeles, CA
W. James Bradley	Washington, D.C.
Joseph E. Brody	Chicago, IL
Craig J. Bromann	Chicago, IL
Rosemary M. Brown	Washington, D.C.
Burleigh O. Burshem	Washington, D.C.
Rena L. Busby	Los Angeles, CA
Donna M. Cabrera	Los Angeles, CA
Dennis J. Campbell	Philadelphia, PA
E. P. Carr	Atlanta, GA
Loretta Casey	Philadelphia, PA
James S. Cash	Atlanta, GA
Robert A. Chambers	Atlanta, GA
Heinrich F. Charles	Los Angeles, CA
Russell B. Clifton	Washington, D.C.
John M. Coan	Washington, D.C.
Vincent Colletti, II	Philadelphia, PA
Bettye Cook	Los Angeles, CA
Marie A. Correia	Philadelphia, PA
Diane E. Cozad	Los Angeles, CA
Edward E. Czubernat	Chicago, IL
John J. Deisher	Dallas, TX
John C. Diebel	Chicago, IL
Elizabeth A. Downing	Los Angeles, CA
Samuel A. Duca	Philadelphia, PA
Joseph R. Eldred	Philadelphia, PA
Julieta England	Los Angeles, CA
David J. Evans	Atlanta, GA
R. Douglas Ezzell	Atlanta, GA
Leon Fine	Philadelphia, PA
Carlton T. Foster, Jr.	Atlanta, GA
Robert R. Foster	Philadelphia, PA
Robert R. Glinski	Philadelphia, PA
James D. Grady, Jr.	Philadelphia, PA
Mariann Greetis	Chicago, IL
Fran Gusmus	Dallas, TX
John J. Hagerty	Philadelphia, PA
Mark S. Haney	Los Angeles, CA
Eugene J. Hansen	Chicago, IL
Robert E. Haren	Chicago, IL
Charles W. Harvey, Jr.	Philadelphia, PA
Ronald W. Harwig	Chicago, IL
John R. Haves	Chicago, IL
Vincent C. Hehl	Philadelphia, PA
B. J. Hendryk	Dallas, TX
C. W. Heptinstall	Los Angeles, CA
J. W. Hester, Jr.	Atlanta, GA
JoAnne Holbert	Los Angeles, CA
R. R. Hoist	Los Angeles, CA
David G. Hooper	Dallas, TX
Frederick J. Horak	Dallas, TX
John A. Hoover, Jr.	Philadelphia, PA
Violet L. Howser	Dallas, TX
George L. Huckabee	Dallas, TX
Carmen I. Huertas	Los Angeles, CA
Arnold L. Hufstetler	Atlanta, GA
Louise E. Isabel	Chicago, IL
Stuart J. Jaffee	Philadelphia, PA
William S. Jones	Atlanta, GA
Eddie G. Kendrick	Dallas, TX
Arthurine C. Kent	Los Angeles, CA
Carol King	Los Angeles, CA
Thomas L. Kinney	Washington, D.C.
Jov A. Kinsey	Atlanta, GA
John H. Kline, Jr.	Philadelphia, PA
Michael S. Koch	Chicago, IL
John S. Kolich	Dallas, TX
John F. Kurth	Atlanta, GA
Patricia M. Langley	Atlanta, GA
Martin P. Long	Chicago, IL
Barbara Luetzow	Philadelphia, PA
Robert J. Mahn	Washington, D.C.
P. Jack Maniscalco	Dallas, TX

Marcia G. Maxwell	Atlanta, GA
Allen P. Miller	Los Angeles, CA
Francis J. Moncey	Chicago, IL
Doris A. Morrow	Chicago, IL
Howard A. Morton	Chicago, IL
Frederich W. Mowatt	Washington, D.C.
Charleen N. Munson	Philadelphia, PA
Harbir S. Narang	Los Angeles, CA
Vincent H. Nelson	Atlanta, GA
Philip R. Nichols, Jr.	Philadelphia, PA
James W. Noack	Los Angeles, CA
B. J. Odom	Atlanta, GA
Deidre F. O'Donoghue	Chicago, IL
Joyce A. Palgutta	Chicago, IL
Leslie A. Parsons	Los Angeles, CA
Dale L. Pea	Dallas, TX
Norman H. Peterson	Los Angeles, CA
Robert G. Pike	Atlanta, GA
M. Kay Pollak	Los Angeles, CA
Douglass M. Porter	Washington, D.C.
Norman M. Reid	Los Angeles, CA
Max D. Robinson	Dallas, TX
A. E. Rodenberger	Los Angeles, CA
Karen A. Runnels	Chicago, IL
Samuel D. Russell	Dallas, TX
Tim J. Ryan	Chicago, IL
Edward N. Sambol	Chicago, IL
E. L. Schreiber	Dallas, TX
Frank L. Scrivano	Dallas, TX
R. L. Shanteau	Atlanta, GA
Patricia L. Shaw	Chicago, IL
Mary Simpson	Dallas, TX
Samuel M. Smith, III	Atlanta, GA
Susan T. Smith	Dallas, TX
Robert L. Smithers, Jr.	Dallas, TX
Mark Spencer	Philadelphia, PA
Roger Stewart	Washington, D.C.
Robert F. Sumbry	Atlanta, GA
T. J. Swanson, Jr.	Atlanta, GA
Morton C. Swichkow	Dallas, TX
Angela Talotta	Philadelphia, PA
Robert N. Tanabe	Los Angeles, CA
Allen G. Temple	Dallas, TX
Geri C. Thomas	Los Angeles, CA
Jimmie L. Thomas	Dallas, TX
Carmeleta Turner	Dallas, TX
Ruth C. Turner	Los Angeles, CA
J. H. Van House	Atlanta, GA
Mary E. Voight	Los Angeles, CA
Esther O. Walder	Philadelphia, PA
Erlinda C. Weaver	Los Angeles, CA
Nancy L. Webster	Chicago, IL
Sharon Weisbach	Atlanta, GA
James H. Whitehead	Atlanta, GA
John Wilson	Philadelphia, PA
Meredith C. Wright	Chicago, IL
W. E. Yeager	Atlanta, GA
Dick A. Yockey	Los Angeles, CA

II. Staff members of the Federal Home Loan Mortgage Corporation, created under the laws of the United States, appointed attorneys-in-fact.

Name	*Region*
William T. Bings	Washington, D.C.
Philip R. Brinkerhoff	Do.
Jerry Brooks	Atlanta, GA
William J. Burdine	Washington, D.C.
Michael Coffey	Dallas, TX
Douglas R. Cottrell	Atlanta, GA
Kenneth Coulter	Los Angeles, CA
C. Gordon Gray	Chicago, IL
Ken Halterman	Dallas, TX
Philip N. Harrington	Washington, D.C.
Dave G. Herold	Do.
Carl Hillis	Dallas, TX
John Horseman, Sr.	Washington, D.C.
Victor H. Indiek	Do.
David S. Latimore	Atlanta, GA
Leon L. Linkroum	Los Angeles, CA
John E. Lott	Chicago, IL
J. Michael Materie	Atlanta, GA
Walter P. Moenning, Jr.	Chicago, IL
Ronald Morck	Atlanta, GA
Randall M. Nay	Dallas, TX
Jerry C. Nelson	Do.
Robert K. Ostengaard	Los Angeles, CA
Louis C. Paretti	Washington, D.C.
Paul Quinn	Denver, CO
Kenneth J. Sandin	Atlanta, GA
Fred Schwartz	Chicago, IL
Stu Strand	Los Angeles, CA
Ronald D. Struck	Washington, D.C.
Melvin L. Taylor	Seattle, WA
William R. Thomas, Jr.	Dallas, TX
Glenn Vaupel	Los Angeles, CA
William J. Verant	Do.
Edward Voss	Chicago, IL
Clifford A. Walters	Do.

Dated: August 3, 1983.

Warren A. Lasko,

Executive Vice President

[FR Doc. 83-22051 Filed 8-11-83; 8:45 am]

BILLING CODE 4210-01-M

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 500

[Docket No. R-83-1109]

Renewal Assistance; Removal of Obsolete Regulations

AGENCY: Office of Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This final rule deletes some sections and revises other sections of 24 CFR Part 500, entitled Renewal Assistance, which sets forth criteria and procedures governing the Urban Renewal Projects and Neighborhood Development Programs, Code Enforcement Programs, Demolition Programs, Rehabilitation Grant Programs, the Interim Assistance Programs, and the Community Renewal Programs. Because HUD's authority to fund new projects under these programs was terminated by Congress as of January 1, 1975, many of the provisions in 24 CFR Part 500 are obsolete. This rule removes those obsolete provisions without affecting any provisions necessary for the continued operation of ongoing projects.

EFFECTIVE DATE: October 11, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas H. Terrell, Program Completion Division, Office of Block Grant Assistance, Department of Housing and Urban Development, Room 7180, 451 Seventh Street SW., Washington, D.C. 20410, telephone (202) 755-6935. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: As of January 1, 1975, Section 116(a) of the Housing and Community Development Act of 1974 terminated HUD's authority to fund new projects under a variety of community development grant assistance programs governed in part by 24 CFR Part 500. This final rule amends 24 CFR Part 500 to remove provisions made obsolete by the funding termination. Because some of the provisions of Part 500 are necessary to allow HUD to fulfill obligations entered into before the January 1, 1975 deadline, some parts of some sections are being retained. However, four sections are being removed entirely, and the remaining sections all require some revision.

The sections of 24 CFR Part 500 being removed in full are § 500.4, Code enforcement programs; § 500.5, Demolition programs; § 500.7, Interim assistance grants; and § 500.8, Community renewal programs. Ongoing projects under these programs will continue to be governed by the requirements of the enabling legislation under which they were funded, since those statutes remain in effect, as well as by the obligations under their respective grant and/or loan contracts with HUD. Although the urban renewal and neighborhood development programs were also included in the funding termination provisions of Section 116(a), the regulations for those programs are retained, as amended by this rule, in view of the outstanding loans remaining under the HUD guaranteed loan financing aspects of these programs. The rehabilitation grant regulations are also retained since that program is a feature of the urban renewal program.

Those sections of Part 500 not removed in full are being revised to eliminate obsolete provisions. The revised sections are § 500.1, Definitions; § 500.2, General policies and procedures; § 500.3, Urban renewal projects and neighborhood development programs; § 500.6, Rehabilitation grants; and § 500.9, Applications; information. In each of these sections, the obsolete provisions are being eliminated, while provisions applicable to ongoing programs are retained without change.

The Secretary has determined that prior notice and public procedure on these amendments are unnecessary and that good cause exists for making this rule effective immediately after publication because all of the changes affect obsolete provisions and will have no impact on the operation of HUD programs or on the distribution of HUD funds.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which

implement Section 102(2)(C) of the National Environmemtal Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying during regular business hours at the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, D.C. 20410.

The rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. The rule does not: (1) Have an annual effect on the economy of one hundred million dollars or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) have significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because the rule removes obsolete regulations. Without funding, there is no need for these regulations, and their removal has no impact.

This rule was listed as CPD–5–81 in the Department's Semiannual Agenda of Regulations published on May 23, 1983 (48 FR 22916) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance Program numbers are 14.218, 14.220, 14.308 and 14.309.

List of Subjects in 24 CFR Part 500

Grant programs: Housing and community development, Loan programs: Housing and community development, Urban renewal, Community development, Neighborhood renewal.

Accordingly, 24 CFR Part 500 is revised to read as follows:

PART 500—RENEWAL ASSISTANCE

Subpart A—Urban Renewal Projects, Neighborhood Development Programs and Rehabilitation Grants

Sec.

500.1 Definitions.
500.2 General policies and procedures.
500.3 Urban renewal projects and neighborhood development programs.
500.4–500.5 [Reserved].
500.6 Rehabilitation grants.
500.7–500.8 [Reserved].
500.9 Information.

Authority: Title I, Housing Act of 1949, 42 U.S.C. 1450; Sec 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart A—Urban Renewal Projects, Neighborhood Development Programs, and Rehabilitation Grants.

§ 500.1 Definitions.

(a) Title I of the Housing Act of 1949 (63 Stat. 414, 42 U.S.C. 1450) authorizes the Secretary of Housing and Urban Development to finance the undertaking of local programs designed for the elimination and prevention of slums and blight, including slum clearance, urban renewal and rehabilitation.

(b) The terms used herein shall have the meanings attributed to them in Section 110 of the Housing Act of 1949, as amended, 42 U.S.C. 1460.

§ 500.2 General policies and procedures.

Title I of the Housing Act of 1949, as amended, authorizes the Secretary of Housing and Urban Development to provide localities with Federal technical and financial assistance through a number of programs designed for the elimination and prevention of slums and blight and the removal of factors that create slums and blighting conditions.

§ 500.3 Urban renewal projects and neighborhood development programs.

(a) The renewal and revitalization of urban areas can be accomplished through the use of two different methods, urban renewal projects or neighborhood developments programs.

(b) Urban renewal projects are carried out in individual blighted areas. Neighborhood development programs deal with one or more urban renewal areas which are to be treated simultaneously. Urban renewal projects are planned and funded as one unit; neighborhood development programs are to be funded in annual increments with the Government having the right to terminate at the end of any year.

(c) Urban renewal projects and neighborhood development programs are planned and executed by local public agencies which, depending on State law, may be separate urban renewal agencies, local housing authorities, or departments of local governments. To qualify for Federal assistance to an urban renewal project or a neighborhood development program, a community must adopt, and have certified by the Secretary of Housing and Urban Development, a workable program for community improvement designed to eliminate blight and prevent its recurrence. In addition, a local public agency must make a showing that there is a feasible method for the temporary relocation of the individuals and families displaced from the urban renewal areas to be treated and must assure the Secretary that there are, or are being provided, sufficient units of decent, safe, and sanitary relocation housing in comparable areas at reasonable rents. The policies and procedures applicable to urban renewal projects are set forth in the Urban Renewal Handbook (RHA 7200 through RHA 7228) and those applicable to neighborhood development programs in the Neighborhood Development Program Handbook (RHA 7380 through RHA 7389).

(d) An urban renewal project or a neighborhood development program assisted under Title I may include, in accordance with the urban renewal plan for the area, acquisition of land, site clearance, installation of streets, utilities, parks, playgrounds, and other improvements, restoration and relocation of structures of historic or architectual value, carrying out plans for programs of code enforcement, voluntary repair and rehabilitation of buildings or other improvements, and disposition of acquired land.

(e) The Secretary is authorized to make relocation grants to local public agencies to reimburse them for payments to individuals, families, and businesses for their reasonable and necessary moving expenses, for any direct loss of property resulting from their displacement from an urban renewal area, and for related payments. The regulations governing such payments may be found at § 500.100, *et seq.*

(f) For an urban renewal project, the Secretary is authorized to make one or more temporary loans to be used by the local public agency as working capital in acquiring real estate, clearing sites and preparing the project area for redevelopment, conservation and/or rehabilitation. For a neighborhood development program, the Secretary is authorized to make temporary loans for use by the local public agency for such program activities as are to be carried out during an annual increment of the program.

(g) The Secretary is authorized to make one or more capital grants to a local public agency not exceeding two-thirds of the net project or program cost, except that a capital grant may be made not exceeding three-fourths of the net project or program cost (1) where the project is located in a municipality with a population of 50,000 or less, or (2) where the project is situated in an officially designated redevelopment

area. A three-fourths grant is also available for an urban renewal project (but not one that is included in a neighborhood development program) where the net project cost excludes the costs of survey, planning administrative, legal and certain other expenses. For a neighborhood development program, the capital grant is paid annually for the Government's share of expenses for the year.

(h) The local contribution toward the cost of the project or program may be made in the form of cash or noncash grants-in-aid, such as donations of land, demolition and removal work, project improvements, historic preservation activities, certain expenditures by colleges, universities and hospitals, or public facilities that benefit the project.

§ 500.4–500.5 [Reserved]

§ 500.6 Rehabilitation grants.

The Secretary may authorize a local public agency to make grants to families owning and occupying real property which is in urban renewal areas, areas certified by the locality to contain a substantial number of structures in need of repairs and improvements, or areas of concentrated code enforcement, or real property which is determined to be uninsurable because of physical hazards after an inspection pursuant to a statewide insurance plan approved by the Secretary under Title XII of the National Housing Act. Such grants are to cover the cost of repairs and improvements necessary to make such real property conform to public standards for decent, safe, and sanitary housing as required by applicable codes and other requirements of the urban renewal plan for the area.

Individuals eligible for financial assistance under this program may contact the local public body authorized to carry out the project or program involved.

§ 500.7–500.8 [Reserved]

§ 500.9 Information.

Forms, procedures, policy statements and materials issued by HUD for the use or guidance of local public agencies may be obtained through HUD Regional and Area Offices.

Dated: August 4, 1983.

Stephen J. Bollinger,

Assistant Secretary, Community Planning and Development.

[FR Doc. 83-22080 Filed 8-11-83; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 500

Interim Migrant and Seasonal Agricultural Worker Protection Regulations; Continuation of Regulations

AGENCY: Wage and Hour Division, Labor.

ACTION: Continuation of interim regulations.

SUMMARY: This document continues the effectiveness of the interim regulations under the Migrant and Seasonal Agricultural Worker Protection Act until the new final regulations become effective. Those regulations, which were published on April 12, 1983 (48 FR 15800) had been scheduled to expire on August 12, 1983, unless withdrawn, extended or superseded by another issuance. New final regulations have been prepared, based upon this department's review of comments received on the interim regulations. The new final regulations are being published in today's **Federal Register** but will not be effective until 30 days from today. Accordingly, in order to prevent a lapse in the protections established for migrant and seasonal agricultural workers, the interim regulations are hereby continued until the new final regulations become effective.

FOR FURTHER INFORMATION CONTACT: Mr. William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523–8305.

SUPPLEMENTARY INFORMATION: In view of the brief extension of these regulations and in order to prevent a lapse in protections established for migrant and seasonal agricultural workers, the Department finds good cause, pursuant to 5 U.S.C. 553(b)(3)(B) that prior notice and public comment on this continuation are both impracticable and contrary to the public interest.

For the reasons set out above, Part 500, of Title 29 of the Code of Federal Regulations is hereby continued until the new final regulations become effective.

Signed at Washington, D.C. this 4th day of August, 1983.

Raymond J. Donovan,

Secretary of Labor.

Robert B. Collyer,

Deputy Under Secretary for Employment Standards.

William M. Otter,

Administrator, Wage and Hour Division, Employment Standards Administration.

[FR Doc. 83-21863 Filed 8-11-83; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

29 CFR Part 1910

Access to Employee Exposure and Medical Records; Extension of Partial Stay

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Extension of partial stay.

SUMMARY: OSHA is hereby extending the partial administrative stay of the access to employee exposure and medical records regulation, 29 CFR 1910.20, for the flavor and fragrance industries to February 1, 1984. The current partial stay, which expired August 1, 1983, is hereby being extended until February 1, 1984, to allow OSHA to consider the issues presented by the flavor and fragrance industries as part of its rulemaking on the records access rule.

DATE: The flavor and fragrance stay is extended to February 1, 1984.

FOR FURTHER INFORMATION CONTACT: James Foster, Office of Information and Consumer Affairs, OSHA, Room N–3641 Third Street and Constitution Avenue, NW., Washington, D.C. 20210. Telephone: (202) 523–8151.

SUPPLEMENTARY INFORMATION: Since August, 1980, the flavor and fragrance industries have been subject to a series of administrative stays of 29 CFR 1910.20, OSHA's access to employee exposure and medical records rule. The current partial stay, which expires August 1, 1983, is hereby being extended until February 1, 1984, to allow OSHA to consider the issues presented by the flavor and fragrance industries as part of its rulemaking on the records access rule. A proposal to modify the records access rule was published July 13, 1982 (47 FR 30420 et seq.), and it is anticipated that a final determination with respect to this proposal will be completed prior to February 1, 1984.

The full text of the current administrative stay for the flavor and fragrance industries was published in the August 7, 1981, **Federal Register** (45 FR 40491).

(Secs. 6(b), 8(g), 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); Sec. 4 of the Administrative Procedure Act (5 U.S.C. 553))

Signed at Washington, D.C. this 8th day of Aug. 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83-22089 Filed 8-11-83; 8:45 am]

BILLING CODE 4510-26-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Post-Vietnam Era Veterans' Educational Assistance Program; Basic Eligibility Criteria; Refund of Participant's Contributions

AGENCIES: Veterans Administration and Department of Defense.

ACTION: Final regulations.

SUMMARY: These regulations, issued jointly by the Veterans Administration and Department of Defense, are designed to implement these provisions of the Veterans' Disability Compensation, Housing and Memorial Benefits Amendments of 1981 which affect the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP). They make the eligibility criteria for this program more restrictive. These regulations implement the applicable provisions of this law.

EFFECTIVE DATE: October 17, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW. Washington, D.C. 20420, (202-389-2092).

SUPPLEMENTARY INFORMATION: On pages 9309 through 9311 of the **Federal Register** of March 4, 1983, there was published a notice of intent to amend part 21 to implement some provisions of the Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981.

Interested people were given 30 days in which to submit comments, suggestions or objections. The Veterans Administration and the Department of Defense received one letter containing many comments.

The letter writer suggested expanding 38 CFR 21.5040(a) to discuss the character of discharge a veteran must have in order to be basically eligible for VEAP. The Veterans Administration and the Department of Defense have not accepted this suggestion.

Section 21.5040(a) is introductory. The character of the veteran's discharge is discussed in § 21.5040(b)(iii). Consequently, there is no need for a lengthy discussion in § 21.5040(a).

The writer suggested changing the heading of § 21.5040(b) to indicate that it does not apply to veterans who had enlisted.

The law applies the requirements listed in § 21.5040(b) to everyone who is attempting to establish basic eligibility to VEAP, including those who formerly were enlisted persons. Since legislation would be necessary before the Veterans Administration and the Department of Defense could exempt former enlisted persons from the provisions of this paragraph, the suggestion was not accepted.

The writer also suggested that it would be more appropriate to use § 21.5040(b)(iii) as a subdivision of § 21.5040(b)(ii) rather than § 21.5040(b). The Veterans Administration and the Department of Defense have not accepted this suggestion.

All veterans must meet the character of discharge requirement in order to establish basic eligibility to VEAP. It is proper therefore, to make § 21.5040(b)(iii) a subdivision of § 21.5040(b) instead of § 21.5040(b)(ii).

The writer suggested modifying § 21.5040(c) so that it would not apply to former enlisted persons. This suggestion is contrary to the statute which supports this paragraph.

Pub. L. 97-66 not only does not contain an exception for former enlisted persons, but it makes quite clear that the additional service requirements contained in § 21.5040(c) apply to enlisted persons unless they qualify for one of the exceptions in § 21.5040(d). Consequently, the Veterans Administration and Department of Defense were unable to accept this suggestion.

The commenter stated that § 21.5040(d) properly clarified § 21.5040(c).

The writer stated that the sequence of dates in § 21.5040(e) was not clear. Due to a printing error the word "before" was omitted from the first sentence of this paragraph. The paragraph now is correct.

The Veterans Administration and the Department of Defense have determined that these regulations contain no major rules as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. They will not result in any major increases in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veteran's Affairs and the Secretary of Defense hereby certify that these regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these regulations therefore are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

These regulations will affect only individual Veterans Administration benefit recipients. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance number for the program affected by these regulations is 64.120.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: July 13, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Approved: July 27, 1983.

R. Dean Tice,

Deputy Assistant Secretary of Defense.

PART 21—[AMENDED]

1. Section 21.5040 is revised as follows:

§ 21.5040 Basic eligibility.

(a) *Individuals not on active duty.* Whether an individual has basic eligibility under 38 U.S.C. ch. 32 for educational assistance depends upon when he or she entered the military service, the length of that service, and the character of that service (38 U.S.C. 1602; Pub. L. 97-66, 95 Stat. 1026).

(b) *Service requirements for all individuals not on active duty.* (1) An individual not on active duty:

(i) Must have entered the military service after December 31, 1976;

(ii) Must not have and must not have had basic eligibility under 38 U.S.C. ch. 34;

(iii) Must have received an unconditional discharge or release under conditions other than dishonorable from any period of service upon which eligibility is based;

(iv) Must either have:

(A) Served on active duty for a least 181 continuous days, or

(B) Been discharged or released from active duty for a service-connected disability.

(2) The Veterans Administration will consider that the veteran has an unconditional discharge or release if:

(i) The individual was eligible for complete separation from active duty on the date a discharge or release was issued to him or her, or

(ii) The provisions of § 3.13(c) of this chapter are met.

(3) The provisions of § 3.12 of this chapter as to character of discharge and § 3.13 of this chapter as to conditional discharges are applicable (38 U.S.C. 1602).

(c) *Additional active duty service requirements for some individuals not on active duty—Chapter 32.* (1) Unless exempted by paragraph (d) of this section, persons who originally enlist in a regular component of the Armed Forces after September 7, 1980, or who enter on active duty after October 16, 1981 (either as an enlisted member or an officer) to be eligible under 38 U.S.C. ch. 32, must first complete the shorter of—

(i) 24 continuous months of active duty, or

(ii) The full period for which the individual was called or ordered to active duty.

(2) For the purpose of paragraph (c)(1) of this section the Veterans Administration considers that an enlisted person originally enlisted in a regular component of the Armed Forces on the date he or she entered on active duty even through he or she may have signed a delayed-entry contract on an earlier date.

(3) In computing time served for the purpose of this paragraph, the Veterans Administration will exclude any period during which the individual is not entitled to credit for service as specified in § 3.15 of this chapter. However, those periods will be included in determining if the service was continuous (38 U.S.C. 1602, 3103A; Pub. L. 97–66, 95 Stat. 1026).

(d) *Individuals exempt from additional active duty requirements.* (1) An individual who originally enlists in a regular component of the Armed Forces after September 7, 1980, or who enters on active duty after October 16, 1981 (either as an enlisted member or officer), will be eligible to receive benefits under 38 U.S.C. ch. 32 based upon the ensuing period of active duty, and is exempt from the provisions of paragraph (c) of this section if he or she subsequently:

(i) Is discharged or released from active duty:

(A) Under 10 U.S.C. 1173 (hardship discharge), or

(B) Under 10 U.S.C. 1171 (early-out discharge), or

(C) For a disability incurred in or aggravated in line of duty; or

(ii) Is found by Veterans Administration to have a service-connected disability which gives the individual basic entitlement to disability compensation as described in § 3.4(b) of this chapter. Once the Veterans Administration makes this finding, the exemption will continue to apply even if the disability subsequently improves and becomes noncompensable.

(2) An individual who enters on a period of active duty after October 16, 1981 is also exempt from the provisions of paragraph (c) of this section if he or she:

(i) Previously completed a continuous period of active duty of at least 24 months, or

(ii) Was discharged or released from a previous period of active duty under 10 U.S.C. 1171 (early-out discharge).

(3) In computing time served for the purpose of this paragraph, the Veterans Administration will exclude any period during which the individual is not entitled to credit for service as specified in § 3.15 of this chapter. However, those periods will be included in determining if the service was continuous (38 U.S.C. 1602, 3103A; Pub. L. 97–66, 95 Stat. 1026).

(e) *Savings provision.* An individual may become a participant and establish basic eligibility under the provisions of this section based upon a period of active duty service which began before October 16, 1981. He or she would not lose the basic eligibility based upon that period of service if, following a release from active duty, the individual reenters on active duty after October 16, 1981 and fails to meet the requirements of paragraph (c) of this section or qualify for an exemption under paragraph (d) of this section. He or she will receive a refund of any contributions he or she may make to the fund during the second period of active duty. See § 21.5065 (38 U.S.C. 1602, 3103A; Pub. L. 97–66, 95 Stat. 1026).

(f) *Individuals on active duty.* To establish basic eligibility under 38 U.S.C. ch. 32 for educational assistance an individual on active duty:

(1) Must have entered into military service after December 31, 1976 (38 U.S.C. 1602),

(2) Must have served on active duty for a period of 181 or more continuous days after December 31, 1976, and

(3) If not enrolled in a course, courses or a program of education leading to a secondary school diploma or equivalency certificate, must have completed the lesser of the following two periods of active duty: (38 U.S.C. 1631(b)).

(i) The individual's first obligated period of active duty which began after Deceber 31, 1976, or

(ii) The individual's period of active duty which began after December 31, 1976, and which is 6 years in length,

(4) If enrolled in a course, courses or a program of education leading to a secondary school diploma or equivalency certificate, the individual:

(i) Must be an enlisted member of the Armed Forces,

(ii) Must be a participant

(iii) Must be training during the last 6 months of his or her first period of active duty, or any time thereafter, and

(5) If he or she originally enlisted after September 7, 1980, must have completed at least 24 months of his or her original enlistment (38 U.S.C. 1631(b), 10 U.S.C. 977).

2. Section 21.5065 is revised as follows:

§ 21.5065 Refunds without disenrollment.

(a) *Refunds made without disenrollment following a discharge or release under dishonorable conditions—*(1) *A discharge or release under dishonorable conditions may result in a partial refund of contributions.* If an individual who would have been eligible, but for the fact of his or her reenlistment, for the award of a discharge or release under conditions other than dishonorable at the time he or she completed an obligated period of service, later receives a discharge or release under dishonorable conditions, the Veterans Administration may refund a portion of his or her contribution (38 U.S.C. 101, 1623).

(2) *Amount of refund.* The Veterans Administration shall refund to the individual all of his or her remaining contributions made to the fund after the individual completed the obligated period of service (38 U.S.C. 101, 1623).

(3) *Date of refund.* The Veterans Administration shall refund all monies due the individual:

(i) On the date of the individual's discharge or release from active duty; or

(ii) Within 60 days of receipt by the Veterans Administration of notice of the individual's discharge or release, whichever is later (38 U.S.C. 101, 1623, 1632).

(b) *Refunds made without disenrollment following a short period of active duty.* (1) An individual who has contributed to the fund during more than one period of active duty may be required to receive a refund of those contributions made during the most recent period of active duty. When an individual who meets all the criteria in paragraph (b)(2) of this section is discharged, the Veterans Administration will refund all contributions he or she made during the most recent period of active duty unless the individual meets one or more of the criteria stated in either paragraph (b) (4) or (5) of this section. If he or she meets one of those criteria, the contributions will not be refunded unless the individual voluntarily disenrolls.

(2) Unless a compulsory refund is prohibited by paragraph (b) (4) or (5) of this section, the Veterans Administration will refund all contributions made by an individual during the most recent period of active duty when the individual:

(i) Completed at least one period of active duty before the most recent one during which he or she established entitlement to Post-Vietnam Era Veterans' Educational Assistance;

(ii) Reentered on his or her most recent period of active duty after October 16, 1981;

(iii) Contributed to the fund during his or her most recent period of active duty; and

(iv) Is discharged.

(3) The circumstances which prohibit an automatic refund of monies contributed during the individual's most recent period of active duty do not relate only to the most recent period of active duty which began after October 16, 1981, but also the individual's prior periods of active duty regardless of whether they began before, after or on October 16, 1981.

(4) Meeting one or more of the following criteria concerning periods of active duty before the most recent one will be sufficient to prohibit a compulsory refund of contributions made during the most recent period of active duty. The individual:

(i) Before the most recent period of active duty began, completed at least one continuous period of active duty of at least 24 months, or

(ii) Was discharged or released under 10 U.S.C. 1171 (early-out discharge) from any period of active duty before the most recent one.

(5) Meeting one or more of the following criteria concerning the most recent period of active duty will be sufficient to prohibit a compulsory refund of contributions made during the most recent period of active duty. The individual:

(i) For the most recent period of active duty completes 24 months of continuous active duty, or the full period for which the individual was called or ordered to active duty, whichever is shorter; or

(ii) Is discharged or released from the most recent period of active duty under 10 U.S.C. 1171 (early-out discharge) or 1173 (hardship discharge); or

(iii) Is discharged or released from the most recent period of active duty for a disability incurred or aggravated in line of duty; or

(iv) Has a service-connected disability which give him or her basic entitlement to disability compensation as described in § 3.4(b) of this chapter.

(6) In computing time served for the purpose of this paragraph, the individual is not entitled for credit for service as specified in § 3.15 of this chapter. However, those periods will be included in determining if the service was continuous.

(7) The Veterans Administration shall refund all monies due the individual:

(i) On the date of the individual's discharge or release from active duty; or

(ii) Within 60 days of receipt of notice by the Veterans Administration of the individual's discharge or release, whichever is later.

(38 U.S.C. 1602, 1623, 1632, 3103A; Pub. L. 97-66, 95 Stat. 1026)

[FR Doc. 83-22080 Filed 8-11-83; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[A-1-FRL 2413-7]

Air Programs; Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs); Connecticut, Maine, New Hampshire, Rhode Island, Vermont, and Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA hereby notifies the public that it has delegated authority over certain New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs) to the State Air Pollution Agencies in Region I. The NSPS and NESHAPs program delegations have now been brought up to date with recent EPA promulgations of standards and revisions to NSPS and NESHAPs categories. Several of the States' delegations provide that authority over future promulgated standards and revisions will automatically be delegated to the State agency. These delegations do not create any new regulatory requirements affecting the public. The effect of the delegations is to shift primary program responsibility for the affected NSPS and NESHAPs source categories from EPA to State governments. Some States do not have full authority over the programs; limitations are noted where appropriate.

DATES: The regulations are amended to reflect these address changes effective Maine, September 30, 1982, Connecticut, September 30, 1983, Massachusetts, June 24, 1982, New Hampshire, September 30, 1982, Rhode Island, September 29, 1982, and Vermont, September 28, 1982.

FOR FURTHER INFORMATION CONTACT: Linda Murphy, State Air Programs Branch, Air Management Division, EPA, Region I, Room 2111, John F. Kennedy Building, Boston, MA 02203, Telephone: (617) 223-5130, FTS 223-5130.

SUPPLEMENTARY INFORMATION: The air pollution control agencies of the following States have requested and received, by delegation, authority over certain NSPS and NESHAPs source categories. Delegations are effective as listed below:

State of Connecticut

Effective Date: September 30, 1982 (except as otherwise noted).

Limitations: None—Full authority was delegated.

Future standards and revisions: Full authority over all new or amended regulations under 40 CFR Part 60 or 61 will be delegated to the State of Connecticut upon EPA notice to the State of final promulgation of the new or amended regulation.

DELEGATIONS

NSPS	40 CFR Part 60 Subpart
General Provisions	A.
Fossil-Fuel-Fired Steam Generators.	D.
Electric Utility Steam Generation Units[1].	Da.
Incinerators	E.
Portland Cement Plants	F.
Nitric Acid Plants	G.
Sulfuric Acid Plants	H.
Asphalt Concrete Plants	I.
Petroleum Refineries	J.
Storage Vessels for Petroleum Liquids constructed prior to May 19, 1978.	K.
Storage Vessels for Petroleum Liquids constructed after May 18, 1978[1].	Ka.
Secondary Lead Smelters	L.
Secondary Brass and Bronze Ingot Production Plants.	M.
Iron and Steel Plants	N.
Sewage Treatment Plants	O.

DELEGATIONS—Continued

NSPS	40 CFR Part 60 Subpart
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants.	U.
Phosphate Fertilizer Industry: Diammonium Phosphate Plants.	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants.	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.	X.
Steel Plants: Electric Arc Furnaces.	AA.
Glass Manufacturing Plants [1]	CC.
Metal Furniture Surface Coating [2]	EE.
Stationary Internal Combustion Engines [3].	FF.
Stationary Gas Turbines	GG.
Lime Manufacturing Plants [1]	HH.
Organic Solvent Cleaners [3]	JJ.
Autombile & Light-Duty Truck Surface Coating [3].	MM.
Perchloroethylene Dry Cleaners [3]	OO.
Graphic Arts [3]	QQ
Pressure Sensitive Tape & Label Surface Coating Operations [3].	RR.
Large Appliance Surfacr Coating [3]	SS.
Metal Coil Coating [3]	TT.
Asphalt Roofing	UU.
Beverage Can Surface Coating Industry [3].	WW.
Gasoline Tank Truck Loading Tracks [3].	XX.
Rubber Tire Manufacturing [3]	BBB.
Flexible Vinyl Coating [3]	FFF.
VOC Fugitive Emissions from Petroleum Refineries [3].	GGG.
Synthetic Fiber Production Facilities [3].	HHH.
Petroleum Dry Cleaners [3]	JJJ.

[1] Effective date March 16, 1983.
[2] Effective date February 10, 1983.
[3] Effective date April 29, 1983.

NESHAP's	40 CFR Part 61 Subpart
General Provisions	A.
Asbestos*	B*.
Beryllium	C.
Beryllium Rocket Motor Firing	D.

*§ 61-22(d), Demolition and Renovation, and any other portion of Subpart B pertaining to it, is not delegated.

NESHAP's	40 CFR Part 60 Subpart
Mercury	E.
Vinyl Chloride	F.
Benzene Maleic Anhydride[1]	H.
Benzene Emissions from Ethylene/Styrene Plants[1].	I.
VOC Fugitive Emission Sources in the Synthetic Organic Chemical Manufacturing Industry[1].	J.
Benzene Emissions from Benzene Storage Vessels[1].	K.

[1] Effective date April 29, 1983.

State of Maine

Effective Date: September 30, 1982 (except as otherwise noted).

Limitations: None—full authority was delegated.

Future standards and revisions: Full authority over all new or amended regulations under 40 CFR Part 60 or 61 will be delegated to the State of Maine upon EPA notice to the State of final promulgation of the new or amended regulation.

DELEGATIONS

NSPS	40 CFR Part 60 Subpart
General Provisions	A.
Fossil-Fuel-Fired Steam Generators.	D.
Electric Utlity Steam Generating Units.	Da.
Incinerators*	E*.
Portland Cement Plants	F.
Nitric Acid Plants	G.
Sulfuric Acid Plants	H.
Asphalt Concrete Plants	I.
Petroleum Refineries	J.
Storage Vessels for Petroleum Liquids constructed prior to May 19, 1978.	K.
Storage Vessels for Petroleum Liquids constructed after May 18, 1978.	Ka.
Secondary Lead Smelters	L.
Secondary Bronze and Brass Ingot Production Plants.	M.
Iron & Steel Plants	N.
Sewage Treatment Plants	O.
Primary Copper Smelters	P.
Primary Zinc Smelters	Q.
Primary Lead Smelters	R.
Primary Aluminum Reduction Plants.	S.
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants.	U.
Phosphate Fertilizer Industry: Diammonium Phosphate Plants.	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants.	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.	X.
Coal Preparation Plants	Y.
Ferroalloy Production Facilities	Z.
Steel Plants: Electric Arc Furnaces.	AA.
Kraft Pulp Mills	BB.
Glass Manufacturing Plants	CC.
Grain Elevators	DD.
Metal Furniture Surface Coating [1]	EE.
Stationary Gas Turbines	GG.
Lime Manufacturing Plants	HH.
Lead Acid Battery Manufacturing	KK.
Automobile & Light Duty Truck Surface Coating Operations.	MM.
Phosphate Rock Plants	NN.
Ammonium Sulfate Manufacture	PP.
Graphic Arts[1]	QQ.
Large Appliance Surface Coating [1].	SS.
Metal Coil Coating [1]	TT.
Asphalt Roofing [1]	UU.

* Authority regarding cone burners serving populations of less than 25,000 was not delegated.
[1] Effective date February 25, 1983.

NESHAP's	40 CFR Part 61 Subpart
General provisions	A.
Asbestos*	B*.
Beryllium	C.
Mercury	E.

*§ 61-22(d), Demolition and renovation, and any other portion of Subpart B pertaining to it, is not delegated.

NESHAP's	40 CFR Part 60 Subpart
Vinyl Chloride	F.

Commonwealth of Massachusetts

Effective Date: June 24, 1982 for administrative and technical authority. February 9, 1983 for enforcement authority (except as otherwise noted).

Limitations: None—full authority was delegated.

Future standards and revisions: Full authority over all amended regulations in delegated categories under 40 CFR Part 60 or 61 will be delegated to the Commonwealth of Massachusetts upon EPA notice to the Commonwealth of final promulgation of the amended regulation.

NSPS	40 CFR Part 60 Subpart
General Provisions	A.
Fossil-Fuel-Fired Steam Generators.	D.
Electric Utility Steam Generating Units.	Da.
Incinerators	E.
Portland Cement Plants	F.
Nitric Acid Plants	H.
Asphalt Concrete Plants	I.
Petroleum Refineries	J.
Storage Vessels for Petroleum Liquids constructed prior to May 19, 1978.	K.
Storage Vessels for Petroleum Liquids constructed after May 18, 1978.	Ka.
Secondary Lead Smelters	L.
Secondary Brass and Bronze Ingot Production Plants.	M.
Iron and Steel Plants	N.
Sewage Treatment Plants	O.
Primary Copper Smelters	P.
Primary Zinc Smelters	Q.
Primary Lead Smelters	R.
Primary Aluminum Reduction Plants.	S.
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants.	U.
Phosphate Fertilizer Industry: Diammonium Phosphate Plants.	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants.	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.	X.
Coal Preparation Plants	Y.
Ferroalloy Production Facilities	Z.
Steel Plants: Electric Arc Furnaces.	AA.
Kraft Pulp Mills	BB.
Glass Manufacturing Plants	CC.
Grain Elevators	DD.
Metal Furniture Surface Coating [1]	EE.
Stationary Gas Turbines	GG.
Lime Manufacturing Plants	HH.
Lead-Acid Battery Manufacturing [1]	KK.
Automobile and Light Duty Truck Surface Coating [1].	MM.
Phosphate Rock Plants [1]	NN.
Ammonium Sulfate Manufacturing	PP.
Graphic Arts [1]	QQ.
Large Appliance Surface Coating [1]	SS.
Metal Coil Coating [1]	TT.
Asphalt Roofing [1]	UU.

[1] Effective date: May 9, 1983.

NESHAPs	40 CFR Part 61 Subpart
General Provisions	A.
Asbestos	B.
Beryllium	C.
Beryllium Rocket Motor Firing	D.
Mercury	E.
Vinyl Chloride	F.

State of New Hampshire

Effective Date: September 30, 1982 (except as otherwise noted).

Limitations: None—full authority was delegated.

Future standards and revisions: Full authority over all new or amended regulations under 40 CFR Part 60 or 61 will be delegated to the State of New Hampshire upon EPA notice to the State of final promulgation of the new or amended regulation.

DELEGATION

NSPS	40 CFR Part 60 Subpart
General Provisions	A.
Fossil-Fuel-Fired Steam Generators.	D.
Electric Utility Steam Generating Units.	Da.
Incinerators	E.
Asphalt Concrete Plants	I.
Petroleum Refineries	J.
Storage Vessels for Petroleum Liquids constructed prior to May 19, 1978.	K.
Storage Vessels for Petroleum Liquids constructed after May 18, 1978.	Ka.
Secondary Lead Smelters	L.
Secondary Brass and Bronze Ingot Production Plants.	M.
Iron and Steel Plants	N.
Sewage Treatment Plants	O.
Steel Plants: Electric Arc Furnaces.	AA.
Kraft Pulp Mills	BB.
Grain Elevators	DD.
Metal Furniture Surface Coating [1]	EE.
Stationary Gas Turbines	GG.
Lead Acid Battery Manufacturing [1]	KK.
Graphic Arts [1]	QQ.

[1] Effective date February 14, 1983.

NESHAP's	40 CFR Part 61 Subpart
General Provisions	A.
Asbestos	B.
Beryllium	C.
Mercury	E.

State of Rhode Island

Effective Date: September 29, 1982 (except as otherwise noted).

Limitations: Only administrative portions of the standards have been delegated.

Future standards and revisions: Authority over administrative portions of all new or amended regulations under 40 CFR Part 60 or 61 will be delegated to the State of Rhode Island upon EPA notice to the State of final promulgation of the new or amended regulation.

DELEGATIONS

NSPS	40 CFR Part 60 Subpart
General Provisions	A.
Fossil-Fuel-Fired Steam Generators.	D.
Electric Utility Steam Generating Units.	Da.
Incinerators	E.
Portland Cement Plants	F.
Nitric Acid Plants	G.
Sulfuric Acid Plants	H.
Asphalt Concrete Plants	I.
Petroleum Refineries	J.
Storage Vessels for Petroleum Liquids constructed prior to May 19, 1978.	K.

DELEGATIONS—Continued

NSPS	40 CFR Part 60 Subpart
Storage Vessels for Petroleum Liquids constructed after May 18, 1978.	Ka.
Secondary Lead Smelters	L.
Secondary Bronze and Brass Ingot Production Plants.	M.
Iron and Steel Plants	N.
Sewage Treatment Plants	O.
Primary Copper Smelters	P.
Primary Zinc Smelters	Q.
Primary Lead Smelters	R.
Primary Aluminum Reduction Plants.	S.
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants.	U.
Phosphate Fertilizer Industry: Diammonium Phosphate Plants.	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants.	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.	X.
Coal Preparation Facilities	Y.
Ferroalloy Production Plants	Z.
Steel Plants: Electric Arc Furnaces.	AA.
Glass Manufacturing Plants	CC.
Grain Elevators	DD.
Metal Furniture Surface Coating [1]	EE.
Stationary Gas Turbines	GG.
Lime Manufacturing Plants	HH.
Lead-Acid Battery Manufacturing	KK.
Automobile and Light Duty Truck Surface Coating Operations.	MM.
Phosphate Rock Plants	NN.
Ammonium Sulfate Manufacture	PP.
Graphic Arts [1]	QQ.
Large Appliance Surface Coating. [1]	SS.
Metal Coil Coating [1]	TT.
Asphalt Roofing	UU.

[1] Effective date February 3, 1983.

NESHAP's	40 CFR Part 61 Subpart
General Provisions	A.
Asbestos *	B.*

*§§ 61.20, 61.21, 61.22 (c), (f), and (g), 61.23 and 61.24 only.

NESHAP's	40 CFR Part 60 Subpart
Beryllium	C.
Beryllium Rocket Motor Firing	D.
Mercury	E.
Vinyl Chloride	F.

State of Vermont

Effective Date: September 28, 1982.

Limitations: Only field surveillance has been delegated for NESHAPs; full authority was delegated for NSPS.

Future standards and revisions: The State of Vermont will specifically request any delegation of authority it desires with respect to any new or amended regulations under 40 CFR Part 60 or 61.

DELEGATIONS

NSPS	40 CFR Part 60 Subpart
General Provisions	A.
Fossil-Fuel-Fired Steam Generators.	D.

DELEGATIONS—Continued

NSPS	40 CFR Part 60 Subpart
Electric Utility Steam Generating Units.	Da.
Incinerators	E.
Asphalt Concrete Plants	I.

NESHAP's	40 CFR Part 61 Subpart
Asbestos *	B.*

*§§ 61.22 (d), (a)(11), (f) and (g), and 61.23 only.

Pursuant to NSPS and NESHAP's regulations, sources are required to submit all required reports to the state or local agency that has jurisdiction over the source, and the EPA.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. [Secs. 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857, et seq.)]

I certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects

40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

40 CFR Part 61

Air Pollution control, Asbestos, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

(Secs. 111(c), 112(d) and 301(a), Clean Air Act, as amended (42 U.S.C. 7411(c), 7412(d) and 7601(a)))

Dated: July 7, 1983.

Michael R. Deland,

Regional Administrator, Region I.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Subparts A of Parts 60 and 61 of Chapter I, Title 40 of the Code of Federal Regulations are amended as follows:

Subpart A—General Provisions

1. Section 60.4, Address and § 61.04, Address, are each amended by revising

the address of the Commonwealth of Massachusetts in paragraph (b)(W) to read as follows:

§§ 60.4 and 61.04 [Amended]

* * * * *

(b) * * *

(W) Commonwealth of Massachusetts: Massachusetts Department of Environmental Quality Engineering, Division of Air Quality Control, One Winter Street, Boston, MA 02108.

* * * * *

2. Sections 60.4(b)(EE) and 61.04(b)(EE) are each amended by revising the address of the State of New Hampshire to read as follows:

* * * * *

(b) * * *

(EE) State of New Hampshire: New Hampshire Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

* * * * *

3. Sections 60.4(b)(OO) and 61.04(b)(OO) are each amended by revising the address of the State of Rhode Island to read as follows:

* * * * *

(b) * * *

(OO) State of Rhode Island: Rhode Island Department of Environmental Management, 204 Cannon Building, Davis Street, Providence, RI 02908.

* * * * *

4. Sections 60.4(b)(UU) and 61.04(b)(UU) are each amended by revising the address of the State of Vermont to read as follows:

(b) * * *

(UU) State of Vermont: Vermont Agency of Environmental Conservation, Air Pollution Control, State Office Building, Montpelier, VT 05602.

* * * * *

[FR Doc. 83-22040 Filed 8-11-83; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Parts 264 and 270

[SWA-FRL 2407-1]

Hazardous Waste Incinerators, Evaluating Permit Applications; Availability of Manual

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability.

This document announces the availability of a manual that will assist permit writers in evaluating permit applications for hazardous waste incinerators. The manual provides guidance to the permit writer for designating facility specific operating conditions necessary to comply with the standards. Each section of the incineration regulation is addressed, including: waste analysis, designation of principal organic hazardous constituents in the waste, and requirements for operation, inspection and monitoring. Guidance is also provided for evaluating incinerator performance data and the procedures followed in an incinerator trial burn.

ADDRESS: Copies of this report are available for reading at the EPA Library and the Subtitle C Docket Room (Room S-269), located at 401 M Street SW., Washington, D.C., during the hours of 9:00 A.M. to 4:30 P.M. Monday through Friday. Copies are also available for reading in the EPA regional libraries, and at the National Technical Information Service, Incinerator Guidance Manual, 5285 Port Royal Road, Springfield, VA 22151.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, at (800) 424-9346 (toll free) or at (202) 382-3000. For technical information contact Edward Martin at (202) 382-4761.

SUPPLEMENTARY INFORMATION: The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, requires EPA to establish a national regulatory program to ensure that hazardous wastes are managed in a manner that does not endanger human health or the environment. Pursuant to this authority, standards for hazardous waste incinerators were promulgated on January 23, 1981 (46 FR 7666; 40 CFR Parts 264, 265 and 270) and amended on June 24, 1982 (47 FR 27520; 40 CFR Parts 264, 265 and 270).

This document announces the availability of a manual that will assist permit writers in evaluating permit applications for hazardous waste incinerators. The manual provides guidance to the permit writer for designating facility specific operating conditions necessary to comply with the standards. Each section of the incineration regulation is addressed, including: waste analysis, designation of principal organic hazardous constituents in the waste, and requirements for operation, inspection and monitoring. Guidance is also provided for evaluating incinerator performance data and the procedures followed in an incinerator trial burn.

For regulations containing reporting requirements, EPA must comply with the Paperwork Reduction Act. This notification is not of a regulatory nature. Rather, it announces the availability of a manual for use in interpreting the information collected during the permit process. Collection of the information needed to issue hazardous waste incinerator permits has already been approved by OMB. EPA has applied for an extension of that approval.

This manual was submitted to OMB for review under Executive Order 12291. It is not a major regulation; it is a guidance document.

Dated: June 27, 1983.

Lee M. Thomas,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 83-22039 Filed 8-11-83; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Minerals Management Service

43 CFR Parts 3160 and 3180

30 CFR Parts 221 and 226

[Circular No. 2533]

Onshore Oil and Gas, General; Redesignation of Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: All of the Department of the Interior's non-royalty responsibilities related to the approval and supervision of operations on onshore Federal and Indian (except Osage) oil and gas leases have been consolidated within the Bureau of Land Management. This document transfers only those regulations in Title 30 CFR concerning Onshore Oil and Gas Operations and unit agreements previously administered by the Minerals Management Service to the Bureau of Land Management and redesignates them as Title 43 CFR, as follows:

Title 30 CFR Part 221 becomes Title 43 CFR Part 3160.

Title 30 CFR Part 226 becomes Title 43 CFR Part 3180.

EFFECTIVE DATE: August 12, 1983.

FOR FURTHER INFORMATION CONTACT: Stephen H. Spector, (703) 860-7969

or

Robert C. Bruce, (202) 343-8753.

SUPPLEMENTARY INFORMATION: On December 3, 1982, the Secretary of the Interior, by Order No. 3087, as amended on February 7, 1983 (48 FR 8983), assigned all functions related to royalty and mineral revenue accountability to the Minerals Management Service and assigned all functions related to the minerals management of Federal and

Indian lands, including approval of drilling permits and production plans, and inspection and enforcement, to the Bureau of Land Management.

The separation of royalty revenue accountability functions from the mineral management functions has necessitated a division of the regulations now included in Title 30 CFR. The regulations pertaining to the management of onshore Federal and Indian (except Osage) oil and gas leases are addressed in this rulemaking. The regulations pertaining to minerals revenue accountability functions for these leases will be included in a separate redesignation rulemaking by the Minerals Management Service.

This final rule redesignates the regulations in Title 30 of the Code of Federal Regulations concerning lease operations and unit agreements involving onshore Federal and Indian (except Osage) oil and gas leases previously administered by the Minerals Management Service as Bureau of Land Management regulations at Title 43 of the Code of Federal Regulations. Publication of this rulemaking as a proposal for public comment is considered unnecessary since it is a redesignation of existing regulations. No change has been made in the substance of the regulations, except as necessary to recognize that the Bureau of Land Management, rather than the Minerals Management Service, will be responsible for their implementation and to conform the organization of the regulations to the Bureau of Land Management numbering system. Cross references between sections are also changed for correctness. Moreover, the effective date of this rulemaking will be the date of publication in the **Federal Register**, rather than 30 days after publication, since the Bureau of Land Management already is administering the redesignated portions of the regulations included in this rulemaking pursuant to Secretarial Order No. 3087, as amended.

The Department of the Interior has determined that because this rule is a redesignation of existing regulations, it is not a major rule for purposes of E.O. 12291, and neither an environmental impact analysis nor a regulatory flexibility analysis is required. The information collection requirements contained in newly designated 43 CFR Parts 3160 and 3180 have been or are in the process of receiving approval by the Office of Management and Budget under 44 U.S.C. 3507 and, where approved, assigned clearance numbers, as shown under each part. The reporting requirements are not affected by this redesignation.

Lists of Subjects

43 CFR Part 3160

Environmental protection, Government contracts, Mineral royalties, Oil and Gas exploration, Public lands—mineral resources, Reporting requirements.

43 CFR Part 3180

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

Under the authority of Secretarial Order 3087, December 3, 1982, as amended on February 7, 1983 (48 FR 8983), and the statutory authorities enumerated at each part, Group 3100, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

J. Steven Griles,

Acting Assistant Secretary of the Interior.

August 5, 1983.

I.

1. 30 CFR Part 221 is redesignated as 43 CFR Part 3160 as shown in the following redesignation table:

Redesignation Table

Old 30 CFR Part 221	New 43 CFR Part 3160
	Insert new part title—Part 3160—Onshore Oil and Gas Operations.
	Insert new Subpart 3160—Onshore Oil and Gas Operations—General.
221.1 (First sentence).	3160.0–1 Purpose.
221.1 (Second sentence).	3160.0–4 Objectives.
221.1 (Third sentence).	3160.0–2 Policy.
	Insert new § 3160.0–3 Authority.
221.2	3160.0–5.
221.2–1	Inserted as a note immediately after Part title.
221.3	3160.0–7.
221.4–221.9	Remove.
	Insert new Subpart 3161—Jurisdiction and Responsibility.
221.10	3161.1.
221.11	3161.2.
221.12	Remove.
221.13	Remove.
221.14	3164.1.
221.15	3164.2.
221.16–221.19	Remove.
	Insert Subpart 3162—Requirements for Lessees and Operators.
221.20	3162.1.
221.21	3162.3.
221.22	3162.2.
221.23	3162.3–1.
221.24	3162.6.
221.25	3162.5–2.
221.26	3162.4–2.
221.27	3162.3–2.
221.28	3162.3–3.
221.29	3162.3–4.
	Insert new § 3162.5—Environment and safety.
221.30	3162.5–1.
221.31	3162.5–3.
	Insert new § 3162.4—Records and reports.
221.32	3162.4–1.
221.33	3162.6.
	Insert new § 3162.7—Measurement, disposition and protection of production.
221.34	3162.7–2.
221.35	3162.7–3.
221.36	3162.7–1.
221.37	3162.7–4.
221.38–221.49	Remove.
	Insert new Subpart 3163—Non-Compliance and Assessments.
221.50	3163.1.
221.51	3163.2.
221.52	3163.3.
221.53	3163.4.
221.54	3163.5.
221.55–221.59	Remove.
	Insert new Subpart 3164—Special Provisions.
221.60	3164.3.
221.61	3164.4.
221.62–221.69	Remove.
	Insert new Subpart 3165—Relief, Conflicts and Appeals.
221.70	3165.1.
221.71	3165.2.
221.72	3165.3.
221.73	3165.4.
221.74–221.99	Remove.
221.104	3165.1–1.
221.117	3162.4–3.

2. Section 3160.0–1, formerly the first sentence of 30 CFR 221.1, is revised to read:

§ 3160.0–1 Purpose.

The regulations in this part govern operations associated with the exploration, development and production of oil and gas deposits from leases issued or approved by the United States, restricted Indian land leases and those under the jurisdiction of the Secretary of the Interior by law or administrative arrangement, including the National Petroleum Reserve—Alaska.

3. Section 3160.0–4, formerly the second sentence of 30 CFR 221.1, is revised to read:

§ 3160.0–4 Objectives.

The objective of these regulations is to promote the orderly and efficient exploration, development and production of oil and gas.

4. A new § 3160.0–3 is added to read:

§ 3160.0–3 Authority.

The Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181 et seq.), the Act of May 21, 1930 (30 U.S.C. 301–306), the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351–359), the Act of March 3, 1909, as amended (25 U.S.C. 396), the Act of May 11, 1938, as amended (25 U.S.C. 396a–396q), the Act of February 28, 1891, as amended (25 U.S.C. 397), the Act of May 29, 1924 (25 U.S.C. 398), the Act of March 3, 1927 (25 U.S.C. 398a–398e), the Act of June 30, 1919, as amended (25 U.S.C. 399), R.S. § 441 (43 U.S.C. 1457), the Attorney General's Opinion of April 2,

1941 (40 Op Atty. Gen. 41), the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the Act of December 12, 1980 (94 Stat. 2964), the Combined Hydrocarbon Leasing Act of 1981 (95 Stat. 1070), the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701), the Indian Mineral Development Act of 1982 (25 U.S.C. 2102), and Order Number 3087, dated December 3, 1982, as amended on February 7, 1983 (48 FR 8983) under which the Secretary consolidated and transferred the onshore minerals management functions of the Department, except mineral revenue functions and the responsibility for leasing of restricted Indian lands, to the Bureau of Land Management.

5. Section 3160.0–2, formerly the third sentence of 30 CFR 221.1, is revised to read:

§ 3160.0–2 Policy.

The regulations in this part are administered under the direction of the Director of the Bureau of Land Management; except that as to lands within naval petroleum reserves, they shall be administered under such official as the Secretary of Energy shall designate.

§ 3160.0–5 [Amended]

6. Section 3160.0–5, formerly 30 CFR 221.2, is amended by:

A. Removing the term *"Associate Director for Royalty Management"* in its entirety;

B. Removing the term *"Communitization Agreement"* in its entirety;

C. Removing the term *"Deputy Minerals Manager"* in its entirety;

D. Removing the term *"Designated Operator"* in its entirety;

E. Revising the term *"Director"* to read:

"Director. The Director of the Bureau of Land Management.";

F. Removing the term *"District Supervisor"* in its entirety;

G. Removing the term *"Gas"* in its entirety;

H. Removing the term *"Gas Storage Agreement"* in its entirety;

I. Removing the term *"Minerals Manager"* in its entirety;

J. Removing the term *"National Petroleum Reserve in Alaska"* in its entirety;

K. Removing the term *"Oil"* in its entirety; and

L. Removing the term *"Secretary"* in its entirety.

7. Part 3160 is amended by:

A. Adding immediately after the title to Part 3160 the language of 30 CFR 221.2–1, after removal of the section number and title, as a "NOTE:", and after removing the citation "Part 221" and replacing it with the citation "Part 3160";

B. Removing the table entitled "Royalty Accounting Forms" in the note, formerly 30 CFR 221.2–1, and the paragraph immediately following the table;

C. Amending the first sentence of the paragraph in the note, formerly 30 CFR 221.2–1, entitled "Other Reporting Requirements" by removing the citation "§§ 221.21, 221.23, 221.24, 221.25, 221.26, 221.27, 221.28, 221.29, 221.30, 221.32, 221.34, 221.35, 221.36, 221.37, 221.60, 221.70, and 221.72" and replacing it with the citation "§§ 3162.3, 3162.3–1, 3162.3–2, 3162.3–3, 3162.3–4, 3162.4–1, 3162.4–2, 3162.5–1, 3162.5–2, 3162.5–3, 3162.6, 3162.7–1, 3162.7–2, 3162.7–3, 3162.7–4, 3164.3, 3165.1 and 3165.3"; and

D. Adding a second note immediately after the first note to read:

Note.—There are many leases and agreements currently in effect, and which will remain in effect, involving both Federal and Indian oil and gas leases which specifically refer to the United States Geological Survey, USGS, Minerals Management Service, MMS, or Conservation Division. These leases and agreements also often specifically refer to various officers such as Supervisor, Conservation Manager, Deputy Conservation Manager, Minerals Manager and Deputy Minerals Manager. In addition, many leases and agreements specifically refer to 30 CFR Part 221 or specific sections thereof, which now means 43 CFR Part 3160. Those references shall now be read in the context of Secretarial Order 3087 and now mean either the Bureau of Land Management or Minerals Management Service, as appropriate.

8. Section 3160.0–7, formerly 30 CFR 221.3, is revised to read:

§ 3160.0–7 Cross references.

25 CFR Parts 221, 212, 213, and 227
30 CFR Group 200
40 CFR Chapter V
43 CFR Parts 2, 4, and 1820 and Groups 3000, 3100 and 3500

§ 3161.1 [Amended]

9. Section 3161.1, formerly 30 CFR 221.10, is amended by removing the phrase "the jurisdiction of the DMM for the Region in which the leased lands are located." and replacing it with the phrase "the direction of the authorized officer having jurisdiction of the leased lands."

10. Section 3161.2, formerly 30 CFR 221.11 and 221.12, is revised to read:

§ 3161.2 Responsibility of the authorized officer.

The authorized officer is authorized and directed to approve unitization, communitization, gas storage and other contractual agreements for Federal lands; to assess compensatory royalty; to approve suspensions of operations or production, or both; to issue NTL's; to approve and monitor other operator proposals for drilling, development or production of oil and gas; to perform technical and procedural reviews; to assess monetary penalties or liquidated damages; to provide technical information and advice relative to oil and gas development and operations on Federal and Indian lands; to enter into cooperative agreements with States, Federal agencies and Indian tribes relative to oil and gas development and operations; to approve, inspect and regulate the operations that are subject to the regulations in this part; to require compliance with lease terms, with the regulations in this title and all other applicable regulations promulgated under the cited laws; and to require that all operations be conducted in a manner which protects other natural resources and the environmental quality, protects life and property and results in the maximum ultimate recovery of oil and gas with minimum waste and with minimum adverse effect on the ultimate recovery of other mineral resources. The authorized officer may issue written or oral orders to govern specific lease operations. Any such oral orders shall be confirmed in writing by the authorized officer within 10 working days from issuance thereof. Before approving operations on leasehold, the authorized officer shall determine that the lease is in effect, that the operator is authorized to conduct such operations, that acceptable bond coverage has been provided and that the proposed plan of operations is sound both from a technical and environmental standpoint.

§ 3162.1 [Amended]

11. Section 3162.1, formerly 30 CFR 221.20, is amended by removing the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.3 [Amended]

12. Section 3162.3, formerly 30 CFR 221.21, is amended by:

A. Removing from paragraph (a) in the three places it appears the word "Supervisor" and replacing it with the phrase "authorized officer"; and

B. Removing from paragraph (b) the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.2 [Amended]

13. Section 3162.2, formerly 30 CFR 221.22, is amended by:

A. Amending paragraph (a) by removing from the second sentence the word "DMM" and replacing it with the phrase "authorized officer" and by removing from the fourth sentence the word "DMM's" and replacing it with the phrase "authorized officer's"; and

B. Amending paragraphs (b) and (c) by removing from where it appears the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.3–1 [Amended]

14. Section 3162.3–1, formerly 30 CFR 221.23, is amended by:

A. Amending paragraph (a) by removing the phrase "(see § 221.30)" and replacing it with the phrase "(see § 3162.5–1 of this title)", by removing the word "Supervisor" and replacing it with the phrase "authorized officer" and by removing in the three places it appears the word "DMM" and replacing it with the phrase "authorized officer";

B. Amending paragraph (c) by removing the word "Supervisor" and replacing it with the phrase "authorized officer" and by removing the word "Supervisor's" and replacing it with the phrase "authorized officer's";

C. Amending paragraph (e) by removing in the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer"; and

D. Amending paragraph (f) by removing the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.6 [Amended]

15. Section 3162.6, formerly 30 CFR 221.24, is amended by removing from paragraphs (a) and (b) where it appears the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.5–2 [Amended]

16. Section 3162.5–2, formerly 30 CFR 221.25, is amended by:

A. Amending paragraph (b) by removing in the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer"; and

B. Amending paragraph (d) by removing the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.4–2 [Amended]

17. Section 3162.4–2, formerly 30 CFR 221.26, is amended by removing from paragraphs (a) and (c) where it appears the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.3–2 [Amended]

18. Section 3162.3–2(a), formerly 30 CFR 221.27, is amended by removing in the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer" and by removing the citation "§ 221.23." and replacing it with the citation "§ 3162.3–1 of this title."

§ 3162.3–3 [Amended]

19. Section 3162.3–3, formerly 30 CFR 221.28, is amended by removing the citation "§ 221.23 of § 221.27" and replacing it with the citation "§ 3162.3–1 of § 3162.3–2 of this title" and by removing the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.3–4 [Amended]

20. Section 3162.3–4, formerly 30 CFR 221.29, is amended by:

A. Amending paragraph (a) by removing in the three places it appears the word "Supervisor" and replacing it with the phrase "authorized officer";

B. Amending paragraph (b) by removing the word "Supervisor" and replacing it with the phrase "authorized officer"; and

C. Amending paragraph (c) by removing in the four places it appears the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.5–1 [Amended]

21. Section 3162.5–1, formerly 30 CFR 221.30, is amended by:

A. Amending paragraph (a) by removing in the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer" and by removing the citation "§ 221.23" and replacing it with the citation "§ 3162.3–1 of this title";

B. Amending paragraph (b) by removing in the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer"; and

C. Amending paragraphs (c) and (d) by removing from where it appears the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.5–3 [Amended]

22. Section 3162.5–3, formerly 30 CFR 221.31, is amended by removing the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.4–1 [Amended]

23. Section 3162.4–1, formerly 30 CFR 221.32, is amended by:

A. Amending paragraph (b) by removing the citation "§ 221.2–1" and replacing it with the citation "the "NOTE" at the beginning of this title." and by removing from the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer"; and

B. Amending paragraph (c) by removing the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.8 [Amended]

24. Section 3162.8(d), formerly 30 CFR 221.33(d), is amended by removing the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.7–2 [Amended]

25. Section 3162.7–2, formerly 30 CFR 221.34, is amended by:

A. Amending paragraph (a) by removing the word "DMM" and replacing it with the phrase "authorized officer" and by removing the word "Supervisor" and replacing it with the phrase "authorized officer"; and

B. Amending paragraph (b) by removing in the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.7–3 [Amended]

26. Section 3162.7–3, formerly 30 CFR 221.35, is amended by:

A. Amending paragraph (a) by removing the word "DMM" and replacing it with the phrase "authorized officer" and by removing the word "Supervisor" and replacing it with the phrase "authorized officer"; and

B. Amending paragraph (b) by removing in the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3162.7–1 [Amended]

27. Section 3162.7–1, formerly 30 CFR 221.36, is amended by:

A. Amending paragraph (b) by removing in the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer"; and

B. Amending paragraph (e) by removing the word "DMM" and replacing it with the phrase "authorized officer".

§ 3162.7–4 [Amended]

28. Section 3162.7–4, formerly 30 CFR 221.37, is amended by:

A. Amending paragraph (a) by removing the definitions of the terms "authorized officer," "authorized representative" and "proper BLM office"; and

B. Amending paragraph (b) by removing in subparagraph (4) the citation "§ 221.36" and replacing it with the citation "§ 3162.7–1 of this title".

§ 3163.1 [Amended]

29. Section 3163.1, formerly 30 CFR 221.50, is amended by removing from the three places it appears the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3163.3 [Amended]

30. Section 3163.3, formerly 30 CFR 221.52, is amended by:

A. Amending paragraph (a) by removing the phrase "Supervisor or DMM" and replacing it with the phrase "authorized officer";

B. Amending paragraph (b) by removing in the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer";

C. Amending paragraph (d) by removing the citation "§ 221.27" and replacing it with the citation "§ 3162.3–2 of this title"; and

D. Amending paragraph (j) by removing the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3163.4 [Amended]

31. Section 3163.4, formerly 30 CFR 221.53, is amended by removing the phrase "DMM or his representative, the DMM" and replacing it with the phrase "authorized officer, the authorized officer", by removing the phrase "Minerals Manager" and replacing it with the phrase "State Director" and by removing the citation "30 CFR Part 290" and replacing it with the citation "Part 4 of this title."

§ 3163.5 [Amended]

32. Section 3163.5, formerly 30 CFR 221.54, is amended by:

A. Amending paragraph (a) by removing the citation "§ 221.52" and replacing it with the citation "§ 3163.3 of this title", by removing the phrase ", as directed by the Supervisor or DMM in the notice." and by removing the citation "§ 221.123 of this part" and replacing it with the phrase "pursuant to the regulations of the Minerals Management Service.";

B. Amending paragraph (b) by removing the citation "§ 221.53" and replacing it with the citation "§ 3163.4 of this title", by removing the citation "30 CFR Part 290" and replacing it with the citation "or Part 4 of this title." and by removing the citation "§ 221.123 of this part" and replacing it with the phrase "pursuant to the regulations of the Minerals Management Service."; and

C. Amending paragraph (c) by removing the citation "§ 221.52" and replacing it with the citation "§ 3163.3 of this title."

§ 3164.2 [Amended]

33. Section 3164.2, formerly 30 CFR 221.15, is amended by removing from paragraph (a) the word "DMM" and replacing it with the phrase "authorized officer" and by removing from paragraph (b) the phrase "Minerals Management Service" and replacing it with the phrase "Bureau of Land Management".

§ 3164.3 [Amended]

34. Section 3164.3(b), formerly 30 CFR 221.60, is amended by removing the word "Supervisor" and replacing it with the phrase "authorized officer".

§ 3165.1 [Amended]

35. Section 3165.1, formerly 30 CFR 221.70, is amended by:

A. Amending paragraph (a) by removing the word "DMM" and replacing it with the phrase "authorized officer"

B. Amending paragraph (b) by removing in the two places it appears the word "DMM" and replacing it with the phrase "authorized officer" and by removing the citation "30 CFR Part 226" and replacing it with the citation "Part 3180 of this title; and

C. Amending paragraph (c) by removing in the two places it appears the word "DMM" and replacing it with the phrase "authorized officer".

§ 3165.2 [Amended]

36. Section 3165.2, formerly 30 CFR 221.71, is amended by removing the phrase "or in 43 CFR Group 3100" and by removing the phrase "DMM and the Supervisor" and replacing it with the phrase "authorized officer".

§ 3165.3 [Amended]

37. Section 3165.3, formerly 30 CFR 221.72, is amended by removing the phrase "Supervisor or DMM" and replacing it with the phrase "authorized officer", by removing the phrase "next higher level reviewing official (the DMM or Minerals Manager, as appropriate)." and replacing it with the phrase "appropriate State Director." and by removing the citation "§ 221.73 of this part." and replacing it with the citation "§ 3165.4 of this title."

38. Section 3165.4, formerly 30 CFR 221.73, is revised to read:

§ 3165.4 Appeals.

Instructions, orders or decisions issued under the regulations in this part may be appealed in accordance with the provisions of Part 4 of this title if Federal lands are involved or 25 CFR Part 2 if Indian lands are involved. An appeal shall not result in a suspension of the requirement for compliance with the order or decision from which the appeal is taken unless the official to whom the appeal is made determines that suspension of the requirements of the order or decision will not be detrimental to the interests of the lessor or upon submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

39. Section 3165.1–1, formerly 30 CFR 221.104, is revised to read:

§ 3165.1–1 Relief from royalty and rental requirements.

Applications for any modification authorized by law of the royalty or rental requirements of a lease for lands of the United States shall be filed in triplicate in the office of the authorized officer having jurisdiction of the lands. (For other regulations relating to royalty and rental relief, and suspension of operations and production, see Part 3103 of this title.)

40. Section 3162.4–3, formerly 30 CFR 221.117, is amended by:

A. Revising the opening paragraph to read:

§ 3162.4–3 [Amended]

A separate report of operations for each lease shall be made on Form 9–329 for each calendar month, beginning with the month in which drilling operations are initiated, and shall be filed in duplicate with the authorized officer on or before the 10th day of the second month following the production month, unless an extension of time for the filing of such report is granted by the authorized officer. The report on this form shall disclose accurately all operations conducted on each well during each month, the status of operations on the last day of the month, and a general summary of the status of operations on the leased lands, and the report shall be submitted each month until the lease is terminated or until omission of the report is authorized by the authorized officer. It is particularly necessary that the report shall show for each calendar month:

B. Revising paragraph (d) to read:

(d) The quantity of oil, gas and water produced, the total amount of gasoline, and other lease products recovered, and other required information. When oil and gas, or oil, gas and gasoline, or other hydrocarbons are concurrently produced from the same lease, separate reports on this form should be submitted for oil and for gas and gasoline, unless otherwise authorized or directed by the authorized officer.

C. Revising paragraph (f) to read:

(f) The footnote shall be completely filled out as required by the authorized officer. If no runs or sales were made during the calendar month, the report shall so state.

II.

1. 30 CFR Part 226 is redesignated as 43 CFR Part 3180 as shown in the following redesignation table:

Redesignation Table

Old 30 CFR Part 226	New 43 CFR Part 3180
	Insert new part title—Part 3180—Onshore Oil and Gas Unit Agreements— Unproven Areas.
	Insert new Subpart 3180—Onshore oil and gas unit agreements—General
226.1(a)	3180.0-1 Purpose.
	Insert new § 3180.0-3 Authority.
226.1(b)	3180.0-4 Policy.
226.2	3180.0-5
226.3	3181.2
	Insert new Subpart 3181—Application for Unit agreement.
226.4	3181.1
226.5	3181.3
	Insert new Subpart 3182—Qualifications of unit operator.
226.6	3182.1
226.7	3182.4
226.8	3183.3-1 Approval of executed agreement.
	Insert new Subpart 3183—Filing and approval of documents.
226.9(a)	3183.1 Where to file papers.
226.9(b)	3183.2 Designation of areas.
226.9(c)	3183.3 Executed agreements.
226.9(d)	3183.4 Participating area.
226.9(e)	3183.5 Plan of development.
226.9(f)	3183.6 Return of approved documents.
	Insert new Subpart 3184—Bonds.
226.10	3184.1
	Insert new Subpart 3185—Appeals
226.11	3185.1
	Insert new Subpart 3186—Model forms.
226.12	3186.1
226.13	3186.1-1
226.14	3186.1-2
226.15	3186.2
226.16	3186.3
226.17	3186.4

2. Part 3180 is amended by adding immediately after the title the following language to read:

Note.—Many existing unit agreements currently in effect specifically refer to the United States Geological Survey, USGS, Minerals Management Service, MMS, Supervisor, Conservation Manager, Deputy Conservation Manager, Minerals Manager and Deputy Minerals Manager in the body of the agreements, as well as references to 30 CFR Part 221 or specific sections thereof. Those references shall now be read in the context of Secretarial Order 3087 and now mean either the Bureau of Land Management or Minerals Management Service, as appropriate.

3. Section 3186.0–1, formerly paragraph (a) of 30 CFR 226.1, is revised to read:

§ 3160.0–1 Purpose.

The regulations in this part prescribe the procedures to be followed and the requirements to be met by the owners of any right, title or interest in Federal oil and gas leases (see § 3160.0–5 of this title) and their representatives who wish to unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit plan for the development of any oil or gas pool, field or like area, or any part thereof. All unit agreements on Federal leases are subject to the regulations contained in Part 3160 of this title, Onshore Oil and Gas Operations. All unit operations on non-Federal lands included within Federal unit plans are subject to the reporting requirements of Part 3160 of this title.

4. Section 3180.0–2, formerly paragraph (b) of 30 CFR 226.1, is revised to read:

§ 3180.0–2 Policy.

Subject to the supervisory authority of the Secretary of the Interior, the administration of the regulations in this part shall be under the jurisdiction of the authorized officer. In the exercise of his/her discretion, the authorized officer shall be subject to the direction and supervisory authority of the Director, Bureau of Land Management, who may exercise the jurisdiction of the authorized officer.

5. A new § 3180.0–3 is added to read:

§ 3180.0–3 Authority.

The Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181, 189, 226(e) and 226(j)), and Order Number 3087, dated December 3, 1982, as amended on February 7, 1983 (48 FR 8983), under which the Secretary consolidated and transferred the onshore minerals management functions of the Department, except mineral revenue functions and the responsibility for leasing of restricted Indian lands, to the Bureau of Land Management.

§ 3180.0–5 [Amended]

6. Section 3180.0–5, formerly 30 CFR 226.2, is amended by:

A. Removing the term *"Authorized Officer (AO)."* in its entirety;

B. Removing the term *"Director."* in its entirety;

C. Removing the term *"Proper BLM Office."* in its entirety;

D. Removing the term *"Secretary."* in its entirety;

E. Removing the term *"Unit Agreement (agreement)."* in its entirety;" and

F. Removing the term *"Unit Operator."* in its entirety.

§ 3181.2 [Amended]

7. Section 3181.2, formerly 30 CFR 226.3, is amended by removing the citation "30 CFR 221.33" and replacing it with the citation "§ 3162.8 of this title" and by removing the word "AO" and replacing it with the phrase "authorized officer".

§ 3181.1 [Amended]

8. Section 3181.1, formerly 30 CFR 226.4, is amended by removing in the two places it appears the citation "§ 226.12" and replacing it with the citation "§ 3186.1 of this title" and by removing the word "AO" and replacing it with the phrase "authorized officer".

§ 3182.1 [Amended]

9. Section 3182.1, formerly 30 CFR 226.6, is amended by removing the citation "43 CFR Group 3100." and replacing it with the citation "Subpart 3102 of this title." and by removing the work "AO" and replacing it with the phrase "authorized officer".

§ 3181.4 [Amended]

10. Section 3181.4(b), formerly 30 CFR 226.7(b), is amended by removing the word "AO" and replacing it with the phrase "authorized officer".

§ 3183.3–1 [Amended]

11. Section 3183.3–1, formerly 30 CFR 226.8, is amended by removing the phrase "(example in § 226.12)", replacing it with the phrase "(example in § 3186.1 of this title)" and by removing the word "AO" in the two places it appears and replacing it with the phrase "authorized officer".

§ 3183.3 [Amended]

12. Section 3183.3, formerly 226.9(c), is amended by removing the word "AO" and replacing it with the phrase "authorized officer".

§ 3183.6 [Amended]

13. Section 3183.6, formerly 226.9(f), is amended by removing the word "AO" and replacing it with the phrase "authorized officer".

§ 3184.1 [Amended]

14. Section 3184.1, formerly 30 CFR 226.10, is amended by removing the citation "§ 226.15." and replacing it with the citation "§ 3186.2 of this title." and by removing the word "AO" in the two places it appears and replacing it with the phrase "authorized officer".

§ 3185.1 [Amended]

15. Section 3185.1, formerly 30 CFR 226.11, is amended by removing the citation "30 CFR 221.72" and replacing it with the citation "§ 3165.3 of this title" and by removing the citation "30 CFR Part 290 of this chapter" and replacing it with the citation "Part 4 of this title".

§ 3186.1 [Amended]

16. Section 3186.1, formerly 30 CFR 226.12, is amended by:

A. Amending section 14 of the agreement by removing from the last paragraph of the section the citation "30 CFR Part 221" and replacing it with the citation "30 CFR Group 200".

B. Amending the guidelines at the end of the agreement by:

i. Amending guideline 2 by removing the citation "§§ 226.13 and 226.14." and replacing it with the citation "§§ 3186.1–1 and 3186.1–2 of this title.";

ii. Amending guideline 12 by removing the phrase "(See 30 CFR 226.7(a))." and replacing it with the phrase "(See § 3181.4(a) of this title).";

iii. Amending guideline 13 by removing the citation "30 CFR 226.7(b)." and replacing it with the citation "§ 3181.4(b) of this title."; and

iv. Amending the Certification—Determination by removing from the first paragraph the citation "30 CFR Part 226" and replacing it with the citation "43 CFR Part 3180".

[FR Doc. 83-22090 Filed 8-11-83; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Part 3570

30 CFR Part 231

[Circular No. 2532]

Operating Procedures for Exploration, Development and Production; Redesignation

AGENCY: Bureau of Land Management, Interior.

ACTION: Final Rulemaking.

SUMMARY: On December 3, 1982, the Secretary of the Interior issued Order No. 3087, which was amended on February 7, 1983, transferring all onshore management functions of the Minerals Management Service, not relating to royalty management, to the Bureau of Land Management. Notice of this transfer of management functions was published in the **Federal Register** of March 2, 1983 (48 FR 8982). In accordance with that order and the above notice, the regulations in 30 CFR Part 231 are being transferred to 43 CFR Part 3570. This notice redesignates the appropriate sections of 30 CFR Part 231 as 43 CFR Part 3570 and makes necessary administrative amendments to bring the redesignated sections into conformance with the language of Title 43 of the Code of Federal Regulations.

EFFECTIVE DATE: August 12, 1983.

ADDRESS: Any suggestions or inquiries should be sent to: Director (660) Bureau of Land Management 1800 C Street NW Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Paul Sternbergy (202) 860–7506.

The principal author of this final rulemaking is Paul J. Buff, Division of Solid Mineral Operations, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

Because this final rulemaking is an administrative action reflecting actions that have already occurred and that have no additional impacts on leasable mineral exploration and mining operations, it has been determined that no action needs to be taken with regard to a determination under either the provisions of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)) or the provisions of Executive Order 12291.

There are no additional information collection requirements contained in this final rulemaking.

This final rulemaking is administrative and has no additional impacts on the public. Further, it reflects actions that have already occurred. It will, therefore, be effective upon publication.

List of Subjects in 43 CFR Part 3570

Environmental protection, Government contracts, Mineral royalties, Mines, Public lands—mineral resources, Reporting requirements.

Under the authority of Order No. 3087 issued by the Secretary of the Interior on December 3, 1982, as amended on February 7, 1983, which transferred all onshore management functions of the Minerals Management Service, not relating to royalty management, to the Bureau of Land Management, 30 CFR Part 231 is redesignated as Part 3570, Group 3500, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations and is amended as set forth below.

Dated: August 5, 1983.

J. Steven Griles,

Acting Assistant Secretary of the Interior.

1. 30 CFR Part 231 is redesignated as 43 CFR Part 3570 as shown in the following redesignation table:

REDESIGNATION TABLE

Old 30 CFR No.	New 43.CFR No.
Sec.	Sec.
	Insert Part Heading—Part 3570—Solid Minerals (Other Than Coal) Exploration and Mining Operations.
	Insert Subpart 3570—Solid Minerals (Other than Coal) Exploration and Mining Operations, General.
231.1(b)	3570.0–1 Purpose.
231.3	3570.0–2 Policy.
231.2	3570.0–5 Definitions.

REDESIGNATION TABLE—Continued

Old 30 CFR No.	New 43 CFR No.
231.1(a)	3570.0–7 Scope.
231.5	3570.0–8.
231.1(c)	3570.0–9 Cross references.
	Insert Subpart 3571—General Obligations of Lessees and Permittees.
231.4	3571.1.
	Insert Subpart 3572—Maps and Plans.
231.10	3572.1.
231.11	3572.2.
231.12	3572.3.
	Insert Subpart 3573—Bore Holes and Samples.
231.20	3573.1.
	Insert Subpart 3574—Mining Methods.
231.31	3574.1.
231.32	3574.2.
231.33	3574.3.
231.34	3574.4.
231.35	3574.5.
	Insert Subpart 3575—Protection Against Mining Hazards.
231.40	3575.1.
231.41	3575.2.
	Insert Subpart 3576—Milling Waste From Mining or Milling.
231.50	3576.1.
231.51	3576.2.
	Insert Subpart 3577—Production Records and Audit.
231.60	3577.1.
231.61	3577.2.
231.62	3577.3.
	Insert Subpart 3578—Inspection, Issuance of Orders and Enforcement of Orders.
231.70	3578.1.
231.71	3578.2.
231.72	3578.3.
231.73	3578.4.
231.74	3578.5.
	Insert Subpart 3579—Late Payment or Underpayment of Charges.
231.80	3579.1.

PART 3570—[AMENDED]

2. Part 3570 is amended by inserting immediately after the part heading a "Note:" to read:

Note.—There are many leases and agreements currently in effect, and which will remain in effect, involving Federal leases which specifically refer to the United States Geological Survey, USGS, Minerals Management Service, MMS, or Conservation Division. These leases and agreements also often specifically refer to various officers such as Supervisor, Conservation Manager, Deputy Conservation Manager, Minerals Manager and Deputy Minerals Manager. In addition, many leases and agreements specifically refer to 30 CFR Part 231 or specific sections thereof. Those references shall now be read in the context of Secretarial Order 3087 and now mean either the Bureau of Land Management or Minerals Management Service, as appropriate.

§ 3570.0–1 [Amended]

3. Section 3570.0–1, formerly 30 CFR 231.1(b), is amended by adding the word "Purpose" as title of the section and by removing the figure "(b)".

§ 3570.0–2 [Amended]

4. Section 3570.0–2, formerly 30 CFR 231.3, is amended by:

A. Amending the title by removing the word "Responsibilities" and replacing it with the word "Policy";

B. Amending paragraph (a) by removing the phrase "Minerals Management Service" and replacing it with the phrase "Bureau of Land Management";

C. Amending paragraph (b) by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer," by removing from subparagraph (3) the phrase "Minerals Manager of the Minerals Management Service" and replacing it with the phrase "State Director," by removing from subparagraph (4) the phrase "Minerals Manager" and replacing with the phrase "State Director" and by removing the phrase "Director of the Minerals Management Service" and replacing it with the word "Director" and by removing from subparagraph (7) the phrase "authorized officer" and replacing it with the phrase "responsible officer" and by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer";

D. Amending paragraph (c) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer" and by removing the phrase "authorized officer" and replacing it with the phrase "responsible officer";

E. Amending paragraph (d) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer"; and

F. Amending paragraph (e) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3570.0–5 [Amended]

5. Section 3570.0–5, formerly 30 CFR 231.2, is amended by:

A. Revising paragraph (b) to read:

"(b) *Director.* Director of the Bureau of Land Management.";

B. Revising paragraph (c) to read:

"(c) *Authorized officer.* Authorized officer is any employee of the Bureau of Land Management who has been delegated the authority to perform the duties described in this part and part 3140 and groups 3500 and 3900 of this title.";

C. Amending paragraph (j) by removing the phrase "Mining Supervisor" and replacing it with the phrase "authorized officer"; and

D. Adding a new paragraph (k) to read:

"(k) *State Director.* State Director is an employee of the Bureau of Land Management who has been designated as the chief administrative officer of one of the Bureau's 12 administrative areas designated as 'States'."

§ 3570.0–7 [Amended]

6. Section 3570.0–7, formerly 30 CFR 231.1(a), is amended by inserting the word "Scope" as title of the section, by inserting after the phrase "43 CFR Group 3500" the phrase "and Group 3900" and by removing the citation "25 CFR Parts 171, 172, 173, 174 and 176" and replacing it with the phrase "25 CFR Parts 211, 212, 213 and 215."

§ 3570.0–8 [Amended]

7. Section 3570.0–8, formerly 30 CFR 231.5, is amended by adding to the end thereof the sentence "Proprietary information submitted by the permittee or lessee shall be so marked. Information concerning Indian lands shall not be available to the public unless written authorization is obtained from the tribe who has jurisdiction over the lands."

§ 3570.0–9 [Amended]

8. Section 3570.0–9, formerly 30 CFR 231.1(c), is amended by inserting the phrase "Cross references" as title of the section, by removing the figure "(c)," and by removing the phrase "43 CFR Part 23 Surface Exploration, Mining, and Reclamation—pertaining to acquired lands, or 25 CFR 177" and replacing it with the citation "25 CFR 211."

§ 3571.1 [Amended]

9. Section 3571.1, formerly 30 CFR 231.4, is amended by:

A. Amending paragraph (a) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer";

B. Amending paragraph (b) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer" and by removing the phrase "Part 290 of this chapter." and replacing it with the phrase "§ 3000.4 of this title.";

C. Amending paragraph (d) by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer";

D. Amending paragraph (e) by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer"; and

E. Amending paragraph (f) by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3572.1 [Amended]

10. Section 3572.1, formerly 30 CFR 231.10, is amended by:

A. Amending paragraph (a) by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer";

B. Amending paragraph (b) by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer";

C. Amending paragraph (c) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer";

D. Amending paragraph (d)(3) by removing the word "regarding" and replacing it with the word "regrading"; and

E. Amending paragraph (e) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3572.2 [Amended]

11. Section 3572.2, formerly 30 CFR 231.11, is amended by removing in the four places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3572.3 [Amended]

12. Section 3572.3, formerly 30 CFR 231.12, is amended by:

A. Amending paragraph (a) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer";

B. Amending paragraph (b) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer"; and

C. Amending paragraph (c) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3573.1 [Amended]

13. Section 3573.1, formerly 30 CFR 231.20, is amended by:

A. Amending paragraph (a) by removing in the six places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer";

B. Amending paragraph (b) by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer";

C. Amending paragraph (c) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer"; and

D. Amending paragraph (d) by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3574.4 [Amended]

14. Section 3574.1, formerly 30 CFR 231.31, is amended by:

A. Amending paragraph (a) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer"; and

B. Amending paragraph (b) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3574.2 [Amended]

15. Section 3574.2, formerly 30 CFR 231.32, is amended by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3574.3 [Amended]

16. Section 3574.3(a), formerly 30 CFR 231.33(a), is amended by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3574.4 [Amended]

17. Section 3574.4, formerly 30 CFR 231.34, is amended by:

A. Amending paragraph (b) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer";

B. Amending paragraph (c) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer"; and

C. Amending paragraph (d) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3574.5 [Amended]

18. Section 3574.5, formerly 30 CFR 231.35, is amended by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3575.1 [Amended]

19. Section 3575.1, formerly 30 CFR 231.40, is amended by:

A. Amending paragraph (a) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer"; and

B. Amending paragraph (b) by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3575.2 [Amended]

20. Section 3575.2, formerly 30 CFR 231.41, is amended by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3576.2 [Amended]

21. Section 3576.2, formerly 30 CFR 231.51, is amended by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3577.2 [Amended]

22. Section 3577.2, formerly 30 CFR 231.61, is amended by:

A. Amending paragraph (a) by removing the phrase "Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from subparagraph (2) the phrase "Mining Supervisor" and replacing it with the phrase "authorized officer" by and by removing from subparagraph (a)(iii) the phrase "Mining Supervisor" and replacing it with the phrase "authorized officer"; and

B. Amending paragraph (b) by removing the phrase "Mining Supervisor" and replacing it with the phrase "authorized officer."

§ 3577.3 [Amended]

23. Section 3577.3, formerly 30 CFR 231.62, is amended by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3578.1 [Amended]

24. Section 3578.1, formerly 30 CFR 231.70, is amended by removing the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3578.2 [Amended]

25. Section 3578.2, formerly 30 CFR 231.71, is amended by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3578.4 [Amended]

26. Section 3578.4, formerly 30 CFR 231.73, is amended by:

A. Amending paragraph (a) by removing in the four places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

B. Amending paragraph (b) by removing in the two places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer"; and

C. Amending paragraph (c) by removing in the three places it appears the phrase "mining supervisor" and replacing it with the phrase "authorized officer."

§ 3578.5 [Amended]

27. Section 3578.5, formerly 30 CFR 231.74, is amended by removing the citation "Part 290 of this chapter" and replacing it with the citation "Part 4 of this title."

[FR Doc. 83-22019 Filed 8-11-83; 8:45 am]
BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

Suspension of Community Eligibility Under the National Flood Insurance Program; New Jersey et al.

[Docket No. FEMA 6552]

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that

as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6 month, 90 days, and 30 days notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

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

§ 64.6 List of Eligible Communities.

State, County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Region II					
New Jersey:					
Warren	Allamuchy, township of	340480B	May 13, 1975, Emergency; Aug. 15, 1983, Regular; Aug. 15, 1983, suspended.	Apr. 30, 1976, May 24, 1974	Aug. 15, 1983
Hudson	Bayonne, city of	340218B	July 25, 1975, Emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Sept. 17, 1976, May 17, 1974	Do.
Somerset	Bound Brook, borough of	340430B	Jan. 14, 1972, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Mar. 19, 1976, July 13, 1973	Do.
Burlington	Lumberton, township of	340100	Nov. 16, 1973, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Sept. 26, 1975	Do.
Do.	Medford, township of	340104	June 22, 1973, emergency; Aug. 15, 1983, regular; Aug.15, 1983, suspended.	July 1, 1977	Do.
New York:					
Albany	Altamont, village of	360002B	Nov. 6, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	May 21, 1976, Apr. 12, 1974	Do.
Steuben	Avoca, town of	360764B	Dec. 2, 1974, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Apr. 14, 1978	Do.
Clinton	Black Brook, town of	361309B	Jan. 19, 1976, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Feb. 27, 1976, Jan. 10, 1975	Do.
Cortland	Cortland, city of	360178C	Feb. 3, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	June 26, 1981, Feb. 21, 1975, and Mar. 29, 1974.	Do.
Niagara	Porter, town of	360510B	July 17, 1974, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Nov. 19, 1976, Apr. 12, 1974	Do.
Essex	Jay, town of	360265C	Feb. 13, 1976, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Mar. 13, 1981, Sept. 3, 1976 and Nov. 8, 1974.	Do.
New Jersey:					
Atlantic	Atlantic City, city of	345278D	June 30, 1970, emergency; June 18, 1971, regular; Aug. 15, 1983, suspended.	Jan. 23, 1979, Jan 9, 1976, Nov. 21, 1975, July 1, 1974 and June 18, 1971.	Do.
Region III					
Pennsylvania:					
Adams	Franklin, township of	421250A	Feb. 21, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Jan. 3, 1975	Do.
Do.	Gettysburg, borough of	421243A	Aug. 20, 1974, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Dec. 13, 1974	Do.
Allegheny and Washington.	McDonald, borough of	420855B	Jan. 24, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	July 26, 1974, May 7, 1976	Do.
Allegheny	Oakdale, borough of	420059B	July 22, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Aug. 6, 1976, Dec. 7, 1973	Do.
Beaver	South Heights, borough of	422330A	May 13, 1977, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Jan. 31, 1975	Do.
York	Spring Grove, borough of	420938B	Apr. 17, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Feb. 13, 1976, May 3, 1974	Do.
Virginia:					
Tazewell	Tazewell, town of	510164B	Oct. 9, 1974, emorgency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	July 2, 1976, May 17, 1974	Do.
(Independent city)	Poquoson, city of	510183C	Aug. 29, 1974, emergency; May 16, 1977, regular; Aug. 15, 1983, suspended.	May 16, 1977, Sept. 24, 1976 and July 26, 1974.	Do.

State, County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Region V					
Indiana: Elkhart and Kosciusko.	Nappanee, city of	180059A	May 30, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Apr. 2, 1976	Do.
Minnesota: Polk	Unincorporated areas	270509B	Feb. 11, 1972, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Dec. 30, 1977	Do.
Ohio:					
Brown	Aberdeen, village of	390675A	July 2, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Jan. 31, 1975	Do.
Hamilton	Addyston, village of	390205B	May 28, 1976, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	May 21, 1976, Mar. 1, 1974	Do.
Gallia	Cheshire, village of	390186A	July 24, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Dec. 20, 1974	Do.
Medina	Unincorporated areas	390378B	May 30, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983 suspended.	Jan. 10, 1975, Apr. 15, 1977	Do.
Scioto	Portsmouth, city of	390498C	Mar. 7, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	July 27, 1979, June 11, 1976, and May 31, 1974.	Do.
Ohio: Meigs	Racine, village of	390390B	Mar. 31, 1976, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	May 21, 1976, Apr. 5, 1974	Do.
Wisconsin:					
Waukesha	Delafield, city of	550479B	July 15, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Oct. 10, 1975, June 7, 1974	Do.
Columbia	Pardeeville, village of	550062B	Aug. 19, 1978, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Apr. 30, 1976, Dec. 28, 1973	Do.
DO	Portage, city of	550063B	June 11, 1974, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	June 11, 1974, May 3, 1974	Do.
Walworth	Unincorporated areas	550462B	June 10, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	May 27, 1977	Do.
Illinois:					
Pike	Florence, village of	170552C	May 27, 1976, emergency; Feb. 18, 1981, regular; Aug. 15, 1983, suspended.	Feb. 18, 1981, Jan. 30, 1976 and Dec. 17, 1973.	Do.
Pope	Unincorporated areas	170904	July 29, 1975, emergency; Aug. 15, 1983, suspended	Aug. 7, 1977	Do.
Region VI					
Texas: Galveston	Galveston, city of	485469D	May 29, 1970, emergency; May 7, 1971, regular; Aug. 15, 1983, suspended.	June 13, 1980, Oct. 3, 1975 and July 1, 1974.	Do.
Region VII					
Kansas: Harvey	Unincorporated areas	200585B	Oct. 19, 1978, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Mar. 7, 1978	Do.
Region VIII					
Montana: Missoula	Unincorporated areas	300048B	Jan. 15, 1975, emergency; Aug. 15, 1977, regular; Aug. 15, 1983, suspended.	May 24, 1977, Aug. 30, 1974	Do.
Idaho:					
Cassia	Unincorporated areas	160041	Jan. 29, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	Aug. 16, 1977	Do.
Cassia	Declo, city of	160044	Dec. 3, 1975, emergency; Aug. 15, 1983, regular; Aug. 15, 1983, suspended.	May 24, 1977	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

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

Issued: August 3, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-22086 Filed 8-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 64

[Docket No. FEMA 6551]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program; Florida, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

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

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

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

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood

insurance as condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

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

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

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

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

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

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

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified
Florida: Gulf	Ward Ridge, city of	120622-New	July 19, 1983, emergency	
Montana: Deer Lodge	Anaconda-Deer Lodge County [1]	300017	do	
New York: Herkimer	Litchfield, town of	360309A	do	Mar. 15, 1974 and Apr. 9, 1976.
Oklahoma: Washita	Bessie, town of	400261	July 21, 1983, emergency	Aug. 15, 1975.
Illinois: Bureau	Buda, village of	171011-New	July 21, 1983, emergency; July 21, 1983, regular	NSFHA.
Kentucky: Floyd	Wayland, city of	210079B	Mar. 29, 1976, Emergency; Apr. 18, 1983, regular; April 18, 1983, suspended; July 28, 1983, reinstated.	Mar. 5, 1976 and Aug. 23, 1974.
Arizona:	Colorado River Indian Tribe	040123-New	July 26, 1983, emergency	
Region II				
New York: Fulton	Johnstown, city of	360276B	July 18, 1983, suspension withdrawn	June 28, 1974, June 18, 1976.
New Jersey: Union	Plainfield, city of	345312	do	June 26, 1971, July 1, 1974, June 13, 1975.
Region III				
Pennsylvania: Berks	Pike, township of	421382B	do	June 24, 1977.
Region IV				
Alabama: Talladega	Lincoln, town of	010198	do	Mar. 5, 1976.
Florida:				
Franklin	Carrabelle, city of	120090B	do	Jan. 30, 1976.
Do	Unincorporated areas	120088B	do	Apr. 23, 1976.
North Carolina: Union	Unincorporated areas	370234B	do	July 7, 1978.
Tennessee: Rutherford	Murfreesboro, city of	470166B	do	June 18, 1976.
Mississippi: Warren	Unincorporated areas	280198	July 22, 1983, suspension withdrawn	Nov. 15, 1979.
Region V				
Indiana:				
DeKalb	Auburn, city of	180046B	July 18, 1983, suspension withdrawn	Mar. 19, 1976.
Wells	Bluffton, city of	180289B	do	Sept. 12, 1975.
Harrison	Corydon, town of	180086B	do	June 11, 1976.
Spencer	Grandview, town of	180238B	do	July 9, 1976.
Huntington	Huntington, city of	180094B	do	June 4, 1976.
Huntington	Unincorporated areas	180436B	do	June 22, 1979.
Allen	New Haven, city of	180004B	do	May 21, 1976.
Ohio:				
Columbiana	East Liverpool, city of	390078B	do	Jan. 16, 1974, Nov. 7, 1975.
Brown	Ripley, village of	390036B	do	May 31, 1974, May 21, 1976.
Belmont	Shadyside, village of	390031D	do	Nov. 23, 1973, May 21, 1976, Jan. 21, 1977, Sept. 2, 1977.
Wisconsin: Green	Albany, village of	550156B	do	Jan. 9, 1974, Apr. 16, 1976.
Region VIII				
Colorado: Boulder	Jamestown, town of	080216B	do	July 11, 1975.
Region IX				
California: Tulare	Porterville, city of	060407C	do	Sept. 26, 1978.
Region X				
Alaska: Kobuk division	Kotzebue, city of	020059B	do	June 21, 1974.

[1] Formerly the city of Anaconda, MT. The city and Deer Lodge County have consolidated to form a new consolidated government. All references to the City and County as separate entities will be deleted and all maps will be rescinded.

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

Issued: August 3, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-22101 Filed 8-11-83; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1175

[Ex Parte No. 429]

Elimination and Modification of Certain Securities Regulations; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Final rules and application requirements and issuance of final policy statement; correction.

SUMMARY: At 48 FR 26317, June 7, 1983, as corrected at 48 FR 30639, July 5, 1983, the Commission adopted its proposal to eliminate certain securities regulations and modify others. The rules removed Part 1176, and relieved motor carriers of the regulations in Part 1175. Paragraphs § 1175.3(c), § 1175.6(d), and § 1175.7(b) were inadvertently omitted from the text of those revised sections. Those errors are corrected by this notice.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245, or John J. Mattras, (202) 275–7677.

SUPPLEMENTARY INFORMATION: At 48 FR 26318, the following corrections are made:

PART 1175—[AMENDED]

(1) The revised text of § 1175.3 is corrected by adding the following paragraph (d):

§ 1175.3 Definitions.

* * * * *

(d) The terms "nominally issued", "nominally outstanding", "actually issued", and "actually outstanding" are used herein as they are defined by the Commission for purposes of the uniform system of accounts and annual reports of railroads and motor carriers.

(2) The revised text of § 1175.6 is corrected by adding the following paragraph (d):

§ 1175.6 Issuance of short-term notes.

* * * * *

(d) Carrier or corporations within the exemptions provided in 49 U.S.C. 11302 are not required to file certificates of notification.

(3) The revised text of § 1175.7 is corrected by adding the following paragraph (b):

§ 1175.7 Reports of securities issued or obligations assumed.

* * * * *

(b) On or before March 31 of the year following the year to which it relates, the respondent shall report in and as a part of its Annual Report Form to the Commission, concerning the securities issued and obligations assumed during such year.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-22077 Filed 8-11-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Description of the Habitat of Sarracenia oreophila, an Endangered Plant

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Rule-related notice.

SUMMARY: On September 21, 1979, the U.S. Fish and Wildlife Service listed a plant, *Sarracenia oreophila* (green pitcher plant), as an Endangered species under the Endangered Species Act of 1973 (the Act). Critical Habitat was not detrermined due to taking pressures on this plant. To satisfy the terms of a settlement agreement reached in litigation over this listing and to try to alleviate public concerns about its effects, the Service is further clarifying the range of *Sarracenia oreophila* in this notice. This is an informational notice only and does not designate Critical Habitat pursuant to Section 4 of the Act.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Jordan, Endangered Species Supervisor, U.S. Fish and Wildlife Service, Jackson Mall, Suite 3185, 300 Woodrow Wilson Avenue, Jackson, Mississippi 39213 (601/960–4900).

SUPPLEMENTARY INFORMATION:

Background

When the Endangered Species Act was passed in 1973, Section 12 directed the Smithsonian Institution to develop a report on Endangered, Threatened, and extinct U.S. Plants. On January 9, 1975, the Secretary of the Smithsonian Institution presented his report to Congress. This report contained a list of 3,000 plants considered to be Endangered, Threatened, or extinct, including *Sarracenia oreophila*. On July 1, 1975, the Director, U.S. Fish and Wildlife Service, published a notice of species being reviewed for listing under the Act (40 FR 27824), which also included *Sarracenia oreophila*. This was followed by a proposal on June 16, 1976 (41 FR 24524). Public hearings on the proposal were held in Hawaii, California, Missouri, and Washington, D.C., during July and August 1976. The Service notified State agencies, Federal agencies, interested parties, and botanists of this proposal. All comments received in response to the proposal were summarized on April 26, 1978 (43 FR 17910). On September 21, 1979, the Service published a final rule (44 FR 54922) indicating its determination that *Sarracenia oreophila* is an Endangered species.

The effective date of the final rule was postponed from October 21, 1979 to April 7, 1980, to allow for a public meeting to be held in Gadsden, Alabama, on February 7, 1980, for the purpose of better informing the public about this listing. Public views, both supporting and opposing the listing, were expressed at that meeting, but as no new biological or economic information was presented, the rule became effective on April 7, 1980.

On September 24, 1980, a lawsuit was brought against the Secretary of the Interior and the Director of the U.S. Fish and Wildlife Service. The suit alleged that several of the Endangered Species Act's Procedural requirements, Executive Order 12044, and its implementing regulations had been violated by the listing of *Sarracenia oreophila*. The Department of the Interior maintained that the listing complied with all applicable statutory and regulatory requirements. On November 6, 1981, both parties and the court agreed to a stay of the suit for 1 year, during which time a recovery plan for the species was developed and settlement negotiations occurred between the plaintiffs and defendents. The lawsuit (*Dekalb County Comm., et al. v. James G. Watt, et all.*) was settled by the parties on May 12, 1983, and dismised on May 17, 1983. One of the stipulations in the settlement of this litigation requires that the Service further clarify for the public general geographic location, habitat, and distrubution of *Sarracenia oreophila* (green pitcher plant). The Service previously provided this general information at the 1980 public meeting in Alabama. It is hoped that this information will allay fears that the listing of *Sarracenia oreophila* will adversely affect the economic growth and development of the region within which the plant occurs. A description of the general geographical location, habitat, and distribution of *Sarracenia oreophila* follows:

Sarracenia oreophila is presently restricted to the Cumberland Plateau and the Ridge and Valley Province of northeast Alabama and to the Blue Ridge of Georgia. This species

previously occurred in the Coastal Plain and Piedmont of Alabama and Georgia and also in central Tennessee. The green pitcher plant is currently known to occur on 20 sites in the States of Alabama and Georgia. Nineteen of these are located in the Alabama counties of Cherokee (2), DeKalb (9), Etowah (3), Jackson (1), and Marshall (4). The single Georgia site is located in Towns County. All of these sites are extremely small in terms of area actually occupied by the plant, which number from one plant at two of the sites to approximately 1,000 plants at two other sites. The individual areas occupied by plants range from approximately 1 square meter to less than an acre, with all areas totalling less than 5 acres. This information is summarized in the following table.

County	Numbers of sites	Estimated	
		Number of plants	Total area occupied (acres)
Cherokee	2	1,025	0.4
DeKalb	9	177	1.0
Etowah	3	72	0.5
Jackson	1	80	0.5
Marshall	4	426	1.7
Towns	1	1,000	0.5

The natural climax vegetation of the region where *Sarracenia oreophila* occurs is predominantly mixed mesophytic forest and oak-hickory forest. Because of clearing for agriculture, logging, and other human activities, little, if any, virgin climax vegatation persists. The region is now vegetated primarily by crop plants, pasture plants, and second-growth forests of varying composition. The habitats of extant populations of *Sarracenia oreophila* vary but include three basic types: mixed oak or pine flatwoods, seepage bogs, and streambanks. Historically, this species has occurred in other habitats, but most of the known populations now occur in one of these three habitate types. Soil of these sites are generally highly acidic and derived from sandstones or shales. Soils of woodland and bog sites are sandy clays or loams with abundant organic matter in the uppermost layers. Soils of green pitcher plant streambank sites may be almost pure sand. Although the plant sites constitute a variety of habitat types, a factor common to all is high soil moisture during certain seasons.

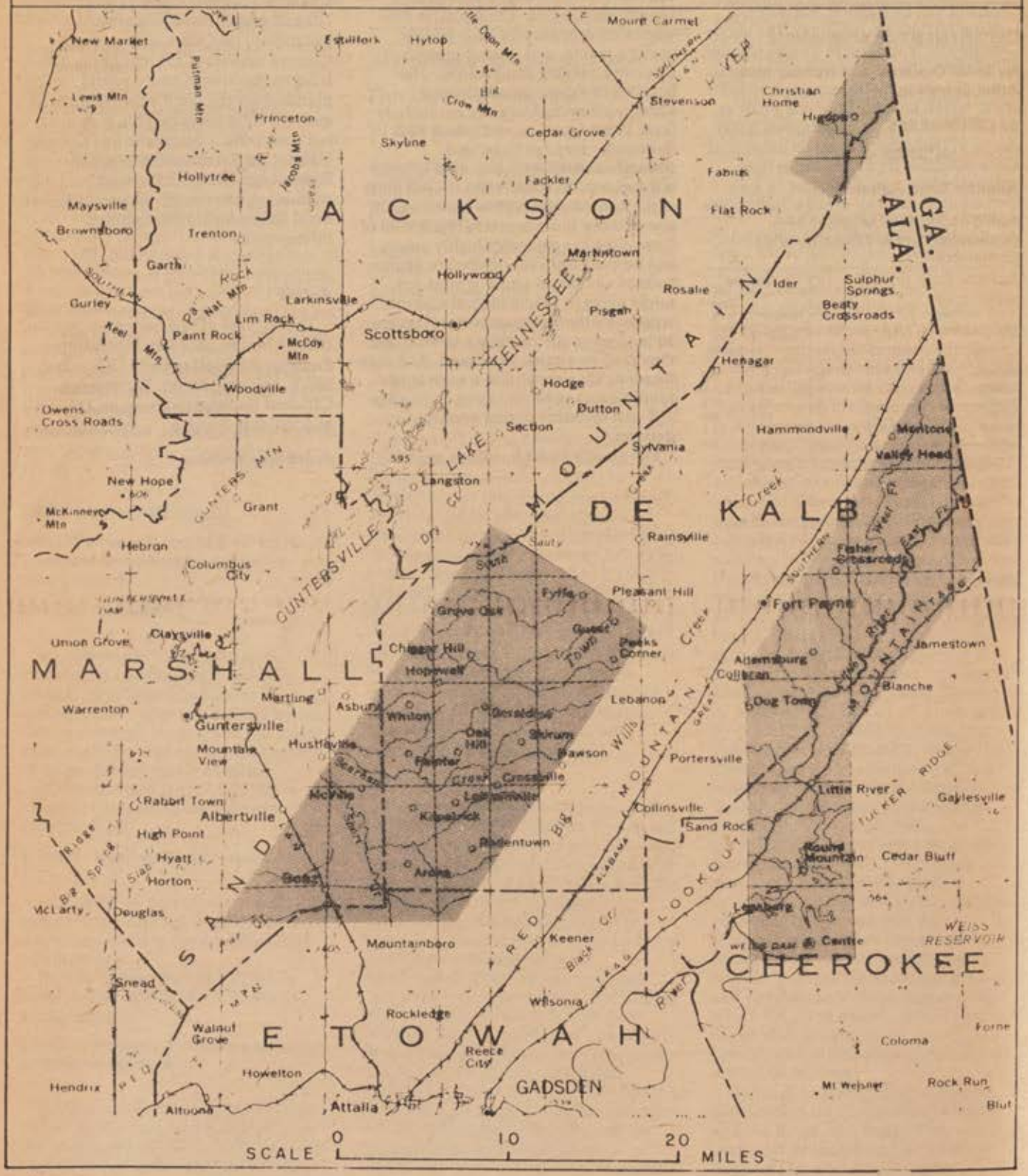
The plant's exact localities are not being published due to the possibility of causing increased collecting. However, the general area occupied in Alabama by *Sarracenia oreophila* is delineated on the map which follows. The one Georgia location occurs near Lake Chatuge in Towns County. Since Lake Lake Chatuge is a well known geographic landmark, a map is not deemed necessary for that State. This information should prove useful for planning for the plant's protection and easing public concers. This map does not constitute a designation of Critical Habitat for *Sarracenia oreophila*. Federal agencies, landowners, and other parties can contact the Service's Jackson Field Office for further location information.

Author

The authors of this notice are Mr. Dennis Jordan, Jackson, Mississippi, Endangered Species Field Office and Ms. E. LaVerne Smith, Washington Office of Endangered Species, U.S. Fish and Wildlife Service.

BILLING CODE 4310-55-M

GENERAL LOCATION OF KNOWN
GREEN PITCHER PLANT COLONIES
IN ALABAMA



BILLING CODE 4310-55-C

Dated: August 8, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-22084 Filed 8-11-83; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 30808-151]

Atlantic Tuna Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Rule-related notice; inseason adjustment.

SUMMARY: NOAA issues this notice to change the catch rate limit for giant Atlantic bluefin tuna in the General category from one to two fish per day per vessel. The regulations governing this fishery prescribe this change because the reported catch of giant Atlantic bluefin tuna as of August 7, 1983, is below 30 percent of the allowable take. The increase in the catch rate limit will provide handgear fishermen a better opportunity to harvest the quota.

EFFECTIVE DATE: August 10, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Jerome, Jr., National Marine Fisheries Service, Northeast Region, State Fish Pier, Gloucester, MA 01930, Tel: 617-281-3600, ext. 325.

SUPPLEMENTARY INFORMATION: Final regulations governing the Atlantic bluefin tuna fishery were published on June 17, 1983 (48 FR 27745). The regulations require the Assistant Administrator for Fisheries, NOAA, to reassess the daily catch rate limit for giant Atlantic bluefin tuna based on specified criteria. Section 285.24(a) provides: "On or about August 7, the Assistant Administrator will review dealer and buy-boat reports to determine the total catch of giant Atlantic bluefin tuna. If the Assistant Administrator determines that 30 percent or more of the General category quota of giant Atlantic bluefin tuna is caught, the allowable catch rate limit will remain at one gaint Atlantic bluefin tuna per day per vessel; if the Assistant Administrator determines that less than 30 percent of the quota has been caught, the allowable catch rate limit will be increased to two giant Atlantic bluefin tuna per day per vessel."

The Assistant Administrator has determined that the catch of giant Atlantic bluefin tuna in the General category is approximately 345 fish or 95 short tons. Since this amount is less than 30 percent of the total quota, the daily catch rate limit of giant Atlantic bluefin tuna will be increased from one to two fish per day per vessel on August 10, 1983. This catch rate limit will remain in effect at least until on or about September 7, 1983, when the Assistant Administrator will reevaluate the catch rate limit, as prescribed by § 285.24(a). The change in the daily catch rate limit for giant Atlantic bluefin tuna does not apply to those vessels registered in the Harpoon Boat or Incidental categories.

Notice of the change has been provided to all dealers and vessel operators permitted by NOAA to operate in the Atlantic bluefin tuna fishery.

This notice implements a provision required by § 285.24(a) of the final regulations. The effects of this inseason adjustment of the daily catch rate limit on the participants in the fishery were considered in the design of the final regulations.

This action is taken under the authority of regulations as specified at 50 CFR 285.24(a), and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 285

Administrative practice and procedure, Fish, Fisheries, Fishing, Imports, International organizations, Penalties, Reporting and recordkeeping requirements.

(16 U.S.C. 971 *et seq.*)

Dated: August 8, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-22058 Filed 8-9-83; 1:40 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 157
Friday, August 12, 1983

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

CIVIL AERONAUTICS BOARD

14 CFR Part 241

[Economic Regulations Docket 41608]

Uniform System of Accounts and Reports for Certificated Air Carriers; Passenger Origin and Destination Survey Reports

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to allow carriers to report a reduced number of fare basis codes in the Passenger Origin and Destination Survey Report and to extend the expiration date of the Origin and Destination Survey from January 1, 1984 to January 1, 1985. The proposal is at the CAB's own initiative to reduce carrier and government burden and to assure the availability of data until the Board sunsets.

DATES: Comments by: October 10, 1983. Reply comments by: October 25, 1983.

Comments and other relevant information received after these dates will be considered by the Board to the extent practicable.

Requests to be put on the Service List by: August 22, 1983.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41608, Civil Aeronautics Board 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Jack M. Calloway or Thad Machcinski, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: All U.S. certificated route air carriers providing scheduled passenger service are required to file reports for a Passenger Origin-Destination (O & D) Survey. Helicopter and wholly intra-Alaska carriers are exempt. In addition, the Board has waived O & D reporting for the great majority of certificated air carriers operating aircraft with 60 seats or less in strictly domestic transportation. The O & D Survey is based on a continuous 10 percent sampling of lifted flight coupons and includes basic information on passenger origins and destinations, routings, choice of carriers, fare basis, and dollars paid for purchased transportation.

In the Board report entitled "CAB Information Systems and Early Sunset (Analysis of Comments and Staff Recommendations)," dated June 15, 1982, the staff recommended, among other things, that the Board solicit comments on whether to continue to collect fare data in the O & D Survey. This proposed rulemaking seeks public comment on the fare data elements contained in the O & D Survey, namely, the total-dollar-value-of-ticket (fare plus tax) and the fare-basis on each flight coupon stage. It also would move the expiration date of O & D reporting from January 1, 1984 to January 1, 1985.

Total Dollar Value of Ticket (Fare Plus Tax)

The data element for total dollar value of the ticket was added to the O & D Survey in 1978. Its purpose was to provide the Board with a comprehensive, industry-wide mechanism with which to monitor the full-fare displacement caused by deep-discount fares. The importance of discount fares was a new phenomenon at the time, and since fare regulation was to continue until the end of 1981, the Board needed an adequate data base to evaluate the effects of its discount fare decisions on the quality and kinds of service afforded the traveling public.

Besides monitoring the effects of discount fares, the dollar-value-of-ticket data has also been used by the Board in determining fare levels by individual market, in developing staff studies on changes in airline fares, and in evaluating the effects of deregulation on the airline industry.

While it is apparent from the above discussion that dollar-value-of-ticket data had been a useful management and regulatory tool, the prevailing feeling in June 1982 was that the Board no longer needed this data. This conclusion was reached because the Board was soon to lose its authority to set fares in the domestic United States.

Today, however, the dollar-value-of-ticket data for domestic markets of 500 miles or less is needed in helping to administer the Board's essential air service program. This is the only source of data available to estimate yields by market in subsidy cases. In addition, the Board uses this data to evaluate carrier fare proposals by comparing the proposals to fares charged in markets of similar distance and traffic density. With the revenue allocation problems involved with linear route and mini-system proposals filed recently, the Board's need for meaningful market revenue data is increasing rather than decreasing. The Department of Transportation, which will be administering the essential air program after sunset, is not opposed to retaining dollar-value-of-ticket data for markets of 500 miles or less.

Data related to domestic markets greater than 500 miles apart or related to international markets could be eliminated from the O & D Survey since the dollar-value-of-ticket is only needed for domestic markets of 500 miles or less. We are not proposing elimination in this rulemaking, however, because we feel that it would be more burdensome to scan each survey ticket coupon for mileage and international points than it would be to report dollar-value-of-ticket data for all survey coupons. Nevertheless, the Board would like comments on an alternative which would be cost effective to carriers with either manual or ADP systems.

Fare Basis Codes

Currently, carriers consolidate the fare-basis codes shown on surveyed tickets into approximately 100 summary codes before submission to the Board. These summary codes are then further summarized at the Board into 15 categories prior to their inclusion in the O & D Survey data base.

The Board intends to reduce the number of fare categories it uses from 15 to six major categories, namely, first class, first class discounted, coach, coach discounted, other and unknown. In addition, we intend to give carriers the option of consolidating their fare-basis codes into these six categories prior to submitting data to the Board.

Basically, the changes outlined above are technical in nature and in the past were communicated to the carriers submitting Survey reports by the issuance under delegated authority of Passenger Origin-Destination Directives. In ER–1201 (45 FR 67656, October 14, 1980), however, we stated that we would not use the directive approach to make a change to the O & D Survey which materially alters its scope or which increases the burden to the carriers of complying with the change without first giving notice in a rulemaking so that carriers affected can submit comments. Thus, a proposed Passenger Origin-Destination Directive which would implement the fare-basis code modifications is attached as Exhibit A. The proposed O & D directive contains two fare-base code lists. The first is the list of approximately 100 summary codes which carriers have been reporting to the Board since July 1981 and which remains unchanged. The second list, however, is the changed Board summary of fare basis codes listing six categories which carriers may use at their option to file O & D Survey data in lieu of the first list.

The objective of this action is to publish only those fare-basis codes which are absolutely necessary to carry out the CAB's regulatory functions and to reduce the Board's ADP processing burden. We would like comments on the cost advantage to the carriers, if any, of this change.

Expiration Date of Passenger Origin-Destination Survey

ER–1201, which made participation in the O & D Survey mandatory, contained a provision calling for the expiration of O & D reporting on January 1, 1984. This provision was included to insure that the Board had the data it needs: (1) To complete the report to Congress on deregulation, (2) to carry out its other regulatory tasks before sunset and (3) to guarantee that the need for the O & D Survey was reexamined in 1983 to determine what, if any, data should be continued for CAB program purposes and whether data no longer needed by CAB should be transferred to other Federal agencies or organizations having a strong interest in its continued existence.

We are proposing in this rulemaking to change the expiration date of O & D reporting from January 1, 1984, to January 1, 1985. This extension is needed to complete a thorough examination of O & D reporting to decide the shape and form of the Survey to be transferred at sunset. In the June 1982 study, the CAB identified its post-sunset needs for O & D as including domestic data for essential air service points only, plus international O & D data. The Department of Transportation indicated in their comments on the "CAB Information Systems and Early Sunset" that both full domestic and international O & D data are essential to their programs. In addition, the Bureau of Labor Statistics of the Department of Labor indicated that it uses O & D Survey data to establish the sample of trips that are priced for the airline fare component of the Consumer Price Index. However, the examination mentioned above cannot be completed by the end of 1983 because the Board's staff resources are spread much thinner than could have been expected when the January 1, 1984, expiration date was included in ER–1201. Furthermore, even if the study were completed in 1983, its findings would be difficult to implement until 1984.

Regulatory Flexibility Act

The Board certifies that this rule, if adopted as proposed, will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96–354. Small airlines have been granted waivers from the Origin and Destination Survey reporting requirements, and thus are not affected by these proposed changes.

Paperwork Reduction Act

The collection-of-information requirements in this proposal are subject to the Paperwork Reduction Act, Pub. L. 96–511, 44 U.S.C. Chapter 35. Those requirements have been submitted to the Office of Management and Budget (OMB) for review and comment. Persons may submit comments on the collection-of-information requirements to OMB and to the Board. Comments sent to OMB should be addressed: Office of Information and Regulatory Affairs, ATTN: Desk Officer for Civil Aeronautics Board, Office of Management and Budget, Washington, D.C. 20503.

List of Subjects in 14 CFR Part 241

Air carriers, and Uniform system of accounts and reports.

Proposed Rule

PART 241—[AMENDED]

The Civil Aeronautics Board proposes to amend 14 CFR Part 241, as follows:

Paragraph (f) in § 19–7 would be revised to read:

§ 19–7 Passenger Origin-Destination Survey.

* * * * *

(f) The requirements of this section will expire on January 1, 1985, unless extended by the Board.

(Secs. 101, 204, 401, 402, 403, 404, 407, 411, 416, 417, 901, 902, 1002, 1601, Pub. L. 85–726, as amended, 72 Stat. 737, 743, 754, 758, 766, 769, 774, 783, 788; 76 Stat. 145, 92 Stat. 1744; 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1472, 1482, 1551; sec. 43, Pub. L. 95–504, 92 Stat. 1750, 49 U.S.C. 1552)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

Exhibit A—Civil Aeronautics Board, Office of Comptroller; Information Management Division

Passenger Origin-Destination Directives

No.:
Issue Date:
Effective Date:
Section
Subsection
Paragraph

Subject: Lists of Far-Basis Codes for Passenger O & D Survey Report

We transmit the enclosed lists of fare-basis codes for guidance in the preparation of your company's passenger O & D Survey report.

List A is intended to display all combinations of one- and two-character fare-basis codes which are acceptable for O & D Survey reporting. Codes with three or more alphabetic characters (except YMA and YMZ) or with one-alphabetic character followed by a numerical suffix which denotes a discounted fare (Y2, Y5, etc.) are to be shown as two alphabetic characters by placing the prime code in the left-hand position and substituting the discount code "D" for the remainder of the code combination. Further, disregard any suffix which denotes the number of days or months of validity and record only the prime code. The numerical suffixes for two-letter codes, such as YE27, YG8, and YV12 are to be ignored. The codes YMA and YMZ (Military Categories A and Z) are treated as MA and MZ, respectively.

List B, on the other hand, displays the codes contained in List A consolidated into the six major categories that will be shown in the Board's O & D tables.

Each carrier has the option of submiting its O & D Survey data pursuant to either List A or List B.

This directive will not longer be issued on a quarterly basis, but only when a change necessitates. If you have any questions, please contact Michael J. German of my staff at (202) 673–5924.

Robin A. Caldwell,

Chief, Information Management Division, Office of Comptroller.

BILLING CODE 6320-01-M

List A

MASTER LIST OF FARE-BASIS CODES FOR PASSENGER O & D SURVEY

Modifying codes 2/	Prime codes 1/ A	B	C	F	H 3/	K	M	R	S	T	U	Y	Z
A	-	-	-	-	-	-	MA	-	-	-	-	-	-
C	-	-	-	-	-	-	-	-	-	-	-	YC	-
D	AD	BD	CD	FD	-	KD	-	-	SD	TD	-	YD	ZD
E	AE	BE	-	FE	-	KE	-	-	SE	TE	-	YE	ZE
G	AG	-	-	-	-	KG	-	-	SG	-	-	YG	-
H	AH	BH	-	FH	-	KH	-	-	SH	-	-	YH	ZH
I	AI	-	-	FI	-	KI	MI	-	SI	-	-	YI	-
J	AJ	-	CJ	FJ	-	KJ	-	-	SJ	TJ	-	YJ	-
L	AL	BL	-	FL	-	KL	-	-	SL	-	-	YL	ZL
M	AM	-	-	FM	-	KM	-	-	-	-	-	YM	-
N	AN	-	CN	FN	-	KN	-	-	SN	TN	-	YN	-
O	AO	-	-	FO	-	KO	-	-	SO	-	-	YO	-
P	-	-	-	FP	HP	-	-	-	-	-	-	YP	-
Q	-	-	-	FQ	-	-	-	-	-	-	-	YQ	-
R	AR	-	CR	FR	-	KR	-	-	SR	TR	-	YR	-
U	AU	-	-	FU	-	KU	-	-	SU	-	-	YU	-
V	-	-	-	-	-	-	-	-	SV	-	-	YV	-
W	AW	-	-	FW	-	KW	MW	-	SW	TW	-	YW	-
X	AX	-	-	FX	-	KX	-	-	SX	TX	-	YX	-
Z	-	-	-	-	-	-	MZ	-	SZ	-	-	YZ	-

Two-letter combinations

1/ To be entered in the left-hand position in the two-letter field.
2/ Must be used with a prime code, and the two-letter combination entered in the two-position field with the prime code in the left-hand position and the modifying code in the right-hand position.
3/ Cannot be used as a prime code and can only be used in combination as "HP".

NOTES: 1. The special codes of MA and MZ are to be used for Military Categories A and Z.

Market Data Section
Information Management Division
Office of Comptroller

BILLING CODE 6320-01-C

FARE-BASIS CODE LIST

Fare-basis group	Code shown in table	Individual codes in source data consolidated into fare-basis groups
A. First class	F	A, AH, AI, AL, AO, F, FH, FI, FL, FO, FQ, R
B. First class discounted	FD	AD, AE, AG, AJ, AN, AR, AU, AW, AX, FD, FE, FJ, FN, FP, FR, FU, FW, FX, HP.
C. Coach	Y	B, BH, BL, S, SH, SI, SL, SO, T, Y, YH, YI, YL, YO, YQ.
D. Coach discounted	YD	BD, BE, C, CD, CJ, CN, CR, K, KD, KE, KG, KH, KI, KJ, KL, KN, KO, KR, KU, KW, KX, SD, SE, SG, SJ, SN, SR, SU, SV, SW, SX, TD, TE, TJ, TN, TR, TW, TX, U, YC, YD, YE, YG, YJ, YN, YP, YR, YU, YV, YW, YX.
E. Other	Z	AM, FM KM, M, MA, MI, MW, MZ, SM, SZ, YM, YZ, Z, ZD, ZE, ZH, ZL.
F. Miscellaneous and unknown	UK	UK or blank.

[FR Doc. 83-22014 Filed 8-11-83; 8:45 am]
BILLING CODE 6320-01-M

14 CFR Parts 241, 298 and 385

[Docket: 41607]

Small Air Carriers; Reporting Requirements

July 27, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to: (1) Reduce reporting requirements to a minimal level for small certificated air carriers operating small aircraft in strictly domestic passenger service, (2) limit the reporting of mail and cargo data by carriers operating only small aircraft to intra-Alaskan passenger carriers, and (3) establish a new report to obtain limited financial data from carriers operating only small aircraft. These proposed actions will more closely align the data collected with the Board's data needs as it moves towards sunset, while recognizing the current and post-sunset needs of other Federal agencies that continue to require aviation data now collected by the Board.

DATES: Comments by: October 10, 1983. Reply comments by: October 31, 1983.

Comments and other relevant information received after these dates will be considered by the Board to the extent practicable.

Requests to be put on the Service List by: August 22, 1983.

Docket Section prepares the Service List and sends it to persons listed, who then serve their comments on the others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41607 Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Jack Calloway, (202) 673-6042 or Sandra Park, (202) 673-5276, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: In light of the impending "sunset" of the CAB and in view of the Paperwork Reduction Act (Pub. L. 96-511)[1] that took effect on April 1, 1981, the Board has been reviewing the need for its reporting requirements and information systems. The purpose of this review has been to determine which reporting requirements could be eliminated or reduced at or before sunset and which should be transferred to other agencies. Decisions are based on whether the regulatory program that a reporting requirement supports transfers at sunset or expires, and on whether there is still a regulatory need for the report. The conclusions of this review are contained in the staff report "CAB Information Systems and Early Sunset" (Docket 40024), which the Board approved for public release on September 15, 1981.

The Board sent this staff report to the heads of other Federal agencies for their comments before rulemakings were initiated. It recognized that these agencies also use CAB data and that changing the data collection system might impair their programs. The Board also sent the staff report to airline presidents, State aeronautical agencies, hub airport executives, and about 275 other interested persons to obtain their views and to let them know that the Board might stop collecting data that they are relying on.

In analyzing comments, particular consideration has been given to the input of other Federal agencies that will be administering the transferring programs after sunset. Because the Department of Transportation (DOT) will administer most of the Board's remaining programs after sunset, great weight has been given to their views in these matters. A summary of the comments received and the staff position are contained in the staff report "CAB Information Systems and Early Sunset (Analysis of Comments and Recommendations)," Docket 40024, dated June 15, 1982. The Board approved the release of this report to the public on June 8, 1982.

In this rulemaking proceeding, the Board proposes to: (1) Remove certificated air carriers operating small aircraft (60 seats or less or 18,000 pounds maximum payload or less) in strictly domestic passenger service from the Part 241 accounting and reporting requirements, and place these carriers under a less extensive Part 298 reporting system, (2) limit the reporting of mail and cargo data on CAB Form 298-C, Schedule T-1 to intra-Alaskan carriers, and (3) establish a new report to obtain summary financial data from commuter air carriers [2] and small certificated air carriers.[3]

Changes in Reporting Requirements for Small Certificated Air Carriers

Currently, Part 241 (14 CFR Part 241) requires all air carriers holding certificates issued under Section 401 of the Federal Aviation Act of 1958 (Act), as amended, to maintain a prescribed accounting system and to file periodic reports with the Board. These reports include Form 41 financial and statistical schedules, service segment data and the passenger Origin-Destination Survey.[4]

On August 25, 1982, based on the recommendation of the June 15, 1982, staff report to reduce the reporting burden on small certificated air carriers, the Comptroller [5] notified Group I carriers (carriers with operating revenues under $75 million) that waivers from Part 241 reporting requirements would be granted to requesting carriers

[1] The main objectives of this law are to eliminate those reporting burdens that are found to be unnecessary and insure that information requests of the public are necessary.

[2] Commuter air carrier means an air taxi operator that carriers passengers on at least five round trips per week on at least one route between two or more points according to its published flight schedules that specify the times, days of the week, and places between which those flights are performed.

[3] Small certificated air carrier means an air carrier holding a certificate issued under section 401 of the Federal Aviation Act of 1958, as amended, that only operates aircraft with 60 seats or less or 18,000 pounds maximum payload or less in strictly domestic passenger service.

[4] Intra-Alaskan and helicopter carriers are exempt from the Survey.

[5] Acting under delegated authority in § 385.27(c) of the Board's Organization Regulations (14 CFR 385.27 (c)).

if the following two conditions were met:

(1) They operate only small aircraft in strictly domestic service; and

(2) They file CAB Form 298–C "Report of Scheduled Passenger Operations of Commuter Carriers" reflecting summary traffic data and on-line origin and destination data, a new temporary "Report of Aircraft Operating Expenses and Related Statistics" reflecting aircraft and indirect costs and related statistics,[6] and Form 41, Schedule G–41 "Persons Holding More Than 5 Per Centum of Respondents Capital Stock or Capital," if applicable under part 241. Approximately, thirty carriers or the greater majority of small certificated air carriers took advantage of the waiver offer. It was understood that the term of the waiver would last only until the Board issued a final rule on small air carrier reporting.

In this rulemaking, we are proposing to incorporate into the regulations the reporting reductions granted by the waivers, thereby removing small certificated air carriers from the Part 241 reporting requirements and placing them instead under the less extensive Part 298 (14 CFR Part 298) reporting system. In addition to the traffic data currently required to be reported under Part 298, the Board will continue to need data on aircraft and indirect cost and related statistics from all small certificated air carriers to administer its subsidy program as mandated by Section 419 of the Act (Pub. L. 95–504), and data on fuel consumption by aircraft type from intra-Alaskan small certificated air carriers in order to set mail rates as required by Section 406 of the Act. Therefore, we are proposing to make the filing of this temporary report, with the addition of the fuel consumption data, a permanent requirement under Part 298 for these carriers. Under this proposal small certificated air carriers would be required to file this report, designated CAB Form 298–C, Schedule F–2 in proposed §298.63, on a quarterly basis. Based on the high degree of accuracy of similar reports filed under delegated authority, it appears that compliance with this proposed reporting requirement will not impose a significant burden on any new certificated air carrier.

The Board will still need employment data from small certificated air carriers that held 401 certificates on October 24, 1978, in order to fulfill its responsibilities under the Employee Protection Program, that was established under section 43 of the Airline Deregulation Act (Pub. L. 95–504). Because only three [7] of these small carriers held certificates on October 24, 1978, we have decided against imposing a general reporting requirement in Part 298 of the Board's Economic Regulations to obtain employment data. Instead, we will require these carriers to submit these data on special reports as directed by the Board's Comptroller using delegated authority [8] when needed.

DOT supports reducing the reporting burden on small certificated air carriers; however, it states that it needs summary financial data and nonscheduled passenger enplanement data from these carriers. We are asking DOT to document for the record its need and economic justification for these reporting requirements.

Summary financial data is needed by DOT for forecasting traffic, trust fund revenues, system planning, assessing operations, airport development, safety, equipment acquisition. It has asked the Board to establish a reporting requirement to collect four financial summary data elements: total operating revenues, total operating expenses, net income, and passenger revenues-scheduled service. DOT's proposal for financial data is discussed in greater detail under "Reporting of Financial Data by Small Aircraft Operators".

Revenue passenger enplanement data by airport are needed by DOT in support of the Airport Improvement Program. This is the program through which funds are apportioned to airport sponsors, as required by the Airport and Airway Improvement Act of 1982 (Pub. L. 97–248, 96 Stat. 671–702 (1982)). According to Section 505 of this Act, in order to maintain a safe and efficient nationwide system of public use airports to meet the present and future needs of civil aeronautics, the Secretary of Transportation is authorized to make grants from the Aviation Trust Fund for airport development and planning. The distribution of funds is based on revenue passenger enplanements, both scheduled and nonscheduled. At present DOT relies on the Form 41 for these enplanement data for certificated carriers. The current reporting requirements under Part 298 of the Board's Economic Regulations, however, only require carriers to report scheduled passenger enplanements. Therefore, by reducing the reporting requirements to the 298–C level for small certficated air carriers, DOT will no longer have a source of nonscheduled passenger enplanement data for this group. Even though the nonscheduled passenger enplanements reported by small certificated air carriers are a small percentage of the industry (less than 3 percent of the total nonscheduled enplanements reported by certificated carriers for the twelve month period ended June 30, 1982) the loss of these data could have an adverse impact, especially on small airports that are on the borderline of being eligible for funds. DOT, therefore, requests that we continue to require small certificated air carriers to report nonscheduled passenger enplanements by airport. This rule proposes to require these carriers to file this information quarterly on CAB Form 298–C, Schedule E–1, referred to in proposed § 298.64. Based on the small amount of nonscheduled passenger enplanement data filed on Form 41 by this group of carriers in the past, it appears that compliance with this reporting requirement will not impose a significant burden on the carriers, especially since they have filed this information in the past.

In summary, this proposed rule would require small certificated air carriers to file three quarterly traffic schedules (one schedule disclosing summary traffic statistics, one disclosing traffic by on-line origin and destination and one schedule disclosing nonscheduled passenger enplanements by airport) [9] and two quarterly financial schedules (one schedule disclosing summary financial data and the other disclosing aircraft and indirect costs).[10] This minimum level of reporting represents a significant decrease in reporting burden for these carriers. For example, under current regulations an unsubsidized Group I carrier with annual operating revenues below $10 million would be required to file 12 CAB Form 41 schedules with varying frequencies or a total of 63 schedules each year. An unsubsidized Group I carrier with annual operating revenues between $10 and $75 million would be required to file 21 CAB Form 41 schedules with varying frequencies or a total of 104 schedules each year. Under this proposal, regardless of revenue level, these same carriers, provided they operate only small aircraft in domestic passenger service, would only be required to file five quarterly CAB schedules or 20 schedules a year. This is a reduction of 68 or 81 percent in the number of

[6] This report was approved by the Office of Management and Budget (OMB) under number 3024–0058.

[7] The three carriers are: Aspen Airways, Inc.; Kodiak Western Alaska Airlines, Inc.; and Wrigtht Air Lines, Inc.

[8] Section 385.27(d) of the Board's Organization Regulations (14 CFR 385.27(d)).

[9] The first two reports are now required under Part 298.

[10] The report disclosing aircraft and indirect costs is now required under delegated authority.

schedules filed annually, depending on a carrier's revenue level.

Elimination of Mail and Cargo Data From CAB Form 298–C, Except for Intra-Alaskan Carriers

The staff report recommended that Schedules A–1 and T–1 of Form 298–C be limited to carriers operating small aircraft in domestic scheduled passenger service, thereby relieving all-cargo and mail carriers from filing. ER–1289, 47 FR 12948, March 26, 1982, removed all-cargo and mail carriers using small aircraft from the commuter air carrier definition and relieved them of the reporting requirements of Part 298. Consequently, the Board no longer receives any data from these carriers regarding the pounds of cargo and mail carried, as called for in columns 4 and 5 on Form 298–C, Schedule T–1, "Report of Revenue Traffic By On-Line Origin and Destination." However, the Board still receives such information from commuter carriers that carry mail and/or cargo on their scheduled pasenger flights.

This notice proposes to further limit the reporting of mail and cargo data on Form 298–C, Schedule T–1 to intra-Alaskan carriers operating small aircraft in scheduled passenger service. Presently, there appears to be no regulatory need for these data from carriers in the other 49 states; however, since cargo and mail account for as much as 50 percent of the revenues on Alaskan routes, these data are still needed by the Board in setting essential air service levels and 419 subsidy rates as required by Section 419 of the Act (Pub. L. 95–504).

Reporting of Financial Data by Small Aircraft Operators

DOT has asked the Board to exercise its authority under Section 407(a) of the Act to establish a reporting requirement for summary financial reporting from commuter and small certificated air carriers. It states that the Federal Aviation Administration (FAA) needs four financial summary data elements to fulfill its statutory obligations. The data elements are: Total operating revenues, total operating expenses, net income and passenger revenues-scheduled service.[1] This rule proposes to require these carriers to file this information quarterly on CAB Form 298–C, Schedule F–1, referred to in proposed § 298.62. While this rulemaking does not propose to have small certificated and commuter air carriers maintain a prescribed accounting system, we do encourage these carriers to comply with the accounting provisions in Part 241. We believe that good small carrier accounting systems, those firmly based on the requirements of Part 241, would enable the carriers to provide carrier management, as well as other users, more consistent, uniform and reliable reports.

DOT explains that although commuter type carriers represent a small portion of total commercial revenue, they now account for about one third of commercial aircraft activity at airports with FAA air traffic control service, and in numbers of aircraft, 40 percent of the industry. Furthermore, based upon current aviation forecasts, DOT anticipates that commuter type operations will grow to 50 percent of commercial aircraft activity during the next 10 years. Thus, the four requested financial elements have become increasingly necessary to support the current DOT/FAA programs discussed below.

FAA's primary functions are to: (1) Regulate air commerce by promoting its safety and proper development; (2) foster the growth of civil aeronautics both at home and abroad; (3) control the national airspace to insure its safe and efficient use; (4) develop and operate a common system of air navigation and air traffic control for both civil and military aviation; (5) promote the development of an effective national airport system; (6) regulate aviation security; and (7) insure the compatibility of aviation with the environment. (49 U.S.C. 1303, 1343–57, 1421 *et seq.* and 49 CFR 1.4(c) and 1.47.) To carry out these statutory responsibilities, the FAA is authorized to issue implementing rules and regulations (49 U.S.C. 1354(a)). These rules and regulations affect small air carriers in many ways such as equipage, safety, maintenance of aircraft, qualifications of flight crewmembers, and air traffic procedures.

The financial data requested by DOT and proposed in this notice will assist FAA in its internal review of these and other current regulations. In addition, these data will aid in the formulation of future proposals concerning the National Airspace System Plan, which will replace existing air traffic control system technology and introduce new capabilities and technological requirements. The proposed data will also aid in the formulation of proposals for revisions to airspace structure and air traffic procedures recommended by the National Airspace Review, an advisory committee created to assist DOT in determining what changes in the current air traffic control system are warranted (47 FR 17448, April 22, 1982).

In these cases and many others, including environment and safety regulations, the ability of DOT/FAA to act responsibly will be affected by its ability to evaluate the impact of proposed changes and options on the industry, including commuters. The requested financial data will provide FAA with the necessary information for cost/benefit analyses and a baseline from which to evaluate comments by carriers on the economic impact of proposed regulations.

DOT states that an example of where the cost/benefit analysis can occur is in deciding whether to "grandfather" proposed regulations such as retrofitting. Retrofitting to meet new safety standards can be costly to carriers; however, with financial data DOT can assess that financial impact of retrofit and develop proposals that ensure the public's safety, while minimizing unnecessary carrier expenditures.

By having the proposed financial data from small carriers, FAA will be able to promulgate better rules that are based on a sounder assessment of the financial status of the industry. This will help avoid unnecessary revisions to proposals, reduce administrative delays in the issuance of final rules where revisions are necessary and save thousands of dollars in legal fees and staff work for both the government and the affected parties.

A case in point was FAA's revision of security screening requirements for small carriers. FAA has originally proposed a much stricter version of Part 108 of its regulations than it eventually enacted. Carriers' comments alerted FAA to the potentially serious impact of the regulation and a less stringent rule was adopted. Much of the time and the money spent by both the FAA and the carriers in having the original rule revised could have been saved if FAA had had the financial data proposed in this rulemaking to assess the effects of the original rule on small carriers.

The proposed financial data are also needed by DOT to provide the Treasury and OMB with adjusted estimates of aviation trust fund revenues twice annually as required by the Aviation Trust Fund Act. The Aviation Trust Fund, with annual receipts currently in excess of $1 billion, is used to fund development and expansion of the National Airspace System. The econometric models developed by FAA to estimate trust fund revenues require

[1] The Department of Commerce has also expressed a need for passenger revenue-scheduled service data from these carriers for use in estimating personal consumption expenditures, constant dollar gross national product by industry, and input-output benchmarks of industry production.

commuter passenger yield forecasts. The two components of these forecasts are commuter passenger revenues and revenue passenger miles. Prior to deregulation and the awarding of certificated route air carrier status to some former commuter airlines, no financial data existed on which to forecast commuter air carrier revenues. However, using the subsequent reporting of financial data by these small certificated air carriers, FAA has attempted to improve the accuracy of the estimates of passenger revenues generated by commuter airlines, thereby improving the accuracy of the trust fund estimates.

Current FAA traffic forecasts indicate that the commuter air carriers will grow by an average annual rate of 10 percent over the next 12 years, more than twice the rate of the certificated air carrier segment of the industry, thus accounting for a much larger portion of the trust fund in future years. As this segment of the industry continues to grow rapidly, FAA's ability to make reliable estimates based on the financial data of a relatively few small certificated air carriers will be greatly reduced. Further, if financial data reporting requirements were eliminated for all commuter type carriers, the reliability of FAA's estimates of commuter trust fund revenues would be reduced considerably. Inaccurate projections of the trust fund revenues could seriously impair FAA's forecasting credibility with Congress. This could result in reduced funding levels for required aviation airspace improvement programs and thus materially affect safety of life and property involving millions of dollars in costs to carriers, the public and the government.

In addition to estimating trust fund revenues, the econometric models are used to assess other aeronautic needs. For example, these econometric models relate economic activity and cost variables [12] to commuter traffic and aircraft activity. The variables in the equations include traffic data and the proposed financial data. They have been selected so the FAA can address important policy issues concerning what effect changes in costs and taxes would have on the demand for aviation activity and total tax revenues. However, without a valid financial and traffic data base on which to project costs and yields, FAA cannot produce reliable traffic estimates. Inaccurate and unreliable aviation traffic and activity projections lead to higher cost for the nation's air carriers. Seriously overstating activity levels could cause the FAA to overbuild the National Airspace System and spend the taxpayers money unnecessarily. The cost of the resultant excess capacity would be borne by the air carriers and the traveling public through increased landing fees. On the other hand, understating activity levels would lead to reduced service to the public in order to try to maintain reasonable safety. The cost to the carriers would take the form of increased delays and inadequate service levels, reduced revenues, reduced profits, reduced safety and may lead to airline bankruptcies causing a loss of jobs to the country.

Another major need for the proposed financial data is to support the FAA's Aircraft Loan Guarantee Program. Under this program FAA assists eligible air carriers in purchasing aircraft by guaranteeing the loan. The Airline Deregulation Act of 1978 permitted commuter air carriers to participate in this program for the first time. As of March 31, 1983, these loans had an outstanding principal balance in excess of $619 million, with varying maturity dates extending through the mid 1990's. In the event of defaults FAA pays off the lenders and assumes ownership of the aircraft. DOT states that during the recent recession in the nation's economy and the aviation industry, some air carriers participating in the aircraft loan guarantee program have experienced financial difficulties and, in some cases, defaulted on their loans. Because of the problems defaults create, FAA needs the proposed financial data in order to increase its monitoring efforts to identify, as soon as possible, potential problem carriers.

Finally, the financial data proposed in this rulemaking would allow FAA and the Board to identify financially unstable carriers that may require further study in respect to safety and fitness regulations.[13] Even though the precise nature of the relationship between financial condition and safety has never been firmly established, the question still remains as to whether, on average, carriers are safe when financially unstable. In a field survey conducted by the National Transportation Safety Board as part of its investigation of commuter airline safety it was found that:

> About 65 percent of the commuter managers believe that there is a relationship between safety and financial and economic posture. According to the survey, financial problems could lead to: (1) Disregarding procedures and regulations; (2) discouraging pilots from listing maintenance deficiencies which might ground an aircraft; (3) increasing the likelihood of placing extra passengers or cargo on an aircraft that was at the maximum gross weight; (4) reducing the spare parts inventory, which would affect the maintenance program; and (5) reducing the quality of pilot training programs.
>
> Although the subject has not been documented extensively through accident investigations, the Safety Board believes that there is some correlation between safety and the economic posture of an airline.[14]

A further important use of the financial data sought under this rulemaking would allow the Board to continue to be aware of the financial operations of commuter carriers. This information may precipitate questions relating to the financial condition of the carriers and their ability to insure the integrity of consumer funds. This concern is an important component of both initial and continuing fitness investigations. Without regular reporting of this financial information, the Board's ability to effectively monitor this area would be considerably compromised.

As an alternative to mandatory reporting, now being proposed in this rulemaking, the Board recently attempted to collect financial data from commuter air carriers on a voluntary basis in order to evaluate the initial and continuing fitness of these carriers.[15] Scheduled passenger commuters subject to the Section 419(c)(2) fitness provisions of the Act were requested to voluntarily submit financial information to Dun and Bradstreet (D & B) for the quarters ended December 31, 1980, through December 31, 1981. It was believed that this voluntary program would be the most cost effective method of obtaining financial information from the commuters; however, it was also realized that the success of this program would depend entirely on the cooperation of the commuter carriers. It was initially determined that if 85 percent of the commuters submitted

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[12] An example of cost variables used in FAA's commuter model is "real" yield. This variable represents the real price increase in airline fares, discounting inflation, and is used in the model to forecast revenue passenger miles. First, the current dollar yield is derived by dividing passenger revenue by revenue passenger miles. "Real" yield is then derived by dividing the current yield by the Consumer Price Index. The "real" yield is then combined with one or more demand variables to generate the traffic forecasts.

[13] Section 419(c)(2) of the Act directs the Board to make fitness determinations on commuter carriers providing sevice to any "eligible point" and Section 401[r] makes that fitness requirement a continuing one.

[14] National Transportation Safety Board, *Special Study, Commuter Airline Safety 1970–1979*, NTSB-AAS-80-1, Washington, D.C., July 22, 1980, p. 29.

[15] Information memorandum to the Board, *CFMS Progress Report #12: Termination of Dun and Bradstreet (D&B) Contract; Fourth and Fifth Responses of Commuter Air Carriers to Staff Requests for Submission of Financial Data to D&B* March 24, 1982.

financial statements to D & B as requested, then this approach would be successful; if not, the Board should consider instituting mandatory reporting.

Prior to each submission deadline carriers were contacted by letter and/or by telephone. Even though it was stressed that voluntary submission of financial statements to D & B represented the least costly and least burdensome way for the commuters to provide the financial data needed by the Board, compliance with our request never reached 45 percent for any given quarter. For December 1981, the last quarter requested, only 21 percent of the commuters responded.

In addition to the apparent reluctance of commuters to voluntarily provide financial information for Board use to D & B, major problems were encountered concerning the uniformity of information submitted by the commuter carriers. The financial data that were received differed significantly as to the accounts and accounting treatment and varied widely as to reporting periods. Because of this, the information received could not be used for comparative analyses, thereby lessening its utility as an analytical tool. Comparative analyses under a mandatory reporting system are easily made and are used extensively by the Board in this programs.

Because of these problems, the voluntary D & B approach proved unsatisfactory. In a staff study it was concluded that if regular financial reporting is needed for commuter air carriers, it should be made mandatory. DOT supports this conclusion by stating that the voluntary approach would not satisfy its needs because the data tend to be incomplete, unverifiable and outdated. DOT agrees that mandatory Federal collection is needed to ensure uniformity, completeness, timeliness and confidentiality.

One major factor that seemed to encourage noncompliance with the voluntary system was the carriers' concern that their financial data would be publicly disclosed. Many commuters are privately or closely held, and their owners believe that disclosure of their financial data is not required in the interest of the public. Although contractual arrangements were made with D & B to safeguard the privacy of their financial data, they were still concerned that it would become freely available.

We believe their argument has merit; therefore, we are proposing to withhold individual financial data from public disclosure for a period of three years after the close of the calendar quarter to which the report relates.[16] The Board may release the data to the public before then in summary form without identifying individual carriers. We are including exceptions in the proposal for: (1) Parties to any proceeding before the Board to the extent such information is relevant and material to the issues in the proceeding upon a determination to this effect by the administrative law judge assigned to the case or by the Board; (2) agencies and other components of the Federal Government for their internal use only; and (3) the Board, for disclosure upon it own motion or upon application of any interested person when the Board finds the public interest so requires. Certain information submitted in the Form 41 report has been accorded confidential treatment under similar guidelines, and the system has worked quite well.[17]

We estimate that this proposed reporting requirement will result in a moderate increase in costs for commuter air carriers. Early in 1980, the Board conducted a survey of commuter carriers to determine, among other items, the marginal costs attributable to filing a balance sheet, income statement and appropriate footnotes on a quarterly basis. Based on 250 commuters, it was estimated that the average first-year cost, including start-up cost, would be $1,900 per carrier. Once the system was in place it was estimated that the annual recurring costs of recordkeeping and reporting would be $1,200 per carrier.

The four data elements proposed in this rule represent a great deal less than what was being considered in early 1980. They are the type of financial data generally maintained by all companies for Federal And State tax purposes. In fact, with respect to passenger revenues, carriers are required to file with the Internal Revenue Service a quarterly excise tax return on the transportation of passengers (26 CFR 49.6011(a)–1). Consequently, we estimate the set-up and recordkeeping costs to be nominal, with small recurring reporting costs.

Miscellaneous

1. Under Section 1601(a)(1)(c) of the Federal Aviation Act, the Board, as of January 1, 1982, no longer has authority to specify terminal or intermediate points in certificates authorizing domestic passenger air transportation. Therefore, this rulemaking proposes to amend Section 19–4, *Service classes*, of 14 CFR Part 241, by redefining scheduled and nonscheduled services, and removing references to points prescribed in certificates of public convenience and necessity.

2. In this rulemaking we propose to make a technical change in § 241.1–8 to reflect recent staff reorganizations.

3. In Regulation ER–1297, 47 FR 32915, July 28, 1982, four new schedules were added to the CAB Form 41 report. The schedules are: B–1.1, Balance Sheet for Small Air Carriers; B–43.1, Aircraft Inventory Data—Small Air Carriers; P–1.1, Statement of Operations for Small Air Carriers; and P–5.1(a), Statement of Aircraft Operating Expenses for Small Air Carriers. The term "small" used in the title of these schedules refers to the amount of the carrier's annual operating revenues. In PS–108, 47 FR 49963, November 4, 1982, effective November 13, 1982, the Board defined "small business" for purposes of the Regulatory Flexibility Act as a direct air carrier or foreign air carrier that provides air transportation only with small aircraft as defined in 14 CFR 298.2 (up to 60 seats/18,000 pounds payload capacity). In order to eliminate any possible confusion as to the meaning of the term "small", we propose removing "small air carrier" from the title of each of the aforementioned schedules.

4. In this rulemaking, we propose to amend Section 241.03 by removing the obsolete definitions "air carrier, supplemental" and "operations."

Editorial Amendments

1. Section 19–7, *Passenger origin-destination survey* was added to 14 CFR Part 241 by ER–1201, 45 FR 67656, October 14, 1980. Inadvertently Section 19–7 was not added to the Table of Contents. To correct this oversight, this proposed rule would add Section 19–7 to the Table of Contents.

2. This proposed rule would correct an error in 14 CFR 241, Section 19–2, *Maintenance of data*, paragraph (g), by eliminating incorrect references to various reporting requirements.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act (Pub. L. 96–354) took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulations of small businesses and other small entities. It requires regulatory flexibility analyses for rules that, if adopted, will have a "significant economic impact on a substantial number of small entities." Under the Act, both an increase or decrease in the

[16] The Board's Office of the General Counsel has advised that there can be no absolute guarantee that all of the financial information for all small aircraft operators can be kept confidential since such information may be subject to release under the Freedom of Information Act. If such requests are filed, they will be dealt with on a case-by-case basis.

[17] Part 241, Section 22(b).

economic impact must be considered by the agency.

In PS-108, 47 FR 49963, November 4, 1982, the CAB established guidelines for determining which airlines are "small businesses" for the purposes of the Regulatory Flexibility Act. Under the Board's definition, a direct air carrier or foreign air carrier will be considered a "small business" for the purposes of the Board's implementation of the Act if it provides air transportation only with small aircraft (up to 60 seats and/or 18,000 pound capacity.) The proposed changes in reporting requirements would affect small certificated air carriers, commuter air carriers, and commuter carriers operating combination aircraft in scheduled passenger service. All of these entities fit the definition of "small businesses" within the meaning of the Act. The Board tentatively concludes that the reduction of reporting requirements for small certificated carriers and for commuter air carriers operating combination aircraft will not have a significant economic impact within the meaning of the Act. The Board does, however, tentatively find that the addition of financial data reporting for commuter carriers will have a significant economic impact on a substantial number of small entities.

The initial Regulatory Flexibility Analysis must include a description of the need, objectives, legal basis for and flexible alternatives to the proposed action. The first three requirements are met by our prior discussion. We have also considered and tentatively rejected the alternative approach of voluntary reporting of financial data by commuter air carriers. This approach was tried by the Board but was not effective because only a small percent of the carriers responded, and the information that was collected could not be used for comparative analysis.

In addition, the analysis must include a description of the small entities to which this proposal would apply, the reporting, recordkeeping and compliance requirements of this proposed rule, and any other rules which may duplicate, overlap or conflict with it. For clarity, we will discuss each group of requirements separately.

The first change would reduce the reporting requirements for small certificated carriers. Small certificated air carriers are those air carriers holding a certificate issued under section 401 of the Federal Aviation Act, as amended, that operate only aircraft with less than 60 seats or 18,000 pounds payload solely for domestic passenger service. Presently, these carriers, of which there are approximately 35, are required to use a Board-mandated accounting system and file Form 41 financial and statistical schedules, service segment data and the Passenger Origin-Destination Survey. As noted earlier in the Supplementary Information, an unsubsidized carrier in this group might be required to file 104 schedules each year. If this rule were adopted, small certificated air carriers would file only three quarterly traffic schedules and two quarterly financial schedules, or a total of 20 schedules a year.

Under this example, the rule would reduce the reporting burden approximately 80 percent.

The Board already has taken temporary steps to reduce reporting burdens on those carriers. As a transitional measure until the completion of this rulemaking, the Comptroller granted waivers to approximately 30 small certificated carriers to file an abbreviated group of reports that are virtually identical to what is being proposed in this rule. If this rule is adopted as proposed, there would be little change for these carriers, and consequently no regulatory burden within the meaning of the Act. As a practical matter, the change would significantly affect only a handful of small certificated carriers.

The second proposed rule change would eliminate the reporting of mail and cargo data by commuter carriers operating scheduled passenger service, except for intra-Alaska carriers. This change would relieve a reporting burden on approximately 125 carriers. This information is no longer required from commuter carriers providing only mail and/or cargo service or from certificated carriers because of the virtual deregulation of domestic cargo transportation by Congress and the Board. The information would still be required from intra-Alaska carriers because the information is needed by the Board to set essential air service levels and section 419 subsidy rates. The constitution of this reporting requirement would not be burdensome, because carriers only have to fill out two columns stating the pounds of cargo and mail carried. Many of these carriers benefit directly from providing this information, because it is used to calculate the amount of subsidy they will receive from the government for providing their service. The Board tentatively finds that this proposed change would not, if adopted as proposed, have a significant economic impact on a substantial number of small entities.

The final proposed rule change would add a new, quarterly reporting requirement for commuter and small certificated air carriers. Commuter air carriers are defined in 14 CFR Part 298 as air taxi operators that carry passengers on at least five round trips per week on at least one route between two or more points according to its published flight schedules that specify the times, days of the week, and places between which those flights are performed. At present, there are approximately 180 commuters and small certificated air carriers. The two groups of carriers account for about 40 percent of the aircraft in the industry and one third of the commercial aircraft activity at airports with FAA air traffic control service. As noted earlier in the Supplementary Information, this segment of the Aviation industry is expected to grow to 50 percent of commercial aircraft activity during the next ten years.

The proposed rule would add four financial summary data reports that would be filed on a quarterly basis. These reports would deal with: (1) Total operating revenues, (2) total operating expenses, (3) net income and (4) passenger revenues for scheduled service. In order to encourage full disclosure of what may be competitively-sensitive information, the proposed rule provides for confidential treatment of individual financial data for three years. The Board estimates that the set-up and recordkeeping costs of collecting and providing this information would be nominal because these carriers are already required to file similar information with the Internal Revenue Service. As noted earlier in this preamble, the Board estimates that the average first year reporting cost would be at least $1,900, and the annual recurring cost of recordkeeping and reporting would be about $1,200 per carrier.

A large number of persons would benefit from this information collection. FAA needs this information to fulfill its statutory obligations in such areas as air safety, air traffic control, and environmental protection. The information would also be used by the Department of Commerce, OMB, Treasury, the National Transportation Safety Board, and DOT. These Federal agencies would use this information to implement a wide variety of statutes and regulations, as noted in the preamble. The carriers providing the information would benefit by having knowledgeable regulators that would be better able to consider the financial impact of proposed governmental actions on small carriers as part of their decisionmaking. For example, if the FAA had had access to the type of

financial data that would be obtained by these proposed rules when considering its security screening requirements for small carriers, it might have avoided time-consuming and costly revisions in that rulemaking.

There are no Federal rules that duplicate, overlap or conflict with the proposed rules. The only similarity in information collection that the Board has discovered is between the proposed financial data report for commuter-type carriers and the quarterly excise tax return on the transportation of passengers that is required by the IRS under 26 CFR § 49.6011(a)–1. The two requests for information are not duplicative because the information filed with the IRS is used for tax purposes while the proposed report would be used for more general regulatory purposes.

Paperwork Reduction Act

The collection-of-information requirements in this proposal are subject to the Paperwork Reduction Act, Pub. L. 96–511, 44 U.S.C. Chapter 35. Those requirements have been submitted to the Office of Management and Budget (OMB) for review and comment. Persons may submit comments on the collection-of-information requirements to OMB and to the Board. Comments sent to OMB should be addressed to: Office of Information and Regulatory Affairs, ATTN: Desk Officer for Civil Aeronautics Board, Office of Management and Budget, Washington, D.C. 20503.

List of Subjects in 14 CFR Parts 241, 298 and 385

Air carriers, Uniform System of Accounts and Reports, Postal Service, Reporting and recordkeeping requirements, Administrative practice and procedure, and Authority delegations.

Accordingly, the Board proposes to amend Chapter II of 14 CFR, as follows:

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

1. Part 241, heading would be revised to read *Uniform System of Accounts and Reports for Large Certificated Air Carriers.*

2. The Table of Contents would be amended by adding Section 19–7, *Passenger origin-destination survey,* and revising two undesignated, *General Reporting Provisions—Route Air Carriers* and *Traffic and Capacity Route Carriers,* so that it would read:

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR LARGE CERTIFICATED AIR CARRIERS

Sec.

* * * * *

19–7 Passenger origin-destination survey.

* * * * *

General Reporting Provisions—Large Certificated Air Carriers

* * * * *

Traffic and Corporate Reporting Requirements

* * * * *

3. Section 01 would be amended by revising the introductory text to read:

* * * * *

Section 01—Authority Under Which Accounting and Reporting Rules and Regulations are Prescribed and Administered.

This Uniform System of Accounts and Reports for Large Certificated Air Carriers is issued, prescribed and administered under the following provisions of the Federal Aviation Act of 1958, as amended (72 Stat. 731, 49 U.S.C. 1301):

* * * * *

4. Section 03, *Definitions for Purposes of this System of Accounts and Reports* would be amended by:

A. Adding a new definition immediately following the definition *Air carrier, charter* to read:

* * * * *

Air carrier, large certificated—an air carrier holding a certificate issued under section 401 of the Federal Aviation Act of 1958, as amended, that: (1) operates aircraft designed to have a maximum passenger capacity of more than 60 seats or a maximum payload capacity of more than 18,000 pounds; or (2) conducts operations where one or both terminals of a flight stage are outside the 50 states of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the United States Virgin Islands.

* * * * *

B. Removing the definitions *Air carrier, supplemental* and *Operations.*

5. Section 04 would be amended by revising paragraph (a) to read:

Section 04—Air Carrier Groupings.

(a) All large certificated air carriers are placed into three basic air carrier groupings based upon their level of operations and the nature of these operations. In order to determine the level of operations, total operating revenues for a twelve month period are used. The following operating revenue ranges are used to establish air carrier groupings:

Carrier group	Total annual operating revenues
I	0–$75,000,000
II	$75,000,001–$200,000,000
III	$200,000,000 +

For reporting purposes, Group I air carriers are further divided into three subgroups: (1) air carriers with total annual operating revenues between $10,000,000 and $75,000,000; (2) air carriers with total annual operating revenues below $10,000,000 that receive subsidy payments under section 406 of the Act, and (3) air carriers with total annual operating revenues below $10,000,000 that do not receive subsidy payments under section 406 of the Act.

* * * * *

6. Section 1–1 would be amended by substituting "Large certificated air carrier" for "route air carrier and each supplemental air carrier," so that it would be revised to read:

Sec. 1–1 Applicability of system of accounts and reports.

Each large certificated air carrier shall keep its books of account, records and memoranda and make reports to the Board in accordance with this system of accounts and reports. The Civil Aeronautics Board reserves the right, however, under the provisions of sections 407 and 416 of the Federal Aviation Act of 1958, as amended, to expand or otherwise modify the classes of carriers subject to this system of accounts and reports.

7. Section 1–8 would be revised to read:

Sec. 1–8 Address for reports and correspondence.

All reports required under this part and related correspondence shall be addressed to: Reports Control Section, B–46a, Information Management Division, Office of Comptroller, Civil Aeronautics Board, Washington, D.C. 20428.

8. Section 19–2 would be amended by revising paragraphs (a) and (g) to read:

Sec. 19–2 Maintenance of data.

(a) Each large certificated air carrier shall maintain its operating statistics covering the movement of traffic according to the uniform classifications prescribed herein. Uniform codes are also prescribed for each operating element and service class of the convenience of the Board, and at the

option of each carrier, may or may not be used for internal carrier purposes.

* * * * *

(g) Each large certificated air carrier shall submit to the Civil Aeronautics Board a detailed statement of its method of computing available ton-miles and available seat-miles for each type of aircraft operated. Also, any future changes in methods of computation shall be submitted, subject to review and approval by the Civil Aeronautics Board. (See section 22(d).) The measurement of available aircraft capacity may reflect company minimum fuel requirements is lieu of the requirements under Federal Aviation Regulations, provided that the use of such company fuel requirements in indicated in the above statement and that the statement contain certification by a responsible company official that said fuel loads are not in excess of company safety requirements. The reason for exclusion of any installed seats in the computation of available seat-miles with respect to any aircraft type and the provisions made for protection against the sale of such seats, shall be described in this statement and shall be certified to by a responsible company official. (See section 03 "seats available.")

9. Section 19–3 would be amended by revising paragraph (a) to read:

Sec. 19–3 Accessibility and transmittal of data.

(a) Each large certificated air carrier shall maintain its prescribed operating statistics in a manner and at such locations as will permit ready availability for examination by representatives of the Board. All Group I subsidized carriers and Group II subsidized carriers and all Group III carriers shall transmit to the Board on a monthly basis individual flight stage data for scheduled service as prescribed in Section 19–5, summarized by flight number, service segment, service class and aircraft type. Group I subsidized carriers and Group II subsidized carriers and all Group III air carriers shall utilize either ADP takes or ADP punched cards for transmitting the prescribed data to the Board unless otherwise specifically permitted by the Office of Comptroller to provide flight stage data on Schedule T–9. All unsubsidized Group I carriers and unsubsidized Group II carriers shall transmit to the Board on a monthly basis individual flight data for scheduled services as prescribed in the reporting instructions for Schedule T–9 in Section 25 of this Part.

* * * * *

10. Section 19–4 would be amended by revising paragraphs (a) and (b) to read:

Sec. 19–4 Service classes.

* * * * *

(a) *Scheduled services.* For scheduled services, which shall include traffic and capacity elements applicable to air transportation performed pursuant to published schedules, extra sections and other flights performed as an integral part of the published flight schedules, the following classifications shall be maintained, as applicable:

A000 Scheduled First Class Passenger-Cargo Service.
C000 Scheduled Coach Passenger-Cargo Service.
E000 Scheduled Mixed Passenger-Cargo Service.
G000 Scheduled Cargo Service.

(b) *Nonscheduled services.* For nonscheduled services, which shall include all traffic and capacity elements applicable to the performance of aircraft charters, and other air transportation services not constituting an integral part of services performed pursuant to published flight schedules (but shall not include data applicable to flights performed as extra sections to published flight schedules, which shall be reported in the appropriate classification of scheduled services), the following classifications shall be maintainted, as applicable:

L000 Nonscheduled Civilian Passenger-Cargo Service.
N000 Nonscheduled Military Passenger-Cargo Service.
P000 Nonscheduled Civilian Cargo Service.
R000 Nonscheduled Military Cargo Service.

* * * * *

11. Section 19–7 would be amended by revising paragraph (a) to read:

Sec. 19–7 Passenger origin-destination survey.

(a) All large certificated air carriers conducting scheduled passenger operations (except helicopter and wholly intra-Alaska carriers) shall participate in a Passenger Origin-Destination Survey covering domestic and international operations, as described in the instruction manuals entitled, *Instructions to Air Carriers for Collection and Reporting Passenger Origin-Destination Survey Statistics, Instructions to Air Carriers for Collection and Reporting Passenger Origin-Destination Survey Statistics-Special Edition for Carriers Reporting for the First Time on or After October 1, 1979 and Passenger Origin-Destination Directives* issued by the Board's staff. Copies of these manuals have been provided to carriers and all revisions made after the adoption of this section will be mailed to each carrier. Copies are also available through the Information Management Division, Office of Comptroller.

* * * * *

12. The undesignated center heading, *General Reporting Provisions—Route Air Carriers*, would be revised to read:

GENERAL REPORTING PROVISIONS—LARGE CERTIFICATED AIR CARRIERS

13. Section 21, would be amended by revising paragraphs (a), (c), (g) and (h), to read:

Section 21—Introduction to System of Reports.

(a) Each large certificated air carrier subject to the Federal Aviation Act of 1958, as amended, shall file with the Civil Aeronautics Board, monthly, quarterly, semiannually, and annually CAB Form 41 Reports of financial and operating statisitics as prescribed herein unless waiver has been made by the Civil Aeronautics Board.

* * * * *

(c) The prescribed system of reports provides that the frequency of reporting shall be monthly for some schedules, quarterly for some, semiannually for some and annually for others. It also provides in some areas for the classification of large certificated air carriers into Group I, Group II, and Group III with the form and content differentiated as between groups.

* * * * *

(g) Four separate air carriers entities shall be established for large certificated air carriers conducting scheduled service for the purpose of submitting the prescribed reports. They are as follows: (1) Domestic operations; (2) operations via the Atlantic Ocean; (3) operations via the Pacific Ocean; and (4) operations in Latin American areas. With respect to the first classification, the domestic entity shall embrace all operations within and between the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the United States Virgin Islands, and shall also include Canadian transborder operations. The reports to be submitted by each entity shall be comparable to those required of a distinct legal entity whether the reporting entity constitutes such an entity, a semiautonomous physically separated operating division of the carrier, or an entity established for reporting purposes only.

(h) Two separate entities shall be established for large certificated air

carriers predominatly engaged in conducting charter activities for the purpose of submitting the prescribed reports: (1) domestic operations; and (2) international operations. The domestic entity includes all operations within and between the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands. All other operations will be in the international entity.

* * * * *

14. Section 22 would be amended by revising the List of Schedules in CAB Form 41 Report in paragraph (a) and by revising paragraph (b) to read:

Sction 22—General Reporting Instructions.

(a) * * *

LIST OF SCHEDULES IN CAB FORM 41 REPORT

Schedule No.	Schedule Title	Filing Frequency	Applicability by carrier group		
			I	II	III
A	Certification	Q	(1)	X	X
B-1	Balance Sheet	Q	(1)	X	X
B-1.1	Balance Sheet	S-A	(1)		
B-3	Statement of Changes in Stockholder Equity	Q		X	X
B-5	Property and Equipment	Q	(1)	(1)	(1)
B-7	Airframes and Aircraft Engines Acquired	Q		(1)	(1)
B-7(b)	Flight Equipment Acquired	Q	(1)	(1)	(1)
B-9	Property and Equipment Retired	Q	(1)	X	X
B-10	Unamortized Developmental and Preoperating Costs	Q	(1)	(1)	(1)
B-12	Statement of Changes in Financial Position	Q	(1)	X	X
B-13	Summary of Projected Financial Commitments and Related Deposits.	Q	(1)	X	X
B-41	Receivables, Payables and Investments Relating to Affiliates and Other Investment Data.	A	(1)	X	X
B-43	Inventory of Airframes and Aircraft Engines	A	(1)	X	X
B-43.1	Aircraft Inventory Data	A	(1)		
B-46	Long-Term and Short-Term Nontrade Debt	A	(1)	(1)	X
P-1.1	Statement of Operations	S-A	(1)		
P-1.2	Statement of Operations	Q	(1)	X	X
P-1(a)	Interim Operations Report	M	X	X	X
P-2	Notes to CAB Form 41 Report	Q	(1)	X	X
P-3	Transport Revenues; Depreciation and Amortization; Nonoperating Income and Expense (Net).	Q	(1)	X	X
P-3(a)	Income Taxes	Q			X
P-4	Transport-related Revenues and Expenses; Explanation of Extraordinary Items and Cumulative Effects of Accounting Changes on Prior Years; Explanation of Prior Period Adjustments and Dividends Declared.	Q	(1)	(1)	(1)
P-5.1	Aircraft Operating Expenses	Q	(1)		
P-5.2	Aircraft Operating Expenses	Q		X	X
P-5.1(a)	Statement of Aircraft Operating Expenses	S-A	(1)		
P-5(a)	Components of Flight Equipment Depreciation	Q	(1)	(1)	(1)
P-6	Maintenance, Passenger Service and General and Administrative Expense Functions.	Q	(1)	X	X
P-7	Aircraft and Traffic Servicing, and Promotion and Sales Expense Functions—Group II and Group III Air Carriers.	Q		X	X
P-8	Aircraft and Traffic Servicing, and Promotion and Sales Expense Subfunctions—Group III Air Carriers.	Q			X
P-10	Employment Statistics by Labor Category	A	(1)	X	X
P-12(a)	Fuel Consumption by Type of Service and Specific Operational Markets.	M	(1)	X	X
T-1(a)	Traffic and Capacity Statistics by Class of Service	M	X	X	X
T-1(b)	Traffic and Capacity Statistics by Class of Service-Scheduled Services.	M		X	X
T-1(c)	Traffic and Capacity Statistics by Class of Service-Nonscheduled Services.	M		X	X
T-2(a)	Traffic, Capacity, Aircraft Operations and Miscellaneous Statistics by Type of Aircraft.	Q	X	X	X
T-2(b)	Traffic, Capacity, Aircraft Operations, and Miscellaneous Statistics by Type of Aircraft.	Q	X	X	X
T-3(a)	Airport Activity Statistics—Revenue Service	Q	X	X	X
T-3(b)	Aircraft ACtivity Statistics—Revenue Service	Q	X	X	X
T-3(c)	Airport Activity Statistics—Nonscheduled Revenue Service.	Q	X	X	X
T-8	Report of All-Cargo Operations	A	(1)	(1)	(1)
T-9	Nonstop Market Report	M	(1)	(1)	
G-41	Persons Holding More than 5 Per Centum of Respondent's Capital Stock.	A	(1)	X	X

(1) Applicable to Group I air carriers receiving section 406 subsidy and Group I air carriers with annual operating revenues of $10 million or more.
(2) Applicable to Group I air carriers with annual operating revenues below $10 million who do not receive section 406 subsidy.
(3) Applicable only to air carriers receiving section 406 subsidy.
(4) Applicable to air carriers who do not receive section 406 subsidy.
(5) Applicable to charter carriers.
(6) Applicable to carriers conducting all-cargo operations.
Note.—M = Monthly; Q = Quarterly; S-A = Semiannually; A = Annually; X = All Carriers.

* * * * *

(b) Each large certificated air carrier shall file the applicable schedules of the CAB Form 41 Report with the Civil Aeronautics Board in accordance with the above instructions with the following exceptions:

* * * * *

15. Section 23, *Certification and Balance Sheet Elements,* would be amended by:

A. Revising paragraph (b) of reporting instructions for Schedule A to read:

(b) the certification of the Form 41 reports, embodied in Schedule A thereof, shall read as follows:

I, the undersigned (Title of officer in charge of accounts) of the (Full name of the reporting company) do certify that this report and all schedules and supporting documents which are submitted herewith or have been submited heretofore as parts of this report filed for the above indicated period have been prepared under my direction; that I have carefully examined them and declare that they correctly reflect the accounts and records of the company, and to the best of my knowledge and belief are a complete and accurate statement, after adjustment to reflect full accruals, of the operating revenues and expenses, income items, assets, liabilities, capital, surplus, and operating statistics for the periods reported in the several schedules; that the various items herein reported were determined in accordance with the Uniform System of Accounts and Reports for Large Certificated Air Carriers prescribed by the Civil Aeronautics Board; and that the data contained herein are reported on a basis consistent with that of the preceding report except as specifically noted in explanations accompanying the financial and statistical statements.

B. Revising Schedule B–1.1 heading to read:

Schedule B–1.1—Balance Sheet

C. Revising Schedule B–43.1 heading to read:

Schedule B–43.1—Aircraft Inventory Data

16. Section 24, *Profit and Loss Elements,* would be amended by:

A. Revising Schedule P–1.1 heading to read:

Schedule P–1.1—Statement of Operations

B. Revising Schedule P–5.1(a) heading to read:

Schedule P-5.1(a)—Statement of Aircraft Operating Expenses

17. The undesignated center heading, *Traffic and Capacity—Route Carriers* would be revised to read:

TRAFFIC AND CORPORATE REPORTING REQUIREMENTS

18. CAB Form 41 Report would be amended to read as shown in Exhibits A through E attached.

PART 298—EXEMPTIONS FOR AIR TAXI OPERATIONS

19. The Table of Contents would be amended by revising Subpart F heading and §§ 298.61, 298.64 and 298.65, and adding new §§ 298.60, 298.62 298.63 and 298.66 to read:

PART 298—EXEMPTIONS FOR AIR TAXI OPERATIONS

Sec.

* * * * *

Subpart F—Reporting Requirements

298.60 General reporting instructions.
298.61 Reporting of traffic statistics for scheduled passenger operations.
298.62 Reporting of financial data.
298.63 Reporting of aircraft operating expenses and related statistics by small certificated air carriers.
298.64 Reporting of nonscheduled passenger enplanements by small certificated air carriers.
298.65 Requests for extensions of time within which to file reports or for waivers from reporting requirements.
298.66 Reporting exemption for State collection of data.

* * * * *

20. § 298.1, would be amended by adding the phrase, "and establishes reporting requirements for small certificated air carriers," the section would be revised to read:

§ 298.1 Applicability of part.

This part establishes a classification of air carriers known as "air taxi operators," provides certain exemptions to them from some of the economic regulatory provisions of Title IV of the Federal Aviation Act and specifies procedures by which such air carriers may obtain authority to conduct operations, and establishes rules applicable to their operations in air transportation in all States, Territories and possessions of the United States.[1] This part also authorizes certificated carriers to provide service with small aircraft as if they were air taxi operators and establishes reporting requirements for small certificated air carriers.

21. § 298.2 would be amended by adding a new paragraph (x) to read:

§ 298.2 Definitions

* * * * *

(x) "Small certificated air carrier" means and air carrier holding a certificate issued under section 401 of the Act that provides scheduled passenger air service within an between only the 50 States of the United States the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands with small aircraft as defined in this section.

22. Subpart F—*Requirement for Filing of Flight Schedules and Reports* would be amended by:

A. Revising Subpart F heading to read:

Subpart F—Reporting Requirements.

B. Adding a new § 298.60 to read:

§ 298.60 General reporting instructions.

(a) Each commuter air carrier and each small certificated air carrier shall file with the Civil Aeronautics Board the applicable schedules of CAB Form 298–C "Report of Financial and Operating Statistics for Small Aircraft Operators" as required in this section.

(b) A single copy of the CAB Form 298–C report shall be filed quarterly with the Office of Comptroller for the periods ended March 31, June 30, September 30 and December 31 of each year to be received on or before May 10, August 10, November 10 and February 10, respectively. Due dates falling on a Saturday, Sunday or national holiday will become effective on the first following working day.

(c) All reports should be addressed as follows: Reports Control Section, B–46a, Information Management Division, Office of Comptroller, Civil Aeronautics Board, Washington, D.C. 20428.

(d) All information included in CAB Form 298–C schedules shall be typed or neatly printed.

(e) CAB Form 298–C schedules can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

C. Revising paragraphs (a) (b), (c), (d) and (e), and (f)(6), adding a new paragraph (f)(7) and revising the section heading of § 298.61 to read:

§ 298.61 Reporting of traffic statistics for scheduled passenger operations.

(a) Each commuter air carrier and each small certificated air carrier shall file CAB Form 298–C, Schedule A–1, "Report of Flight and Traffic Statistics in Scheduled Passenger Operations" and Schedule T–1, "Report of Revenue Traffic by On-Line Origin and Destination."

(b) Schedules A–1 and T–1 shall be filed quarterly as set forth in § 298.60.

(c) Each carrier shall indicate in the space provided its full corporate name and the quarter for which the report is filed.

(d) The information included in this report shall pertain only to flights performed in scheduled passenger service during the quarter for which the report is filed.

(e) Schedule A–1 shall be used to report the total flight and traffic statistics in scheduled passenger operations by commuter air carriers and small certificated air carriers. These statistics should cover only scheduled passenger services and should be compiled in accordance with the instructions below. All statistics shall be reported in whole numbers; do not use decimals.

(f) * * *

(6) Column (3) shall show the total number of revenue passengers transported from the point of on-line origin to the point of on-line destination.

(7) Columns (4) and (5) shall be completed only by intra-Alaskan carriers, and shall reflect the total pounds of cargo and pounds of mail, respectively, transported from the point of on-line origin to the point of on-line destination.

* * * * *

D. Adding a new § 298.62 to read:

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[1] Section 401(a) of the Federal Aviation Act of 1958, 49 U.S.C 1371(a), prohibits any person from engaging in "air transportation" except to the extent that such person is authorized to do so by the Civil Aeronautics Board or other Federal statute.

Air transportation is defined in the Act (see section 101 (10) and (21), 49 U.S.C 1301) to include the carriage by aircraft of persons or property as a common carrier for compensation or hire. This includes carriage by aircraft as a common carrier between places in the same State (a) through airspace outside that State (over other States or the District of Columbia or the open sea or foreign territory) or (b) where such carriage is part of the movement of the passengers or property carried, in interstate, overseas or foreign air commerce. However, operations wholly within the geographic limits of a single State are not considered "air transportation" if in those operations the carrier transports no more than *de minimis* volume of passengers or property moving as part of a continuous journey to or from a point outside the State. For a further discussion of what constitutes air transportation see the preamble to ER–574, 34 FR 7124.

Air transportation also is defined to include "the carriage of mail by aircraft." Section 5402 of the Postal Reorganization Act, 39 U.S.C 5402, authorizes the carriage of mail by air taxi operators in some circumstances under contract with the Postal Service.

This part does not provide exemption from the safety regulatory provisions of the Act which are administered by the Department of Transportation through the Federal Aviation Administration, and air taxi operators in the conduct of their operations must observe all applicable safety standards and requirements.

§ 298.62 Reporting of financial data.

(a) Each commuter air carrier and each small certificated air carrier shall file CAB Form 298–C, Schedule F–1 "Report of Financial Data." This report shall be filed quarterly as set forth in § 298.60.

(b) Each carrier shall indicate in the space provided, its full corporate name and the quarter for which the report is filed.

(c) This schedule shall be used to report financial data for the overall or system operations of the carrier. At the option of the carrier, the data may be reported in whole dollars by dropping the cents. Financial data shall be reported in the following categories:

(1) Line 1 "Total Operating Revenues" shall include gross revenues accruing from services ordinarily associated with air transportation and air transportation-related service. This category shall include revenue derived from scheduled service operations, revenue derived from nonscheduled service operations, amounts of compensation paid to the carrier under section 419 of the Federal Aviation Act and other transport-related revenue such as in-flight sales, restaurant and food service (ground), rental of property or equipment, limousine service, cargo pick-up and delivery charges, and fixed-base operations involving the selling or servicing of aircraft, flying instructions, charter flights, etc.

(2) Line 2 "Total Operating Expenses" shall include expenses of a character usually and ordinarily incurred in the performance of air transportation and air transportation services. This category shall include expenses incurred: directly in the in-flight operation of aircraft; in the holding of aircraft and aircraft personnel in readiness for assignment to an in-flight status; on the ground in controlling and protecting the in-flight movement of aircraft; landing, handling or servicing aircraft on the ground; selling transportation; servicing and handling traffic; promoting the development of traffic; and administering operations generally. This category shall also include expenses which are specifically identifiable with the repair and upkeep of property and equipment used in the performance of air transportation, all depreciation and amortization expenses applicable to property and equipment used in providing air transportation services, all expenses associated with the transport-related revenues included on line one of this schedule, and all other expenses not specifically mentioned which are related to air transport operations. Interest expense and other nonoperating expenses attributable to financing or other activities which are extraneous to and not an integral part of air transportation or its incidental services shall *not* be included in this category.

(3) Line 3 "Net Income or (Loss)" shall reflect all operating an nonoperating items of profit and loss recognized during the period except for prior period adjustments.

(4) Line 4 "Passenger Revenues—Scheduled Service" shall include revenue generated from the transportation of passengers between pairs of points which are served on regularly scheduled basis.

(d) Data reported on this form shall be withheld from public release for a period of three years after the close of the calendar quarter to which the report relates. Individual carrier financial data withheld from public disclosure may be disclosed by the Board to (1) parties to any proceeding before the Board to the extent such material is relevant and material to the issues in the proceeding upon a determination to this effect by the administrative law judge assigned to the case or by the Board; (2) such persons and in such circumstances as the Board determines to be in the public interest or consistent with its regulatory functions and responsibilities; and (3) agencies and other components of the Federal Government for their internal use only. Aggregate data that does not identify individual carriers may be released prior to the aforementioned time.

E. Adding a new § 298.63 to read.

§ 298.63 Reporting of aircraft operating expenses and related statistics by small certificated air carriers.

(a) Each small certificated air carrier shall file CAB Form 298–C, Schedule F–2 "Report of Aircraft Operating Expenses and Related Statistics." This schedule shall be filed quarterly as prescribed in § 298.60. Data reported on this report shall be for the overall or system operations of the air carrier.

(b) Each carrier shall indicate in the space provided its full corporate name and the quarter for which the report is filed.

(c) This schedule shall show the direct and indirect expenses incurred in aircraft operations. Direct expense data applicable to each aircraft type operated by the carrier shall be reported in separate columns of this schedule. Each aircraft type reported shall be identified at the head of each column in the space provided below "Aircraft Type." "Aircraft Type" refers to aircraft models such as Beech–18, Piper PA–32, etc. Aircraft Type designations are prescribed in the *Manual of ADP Instructions, Outputs, Codes and Related Material*, which is available from the Board's Information Management Division. In the space provided for "Aircraft Code" carriers shall insert the three digit code prescribed in the *Manual of ADP Instructions, Outputs, Codes and Related Material* for the reported aircraft type. (Note: Aircraft of the same type but different cabin configuration may be grouped into a single classification; therefore, carriers are not required to report the fourth digit of an aircraft code indicating cabin configuration).

(d) Line 1 Direct aircraft operating expenses shall be reported in the following categories:

(1) Line 2 "Flying Operations (Less Rental)" shall be subdivided as follows:

(i) Line 3 "Pilot and Copilot" expense shall include pilots' and copilots' salaries, and related employee benefits, pensions, payroll taxes and personnel expenses.

(ii) Line 4 "Aircraft Fuel and Oil" expense shall include the cost of fuel and oil used in flight operations and nonrefundable aircraft fuel and oil taxes.

(iii) Line 5 "Other" expenses shall include general (hull) insurance, and all other expenses incurred in the in-flight operation of aircraft and holding of aircraft and aircraft operational personnel in readiness for assignment to an in-flight status, which are not provided for otherwise on this schedule.

(2) Line 6 "Total Flying Operations (Less Rentals)" shall equal the sum of lines 3, 4 and 5.

(3) Line 7 "Maintenance-Flight Equipment" shall include the cost of labor, material and related overhead expended by the carrier to maintain flight equipment, general services purchased for flight equipment maintenance from associated or other outside companies, and provisions for flight equipment overhauls.

(4) Line 8 "Depreciation and Rental—Flight Equipment" expenses shall include depreciation of flight equipment, amortization of capitalized leases for flight equipment, provision for obsolescence and deterioriation of spare parts, and rental expenses of flight equipment.

(5) Line 9 "Total Direct Expense" shall equal the sum of lines 6, 7 and 8.

(e) Line 10 Indirect aircraft operating expenses shall be reported only in total for all aircraft types and shall be segregated according to the following categories:

(1) Line 11 "Flight Attendant Expense" shall include flight attendants' salaries, and related employee benefits, pensions, payroll taxes and personnel expenses.

(2) Line 12 "Traffic Related Expense" shall include traffic solicitor salaries, traffic commissions, passenger food expense, traffic liability insurance, advertising and other promotion and publicity expenses, and the fringe benefit expenses related to all salaries in this classification.

(3) Line 13 "Departure Related (Station) Expense" shall include aircraft and traffic handling salaries, landing fees, clearance, customs and duties, related fringe benefit expenses and maintenance and depreciation on ground property and equipment.

(4) Line 14 "Capacity Related Expense" shall include salaries and fringe benefits for general management personnel, recordkeeping and statistical personnel, lawyers, and law clerks, and purchasing personnel; legal fees and expenses, stationery; printing; uncollectible accounts; insurance purchased—general; memberships; corporate and fiscal expenses; and all other expenses which cannot be identified or allocated to some other specifically identified indirect cost category.

(f) Line 15 "Total Indirect Expense" shall equal the sum of lines 11, 12, 13 and 14.

(g) Line 16 "Total Operating Expense" shall equal the sum of lines 9 and 15.

(h) Line 17 "Total Block Hours (Revenue Service)" shall be computed from the time an aircraft first moves under its own power for the purposes of flight in revenue service until it comes to rest at the next point of landing. Data shall be reported by individual aircraft type and total.

(i) Line 18 "Total Departures (Revenue Service)" shall include total takeoffs in revenue service by individual aircraft type and total.

(j) Line 19 "Total Gallons of Fuel Issued" shall include the gallons of fuel used in flight operations related to fuel cost reported in total and by aircraft type on Line 4.

F. Revising the heading and text of § 298.64 to read:

§ 298.64 Reporting of nonscheduled passenger enplanements by small certificated air carriers.

(a) Each small certificated air carrier shall file CAB Form 298–C, Schedule E–1 "Report of Nonscheduled Passenger Enplanements by Small Certificated Air Carriers." This schedule shall be filed quarterly as prescribed in § 298.60.

(b) Each carrier shall indicate in the space provided its full corporate name and the quarter for which the report is filed.

(c) Enplaned passenger data shall be provided for each airport served in nonscheduled service. Nonscheduled service includes charter flights and other transportation services not constituting an integral part of services performed pursuant to published flight schedules, but does not include flights performed as extra sections to published flight schedules.

(d) In column 1, carriers shall report the full name of each airport served in nonscheduled service.

(e) In column 2, carriers shall report the three-letter airport code in the "Official Airline Guide" (OAG). If the OAG contains no three-letter code for a point served by the carrier, a three-letter code will be provided by the Civil Aeronautics Board's Information Management Division upon request.

(f) In column 3, carriers shall report the total nonscheduled passengers enplaned at each airport reported in column 1. This column shall be totaled.

G. Revising the heading and text of § 298.65 to read:

§ 298.65 Requests for extensions of time within which to file reports or for waivers from reporting requirements.

(a) If circumstances prevent the filing of CAB Form 298–C on or before the due date, a written request for an extension may be submitted. Except in cases of emergency, the request must be delivered to the Board's Office of Comptroller in writing at least three days in advance of the due date. The request must state good and sufficient reason to justify the granting of the extension and the date when the reports can be filed. If the request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time has been made.

(b) The Office of Comptroller may waive any reporting requirements contained in § 298.61, § 298.62, § 298.63, and § 298.64 of this part, upon its own initiative or upon written request from any air carrier if the waiver is in the public interest and the request demonstrates that: (1) Unusual circumstances warrant such a departure, (2) a specifically defined alternative procedure or technique will result in a substantially equivalent or more accurate portrayal, and (3) the application of the alternative procedure will maintain or improve uniformity in reporting between air carriers.

H. Adding a new § 298.66 to read:

§ 298.66 Reporting exemption for State collection of data.

(a) The Office of Comptroller may exempt a commuter air carrier from the reporting requirements of § 298.61 of this part if a State government collects the information specified in that section and provides it to the Board by the dates specified. The data provided to the Board in this manner must be at least as reliable as if they were collected by the Board directly.

(b) The Office of Comptroller will provide assistance to any State agency interested in participating in this exemption program.

23. § 298.99 would be removed and reserved.

24. CAB Form 298–C Report would be revised to read as shown in Exhibits F through J attached.

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

25. Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters*, would be amended by adding a new paragraph (j) to § 385.28 to read:

§ 385.28 Delegation to the Chief, Information Management Division, Office of the Comptroller.

* * * * *

(j) Grant or deny requests for individual air carrier financial data in accordance with the limitations on the availability of these data contained in paragraph (d) of the reporting instructions for Schedule F–1, which are contained in § 298.62 of this chapter.

(Secs. 101(3), 102, 204, 401, 402, 403, 404, 407, 416, 418, 419, 901, 902, 1002, Pub. L. 85–726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 771, 783, 784, 788, 76 Stat. 145, 91 Stat. 1284, 92 Stat. 1732; 49 U.S.C. 1301, 1302, 1324, 1371, 1372, 1373, 1374, 1377, 1386, 1387, 1388, 1389, 1471, 1472, and 1482. Reorganization Plan No. 3 of 1961, 26 FR 5989)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

BILLING CODE 6320-01-M

Exhibit A

CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

REPORT OF FINANCIAL AND OPERATING STATISTICS FOR LARGE CERTIFICATED AIR CARRIERS

Period ended _____, 19____

_____
(Full name of reporting company)

CERTIFICATION*

I, the undersigned _____
(Title of officer in charge of accounts)

of the _____
(Full name of reporting company)

do certify that this report and all schedules and supporting documents which are submitted herewith or have been submitted heretofore as parts of this report filed for the above indicated period have been prepared under my direction; that I have carefully examined them and declare that they correctly reflect the accounts and records of the company, and to the best of my knowledge and belief are a complete and accurate statement, after adjustments to reflect full accruals, of the operating revenues and expenses, income items, assets, liabilities, capital, surplus, and operating statistics for the periods reported in the several schedules; that the various items herein reported were determined in accordance with the Uniform System of Accounts and Reports for Large Certificated Air Carriers prescribed by the Civil Aeronautics Board; and that the data contained herein are reported on a basis consistent with that of the preceding report except as specifically noted in explanations accompanying the financial and statistical statements.

_____
(Signature)

_____
(Air Carrier Post Office Address)

Dated _____, 19____

*Title 18 U.S.C. Sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense subto a maximum fine of $10,000 or imprisonment for not more than 5 years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within jurisdiction of any agency of the United States.

Exhibit B

BALANCE SHEET

(OAG Code)

Air Carrier (Corporate Name) _____ (Carrier code)

As at _____

ASSETS

Current assets:		
Cash and equivalents	1	
Notes and accounts receivable-net	2	
Other current assets	3	
Total current assets	4	
Property and equipment:		
Owned property and equipment	5	
Less accumulated depreciation	6	
Property and equipment obtained under capital leases	7	
Less accumulated amortization	8	
Total property and equipment	9	
Other assets	10	
Total assets	11	

LIABILITIES AND STOCKHOLDERS' EQUITY

Current liabilities:		
Notes and accounts payable	12	
Accrued taxes	13	
Other current liabilities	14	
Total current liabilities	15	
Long-term debt	16	
Other liabilities	17	
Deferred credits	18	
Stockholders' equity:		
Capital stock		
Preferred _____ shares outstanding	19	
Common _____ shares outstanding	20	
Other paid-in capital	21	
Retained earnings	22	
Total stockholders equity	23	
Less: Treasury stock	24	
Net stockholders' equity	25	
Total liabilities and stockholders' equity	26	

I, the undersigned, (Title) _____ of the above-named air carrier certify that the above report and the attached Financial Schedules and Statements of Operations and Traffic and Capacity Statistics have been examined by me and to the best of my knowledge and belief are true, correct and complete reports for the period stated.

Date: _____ Signature: _____

Name (Please Type or Print): _____

Schedule B–1.1 CAB Form 41

*Denotes inverse amount.

Exhibit C

AIRCRAFT INVENTORY DATA

Air Carrier (Corporate Name)_____ _____ (OAG Code)

_____ (Carrier Code)

Year Ended December 31, 19____

LINE NO.	Airframe License Number	Date Placed in Service Month/Day/Year	Usual Seat Configuration	Manufacturer	Type, Model and Cabin Design	Acquired Cost or Capitalized Value	Allowance for Depreciation or Amortization	Depreciated cost or Amortized Value	Estimated Residual Value	Estimated Depreciable or Amortizable Life (Months)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										

Schedule B-43.1

CAB Form 41

Exhibit D

STATEMENT OF OPERATIONS

OAG Code

Air Carrier (Corporate Name) _____ (Carrier code)

Six Months Ended _____

		Current Period	12-Months To Date
Operating Revenue			
Transport Revenue			
Scheduled Service			
Passenger	1		
Other	2		
Nonscheduled Service	3		
Transport Related Revenue			
Public Service Revenue	4		
Other	5		
Total Operating Revenue	6		
Operating Expense			
Flying Operations	7		
Maintenance	8		
General and Administrative	9		
Depreciation and Amortization			
Owned Property and Equipment	10		
Leased Property and Equipment	11		
Transport Related Expense	12		
Total Operating Expense	13		
Operating Profit	14		
Non-operating Income and Expense:			
Interest Expense	15		
Other Nonoperating (Net)	16		
Income Tax	17		
Discontinued operations, extraordinary items or Accounting changes	18		
Net Income	19		

Schedule P-1.1 CAB Form 41

*Denotes inverse amount; on lines 16 and 18 denotes a debit amount.

Exhibit E

STATEMENT OF AIRCRAFT OPERATING EXPENSES

Air Carrier (Corporate Name) _____

Six Months Ended _____

_____ OAG Code

_____ (Carrier Code)

	TOTAL-ALL AIRCRAFT TYPES	AIRCRAFT TYPE _____ CODE	AIRCRAFT TYPE _____ CODE	AIRCRAFT TYPE _____ CODE	AIRCRAFT TYPE _____ CODE
Direct Expense:					
Flying Operations:					
Fuel					
Oil					
Other					
Total Flying Operations					
Maintenance					
Depreciation & Rental					
Total Direct Expense					
Indirect Expense:					
Traffic Related					
Capacity Related (Station)					
Capacity Related (Other)					
Total Indirect Expense					

Schedule P-5.1(a)
*Denotes inverse amount.

CAB Form 41

Exhibit F
Page 1 of 2

REPORT OF FLIGHT AND TRAFFIC STATISTICS IN SCHEDULED PASSENGER OPERATIONS (See instructions on reverse side)	Air Carrier (Corporate name including DBA) Quarter Ended _____ 19 ___

(Report in whole numbers)

(1) Aircraft Hours Flown ..... _____

(2) Aircraft Miles Flown ..... _____

(3) Number of Departures Performed ..... _____

(4) Revenue Passenger-Miles ..... _____

(5) Available Seat-Miles ..... _____

(6) Revenue Ton-Miles ..... _____

(7) Available Ton-Miles ..... _____

(8) Number of Departures Scheduled in Passenger Service ..... _____

(9) Number of Scheduled Departures Completed in Passenger Service ..... _____

CERTIFICATION*

I certify that this CAB Form 298–C report has been prepared by me or under my direction; I have carefully examined it, and, to the best of my knowledge and belief, it is complete and accurate.

_____ _____ _____
(Signature) (Date) (Title)

*Title 18, U.S.C. Sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within jurisdiction of any agency of the United States.

Schedule A–1 CAB Form 298–C

INSTRUCTIONS FOR FLIGHT AND TRAFFIC STATISTICS IN SCHEDULED PASSENGER OPERATIONS

The statistics reported on this schedule shall cover only scheduled passenger services and shall be compiled in accordance with the instructions below.

Line 1 "Aircraft-Hours Flown" shall show the total airborne aircraft-hours flown computed from the moment an aircraft leaves the ground until it touches the ground at the end of each flight stage.

Line 2 "Aircraft-Miles Flown" shall show the total aircraft-miles operated computed in airport-to-airport distances on the basis of each flight stage as actually operated whether or not performed in accordance with the scheduled service pattern.

Line 3 "Number of Departures Performed" shall show the total number of takeoffs performed, including extra-section departures and departures from nonscheduled airports as a result of deviations from the scheduled service pattern.

Line 4 "Revenue Passenger-Miles" shall show total revenue passenger-miles computed by multiplying the aircraft-miles flown on each flight stage by the number of revenue passengers carried on that flight stage.

Line 5 "Available Seat-Miles" shall show total revenue seat-miles available, computed by multiplying the aircraft-miles flown on each flight stage by the number of passenger seats available for sale on that flight stage.

Line 6 "Revenue Ton-Miles" shall show total revenue ton-miles, computed by first multiplying the aircraft-miles flown on each flight stage by the number of pounds of revenue traffic carried on that flight stage to obtain revenue pound-miles. Revenue pound-miles are then divided by 2,000 pounds to find revenue ton-miles. For passengers and their baggage, a standard weight of 200 pounds per passenger may be used.

Line 7 "Available Ton-Miles" shall show total revenue ton-miles available, computed by first multiplying the aircraft-miles flown on each flight stage by the number of pounds of aircraft capacity available for use on that stage to obtain revenue pound-miles available. Revenue pound-miles available are then divided by 2,000 pounds to find available ton-miles.

Line 8 "Number of Departures Scheduled in Passenger Service" shall show the total number of takeoffs scheduled to be performed in passenger service.

Line 9 "Number of Scheduled Departures Completed in Passenger Service" shall show the total number of scheduled departures in passenger service reported on Line 8 which were performed, excluding extra sections. To determine if a departure is performed as scheduled, only the originating point of the flight stage need be considered; whether the flight lands at its scheduled destination or not has no bearing.

Note: If it becomes necessary to correct a previously filed report, the revised report should be clearly marked "REVISED" on the face of the schedule.

Exhibit G
Page 1 of 2

REPORT OF REVENUE TRAFFIC BY ON-LINE ORIGIN AND DESTINATION

(See Instructions on Reverse Side)

Air Carrier (Corporate name including DBA)

Quarter Ended _____ 19 ____

Line No.	(1) Origin Apt. Code (10–12)	(2) Destination Apt. Code (15–17)	(3) Number of Passengers (20–28)	(4) Pounds of Cargo (29–37)	(5) Pounds of Mail (38–46)	Line No.	(1) Origin Apt. Code (10–12)	(2) Destination Apt. Code (15–17)	(3) Number of Passengers (20–28)	(4) Pounds of Cargo (29–37)	(5) Pounds of Mail (38–46)
1						38					
2						39					
3						40					
4						41					
5						42					
6						43					
7						44					
8						45					
9						46					
10						47					
11						48					
12						49					
13						50					
14						51					
15						52					
16						53					
17						54					
18						55					
19						56					
20						57					
21						58					
22						59					
23						60					
24						61					
25						62					
26						63					
27						64					
28						65					
29						66					
30						67					
31						68					
32						69					
33						70					
34						71					
35						72					
36						Grand Total					
37											

CODES USED FOR AIRPORTS NOT FOUND IN OAG

(See Instruction 7 on Reverse Side)

Code Used	Airport	City	State	Code Used	Airport	City	State

Schedule T–1

CAB Form 298-C

INSTRUCTIONS FOR REPORTING REVENUE TRAFFIC BY ON-LINE ORIGIN AND DESTINATION

1. Schedule T-1 shall show the revenue traffic carried by the reporting carrier by on-line origin and destination. The data reported on this schedule shall be typed or neatly printed.

2. Only data related to traffic carried in scheduled passenger service during the quarter shall be reported. Data in columns (4) and (5) shall be reported only by intra-Alaskan carriers.

3. The traffic data reported from point of on-line origin to its on-line destination point shall be the total traffic for the quarter. Each pair of origin and destination airports shall appear only once, i.e., no entry shall appear that has the same origin and destination airports as another entry. For example, DAL-HOU and HOU-DAL would each appear once, but either DAL or HOU could reappear with any other point.

4. The origin and destination data shall be for the on-line movement of traffic rather than for flight stages or flight origin and destination. For example, if a flight operates from A to B to C with 5 passengers enplaning at A, 1 deplaning and 2 enplaning at B, and 6 deplaning at C, the applicable passenger data to be reported should be as follows:

Origin Airport	Destination Airport	Number of Passengers
A	B	1
A	C	4
B	C	2

5. Only the ultimate origins and destinations of the traffic moving on the reporting carrier's system shall be reported. Using the example given in (4) above, the traffic report would remain the same, even if the carrier operated one flight from A to B and a different flight from B to C, as long as the passengers' on-line origins and destinations remained the same.

6. Only one grand total shall be shown in the space provided after the final traffic entry. Do not use subtotals.

7. Columns (1) and (2) shall show the airport codes for the movement of traffic from the point of origin to the point of destination. Carriers shall use the airport codes found in the Official Airline Guide (OAG). If an airport code cannot be found in the OAG, the carrier shall, until otherwise instructed by the Board, insert its own code for the airport in column (1) or (2), followed by an asterisk, and shall identify the airport and its location in the space provided.

8. Columns (3), and columns (4) and (5) if applicable, shall show the total number of revenue passengers, pounds of cargo, and pounds of mail.

Note: If it becomes necessary to correct a previously filed report, the revised report should be clearly marked "REVISED" on the face of the schedule.

Exhibit H

REPORT OF FINANCIAL DATA	Air Carrier (Corporate name including DBA) Quarter Ended _____ 19 ___

Financial

(1) Total Operating Revenues _____

(2) Total Operating Expenses _____

(3) Net Income _____

(4) Passenger Revenues-Scheduled Service _____

Schedule F-1 CAB Form 298-C

Exhibit I

REPORT OF AIRCRAFT OPERATING EXPENSES AND RELATED STATISTICS

Air Carrier (Corporate name including DBA) _____

Quarter Ended _____ 19 ____

Line No.		TOTAL-ALL AIRCRAFT TYPES	AIRCRAFT TYPE / CODE	AIRCRAFT TYPE / CODE	AIRCRAFT TYPE / CODE	AIRCRAFT TYPE / CODE
1	Direct Expense:					
2	Flying Operations (Less Rentals):					
3	Pilot and Copilot 1/					
4	Aircraft Fuel and Oil					
5	Other					
6	Total Flying Operations (Less Rentals):					
7	Maintenance-Flight Equipment					
8	Depreciation & Rental-Flight Equipment					
9	Total Direct Expense					
10	Indirect Expense:					
11	Flight Attendant Expense 1/					
12	Traffic Related Expense					
13	Departure Related Expense (Station)					
14	Capacity Related Expense					
15	Total Indirect Expense					
16	Total Operating Expense 2/					
17	Total Block Hours (Rev. Svc.)					
18	Total Departures (Rev. Svc.)					
19	Total Gallons of Fuel Issued 3/					

1/ Includes Salaries and Fringe Benefits.
2/ Excludes Transport Related Expenses.
3/ To be completed only by intra-Alaskan carriers. Include only fuel consumed in flight operations related to the cost on Line 4.

Schedule F-2

CAB Form 298-C

Exhibit J

REPORT OF NONSCHEDULED PASSENGER ENPLANEMENTS BY SMALL CERTIFICATED AIR CARRIERS			Air Carrier:			
			Quarter Ended:			
	(1) Airport	(2) Airport Code	(3) Enplaned Passengers	(1) Airport	(2) Airport Code	(3) Enplaned Passengers
1				40		
2				41		
3				42		
4				43		
5				44		
6				45		
7				46		
8				47		
9				48		
10				49		
11				50		
12				51		
13				52		
14				53		
15				54		
16				55		
17				56		
18				57		
19				58		
20				59		
21				60		
22				61		
23				62		
24				63		
25				64		
26				65		
27				66		
28				67		
29				68		
30				69		
31				70		
32				71		
33				72		
34				73		
35				74		
36				75		
37				76		
38				77		
39				78		
				Grand Total		

Schedule E-1

CAB Form 298-C

[FR Doc. 83-21878 Filed 8-11-83; 8:45 am]
BILLING CODE 6320-01-C

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 175

Receipt of Domestic Interested Party Petition Concerning Tariff Classification of Total Milk Proteinate, Whey Protein Concentrate, and Lactalbumin; Extension of Time for Comments

AGENCY: Customs Service, Treasury.

ACTION: Notice of extension of time for comments.

SUMMARY: This notice extends the period of time within which interested members of the public may submit comments with respect to a domestic interested party petition concerning the tariff classification of total milk proteinate, whey protein concentrate, and lactalbumin. A document inviting the public to comment on this classification matter was published in the **Federal Register** on June 10, 1983 (48 FR 26833). Comments were to have been received by August 9, 1983. A request has been received to extend the period of time for the submission of comments. Customs believes that an extension of the comment period is warranted. Accordingly, this notice extends the period of time for comments until September 23, 1983.

DATE: Comments must be received on or before September 23, 1983.

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

Dated: August 4, 1983.

Harvy B. Fox,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 83-22088 Filed 8-11-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 83N-0011]

Whey Cheeses; Termination of Consideration of the Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard of identity for whey cheeses based on the "Recommended International General Standard for Whey Cheeses" (Codex Standard No. A-7) because there is not sufficient need to warrant proposing a U.S. standard for these foods.

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

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 15, 1983 (48 FR 6722), FDA published an advance notice of proposed rulemaking which offered interested persons an opportunity to review the Codex standard and to comment on the desirability and need for a U.S. standard of identity for whey cheeses. The Codex standard was submitted to the United States for consideration of acceptance by the Food and Agriculture Organization/World Health Organization's Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products, a subsidiary body of the Codex Alimentarius Commission. In that notice, the agency commented that a standard of identity would not be proposed if the comments received did not support a standard.

Four comments from representatives of the dairy industry were received in response to the advance notice of proposed rulemaking. Three comments opposed establishment of a standard of identity for whey cheeses and one took no position. Two comments specifically opposed adoption of the Codex standard names for whey cheeses, "creamed whey cheese," "full fat whey cheese," "whey cheese," or "skimmed whey cheese," because whey cheese in the United States is known as "ricotta," and also as "mysost." One comment maintained that the Codex names could be confusing to consumers and would conflict with some existing state regulations; the other stated that no problems exist in the market identification or consumer acceptance of whey cheese and therefore a standard of identity is not justified. The third comment simply stated that a standard of identity is unnecessary.

Having considered the comments received, FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard of identity for whey cheeses at this time, under authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard of identity for whey cheeses based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard of identity for whey cheeses upon appropriate justification.

FDA will inform the Technical Secretary for the Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products that imported foods which comply with the requirements of the Codex standard may move freely in interstate commerce in this country, providing they comply with the applicable U.S. laws and regulations.

Dated: August 1, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-21872 Filed 8-11-83; 8:45 am]

BILLING CODE 4160-1-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Public Comment Period and Opportunity for Public Hearing on Modification to the Illinois Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing a public comment period and opportunity for a public hearing on the substantive adequacy of a program amendment submitted by the State of Illinois as a modification to the Illinois permanent regulatory program (hereinafter referred to as the Illinois program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment relates to the authority of the State to deny an application for a permit or permit revision unless the applicant submits proof that all required Federal reclamation fees have been paid.

This notice sets forth the times and locations that the Illinois program and the proposed amendment are available for public inspection, the comment period during which interested persons

may submit written comments on the proposed amendment, and information pertinent to the public hearing.

DATES: Written comments, data or other relevant information relating to the proposed amendment to the Illinois program not received on or before 4:00 p.m. on September 12, 1983 will not necessarily be considered.

A public hearing on the proposed modifications has been scheduled for 10:00 a.m., August 30, 1983, at the address listed under "ADDRESSES."

Any person interested in making an oral or written presentation at the hearing should contact Mr. James Fulton at the address or phone number listed below by August 23, 1983. If no one has contacted Mr. Fulton to express an interest in participating in the hearing by the above date, the hearing will not be held. If only one person has so contacted Mr. Fulton by the above date, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: James Fulton, Director, Springfield Field Office, Office of Surface Mining, 600 E. Monroe Street, Room 20, Springfield, Illinois 62701.

The public hearing will at the Springfield Office, Office of Surface Mining, 600 E. Monroe Street, Room 20, Springfield Field, Illinois 62701.

Copies of the Illinois program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Field Office listed above and at the OSM and State regulatory authority offices listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

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

Illinois Department of Mines and Minerals, Land Reclamation Division, 227 South 7th Street, Springfield, Illinois 62706.

FOR FURTHER INFORMATION CONTACT: James Fulton, Director, Springfield Field Office, Office of Surface Mining, 600 E. Monroe Street, Room 20, Springfield, Illinois 62701, Telephone: (217) 492–4495.

SUPPLEMENTARY INFORMATION:

Background

The Illinois program was conditionally approved by the Secretary of the Interior on June 1, 1982 (47 FR 23858). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Illinois program can be found in the June 1, 1982 **Federal Register.**

Sections 510(b) and 510(c) of SMCRA limit the issuance of new permits and permit renewals to those applicants who are in compliance with the requirements of SMCRA. As specified in section 402 of SMCRA and Subchapter R of 30 CFR, the operators of coal surface mines are to pay reclamation fees to the Secretary of the Interior. Further, section 402(f) of SMCRA specifically mandates full cooperation with the Secretary by all Federal and State agencies in the enforcement of this provision.

Recently it was brought to the Secretary's attention that the Illinois program does not contain regulatory language consistent with 30 CFR 786.19(h) which requires the State to deny permit applications and permit revision applications unless the applicant has submitted proof that all Federal reclamation fees required under 30 CFR Subchapter R have been paid. The Illinois regulation at § 1786.19(h) requires that operators pay all fees required by the State's regulations.

To resolve this issue, on February 1, 1983, the Director, OSM, sent a letter to Illinois to request that Illinois confirm that § 1786.19(h) also requires the applicant to submit proof that all required Federal reclamation fees have been paid, consistent with 30 CFR 786.19(h). As of June 1, 1983, Illinois had not formally responded to OSM's February 1 letter.

Pursuant to 30 CFR 732.17(e), OSM notified Illinois by letter of June 7, 1983, that a State program amendment was required because conditions or events indicated that the approved State program no longer met the requirements of SMCRA and the Federal regulations. The letter notified Illinois, pursuant to 30 CFR 732.17(f)(1), that it must submit to the Secretary within 60 days of receipt of notification either a proposed written amendment or a description of an amendment to be proposed that meets the requirements of SMCRA and the Federal regulations, and a timetable for enactment which is consistent with established administrative or legislative procedures. OSM also noted that the Secretary would propose adding a new condition to the Illinois program requiring the State to amend its program by a specified date to incorporate requirements no less effective than 30 CFR 786.19(h). The proposed rule announcing intent to impose a new condition and requesting public comment was published June 16, 1983 (48 FR 27550).

Submission of Amendment

On July 27, 1983, the Illinois Department of Mines and Minerals (IDMM) responded to OSM's June 7, 1983 letter. The IDMM enclosed a Notice of Proposed Rulemaking to be published in the August 12, 1983 *Illinois Register.* The Notice includes a proposed amendment to the Illinois regulations at Section 1786.19(h). The full text of the amendment follows (new language is italicized):

Section 1786.19 Criteria for permit approval or denial.

No permit or revision application shall be approved, unless the application affirmatively demonstrates and the Department finds in writing on the basis of information set forth in the application or from information otherwise available, which is documented in the approval and made available to the applicant, that:

* * * * *

(h) The applicant has submitted proof that all fees required by these regulations *and 30 CFR Chapter VII, Subchapter R* have been paid.

The Director now seeks public comment on whether the Illinois proposed rule is no less effective than the Secretary's regulations. If approved, the amendment will become part of the Illinois program. In addition, if the amendment is approved, there will no longer be any need to impose a new condition of approval. A final decision on imposing a new condition will be made when this rulemaking is concluded.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared for this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule would not have

a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 913

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

(Pub. L. 95-87, (30 U.S.C. 1201 *et seq.*))

Dated: August 9, 1983.

John R. Harrison,

Director, Office of Surface Mining.

[FR Doc. 83-22147 Filed 8-11-83; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 935

Permanent Program Submission, Ohio; Proposed Extension

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

ACTION: Proposed rule.

SUMMARY: OSM is considering modifying the deadline for Ohio to meet certain conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The conditions concern bond reductions, designs and certifications by experts, revegetation period of responsibility, and procedures governing formal hearings.

DATE: Comments must be received by September 12, 1983 at the address below, no later than 4:30 p.m.

ADDRESSES: Written comments must be mailed or hand-delivered to: Office of Surface Mining, Columbus Field Office, 2nd Floor, 2242 South Hamilton Road, Columbus, Ohio 43227.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Field Office Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(j), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The schedule is established in consultation with the State based on the time required for changes to be adopted under State procedures or legislative schedules.

The Ohio program was conditionally approved effective August 16, 1982. The notice of conditional approval was published August 10, 1982 (47 FR 34688). In that document, the Secretary published a schedule for the State to correct each of the 28 deficiencies contained in 11 conditions—(a), (b), (c), (d), (e), (f)(1)–(f)(10), (g), (h)(1)–(h)(3), (i)(1)–(i)(3), (j), and (k)(1)–(k)(5). In accepting the Secretary's conditional approval, Ohio agreed to correct deficiencies (a), (b), (c), (h)(1) and (k)(1) by August 8, 1983, deficiency (e) by September 16, 1982, and the remaining deficiencies by February 8, 1983.

On January 6, 1983, Ohio submitted materials to OSM intended to satisfy conditions (a), (b), (c), (d), (f), (g), (h), (i), (j), (k)(1) and (k)(2). On January 21, 1983, OSM published notice in the **Federal Register** announcing receipt of these provisions and inviting public comment.

On February 1, 1983, Ohio requested an extension of the deadline for the State to meet conditions (k)(3), (k)(4), and (k)(5). On February 28, 1983, OSM published notice that it was considering modifying the deadline for Ohio to meet those parts of condition (k), and requested public comment.

On May 24, 1983, OSM published a final rule in the **Federal Register** announcing removal of conditions (b), (d), (f)(1)–(f)(6), (f)(8)–(f)(10), (g), (h)(2), (h)(3), (i), (j), (k)(1), and (k)(2); establishment of an August 8, 1983 deadline for Ohio to satisfy conditions (a), (c), (f)(7), (h)(1), (k)(3), (k)(4), and (k)(5); and imposition of two new conditions (l) and (m) which also carried a deadline of August 8, 1983. At that time, Ohio agreed as a matter of policy to meet the terms of the conditions by complying with the Federal standards until such time as the deficiencies be corrected and the conditions are removed.

This notice is for the purpose of addressing the State's request for an extension that would establish a new deadline for the State to meet conditions (c), (f)(7), (h)(1), (k)(3), (k)(4), (k)(5), and (m) of 30 CFR 935.11.

On July 26, 1983, the Chief of the Ohio Division of Reclamation wrote to OSM requesting that Ohio be granted an extension of time to meet these conditions. The Division has requested a one-year extension to meet conditions (c) and (m). These conditions relate to the design and certification of maps and structures by professional engineers or surveyors and public participation in bond reduction. Both of these conditions will require changes to the Ohio statute. The Ohio General Assembly is in recess and will probably reconvene for only one week in late September 1983. The General Assembly will not reconvene for a full legislative session until January 1984.

The Division requested a six-month extension to meet conditions (f)(7), (k)(3), (k)(4), and (k)(5). These conditions relate to the revegetation period of responsibility and procedures governing formal hearings and each requires a rule change. The Division also requested a six-month extension to meet condition (h)(1), which requires the State to revise its bonding system to provide assurance of more timely reclamation at the site of all operations upon which bond has been forfeited. The State noted in its request that it had made numerous changes and instituted timetables for the reclamation of forfeited areas and would be forwarding a detailed narrative of these changes to OSM for review. The extension was requested to provide sufficient time for OSM to review the narrative and for Ohio to provide whatever additional information is necessary.

In accordance with the State's request, OSM is proposing that the deadlines for the State to meet these conditions be extended. OSM specifically requests comments on the proposed deadlines and whether the proposed extensions should be granted.

Procedural Matters

1. Compliance with the National Environmental Policy Act: The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act: On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule would not

impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act: This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

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

Accordingly, Part 935 of Title 30 is proposed to be amended as set forth herein.

Dated: August 9, 1983.

J. R. Harris,

Director, Office of Surface Mining.

PART 935—OHIO

§ 935.11 [Amended]

1. Section 935.11 is amended in paragraphs (c) and (m) by substituting "August 8, 1984" for "August 8, 1983" each time it appears.

2. Section 935.11 is amended in paragraphs (f)(7), (h)(1), (k)(3), (k)(4) and (k)(5) by substituting "February 8, 1984" for "August 8, 1983" each time it appears.

(Pub. L. 95-87 (30 U.S.C. 1201 *et seq.*))

[FR Doc. 83-22148 Filed 8-11-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[SW-4-FRL 2414-7]

Hazardous Waste Management Program, Florida; Amended Application for Interim Authorization, Phase II, Components A and B

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of a public hearing.

SUMMARY: Today EPA is announcing the availability for public review of the Florida amended application for Phase II, Components A and B, Interim Authorization, Hazardous Waste Management Program, inviting public comment, and giving notice that if significant public interest is expressed, EPA will hold a public hearing on the application.

40 CFR 271.123 (formerly § 123.123(c)) requires the formal review period recommence upon receipt of a revised submission of the State's application, if the State's submission is "materially changed". EPA today reopens Florida's Phase II, Components A & B application for public review since a Legislative amendment has made a significant change in the application. Therefore, EPA's review of the State's application shall begin on July 18, 1983, the date EPA received the amended application.

DATE: If significant public interest is expressed in holding a hearing, a public hearing is scheduled for Wednesday, September 14, 1983 at 7:00 p.m. EPA reserves the right to cancel the public hearing if significant public interest in holding a hearing is not communicated to EPA by telephone or in writing by September 7, 1983. EPA will determine by September 9, 1983, whether there is significant interest to hold the public hearing. All written comments on the Florida Interim Authorization application must be received by the close of business on September 14, 1983.

ADDRESSES: If significant public interest is expressed, EPA will hold a public hearing on Florida's application for Interim Authorization on Wednesday, September 14, 1983, at 7:00 p.m. at the Flamenco Room, Holiday Inn-Parkway, 1302 Apalachee Parkway, Tallahassee, FL, 32301 904/877-3141.

Written comments on the application and written or telephoned communication of interest in EPA's holding a public hearing on the Florida application must be sent to: James H. Scarbrough, Chief, Residuals Management Branch, U.S. EPA, 345 Courtland St., NE., Atlanta, GA 30365, 404/881-3016.

If you wish to find out whether or not EPA will hold a public hearing on the Florida application based upon EPA's decision that there was significant public interest in such a hearing, write or telephone after September 7, 1983, the EPA contact person listed below or telephone Mr. Robert W. McVety, Administrator, Solid Hazardous/Waste Section, Florida Department of Environmental Regulation, Twin Towers Office Building, Room 421, 2600 Blair Stone Rd., Tallahassee, FL 32301, 904/488-0300.

Copies of the Florida Phase II, Components A & B Interim Authorization application are available during normal business hours at the following addresses for inspection and copying:

Florida Department of Environmental Regulation, Solid/Hazardous Waste Section, Twin Towers Office Building, Room 421, 2600 Blair Stone Rd., Tallahassee, FL 32301, Telephone: 904/488-0300

Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street NE., Atlanta, GA 30365, Telephone: 404/881-4216

Environmental Protection Agency, 401 M Street SW., Library, Room 2904, Washington, D.C. 20460.

Written comments should be sent to: James H. Scarbrough, Chief, Residuals Management Branch, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, GA 30365, Telephone: (404) 881-3016.

The public hearing will be held at: Flamenco Room, holiday Inn-Parkway, 1302 Apalachee Parkway, Tallahassee, FL, (904) 877-3141.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, GA 30365, Telephone: 404/881-3016.

SUPPLEMENTARY INFORMATION: In the December 30, 1982 **Federal Register** (47 FR 58307), a notice was published concerning a public hearing to be held on Florida's Phase II, Components A & B Application for Interim Authorization. That notice also announced the availability for public review and invited public comment on the application. The public hearing was cancelled since significant public interest was not shown.

On March 29, 1983, EPA determined that Chapter 120, Florida Statutes, was an impediment to Components A & B Interim Authoriation of the Hazardous Waste Program due to the "default" permit provision. On June 23, 1983, the Florida Legislature passed the amendement to Section 403.722, Florida Statutes, which exempts hazardous waste facility permits from the "default" provision of Section 120.60, Florida Statutes.

On July 15, 1983, the State of Florida submitted the amended interim authorization application for Phase II, Components A & B. To resolve the issues EPA raised, the State included the following the July 15, 1983, amended application:

1. The original Phase II, Components A & B application.

2. The December 1982 Addendum which became part of the original application.

3. A revised Memorandum of Agreement.

4. A certification from Florida's General Counsel that hazardous waste facility permits are not subject to the State's "default" permit provision.

The State of Florida received Interim Authorization for Phase I on May 19, 1982.

In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of portions or components of Phase II of Interim Authorization. Component A, published in the **Federal Register** January 12, 1981 (46 FR 2802), contains standards for permitting containers, tanks, surface impoundments, and waste piles. Component B, published in the **Federal Register** January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators.

In the July 26, 1982, **Federal Register** (47 FR 32379) the standards for permitting surface impoundments and waste piles were amended and moved from Components A and B to Component C of Interim Authorization. Florida will apply for Interim Authorization to permit surface impoundments and waste piles by applying for Component C which includes the amended provisions of 40 CFR Subparts K and L (originally in Component A) and the land disposal regulations. EPA, in granting Florida Interim Authorization for Components A and B, is authorizing Florida to permit only storage tanks and containers and incinerators.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 271, Subpart B (48 FR 14249).

As noted in the May 19, 1980 **Federal Register**, copies of complete State submittals for Phase II Interim Authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indians-lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Dated: August 4, 1983.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 83-22013 Filed 8-11-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6527]

National Flood Insurance Program; Proposed Flood Elevation Determination

Correction

In FR Doc. 83-14282 begining on page 24139 in the issue of Tuesday, May 31, 1983, make the following correction:

In the entry for Ohio, Sunfish Creek, on page 24143, under *Location*, fifth line. "Just upstream State Route 27" should have read "Just upstream State Route 26".

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 48, No. 157
Friday, August 12, 1983

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1982-Crop Peanuts; Commodity Credit Corporation Domestic Crushing and Export Sales Policy for 1982-Crop Loan-Collateral Peanuts

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Determination.

SUMMARY: The purpose of this notice of determination is to affirm the previously announced policy of the Commodity Credit Corporation (hereinafter referred to as "CCC") with respect to the 1982 crop of peanuts for: (1) Sales of loan-collateral additional peanuts for export crushing, (3) sales by CCC of loan-collateral quota peanuts by CCC for export edible and export crushing uses, (2) sales by CCC of loan-collateral quota and additional peanuts for domestic crushing, and (4) other related provisions. These policy determinations are necessary to satisfy CCC's responsibilities under the Agricultural Act of 1949, as amended (hereinafter referred to as the "Act"). The Secretary of Agriculture announced these policy determinations in a press release issued on February 15, 1983.

EFFECTIVE DATE: February 15, 1983.

FOR FURTHER INFORMATION CONTACT: Gypsy Banks, Agricultural Economist, Agricultural Stabilization and Conservation Service, USDA, Room 3732–South Building, P.O. Box 2415, Washington, D.C. 20013 (202) 447–5953. The Final Regulatory Impact Analysis is available upon request.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." It has been determined that the provisions of this notice 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 governments, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this notice applies are: Title—Commodity Loans and Purchases, Number—10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since CCC 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 notice.

Beginning with the 1982 crop of peanuts, the CCC sales policy with respect to loan-collateral peanuts sold for domestic edible use, which has previously been codified at 7 CFR 1446.32, will be included in the General Regulations Governing 1982–85 Crop Peanut Warehouse Storage Loans. There is no statutory requirement that the policy govening CCC sales of loan collateral peanuts for domestic crushing and export uses be codified. Although no longer codified, the general CCC policy for sales for such uses will be reviewed and announced annually by the Secretary.

With respect to sales of loan-collateral peanuts, Section 407 of the Act (7 U.S.C. 1427) provides generally that CCC may not sell such peanuts at less than 105 percent of the current support price, plus reasonable carrying charges, except where the sales are for new or by-product uses, extraction of oil, export, or prevention of deterioration or spoilage, or for other than primary uses. As a part of U.S. trade policy, however, no sales by CCC of loan-collateral peanuts for export have been made since 1974 at less than the applicable loan rates, plus costs. In addition, additional peanuts which are sold for export crushing have been required to be fragmented prior to export in order to prevent such peanuts from entering the domestic edible market. The minimum export edible sales price for 1982-crop additional peanuts established by CCC was published in the **Federal Register** on February 26, 1982 (47 FR 8388).

In contrast to sales for export, sales of loan-collateral peanuts for domestic crushing have been made at competitive bid prices from 1976 to 1981. However, if the sales price received by CCC was less than the applicable quota or additional price support level, plus costs, the use of the oil produced from such peanuts was restricted to domestic markets. In the absence of specific statutory authority to review export documentation or require reports on exported oil, the Department has attempted to obtain compliance with this domestic use requirement for such oil by implementing an extensive certification procedure which has been monitored by the Agricultural Stabilization and Conservation Service (ASCS). Crushers of restricted domestic crushing peanuts and purchasers of the restricted oil have been required to certify that the oil has been used domestically or sold to an end user for domestic use within 300 days from the date the peanuts were purchased from CCC. In this manner, restricted oil has been tracked in marketing channels until it was used in making a domestic product or was packaged as oil for domestic use in containers holding 5 gallons or less.

Summary of Comments and Analysis

A notice of proposed determination was published in the **Federal Register** on December 8, 1982 (47 FR 55258) requesting comments with respect to the CCC domestic crushing and export sales policy for the 1982 crop of loan-collateral peanuts. Although the public comment period ended on January 7, 1983, all comments received were considered. A total of 41 comments were received: 3 from national associations of refiners or users of vegetable oils, 19 from individual refiners or end users of vegetable oils, 4 from members of Congress, 8 from brokers, 1 from a sheller association, 2 from national farm organizations, 1 from a state farm organization, 1 from an agribusiness council, 1 from an area marketing association and 1 from an individual.

Six of the comments addressed the CCC export sales policy. One respondent recommended continuing the CCC policy of selling quota loan peanuts

for export edible use at 100 percent of the quota loan value, plus costs, while one respondent recommended selling such peanuts at competitive prices. Two respondents recommended continuing the CCC policy for export crushing sales of quota and additional loan peanuts at the applicable loan rate, plus costs. Four respondents recommended continuation of the fragmenting requirement applicable to export crushing sales, while one respondent suggested eliminating this requirement. Several respondents also commented on the minimum CCC export sales price which had been already established for the 1982 crop of additional peanuts, apparently not realizing this matter had been determined previously.

Forty-one comments were received regarding the CCC domestic crushing sales policy. With minor exceptions, the respondents on this matter uniformly expressed dissatisfaction with the certification measures which were required under the previous domestic crushing policy. The respondents contended that the certification requirements are time-consuming, expensive and ineffective. Some users of vegetable oils commented that they would not consider using peanut oil because of the extensive reporting requirements. Twenty respondents requested total elimination of the restricted domestic oil use policy and paperwork, while one respondent recommended continuation of the restrictions. Of those recommendating elimination of the restricted domestic oil use policy, three suggested that if the Department decided to continue the policy, exporters of peanut oil should be required to certify that the oil is not restricted. One of those commenting also suggested that refining should be considered as a domestic use and that the restrictions on the oil should terminate at that stage. In addition, fifteen respondents who did not recommend a wholesale elimination of the certification program recommended that peanut oil exporters certify that their oil is not restricted. Two respondents requested that reporting procedures be simplified and two respondents asked in general terms that the Department carefully consider this policy. One respondent stated only that he would not use restricted peanut oil because of the paperwork.

When this restricted oil use policy originated, the oil produced from surplus peanuts exceeded domestic consumption or peanut oil by as much as 42 percent in 1975 and 33 percent in 1976. Since that time, however, gradual reductions in poundage quotas have reduced the quantity of surplus peanuts. Restricted oil as a percentage of domestic peanut oil consumption has decreased to a level of 38 percent in 1981. It has, therefore, become highly unlikely that peanut oil produced from domestic crushing sales of 1982-crop loan-collateral peanuts will exceed demand for peanut oil in the domestic market. In fact, if CCC's total uncommitted peanut inventory as of January 21, 1983, were to be sold for domestic crushing at below cost, the oil produced from these peanuts would comprise only 50 percent of projected U.S. peanut oil consumption.

After taking into consideration the comments received as well as the applicable statutory provisions, the following determinations have been made with respect to the 1982 crop of peanuts. First, it has been determined for the reasons stated that domestic crushing sales of loan-collateral 1982-crop peanuts will be made at competitive bid prices with unrestricted use of the oil produced from these peanuts, except that the oil produced from such peanuts may not be exported to a country which is the subject of a U.S. trade suspension. This policy will benefit both the peanut oil industry and CCC. The extensive reporting obligations previously imposed on the peanut oil industry will be eliminated. In addition, CCC's analysis projects that the removal of the restrictions on domestic crushing may increase the prices received by CCC for loan-collateral peanuts. CCC would thus realize a potential savings estimated at about $0.7 million with regard to sales of 1982-crop loan-collateral peanuts. It has been further determined that the CCC export sales policy for 1982-crop loan-collateral peanuts will remain the same as it was for the 1981 crop as this policy is in line with U.S. trade policy.

Since the only purpose of this notice is to affirm the determinations which have been announced by the Secretary on February 15, 1983, with respect to the CCC sales policy for the 1982-crop of loan-collateral peanuts, it has been determined that no further rulemaking is required regarding the following determinations:

Determinations

A. Applicability.

This sales policy is applicable to the 1982 crop of farmers stock peanuts in bulk or in bags, net weight basis, which are: (1) Owned by CCC, or (2) held by a producer association on behalf of its members as part of the quota peanut price support or additional peanut price support pools and which constitute collateral for price-support loans obtained from CCC.

B. Sales of loan-collateral quota peanuts for export edible use and export crushing.

Sales of loan-collateral quota peanuts for export edible and export crushing uses will be made at not less than all costs incurred with respect to such peanuts for such items as inspection, warehousing, shrinkage, and other expenses, plus 100 percent of the quota loan value.

C. Sales of loan-collateral additional peanuts for export crushing.

Sales of loan-collateral additional peanuts for export crushing will be made by CCC at not less than all costs incurred with respect to such peanuts for such items as inspection, shrinkage, warehousing, and other expenses, plus 100 percent of the additional peanuts loan value for 1982 peanuts. Additional peanuts sold for export crushing shall be fragmented prior to export in accordance with the General Regulations Governing 1982–1985 Crop Peanut Warehouse Storage Loans found in 7 C.F.R. Part 1446.

D. Sales for domestic crushing.

Sales of quota and additional peanuts for domestic crushing will be made by CCC at competitive prices with unrestricted use of the oil produced from these peanuts, except that the oil may not be exported to a country involved in a U.S. trade suspension

Signed at Washington, D.C., on August 5, 1983

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 83-22062 Filed 8-11-83; 8:45 am]

BILLING CODE 3410-05-M

Adjusted 1982 Crop Price Support Level and Rates—Burley Tobacco

AGENCY: Commodit Credit Corporation (CCC), USDA.

ACTION: Notice of determination of adjusted price support level and grade loan rates—1982 Crop burley tobacco.

SUMMARY: The purpose of this notice is to affirm determinations which have been made with respect to the adjusted level of price support for eligible grades of 1982 crop of burley tobacco. The determination of the adjusted level of price support is made in accordance with section 106 of the Agricultural Act of 1949, as amended by the No Net Cost Tobacco Act of 1982. [Pub. L. 97–218, 96 Stat. 197, approved July 20, 1982]

EFFECTIVE DATE: November 9, 1982.

FOR FURTHER INFORMATION CONTACT: C. Russell Levering, (202) 447–7445 or Robert H. Miller, (202) 447–8839, P.O. Box 2415, Washington, D.C. 20013. This determination sets forth the level of price support for eligible grades of 1982-crop burley tobacco. This level of support and corresponding support rates for eligible grades have been determined in accordance with section 106(d) of the Agricultural Act of 1949, as amended. The final regulatory impact analysis describing the impact of implementing the adjusted support level is being prepared and will be available from Mr. Levering or Dr. Miller.

SUPPLEMENTARY INFORMATION: This notice of determination 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 these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or a geographic region; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with Foreign-based enterprises in domestic or export markets.

The title and number of the federal assistance program to which this notice applies as set forth in the Catalog of Federal Domestic Assistance are: Title:—Commodity Loan and Purchases; Number: 10.051.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since the Commodity Credit Corporation (CCC) 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 notice.

Price support for burley tobacco is made available by the Commodity Credit Corporation (CCC) through loans to cooperative marketing associations which make available price support by means of advances to producers through auction warehouses. Price support advances are based upon specified loan rates for each grade of tobacco which average the required level of support when weighted by the anticipated grade percentages of the crop.

Section 106 of the Agricultural Act of 1949 was amended by the No Net Cost Tobacco Program Act of 1982 to authorize the Secretary of Agriculture to reduce the level of support which would otherwise be established for any grade of any kind of tobacco, including burley tobacco, which the Secretary determines will likely be in excess supply. Section 106 provides, however, that the weighted average of the level of support for all eligible grades of such tobacco must, after such reduction, reflect not less than 65 percent of the increase in the support level for such kind of tobacco which would otherwise be established under section 106 of the 1949 Act if the support level is higher than the support level for the preceding crop. Before any such reduction is made, the Secretary must consult with the associations handling price support loans and consideration must be given to the supply and anticipated demand of such tobacco, including the effect of such reduction on other kinds of quota tobacco.

On November 9, 1982, the Secretary announced by press release that the adjusted support level for the 1982 crop of burley tobacco was 175.1 cents per pound. The Secretary also announced the grade loan rates for burley tobacco. The announcement of the level of support and the grade loan rates were based upon the following considerations.

Data available in early November 1982 indicated the 1982–83 supply of burley tobacco was 1,881 million pounds, which was in excess of the reserve supply level (i.e., a supply of burley tobacco which is deemed adequate to meet domestic use and export needs, then estimated to be 1,678 million pounds). During 1981–82, only 0.8 million pounds of burley tobacco were pledged as collateral for price support loans to the two burley tobacco associations and, as of September 30, 1982, 0.7 million pounds remained as loan collateral. However, the USDA crop estimate for August 1982 forecast a record production 775 million pounds, which substantially exceeded the projections made in January 1982 of production of 665 million pounds and disappearance of 660 million pounds (500 million pounds domestic and 160 million pounds export).

The Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248, 96 Stat. 324, approved September 3, 1982) increased cigarette excise tax from 8 to 16 cents per package of 20 cigarettes, effective January 1, 1983. Retail cigarette prices vary widely depending on the mode of purchase. However, the 8 cents increase represents a 10 to 11 percent increase nationally. According to Congressional and Department of Treasury studies, domestic cigarette consumption would decline about 4 percent as a result of the 8 cent increase. By August 1982, foreign burley production was projected to increase 4 percent over 1981. This increase, combined with the sharp increase in the value of the United States dollar since late 1981, means that U.S.-produced burley tobacco will have further difficulty competing with much lower-priced foreign burley.

In view of the foregoing factors, reductions have been made for all official grades of burley tobacco to the maximum extent permissible in accordance with section 106(d) of the 1949 Act. The support level determined for 1981 crop burley tabacco was 163.6 cents per pound (See 46 FR 33351). The support level initially determined for the 1982 crop of burley tobacco was 181.3 cents per pound (See 47 FR 28441). The increase multiplied by 65 percent results in an adjusted price support level of 175.1 cents per pound. Considering the percentage distribution of all official grades, the support rates determined by the Secretary of the various grades of 1982 crop burley tobacco reflect the 175.1 cents per pound adjusted support level.

Since the only purpose of this notice is to affirm the announcement made by the Secretary on November 9, 1982 with respect to the adjusted level of support and the adjusted grade loan rates for the 1982 crop of burley tobacco, it has been determined that no further public rulemaking shall be required with respect to the following determinations.

It has been determined that the supply of all grades of burley tobacco will likely be excessive. Accordingly, the adjusted level of price support for the 1982 crop of burley tobacco as announced by the Secretary of Agriculture on November 9, 1982 is 175.1 cents per pound. In addition, the grade loan rates for the 1982 crop of burley tobacco shall be those rates which were also announced on November 9. The grade loan rates are available at county ASCS offices, producer associations, and the Agricultural Stabilization and Conservation Service, Tobacco and Peanuts Division, Washington, D.C. The level of support and the grade loan rates which have been determined and announced for the 1982 crop are not expected to affect the supply and price of other grades of other kinds of quota tobacco.

(Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C. 714b, 714c); Secs. 101, 106, 401, 403, 406, 63, Stat. 1051, as amended, 74 Stat. 6, as amended, 63 Stat. 1054, as amended, 1055, (7 U.S.C. 1441, 1445, 1421, 1423, 1426)

Signed at Washington, D.C. on August 5, 1983.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 83-22063 Filed 8-11-83; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Revised Notice of Intent To Prepare Environmental Impact Statements for Louisiana, Georgia, Mississippi, and North Carolina National Forest Land and Resource Management Plans

The Department of Agriculture, Forest Service, is preparing Environmental Impact Statements for proposed Forest Land and Resource Management Plans for the National Forests in Louisiana, Georgia, Mississippi and North Carolina. Notices of Intent were previously filed. However, in response to the decision by the Ninth Circuit Court of Appeals (Californa vs. Block, October 22, 1982) the Secretary of Agriculture directed the Forest Service to evaluate roadless areas in Environmental Impact Statements for Forest Land and Resource Management Plans. Consequently, completion and filing of the EISs will be delayed and a revised Notice of Intent is being filed. Regulations are currently being revised (36 CFR 219.17) to allow for the roadless area re-evaluation. Public participation in the roadless area re-evaluation permits data collection and analysis activities to proceed pending the final regulations which are soon forthcoming.

To evaluate roadless areas in these states, the public, other government agencies, and Indian tribes are invited to participate in identifying new or revised issues associated with inventoried roadless areas, clarifying current roadless area issues, and assisting in determining the necessary scope and detail of evaluation appropriate for each roadless area. Specific information is requested on manageable boundaries, wilderness values, and resource development potential.

The Forest Service will be soliciting written responses from the public through newsletters, press releases and/or personal contacts with known interested organizations and individuals.

Written comments, suggestions and information about roadless areas should be sent to the appropriate Forest Supervisor as follows:

- Kisatchie National Forest (LMP), 2500 Shreveport Highway, Pineville, LA 71360.
- Chattahoochee-Oconee National Forests (LMP), 601 Broad Street, SE, Gainesville, GA 30501.
- National Forests in Mississippi (LMP), 100 W. Capitol Street, suite 1141, Jackson, MS 39269.
- National Forests in North Carolina (LMP), 50 S. French Broad Avenue, Box 2750, Asheville, NC 28802.

Forest land and resource management plans are being prepared to provide for multiple use and sustained yield of the goods and services from the National Forest System in a way that maximizes long term net public benefits in an environmentally sound manner. Plans will guide all natural resource management activities and establish management standards and guidelines. They will determine resource management practices, levels of resource production and management, and the availability and suitability of lands for resource management. Environmental Impact Statements will evaluate several alternatives for management. The public will be invited to comment on draft Environment Impact Statements as they are completed.

The revised schedule for completion and filing of draft and final Environmental Impact Statements is:

National forest	DEIS	FEIS
Kisatchie	6/84	3/85
Chattahoochee-Oconee	9/84	3/85
Mississippi	6/84	3/85
Nantahala/Pisgah (NC)	6/84	3/85
Uwharrie & Croatan (NC)	9/84	6/85

John E. Alcock, Regional Forester, Southern Region, is the responsible official. Questions and requests for additional information should be directed to the appropriate Forest Supervisor.

Dated: August 4, 1983.

James E. Webb,

Deputy Regional Forester.

[FR Doc. 83-22100 Filed 8-11-83; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Intent To Prepare Environmental Impact Statement; Marsh-Kellogg Watershed, California

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 Guidelines (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 Marsh-Kellogg Watershed, Contra Costa County, California.

FOR FURTHER INFORMATION CONTACT: Eugene Andreuccetti, State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis, California 95616, telephone (916) 449-2848.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicated that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Eugene Andreuccetti, 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 systems for conservation land treatment, nonstructural measures, earth dams, and channel enlargement.

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. A meeting was held on June 8, 1983 in Brentwood, California, to determine the scope of the evaluation of the proposed action. Further information on the proposed action, or the results of the scoping meeting may be obtained from Eugene Andreuccetti, State Conservationist, at the above address or telephone (916) 449-2848.

(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 clearninghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: August 2, 1983.

Paul Calverley,

Acting State Conservationist.

[FR Doc. 83-21893 Filed 8-11-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 41509]

Florida Express Inc., Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above entitled matter is assigned to be held on August 17, 1983, at 10:00 a.m. (local time), in Room 1027, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., August 8, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-22128 Filed 8-11-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41478]

Michigan Peninsula Airways Fitness Investigations; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled proceeding will be held on August 31, 1983, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., August 8, 1983.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 83-22129 Filed 8-11-83; 8:45 am]

BILLING CODE 6230-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et. seq.)

Week Ended April 5, 1983.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Aug. 1, 1983	41617	Arrow Air, Inc., c/o Lawrence D. Wasko, Seamon, Wasko & Ozment, 1211 Connecticut Ave., NW., Suite 300, Washington, D.C. 20036. Application of Arrow Air, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations for a certificate of public convenience and necessity to engage in scheduled foreign air transportation of persons, property and mail as follows: Between a point or points in the United States, on the one hand, and Paramaribo, Surinam, on the other hand, via the intermediate points St. Martin; Port of Spain, Trinidad and Tobago; Georgetown, Guyana South America Arrow is authorized to serve. Conforming Applications, Motions to Modify Scope and Answers may be filed by August 29, 1983.
Aug. 2, 1983	41620	Silvas Air Lines Inc. d/b/a Silvas *** Express, c/o Louis C.F. Silvas II, 701-Northdale Cove, Columbus, Missouri 39701. Application of Silvas Air Lines Inc. d/b/a Silvas *** Express pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate and overseas charter air transportation of: i. Persons, property and mail between any point in any State of the United States or the District of Columbia or any territory or possession of the United States, and a. Any point in Canada, b. Any point in Mexico, c. Any point in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Winward Islands and any other foreign place in the Gulf of Mexico or the Caribbean Sea, d. Any point in Central or South America, and e. Any point in Australia, Indonesia or Asia as far west as longitude 70 degrees east via a transpacific routing. ii. Persons and their accompanied baggage and mail between any point in any State of the United States or the District of Columbia or any territory or possession of the United States and any point in Greenland, Iceland, the Azores, Europe, Africa and Asia as far east as, and including, India. iii. Persons and property pursuant to contracts with the Department of Defense. Conforming Applications, Motions to Modify Scope and Answers may be filed by August 30, 1983.
Aug. 2, 1983	41622	Union Air, Inc., c/o Francis P. Manzo III, 3033 W. Ogden Avenue, Suite 112, Lisle, Illinois 60532. Application of Union Air, Inc. pursuant to Section 401(d)(1), (2), or (3), of the Act and Subpart Q of the Board's Procedural Regulations, requests permanent authority to engage in interstate and overseas (scheduled/charter) air transportation of persons, property, and mail: Between any point in any State in the United States or the District of Columbia, or any territory or possession of the United States and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States. Conforming Applications, Motions to Modify Scope and Answers may be filed by August 30, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-22126 Filed 8-11-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41453]

Midwest Express Airlines, Inc., Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated at Washington, D. C., August 9, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-22127 Filed 8-11-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Fresh Cut Roses From Israel; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On February 9, 1983, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on fresh cut roses from Israel. The review covers the period October 1, 1979 through September 30, 1980.

We gave interested parties an opportunity to comment on our preliminary results. After review of all comments received, the final results of the review are the same as the preliminary results except for a correction of a calculation error.

EFFECTIVE DATE: August 12, 1983.

FOR FURTHER INFORMATION CONTACT: Laura Kneale or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 1980, the Department of Commerce ("the Department") published in the **Federal Register** (45 FR 58516) an affirmative final countervailing duty determination and countervailing duty order regarding fresh cut roses from Israel. On February 9, 1983, the Department published in the **Federal Register** (48 FR 5985) the preliminary results of its first administrative review of the order. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of Israeli fresh cut roses. Such merchandise is currently classifiable under item 192.1800 of the Tariff Schedules of the United States Annotated. The review covers the period October 1, 1979 through September 30, 1980, which is the exporting year for roses.

Analysis of Comments Received

We gave interested parties an opportunity to comment on our preliminary results. At the request of the petitioner, Roses, Inc., we held a public hearing on March 25, 1983.

Comment 1: Roses, Inc. argues that the Department should apply tax savings received from accelerated depreciation to the year in which the income giving rise to the taxes was earned, rather than the year in which the tax forms were filed. The determining factor in allocating benefits should be when a subsidy is received, not when the recipient knows the amount of the subsidy.

Department's Position: A firm cannot receive a benefit from a preferential tax program until it is able to calculate the amount of the tax savings. With regard to income taxes, the exact tax benefit for a particular tax year cannot be known until the firm's books have closed, because it is only then that the firm can determine with finality its taxable income. The Department therefore maintains that it must allocate income tax savings to the year in which total taxable income is knowable.

Comment 2: Roses, Inc. contends that accelerated depreciation provides companies with a benefit even in those years where the company would have shown a loss (or no taxable income) without using the accelerated depreciation. Accumulated losses that can be carried forward provide a benefit in such years by reducing estimated tax payments and providing an asset against which funds may be borrowed. The Department could measure the present value of the loss carry forward by projecting future tax savings. Alternatively, the petitioner argues, "it is possible" that the increased losses due to accelerated depreciation "are passed on to shareholders in the form of lower taxes (an issue on which there is no information of record to our knowledge)" or that such losses are covered by increased equity infusions inconsistent with commercial considerations.

Department's Position: Our policy is to attribute benefits from accelerated depreciation to the year in which tax savings are calculable. Attempting to project future tax savings would require us to speculate on companies' future profits and countervail potential, rather than actual, benefits. The petitioner's suggestions that increased losses due to accelerated depreciation may be passed on to shareholders, or covered by new equity infusions that, in turn, are countervailable, consitute new allegations lacking any supporting evidence.

Comment 3: The petitioner argues that the discount rate used by the Department in its present value analysis of grants is too low. The riskiness of investment in a recipient and possible alternative sources of financing are factors which the Department must consider in determining a discount rate. Since grants are one extreme of a financial continuum composed of loans at commercial interest rates, loans at preferential interest rates, interest-free loans, and grants, the Department must value grants as interest-free loans without principal repayment and use the commercial interest rate to calculate the benefit amount.

Department's Position: The petitioner is confusing the purpose of a benchmark interest rate with the purpose of a discount rate. In determining how much countervailing duty to collect, the Department must perform two operations. First, the Department must value the subsidy itself. Next, the Department must allocate that value to an appropriate time period. The value of the subsidy accruing to a firm as the result of a preferential loan is the difference between the amount of principal and interest the firm would have paid on the benchmark loan and the principal and interest charged on the preferential loan. In contrast, the value of a grant is its face value upon receipt, regardless of the riskiness of the recipient. Allocating grants by the use of company-specific discount rates would be inappropriate, since it would produce different results in the case of two firms in one country receiving identical grants.

Comment 4: The petitioner contends that benefits from government funded agricultural extension services are countervailable, on the grounds that "(t)he scope of the availability of the benefit is not pertinent to determining whether the benefit has been provided to the industry under investigation."

Department's Position: In our final determination and order of September 4, 1980, regarding Israeli roses, we determined that this program does not provide countervailable benefits because it is generally available. The petitioner has not provided us with any

new information which would compel us to reconsider our determination. In *Carlisle Tire and Rubber Company v. United States*, Court No. 79–5–00748, Slip. Op. at 83–49 (May 18, 1983), the Court of International Trade upheld the Department's interpretation of "bounty or grant" as "connoting some special or comparative advantage conferred upon an industry or group of industries and not avaliable to all manufacturers and producers within a given country." Further, the Department, in its recent final negative countervailing duty determination regarding fresh asparagus from Mexico (48 FR 21618), found that benefits uniformly available to the agricultural sector did not constitute bounties or grants because the Department "consider[s] the agricultural sector to consititute more than a single group of industries" within the meaning of section 771(5) of the Tariff Act of 1930 ("the Tariff Act").

Comment 5: The petitioner argues that Israeli government participation in research and development constitutes a countervailable subsidy, on the grounds that the research is particularly directed toward Israeli rose growers.

Department's Position: In our final determination and order of September 4, 1980, we determined that this program is not countervailable because the information stemming from these services has a broad application and is pubicly available. We believe that, while individual research projects are by definition directed toward specific projects in specific industries, the program and, more importantly, the results of the research are available to parties outside of the industry both in and outside of Israel. The fact that some of the results are only published in Hebew is irrelevant. The Department does not believe that determinations about "general availability" are affected by the languages of publication. The petitioner has not provided us with any new information which would compel us to reconsider our determination.

Comment 6: The petitioner alleges that loans given to growers by the Jewish Agency to finance land clearance and movement of topsoil provided countervailable benefits. The fact that the Jewish Agency's funds derive from private overseas sources is not pertinent to a determination of whether its programs provide countervailable benefits.

Department's Position: The purpose of the Jewish Agency is to aid in the resettlement of new immigrants to Israel. It uses its funds for social welfare projects such as religious schools, community centers, orphanages and homes for the aged. Information available to the Department indicates that the Jewish Agency's funds are not intended to promote particular industries. Therefore, we determine that its programs are generally available and, thus, not countervailable.

Further, in the Department's notice of "Final Affirmative Countervailing Duty Determination" concerning certain steel products from the Republic of Korea (47 FR 57535), the Department determined that similar humanitarian payments of war reparations were not countervailable.

Because we have determined that the programs funded by the Jewish Agency do not confer countervailable benefits, we need not address the issue of the source of the Jewish Agency's funds.

Comment 7: The respondent, Agricultural Export Company, Limited ("AGREXCO"), argues that the Department erred when it allocated domestic production subsidies for roses based on a ratio of the values of rose to flower exports. The ratio should have been based upon quantity, because roses occupy the same space in a greenhouse as other flower varieties and require the same amount of labor to produce.

Department's Position: To calculate *ad valorem* rates for domestic production subsidies, we divide the value of the subsidy by the value of production to which it applies. In this case, domestic sales are unverifiable, so we used exports as the value of production. The subsidies in this case generally apply to flowers and not specifically to roses. Therefore, the rate of benefit is the subsidy amount divided by total flower exports. We achieve the same result by multiplying the subsidy amount by the ratio of the values of rose to flower exports, and the dividing by the value of rose exports. In asserting that production costs are identical for roses and other flowers, the respondent is arguing that we should allocate production subsidies based on cost. We cannot do so because we do not know that the production costs are identical for the various types of flowers. Therefore, we have continued to allocate domestic production subsidies based on value.

Comment 8: The respondent argues that the Department erred in its determination of best evidence for Bickel. Because Bickel did not respond to the questionnaire or allow verification, the Department used as best evidence the highest property tax savings among other responding firms, that is, the rate received by AGREXCO. The respondent asserts that the Department is knowingly overstating the subsidy amount, because AGREXCO's level of exports was much higher than Bickel's.

The respondent further contends that the Department was inconsistent in its determination of best evidence for Bickel. If the Department persists in using AGREXCO's tax rate, the Department should have multiplied AGREXCO's tax savings attributed to Bickel by AGREXCO's ration of rose to total exports, rather than the industry average of rose to total flower exports.

Department's Position: For firms which refuse to respond, our policy is to use as best evidence the highest benefit among responding firms. There is no necessary relationship between the level of a company's exports and the value of its assets. Therefore, we cannot determine whether, by using AGREXCO's rate, we are overstating or understating Bickel's tax savings. Further, in the absence of information on Bickel's rose to flower export ratio, the appropriate ratio is the countrywide rose to flower export ratio. We have no evidence to support the respondent's contention that Bickel's ratio is as low as AGREXCO's, which is below the countrywide average.

Comment 9: The respondent maintains that the Department is penalizing responsive firms by including Bickel's best evidence rate in its calculation of a countrywide countervailing duty rate.

Department's Position: Where, as in this case, a respondent refuses to cooperate with the Department in a proceeding, the Department may take such refusal into account in making its determination of what constitutes the best information otherwise available. Further, as stated previously, in the absence of a response, we cannot determine whether we are overstating or understating the amount of benefit to Bickel.

Comment 10: The respondent argues that the Department used an excessive commercial rate in calculating the benefit from export financing. The respondent claims that the three preferential export funds comprise a single financing package, and that "dollar" loans under two of the three funds are in fact denominated in shekels.

Department's Position: We have previously concluded that the three funds are separate. *See* December 24, 1981 remand results to the Court of International Trade in *AGREXCO v. United States*, Consol. No. 80–10–01578. The respondent has not presented any new information to support a change in our position. Furthermore, we found evidence in Bank of Israel circulars and in company records that "dollar" loans

under both the Export Shipments Fund and the Imports-for-Export Fund are received in dollars and paid back in dollars. Therefore, the comparable interest rate for such "dollar" loans is the commercial rate on dollar loans in Israel.

Comment 11: The respondent maintains that loans under the Export Shipments Fund are not subsidized. Exemption for loans through this fund from the one percent surcharge on commercial financing is an exemption from a penalty, and not an export subsidy. The respondent further asserts that AGREXCO had access to dollar financing in New York at a rate considerably below the rate in Israel for dollar financing.

Department's Position: The Israeli government did not provide the Department with sufficient information concerning the types and volume of loans receiving the exemption. Similarly, the Israeli government was unable to provide information concerning who paid the surcharge. Therefore, consistent with our court remand results, we have determined that the exemption is available on a preferential basis. Because the Export Shipments Fund is available to all exporters, we have compared the preferential interest rate to the comparable country-wide market rate in Israel and not with company-specific commercial rates.

Comment 12: The respondent asserts that the Minimum Price Program did not confer benefits on exports of roses to the U.S., because the average price of roses sold to the U.S. during the review period was consistently higher than the guaranteed minimum price for such roses.

Department's Position: Benefits under the Minimum Price Program are based on annual worldwide rose exports. Because the funds awarded under the program are lump-sum payments, not tied to specific shipments, they benefit total exports. Therefore, we have allocated the total subsidy under this program to total rose exports.

Comment 13: The respondent contends that the Export Promotion Fund does not confer a benefit on roses. Because they are not a new species and are not entering a new market, they only appear as accent flowers in other advertisements. In the absence of evidence that roses received benefits under this program, the Department should not assume that benefits were received.

Department's Position: During our verification, we found posters from AGREXCO devoted solely to roses. This contradicts the respondent's argument. Absent rebutting evidence, we must use best evidence and assume that this program confers more than a minimal benefit on roses.

Final Results of the Review

As a result of our review and after a correction of a calculation error, we determine the rate of subsidy during the period October 1, 1979 through September 30, 1980 to be 11.69 percent *ad valorem*. There are no known unliquidated entries for the period. As provided for by section 751(a)(1) of the Tariff Act a cash deposit of estimated countervailing duties of 11.69 percent of the f.o.b. invoice price shall be required on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department is now commencing the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: August 7, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-22130 Filed 8-11-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; Tubes for Tires, Other Than for Bicycle Tires From the Republic of Korea

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether tubes for tires, other than for bicycle tires, (inner tubes) from the Republic of Korea (Korea) are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before August 25, 1983, and we will make ours on or before December 19, 1983.

EFFECTIVE DATE: August 12, 1983.

FOR FURTHER INFORMATION CONTACT: Paul Nichols, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 telephone: (202) 377-1276.

SUPPLEMENTARY INFORMATION: On July 11, 1983, we received a petition from counsel for Carlisle Tire & Rubber Company; Cooper Tire & Rubber Company; Cupples Company, Manufacturers; the Firestone Tire & Rubber Company; the B. F. Goodrich Company; the Indianapolis Rubber Company; and Robbins Tire Company. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Korea are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The petition also alleges that "critical circumstances" exist with regard to imports of inner tubes from Korea. The allegations of sales at less than fair value of the merchandise under investigation from Korea are supported by comparisons of United States prices based on price lists, with the foreign market value based on published wholesale home market prices for comparable models.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioners supporting the allegations. We have examined the petition filed by the representatives of the domestic manufacturers of inner tubes, and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether inner tubes from Korea are being, or are likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, we

will make our preliminary determination by December 19, 1983.

Scope of the Investigation

The merchandise covered by this investigation is all tubes of rubber or plastic for tires other than bicycle tires, currently classified under items 772.59 and 772.60 of the *Tariff Schedules of the United States* (1983) (TSUS).

Notification to the ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine within 45 days of the date the petition was received whether there is a reasonable indication that imports of inner tubes are materially injuring, or are threatening to materially injure, a United States industry.

If its determination is negative, this investigation will terminate; otherwise it will proceed according to the statutory procedures.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-22137 Filed 8-11-83; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture

SN 5-335,860 (3,911,120) Phosphonated N,N-Disubstituted Fatty Amides as Bactericidal and Fungicidal Agents

SN 5-448,429 (3,910,948) 1,3-Diacyl Derivatives of Imidazolidine

SN 6-202,032 (4,390,787) Method and Apparatus for Automatic Egg Mass Counting

SN 6-337,044 (4,391,153) Segmented Fiber Sampler

SN 6-356,870 (4,390,360) Control of Sicklepod, Showy Crotalaria, and Coffee Senna with a Fungal Pathogen

SN 6-370,019 (4,391,828) Dibutylorthobenzylmethoxybenzenes and Dibutylorthocinnamylmethoxybenzenes as Mosquito Larvae Growth Inhibitors

Department of the Air Force

SN 6-171,614 (4,387,989) Coherent Optical Feature Identifier Apparatus

SN 6-192,406 (4,387,971) Dynamic Damping System

SN 6-200,226 (4,390,816) Scan Corrected Vidicon Camera Apparatus

SN 6-216,103 (4,388,614) Automatically Sequenced Signaling System

SN 6-225,556 (4,387,344) Photon Storage Tube High Power Laser System

SN 6-231,074 (4,387,955) Holographic Reflective Grating Multiplexer/Demultiplexer

SN 6-239,955 (4,390,854) Broad Bandwidth Surface Acoustic Wave Filter Apparatus with Staggered Tuning

SN 6-286,817 (4,387,467) Satellite Test Chamber with Electromagnetic Reflection and Resonance Damping for Simulating System Generated Electromagnetic Pulses

SN 6-300,761 (4,391,660) Copper Containing Ballistic Additives

SN 6-304,123 Thick Film Radiation Detector

SN 6-308,976 (4,387,962) Corrosion Resistant Laser Mirror Heat Exchanger

SN 6-442,494 Snow Scale/Rate Meter

SN 6-452,604 Pulse Transformer Mount for Laser Diodes

SN 6-498,238 Laser Clock

SN 6-498,334 Simultaneous Nulling in the Sun and Difference Patterns of a Monopulse Radar Antenna

SN 6-498,335 Integrated Insulation Wall Assembly

SN 6-501,944 High Thermal Capacitance Multilayer Thermal Insulation

SN 6-501,945 Improved Absolute Distance Sensor

SN 6-502,028 High Resolution Printing Head

SN 6-502,771 Method and Apparatus for Detecting Acoustic Emissions from Metal Matrix Wire

SN 6-502,818 Low Height Fin Control Actuator

SN 6-504, 353 CO_2 Laser Stabilization and Switching

SN 6-504,354 Deactivation of Thionyl Chloride Cells

Department of the Army

SN 6-078,348 (4,389,947) Blast Suppressive Shielding

SN 6-230,558 (4,390,838) Broadband Measurement System

SN 6-243,287 (4,391,178) Logistic Vehicle Armor

SN 6-243,292 (4,392,084) Sustainer Circuit for Plasma Display Panels

SN 6-255,906 (4,391,196) Add-on Igniter for Pyrogen Type Igniter

SN 6-267,126 (4,389,918) Ammunition Belt Feed Magazine System

SN 6-311,368 (4,385,055) 2-Acetyl-and 2-Propionylpyridine Thiosemicarbazones as Antimalarials

SN 6-318,575 (4,391,799) Protective Gel Composition for Treating White Phosphorus Burn Wounds

SN 6-322,503 (4,391,678) Methods of Making Infrared Detector Array Cold Shield

SN 6-330,117 (4,390,271) Process for Producing Orthographic Projection Image of Complex Terrain/Targets From an Automatic System Using Two Photographs

SN 6-496,366 Process of and Apparatus for Laser Annealing of Film-Like Surface Layers of Chemical Vapor Deposited Silicon Carbide and Silicon Nitride

SN 6-501,687 Automated Design Program for LSI and VLSI Circuits

SN 6-505,666 Millimeter-Wave Cut-Off Switch

SN 6-505,667 Monolithic Millimeter-Wave Electronic Scan Antenna Using Schottky Barrier Control and Method for Making Same

SN 6-505,668 Millimeter-Wave Electronic Phase Shifter Using Schottky Barrier Control

Department of Commerce

SN 6-266, 484 (4,391,969) Modified Sulfur Cement

Department of Health and Human Services

SN 6-250,840 Cross-Slice Data Acquisition System for Pet Scanner

SN 6-284,089 (4,390,699) 6-Keto-Morphinans Belonging to the 14-Hydroxy-Series

SN 6-266,379 (4,390,026) Ultrasonic Therapy Applicator that Measures Dosage

SN 6-494,378 Optical Coupling Device for Biomicroscope

SN 6-496,275 Broadband Isotropic Probe System for Simultaneous Measurement of Complex E- and H-Fields

SN 6-497,839 Arabinosyl 5-Azacytosine (ARA-AC) Used as an Antitumor Agent for Human Tumor Zenografts

Department of the Interior

SN 6-219,705 (4,389,900) Capacitance Probe Sensor Device

SN 6-267,506 (4,389,896) Borehole Gauge for In-Situ Measurement of Stress and Other Physical Properties

[FR Doc. 83-22110 Filed 8-11-83; 8:45 am]

BILLING CODE 3510-04-M

National Oceanic and Atmospheric Administration

Solicitation of Expressions of Interest Regarding Civil Space Remote Sensing

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice, solicitation of expressions of interest.

SUMMARY: The Source Evaluation Board for Civil Space Remote Sensing solicits expressions of interest from potential offerors to assume responsibility for United States Civil Space Remote Sensing.

FOR FURTHER INFORMATION CONTACT: E. Larry Heacock, SEB/CSRS, 11420 Rockville Pike, NBOC#1, Room 300, Rockville, Maryland 20852. Telephone: (301) 443–3925.

Note.—This is not a toll free number.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce, having determined that it is in the public interest, in connection with the performance of duties imposed on the Department of Commerce by law and pursuant to the President's decision of March 8, 1983, to evaluate the transfer of the operational civil weather and land remote sensing satellites to the private sector, has established a Source Evaluation Board for Civil Space Remote Sensing (SEB).

The SEB will develop and issue a Request for Proposals (RFP) for the transfer of the operational land and weather remote sensing satellite systems to the private sector. The RFP will allow separate proposals on the land satellites, the polar weather satellites, or the geostationary weather satellites or combinations of these systems.

In carrying out its responsibilities to prepare this comprehensive Request for Proposals, the SEB desires to establish and maintain a dialogue with all private entities which may be interested either independently or as part of a consortium, in all or any part of the above systems. To that end, this notice is published to solicit expressions of interest from any such private sector entity. An expression of interest will not be construed as a firm indication of intent to submit a proposal. However, it will result in the placing of such respondents on the distribution list for correspondence intended to facilitate the above mentioned dialogue, up to the formal issuance of the RFP, at which time the normal regulatory restriction on disclosure of information regarding negotiated Federal procurements will be invoked. Items to be distributed may include, but are not limited to, the following:

1. Draft statements of Federal requirements.
2. Draft provisions regarding co npliance with international arrangements.
3. Draft responsibility criteria (for firms submitting proposals).
4. Draft selection criteria.
5. Background papers.

Prospective respondents are advised that selection of one or more successful offerors will be conditional upon the following:

(a) Offerors must be U.S. firms.

(b) Offerors must be financially sound and capable of supporting the systems or systems they propose to undertake.

Expressions of interest should be mailed to the above address.

Dated: August 9, 1983.

Samuel A. Lawrence,

Director, Office of Administrative and Technical Services.

[FR Doc. 83-22093 Filed 8-11-83; 8:45 am]

BILLING CODE 3510-12-M

Pacific Fishery Management Council's Groundfish Management Team; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended). The Council has established a Groundfish Management Team which will meet to discuss current groundfish management matters; review 1983 landings projections and Team stock assessment assignments; develop preliminary acceptable biological catches and optimum yields for 1984; review results of a recent sablefish workshop, and develop a report to the Council at its September 28–29, 1983, meeting in San Diego, California. Time is scheduled for public comment at 3 p.m., and members of the public will be permitted to submit oral or written statements regarding these matters.

DATES: August 30, 1983—convene at 9 a.m.; August 31–September 1, 1983—convene at 8 a.m.

ADDRESS: The public meetings will take place at the Oregon Department of Fish and Wildlife, 506 SW. Mill Street, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 SW. Mill Street, Portland, Oregon 97201, Telephone: (503–221–6352).

Dated: August 9, 1983.

Roland Finch,

Director, Office of Fisheries Management, F/M1, National Marine Fisheries Service.

[FR Doc. 83-22112 Filed 8-11-83; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Restraint Levels for Certain Cotton Textile Products From India

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Granting increases, variously, for swing and carryforward applied to Categories 335 (cotton coats), 336 (cotton dresses), 341 (women's, girls', and infants' woven cotton blouses), 342 (cotton skirts), and 347/348 (cotton trousers), produced or manufactured in India and exported during the agreement year which began on January 1, 1983. The level for Category 338/339/340 (cotton shirts and blouses) is being decreased 77,923 dozen to account for the swing applied to Categories 335, 336, 342, and 347/348.

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 (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, among other things, for percentage increases in certain categories (swing) and for the borrowing of yardage from the succeeding agreement year with the amount used being deducted from the level in the succeeding year (carryforward). Under the terms of the bilateral agreement and at the request of the Government of India, the import restraint levels established for Categories 335, 336, 338/339/340, 341, 342, and 347/348 are being adjusted for the twelve-month period which began on January 1, 1983.

EFFECTIVE DATE: August 12, 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 58339), which established import restraint levels for certain specified categories of cotton, wool, and man-made fiber textile products, 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 accordance with the terms of the bilateral agreement and at the request of the Government of India, the Chairman of the Committee for the Implementation of Textiles Agreements directs the Commissioner of Customs in the letter published below to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in the indicated categories, in excess of the designated adjusted levels of restraint.

Dated: August 8, 1983.

Walter C. Lenahan,

Chairman for the Implementation of Textile Agreements.

August 8, 1983.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: On December 27, 1982, the Chariman of the 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 are subject to adjustment.[1]

Under the terms of the Arrangement Regarding Internatinal 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 21, 1982, 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, effective on August 12, 1983, to amend the twelve-month levels of restraint established for cotton textile products in the following Categories:

Category	Adjusted 12-month level of restraint (dozen)[1]
335	145,600
336	266,562
338/339/340	987,857
341	2,472,551
342	351,279
347/348	226,000

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

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

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-22091 Filed 8-11-83; 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 arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Amending the Export Visa Requirement for Apparel Products From Sri Lanka

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Amending the export visa requirement now in effect for apparel, produced or manufactured in Sri Lanka: (1) To provide for the inclusion of the correct category and quantity on the export visas; and (2) to establish a certification for commercial shipments valued at U.S. $250, or less, which are exempt from the limits of the bilateral agreement.

SUMMARY: Under the terms of paragraph 17 of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of May 10, 1983 between the Government of the United States and Sri Lanka, agreement has been reached to amend the visa mechanism to require inclusion of the correct category and quantity on the visa stamp and to establish an exempt certification for commercial shipments of apparel valued at U.S. $250, or less. Certifications for the latter goods will be issued by the Government of Sri Lanka prior to exportation. Facsimiles of the stamps are published as enclosures to the letter to the Commissioner to Customs which follows this notice.

The officials of the Governments of Sri Lanka who are authorized to issue visas and certifications for exemption are the following:

DATE:

(1) Mrs. P. G. P. Abeyratna
(2) D. B. Balachandra
(3) S. C. Fernando
(4) W. M. C. A. F. Perera
(5) G. E. Ratnasingham
(6) G. D. Umagiliya
(7) Mrs. V. Weerasekera

EFFECTIVE DATE: September 1, 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 June 21, 1979 a notice was published in the **Federal Register** (44 FR 36221) which established an export visa requirement for apparel products produced or manufactured in Sri Lanka. The letter published below amends the previously established visa requirement.

Dated: August 9, 1983.

Walter C. Lenahan,

Chairman for the Implementation of Textile Agreements.

August 9, 1983.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 5, 1980 and February 27, 1981 between the Governments of the United States and Malaysia, it would be appreciated if you would charge 97 dozen to the level of restraint for Category 341 established in the directive of July 7, 1983. These charges account for imports during the period June 27–29, 1983.

This letter will not be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

FACSIMILES OF EXPORT VISA AND EXEMPT CERTIFICATION STAMPS USED BY THE GOVERNMENT OF SRI LANKA FOR CERTAIN APPAREL PRODUCTS EXPORTED TO THE UNITED STATES





[FR Doc. 83-22059 Filed 8-11-83; 8:45 am]
BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

MidAmerica Commodity Exchange Platinum Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The MidAmerican Commodity Exchange ("MCE") has applied by designation as a contract market in platinum. The Commission has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before October 11, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. References should be made to the MCE platinum futures contract.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., (202) 254-7303.

A copy of the terms and conditions of the MCE's proposed platinum futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the MCE in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the MCE in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by October 11, 1983. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on August 9, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-22103 Filed 8-11-83; 8:45 am]
BILLING CODE 6351-01-M

MidAmerica Commodity Exchange; Proposed Recommencement of Trading in the U.S. Silver Coin Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed recommencement of trading.

SUMMARY: The MidAmerica Commodity Exchange ("MCE") U.S. silver coin futures contract is now dormant within the meaning of Commission Rule 5.2 (47 FR 29515 (July 7, 1982)). The MCE has expressed its written intention to seek Commission approval pursuant to the requirements of Rule 5.2 to recommence trading in the U.S. silver coin contract. The Commodity Futures Trading Commission ("Commission") has determined that the MCE's intent to list additional delivery months in silver coin futures is of major economic significance and that, accordingly, publication of notice of the possible recommencement of trading is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before September 12, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the recommencement of trading in the MCE U.S. silver coin futures contract.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-7303.

SUPPLEMENTARY INFORMATION: The MidAmerica Commodity Exchange ("MCE" or "Exchange") U.S. silver coin futures contract is not currently listed for trading and is dormant under Commission Rule 5.2 (47 FR 29515 (July 7, 1982)). Under Rule 5.2, an exchange must submit for Commission review and approval, pursuant to Section 5a(12) of the Commodity Exchange Act and CFTC Rule 1.41(b), an appropriate bylaw, rule, regulation or resolution to recommence trading in a dormant contract.

No trading in silver coin futures on the MCE has occurred since 1975. In 1980 and 1981, in an attempt to stimulate trading in silver coins, the MCE Board of Directors approved and submitted to the Commission several amendments to the contract, which were approved by the Commission on July 15, 1983.[1] In view of

[1] These revisions include a reduction in the size of the trading unit of the contract from $5,000 face value (5 bags) to $1,000 face value (1 bag), an increase in the maximum daily price fluctuation from $150 to $600 per bag of silver coins and the elimination of the maximum daily price fluctuation during the delivery month.

Commission Rule 5.2, the Exchange also provided, in a letter dated May 26, 1983, a written expression of intent to make a submission pursuant to Rule 5.2 to list additional delivery months in the silver coin contract following Commission approval of the rule amendments.

The Commission believes that the MCE's intent to list additional delivery months in silver coin futures is of major economic significance. As noted, no trading in the MCE silver coin contract has occurred since 1975, and there is no comparable futures contract being traded on other exchanges. Therefore, the Commission believes the potential resumption of trading in the contract raises questions concerning its overall conformity with commercial practices, the adequacy of deliverable supplies and its economic purpose. Public comment with regard to the possible recommencement of trading in silver coins under the revised contract terms would assist the Commission in determining whether the reactivation of such trading should be approved.

In accordance with Section 5a(12) of the Commodity Exchange Act, as amended, 7 U.S.C. 7a(12) (Supp. V 1981), the Commission has determined that the MCE's intention to seek approval for the recommencement of trading in the U.S. silver coin futures contract is of major economic significance. Accordingly, the MCE's proposal will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the MCE in support of the intended recommencement of trading in silver coins may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by September 12, 1983. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on August 9, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-22102 Filed 8-11-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Tuesday & Wednesday, 13 & 14 September 1983.

Times: 0900–1700 hours, 13 September (Closed); 0900–1530 hours, 14 September (Closed).

Place: The Pentagon, Washington, D.C.

Agenda

The Army Science Board Ballistic Missile Defense (BMD) Follow-On Ad Hoc Subgroup will meet for classified presentations and discussions on advanced BMD concepts. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board's Acting Administrative Officer, Maria P. Winters, may be contacted for further information at (202) 695–3039 or 697–9703.

Maria P. Winters,

Acting Administrative Officer.

[FR Doc. 83-22098 Filed 8-11-83; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary of Defense

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Advisory Committee has been scheduled as follows: Wednesday, 14 September 1983, Plaza West, Rosslyn, Virginia

The entire meeting, commencing at 1300 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on future initiatives in emergency planning.

Dated: August 9, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-22138 Filed 8-11-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Intergovernmental Advisory Council on Education; Meeting

AGENCY: Education.

ACTION: Notice of meeting of the Intergovernmental Advisory Council on Education.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting to the Intergovernmental Advisory Council on Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: August 31 and September 1, 1983.

ADDRESSES: Department of Education, 400 Maryland Avenue SW., Room 3000 (August 31); DuBois Room, Horace Mann Learning Center, Room 1130 (September 1), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202 (202) 472–6464.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education was established under Section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council was established to provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations pertaining to education.

The meeting of the Council on Wednesday, August 31, 1983, will be closed to the public to interview candidates for the position of Executive Director of the Intergovernmental Advisory Council on Education. The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix I) and under exemption (6) contained in the Government in the Sunshine Act) Pub. L. 94–409; 5 U.S.C. 552b(c)(6)).

Discussion will include consideration of the qualifications and fitness of the applicants and will touch upon matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted

invasion of personal privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within 14 days of the meeting.

The meeting of the Council on Thursday, September 1, 1983, will be open to the public. The Council will meet from 9 a.m. to 3 p.m. in the DuBois Room in the Horace Mann Learning Center, Room 1130, at the Department of Education.

The proposed agenda includes:
—Review of the draft of Council report
—Plans for a Conference on Education
—Future Council Activities

Records are kept of all council proceedings and are available for public inspection at the Office of the Intergovernmental Advisory Council on Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C.

Signed at Washington, D.C. on Friday, August 5, 1983.

Gary L. Jones,

Under Secretary.

[FR Doc. 83-22036 Filed 8-11-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Crysen Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Crysen Corporation and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by September 12, 1983.

ADDRESS: Send comments to: John W. Sturges, Director, Tulsa Office, Economic Regulatory Administration, 440 S. Houston, Room 306, Tulsa, OK 74127.

FOR FURTHER INFORMATION CONTACT: John W. Sturges, Director, Tulsa Office, Economic Regulatory Administration, 440 South Houston, Room 306, Tulsa, Oklahoma 74127, (918) 581-7781.

Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On June 23, 1983 the ERA executed a proposed Consent Order with Crysen Corporation, formerly known as Crystal Energy Corporation, of Santa Ana, California. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Crysen Corporation, with its home office located in Santa Ana, California, is a firm engaged in the crude oil reselling business and was subject to the Manadatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, and 212, in connection with Crysen Corporation's transactions involving crude oil during the period August 1979 through January 27, 1981 ("the period covered by this Consent Order"), the ERA and Crysen Corporation entered into a Consent Order. DOE has alleged that during the period covered by this Consent Order, Crysen Corporation filed incorrect reports, required by DOE's regulations, for properly calculating the correct permissible average markup per barrel of crude oil sold.

The execution of this Consent Order constitutes neither an admission by Crysen Corporation nor a finding by DOE of any violation by the company of any statute or regulation.

The provisions of 10 CFR 205.199J, including those regarding the publication of this Notice, are applicable to the Consent Order.

II. Refunds

Under the terms of this Consent Order, Crysen Corporation will remit to DOE a total of $9,000,000, including interest, in six annual installments of $1,500,000 each. The first payment is due on the first day of the calendar month following 60 days after the effective date of the Consent Order. Crysen Corporation may prepay the balance due, including accrued interest based upon the principal amount of the settlement which is $7,114,287. The remittances shall be by certified or cashier's checks in the proper amounts made payable to the United States Department of Energy. Compliance by Crysen Corporation with the terms and conditions of this Consent Order will be deemed to constitute full civil compliance by Crysen Corporation with all statutes and regulations administered by DOE during the period covered by this Consent Order.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on Crysen Corporation's Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, on September 12, 1983. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Tulsa, Oklahoma on the 19th day of July 1983.

John W. Sturges,

Director, Tulsa Office, Economic Regulatory Administration.

[FR Doc. 83-22016 Filed 8-11-83; 8:45 am]

BILLING CODE 6450-01-M

The True Companies; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with The True Companies (True) and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by September 12, 1983.

ADDRESS: Send comments to: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106-2466.

FOR FURTHER INFORMATION CONTACT: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106-2466; telephone number

(816) 374–2092. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On July 28, 1983, the ERA executed a proposed Consent Order with The True Companies of Casper, Wyoming. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the DOE has signed and tentatively accepted the proposed Consent Order, the DOE may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order; or issue the Consent Order as signed.

I. The Consent Order

The True Companies encompass several companies, corporations and individuals engaged in all aspects of natural gas processing, crude oil production, and the distribution of crude oil and petroleum products. These activities were subject to the Mandatory Petroleum Allocation and Price Regulations at 10 CFR, Parts 210, 211, and 212 during the period covered by the Consent Order. The persons and business entities conducting these activities were H.A. True, Jr., Jean D. True, Tamma T. Hatten, H.A. True III, Diemer D. True, David L. True d.b.a. True Oil Company, True Drilling Company and Eighty-Eight Oil Company; Equitable Oil Purchasing Company; Smokey Oil Company; True Oil Purchasing Company, now a defunct corporation; Black Hills Oil Marketers, Inc., now a defunct corporation; Black Hills Trucking, Inc.; Reserve Oil Purchasing Company, now a defunct corporation; Toolpushers Supply Company; Reserve Oil Field Supply Company; Belle Fourche Pipeline Company; True Land and Royalty Company, now a defunct corporation; Tamma T. Hatten, H.A. True III, Diemer D. True, David L. True d.b.a. Cambria Oil Company; as well as the predecessors and successors in interest listed herein. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulatons and related regulations, 10 CFR Parts 205, 210, 211, and 212, in connection with True's transactions involving petroleum products during the period August 19, 1973 through January 28, 1981, the DOE and True enter into a Consent Order, the significant terms of which are as follows:

A. The Consent Order encompasses all matters relating to True's compliance with the federal petroleum price and allocation regulations administered by DOE and its predecessor agencies during the period from August 19, 1973 through January 28, 1981.

B. As a result of its audit, ERA raised certain issues with respect to True's compliance with the federal petroleum price and allocation regulations. True disputes ERA's allegations and maintains that it has correctly construed, and operated in accordance with the regulations.

C. Execution of the Gonsent Order constitutes neither an admission by True nor a finding by DOE of any violations by True of any statute or regulation.

II. Refunds

To resolve the issues raised by ERA's audit of True and to remedy any violations that may have occurred during the audit period, True has agreed to pay $3,500,000.00 within thirty (30) days of the effective date of the Consent Order. The funds will be paid to the Department of Energy (DOE) and the DOE will determine appropriate distribution of the funds.

III. Submission of Written Comments

Interested person are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comment on The True Companies Consent Order." The DOE will consider all comments it receives by 4:30 p.m., local time, on September 12, 1983. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedure in 10 CFR 205.9(f)

Issued in Kansas City on the 28th day of July, 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83-22017 Filed 8-11-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-14; FC Case No. 51825-3630-01, 02, 03-82]

Powerplant and Industrial Fuel Use Act of 1978; Prohibition Orders; Medina Electric Cooperative., et al.

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it will hold a public hearing concerning pending prohibition orders issued under section 301(c) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), to the Medina Electric Cooperative's (MEC) Pearsall Powerplant Units 1, 2, and 3 (hereafter, Pearsall 1, 2, and 3 or "the units") located in Pearsall, Texas. The proposed orders, if finalized, would permit the use of a mixture of natural gas and coal as the primary energy sources for Pearsall 1, 2, and 3, but would prohibit the use of natural gas and petroleum in excess of the minimum amounts necessary to maintain reliability of operation of the units consistent with maintaining the reasonable fuel efficiency of the mixture. More detailed information on the hearing and on the procedures to be followed by interested parties who wish to participate therein are contained in the **SUPPLEMENTARY INFORMATION** section below.

DATE: The hearing will be held at 10:00 a.m. on September 14 (and continue on September 15 if necessary). The hearing will also reconvene at 8:00 p.m. on September 14.

ADDRESS: Texas State Public Utility Commission Hearing Room, Suite 400 N, 7800 Shoal Creek Boulevard, Austin, Texas.

FOR FURTHER INFORMATION CONTACT:

Mrs. Ellen Russell, Office of Fuels Programs—RG-42, U.S. Department of Energy, Forrestal Building, Room GA-093, 1000 Independence Ave. SW., Washington, D.C. 20585, Phone (202) 252-1316.

Xavier Puslowski, Office of Fuels Programs—RG-42, U.S. Department of Energy, Forrestal Building, Room GA-073, 1000 Independence Ave. SW., Washington, D.C. 20585, Phone (202) 252-2201.

SUPPLEMENTARY INFORMATION: On April 7, 1983, MEC certified to ERA, in accordance with section 301(c) of FUA, that Pearsall 1, 2, and 3 are technically and financially capable of using a mixture of natural gas (or petroleum) and coal (or another alternate fuel) as their primary energy source. On May 5, 1983, ERA issued proposed prohibition orders based on this certification, pursuant to section 301(c) of FUA, to Pearsall 1, 2, and 3.

In accordance with 10 CFR 501.52(b), the publication of the proposed orders commenced a public comment period of

45 days during which interested parties, including the utility, could submit evidence that they have available relating to the proposed orders, MEC's certification, or the concurrence on the certification that ERA must make before final prohibition orders can be issued to Pearsall 1, 2, and 3. During this period, an interested party could also request a public hearing.

On June 2, 1983, ERA received a request for a public hearing from South Texas Electric Cooperative. After considering the request, ERA has determined that a public hearing should be held and has appointed Henry Garson, Assistant General Counsel for Coal Regulations, as the presiding officer for the proceeding, which will be held at the times and in the location indicated in the DATE and ADDRESS sections above.

At the public hearing, ERA will provide interested persons an opportunity to present relevant oral or written data, views and arguments. In addition, in accordance with section 701(d) of FUA and 10 CFR 501.34(f), interested perons will be given an opportunity to question (1) other interested persons who make oral presentations, (2) employees and contractors of the United States who have made written or oral presentations or who have participated in the prohibition order proceedings, and (3) experts and consultants who have provided information to any person who makes an oral presentation and which information is contained in or referred to in such presentation.

Persons who wish to participate in the hearing or who wish to be included on the service list must submit their names to Mrs. Ellen Russell at the above address. ERA encourages persons who wish to participate in the hearing to submit this information at the earliest possible date; in any case, submissions must be received in Washington, D.C., no later than 4:00 p.m., E.D.T., September 12, 1983. In accordance with the provisions of 10 CFR 501.33(c), the requests to participate shall include (1) a description of the requesting party's interest in the issue or issues involved in the proceeding and (2) an outline of the anticipated contents of the presentation, including (a) identification of any witnesses that are intended to be called at the hearing, (b) a summary of their anticipated testimony and/or questions to be asked, (c) a list of exhibits to be presented, and (d) a list of government and/or utility personnel which the parties wish to examine.

The record of this proceeding will remain open to any person who wishes to file written comments with the ERA in lieu of an oral presentation or in addition to their oral statement until September 23, 1983.

A transcript of the hearing will be made and will be available for public review at the Freedom of Information Reading Room, Room 1E-090, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on August 5, 1983.

Robert L. Davies,

Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-22092 Filed 8-11-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-16; FC Case No. 67048-9238-01-12]

Powerplant and Industrial Fuel Use Act of 1978; Prohibition Orders, Exemption Requests; Shepherd Oil, Inc.

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Acceptance of Petition for Temporary Public Interest Exemption and Availability of Certification by Shepherd Oil, Incorporated.

SUMMARY: On August 2, 1983, Shepherd Oil, Incorporated (Shepherd), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a temporary public interest exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act") for a new natural gas-fired boiler to be constructed at its Ethanol Production Plant in Jennings, Louisiana.

Final rules setting forth the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the **Federal Register** at 46 FR 59872 (December 7, 1981) (10 CFR Parts 500, 501, and 503). Eligibility and evidentiary requirements governing the temporary public interest exemption are contained in 10 CFR 503.25.

The unit for which the petition was filed is a 140 MM/Btu/hr. natural gas-fired boiler that will be used under the requested exemption during the construction of a coal-fired facility which will ultimately supply the required steam to the ethanol plant. The requested exemption would be for a period of time, not to exceed five years, during which the coal-fired facility will be constructed.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request, and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition, and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification, as well as other documents and supporting materials on this proceeding, is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m. to 4:00 p.m.

ERA will issue a final order granting or denying the petition for temporary exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATE: Written comments and any requests for a public hearing are due no later than September 26, 1983.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing are to be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-093, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585. Docket No. ERA-FC-83-16 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-093, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-1316.

Marya Rowan, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-222, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION:
Shepherd plans to install a new natural gas-fired boiler to supply steam to its Jennings, Louisiana, anhydrous ethyl alcohol (ethanol) production facility during the period of time required for the construction of the coal-fired facility that will supply the steam required by the plant in the ethanol production process. This period will not exceed five years from the date on which any temporary public interest exemption may be granted under FUA. The ethanol, which will be produced by the fermentation of sugar cane molasses, will be blended with gasoline for use as a motor fuel. Shepherd anticipates the production of approximately 100,000 gallons of ethanol per day from this plant.

Section 211(c) of FUA provides for a temporary public interest exemption from the prohibitions of Title II of the Act. Paragraph (c) of 10 CFR 503.25, implementing section 211(c) of FUA, provides a petitioner with a certification alternative to the demonstration ordinarily required to establish the qualification for this exemption, where the use of the subject unit is required during the construction of an alternate-fuel fired unit. In accordance with the certification procedures outlined in 10 CFR 503.25(c), Shepherd included with its exemption petition submitted to ERA a certification that the Jennings, Louisiana, natural gas-fired unit would, if the requested exemption is granted, be operated on natural gas only during the construction of a coal-fired facility which Shepherd will own or operate in connection with the ethanol production plant and that the use of the unit for which the exemption is requested will not exceed five years.

In accordance with the evidentiary requirements of 10 CFR 503.25(c), Shepherd also included as part of its petition exhibits which contain the bases for the certification summarized above.

Pursuant to 10 CFR 501.3, ERA hereby accepts Shepherd's petition for a temporary public interest exemption. ERA retains the right, however, to request additional relevant information from Shepherd at any time during the pendency of these proceedings, as provided in 10 CFR 501.3(b)(4), the acceptance of the petition by ERA does not constitute a determination that Shepherd is entitled to the exemption requested. That determination will be based on the entire record of these proceedings, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C., on August 5, 1983.

Robert L. Davies,
Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-22091 Filed 8-11-83; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4586-001]

Dennis V. McGrew, Thomas M. McMaster, and Kenneth R. Koch; Errata

August 9, 1983.

Correction:

The notice of the application for license (5MW or less) issued on May 27, 1983, published in the **Federal Register** on June 7, 1983, 48 F.R. 26344, is revised as follows: The name and location of Project No. 4586-001 should be changed from Ruth Creek to Swamp Creek. (column 2, lines 28 and 29).

Lois D. Cashell,
Acting Secretary.

[FR Doc. 83-22018 Filed 8-11-83; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OSW-FRL 2413-6]

RCRA Permit Advisory Committee; Open Meeting

Notice is hereby given of meetings of the RCRA Permit Advisory Committee. The Committee was established in accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. [Appendix I], *et. seq.* Establishment of the Committee was announced in the **Federal Register** on September 23, 1982, [SWH-FRL-2212-2].

The Committee's Task Forces will be meeting on September 20 and 21. The Full Committee will meet on September 22, 1983. All meetings will be held at the U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460. Meetings are scheduled as follows:

Sept. 20, 10:00 a.m.

Task Force A—Work Groups, Room 2117 and 2123
Task Force B—Work Groups, Room 3906 and 3908

Sept. 21, 9:30 a.m.

Task Force A—Room 2117
Task Force B—Room 2126

Sept. 22, 9:30 a.m.

Full Committee—Room S-353

The purpose of these meetings is to prepare recommendations from the Committee to EPA regarding their on-going review or current documents relating to the implementation of land disposal, storage and treatment, and incinerator programs. Comments from the Task Forces regarding major and minor permit modifications, variances, class permits, and permits for mobile treatment units may be considered at this time.

The Task Force and Committee meetings are open to the public. Any members of the public wishing to submit a written statement to the Committee should submit copies to the Executive Secretary at the meeting.

For further information contact: Susan Mann, Executive Secretary, Office of Solid Waste, (202) 382-4498.

Dated: August 4, 1983.

Jack W. McGraw,
Acting Assistant Administrator.

[FR Doc. 83-22044 Filed 8-11-83; 8:45 am]
BILLING CODE 6560-50-M

[SAB FRL 2414-8]

Science Advisory Board, High-Level Radioactive Waste Disposal Subcommittee; Open Meeting

Under Pub. L. 92-463, Notice is hereby given that a two-day meeting of the High-Level Radioactive Waste Disposal Subcommittee of the Science Advisory Board will be held in Conference Room 3906/3908, U.S. Environmental Protection Agency, 401 "M" St., SW., Washington, D.C., on August 29-30, 1983. The meeting will begin at 9:00 a.m. and last until 5:00 p.m. each day. The purpose of the meeting will be to continue the review of the scientific and technical basis of the Agency's proposed rules for the management and disposal of high-level radioactive wastes. The members of the Subcommittee, and the principal issues for the Subcommittee's consideration, were announced in the **Federal Register**, Wednesday, January 5, 1983, page 509.

The agenda for the meeting, which will be the eighth in a series of meetings on the proposed rules, will include discussion of Subpart A requirements, a briefing on environmental pathways modeling, finalization of subgroup reports, and discussion of the Subcommittee's draft final report.

The meeting is open to the public. Any member of the public wishing to attend or obtain further information about the meeting should contact Harry C. Torno,

Executive Secretary, at (202) 382-2552 or Terry F. Yosie, Staff Director, Science Advisory Board, at (202) 382-4126. Public comment will be accepted at the meeting. Written comment will be accepted in any form, and there will be opportunity for brief oral statements. Anyone wishing to make such comment must contact Mr. Torno prior to August 24, 1983, in order to be placed on the agenda.

Dated: August 8, 1983.

Harry C. Torno,

Acting Staff Director, Science Advisory Board.

[FR Doc. 83-22047 Filed 8-11-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59133; BH-FRL 2414-2]

Esterified Copolymer of Alpha Olefins and Maleic Anhydride; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for exemption, provides a summary, and requests comments on the appropriateness of granting of the exemption.

DATE: Written comments by August 29, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-59133]" and the specific TME number should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW, Washington, DC 20460

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

Close of Review Period. September 9, 1983.

TME 83-76

Manufacturer. Confidential.

Chemical. (G) Esterfied copolymer of alpha olefins and maleic anhydride.

Use/Production. (G) Modifying agent. Prod. range: Test marketing—40,000 lbs.

Toxicity Data. No data on the TME substance submitted.

Exposure. Manufacture and processing: dermal, a maximum of 12 workers, up to 8 hrs/da, up to 20 da/yr; Use: dermal, a maximum of 2 workers, up to 8 hrs/da, up to 10 da/yr.

Environmental Release/Disposal. Disposal by incineration.

Dated: August 5, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83-22045 Filed 8-11-83; 8:45 am]

BILLING CODE 6560-50-M

[OPts-51479; TSH-FRL 2414-1]

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 pulished in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of twenty-three PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83-1001, 83-1002, 83-1003, 83-1004, 83-1005, 83-1006,83-1007 and 83-1008—October 26, 1983

PMN 83-1009, 83-1010 and 83-1011—October 29, 1983

PMN 83-1012, 83-1013 and 83-1014—October 30, 1983

PMN 83-1015, 83-1016, 83-1017, 83-1018, 83-1019 and 83-1020—October 31, 1983

PMN 83-1021, 83-1022 and 83-1023—November 1, 1983

Written comments by:

PMN 83-1001, 83-1002, 83-1003, 83-1004, 83-1005, 83-1006, 83-1007 and 83-1008—September 26, 1983

PMN 83-1009, 83-1010 and 83-1011—September 29, 1983

PMN 83-1012, 83-1013 and 83-1014—September 30, 1983

PMN 83-1015, 83-1016, 83-1017, 83-1018, 83-1019 and 83-1020—October 1, 1983

PMN 83-1021, 83-1022 and 83-1023—October 2, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-51479]" 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, D.C. 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 83-1001

Manufacturer. Monsanto Company.

Chemical. (S) N,N,N',N',N'',N''-hexaisopropyl thiomelamine.

Use/Production. (S) Prevulcanization inhibitor for the manufacture of molded rubber products. Prod. range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Slight, Eye—Slight.

Exposure. Manufacture: dermal and inhalation.

Environmental Release/Disposal. Confidential.

PMN 83-1002

Manufacturer. Monsanto Company.

Chemical. (S) Hexamethylene-1,6-bisthiosulfate, nickel salt, hexahydrate.

Use/Production. (S) Rubber additive. Prod. range: Confidential.

Toxicity Data. Acute oral: 390 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Slight, Eye—Moderate.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by off-specification method.

PMN 83–1003

Manufacturer. Monsanto Company.

Chemical. (S) Propanoic acid, 3-[(dibutoxyphosphinothioyl)dithio]-methyl ester.

Use/Production. (S) Rubber accelerator. Prod. range: Confidential.

Toxicity Data. Acute oral: >3,500 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Slight, Eye—Slight.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by off-specification method.

PMN 83–1004

Manufacturer. Monsanto Company.

Chemical. (S) Hexamethylene 1,6-bisthiosulfate, disodium salt, dihydrate.

Use/Production. (S) Rubber additive. Prod. range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Acute dermal: >5,000 mg/kg; Irritation: Skin—No irritation, Eye—Slight.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by off-specification method.

PMN 83–1005

Importer. Confidential.

Chemical. (G) Polycarboxylic acid, alkanolamine salt.

Use/Import. (S) 100% as a corrosion inhibitor for water-based fluids. Import range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Slight, Eye—Minimal; Skin sensitization: Not a sensitizer; BOD—Readily biodegradable (76% in 21 days).

Exposure. Import: dermal, a total of 200 workers, 1–4 hrs/da, 20–200 da/yr.

Environmental Release/Disposal. No data submitted.

PMN 83–1006

Importer. Confidential.

Chemical. (G) (Amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, and (amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, salts with sodium and potassium.

Use/Import. (S) Industrial colorant for textiles. Import range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Fish toxicity (static test)—Not toxic to brachydanio rerio fish in 96 hrs at a concentration of 100 mg/1; Bacterial inhibition IC_{50}–>100 mg/1.

Exposure. Negligible.

Environmental Release/Disposal. 100–10,000 kg/yr released to water. Disposal by publicly owned treatment works (POTW), and biological treatment system.

PMN 83–1007

Importer. Confidential.

Chemical. (G) (Substituted)-(substituted)-hydroxy-naphthalenesulfonic acid, sodium salts.

Use/Import. (S) Industrial colorant for textiles. Import range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Fish toxicity (static test)—Not toxic to leuciscus idus fish in 48 hrs at a concentration of 200 mg/1.

Exposure. Negligible.

Environmental Release/Disposal. Confidential. Disposal by POTW and biological treatment system.

PMN 83–1008

Manufacturer. Confidential.

Chemical. (G) Dihydro-(substituted)-(substituted)-(substituted)-1H-indole

Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.

Toxicity Data. BOD_5 (mg/1)—90; COD (mg/1)—791.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by biological treatment system.

PMN 83–1009

Manufacturer. Confidential.

Chemical. (S) 1-propanaminium, 2,3,-di-hydroxy-N,N,N-trimethylchloride.

Use/Production. (G) Proprietary additive that has almost total containment through destructive use. Prod. range: 300–900 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a maximum of 2 workers, up to 3 hrs/da, up to 4 da/yr.

Environmental Release/Disposal. Less than 1 kg/batch released to air and water. Disposal by on-site waste water treatment plant.

PMN 83–1010

Manufacturer. Essex Specialty Products.

Chemical. (G) Aromatic, tertiary amine containing polyether polyurethane prepolymer.

Use/Production. Confidential. Prod. range: confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No release expected.

PMN 83–1011

Manufacturer. Confidential.

Chemical. (G) Thioalkylamidoamine.

Use/Production. (G) Chemical Intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Release is negligible. Disposal according to Resource Conservation and Recovery Act (RCRA) regulations.

PMN 83–1012

Importer. Confidential.

Chemical. (G) Bis (sulfophenylchlorotriazineaminosulfo phenylazo) hydroxyaminodisulfonaphthalene.

Use/Import. (S) Textile dye. Import range: 500-3,200 kg/yr.

Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin-Slight, Eye-Slight.

Exposure. Use: dermal and inhalation, a maximum of 3 workers, up to 1 hr/da, up to 20 da/yr.

Environmental Release/Disposal. Less than 10kg/yr released to air with 200 kg/yr to water. Disposal by POTW, private treatment works, incineration and approved landfill.

PMN 83–1013

Importer. Confidential.

Chemical. (G) Substituted (oxyphenyl) tetrazo oxylene.

Use/Import. (S) Dye for fabrics. Import range: 200–600 kg/yr.

Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin-Slight, Eye-Slight.

Exposure. Use: dermal, a maximum of 10 workers, up to 1 hr/da, up to 30 da/yr.

Environmental Release/Disposal. 100–1,000 kg/yr released to water. Disposal by POTW and incineration.

PMN 83–1014

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic copolymer.

Use/Production. (S) Thermosetting decorative and protective coating. Prod. range: 140,000–480,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a maximum of 2 workers, up to 1 hr/da, up to 8 da/yr.

Environmental Release/Disposal. No release expected. Disposal by incineration.

PMN 83–1015

Manufacturer. Essex Specialty Products.

Chemical. (G) Isocyanato functional polycarbamoyl (polyalkylene oxide) oligomer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No release.

PMN 83–1016

Manufacturer. Essex Specialty Products.

Chemical. (G) Isocyanato functional polycarbamoyl (polyalkylene oxide) oligomer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No. release.

PMN 83–1017

Manufacturer. Essex Specialty Products.

Chemical. (G) Isocyanato functional polycarbamoyl (polyalkylene oxide) oligomer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No release.

PMN 83–1018

Importer. Confidential.

Chemical. (G) Substituted-naphthalene tetrazodisulfonic acid, bis[(substituted-hydroxyphenylazo)phenyl]derivative.

Use/Import. (S) Industrial dye for leather. Import range: 1,500–7,500 kg/yr.

Toxicity Data. Acute oral: > 5 g/kg: Irritation: Skin—Slight, Eye—Slight.

Exposure. Processing: dermal and inhalation, a total of 1 worker, up to 1 hr/da, up to 40 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to water. Disposal by private treatment works, POTW and approved landfill.

PMN 83–1019

Manufacturer. Confidential.

Chemical. (G) Substituted polyhydroxy benzene derivative.

Use/Production. (G) Metal treatment chemical. Prod. range: 5,000–7,500 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 3 workers, up to 8 hrs/da, up to 20 da/yr; Processing: dermal, a maximum of 3 workers, up to 8 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. 1,000–5,000 kg/yr released to water. Disposal by POTW or industrial waste treatment system.

PMN 83–1020

Manufacturer. Confidential.

Chemical. (G) Substituted polyhydroxy benzene derivative.

Use/Production. (G) Metal treatment chemical. Prod. range: 5,000–7,500 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal, a total of 6 workers, up to 8 hrs/da, up to 260 da/yr/.

Environmental Release/Disposal. 1,000–5,000 kg/yr released to water. Disposal by POTW, incineration and approved landfill.

PMN 83–1021

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic copolymer.

Use/Production. (S) Thermosetting decorative and protective coating. Prod. range: 140,000–480,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacturer: dermal, a maximum of 2 workers, up to 1 hr/da, up to 8 da/yr.

Environmental Release/Disposal. No release expected. Disposal by incineration.

PMN 83–1022

Manufacturer. Hanna Chemical Coatings Corporation.

Chemical. (G) Saturated polyester.

Use/Production. (S) Industrial and commercial polyester vehicle for use in pigmented synthetic coatings. Prod. range: 75,000–100,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 8 workers, up to 2 hrs/da, up to 24 da/yr.

Environmental Release/Disposal. 0.3 to 1.35 kg/batch released to air with 1 to 9.4 kg/batch to land. Disposal by landfill.

PMN 83–1023

Manufacturer. Confidential.

Chemical. (G) Alkyl aryl phosphine.

Use/Production. (G) Industrial catalyst. Prod. range: Confidential.

Toxicity Data. Acute oral: 2,240 mg/kg: Acute dermal: 2.0 g/kg; Irritation: Skin—Mild to moderate, Eye—Mild and transient.

Exposure. Confidential.

Environmental Release/Disposal. 0.06–0.24 kg/batch released to water with 5–10 kg/batch to land. Disposal by POTW and landfill.

Dated: August 5, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83-22046 Filed 8-11-83; 8:45 am]

BILLING CODE 6560-50-M

[FR-FRL-2414-6]

Availability of Environmental Impact Statements Filed August 1 through August 5, 1983 Pursuant to 40 CFR Part 1506–9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382–5075 or 382–5076

U.S. Army Corps of Engineers:

EIS No. 830416, Draft, COE, CA, Oakdale Inner Harbor Deep Draft Navigation Improvement, Alameda Co., Due: Nov. 9, 1983

EIS No. 830418, Draft, COE, TX, Galveston and Brazoria Counties Shoreline Erosion Control, Due: Sept. 26, 1983

EIS No. 830420, DSuppl, COE, SEV, AR TX McKinney Bayou Flood Control Plan, Due: Sept. 30, 1983

EIS No. 830413, FSuppl, COE, MN, Mankato-Le Hillier, TH–169/60 Bridge Relocations, Blue Earth River, Due: Sept. 12, 1983

DEPARTMENT OF COMMERCE:

EIS No. 830425, DSuppl, NOA, CA, PAC Northern Anchovy Fishery Management Plan, Pacific Ocean, Due: Sept. 27, 1983

DEPARTMENT OF ENERGY:

EIS No. 830428, Final, DOE, PA, Former Vitro Rare Metals Plant Site, Remedial Actions, Washington Co., Due: Sept. 12, 1983

DEPARTMENT OF THE INTERIOR:

EIS No. 830427, Final, NPS, SEV, CO UT Colorado and Lower Dolores Rivers, Wild and Scenic Designation, Due: Sept. 12, 1983

DEPARTMENT OF TRANSPORTATION:

EIS No. 830415, Draft, FHW, AK, Fairbanks Urban Reconnaissance/Geist Road Extension, Fairbanks, Due: Oct. 14, 1983

EIS No. 830419, Draft, FHW, CA, I–215 Freeway Construction, Van Buren Blvd. to CA–60, Riverside Co., Due: Sept. 26, 1983

EIS No. 830422, Final, FHW, MD, I–83 Corridor Improvements, Gay Street to I–95, Baltimore County, Due: Sept. 12, 1983

EIS No. 830423, Final, UMT, PR, San Juan Urban Core Transportation System, Construction, Due: Sept. 12, 1983

EIS No. 830426, Draft, FAA, TX, Houston Intercontinental Airport, Runway Construction, Harris County, Due: Sept. 26, 1983

ENVIRONMENTAL PROTECTION AGENCY:

EIS No. 830421, Final, EPA, TN, Blount County Wastewater Management Facilities Plan, Grant, Due: Sept. 12, 1983

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:

EIS No. 830424, Draft, CDB, NJ, Newport City Development, UDA/CDB Grants &

Section 108 Loan Guaranty. Due: Sept. 26, 1983
EIS No. 830417, Final, HUD, PR, Nueva Caparra Community (Comunidad Del Rio Bayamon), Mortgage Ins., Due: Sept. 12, 1983
DEPARTMENT OF AGRICULTURE:
EIS No. 830414, Final, AFS, OR, Mount Bailey Winter Sports Site Development, Umpqua NF, Douglas Co., Due: Sept. 12, 1983
AMENDED NOTICES:
EIS No. 830410, Final, DOI, PRO, Undeveloped Coastal Barriers/Flood Insurance Prohibition, Definition, Published FR 08/05/83—Incorrect due date Due: Sept. 6, 1983
EIS No. 830326, Draft, COE, VA, Portsmouth Coal Terminal Construction, Permit Published FR 06/24/83—Review extended Due: Sept. 26, 1983

Dated: August 9, 1983.

Pasquale A. Alberico,

Acting Director, Office of Federal Activities.

[FR Doc. 83-22125 Filed 8-11-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Emergency Food and Shelter Program Plan Supplement

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Emergency Food and Shelter State Program Plan, 48 FR 21830 (May 13, 1983).

DATED: August 3, 1983.

FOR MORE INFORMATION CONTACT: Rich Robuck, Individual Assistance Division, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0507

Joe D. Winkle,

Assistant Associate Director, Disaster Assistance Programs, State and Local Programs and Support.

The State Plan for carrying out the Emergency Food and Shelter Program is formally amended as follows:

Repairs or renovations to shelters, not to exceed $500 per shelter, are considered eligible program costs, providing that such repairs/renovations are necessary to make the shelter safe, secure and sanitary. The intent is to allow for only minor repairs or alterations.

[FR Doc. 83-22064 Filed 8-11-83; 8:45 am]

BILLING CODE 6718-01-M

Emergency Food and Shelter Program Plan Supplement

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Emergency Food and Shelter National Board Program Plan, 48 FR 20014 (May 3, 1983).

DATED: August 3, 1983.

FOR MORE INFORMATION CONTACT: Karen Keefer, Individual Assistance Division, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0567

Dennis Kwiatkowski,

Chairman, National Board, for Emergency Food and Shelter Program.

The Emergency Food and Shelter Program Plan for the National Board is formally amended as follows:

Repairs or renovations to shelters, not to exceed $500 per shelter, are considered eligible program costs, providing that such repairs/renovations are necessary to make the shelter safe, secure and sanitary. The intent is to allow for only minor repairs or alterations.

In addition, the National Board has further amended its Program Plan to change from July 1, 1983 to August 31, 1983, the date by which unused or recaptured funds will be reallocated among the original communities of highest need (item 2.0 Concept of Operations, paragraph E.). Note that the listing of original communities of highest need was amended in 48 FR 30447 (July 1, 1983) to include an additional seven civil jurisdictions.

[FR Doc. 83-22065 Filed 8-11-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

The Federal Maritime Commission hereby gives notice that the following agreement has been filed with the Commission for approval purusant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of the agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on the agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments and protests are found in section 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a commnet or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T-4135.

Title: Port of Kalama, Peavey Company, ConAgra, Inc. and Kalama Grain Terminal Inc. Terminal Agreement.

Parties: Port of Kalama, Peavey Company, ConAgra, Inc. and Kalama Grain Terminal, Inc.

Synopsis: Agreement No. T-4135 provides for the levy, collection and division of dockage fees on vessels berthing at the operator's facilities in the Port of Kalama, Washington and establishing certain obligations upon the Port of Kalama to provide services with regard to such vessels and the Port facilities.

Filing party: Mr. Thomas L. Dueber, Senior Attorney, Peavey Company, Peavey Building, 730 Second Avenue South, Minneapolis, Minnesota 55402.

By order of the Federal Maritime Commission.

Dated: August 9, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-22130 Filed 8-11-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities; Fulton Financial Corp.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh

possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President), 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Fulton Financial Corporation*, Lancaster, Pennsylvania (insurance activities; Pennsylvania): To engage, through its subsidiary, Fulton Life Insurance Company, Phoenix, Arizona in underwriting, as reinsurer, credit life and accident and health insurance directly related to extensions of credit by the Corporation's subsidiary banks. These activities will be conducted in the State of Pennsylvania, serving Pennsylvania. Comments on this application must be received not later than September 2, 1983.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President), 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Banc One Corporation*, Columbus, Ohio (leasing and financing activities; Pennsylvania and Ohio): To engage, through a subsidiary, Banc One Leasing Corporation, in the activities of leasing personal property and equipment, or acting as agent, broker, or advisor in leasing of such property, where such property is acquired by the lessor at the request of the lessee, for business purposes and where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full investment in the property; making, acquiring, and selling, for its own account and for the account of others, loans and other extensions of credit including loans to finance agricultural production, commercial and industrial loans, and loans to individuals for household, family, and other personal expenditures; and servicing such loans and other extensions of credit for itself and for non-affiliated banks and for institutional investors. These activities will be conducted from an additional office in Pittsburgh, Pennsylvania and will serve western Pennsylvania and eastern Ohio. Comments on this application must be received not later than August 31, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Comercia, Incorporated*, Detroit, Michigan (mortgage banking, investment advice, and real estate appraisal; United States): To engage, through its subsidiary, Comercia Mortgage Corporation, in comercial and residential mortgage banking activities, including the solicitation and placement of loans secured by commercial real estate; acting as investment advisor to real estate investment trusts and pension funds; furnishing general economic information and advice; origination, warehouse and sale of residential loans to long term investors; servicing of mortgage loans on behalf of long term investors; and performing appraisals of real estate. These activities would be primarily conducted in the District of Columbia and in the States of Michigan, Massachusetts, New York, Georgia, Florida, Texas, Washington, Colorado, California and Minnesota. Comments on this application must be received not later than August 30, 1983.

2. *Michigan National Corporation*, Bloomfield Hills, Michigan (data processing activities; Michigan): To engage, through its proposed Electronic Systems and Operations Division, in providing bookkeeping and/or data processing services, providing and maintaining data and facilities for the internal operations of the holding company and its subsidiaries; storing and processing other banking, financial or related economic data, such as payroll, accounts receivable/payable, trust and fiduciary accounting, credit card authorization, including processing, accounting, data transmissions/settlement, and related services, and providing consultation with respect to such services to the holding company, its subsidiaries, customers of those subsidiaries, correspondents, non-affiliated financial institutions and others on an indirect and direct contract basis; providing other data processing and data transmission services, facilities, data bases or access to such services, facilities, data bases by any technologically feasible means for banking, financial or economic data; selling by-products of permissible data processing activities; providing excess capacity on data processing and transmission facilities; providing, for a fee, data processing and transmission hardware and software and acting as agent, broker or advisor in obtaining or providing equipment to the extent required to support the previously mentioned activities. These activities will be performed from offices in Bloomfield Hills, Lansing and Livonia, Michigan, serving the State of Michigan. Comments on this application must be received not later than August 3, 1983.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Republic Bancorp, Inc.*, Louisville, Kentucky (finance activities; Kentucky): To engage, through its subsidiary, Republic Funding Company, in making or acquiring for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company and servicing such loans for others in accordance with Regulation Y. These activities will be performed in the States of Kentucky and Indiana, primarily serving two counties in Kentucky. Comments on this application must be received not later than August 31, 1983.

E. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota (financing, insurance and travelers checks activities; New Hampshire): To engage through its subsidiaries, Norwest Financial New Hampshire, Inc., Norwest Financial New Hampshire 1, Inc., and Centurion Life Insurance Company, in the activities of consumer finance, sales finance and commercial finance, the underwriting and sale of credit life and credit accident and health insurance related to extensions of credit by Norwest Financial New Hampshire, Inc. and Norwest Financial New Hampshire 1, Inc. (such underwriting and sale of credit-related insurance being permissible activities under Subparagraphs A and D of Title VI of the Garn St. Germain Depository Institutions Act of 1982), and the offering for sale and selling of travelers checks. These activities would be conducted from an office in Salem, New Hampshire, serving Salem, New Hampshire and nearby communities in New Hampshire and Massachusetts. Comments on this aplication must be received not later than August 31, 1983.

2. *Norwest Corporation*, Minneapolis, Minnesota (financing, insurance and

travelers checks activities; Tennessee): To engage through its subsidiary, Norwest Financial Tennessee, Inc., in the activities of consumer finance, sales finance and commercial finance, the sale of credit life, credit accident and health and property and credit-related casualty insurance related to extensions of credit by that company (such sale of credit-related insurance being a permissible activity under Subparagraph D of Titles VI of the Garn St Germain Depository Institutions Act of 1982), and the offering for sale and selling of travelers checks. These activities would be conducted from a relocated office in Nashville, Tennessee, serving Nashville, Tennessee. Comments on this application must be received not later than August 31, 1983.

Board of Governors of the Federal Reserve System, August 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-22023 Filed 8-11-83; 8:45 am]

BILLING CODE 6210-01-M

Central Montana Bancorporation; Formation of Bank Holding Company

Central Montana Bancorporation, Roundup, Montana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 85.86 per cent or more of the voting shares of First Security Bank of Roundup, Roundup Montana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Central Montana Bancorporation, Roundup, Montana, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage directly in general insurance agency activities in a community with a population not exceeding 5,000. These activities would be performed from offices in Roundup, Montana, and the geographic area to be served is Roundup, Montana, and the surrounding area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than September 6, 1983.

Board of Governors of the Federal Reserve System, August 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-22024 Filed 8-11-83; 8:45 am]

BILLING CODE 6210-01-M

Eaton Capital Corp.; Proposed Acquisition of Alpha Insurance Management, Inc.

Eaton Capital Corporation, Eaton, Colorado, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the assets of Alpha Insurance Management, Inc., Ault, Colorado.

Applicant states that the proposed subsidiary would engage in the sale of general insurance, in a town with a population of less than 5,000. These activities would be performed from offices of Applicant's subsidiary in Eaton, Colorado, and the geographic area to be served is the town of Ault, Colorado. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 6, 1983.

Board of Governors of the Federal Reserve System, August 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-22025 Filed 8-11-83; 8:45 am]

BILLING CODE 6210-01-M

Hill Investment Co.; et al.; Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Hill Investment Company*, Jewell, Iowa; to acquire 8.7 percent of the voting shares or assets of Great Midwest Financial Company, Ames, Iowa and indirectly University Bank & Trust Company, Ames, Iowa. Comments on this application must be received not later than September 6, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Jorgenson Insurance Agency, Inc.*, Kenmare, North Dakota; to acquire 61.5 percent of the voting shares or assets of State Bank of Kenmare, Kenmare, North Dakota. Comments on this application must be received not later than September 7, 1983.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *FirstBank Holding Company of Colorado* and its subsidiary, FirstBank Holding Company, both of Lakewood, Colorado; to acquire 100 percent of the voting shares or assets of FirstBank at Arapahoe/Yosemite, Arapahoe County, Colorado, a proposed *de novo* bank. Comments on this application must be received not later than September 6, 1983.

D. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Michigan National Corporation*, Bloomfield Hills, Michigan; to acquire 100 percent of the voting shares of State Bank of Standish, Standish, Michigan. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. Comments on this application must be received not later than September 2, 1983.

2. *NBD Bancorp, Inc.*, Detroit, Michigan; to acquire 100 percent of the voting shares or assets of Pontiac State Bank, Pontiac, Michigan. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. Comments on this application must be received not later than September 7, 1983.

Board of Governors of the Federal Reserve System, August 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-22029 Filed 8-11-83; 8:45 am]

BILLING CODE 6210-01-M

Independent Community Bank, Inc.; Proposed Acquisition of Retirement Accounts, Inc.

Independent Communtiy Banks, Inc., Sanibel, Florida, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Retirement Accounts, Inc., Winter Park, Florida.

Applicant states that the proposed subsidiary would engage in the activities that may be performed or carried on by a trust company. These activities would be performed from offices of Applicant's subsidiary in Winter Park, Florida, and the geographic areas to be served are Florida, Georgia, New York, and Texas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 2, 1983.

Board of Governors of the Federal Reserve System, August 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-22126 Filed 8-11-83; 8:45 am]

BILLING CODE 6210-01-M

Peoples Holding Co.; Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that request a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *People Holding Company*, Winder, Georgia; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Peoples Bank, Winder, Georgia. Comments on this application must be received not later than September 7, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Frankfort Bancshares, Inc.*, Frankfort, Illinois; to become a bank holding company by acquiring 85.7 percent of the voting shares of Frankfort State Bank, Frankfort, Illinois. Comments on this application must be received not later than September 6, 1983.

2. *LaSalle Bancorp, Inc.*, LaSalle, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to LaSalle National Bank, LaSalle, Illinois. Comments on this application must be received not later than September 7, 1983.

3. *NC Bancorp., Inc.*, Chicago, Illinois; to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of Edens Plaza State Bank, Edens Plaza, Illinois. Comments on this application must be received not later than September 2, 1983.

4. *Oquawka Bancshares, Inc.*, Owquwka, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of Oquawka, Oquawka, Illinois. Comments on this application must be received not later than September 2, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. **Citizens Financial Service Corporation**, Van Buren, Arkansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Citizens Bank and Trust Company, Van Buren, Arkansas.

Comments on this application must be received later than August 31, 1983.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Burke Securities Company*, Missoula, Montana; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Sheridan, Montana. Comments on this application must be received not later than August 29, 1983.

2. *Flathead Lake Bancorporation, Inc.*, Polson, Montana; to become a bank holding company by acquiring 80 percent of the voting shares of First Citizens Bank of Polson, Polson, Montana. Comments on this application must be received not later than September 6, 1983.

3. *Wakefield Bancorporation, Inc.*, Wakefield, Michigan; to become a bank holding company by acquiring 98.8 percent of the voting shares of The First National Bank of Wakefield, Wakefield, Michigan. Comments on this application must be received not later than September 7, 1983.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Lincoln Bancshares, Inc.*, Lincoln, Missouri; to become a bank holding company by acquiring 80 percent of the voting shares of The Farmers Bank of Lincoln, Lincoln, Missouri. Comments on this application must be received not later than September 7, 1983.

F. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Borger FirstCorporation*, Borger, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank of Borger, Borger, Texas. Comments on this application must be received not later than September 7, 1983.

2. *Caldwell Holding Company*, Columbia, Louisiana; to become a bank holding company by acquiring at least 89.4 percent of the voting shares of Caldwell Bank & Trust Company, Columbia, Louisiana. Comments on this application must be received not later than September 7, 1983.

3. *First Artesia Bancshares, Inc.*, Artesia, New Mexico; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Artesia, Artesia, New Mexico. Comments on this application must be received not later than September 2, 1983.

G. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Northwest Bancshares*, Woodward, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of the Northwest, Woodward, Oklahoma. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than September 8, 1983.

Board of Governors of the Federal Reserve System, August 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-22028 Filed 8-11-83; 8:45 am]

BILLING CODE 6210-01-M

Trilon Financial Corp.; Formation of Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Trilon Financial Corporation*, Toronto, Ontario, Canada; to become a bank holding company by acquiring at least 40 percent of the voting shares of Royal Trustco Limited, a registered bank holding company which owns Royal Trust Bank Corp., Miami, Florida; Royal Trust Bank, N.A., Miami, Florida; Royal Trust Bank of Florida, N.A., St. Petersburg, Florida; Royal Trust Bank, St. Petersburg, Florida; Royal Trust Bank of Palm Beach, N.A., Palm Beach, Florida; and, Royal Trust Bank of Jacksonville, Jacksonville, Florida. Comments on this application must be received not later than September 7, 1983.

Board of Governors of the Federal Reserve System, August 10, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-22257 Filed 8-11-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

SES Performance Review Boards for Small Client Agencies Serviced by GSA; Names of Members

Sec. 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The board shall review and evaluate the initial appraisal by the supervisor of a senior executive's performance, along with any recommendations to the appointing authority relative to the performance of the senior executive.

As provided under section 601 of the Economy Act of 1932, as amended, 31 U.S.C. 686, the General Services Administration through its External Services Staff, Personnel Division, provides various personnel management services to a number of diverse Presidential commissions, committees, and other small agencies and boards through reimbursable administrative support agreements. This notice is processed on behalf of these client agencies, and it amends our original notices in the **Federal Register** dated March 17, 1980, May 20, 1980, September 23, 1981, and September 20, 1982. Because of their small size, a Performance Review Board register has been established composed of members of the various agencies. From this register of names, the head of each client agency will appoint executives to a specific board to serve the particular client agency.

The members whose names appear on the Performance Review Board register to serve client agencies are:

Richard A. Ericson, Executive Director, Japan-United States Friendship Commission

Stephen L. Babcock, Executive Director Administrative Conference of the United States

Richard K. Berg, General Counsel, Administrative Conference of the United States

Ralph A. Watkins, Jr., Commissioner, (Chairman) Navajo and Hopi Indian Relocation Commission

Sandra L. Massetto, Commissioner, Navajo and Hopi Indian Relocation Commission
Hawley Atkinson, Commissioner, Navajo and Hopi Indian Relocation Commission
Stephen G. Goodrich, Executive Director, Navajo and Hopi Indian Relocation Commission
Walter R. Roberts, Executive Director, Board for International Broadcasting
James Critchlow, Foreign Information Officer, Board for International Broadcasting
Arthur D. Levin, Financial Manager, Board for International Broadcasting
Anatole Shub, Foreign Information Officer, Board for International Broadcasting
Rosemary M. Collyer, Chairman, Federal Mine Safety and Health Review Commission
Catherine Sands, Executive Director, Federal Mine Safety and Health Review Commission
James A. Lastowka, General Counsel, Federal Mine Safety and Health Review Commission

For further information, contact Betty R. Bruce, External Services Staff, Personnel Division (202–472–9214); mailing address: General Services Administration, National Capital Region (WBPX), Washington, D.C. 20407.

Dated: August 4, 1983.

William F. Madison,

Acting Regional Administrator, National Capital Region.

[FR Doc. 83-22111 Filed 8-11-83; 8:45 am]

BILLING CODE 6820-34-M

National Archives and Records Service

Opening of the Nixon White House Special Files

Notice is hereby given that, in accordance with Section 104 of Title I of the Presidential Recordings and Materials Preservation Act (88 Stat. 1695; 44 U.S.C. 2107 note) and § 105–63.401(b) of the General Services Administration implementing regulations (41 CFR 105–63), this agency has identified, inventoried, and prepared for public access an integral file segment of textual materials among the Nixon Presidential materials in the custody of the National Archives and Records Service. The National Archives and Records Service, General Services Administration, intends to make this file segment available to the public on or after September 26, 1983.

The file segment, known as the White House Special Files, consists of 628 cubic feet of textual materials that were placed under the protective custody and control of the Special Files Unit during the Presidency of Richard M. Nixon. The Special Files Unit was a unique filing organization within the White House that was established in 1972 to provide a central storage location for materials perceived as sensitive. The criteria for inclusion of materials into the Special Files encompassed specific categories of files that warranted special care and handling. The selection of materials by the Special Files Unit focused mainly on political matters and, therefore, the documents do not completely reflect major domestic or foreign policy issues of the Nixon administration. The Special Files document aspects of the Nixon administration from January 20, 1969, to August 9, 1974.

This file segment is comprised of portions of two major bodies of Presidential materials: Staff Member and Office files; and selected subjects from the Confidential Files of the White House Central Files. In addition, the President's Office Files and the President's Personal Files are included in their entirety. Listed below are the file groups that constitute the Special Files list.

File group	Volume (cubic feet)
Desmond J. Barker, Jr.	1
John R. Brown III	1
Patrick J. Buchanan	9
Stephen B. Bull	2
Alexander P. Butterfield	3
J. Fred Buzhardt	2
Dwight L. Chapin	14
Charles W. Colson	43
John W. Dean III	39
Harry S. Dent	4
John D. Ehrlichman	23
Michael J. Farrell	1
Peter M. Flanigan	5
David R. Gergen	1
Alexander M. Haig	16
H. R. Haldeman	136
Edwin L. Harper	(1)
David C. Hoopes	10
W. Richard Howard	2
Kenneth L. Khachigian	10
Herbert G. Klein	2
Tom C. Korologos	1
Egil Krogh, Jr.	28
Frederic V. Malek	1
Peter E. Millspaugh	1
Terrence O'Donnell	1
Peter G. Peterson	1
John A. Scali	2
Geoffrey Shepard	1
Hugh W. Sloan, Jr.	1
Gordon C. Strachan	7
Richard C. Tufaro	2
Gerald L. Warren	1
J. Bruce Whelihan	4
David G. Wilson	1
David R. Young	9
Ronald L. Ziegler (includes the files of the Press Office and Agnes Waldron)	17
Special Staff Files (materials from staff members other than those listed above	3
Staff Secretary	73
White House Special Files: Administrative Files	2
White House Special Files: Subject Categories (from Central files)	41
President's Office Files	38
President's Personal Files (material considered by the President personally)	69

(1) Less than 1.

Public access to some of the items in this integral file segment will be restricted as outlined in § 105–63.402 of the implementing regulations.

Any person who believes it necessary to bar public access to all or portions of the above materials to protect an individual's rights, privileges, or defenses, shall notify the Administrator of General Services in writing of the objection and claimed right, privilege, or defense. The petition to the Administrator should be made in accordance with section 105–63.401 of the implementing regulations and should be sent to the Administrator, General Services Administration, Washington, D.C. 20405, and should be received on or before September 12, 1983. Envelopes should be clearly marked "Presidential Materials Public Access Appeal."

Dated: August 4, 1983.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 83-22060 Filed 8-11-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 76N-0465; DESI 64]

Human Drugs; Certain Barbiturate-Analgesic Oral Combination Drugs; Drugs for Human Use; Drug Efficacy Study Implementation; Postponement of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) postpones the requirement, announced in the **Federal Register** of August 10, 1982, that manufacturers of combination butalbital-analgesic products described below who do not hold either an approved supplemental new drug application or an approved full or abbreviated new drug application by August 10, 1983 will be subject to regulatory action.

EFFECTIVE DATE: August 12, 1983.

ADDRESSES: Communications in response to this notice should be

identified with reference number DESI 64, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

New drug application or supplements to full new drug applications (identify with NDA number): Division of Neuropharmacological Drug Products (HFN-120), National Center for Drugs and Biologics, Rm. 10B-45.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFN-530), National Center for Drugs and Biologics.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFN-501), National Center for Drugs and Biologics.

FOR FURTHER INFORMATION CONTACT: Herbert Gerstenzang, National Center for Drugs and Biologics (HFN-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 10, 1982 (47 FR 34634), FDA announced its effectiveness classification and conditions for approval and marketing of the following combination products with or without caffeine (40 milligrams (mg)): (1) Butalbital (50 mg) and aspirin (325 or 650 mg); (2) butalbital (50 mg) and acetaminophen (325 or 650 mg); (3) butalbital (50 mg), aspirin (160-165 mg), and acetaminophen (160-165 mg) formulated so that the total amount of aspirin and acetaminophen equals 325 mg; and (4) butalbital (50 mg), aspirin (325 mg), and acetaminophen (325 mg). The notice also stated that for products (2), (3), and (4), clinical studies demonstrating that the combination product does not cause hepatic injury or clinical evidence supplied from the literature that the product is non-toxic be submitted.

Since publication of the August 10, 1982 notice, certain additional information in the scientific literature regarding butalbital and acetaminophen has been brought to the attention of the agency, which may require a revision of the marketing requirements stated in the August 10, 1982 notice. In addition, a petition was received by FDA on behalf of several drug firms. This petition is on file with the Dockets Management Branch. The petition requested an extention of the August 10, 1983 date until August 10, 1984, or as may be necessary, to complete the drug application process for these drug products. To provide time for a review of the additional information the Director of the National Center for Drugs and Biologics hereby postpones the August 10, 1983 effective date of the August 10, 1982 notice as it pertains to products with or without caffeine containing butalbital and acetaminophen, and butalbital, acetaminophen, and aspirin until December 12, 1983. At such time the approval and marketing conditions for these drug products will be announced in a **Federal Register** notice with further revisions, if necessary. This notice will also respond to the petition requesting an extension of time.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053 as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the National Center for Drugs and Biologics (21 CFR 5.70 and 5.82).

Dated: August 4, 1983.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 83-21713 Filed 8-5-83; 11:38 am]

BILLING CODE 4160-01-M

[Docket No. 83N-0131]

Human Drugs; Availablity of L-5 Hydroxytryptophan (L-5HTP) for Use in Treatment of Postanoxic Myoclonus

AGENCY: The Food and Drug Administration.

ACTION: Notice

SUMMARY: Food and Drug Administration (FDA) is announcing the availability of L-5 hydroxytryptophan (L-5HTP) under an investigational new drug application (IND) for use in the treatment of postanoxic myoclonus. This IND is sponsored by Bolar Pharmaceuticals, Inc.

FOR FURTHER INFORMATION CONTACT: Donald T. Salt, National Center for Drugs and Biologics (HFN-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3870.

SUPPLEMENTARY INFORMATION: As a public service, Bolar Pharmaceuticals, Inc., is sponsoring an investigational new drug application (IND) for the purpose of making L-5HTP available for the treatment of patients with postanoxic myoclonus (an uncommon neuromuscular disorder). FDR has determined that existing published and unpublished data on safety and effectiveness warrant making the drug available for treatment purposes under an IND. Additional data are needed in order to determine whether the drug can be approved for commercial distribution under a new drug application (NDA) and Bolar is gathering such data. Bolar's IND is an interim measure pending the submission and approval of an NDA.

Myoclonus is an uncommon neuromuscular movement disorder usually characterized by an involuntary jerky, irregular contraction of a muscle or groups of muscles in any part of the body. This neurological symptom may be associated with a wide variety of lesions in the brain. Anoxic brain damage produces a type of myoclonus known as intention or action myoclonus.

Because of the long-term usage of the drug for postanoxic myoclonus and the information available on its safe use, the usual requirement for Institutional Review Board (IRB) clearance is waived (21 CFR 56.105). Despite this waiver, an investigator's own IRB may elect to require clearance before use of L-5HTP for postanoxic myoclonus. Investigators should inquire of their IRB's whether they will also grant a waiver. Informed consent, however, cannot be waived.

Physicians desiring to obtain specific information concerning the availability of L-5HTP for patients with postanoxic myoclonus under Bolar's IND should contact the firm at the following address: Bolar Pharmaceuticals, Inc., 130 Lincoln St., Copiague, NY 11726

Dated: August 2, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-21873 Filed 8-11-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83N-0030; DESI 50213]

Human Drugs; Certain Fixed-Combination Drug Products Containing a Tetracycline and One or More Sulfonamides (With or Without Analgesic) For Oral Administration; Final Order on Objections and Request for a Hearing; Withdrawal of Approval of New Drug Applications; Decisions on Petitions on Azotrex Capsules

AGENCY: Food and Drug Administration.

ACTION: Notice of Decisions on Petition for Stay and Petition for Reconsideration.

SUMMARY: The Food and Drug Administration (FDA) is providing notice that, in response to a Petition for Stay of Action filed by Bristol-Myers Co. (Bristol), it stayed from June 24, 1983, until July 28, 1983, the effective date of the notice denying a hearing and

withdrawing approval for Azotrex Capsules. The agency is also providing notice that during that time, in response to a Petition for Reconsideration, also filed by Bristol, the agency reconsidered its decision on Azotrex Capsules and concluded that it was appropriate to reaffirm that decision.

FOR FURTHER INFORMATION CONTACT: Douglas I. Ellsworth, National Center for Drugs and Biologics (HFN-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In the Federal Register of May 27, 1983 (48 FR 23911), FDA published a notice denying a hearing and withdrawing approval of the new drug applications for Tetrex Syrup with Triple Sulfonamides (NDA 60-050), Azotrex Syrup (NDA 50-031), Polycycline Suspension with Triple Sulfonamides (NDA 50-282), and Azotrex Capsules (NDA 50-213). The basis for the withdrawal is that the drug products lacked substantial evidence of effectiveness for their labeled indications.

FDA received petitions submitted on behalf of Bristol requesting that, with regard to Azotrex Capsules (NDA 50-213), the Commissioner of Food and Drugs stay the effective date, and that the Commissioner reconsider the May 27, 1983 notice. Section 10.35(a) of FDA's procedural regulations (21 CFR 10.35(a)) authorizes the agency to stay at any time the effective date of a decision on any matter. On June 24, 1983, FDA decided to grant the stay to permit consideration of the petition for reconsideration. This stay pertained only to Azotrex Capsules (NDA 50-213) and not to the other products subject to the May 27, 1983 notice.

On July 28, 1983, after reviewing the submissions of Bristol and the National Center for Drugs and Biologics, FDA reconsidered the May 27, 1983 notice and decided to reaffirm it. The parties' submissions and the agency's order are on public display in the Dockets Management Branch, Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen from 9 a.m. to 4 p.m., Monday through Friday.

FDA is providing notice of its action on the Petition for Stay of Action in accordance with § 10.35(f) of its regulations (21 CFR 10.35(f)) and notice of its action on the Petition for Reconsideration in accordance with §§ 10.30(e) and 10.33(f) (21 CFR 10.30(e) and 10.33(f)).

Dated: August 4, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-21717 Filed 8-11-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings:

Newark District Office, chaired by Matthew Lewis, District Director. Topic to be discussed: Direct-to-Consumer Advertising of Prescription Drugs.

DATE: Tuesday, August 16, 1983, 10 a.m. to 12 a.m.

ADDRESS: Record Store Center/Library for the Blind and Handicapped, 2300 Stuyvesant Ave., Trenton, NJ 08625.

FOR FURTHER INFORMATION CONTACT: Joan Godal, Consumer Affairs Officer, Food and Drug Administration, 20 Evergreen Place, East Orange, NJ 07018, 201-645-6365.

Nashville District Office, chaired by Hayward E. Mayfield, District Director. Topic to be discussed: Direct-to-Consumer Advertising of Prescription Drugs.

DATE: Thursday, August 25, 1983, 1:30 p.m. to 3:30 p.m.

ADDRESS: Conference Room, Warren County Extension Office, 1117 Cabell Dr., Bowling Green, KY 42101.

FOR FURTHER INFORMATION CONTACT: Barbara B. Shields, Consumer Affairs Officer, Food and Drug Administration, 297 Plus Park Blvd., Nashville, TN 37217, 615-251-7127.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: August 4, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-21714 Filed 8-5-83; 11:18 am]

BILLING CODE 4160-01-M

[Docket No. 83N-0260]

Dental X-Ray Patient Selection Criteria Panel; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming meeting of the Dental X-Ray Patient Selection Criteria Panel. This notice gives methods for interested persons to submit written data and views to the Panel, to participate in open sessions of the meeting, and to review the report of the Panel.

DATES: Open sessions: September 7, 1983, 8:30 a.m. to 10 a.m. and September 8, 1983, 8:30 a.m. to 10 a.m.; closed sessions: September 7, 1983, 10:15 a.m. to 4:30 p.m. and September 8, 1983, 10:30 a.m. to 12 m.

ADDRESS: The Panel meeting will be held at the Chapman Bldg., Rm. 356, 1901 Chapman Ave., Rockville, MD 20857, (301-468-1100). The Panel report may be reviewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lireka P. Joseph, National Center for Devices and Radiological Health (HFX-76), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4600.

SUPPLEMENTARY INFORMATION: Through the National Center for Devices and Radiological Health, FDA conducts and supports research, training, and other activities to minimize unproductive radiation exposure from diagnostic radiological examinations. One possible source of unproductive radiation exposure is radiological examinations that are not likely to affect patient management. To minimize the number of ineffective examinations, the dental profession needs to have up-to-date information about when a given radiological study is likely to provide needed diagnostic information. This information, which can take the form of decision guides based on patient signs, symptoms, or history, is termed here "patient selection criteria."

Under one part of a program designed to facilitate the development and testing by the dental profession of patient selection criteria for diagnostic radiological examinations, FDA is providing logistical support through a contractor for the convening of a small panel of clinical and scientific experts to formulate draft patient selection criteria or statements of use. A detailed description of the x-ray referral criteria

development process was published in the **Federal Register** of June 9, 1981 (46 FR 30568).

This is the first meeting of the Dental X-Ray Patient Selection Criteria Panel. The meeting is being called to assess the existing state of knowledge regarding the use of dental radiography on the asymptomatic patient and to discuss several approaches toward developing patient selection criteria for selected examinations. Persons interested in specific agenda items to be discussed in the open sessions may determine from the contact person the approximate time of discussion.

Interested persons may submit written data and views to the Panel. Any interested person who wishes to request time for oral presentations during the open sessions of the meeting should inform the contact person listed above, either orally or in writing, before the meeting. Any person attending the meeting who does not in advance of the meeting request time will be permitted to make an oral presentation at the conclusion of the open sessions, if time permits, at the chairperson's discretion.

A list of committee members and the meeting agenda or the report of the Panel meeting may be reviewed at the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday. The report of the Panel meeting will contain minutes of the open sessions, copies of written data and views submitted to the Panel in the open sessions, and summaries of the closed sessions. Materials will be filed under the docket number appearing in the heading of this notice.

Dated: August 2, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-21716 Filed 8-11-83; 8:45 am]

BILLING CODE 4160-01-M

Immunology and Microbiology Devices Panel, Immunology Device Section; Advisory Committee Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is cancelling the meeting of the Immunology Device Section of the Immunology and Microbiology Devices Panel scheduled for August 8 and 9, 1983. The meeting was announced by notice in the **Federal Register** of July 19, 1983 (48 FR 32870).

FOR FURTHER INFORMATION CONTACT: Srikrishna Vadlamudi, National Center for Devices and Radiological Health (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

Dated: August 2, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 83-21715 Filed 8-11-83; 8:45 am]

BILLING CODE 4160-01-M

Microbiology Device Section, Immunology and Microbiology Devices Panel, et al.; Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Microbiology Device Section of the Immunology and Microbiology Devices Panel

Date, time, and place. September 8 and 9, 9 a.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open public hearing, September 8, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, September 9, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Thomas M. Tsakeris, National Center for Devices and Radiological Health (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before August 25, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications for hepatitis A and B virus in vitro diagnostic products and a premarket approval application for an in vitro diagnostic product for the determination of the minimum inhibitory concentration of antimicrobic agents.

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. September 20, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearings, September 20, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; A. T. Gregoire, National Center for Drugs and Biologics (HFN-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1869.

General function of the committee. The committee reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drug products for use in treating endocrine and metabolic disorders.

Agenda—open public hearing. Interested persons desiring to present data, information, or views, orally or in writing, on issues pending before the committee should notify the contact person.

Open committee discussion. The committee will discuss danazol (NDA 17-557) for the treatment of isosexual precocious puberty and winstrol (NDA 12-885) for aplastic anemia.

Medical Radiation Advisory Committee

Date, time, and place. September 20 and 21, 9 a.m., Rm. 416, Twinbrook Bldg., 12720 Twinbrook Parkway, Rockville, MD.

Type of meeting and contact person. Open public hearing, September 20, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open committee discussion, September 21, 10 a.m. to 5 p.m.; Gordon C. Johnson, National Center for Devices and Radiological Health (HFX-4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6220.

General function of the committee. The committee advises the Secretary, the Assistant Secretary for Health, and the Commissioner of Food and Drugs in the formulation of policy and development of a coordinated program relating to medical application of radiation directed at obtaining the maximum diagnostic information and

therapeutic benefits per unit of radiation exposure through optimum utilization of professional and technical resources and radiation related equipment.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. General areas for consideration will include radiation carcinogenesis of the thyroid and the clinical use of iodine-131, dose considerations in the clinical use of x-ray computed tomography, and new diagnostic imaging technology impact on health care practices and the radiation bioeffects implications.

Psychopharmacologic Drugs Advisory Committee

Date, time, and place. September 22 and 23, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, September 22, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, September 23, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m., Frederick J. Abramek, National Center for Drugs and Biologics (HFN-120), Food and Drug Adminstration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4020.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss buspirone, NDA 18-731, safety and efficacy considerations and issues relating to the approvability of depot formulations of neuroleptic drugs, in particular, haloperidol decanoate.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committtee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minmum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: August 4, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-21874 Filed 8-11-83; 9:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-01236]

Asahi Chemical Industry America, Inc.; Premarket Approval of Plasmaflo ™ AP-05H Asahi Plasma Separator

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Plasmaflo ™ AP-05H Asahi Plasma Separator sponsored by Asahi Chemical Industry America, Inc., New York, NY 10118. After reviewing the recommendation of the Gastroenterology-Urology Device Section of the General Medical Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by September 12, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On August 9, 1982, Asahi Chemical Industry America, Inc., New York, NY 10118, submitted to FDA an application for premarket approval of the Plasmaflo ™ AP-05H Asahi Plasma Separator, indicated for use in therapeutic procedures requiring the separation of plasma from whole blood. The application was reviewed by the Gastroenterology-Urology Device Section of the General Medical Devices Panel, an FDA advisory committee, which recommended approval of the application for the use of this device for patients who require plasma separation. On July 5, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested

person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. a petition is to be in the form of A petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time or before September 12, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-22022 Filed 8-11-83; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicare Program; Special Solicitation; Preventive Services Demonstrations

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General Notice.

SUMMARY: HCFA is soliciting applications for demonstration projects to assess the economy and efficacy of expanding Medicare coverage to include preventive services. Under this demonstration, HCFA will provide reimbursement for preventive services that are not usually covered by Medicare.

Research on the use of health care services by the general population supports the medical efficacy of selected preventive services. Nonetheless, few insurers provide coverage and reimbursement for preventive services. Usually insurers, including Medicare, restrict coverage to services that treat, rather than prevent, illness. Although proponents of preventive services assert that health improvement benefits and cost savings would result from an expanded preventive services package, the efficacy and economy of coverage of preventive services has not been tested on the Medicare beneficiary population. HCFA believes such research is necessary.

This solicitation contains information about demonstration requirements, application procedures, criteria HCFA will use for reviewing applications, and amount and duration of grant awards.

DATE: Closing date and time for application. The closing date for grant applications under this special solicitation is November 10, 1983, 4:30 p.m. Eastern Standard Time.

ADDRESS: Standard application forms and guidance for the completion of the forms are available from: Health Care Financing Administration, Project Grants Branch, 389 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, (301) 594–3332.

FOR FURTHER INFORMATION CONTACT: Shelagh Smith, Office of Demonstrations and Evaluations, Area 2–D–5 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207, (301) 594–1964.

SUPPLEMENTARY INFORMATION: This special solicitation announces an initiative to fund demonstrated projects which both expand coverage for preventive services under Medicare and study the effects.

Only nonprofit organizations that can both administer this demonstration project and evaluate the results may apply. We are especially interested in applications from universities and other research organizations. Applications must be submitted under section 1110(a) of the Social Security Act, which allows HOFA to fund demonstration projects to improve the Medicare program. Under that section, grants can be made only to States and public and other nonprofit organizations and agencies.

Applicants must also seek waivers under section 402 of the Social Security Amendments of 1967, Pub. L. 90–248, as amended by section 222(b) of the Social Security Amendments of 1972, Pub. L. 92–603. That section allows demonstration waivers of program requirements and limitations to assist HOFA in determining whether payments for noncovered incidental services would result in more economical and effective provision and utilization of covered services.

Section 402(a)(1)(B) provides that one of the allowable purposes of a demonstration project is to determine whether payments for services other than those for which payment may be made under Medicare (and which are incidental to services for which payment may be made) would, in the judgment of the Secretary, result in more economical provision and more effective utilization of services for which payment may be made under Medicare, where such services are furnished by organizations and institutions that have the capability of providing:

(a) Conprehensive health care services;

(b) Mental health care services (as defined by section 401(c) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963);

(c) Ambulatory health care services, including surgical services provided on an outpatient basis; or

(d) Institutional services that they substitute at lower cost for hospital care.

In short, the three basic requirements of this provision are that, first, the services must be other than those for which payment may be made under the Medicare statute; second, these noncovered services must be incidental to services for which payment can be made; and third, the noncovered services must be furnished by organizations and institutions that have the capability of providing either comprehensive health care services, mental health services, ambulatory services or institutional services that may substitute at lower cost for hospital care.

I. Background

Preventive services can be discussed in terms of three levels of prevention. Primary prevention reduces the likelihood of the development of a disease or disorder. Secondary prevention interrupts, prevents or minimizes progression of disease or irreversible damage from a disease at an early stage; it comprises the early detection and treatment of disease before irreversible damage has occurred. Tertiary prevention focuses on the progression of damage in a disease where such damage has already occurred irreversibly; the emphasis is on measures to alleviate disability and to

slow progression of established diseases or disorders.

In general, Medicare reimbursement is limited to covered care that is reasonable and necessary for the treatment of an illness or injury. With the exception of a specific statutory authorization to cover pneumococcal pneumonia immunization, Medicare does not cover primary preventive services.

Medicare coverage guidelines require that if (secondary or tertiary) ambulatory preventive services are furnished, they are covered only if they are incident to a physician's professional services in the course of treatment of an illness or injury. Services of providers other than physicians may also be covered *only* when furnished under a physician's orders and direct supervision. Therefore, preventive services given in patient supervision. Therefore, preventive services given in patient education programs are not covered unless they are furnished by a provider of services (i.e., a hospital, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, or hospice) and are part of covered services that are necessary for the treatment of an individual's illness or injury.

Research on the use of health care services by the general population supports the medical efficacy of selected preventive services. However, few insurers provide coverage and reimbursement for preventive services. Usually insurers, including Medicare, restrict coverage to services that treat, rather than prevent illness. Proponents of the use of preventive services assert that this approach does not make available to insurers or their enrollees health improvement benefits and cost savings that could be expected to result from an expanded preventive services benefit package.

Demonstration projects under this special solicitation will test and assess the medical efficacy and cost effectiveness of expanding coverage of preventive service under Medicare. We are especially interested in determining whether health problems among the elderly might be averted or lessened if Medicare were to provide coverage for a package of selected primary and secondary preventive procedures.

The current national focus on prevention initiatives has been supported by several studies that have pointed out the need to encourage effective and medically efficacious preventive measures.

A. Research Involving Preventive Services

Evidence from recent studies indicates that an annual physical examination is not a cost effective method to reduce health care costs and improve quality of life. However, several experts recommend that all adults receive periodic examinations to monitor their health. Monitoring would include selected screening and health education services, determined by the individual's health status, age, sex, family history and personal lifestyle. Studies that are relevant to services for a Medicare population are described below:

1. *Breslow and Somers.* A study by Lester Breslow and Anne Somers in the *New England Journal of Medicine* (Vol. 296, pp. 601–08, March 1977) outlined a framework for monitoring healthy people over a lifetime to detect and prevent diseases as an alternative to the annual physical exam. they used clinical and epidemiological criteria to identify health goals and services appropriate for 10 different age groups, including the age 65 and over group. The focus of their approach was to incorporate cost effective and medically efficacious preventive measures and to recommend that these services be covered by health insurance. Their recommendations have been utilized in several research projects.

2. *The Surgeon General.* A publication by the Federal government, *Healthy People, the Surgeon General's Report on Health Promotion and Disease Prevention* (1979), emphasized the fact that infectious and communicable diseases have been greatly reduced, and that chronic and degenerative diseases, such as heart disease, stroke and cancer are the prime problems of older adults. The main thrust of prevention, therefore, should be to increase functional independence and reduce institutionalization by achieving and maintaining an improved state of health and slowing the rate of decline. Functional independence in the elderly is a crucial indicator of health and quality of life. The Surgeon General's report cites as its goals for older adults—(1) to improve the health and quality of life; and (2) by 1990 to reduce the average annual number of days of restricted activity due to acute/chronic conditions to fewer than 30 days per year for people aged 65 and older.

3. *Institute of Medicine (IOM).* The year after the Breslow article the National Academy of Sciences, Institute of Medicine (IOM), Division of Health Promotion and Disease Prevention, published "Preventive Services for the Well Population" in *Background Papers for Healthy People: The Surgeon General's Report*, PHS Pub. No. 79–55071A. This report specified which healthy history questions, physical examination procedures, clinical laboratory test and health education services are appropriate and their frequency for 10 different age groups. The recommendations for adults represented a departure from the annual checkup that IOM had recommended in the past.

Like Breslow, IOM recommended age-group specific procedures. For example, IOM suggests a Papanicolaou smear every two years for women aged 60 to 74, but only once every four years for women aged 18 to 59. The health package suggested in this solicitation draws heavily upon the IOM recommendations.

4. *Canadian Task Force on the Periodic Health Examination.* Using data which included scientific and therapeutic effectiveness, mortality, morbidity, and disability for many health conditions, the Canadian Task Force on the Periodic Health Examination recommended procedures for 18 health protection packages to be performed at 35 specified times from pregnancy to old age. The Canadian Task Force recommendations for periodicity of selected procedures for the 65 years of age and over group have been instrumental in HCOFA's choice of targeted clinical services.

5. *HCFA-Funded Preventive Service Research.* Currently, HCFA is helping to fund several projects involving preventive services. Each project differs from the demonstrations we are soliciting under this notice. They are listed here as illustrations of initiatives in the area of preventive services. Knowledge of these projects may be helpful to organizations designing preventive services demonstrations. The projects are described below:

a. *Cooperative Health Education Project (CHEP).* The objective of CHEP is to develop and deliver a health education program within a health maintenance organization in order to improve the health and reduce the costs of Medicare beneficiaries. One-thousand Medicare enrollees in two HMOs were randomly assigned to an experimental or a control group. The experimental group received a consumer health education program consisting of—(1) a newsletter; (2) self-care packages targeted to the elderly's health problems (for example, hearing difficulties); and (3) resource books containing information on self-care. Also, a telephone hotline was made available

for questions. The control group did not have access to these preventive services. A telephone questionnaire was used to gather demographic information, data on changed risk behavior and the attitudes of the beneficiaries toward preventive services. Medical charts were reviewed for HMO utilization and health status on nine health problems prevalent in the elderly. Also, CHEP collected information from both the patient and the provider concerning the appropriateness of each HMO visit.

The effects of this program on both the health status of individuals and the utilization of HMO services are currently being analyzed. Final results show significant decreases in ambulatory visits by the experimental group at one HMO.

b. *Preventive Medical Care in the Rand Health Insurance Study (HIS).* This preventive study uses data from the Rand Health Insurance Study (HIS), an experiment in which 7,200 individuals were randomly assigned to several different health insurance plans offering different amounts of out-of-pockets and coinsurance costs. This smaller, three year substudy of the Rand HIS focuses on the effect of preventive care upon various categories of medical expenditures and health outcomes. Measures of health outcomes include work loss, restricted activity days, school loss, and bed days.

Although no Medicare beneficiaries are participating in this project, HCFA is helping to fund the study in order to determine whether the inclusion of preventive services encouraged people to enroll in this project. The study addresses these issues:

- The effects of preventive care on health status, utilization of medical care and absenteeism in the workplace;
- The responsiveness of consumer demand to changes in the price of preventive care;
- The amounts of preventive care; prepaid systems (HMOs) versus fee-for-service practice settings, when out-of-pocket charges apply in neither plan;
- How the opportunity to obtain preventive care relates to an individual's joining a HMO rather than particpating in a traditional fee-for-service system.
- The effect of the type of insurance coverage upon the amount of preventive care used.

Final results will be available in March 1984.

c. *Municipal Health Services Program (MHSP).* In 1978, the Robert Wood Johnson Foundation awarded a total of $15 million to five cities to assist them in providing health care services in ambulatory clinics in medically underserved areas. Each project included some or all of the following preventive services:

- Physical exams and diagnostic services;
- Screening for vision, hearing, and blood abnormalities;
- Health risk appraisal;
- Immunization;
- Illness management services;
- Mental health services;
- Preventive dental care; and
- Community health education.

HOFA provided Medicare and Medicaid waivers to allow cost-based reimbursement of all services. Waivers were offered as an incentive to encourage utilization of these municipal clinics for comprehensive preventive care rather than fragmented, more costly crisis-oriented care in hospital emergency rooms or outpatient hospital care for acute health problems which might have been averted through a preventive service.

Although the primary objective of MHSP is not assessment of prevention activities, the effects of preventive services upon cost of care in the clinic setting will be evaluated. Final results will be available in 1985.

B. Summary

A recent comprehensive literature review ("Assessing the Cost-Effectiveness of Prevention," Banta, H.D.; Luce, B.R., *Journal of Community Health* (publication pending)) has concluded that although there are some relatively good studies evaluating the cost-effectiveness of certain types of prevention programs, in the main, the hard evidence of cost-effectiveness of numerous otherwise attractive preventive programs is disappointingly low. Thus, third party insurers, including Medicare, have been reluctant to include many preventive services as benefits.

II. Experiment Objectives

A. General

HCFA's objective is to offer a benefit package of preventive services to a group of Medicare beneficiaries on an experimental basis and then to assess the impact of these periodic services upon subsequent utilization and costs of medical services and measures of health status. It is particularly important that beneficiaries be randomly assigned to both experimental and control groups to ensure valid measurement of prevention effects. Because HCFA recognizes that measurable effects of prevention occur over an extended time period, we plan to award grants (subject to availability of funds) for up to 6 years. Unlike most previous HCFA demonstrations and experiments, the grantee will be responsible for carrying out the evaluation of the study as well as the implementation. We are requiring the grantee to evaluate the study because it is critical that close coordination exist between implementation and evaluation. It is especially important that a rigorous research design be guided by the evaluation objectives.

B. Preventive Services

HCFA is interested in funding and providing waivers for experiments involving primary preventive services. Primary preventive services include clinical screening and health promotion services specifically designed for prevention of illness and reduction of the likelihood of a disease developing. This is a departure from Medicare's traditional coverage of only secondary or tertiary preventive services.

1. *Clinical Services.* Information collected over several years from studies by researchers indicates that a specific group of clinical services can be arranged in a manner that is both potentially cost effective and medically efficacious.

Several task forces (including the Advisory Committee on Immunization Practices, the Ad Hoc Committee of the institute of Medicine, the Consensus Development Conferences of the National Institutes of Health, the American Cancer Society Report on the Cancer-Related Health Checkup, and the Canadian Task Force on the Periodic Health Examination) have recommended periodic clinical screening services for older adults. Generally, these influential groups base their recommendations on expert opinion rather than scientific evidence resulting from clinical trials. Most third party payers do not cover these services because of the lack of convincing scientific studies that attest to the cost effectiveness of preventive services.

These demonstrations on expanded coverage are necessary to determine whether any legislative change would be appropriate, based on demonstrated cost effectiveness of a package of specific services appropriate to the Medicare population.

The grantee must design a preventive benefit package using HCFA's suggested package as a model. The proposed package should contain a list of clinical services with appropriate frequency. Other clinical preventive services may be suggested for inclusion in the package. The applicant must provide convincing evidence that coverage of

these other additional preventive services probably will result in medical efficacy and potential cost savings.

Our table below shows the suggested frequency for each individual service and the groups recommending each preventive service.

SUGGESTED HEALTH PROTECTION PACKAGE FOR OLDER ADULTS

Procedure	Recommending group [1]	Periodicity
Breast exam (physical exam not including mammography).	ACS (1980)	Annual, women over 50
	IOM (1979)	Every 2 years, over 40 Annual, over 75
	Canadian (1979)	Annual, ages 50 to 59
Digital rectal exam.	ACS (1980)	Annual, over 40
	IOM (1979)	Every 5 years, 40 to 59 Every 2 years 60 to 74 Annual, over 75
	Canadian (1979)	Insufficient evidence
Hearing	IOM (1979)	Every 2 years, 60 to 74; Annual, over 75
Height and weight.	IOM (1979)	Every 2 years, 60 to 74 Annual, over 75
Hematocrit	IOM (1979)	Every 2 years, 60 to 74; Annual, over 75
	Canadian (1979)	As indicated for high risk Groups of persons of low socio-economic status
High blood pressure screening.	IOM (1979)	Every 2 years, over 40Annual, over 75
	Canadian	At least every 2 years, over 65
History and physical.	IOM (1979)	When necessary
Influenza immunization.	ACIP (1980)	As needed, chronically ill Annual, over 65
	IOM (1979)	As needed, chronically ill Annual, over 60
	Canadian (1979)	As needed, chronically ill Annual, over 65
Papanicolaou smear.	Canadian (1979)	Every 5 years after age 35 Annual, high risk women
	ACS (1980)	Annual exam for two years after onset of sexual activity Every 3 years, ages 20 to 65
	NIH (1981)	Annual exam, for two years after onset of sexual activity; then every 1 to 3 years Annual, if lower socio-economic status, multiple partners, or onset of sexual activity before age 18 Discontinue, if two negative tests after age 60
Stool occult blood test.	ACS (1980)	Annual, over 50
	IOM (1979)	Every 2 years, over 40 Annual, over 75
	Canadian (1979)	Annual, over 46
Vision	NIH (1978)	Insufficient evidence
	IOM (1979)	Every 2 years, 60 to 74;
		Annual over 75

[1] ACIP—Advisory Committee on Immunization Practices (1980); ACS—American Cancer Society Report on the Cancer-Related Health Checkup; Canadian—Canadian Task Force on the Periodic Health Examination (1979); IOM—Ad Hoc Committee on the Institute of Medicine (1979); NIH—Consensus Development Conferences of the National Institutes of Health.

2. *Health Promotion for Risk Factors.*—In addition to these clinical services, Medicare will reimburse for patient education/health promotion services that are included in the benefit package of preventive services. Suggested areas of education include risk reduction, medication awareness, smoking cessation, physical exercise, nutrition, and mental hygiene.

Recent studies have indicated that controlling risk factors such as obesity, hypertension, alcohol consumption, smoking, diet, and exercise can reduce the risks of heart disease, stroke, and cancer—the three leading causes of deaths in older Americans. Two recent studies that focus upon middle-aged men at risk for heart disease are aimed at changing three of these risk factors. An Oslo, Norway study showed that men in an experimental group lowered both their blood pressure and their incidence of heart attacks by improving their diets and decreasing smoking. "Effect of Diet and Smoking Intervention on the Incidence of Coronary Heart Disease," *The Lancet*, No. 8259, pp. 1303–1310, (December 12, 1981).

Another study, the Multiple Risk Factor Intervention Trial (Mr. Fit) funded by the National Heart, Lung and Blood Institute has also focused upon these same three risk factors: diet, smoking, and lack of exercise. This study of about 13,000 middle-aged males at risk of developing coronary heart disease (CHD) was initiated ten years ago to demonstrate the value of risk reduction in lowering death rates from CHD. Results show significant behavior changes, including weight loss, decrease in blood pressure and serum cholesterol, and of those who stopped smoking, 40 percent remained nonsmokers after four years. There was a 22 percent relative difference in CHD mortality between the experimental group receiving the special intervention and the control group receiving the usual care. The death rate for those who quit smoking was half that of the men who continued to smoke.

C. Coverage and Reimbursement Procedures

The grantee must develop coverage and reimbursement guidelines for HCFA's carriers when processing claims for Medicare preventive services.

1. *Eligible Providers.* Although grantees do not have to be health providers, the preventive services must actually be furnished by health providers. However, health care providers not normally recognized by Medicare can be reimbursed for noncovered services under the demonstration project if they do so as part of an organization or institution that has the capability of providing at least one of the following category of services:

(a) Comprehensive health care services;

(b) Mental health care services (as defined by section 401(c) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963);

(c) Ambulatory health care services, including surgical services provided on an outpatient basis; or

(d) Institutional services that may substitute at lower cost for hospital care.

Before a grantee contracts with a health provider not recognized by Medicare (for example, a physician extender, nurse practitioner, or health educator), the grantee must offer proof that the health provider is competent to furnish preventive health services. Where possible, existing methods for establishing proficiency, such as State licensing and accreditation, should be used. In the absence of State standards, the grantee will be responsible for developing standards that must be approved by the HCFA project officer.

2. *Periodicity.* The applicant must present an optimum schedule for delivery of the package of health services, based on supporting evidence. If different frequencies are included for various services (for example, annual influenza immunization; every 2 years for hearing exam: every 5 years for Pap smear), a method for documentation of services and follow-up must be presented.

The applicant must describe the administrative method used by providers and carriers to track these varying frequencies of screening procedures and reimbursements. innovative techniques for tracking service rendered at varying intervals are encouraged.

3. *Excluded Services.* Although an important issue in preventive services research is the overall assessment of the effectiveness of the treatment given after the detection of an illness, HCFA does not intend for applicants to evaluate treatment modes. For example,

if high blood pressure screening identifies a Medicare beneficiary with hypertension, we assume that adequate and appropriate treatment will be covered by the program. In this demonstration HCFA does not intend to evaluate the cost effectiveness of currently covered treatments or innovative treatments not presently covered.

Reimbursement for treating conditions identified under this project will not be provided under this demonstration project. However, the applicant must describe the method whereby treatment for a condition identified at the screening will be reimbursed as a separate service from the visit for the experimental preventive service package. It is assumed that treatment for conditions which are diagnosed as illness or injury will be covered under Medicare's present guidelines.

Because of limited funding for these demonstrations, HCFA recommends that applicants not propose development of educational materials. Funding should be obtained elsewhere for development of educational materials, or existing materials should be utilized.

4. *Payment Rate.* We believe that reimbursement for preventive services under this demonstration should not exceed $100 per package of preventive services. HCFA recognizes that some services within the package are not required on an annual basis, and that certain allowances for inflation over the six-year demsontration period are reasonable. The grantee must propose the payment rate and how payment will be made. Two possible options are:

- Reimburse a provider of service $100 each time the package is given (no more than once a year per Medicare beneficiary); or
- Reimburse a provider separately for annual services and other-than-annaul services (total value of package must be $100 or less, offered no more than once a year).

If the grantee believes that a rate higher than $100 is required, a detailed justification must be provided.

5. *Cost Sharing.* The normal Part B deductible and copayments will not be required of a beneficiary for the preventive services included under this demonstration because Medicare will reimburse the provider for the entire predetermined fixed rate. Under no circumstances may the provider charge more than the predetermined fixed rate to the beneficiary. If the periodic exam discovers an abnormality which needs further diagnosis/treatment, coverage and payment will be determined under Medicare's usual methods. The applicant, however, must address how abnormal results will be followed up.

III. Research Design

The demonstration design for applications submitted under this solicitation should state the measurable project goals and objectives, including hypotheses to be tested. The experimental design should be a randomized design with two levels (experimental vs. control). Strict random assignment to experimental and control groups should be employed since it is unlikely that any other design can detect the desired effect. The grantee should explain to what extent the results can be generalized to the entire Medicare population. Respondents should include methods for maintaining the randomized design over the life of the demonstration project, or present analytic plans which include statistical techniques for adjustment due to the effects of nonrandom attrition.

If the grantee proposes any other type of design, detailed justification must be presented which assures that valid and reliable conclusions can be drawn. Since the evaluation of this demonstration will require extensive analysis of data, the research design should also include a discussion of existing and proposed data bases.

HCFA will require each grantee to implement the demonstration on a scale broad enough to insure valid statistical testing of significant effects; for example, the grantee needs to account for individuals in the control group who may be receiving some of these expanded services outside of the demonstration. To offset the effects of this problem, the number in the experimental group must be sufficiently large to show an impact attributable to experimental coverage.

In addressing the research design, the respondent should consider the need for stratification of the sample according to levels of risk for specific identified diseases. Respondents should present data on the range of risk in the demonstration population to assess whether a stratified sample should be used.

IV. Evaluation

Because each grantee will evaluate its demonstration project, the evaluation design and the research design must be compatible and complementary. The demonstration design, including the data collection activities, should support the analysis of all questions and hypotheses developed in the evaluation.

We expect that the evaluation will be completed and submitted to HCFA within 12 months after the completion of the demonstration project.

The evaluation should examine the issue of whether there would be potential savings to the government in implementing coverage for a package of preventive services on a national scale. Specifically, the evaluation must discuss the impact of the demonstration project on the following areas:

1. Any change in utilization of preventive services caused by the experimental coverage.
2. Short term savings or costs to the government attributable to the expanded coverage of preventive services.
3. Long term (that is, 5 year) savings or costs attributable to the expanded coverage of preventive services.
4. Significant changes in the experimental group's health status, functional independence, and quality of life that can be attributed to the inclusion of preventive services.
5. Any change in the experimental group's incidence of conditions for which screening procedures are given (for example, influenza, accidents caused by vision or hearing problems, morbidity and mortality for colo-rectal cancer or hypertension) and associated costs.
6. Any change in inpatient hospital days for conditions that the preventive package is targeted to prevent.
7. Any change in smoking, diet, or exercise that impacts on health status, as measured by number of days confined, and other morbidity and mortality data.
8. The impact of health promotion education upon changing risk behaviors and lifestyle practices (specifically, smoking, exercise and diet) in the experimental and control groups, as measured by scores on knowledge, attitude and behavior assessments.
9. Any change in awareness and understanding by the Medicare beneficiaries of the benefits of preventive services.
10. Any impact upon Medicare administration and billing functions.
11. Any impact of utilizing nonphysician providers for these preventive health services.
12. The impact of false negative and false positive outcomes in the clinical screening procedures.

V. Number and Size of Awards

HCFA anticipates that between 3 and 5 grantees will be selected. Grant funds under section 1110 will be provided for administrative costs only, and Medicare trust funds will be provided for preventive services furnished to

beneficiaries under these demonstrations. For fiscal year 1984, anticipated funding for administrative costs of all grants will be limited to less than $500,000. Applications recommended for approval are subject to the availability of funds. Separate funds of $50,000 per year are available for those Medicare carriers and intermediaries who perform claims processing tasks not usually paid for under Medicare.

VI. Duration of Funding

Funding for grants is awarded for a period of 1 year. For a multiple year project, funding may be continued on a noncompetitive basis. However, continuation of funding is contingent upon the availability of future year funds, the applicant's ability to meet prior year objectives, and the continued relevance of the project to HCFA programs.

Waivers may be granted for multiple year periods. Generally, we expect these projects to be 3 to 6 years in duration. Methodologies that require longer project periods will be considered if the applicant can justify the need for longer periods. Applicants are advised, however, that even though waivers may be granted for multiple-year periods, they will be withdrawn if either the project is terminated or the authority for granting the waivers is rescinded.

VII. Waivers

All requirements of the Act, the Code of Federal Regulations and other issuances that pertain to the Medicare program are applicable to a project approved under section 1110 and Section 402(a)(1)(B) unless specifically waived.

Section 402(b) provides that the Secretary may waive compliance with the requirements of the Medicare statute that relate to reimbursement or payment for services that are specified in the demonstration project. Thus, applicants must request waivers of all statutory or regulatory requirements that prohibit payment of any noncovered services offered. For example, applicant offering certain clinical services suggested in this notice, such as physical examinations, eye examinations, hearing examinations and immunizations, would request waivers of, respectively, 42 CFR 405.310(a), (c), (d) and (e).

Payment for services furnished by physician extenders, health educators or other health care providers not normally recognized by Medicare, nor specifically prohibited by a regulation such as 42 CFR 405.310 or any other regulation, would be facilitated by waivers of section 1817(h) of the Act and 42 CFR 405.230 which respectively specify the scope of Part A and Part B reimbursement.

Projects requesting waivers must list the waivers that are required, and discuss the impact of the waivers on program and administrative expenditures (i.e., estimate service costs with and without each waiver), Federal, State and local laws, and the beneficiaries.

VIII. Selection Procedures

A. General Criteria for Awarding Projects

The Director, Office of Research and Demonstration (ORD) determines which projects will be awarded. These decisions are based on the recommendations and advice of specialists and technical review panelists outside of ORD. Generally, panels include other employees of HCFA, the Department of Health and Human Services, and the States, and individuals who are not government employees.

The criteria employed in the selections include the following:

1. The innovation of the experimental design, operational plan, and evaluation design;
2. The adequacy and creativity of the demonstration design, methodology, and data base(s), and the experience and competence of the personnel;
3. The feasibility that the demonstration objectives can be achieved within the specified time period;
4. The proposed project methodology's precision and consistency with the state of the art;
5. The appropriateness of the overall budget, the personnel resources to be used, and the facilities and equipment for the proposed project;
6. Documentation of a commitment of the parties necessary to the success of the planned project;
7. The value of the results in other settings and on a national scale;
8. The cost of the project; and
9. The extent to which the project can be replicated.

B. Specific Project Requirements

In addition to meeting the general criteria described above, the applications for grants must meet the specific requirements that follow:

1. The project goals and objectives must be clearly stated and must be measurable.
2. The research and evaluation design, including the questions to be addresssed, the hypotheses to be tested, and the methods and the data to be used must be explicitly described. The methodology must be well defined and scientifically valid.
3. The relevance of the findings to HCFA program operations and policy concerns should be discussed.
4. The tasks and milestones must be clearly described and scheduled and must include a schedule of reports to be submitted to HCFA. (See Reports, section D, below.) The workplan must distinguish the development and implementation phases and indicate which tasks must be completed before implementation.
5. Data that are collected under a HCFA grant must be available to HCFA or its agents. However, the applicant must ensure the confidentiality of any personally identifiable information collected under the auspices of any HCFA grant.
6. The application must include the qualifications and experiments of the personnel and demonstrate how their qualifications make the individuals capable of performing the tasks in the project. The application must also specify how the personnel are to be organized in the project, to whom they report, and how they will be used to accomplish specific objectives or portions of the project.
7. The application must specify the availability of adequate facilities and equipment for the project or clearly state how these are to be obtained.
8. The budget must be developed in detail with justifications and explanations for the amounts requested. The estimated costs must be reasonable considering the anticipated results.
9. Plans for utilization of the project's results must be discussed.
10. Under Pub. L. 96-511, the Paperwork Reduction Act of 1980, the Department is required to submit to the Director of the Office of Management and Budget any Federally-mandated information collection or recordkeeping instruments developed by the grantee. Exemptions may be requested by HCFA if necessary.

C. Other Specific Requirements

The application must contain the following additional information:

1. A brief literature review of the medical and economic aspects of offering preventive services to the Medicare population. Ongoing demonstrations or research studies which cover preventive services and measure the effect should be discussed.
2. An explantion of why the particular experimental design was chosen, and justification that it will provide valid and reliable results.

3. A description of the method whereby beneficiaries, physicians, physician extenders, health educators and other providers of preventive care will be made aware of the demonstration and its objectives.

4. A desciption of the criteria used by the grantee to determine which providers can receive Medicare reimbursement for preventive services. If professional organizations or licensing or certification standards are used, these should be included.

5. A description of the claims processing system to reimburse providers that will be implemented including eligibility determinations, coverage decisions, reimbursement amounts, utilization review and quality assurance.

6. Assurances from providers, Medicare contractors, and other claims processing organizations that they agree to participate in the demonstration.

7. When existing Medicare contractors are involved, obtain (1) a letter of agreement to participate in the project; (2) a scope of work, including a management plan, for accomplishing any changes to the contractor's current system in order to process bills for the project; and (3) a budget estimate for the contractor's level of effort to support the project.

8. A description of the availability and quality of utilization and cost data needed in the operational and evaluation phases of the demonstration.

9. A detailed description of the proposed evaluation plan. These requirements are in addition to the requirements indicated in the Project Narrative, Part IV of the grants application form, HCFA–PG–10.

D. Reports

Quarterly and annual reports summarizing the progress to date must be submitted to ORD and to the Project Grants Branch of HCFA's Office of Management and Budget. The quarterly reports must contain a description of progress made in achieving the specific objectives stated in the grant's work plan. Once the model is implemented, the report should include a table showing current levels of utilization of preventive services and outcome measures for the experimental and the control groups (for example, inpatient hospitalization, Medicare reimbursements, health status). Throughout the project, these tables should also contain cumulative measures. When a project is completed, each applicant must submit a final report. The report must contain a project description, and must, at a minimum, include the following:

1. Identification of the project director, grant number, grantee and title of the project;

2. A table of contents and list of tables and figures;

3. An executive summary of the report in camera-ready format;

4. A complete description of initial hypotheses and objectives, methods and approaches, and the findings resulting from implementation of the project;

5. A list of the publications resulting from the project; and

6. Acknowledgement of the support received from HCFA and a disclaimer to the effect that the findings do not necessarily reflect policies of HCFA.

IX. Application Procedures

A. Submitting Applications

When submitting applications, applicants must include a statement in the project title block that the application is in response to the special solicitation on Medicare reimbursement for preventive services. This designation must also be marked clearly on the outside of the package or envelope. Applications should be addressed to the Project Grants Branch at the address shown in the Address section, above. The grants application form HCFA–PG–10 has been approved by the Office of Management and Budget under approval No. 0938–0078.

B. Closing Date and Time

Applications that are mailed must be postmarked (first class mail) by the closing date and received by HCFA before the independent review team concludes its review. Because of the importance of the postmark, we encourage applicants to request that the post office provide a legible postmark. If express, certified, or registered mail is used, the applicant should obtain a legible dated mailing receipt from the U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailings. Applications that are submitted by any means except first class mail through the U.S. Postal Service must be received by the closing date and time.

C. Grant Policies

Projects are awarded through a competitive process based on a choice of applications submitted in response to this notice. HCFA reserves the right to undertake independent evaluations of any demonstrations resulting from this solicitation.

If, following review of a proposed research activity, HCFA determines that a research or demonstration project presents a danger to the physical, mental, or emotional well-being of a participant of the project, then federal funds will not be made available for that project without the written, informed consent of each participant.

Other policies, including responsibilities, awarding and payment procedures, special provisions and assurances, are described in the following documents that are included in an application kit:

HCFA Grants Policy Handbook, DHEW Publication No. (HCFA) 79–04001 (Rev. 6/79), and 45 CFR Part 74, Administration of Grants.

(Sec. 1110(a), Social Security Act; sec. 402, Social Security Amendments of 1967, and sec. 222(b) Social Security Amendments of 1972 (42 U.S.C. 1310(a), 1395b–1 and 1395b–1 (note))

(Catalog of Federal Domestic Assistance Program No. 13.766, Research and Demonstration Grants)

Approved: August 5, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83–22081 Filed 8–11–83; 8:45 am]

BILLING CODE 4120–03–M

Medicare and Medicaid Programs; Health Care Financing Issues; Solicitation of Applications for a Research Center

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: HCFA is soliciting applications for a research center to participate in the study of health care financing issues. This project will be funded under the Cooperative Research or Demonstration Projects provisions of section 1110 of the Social Security Act.

This solicitation contains information about research center functions, project requirements, application procedures, criteria to be used in reviewing applications, and the amount and duration of awards.

CLOSING DATE AND TIME FOR APPLICATIONS: The closing date for cooperative agreement applications is November 10, 1983, 4:30 p.m. Eastern Standard Time.

ADDRESS: Standard application forms and guidance for the completion of the forms are available from: Paul McKeown, Health Care Financing Administration, Office of Management and Budget, Projects Grants Branch, 389 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, (301) 594–3333.

FOR FURTHER INFORMATION CONTACT: Sydney Galloway, Health Care Financing Administration, Office of Research and Demonstrations, Program Support Office, Area 2–B–12, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 301–594–7474.

SUPPLEMENTARY INFORMATION: This solicitation announces the availability of funding under a cooperative agreement for a research center which would focus on issues in the financing health care. The purpose of this award is to support a research investment, increase the number of researchers working on health financing issues, and thereby build a knowledge base to solve long term problems of financing health care in the United States. The selected center will work closely with the staff of HCFA's Office of Research and Demonstrations (ORD).

Project applications may be sumitted by nonprofit organizations, public agencies, private (for-profit) agencies or other organizations with the necessary research capacity. Financial participation will be required as explained in section V of this notice.

I. Background

Payment for health services, primarily through the Medicare and Medicaid programs, constitutes one of the largest single segments of Federal and State budgets. The increase in third party payments (Medicare, Medicaid, and private health insurance) has contributed to inflationary trends in medical costs. Because of these cost increases, the Federal government must reassess current methods of payment for publicly financed health programs and look for innovative methods of paying for care in the future.

We believe that if we are to reach the goal of improving health care, we must draw upon resources outside the Federal setting. This is vital for new insights and approaches to long- and short-range problem solving. Therefore, we believe that we must promote the further development of this subject area by supporting the work of researchers in non-federal centers.

With these points in mind, HCFA proposes to support the activities of a research center whose purpose will be to advance knowledge in health financing, to develop ways of applying that knowledge to improve the administration of health care programs, and to enhance the number of professionals working in this area. We believe this assistance will have a long term, and vital public purpose: to increase the efficiency and effectiveness of the entire health care system by changing the ways in which health care is financed and reimbursed.

The research center selected by HCFA will conduct a broad range of studies. We anticipate that those research studies will be valuable to the health care community in general and to Federal, State and private health financing programs because the studies will generate further information on health financing issues. We expect the center to study the impact of financing programs on the health care industry, program beneficiaries, and health care providers; the impact of technological change and regulatory policies in the health care sector; the growth, coverage and structure of private health insurance; the trends related to and factors affecting health care costs, and the financing of health care delivery in the United States, including the financing of capital improvements.

We anticipate that the research center, along with HCFA, will undertake long-term research studies as well as some short-term analyses of data or developmental work in study design. Consultation and technical assistance, such as participation in workshops and conferences, are other types of activities in which the center may participate.

We expect the selected research center to have the capacity to respond quickly to the need for analytical papers based on a synthesis and integration of research underway in both the public and private sectors. This will increase our capability to answer difficult questions on a variety of financing issues.

II. Objectives

A. General

We expect the center to promote the design, implementation, and operation of research projects which address major health financing issues. The current issues of greatest concern are in the following categories:

- Hospital Payment.
- Physician Payment.
- Long Term Care.
- Alternative Payment Systems.
- Analysis and Evaluation of Programs.
- Coverage of Services.
- Prevention of Illness.

B. Specific Functions of the Research Center

In order to meet the objectives listed in the previous section, the research center to be selected through this special solicitation will work cooperatively with HCFA staff in the:

- Study of health financing programs;
- Design and implementation of research studies;
- Provision of technical assistance and advice in research design, methodology, implementation and analysis;
- Development, preparation and presentation of research papers at conferences, seminars and workshops; and
- Preparation of background reports and issue papers.

1. *Studies of Health Financing Programs.* The research center would be likely to conduct studies of existing health programs that may result in a major reexamination of health care financing. These studies would specify issues and define criteria for the measurement of program performance. In addition, the center may participate in the preparation of short-term assessments.

These studies would include the preparation of reviews and syntheses of existing research findings relevant to specific issues, the development of models for testing new approaches, and the preparation for and delivery of professional briefings on the study. The collection of limited amounts of data may be anticipated as well as the analysis of existing data.

The actual number of such studies to be undertaken and their timetable for implementation would be worked out jointly between the research center and HCFA. Applicants should anticipate that at least one such major activity will be underway at all times. Examples of major studies of the programs follow.

- Evaluation of the impact of recent changes affecting reimbursement for hospital inpatient and outpatient department services.
- Evaluation of prospective reimbursement for end stage renal disease.
- Evaluation of the impact of various payment systems for physician services.
- Evaluation of the impact of case-mix on skilled nursing facility (SNF) reimbursement.

2. *Design and Implementation of Research Studies.* Activities in this area would include all of the usual steps in the preparation of a research project and its implementation. On a particular research topic, a protocol is developed, the project discussed in terms of its relevance and feasibility, the objectives specified, the literature reviewed, study hypotheses presented, research methodology defined, the data collection instruments, procedures, measurement techniques and analysis plans drafted, and the entire research plan laid out. Research projects may be short- or long-

term and may involve collaboration in which segments of the research are done by different parties. Activities may also involve the collection of primary data through interviews or the administration of survey instruments and/or the assembly of secondary data, and the coding, editing, tabulating and analysis of data.

Typical products from studies such as these would include the preparation of the complete research protocol or various segments of it, such as the research design module, a literature review with annotated summaries, the development of the survey instruments, and the specification of the analysis plan. The center may be involved in the development of the data base and the computer software to analyze the data. We anticipate that the center will prepare research reports, papers and journal articles based on the results of the research as well as present the research findings at professional meetings and staff seminars.

The actual number of research studies to be undertaken and their timetables for implementation under this cooperative agreement will be negotiated between the center and HCFA. Applicants should anticipate that more than one research project will be underway at all times and that the center will also participate in a collaborative role in parts of other research. Examples of the kinds of research studies that would be appropriate are presented below.

- Developing a research design to measure the impact of case-mix differences between types of facilities treating renal diseases in terms of the cost of providing renal dialysis services.
- Performing an analysis of utilization and expenditure data to see whether regional variation in the use of selected medical services are attributable to characteristics of the population.
- Developing alternative research designs for determining the impact of reimbursement for home and community based services.
- Examining trends in self-employment and proprietorship among health professionals such as nurses, dieticians and physican therapists in order to determine the impact of such changes on the health financing systems.

3. *Provision of Technical Assistance and Advice in Research Design, Methodology, Instrumentation and Analysis.* With the assistance of this award, HCFA hopes to stimulate a capacity to respond to requests for assistance in formulating a research design, or in developing research methodology. The center could review and comment on papers or prepare presentations, lectures or seminars on specific topics.

For example, the center may be asked to provide technical advice and make presentations at seminars. Many of these requests for assistance will be simple and require only a short time to perform. Others may require considerable thought and planning to complete. We anticipate that all staff at the center may be asked at different times to become involved in this activity.

Brief requests for informal review of papers or suggestions for additional approaches can also be expected. We anticipate that at least one technical assistance project will be scheduled at all times. Examples of the kinds of longer range technical assistance requests are presented below:

- Present a series of research seminars on the application and use of exploratory and confirmatory data analyses techniques, model-building techniques and other selected topics related to studies or program activities.
- Provide assistance in developing a minimum data set for case-mix measures in nursing home reimbursement.
- Discuss the application and possible utility of simulation modeling in analyzing medical spending behavior and decisions at the State level.

4. *Development, Preparation and Presentation of Research Conferences, Seminars and Workshops.* The center may participate in the development of research conferences, seminars, and workshops and make presentations at those events. The center may be asked to develop the agenda and conference announcements, the conference logistics, and prepare the sumary proceedings. The center should anticipate that at least one major conference or seminar will be planned each year.

The following topics may be the subject of conferences or workshops:

- The implications of prospective payment for the hospital industry.
- The social, legal and medical considerations in making resource allocations and resource rationing decisions in publicily financed health programs.
- Maximizing health care benefits from more cost-effective medical technologies.

5. *Preparation of Background Reports and Issue Papers.* Health care financing groups must continually study hypothetical changes in financing mechanisms. This may involve extended studies and demonstrations or relatively limited studies. Frequently, there is a need to develop papers to explain complex issues. This activity may include clarifying and specifying issues or questions; reviewing published literature on a subject; conducting surveys and interviews; developing explanatory models; synthesizing and integrating the results of studies; and developing alternate courses of action in the context of existing objectives and assessing their feasibility for implementation. The research center should have the capacity to develop and present such papers.

We would expect the center to include relatively short statements of the issue, descriptive narratives of the problem under study, documentation of the survey or interviews which were made, and the formulation of alternate courses of action. Depending upon the nature of the problem and the time frame, a more thorough treatment of the subject may be required.

The full agenda of topics to be undertaken and time tables for implementation will be worked out jointly between the center and HCFA. Two specific examples of the kinds of activities that we expect in this area are as follows:

- Preparation of a background report on long term care which focuses on future increased demand in an era of increasingly contrained resources.
- Preparation of a report about long term care, that furnishes information about the characteristics of individuals receiving home health services and those receiving institutional services. The study would identify the determinants that influence a choice between the two, and outline some of the health issues that must be considered if one wants to channel people toward the use of alternative service models.

C. Other Research Center Activities

We encourage researchers to publish the studies performed by the research center in professional journals, including the quarterly *Health Care Financing Review.*

III. Coordination

Specific activities to be performed by the center will be agreed upon jointly by HCFA and the center. As a part of the agreement between HCFA and the center, we will regularly meet to review past activities, and to set agendas.

The project, funded through a cooperative agreement, requires a close working relationship between the professional staff of the center and HCFA staff. For purposes of management and accountability, however, we ask that the center

designate one project manager who, with a HCFA project officer, will be responsible for coordinating activities between HCFA and the center.

IV. Number, Size and Duration of Projects

HCFA plans to award one cooperative agreement of approximately $500,000 per year. Because HCFA's fiscal year 1984 budget plan contains up to $1 million for the funding of a research center, depending on the quality of the applications, we may award a larger project or a combination of projects.

V. Funding

Funding for the cooperative agreement will be awarded for a period of one year, and may be continued on a non-competitive basis for up to five years. Continuation of funding is dependent upon the availability of future year funds and the ability of the center to meet prior year objectives. All applicants are expected to share directly in the costs of the projects. Applicants must fund at least five percent of the total project cost, or there must be institutional cost-sharing when the applicant has such a cost-sharing agreement with HHS. In addition, the cooperative agreement document will contain special conditions that will define the specific relationship between the government and the awardee.

If, following review of a proposed research activity, HCFA determines that a research or demonstration project presents a danger to the physical, mental, or emotional well-being of a participant of the project, then Federal funds will not be made available for that project without the written, informed consent of each participant.

VI. Selection Procedures

A. Review of Applications

The Director of ORD determines which projects will be awarded. These decisions are based on the recommendations and advice of experts.

An independent review will be conducted by a panel of not less than three experts (who are not staff members of ORD.) The panel will include both individuals from the Department and individuals who are not government employees. The panel's recommendations will contain numerical ratings, ranking of all applications, and a written assessment of each application based on the project requirements shown below.

B. Specific Project Requirements

Applications must meet the specific requirements that follow:

1. The application must include a description of the organization that will serve as the research center, including relationships with other groups. The organization's experience with related projects should be described and a discussion should be included on the existing and anticipated workload of the organization.

2. Applicants must provide information on their experience and skills in each of the areas relating to the work of the proposed center. This information should be presented in sufficient detail to permit an assessment of general capabilities as well as the applicants' expertise in specific subjects. To make the review process comparable, applicants are encouraged to present a sample project that will demonstrate all the necessary research skills, and describe, in detail, how they would undertake the project. We suggest that the sample project address the expansion of the prospective payment system to include at least the following issues:

—Severity of illness;
—Payment for medical education and/or capital; and
—Physician and outpatient reimbursement.

This will permit us to evaluate specific capabilities as well as the general capacity reflected in other, broader, discussions in the application.

3. Applicants must provide documentation of a commitment of the parties necessary to the success of the planned center when the applicant proposes the cooperation of multiple parties. Given the complexity of the work and subject areas that will be covered by this cooperative agreement, applicants should give serious consideration to relationships with other organizations and individuals which would provide them with a wide variety of skills and experience.

4. The application must specify the availability of adequate facilities and equipment for the project or clearly state how these are to be obtained.

5. The application must include the qualifications and experience of the personnel and demonstrate how their qualifications make the individuals capable of performing the tasks of the center. The application must also specify how personnel are organized in the center, to whom they report, and how they will be used to accomplish specific objectives. The application must also indicate if supplemental staff will be available when special expertise is required.

6. The applicant must describe data collection, analysis procedures, and problems for an evaluation that will indicate the degree to which the objectives of a program are met.

7. An applicant must demonstrate an understanding of adequacy and creativity in research design, formulation of testable hypotheses, validity and appropriateness of data base(s), and application of research results. This should be done (a) in the context of the sample task or problem, and (b) in a general discussion that demonstrates the applicant's understanding of all these elements in a good research project.

8. The applicant must discuss data it might expect to use in the specific areas, and the source of those data. The applicant must also discuss situations in which data must be collected. The discussion must describe the design of data collection instruments, sample design and controls, and problems that may be encountered in a data collection and reduction effort. Data that are collected under this cooperative agreement must be available to HCFA and its agents. However, the applicant must ensure the confidentiality of any personally identifiable information collected under the auspices of HCFA. (see item C.2 below for more information about confidentiality).

9. Applicants must include a discussion of the Medicare and Medicaid programs which demonstrates an understanding of the context in which the programs were originally conceived, changes in their development, the problems faced by each program, and the recent changes or proposed changes for each program (especially changes in the area of provider reimbursement).

10. The applicant must demonstrate an understanding of waivers of Federal requirements (for example, those waivers which permit States to make changes in their Medicaid programs). The applicant must discuss the implications of waivers and demonstrate an understanding of the relationship to Federal and State programs as well as the beneficial or adverse effect on the individuals enrolled in the programs.

11. Applicants must support the feasability of their implementation approach. In the specific example selected to show detailed skills, the applicant must include an example of the tasks and milestones that would be involved in a project and must include a schedule of appropriate reports. Attention should be paid to the development of reports at the early interim stages of projects that have immediate usefulness.

12. The application must include a well developed budget for the sample project and explanations of the amounts requested. The estimated costs must be reasonable considering the anticipated results. Applicants should be aware that no budget may include costs for construction or remodeling, or for project activities that take place before the applicant has received official notification of approval of the project.

C. Other Requirements

The application must also contain the following information:

1. While HCFA does not require review under Office of Management and Budget Circular No. A-95, all applicants must nevertheless determine whether review by the appropriate State and areawide clearinghouse is required. This review is designed to promote coordination of Federal and Federally assisted programs and projects with each other, and with State and local plans and programs.

2. The application must contain detailed plans to protect the confidentiality of all information that identifies individuals in the project. The plan must specify that such information is confidential, that it may not be disclosed direclty or indirectly except for purposes directly connected with the conduct of the project and that informed written consent of the individual must be obtained for any disclosure.

D. Reports

1. Interim reporting requirements will be developed jointly by the HCFA project officer and the center's project manager and included in the workplan for each task when appropriate.

2. A final report on each study or project must be submitted to ORD and to the Project Grants Branch of HCFA's Office of Management and Budget.

VII. Application Procedures

A. Submitting applications

Standard application forms and guidance for completion of the forms are available from HCFA's Project Grants Branch at the address indicated in the Address section at the beginning of this notice. The application form has been approved under OMB #0938-0078 for use through July, 1984.

Requirements including awardee responsibilities, awarding and payment procedures, special provisions and assurances are described in the following documents that are included in the application kit: HCFA Grants Policy Handbook DHHS Publication No. (HCFA), 79-04001 (Rev. 6/79) and 45 CFR Part 74, Administration of Grants.

When submitting application, applicants must include the research center title in the project title block of the application face page. The title of the center must also be clearly marked on the outside of the package or envelope.

Applications should be addressed to the Projects Grants Branch at the address shown in the Address section at the beginning of this notice.

The applicant must indicate when the same or a similar application has been or will be submitted to another HHS agency: for example, the Social Security Administration, the Office of Human Development Services, or the Public Health Service.

Applicants should note that, to avoid the appearance of conflict of interest concerns, awardees will be restricted from applying for, or actively participating in the development of responses of others applying for other HCFA research and Demonstration solicitations or procurements.

B. Closing Date and Time

Applications are due November 10, 1983, 4:30 p.m. Eastern Daylight Time.

Mailed applications will be "on time" if they are either postmarked (first class mail) or received by the deadline. Because of the importance of the postmark, we encourage applicants to request the post office to provide a legible U.S. Postal Service postmark. If express mail, certified, or registered mail is used, the applicant should obtain a legible dated mailing receipt from the U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing. Applications submitted by any means other than mailing through the U.S. Postal Service are considered as meeting the deadline only if they are physically received at the place specified in this notice on or before the deadline date. We will acknowledge receipt of each application.

(Sec. 1110 of the Social Security Act (42 U.S.C. 1310, 1395111))

(Catalog of Federal Domestic Assistance Program No. 13.766 Health Financing Research, Demonstrations and Experiments)

Dated: August 5, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83-22083 Filed 8-11-83; 8:45 am]

BILLING CODE 4120-03-M

Public Health Service

Meeting; Vital and Health Statistics National Committee

Pursuant to the Federal Advisory Act (Pub. L. 92-463), notice is hereby given that the National Committee on Vital and Health Statistics (NCVHS) established pursuant to 42 U.S.C. 242k, section 306(k)(2) of the Public Health Service Act, as amended, will convene on Sunday, August 21, 1983, at 6:00 p.m. in the South American Room of the Capital Hilton Hotel, 16th and K Streets, NW., Washington, D.C. 20036.

The agenda will consist of reports from Subcommittees and discussion of findings.

Further information regarding the Commitee may be obtained by contacting Gail F. Fisher, Ph.D., Executive Secretary, National Committee on Vital and Health Statistics, Room 2-28 Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone 301-436-7051.

Dated: July 27, 1983.

Manning Feinleib,

Director, National Center for Health Statistics.

[FR Doc. 83-22080 Filed 8-11-83; 8:45 am]

BILLING CODE 4160-17-M

Vital and Health Statistics National Committee; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92-643), notice is hereby given that the Subcommittee on the Vital Statistics Cooperative Program of the National Committee on Vital and Health Statistics, pursuant to functions established by Section 306(k)(2) of the Public Health Service Act, as amended (42 U.S.C. 242k), will convene on Sunday, August 21, 1983, at 10:00 a.m. in the California Room of the Capital Hilton Hotel, 16th and K Streets, NW., Washington, D.C. 20036.

The Subcommittee will review the cost-sharing formula previously developed and the use of vital statistics data by Federal, State, and local agencies; and make recommendations regarding the Federal share of costs.

Further information regarding this meeting of the Subcommittee or other matters pertaining to the National Committee on Vital and Health Statistics may be obtained by contacting William F. Stewart, National Committee on Vital and Health Statistics, Room 2-28 Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone 301-436-7122.

Dated: July 27, 1983.

Manning Feinleib,

Director, National Center for Health Statistics.

[FR Doc. 83-22087 Filed 8-11-83; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-83-1275]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal decribed below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission Proposed Information Collection to OMB

Proposal: Application for Mobile Home Appraisal
Office: Housing
Form Number: HUD-92802, HUD-92802A, and HUD-92802B
Frequency of Submission: On Occasion
Affected Public: Businesses or Other For-Profit
Estimated Burden Hours: 650
Status: Extension
Contact: Marion E. Davis, HUD, (202) 755-6702; Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: July 20, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-22053 Filed 8-11-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1274]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Neighborhood Self-Help Development Program.

Office: Community Planning and Development.

Form Number: None.

Frequency of Submission: On Occasion.

Affected Public: Non-Profit Institutions.

Estimated Burden Hours: 1,080.

Status: New.

Contact: Richard J. Alexander, HUD, (202) 755-6186 Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: July 5, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-22054 Filed 8-11-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1276]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Deparment. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Lender's Request for Termination of Home Mortgage Insurance.

Office: Administration.

Form Number: HUD-2344.

Frequency of Submission: On Occasion.

Affected Public: Businesses or Other Institutions (except farms).

Estimated Burden Hours: 60,000.

Status: Extension.

Contact: Betty Belin, HUD, (202) 755-5747, Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 24, 1983.

Lea Hamiltom,

Director, Office of Information Policies and Systems.

[FR Doc. 83-22055 Filed 8-11-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1277]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: American Housing Survey Pretest Questionnaire—Versions A and B.

Office: Policy Development and Research.

Form Number: AHS-52.

Frequency of Submission: On Occasion.

Affected Public: Individuals or Households.

Estimated Burden Hours: 213.

Status: Revision.

Contact: Duane T. McGough, HUD, (202) 755-5060; Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 41 U.S.C. 3535(d).

Proposal: Monthly Reports for Establishing Net Income.

Office: Housing.

Form Number: HUD-93479, HUD-93480, and HUD-93481.

Frequency of Submission: Monthly.

Affected Public: Businesses or Other For-Profit and Non-Profit Institutions.

Estimated Burden Hours: 168,000.

Status: Extension.

Contact: William J. Schick, HUD, (202) 755-6870, Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Mortgagee's Application for Open-End Advances.

Office: Housing.

Form Number: FHA-2004-OE.

Frequency of Submission: On Occasion.
Affected Public: Businesses or Other For-Profit.
Estimated Burden Hours: 50.
Status: Extension.
Contact: John J. Coonts, HUD, (202) 755-6720, Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Implementation of the Equal Access to Justice Act in Administrative Proceedings.
Office: General Counsel.
Form Number: None.
Frequency of Submission: On Occasion.
Affected Public: Businesses or Other For-Profit, Non-Profit Institutions, and Small Businesses or Organizations.
Estimated Burden Hours: 18.
Status: New.
Contact: Harold A. Levy, HUD, (202) 755-7260, Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: July 29, 1983.

Donald J. Keuch, Jr.,

Deputy Assistant Secretary for Administration.

[FR Doc. 83-22056 Filed 8-11-83; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

[Docket No. D-83-702]

Delegation of Authority for Mortgage Sales; Assistant Secretary for Housing—Federal Housing Commissioner

Correction

In FR Doc. 83-20454 appearing on page 34339 in the issue of Thursday, July 28, 1983, make the following correction:

In the second column of page 34339, the name of the signing official now reading "Joan J. Knapp" should have read "John J. Knapp".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Phoenix District Advisory Council Meeting

The Phoenix District Advisory Council meets September 15, 1983, between 9 a.m. and 5 p.m. in the District Headquarters, 2929 W. Clarendon Avenue, Phoenix, Arizona. The Council has been established by, and will be managed according to, the Federal Advisory Committee Act of 1972, the Federal Land Policy and Management Act of 1976, and the Public Rangelands Improvement Act of 1978.

The agenda for the meeting includes:

Discussions of rangelands Allotment Management Plans.

Discussion of land exchanges and sales programs.

Indian Project Office manager discussion of land acquisition program for Navajo Indian families.

BLM Management updates.

Business from the floor.

Public Comment and statements.

Future meetings and agenda topics

The meeting is open to the public. Interested persons may make oral statements to the Council between 3:30 p.m. and 4 p.m. or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by September 10, 1983. Depending on the number of persons wishing to make an oral statement, a per-person time limit must be established.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours within thirty days following the meeting.

For further information contact Jean Ghigo (602) 241-2903.

Dated: August 5, 1983.

Deane H. Zeller,

Associate District Manager.

[FR Doc. 83-22078 Filed 8-11-83; 8:45 am]

BILLING CODE 4310-84-M

Rules of Conduct For Panum Crater, Black Point, and Mono Lake Tufa Reserve, California

Notice is hereby given that effective immediately, the following areas shall be managed as recreation areas:

Panum Crater: All Public lands in T. 1N., R. 26E., Sections 24 and 26 and T. 1N., R. 27E., Sections 18, 19 and 30, MDBM.

Black Point: All Public lands in T. 2N., R. 26E., Sections 10, 14, 15 and 22, MDBM.

Mono Lake Tufa Reserve: All Public lands adjacent to Mono Lake lying at or below elevation 6,417 feet.

As such, the following rules of conduct shall apply:

A. The user shall camp overnight only in places provided or posted for such purposes.

B. Motor vehicles and trailers shall not be driven or parked except on roads and places provided for this purpose.

C. The user shall not discharge firearms (exceptions listed below), or firecrackers, rockets, or other fireworks.

D. The user shall not be accompanied by a dog, cat, or other animal unless is in crated, caged, leashed, or otherwise under physical, restrictive control at all times.

E. The user shall not intentionally or wantonly destroy, deface, or remove, any natural feature or plant.

F. The user shall not intentionally or wantonly destroy, injure, deface, remove or disturb in any manner any public building, sign, equipment, marker, or other structure or property.

Exceptions to the above are as follows:

Areas open to hunting for water fowl during the annual season include the Simon Springs area; relicted lands in T. 1N., R. 27E., Sections 1 and 2, and the Warm Springs area; relicted lands in T. 2N., R. 28E., Sections 8 and 17.

Authority for this designation is under Title 43 CFR 8363.1-1, through 8363.1-6.

Criminal penalties for violation of these rules are defined in 43 CFR 8363.5. Any person who knowingly and willfully violates these rules of conduct shall be fined not more than $1,000 or imprisoned not more than 12 months, or both.

Robert D. Rheiner, Jr.,

District Manager.

[FR Doc. 83-21656 Filed 8-11-83; 8:45 am]

BILLING CODE 4310-84-M

Realty Action—Competitive Sale of Land in Pima and Maricopa Counties, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment.

SUMMARY: Serial Number AZAZ027000003: In FR Doc. 83-17933, appearing Tuesday, July 5, 1983 on pages 30764 and 30765, the proposed September 13 sale of 6 parcels of land aggregating 40 acres in Pima County is cancelled. The segregation as stated in the publication will remain in effect pending state exchange or selection. Serial Number AZAZ027000005: In FR Doc. 83-17936, appearing Tuesday, July 5, 1983 on pages 30767 and 30768, the proposed September 22 sale of Tract 5 located in T. 4 S., R. 8 W., Sec. 15, SW¼NW¼, consisting of 40 acres in Maricopa County, is cancelled. The segregation as stated in the publication

will remain in effect pending state exchange.

FOR FURTHER INFORMATION CONTACT: Write to Deane H. Zeller, Acting District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017, or call Dean Durfee, Area Manager, (602) 241–2511.

Dated: August 2, 1983.

Deane H. Zeller,

Acting District Manager.

[FR Doc. 83–22104 Filed 8–11–83; 8:45 am]

BILLING CODE 4310–84–M

Realty Action—Competitive Sale of Land in Yavapai County, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment.

SUMMARY: Serial Number AZAZ02500001: In FR Doc. 83–12028, in the issue of Thursday, May 5, 1983, on page 20290, make the following changes:

(1) On line 4 the date of August 11, 1983 should read September 29, 1983.

(2) The August 11 date appearing in paragraph 5 should read September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Write to Deane H. Zeller, Acting District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017, or call Arthur Tower, Area Manager, (602) 241–3854.

Dated: August 2, 1983.

Deane H. Zeller,

Acting District Manager.

[FR Doc. 83–22105 Filed 8–11–83; 8:45 am]

BILLING CODE 4310–84–M

[OR-35774]

Oregon: Realty Action; Sale of Public Lands in Harney County

The following described public land has been examined and determined to be suitable for disposal pursuant to 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:

WILLAMETTE MERIDIAN, OREGON

Parcel No.	Legal Description	Acreage
1	T. 33 S., R. 30 E.	
	Section 1: SE¼	160
	Section 12: NE¼	160
		320

Bids are being solicited for the parcel offered for sale. Appraised values are not being published in this NORA. The value will be disclosed only at the conclusion of the sale and only for the parcel for which acceptable bids were received, i.e., appraised value or higher.

Sale of this public land shall be through competitive bidding procedures provided for at 43 CFR Part 2711. Access will not be guaranteed to any part of the tract offered for sale. All minerals will be reserved to the United States.

The sale of this land will be subject to all valid existing rights and reservations of records.

The *Andrews Resource Area Management Framework Plans* have consistently referred to the difficulties of practical and applied management of public lands in Catlow Valley. The plan clearly suggests sale is preferable to exchange due in large part to the lack of interests by exchange proponents for acquisition of lands in the Catlow Valley area.

As a result of land-use planning required by Section 202 of the FLPMA, the Bureau has determined that the sale of this tract clearly meets the disposal criteria of Sections 203(a)(1) and 203(a)(3) of said Act.

The sale is to be held at the Burns District Office of the Bureau of Land Management, 74 South Alvord Street in Burns, Oregon at 10:00 A.M. on November 2, 1983.

Bidding Information and Instructions

Bidder Qualifications: The Federal Land Policy and Management Act 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 or the United States. Bids may be made by a principal or his duly qualified agent.

Bid Standards: Bids must be for all land within the specified tract.

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 by the Burns District Office, U.S. Bureau of Land Management, 74 South Alvord, Burns, Oregon 97720 prior to 9:00 a.m. on November 2, 1983. Bids sent in 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. The sealed bid envelopes must be marked in the lower left-hand corner, "Sealed Bid, Public Land Sale OR–35774—Parcel 1. Also, print the sale date of November 2, 1983 on the envelope.

If two (2) 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. All sealed bids received in the Burns District Office will be opened at 10 a.m. on the date of the sale.

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 made in increments of not less than $50.00. Sealed bidders present at the sale may also make oral bids. The highest bid price, either sealed or oral, will establish the sale price. If the highest bid is an oral bid, the successful bidder will be required to pay immediately one-fifth of the high bid price by cash, personal check, money order, bank draft, or any combination of these.

Final details: The successful high bidder, whether it is by sealed or oral bid, will be required to submit full payment for the balance of the bid within 30 days from the date of the sale. Failure to submit such payment within the 30 day period shall result in the cancellation of the sale and the bid deposit shall be forfeited. All unsuccessful sealed bids will be returned within 30 days from the sale date. If no bids for the land, either sealed or oral, are received on the sale date, the sale will be adjourned and this parcel not sold pursuant to this Notice of Realty Action shall remain available for sale on a continuing basis until sold, or withdrawn from sale. Subsequent purchases may be transacted at the Burns District Office in person during regular business hours.

Further Information: Detailed information concerning this land sale, including the land-use planning documents, land reports, environmental assessments and the record of public comments is available for review at the Burns District Office at the location and address previously noted. Telephone inquiries can be placed to the district office at (503) 573–2071 between 7:45 a.m. and 4:30 p.m., P.S.T.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Burns District Office, U.S. Bureau of Land Management, 74 South Alvord, Burns, Oregon 97720.

Any adverse comments received as a result of the Notice of Realty Action or notification to the Congressional Committees and delegations pursuant to Pub. L. 97–394 will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of

any action by the District Manager, this realty action will become a firm determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of any changes.

Thomas R. Thompson, Jr.,

Associate District Manager.

[FR Doc. 83-22106 Filed 8-11-83; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL TRADE COMMISSION

[TA-503(a)-11 and 332-166]

President's List of Articles Which May Be Designated or Modified as Eligible Articles for Purposes of the U.S. Generalized System of Preferences

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of sections 503(a) and 131(b) of the Trade Act of 1974 (hereinafter referred to as "the Act") (19 U.S.C. §§ 2463(a) and 2151(b)) and section 332(g) of the Tariff Act of 1930 (19 U.S.C. § 1332(g)), the Commission has instituted investigation No. TA-503(a)-11 and 332-166 for the purpose of obtaining, to the extent practicable, information of the kind described in section 131(d) of the Act. This information is for use in connection with the preparation of advice requested by the U.S. Trade Representative (USTR) with respect to certain listed articles as to the probable economic effect on U.S. industries producing like or directly competitive articles and on consumers of the modification of the list of articles eligible for duty-free treatment under the United States Generalized System of Preferences (GSP), set forth in Title V of the Act.

EFFECTIVE DATE: August 5, 1983.

FOR FURTHER INFORMATION CONTACT:

(1) Agricultural products, Mr. Robert Roeder (202-724-1170)
(2) Chemical products, Mr. John Gersic (202-523-0451)
(3) Minerals and metals, Mr. Larry Brookhart (202-523-0275)
(4) Machinery and equipment, Mr. Aaron Chesser (202-523-0353)
(5) Miscellaneous manufacturers, Mr. Walter Trezevant (202-724-1719)

All of the above are in the Commission's Office of Industries. For information on legal aspects of the investigation contact Mr. William Gearheart of the Commission's Office of the General Counsel at 202-523-0487.

SUPPLEMENTARY INFORMATION: On July 27, 1983, in accordance with sections 503(a) and 131(a) of the Act and pursuant to the authority of the President delegated tof the USTR by Executive Order 11846, as amended by Executive Order 11947, the USTR requested advice in four areas related to the GSP: (1) The addition of certain articles to the list of GSP eligible articles (see Annex, Part A), (2) the removal of certain articles from the GSP list (see Annex, Part B), (3) the removal of duty-free status under the GSP for certain beneficiary developing countries for certain articles ("graduation") (See Annex, Part C), and (4) a determination of whether or not certain articles are like or directly competitive with any article produced in the United States on January 3, 1975, for purposes of section 504(d) of the Act (see Annex, Part A).

For each article being considered for addition to the list of eligible articles, the Commission will advise the USTR as to the probable economic effect of the addition on U.S. industries producing like or directly competitive articles and on consumers. For each article being considered for removal or graduation, the Commission will advise the USTR as to the impact on U.S. industries producing like or directly competitive articles and on consumers of continued GSP status for the articles and countries in question.

In providing its advice, the USTR requested the Commission to assume that benefits of the GSP would not apply to imports that would be excluded from receiving such benefits by virtue of the "competitive need" limitations specified in section 504(c) of the Act.

Section 504(d) of the Act exempts from one of the competitive need limits in section 504(c) articles for which no like or directly competivie article was being produced in the United States on the date of enactment of the Act. Accordingly, pursuant to the authority of section 332(g) of the Tariff Act of 1930, and in conformity with the delegation of authority from the President to him of Executive Order 11846 as amended by Executive Order 11947, the USTR requested that the Commission also provide advice with respect to whether products like or direclty competitive with any articles contained in the TSUS(A) items in the Annex, Part A, were being produced in the United States on January 3, 1975.

A list giving detailed descriptions of the articles contained in the TSUS(A) items identified in the Annex is available upon request from the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436 (202-523-5178).

The USTR announced the items which have been sent to the Commission for probable effects advice in the July 21, 1983 **Federal Register** (48 FR 33400).

Public hearing

A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on September 27, 1983, to be continued on September 29, 1983, if required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, September 20, 1983.

Written submissions

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation.Written statements should be received by the close of business on September 21, 1983. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washingon, D.C.

Issued: August 9, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Annex

A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences

126.01	411.83(pt) [6]	543.21
146.65	412.69(pt) [7]542.57	543.23
161.60	542.67	543.27
403.05	542.71	543.31
403.16(pt) [1]	542.73	543.61
404.04	542.75	543.67
405.09(pt) [2]	542.77	543.69
406.16	542.92	685.1915
406.40(pt) [3]	542.94	737.24(pt) [8]
406.(48)pt) [4]	542.96	745.32
411.56(pt) [5]	542.98	745.42

[1] 2,6-Di-tert-butyl-p-cresol.

[2] Potassium-D-(-)--N(1-methoxycarbonylpropen-2-yl)-a-amino-p-hydroxypenylacetate (Dane salt).
[3] 1,2-Dihydro-2,2,4-trimethylquinoline polmyer; 2-Mercaptobenzothiazole; N-(Oxydiethylene) benzothiazole-2-sulfenamide.
[4] 4-Amino-6-chloro-m-bezenedisulfonamide.
[5] Meclizine hydrochloride.
[6] Acetylsulfisoxazole; sulfamerazine, sodium.
[7] Chlorpropamide; chlorothiazide.
[8] Handmade dolls, of wood or clay.

B. Petitions to remove products from the list of eligible articles for the Generalized Systems of Preferences

408.22(pt.) [1]	610.65	610.80
425.1020	610.68	727.50
425.74	610.70	727.8630
610.62	610.71	731.20
610.63	610.74	

[1] 2,4-Dinitro-6-sec-butylphenol.

C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences.
545.21 (Mexico)
545.25 (Mexico)
545.27 (Mexico)
654.02 (pt) (Taiwan) [1]
661.95 (pt) (Hong Kong, Taiwan) [2]
674.3227 (Taiwan)
683.05 (Republic of Korea)
688.12 (Taiwan)
722.1205 (Hong Kong, Republic of Korea, Taiwan)
722.1212 (Hong Kong, Republic of Korea, Taiwan)
722.1225 (Hong Kong, Republic of Korea, Taiwan)
725.01 (Republic of Korea)
725.03 (Republic of Korea)

[FR Doc. 83-22140 Filed 8-11-83; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-141]

Import Investigation on Certain Copper-Clad Stainless Steel Cookware; Commission Determination Not To Review Initial Determination Terminating Respondent

AGENCY: International Trade Commission.

ACTION: The Commission has determined not to review an initial determination (I.D.) to terminate this investigation as to respondent Charter Catalogs, Inc.

Authority: 19 U.S.C. § 1337, 47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983 (to be codified at 19 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: Notice of the I.D. was published in the **Federal Register** of July 20, 1983, 48 FR 33061. The Commission has received neither a petition for review of the I.D. nor comments from the public or other Government agencies.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0493.

Issued: August 9, 1983.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-22143 Filed 8-11-83; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-141]

Import Investigation on Certain Copper-Clad Stainless Steel Cookware, Commission Determination Not To Review Initial Determination Terminating Respondent

AGENCY: U.S. International Trade Commission.

ACTION: The Commission has determined not to review an initial determination (I.D.) to terminate this investigation as to respondent Alexander's Inc.

Authority: 19 U.S.C. 1337, 47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983 (to be codified at 19 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: Notice of the I.D. was published in the **Federal Register** of July 20, 1983, 48 FR 33061. The Commission has received neither a petition for review of the I.D. nor comments from the public or other Government agencies.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0493.

By order of the Commission.

Issued: August 9, 1983.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-22144 Filed 8-11-83; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-141]

Certain Copper-Clad Stainless Steel Cookware; Notice of Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Zayre Corporation.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on August 9, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: August 9, 1983.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-22145 Filed 8-11-83; 8:45 am]
BILLING CODE 7020-02-M

[1] Porcelain-on-steel cooking and kitchen ware.
[2] Portable air purifiers, not specially designed for industrial use, and filters thereof.

[Investigation No. 337-TA-152]

Import Investigation on Certain Plastic Food Storage Containers; Remand of Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: The Commission has remanded Motion No. 152-9 and Order No. 5 in the referenced investigation to the presiding officer.

Authority: 47 F.R. 25137, June 10, 1982 (19 CFR 210.53(h)(2)).

SUPPLEMENTARY INFORMATION: On July 13, 1983, complainant Dart Industries, Inc., moved to amend the complaint by joining Griffith Brothers, Ltd., Sydney, Australia, as a party respondent to the investigation. On July 28, 1983, the Commission's presiding officer granted the motion (Order No. 5). On August 2, 1983, the respondents moved (Motion No. 152-9) for reconsideration of Order No. 5 on the basis of evidence not previously available. On August 4, 1983, the Commission's presiding officer certified Motion No. 152-9 to the Commission and requested that the Commission remand Order No. 5 for reconsideration in light of Motion No. 152-9.

Copies of the Commission's action and order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, telephone 202-523-0350.

By order of the Commission.

Issued: August 8, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-22142 Filed 8-11-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-157]

Import Investigations; Certain Office Desk Accessories and Related Products; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: August 9, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 83-22141 Filed 8-11-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-140, 141, 142, 143, and 144 (Preliminary)]

Import Investigation on Certain Spindle Belting From the Federal Republic of Germany, Italy, Japan, the Netherlands, and Switzerland

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary antidumping investigations and scheduling of a conference to be held in connection with the investigations.

EFFECTIVE DATE: August 4, 1983.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of preliminary antidumping investigations under section 773(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the Federal Republic of Germany, Italy, Japan, the Netherlands, and Switzerland of belting, of man-made fibers, or of such fibers and rubber or plastics, all the foregoing designed for use on spindles and coated, filled, or laminated with rubber or plastics, provided for in items 358.14 and 358.16 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence Rausch, Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202-523-0286.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on August 4, 1983, by Barber Manufacturing Co., a domestic producer of spindler belts. The Commission must make its determinations in the investigations within 45 days after the date of the filing of the petition, or by September 19, 1983 (19 CFR 207.17).

Participation.—Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided for in section 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than seven (7) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of documents.—The Secretary will compile a service list from the entries of appearance filed in these investigations. Any party submitting a document in connection with the investigations shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b), as amended by 47 FR 33682, Aug. 4, 1982).

In addition to the foregoing, each document filed with the Commission in the course of these investigations must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written submissions.—Any person may submit to the Commission on or before September 1, 1983, a written statement of information pertinent to the subject matter of these investigations (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m. on August 25, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Parties wishing to participate in the conference should contact the staff investigator, Mr. Lawrence Rausch (202-523-0286), not later than August 22, 1983, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated

one hour within which to make an oral presentation at the conference.

Public inspection.—A copy of the petition and all written submissions, except for confidential business data, will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207, as amended by 47 FR 33682, Aug. 4, 1982), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, Aug. 4, 1982). Further information concerning the conduct of the conference will be provided by Mr. Rausch.

This notice is published pursuant to section 207.12 of the Commission's rules (19 CFR 207.12).

Issued: August 9, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-22139 Filed 8-11-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[OP1-FC-326]

Motor Carriers; Finance Application; 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 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 wil' recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275-7992.

No. MC-FC-81613. By decision of August 1, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board, Members Parker, Krock and Carleton approved the transfer to Lou L. Rook & Bennett L. Rook, Doing Business As A&J Enterprises, Raleigh, NC, of Permit No. MC-155840, issued September 25, 1981, to Joe B. Faison, Doing Business As A&J Enterprises, Raleigh, NC, authorizing the transportation over irregular routes, of recyclable aluminum between points in the U.S., under continuing contract(s) with Reynolds Aluminum Recycling Co., of Richmond, VA.

Representative: Lou L. Rook, 5021-C Sedgewick Dr., Raleigh, NC 27609.

[FR Doc. 83-22069 Filed 8-11-83; 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: Allied Corporation, a New York corporation, Columbia Road, Morris Township, NJ (mailing address—P.O. Box 1087R, Morristown, NJ 07960).

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(a) Allied Chemical Canada, Ltd., a Canadian corporation.

(b) Bunker Ramo-Eltra Corporation, State of Incorporation: Delaware.

(c) Fisher Scientific Company, State of Incorporation: Delaware.

(d) Texgas Corporation, State of Incorporation: Delaware.

(e) The Bendix Corporation, State of Incorporation: Delaware.

(i) Bendix Transportation Management Corporation (Delaware).

(ii) Bendix Autolite Corporation (Delaware).

(iii) Aviation Electric Limited (Canada).

(iv) Bendix Field Engineering Corporation (Delaware).

(v) Bendix Heavy Vehicle System, Inc. (Canada).

(vi) Bendix Machine Tool Corporation (Michigan). BMT Engineering Corporation (Delaware). Drillunit, Inc. (Michigan).

(vii) Bendix Products Corporation (Indiana).

(viii) Bendix Space Technology & Navigation, Inc. (Delaware).

(ix) Bendix Technology, Inc. (New Jersey).

(x) Bendix Wind Power Products Company (Delaware).

(xi) Benoil (Delaware).

(xii) Continental Controls Corporation (Delaware).

(xiii) Courter, Inc. (Delaware).

(xiv) Fram Corporation (Delaware).

(xv) Fram Canada, Inc. (Canada).

Canadian Fram Limited (Ontario).

Superior Machine & Tool (Chatham).

Limited (Ontario).

(xvi) Texas Pipe Bending Company (Delaware).

(xvii) Toledo Stamping & Manufacturing Company (Ohio).

(xiii) The Warner & Swasey Company (Delaware). Midwest Machine & Tool Co. (Ohio).

Bendix Warner & Swasey Finance Corp. (Delaware).

(f) Union Texas Petroleum Corporation, State of Incorporation: Delaware.

1. Parent corporation and address of principal office: American Hospital Supply Corporation, One American Plaza, Evanston, Illinois 60201.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Abbey Medical Inc. (Delaware).

(ii) Abbey Medical/Abbey Rents, Inc. (Delaware).

(iii) Abbey Endicott, Inc. (Delaware).

(iv) AHS/International, Inc. (Delaware).
(v) Airlife, Inc. (California).
(vi) American Hospital Supply Corporation de Puerto Rico, S.A. (Puerto Rico).
(vii) Amo del Caribe, Inc. (Delaware).
(viii) Arnar-Stone del Caribe, Inc. (Delaware).
(ix) Arnar-Stone, Inc. (Delaware).
(x) Bentley Puerto Rico, Inc. (Delaware).
(xi) Dade Diagnostics, Inc. (Delaware).
(xii) Edwards Laboratories, Inc. (California).
(xiii) Heyer-Schulte del Caribe, Inc. (Delaware).
(xiv) McGaw Laboratories, Inc. (Delaware).
(xv) Pharmaseal Corporation (Ohio).
(xvi) Pharmaseal, Inc. (Delaware).
(xvii) Pharmaseal Laboratories, Inc. (Delaware).
(xviii) V. Mueller del Caribe, Inc. (Illinois).
(xix) American Kay, Inc. (Delaware).
(xx) American Pharmaseal Laboratories (California).
(xxi) American Micro-Scan, Inc. (New Jersey)
(xxii) American Bentley, Inc. (Delaware).
(xxiii) American Hospital Supply International Sales Corporation (California).
(xxiv) Bio-Science Enterprises (California).
(xxv) CLMG, Inc. (California).
(xxvi) Pathology Associates, Inc. (Delaware).
(xxvii) Cirmex de Chihuahua, S.A. de C.V. (Mexico).
(xxviii) Convertors de Mexico, S.A. de C.V. (Mexico).
(xxix) I-M, Inc. (Kentucky).
(xxx) Instranetics, Inc. (California).
(xxxi) McGaw Supply Ltd. (Canada).
(xxxii) Kopp Laboratories Limited (Canada).
(xxxiii) Pharmaseal de Mexico, S.A. de C.V. (Mexico).
(xxxiv) Precision Plastics Corporation (Colorado).
(xxxv) Productos Urologos de Mexico, S.A. (Mexico).
(xxxvi) Medi-Vac Corporation (Texas).
(xxxvii) Taylor Surgical Supply, Inc. (Texas).
(xxxviii) Taylor Home Health, Inc. (Texas).
(xxxix) Westco Leasing, Inc. (Texas).
(xxxx) Taylor Surgical Supply of Houston, Inc. (Texas).
(xxxxi) Taylor Surgical Supply of Beaumont, Inc. (Texas).
(xxxxii) Scientific Manufacturing Industries, Inc. (Delaware).

1. Parent Corporation and address of principal office: International Paper Company, 77 West 45 Street, New York, NY 10036.

2. Wholly-owned subsidiaries and address of their respective operations:
(a) Pineville Kraft Sales Co., LTD, P.O. Box 870, Pineville, LA 71360.
(b) Bay Harbor Warehouse Corp., P.O. Box 528 Georgetown, SC.
(c) International Box Co., 1940 Hilbert Street, Milwaukee, WI.
(d) Papco Inc., P.O. Box 160707 Mobile, AL.
(e) Richmond Gravure, Inc., 34 Deepwater Terminal Road, Richmond, VA.
(f) Slaughter Industries Inc., 10851 Miller Road, Dallas, TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-22072 Filed 8-11-83; 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 INFORMATION 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.

Decided: August 5, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume No. OP3-MCF-375

ConAgra, Inc.—Control Exemption—Armour Food Express Company

[No. MC-F-15356]

ConAgra, Inc. (ConAgra), a noncarrier which controls (a) ConAgra Transportation, Inc. (C A Trans), a regulated motor common and contract carrier (No. MC-150422) and a regulated water common carrier (No. W-1333) (b) Bralen Trucking Co., Inc. (Bralen), a regulated motor contract carrier (No. MC-142162), and (c) Lynn Transportation, Inc. (Lynn), a regulated motor common and contract carrier (No. MC-133604), seeks an exemption from the requirement under 49 U.S.C. 11343 of prior regulatory approval of its acquisition of control of Armour Food Express Company (Armour Express), a regulated motor common and contract carrier (Nos. MC-140364 and MC-152245), and ConAgra's continuance in control of C A Trans., Bralen, and Lynn.

Under the proposed transaction, The Greyhound Corporation, which controls Greyhound Lines, Inc., a regulated motor common carrier of passenger (No. MC-1515), will acquire 15 percent of the common stock of ConAgra, and will have the right to nominate one of the 13 members of ConAgra's board of directors.

Send Comments to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423.

and

(2) Mr. Peter A. Green, Thompson, Hine and Flory, 1920 N Street, NW., Washington, DC 20036.

Comments should refer to MC-F-15356.

Volume No. OP3-MCF-374

[No. MC-F-15355]

Movers World, Inc.—Purchase Exemption—Fernstrom Storage & Van Company (Debtor-In-Possession)

Movers World, Inc. (World), of Bronx, NY, and Fernstrom Storage & Van Company (Debtor-In-Possession) (Ferstrom), of Franklin Park, IL, seek an exemption from the requirement under Section 11343 of prior regulatory approval of the purchase by World of the operating rights of Fernstrom in No. MC-48374 (Sub-No. 12)X, authorizing the transportation of household goods, and furniture and fixtures, between points in the United States (except AK and HI) and in MC-48374 (Sub-No. 7) which is superceded by the Sub-No. 12X Certificate; in MC-48374 (Sub-No. 5) authorizing the transportation of household goods, between points in Hawaii; in MC-48374 (Sub-No. 10) authorizing the transportation of general commodities (except classes A and B explosives), between points in the United States, under continuing contract(s) with the International Business Machines Corporation of Armonk, NY; and in MC-48374 (Sub-No. 11) authorizing the transportation of general commodities (except classes A

and B explosives, household goods and commodities in bulk), between points in the United States, under Continuing contract(s) with Stacy-Taylor, Inc., of Lenoir, NC.

Send Comments to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423;
(2) Transferee's representative: Arthur J. Piken, Piken & Piken, 95–25 Queens Boulevard, Rego Park, NY 11374; and
(3) Transferor's representative: Charles Stahl, 180 No. LaSalle St., Chicago, IL 60601.

Comments should refer to MC–F–15355.

[No. MC–F–15367]

Bethco Consolidated, Inc.—Continuance in Control Exemption—Air Van Lines, Inc., and Nielsen Transfer & Storage Co., Inc.

Bethco Consolidated, Inc., seeks an exemption from the requirement under 49 U.S.C. 11343 of prior regulatory approval of its continuing control of Air Van Lines, Inc. (MC–118474), and Nielsen Transfer & Storage Co., Inc. (MC–96745).

Send comments to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423 and
(2) Petitioner's representative, A. Daniel O'Neal, 30th Floor, Bank of California Center, Seattle, WA 91864.

Comments should refer to No. MC–F–15367.

[FR Doc. 83–22070 Filed 8–11–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Restriction Removals

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed. Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,
Secretary.

Please direct status inquires to Team 1, (202) 275–7992

Volume No. OP1–327

Decided: July 28, 1983.

By the Commission, Review Board Members Joyce, Parker and Krock.

MC 140050 (Sub-4)X, filed July 11, 1983. Applicant: ELVIS A. LONG, d.b.a. ELVIS A. LONG TRUCKING, P.O. Box 117, Carrollton, TX 75006. Representative: Leroy Hallman, 4555 InterFirst One, Dallas, TX 75202, (214) 741–6263. Lead Permit and Sub-Nos. 1 and 2: (1) Broaden (a) lead and Sub. No. 1 to pulp, paper and related products, and scrap and waste paper, from paper and paper products, scrap and waste paper, and materials, equipment and supplies used in the manufacture of the foregoing commodities, and (b) Sub-No. 2 to pulp, paper and related products, from paper and paper products, and materials, equipment and supplies used in the manufacture of paper and paper products, (c) lead and Sub 1 and 2 to between points in the U.S. (except AK and HI), under continuing contract(s) with named shipper, and (2) remove the bulk restriction in all Permits.

[FR Doc. 83–22068 Filed 8–11–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated

operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.— All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2 (202) 275–7030.

Volume No. OP2–350

Decided: August 4, 1983.

By the Commission, Review Board Members Krock, Carleton, and Parker.

MC 141112 (Sub-6), filed July 18, 1983. Applicant: GALLOP BUS LINES, LTD., 600 S. Military Hwy., Virginia Beach, VA 23464. Representative: Michael A. Inman, Suite 500, Pembroke Five, Virginia Beach, VA 23462 (804) 490–8000. Transporting *passengers*, (1) beginning and ending at Petersburg, VA and extending to points in the U.S. (except HI, PA, and NC); (2) beginning and ending at points in Pasquotank, Perquimans, Currituck, Camden and Gates Counties, NC, and extending to points in the U.S. (except HI, GA, NC, NJ, NY, and SC); and (3) beginning and ending at Norfolk, Virginia Beach, Chesapeake, Portsmouth, Suffolk, Newport News, Hampton, and Williamsburg, VA, and, points in Nansemond, York, Northampton, Accomack, Mathews, Isle of Wight; Henrico, Southampton, Gloucester, James City, New Kent, and Charles City Counties, VA, and extending to points in AK, AZ, CA, CO, ID, IA, KS, MN, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY.

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 146402 (Sub-44) filed July 19, 1983. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Taske (same address as applicant), (901) 423–2408. As a *Broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165902 (Sub-1) filed July 11, 1983. Applicant: J. A. C. E. TRANSPORTATION COMPANY, INC. 5 Shelter Rock Rd., Danbury, CT 06810. Representative: Martin A. Rader, Jr., 57 North St., Danbury, CT 06810, 203–743–9145. Transporting *passengers*, in special and charter operations, beginning and ending at points in New Haven, Hartford, Litchfield and Fairfield Counties, CT, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169363, filed July 20, 1983. Applicant: GEORGE STROH d.b.a. STROH TRUCKING, Box 10, Manning, ND 58642. Representative: George Stroh (same address as applicant), (701) 573–4317. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Please direct status inquiries to Team 1, (202) 275–7030.

Volume No. OP1–322

Decided: August 4, 1983.

By the Commission, Review Board Members Carleton, Dowell, and Williams.

MC 169410, filed July 25, 1983. Applicant: CLIFF H. HEBERT d.b.a. ATLANTIC FEED & GRAIN, P.O. Box 455, Atlantic, PA 16111. Representative: Cliff H. Hebert (same address as applicant), (814) 382–5229. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 169430, filed July 25, 1983. Applicant: MASS TRANSIT, INC., 326 Union Ave., Cherry Hill, NJ 08002. Representative: William G. Morris, 202–247 N. Collier Blvd., P.O. Box 1795, Marco Island, FL 33937 (813) 642–6020. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP1–324

Decided: August 4, 1983.

By the Commission, Review Board Members Dowell, Carleton, and Krock.

MC 155050 (Sub-1), filed July 27, 1983. Applicant: ROBERT D. KING, d.b.a. APACHE FREIGHT LINES, 2247 Railroad Ave., Pittsburg, CA 94565. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579 (415) 357–6236. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 169420, filed July 25, 1983. Applicant: REITTER EMPLOYMENT SERVICE, INC., d.b.a. HANDI-WHEELS, 801 W. Richardson Ave., Langhorne, PA 19047. Representative: J. William Reitter (same address as applicant) (215) 757–3316. Transporting *passengers*, in charter and special operations, between points in PA and NJ.

Note.—Applicant receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient.

MC 169441, filed July 25, 1983. Applicant: R&R EXPRESS, INC., 622 Wilson, Downers Grove, IL 60515. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263–2306. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 169510, filed July 28, 1983. Applicant: TRAVELER'S CARRIAGE CORPORATION, 22552 Criswell St., Canoga Park, CA 91307. Representative: Jose D. Gonzales (same address as applicant), (213) 716–6133. Transporting *passengers*, in charter and special operations, between points in CA and NV.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP1–326

Decided: August 4, 1983.

By the Commission, Review Board Members Dowell, Parker, and Joyce.

MC 110310 (Sub-5), filed July 26, 1983. Applicant: INTER-COUNTY BUS LINES, INC., 513 S. Adams St., P.O. Box 299, Havre de Grace, MD 21078. Representative: J.C. Vancheri III (same address as applicant), (301) 939–3900. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169440, filed July 25, 1983. Applicant: J. A. FINN, INC., 363 Tremont Street, Boston, MA 02110. Representative: Stanley M. Poster, One State Street, Boston, MA 02109, (617) 523-5773. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in MA, RI and NH.

Please direct status inquiries about the following to Team Four at (202) 275-7669.

Volume No. OP4-517

Decided: August 4, 1983.

By the Commission, Review Board Members Carleton, Parker, and Dowell.

MC 164536 (Sub-1), filed July 28, 1983. Applicant: P.D.P.D. CORPORATION, d.b.a. P AND K EXPRESS, 98 Frelinghuysen Ave., Newark, NJ 07714. Representative: Morton E. Kiel, Suite 2B, P.O. Box 489, New York, NY 10956, (914) 638-4007. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 169546, filed July 27, 1983. Applicant: DON KAMMERZELL, P.O. Box 2177, White City, OR 97503. Representative: Roy Gray, P.O. Box 344, Bloomington, CA 92316, (714) 824-2453. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 169547, filed July 28, 1983. Applicant: FOUR SEASONS BROKERAGES, INC., 513 N. Front St., Suite J, Yakima, WA 98901. Representative: Thomas R. Edwards, 207 Lester Ave., Yakima, WA 98902, (509) 452-1316. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4-520

Decided: August 5, 1983.

By the Commission, Review Board, Members: Joyce, Parker, and Krock.

MC 34087 (Sub-17), filed July 29, 1983. Applicant: NORMAN HILLS, Route 60, Fredonia, NY 14063. Representative: Norman Hills (same address as applicant), (716) 672-4312. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 169556, filed August 1, 1983. Applicant: WEST SHORE TAXI COMPANY, 3525 Hartzdale Dr., Camp Hill, PA 17011. Representative: J. Bruce Walter, 410 North 3rd St., P.O. Box 1146, Harrisburg, PA 17108, (717) 233-5731. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

[FR Doc. 83-22075 Filed 8-11-83; 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 Supart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains apporpriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP–2–348

Decided: August 5, 1983.

By the Commission, Review Board Members Williams, Joyce, and Krock.

MC 2202 (Sub-700), filed July 21, 1983. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20814, (202) 986–1410. 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 Shaw Industries, Inc., of Dalton, GA.

MC 2202 (Sub-701), filed July 22, 1983. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20814, (202) 986–1410. 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 Len-dal Carpet Mills, of Chatsworth, GA.

MC 52793 (Sub-135), filed July 21, 1983. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant) (312) 547–2184. 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 Hewlett-Packard Company, of Palo Alto, CA.

MC 109533 (Sub-145), filed July 18, 1983. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Ave., Richmond, VA 23224. Representative: John C. Burton, Jr., P.O. Box 1216, Richmond, VA 23209, (804) 231–8281. 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 (1) Emerson Electric Company, of St. Louis, MO, (2) James River Corporation, of Richmond, VA, and (3) K-Mart Corporation, of Troy, MI.

MC 117792 (Sub-12), filed June 8, 1983. Applicant: J. C. JACKSON, JR., d.b.a. FARM PRODUCTS CO., P.O. Box 189, East Prairie, MO 63845. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101, 605–335–1777. Transporting (1) *pulp, paper and related products* (2) *printed matter*, (3) *chemicals and related products*, (4) *petroleum and coal products*, (5) *rubber and plastic products*, (6) *machinery*, and (7) *such commodities* as are dealt in by farm supply stores, between points in MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145523 (Sub-1), filed June 27, 1983. Applicant: CAMP TRUCK SERVICE, INC., 3268 Pleasant Hill Rd., Nesbit, MS 38651. Representative: Joel P. Walker, P.O. Box 276, Hernando, MS 38632, 601–368–5277. Transporting *motor vehicles*, between points in the U.S. (except AK and HI).

MC 154572 (Sub-2), filed July 20, 1983. Applicant: BAKER TRUCK LEASING SALES, INC., P. O. Box 3126, Highway 301, S., Wilson, NC 27893. Representative: Peter A. Greene, 1920 N St., NW., Washington, DC 20036 (202) 331–6800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK, HI, CO, ID, MT, NV, OR, UT, WA, and WY).

MC 161553 (Sub-1), filed July 21, 1983. Applicant: JOHN L. SHADD TRUCKING, INC., 220 W. Main St., Lake Butler, FL 32054. Representative: John L. Shadd (same address as applicant), (904) 496–2631. Transporting *commodities in bulk, fertilizer, and lumber*, between points in AL, FL, and GA.

MC 164382, filed July 22, 1983. Applicant: BARRY H. HANSON, d.b.a. SPECIALIZED CARRIER COMPANY, 1726–11th St., So., Fargo, MD 58103. Representative: Barry H. Hanson (same address as applicant), (701) 235–7390. Transporting *machinery*, between points in ND, on the one hand, and, on the other, points in SD, MN, IA, and NE.

MC 164713 (Sub-2), filed July 25, 1983. Applicant: LEASEWAY DELIVERIES, INC., 85 Stanton St., Rochester, NY 14611. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566–5639. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with manufacturers, distributors, or dealers of food and related products, household appliances, and retail and wholesale merchandise.

MC 167892, filed July 12, 1983. Applicant: LEE TRAYNHAM TRUCKING, INC., P.O. Box 91, Arbuckle, CA 95912. Representative: Terry Bressler, P.O. Box 769, Arbuckle, CA 95912, 916–476–2236. Transporting *fertilizer and farm equipment*, between points in AZ, CA, ID, NV, OR, UT, and WA.

MC 169022, filed July 22, 1983. Applicant: K K D ENTERPRISES, INC., 401 Fifth Ave., P.O. Box 83, Clarence, IA 52216. Representative: Donald S. Mullins & T. M. Schlechter, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting *metal products*, between points in CO, IL, IN, IA, KY, MI, MN, MO, NE, ND, OH, PA, SD, and WI.

MC 169193, filed July 12, 1983. Applicant: BROWN CARTAGE COMPANY INC., 105 E. Callahan St., Rome, GA 30161. Representative: Lee H. Brown (same address as applicant), 404–235–5612. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in GA, on the one hand, and, on the other, points in AL, TX, SC, PA, IN, FL, NC, LA, MI, AR, and WV.

Volume No. OP2–349

Decided August 4, 1983.

By the Commission, Review Board Members Krock, Carleton, and Parker.

MC 2232 (Sub-20), filed July 18, 1983. Applicant: CREGER FREIGHT LINES, INC., 9224 Old Tyburn Rd., Morrisville, PA 19067. Representative: Mr. John P. Martell, P.O. Box 452, Sterling, MA 01564, (617) 338–7524. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in U.S. (except AK and HI).

MC 58923 (Sub-83), filed June 27, 1983. Applicant: TRANSUS, INC., 2090 Jonesboro Rd., S.E., Atlanta, GA 30315. Representative: William W. West (same address as applicant), 404–627–7331.Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in U.S., under continuing contract(s) with Robbins & Myers, Inc., Memphis, TN.

MC 59583 (Sub-194), filed July 18, 1983. Applicant: THE MASON AND DIXON LINES, INC., P.O. Box 969, Highway 11W, Stone Dr., Kingsport, TN 37662. Representative: Kim D. Mann, Suite

1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. Transporting *general commodities* (except classes A and B explosives, household and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Sears, Roebuck & Company, of Chicago, IL, and its subsidiaries.

MC 109802 (Sub-37), filed July 11, 1983. Applicant: LAKELAND BUS LINES, INC., 425 East Blackwell St., Dover, NJ 07801. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, 201–322–5030. Transporting, over regular routes, *passengers*, (1) between Ross's Corner, NJ, at or near junction NJ Hwys 15 and 565, and Sparta, NJ, over NJ Hwy 15, (2) between Chester and Troy Hills, NJ: from Chester over U.S. Hwy 206 to junction U.S. Hwy 202, then over U.S. Hwy 202 to Parsippany, then over unnumbered Hwy to Troy Hills, and return over the same route, (3) between Chester, NJ and junction NJ Hwy 24 and Interstate Hwy 287, at or near Morristown, NJ: from Chester over U.S. Hwy 206 to junction Interstate Hwy 287, then over Interstate Hwy 287 to junction NJ Hwy 24, and return over the same route, (4) between Bernard Township and Bernardville, NJ: (a) from junction NJ Hwys 512 and 525, at or near Veterans Administration Hospital, Bernard Township, over NJ Hwys 525 to junction NJ Hwys 527, then over NJ Hwy 527 to junction U.S. Hwy 202, then over U.S. Hwy 202 to Bernardsville, and return over the same route, and (b) from junction NJ Hwys 512 and 527, Bernard Township, over NJ Hwy 527 to junction U.S. Hwy 202, then over U.S. Hwy 202 to Bernardsville, and return over the same route, and (5) serving all intermediate points on routes (1) thru (4) above.

Note.—(1) Applicant proposes to tack the proposed authority with its existing authority, and (2) Applicant seeks to provide regular-route service only in interstate or foreign commerce.

MC 125543 (Sub-17), filed July 29, 1983. Applicant: PERISHABLE SERVICES, INC., 770 North Springdale Rd., Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. Transporting *general commodities* (except classes A and B explosives, household and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Wisconsin Freight Association, Inc., d.b.a. WFA, of Waukesha, WI.

MC 133703 (Sub-14), filed July 29, 1983. Applicant: WCS, INC., 770 North Springdale Rd., Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. Transporting *general commodities* (except classes A and B explosives, household and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Wisconsin Freight Association, Inc., d.b.a. WFA, of Waukesha, WI.

MC 169452, filed July 22, 1983. Applicant: PANTHER LEASING, INC., 1001 South Main St., North Canton, OH 44720. Representative: Larry A. Smith (same address as applicant), 216–494–0974). Transporting *general commodites* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AR, CT, FL, GA, DE, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 169462, filed July 26, 1983. Applicant: A. & K. ENTERPRISES, INC., 4200 N. 29th Terrace, Holywood, FL 33020. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328, 305–434–7621. Transporting *general commodites* (except classes A and B explosives, household goods and commodities in bulk), between points in FL.

Please direct status inquiries to Team 1, (202) 275–7030.

Volume No. OP1–321

Decided: August 4, 1983.

By the Commission, Review Board Members Carleton, Dowell, and Williams.

MC 141370 (Sub-1), filed July 14, 1983. Applicant: W. J. ALBRECHT, d.b.a. W. J. ALBRECHT TRUCKING, P.O. Box 58, 18344 Old Highway 99 S.W., Rochester, WA 98579. Representative: Henry C. Winters, P.O. Box 5613, Bellevue, WA 98006, (206) 644–2100. Transporting *general commodites* (except classes A and B explosives, household goods), between points in CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 164170 (Sub-1), filed July 21, 1983. Applicant: J & T TRUCKING, INC., Box 613, Lake Serene, Hattiesburg, MS 39401. Representative: Jack H. Blanshan, 203 Cedar St., Boone, IA 50036, (515) 432–9651. Transporting *general commodites* (except classes A and B explosives, household goods and commodities in bulk), between points in Harrison County, MS, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, and WI.

MC 169460, filed July 26, 1983. Applicant: JOHN PERKINS TRUCKING CO., INC., P.O. Box 8372, Greenville, SC 29604. Representative: Steven T. Blomberg, 444 N. Frederick Ave., Suite 200, Gaithersburg, MD 20877, (301) 840–8565. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in SC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP–1–323

Decided: August 4, 1983.

By the Commission, Review Board Members Dowell, Carleton, and Krock.

MC 52861 (Sub-97), filed July 25, 1983. Applicant: WILLS TRUCKING, INC., 3185 Columbia Road, Richfield, OH 44286. Representative: James W. Moore (same address as applicant), (216) 659–9381. Transporting *chemicals and related products, and rubber and plastic products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Uniroyal, Inc., of Middlebury, CT.

MC 141871 (Sub-32), filed July 27, 1983. Applicant: WNI, INC. 8560 S.W. Salish Lane, Wilsonville, OR 97070. Representative: Thomas E. Vandenberg, P.O. Box 2545, Green Bay, WI 54306, (414) 498–7689. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of printed matter and pulp, paper and related products, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers and distributors of the commodities named above.

MC 143010 (Sub-3), filed July 14, 1983. Applicant: A.L. PRICE, INC., 2853 Mt. Brynion Rd., Kelso, WA 98626. Representative: Alvis L. Price (same address as applicant), (206) 423–5749. Transporting *pulp, paper and related products, lumber and wood products, and building materials*, between points in WA, OR and CA.

MC 150310 (Sub-5), filed July 18, 1983. Applicant: LOAD LINE LTD., P.O. Box 7905, Pittsburgh, PA 15216. Representative: Jerry B. Sellman, 140 East Town St., Suite 1200, Columbus, OH 43215, (614) 221–5834. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with 21st Century Enterprises, Ltd., of Pittsburgh, PA.

MC 169480, filed July 27, 1983. Applicant: MANUFACTURERS DISTRIBUTING CORPORATION, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Representative: Martin J. Leavitt (same address as applicant), (313) 349–3980. Transporting *general commodities* (except classes A and B

explosives), between points in the U.S. (except AK and HI).

Note.—This application is directly-related to a petition for exemption application docketed MC-F-15352.

Volume No. OP1-325

Decided: August 4, 1983.

By the Commission, Review Board Members Dowell, Parker, and Joyce.

MC 29910 (Sub-329), filed July 25, 1983. Applicant: ABF FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902, (501) 782-1001. 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 Lockheed Corporation, and its subsidiaries, of Burbank, CA.

MC 42261 (Sub-157), filed July 25, 1983. Applicant: LANGER TRANSPORT CORP. Box 305, Rte 1 & Foot of Danforth Ave., Jersey City, NJ 07303. Representative: Daniel J. Sweeney, 1750 Pennsylvania Ave., N.W., Washington, DC 20006, (202) 393-5710. Transporting (1) *such commodities* as are dealt in or used by manufacturers of chemicals, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers, distributors or dealers of chemicals, (2) *such commodities* as are dealt in or used by manufacturers of petroleum products, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers, distributors, or dealers of petroleum products, (3) *such commodities* as are dealt in or used by manufacturers of containers, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers, distributors or dealers of containers, and (4) *such commodities* as are dealt in or used by manufacturers of drugs, medicines, and toilet preparations, between points in the U.S. (except AK and HI, under continuing contract(s) with manufacturers, distributors, or dealers of drugs, medicines, and toilet preparations.

MC 138960 (Sub-23), filed July 25, 1983. Applicant: ROKO EXPRESS, INC., 819 West 5th Ave., Columbus, OH 43212. Representative: H. Barney Firestone, 180 North Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263-1600. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI).

MC 169411, filed July 22, 1983. Applicant: ALBERT CONNORS, RONALD CONNORS, SHIRLEY CONNORS AND JOAN CONNORS, A PARTNERSHIP d.b.a. CONNORS TRUCKING, 15615 Warwick, Allen Park, MI 48101. Representative: Albert Connors (same address as applicant), (313) 381-3468. Transporting *metal products*, between points in IL, IN, MI, OH, and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 169461, filed July 26, 1983. Applicant: BALDWIN PIANO & ORGAN COMPANY, 1801 Gilbert Avenue, Cincinnati, OH 45202. Representative: Robert J. Gallagher, 1435 G Street, N.W., Suite 848, Washington, D.C. 20005, (202) 628-1642. 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 Roger W. Hilbert, II, d.b.a. T SYSTEMS, of Cincinnati, OH.

Please direct status inquiries about the following to Team Four at (202) 275-7669.

Volume No. OP4-519

Decided: August 5, 1983.

By the Commission, Review Board, Members: Joyce, Parker, and Krock.

MC 42487 (Sub-1081), filed August 1, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226-4692. 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 Lockheed Corporation of Burbank, CA and its subsidiaries.

MC 105007 (Sub-86), filed August 2, 1983. Applicant: MATSON TRUCK LINES, INC., P.O. Box 328, 1407 St. John Ave., Albert Lea, MN 56007. Representative: Val M. Higgins, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *general commodities* (except classes A and B explosives and household goods), between points in IL, IN, IA, MI, MN, MO, OH, and WI.

MC 142857 (Sub-13), filed July 29, 1983. Applicant: MCC TRANSPORTATION CO., INC., Route 2, Box 107-B, Hope, AR 71801. Representative: Mark J. Andrews, Suite 1100, 1660 L St., NW., Washington, DC 20036, (202) 452-7438. Transporting *bakery products*, between points in the U.S., under continuing contract(s) with persons who are engaged in the business as manufacturing and distributors of bakery products.

MC 165117 (Sub-1), filed August 1, 1983. Applicant: REICHKITZER TRANSPORTATION, INC., Route 2, Harris, MN 55032. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, (612) 927-8855. 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 169576, filed August 1, 1983. Applicant: WELLS DISTRIBUTING COMPANY, P.O. Box 25008, Salt Lake City, UT 84125. Representative: El Doris Scott (same address as applicant), (801) 972-8700. Transporting *such commodities* as are dealt in or used by distributors of appliances and fixtures, between points in the U.S. (except AK and HI), under continuing contract(s) with Wells Distributing Company, Western Supply Company, and Cowley Distributing Company, all of Salt Lake City, UT.

MC 169577, filed August 1, 1983. Applicant: NATIONWIDE TRANSFER, INC., P.O. Box 111, Tucker, GA 30084. Representative: Bruce E. Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 262-9488. Transporting *general commodities* (except classes A and B explosives, household and commodities in bulk), between U.S. (except AK and HI).

Volume No. OP4-521

Decided: August 3, 1983.

By the Commission, Review Board, Members: Williams, Joyce, and Carleton.

MC 146377 (Sub-8), filed July 21, 1983. Applicant: EDWARD McGILL, INC., 2 General Ave., Rome, GA 30161. Representative: Benjy W. Fincher, P.O. Box 577, 174 North Ave., Jonesboro, GA 30237, (404) 477-1529. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Cagle's, Inc., of Atlanta, GA.

Volume No. OP4-522

Decided: August 3, 1983.

By the Commission, Review Board, Members: Dowell, Krock, and Williams.

MC 158306 (Sub-2), filed July 26, 1983. Applicant: RICHARD J. WARREN d.b.a. WARREN TRANSPORT, 10031 McGee Rd., P.O. Box 57, McBain, MI 49657. Representative: Sandra K. Cline, 10655 Okemos Rd., Portland, MI 48875, (517) 647-4296. Transporting *food and related products*, between points in Kent

County, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP4–523

Decided: July 23, 1983.

By the Commission, Review Board, Members: Dowell, Parker, and Joyce.

MC 164196 (Sub-2), filed July 18, 1983. Applicant: SAM CRAIG TRANSPORT, INC., 1217–A John St., P.O. Box 506, Matthews, NC 28105. Representative: Terrell Price, 800 Briar Creek Rd., Suite DD–504, Charlotte, N.C. 28205, (704) 372–8212. Transporting *general commodities* (except classes A and B explosives, household and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Spivey Brokers, Inc., of Matthews, NC.

[FR Doc. 83-22070 Filed 8-11-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB–55 (Sub-No. 69)]

Railroad Service Abandonment; Seaboard System Railroad, Inc.; Jefferson County, AL; Findings

The Commission has found that the public convenience and necessity permit Seaboard System Railroad, Inc. to abandon its 4.2-mile rail line between Boyles, AL, milepost LG–389.8, and Ruffner #2, milepost LG–394.0, in Jefferson County, AL. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-22074 Filed 8-11-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB–55 (Sub-No. 73)]

Railroad Service Abandonment; Seaboard System Railroad, Inc.; Lake County, FL; Findings

The Commission has issued a certificate authorizing Seaboard System Railroad to abandon its 3.42-mile rail line between Ellsworth Junction, FL, milepost STA 3.78, and Astatula, FL, milepost 7.20, in Lake County, FL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-22071 Filed 8-11-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB–55 (Sub-No. 81)]

Rail Services Abandonment; Seaboard System Railroad, Inc.; Polk County, FL; Findings

The Commission has issued a certificate authorizing the Seaboard System Railroad, Inc., to abandon its 2.41 mile rail line between milepost AW 839.50 near Lake Alfred, FL, to milepost AW 841.91 near Winter Haven, FL, in Polk County, FL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this notice. The following notation shall be typed in bold face on the lower left hand corner of the envelope containing the offer: "Rail Section, AB–OFA". Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-22073 Filed 8-11-83; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P–58]

Rail Carriers; Chicago and North Western Transportation Co.; Passenger Train Operation

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Oakland, California. The operation of these trains requires the use of the tracks and other facilities of Burlington Northern Railroad Company (BN). A portion of the BN tracks at Russell, Iowa, are temporarily out of service due to a derailment. An alternate route is available via Chicago and North Western Transportation Company between Omaha, Nebraska, and Chicago, Illinois.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission served April 29, 1982, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), Chicago and North Western Transportation Company (CNW) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between Chicago, Illinois, and a connection with Burlington Northern Railroad Company (BN) at Omaha, Nebraska.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are

voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and condition shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to interstate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 3:00 p.m., July 28, 1983.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 29, 1883, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Chicago and North Western Transportation Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 28, 1982.

Interstate Commerce Commission.

J. Warren McFarland,

Agent.

[FR Doc. 83-22067 Filed 8-11-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 399]

Rail Carrier's; Cost Recovery Percentage; Further Notice of Proposed Costing Standards and Decision

AGENCY: Interstate Commerce Commission.

ACTION: Further Notice of Proposed Costing Standards and Decision.

SUMMARY: On August 12, 1983, the Commission proposed the adoption of a 1983 Cost Recovery Percentage (CRP) of 407.5 percent. Annual publication of a CRP is required by the Staggers Rail Act of 1980. (Staggers Act). The Commission-developed CRP will not be used as a threshold for rate regulation of market dominant traffic for the one-year period beginning October 1, 1983 because the Staggers Act prescribes a maximum threshold level of 175 percent for that period.

ADDRESSES: To obtain copies of the full decision contact: Office of the Secretary, Room 2215, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423, (202) 275-7428.

DATE: Comments are due on September 1, 1983.

ADDRESSES: An original and 15 copies should be sent to: Office of the Secretary, Case Control Branch, Section of Cost Development, Room 3315, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

William T. Bono, (202) 275-7354.
Robert C. Hasek, (202) 275-0938.

SUPPLEMENTARY INFORMATION: The 1983 Cost Recovery Percentage.

The Revenue Contribution or "Burden Study"

The 1983 CRP (407.5 percent) and the various alternative "test" cost recovery percentages were all calculated by applying Rail Form A unit costs to the movements contained on the 1981 Waybill Tape. These revenue contribution or "burden" study procedures apply unit costs to each movement contained on the waybill tape and calculate the revenue to variable cost ratio and the relative contribution or deficit for each movement. The calculations use separate procedures for trailer on flat car (TOFC) and other than TOFC moves. The same procedures were used for both regulated and non-regulated commodities.

The costing procedures used were adapted from the methodology used in the Commission's Rail Carload Cost Scales: ICC Statement No. 1C1-77 (TOFC Calculations, Table 17, Other than TOFC Calculations, Table 3). These procedures simulate the actual handling given to TOFC and other than TOFC shipments by railroads.

The costs for interchanges between railroads were removed from the car-mile cost and added on an actual occurrence basis.

The waybill tape is a statistical sample of United States railway traffic collected under Commission Order and processed under contract by the U.S. Department of Transportation. The 1981 Waybill Tape used in those calculations was enhanced by ALK Associates of Princeton, New Jersey, using the Princton Railroad Network Model. This model completes and corrects erroneous routing data and adds actual route mileage. Because the 1981 Waybill Tape contains data reported at different sampling rates, the sample data were expanded in order to maintain the proper proportional representation of each sampled movement. For example, movements reported at 1 percent would be expanded by a factor of 100, movements reported at 2 percent would be expanded by a factor of 50, etc.

The latest available data for CRP calculations are 1981 Rail Form A unit costs and the 1981 Waybill Tape.

Actual Rail Form A unit costs for 1981 were applied to movements contained in the 1981 Waybill Tape. Loss and damage expense per hundredweight was added on a commodity specific basis.

Certain costing refinements, based on studies made by the Commission's Office of Special Projects Counsel in Docket Ex Parte No. 270, *Investigation of Railroad Freight Rate Structure*, were used in the revenue contribution study.

The following cost reductions were made for volume movements.

For multiple-car movements (6-49 cars), terminal costs were adjusted by: reducing the switching cost per carload by 50 percent at origin and destination, reducing variable freight-train car costs per carload by 50 percent at origin and destination, and reducing station clerical costs by 25 percent.

For trainload movements (50 or more cars) terminal costs were adjusted by: reducing the switching cost per carload by 75 percent at origin and destination, reducing variable freight-train car costs per carload by 50 percent at origin and destination, and reducing station clerical costs by 25 percent. Line-haul costs were adjusted by reducing the actual interchange costs by 50 percent and eliminating the inter-intra train switching costs.

A "make whole" adjustment was made to the variable cost of movements of one through five cars by adding, on a pro rata per carload basis by region, the total cost reductions from trainload and multiple car movements.

The Revenue Reduction Process

The results of each of the revenue contribution or "burden" studies were grouped by revenue to variable cost ratio into one percent ranges and arrayed in descending order. For example, all movements showing a revenue to variable cost ratio of 1.990 to 1.999 percent were assigned in one group, movements showing a ratio of 1.980 to 1.989 percent were assigned in the next group, etc. This array of movements is the basis for the revenue reduction process.

Beginning with the highest revenue to variable cost group, revenues were reduced to assume that the revenue ceiling existed at the next lower revenue to variable cost group. This process has the effect of setting the revenue to variable cost ratio at the mid point of the next lower group. The revenue reduction process was repeated to a point below the CRP level.

The revenue reduction process grouped all movements into one percent ranges. No movements were eliminated. Movements with revenues in excess of 1,000 percent were compressed to the 1,000 percent level. The revenue reduction process was started at 1,000 percent (10,000 revenue to variable cost level) and continued to the 0.490 to 0.499 revenue to variable cost level.

The cost recovery percentage is determined as the mid point of the revenue to variable cost group corresponding to variable plus fixed costs.[1]

Authority: 49 U.S.C. 10321, 10709, 5 U.S.C. 553.

Dated: August 9, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-22186 Filed 8-11-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Migrant and Seasonal Farmworker Programs; Fiscal Year 1984 Proposed State Planning Estimates

AGENCY: Employment and Training, Labor.

ACTION: Notice.

SUMMARY: This Notice publishes the proposed State planning estimates for Fiscal Year 1984 for programs funded under Title IV, Section 402 of the Job Training Partnership Act (JTPA), (Pub. L. 97-300) of October 13, 1982. Also contained herein is a description of the formula used in arriving at the planning estimate for each State.

DATES: Comments on this proposal must be submitted on or before September 12, 1983.

FOR FURTHER INFORMATION CONTACT: Paul A. Mayrand, Acting Director, Office of Special Targeted Programs, 601 D Street, NW., Room 6122, Washington, D.C. 20213. Phone (202) 376-6225.

SUPPLEMENTARY INFORMATION: Pursuant to Section 162 of JTPA the planning estimates and distribution formula for the fifty (50) States, the District of Columbia and Puerto Rico for Migrant and Seasonal Farmworker Programs funded under Title IV, 402 are published below for review and comment. The amount to be distributed is $57,986,000, subject to congressional action. Should a change occur, the new appropriation and State planning estimates will be published in another Notice.

The proposed distribution is based on data obtained in the Decennial Census of the Population, 1980. More specifically, the proposed planning estimates are based on the total number of people in each State who worked in qualifying agricultural occupations and reported a poverty level income in response to questions asked in the conduct of the Census. It is proposed that these data be applied in a manner which provides that no States would receive more than approximately 109 percent of their CETA Fiscal Year 1983 funding level. Further, no State will receive less than 75 percent of the amount received in Fiscal Year 1983. States which would receive less than $60,000 by application of the formula will receive no allotment (Rhode Island, Alaska, and the District of Columbia), since the amount they would receive is deemed insufficient to run an effective program. On the other hand, States which would receive more than $60,000 but less than $120,000 will be given a minimum allocation of $120,000.

Subject to Congressional appropriation actions, the Department proposes to employ a similar methodology for a period of 3 years and thereafter allocate to each State the amount it would receive by a direct application of the 1980 Census data without a hold harmless provision.

The following are the proposed State planning estimates:

Alabama	827,645
Arizona	1,070,550
Arkansas	1,109,173
California	10,507,990
Colorado	700,356
Connecticut	338,025
Delaware	120,000
Florida	3,718,650
Georgia	1,191,306
Hawaii	159,450
Idaho	873,300
Illinois	1,412,789
Indiana	1,066,052
Iowa	1,388,052
Kansas	1,192,945
Kentucky	821,545
Louisiana	764,681
Maine	394,425
Maryland	289,099
Massachusetts	309,900
Michigan	1,096,675
Minnesota	1,314,559
Mississippi	1,150,185
Missouri	862,666
Montana	657,280
Nebraska	1,026,931
Nevada	120,000
New Hampshire	120,000
New Jersey	422,550
New Mexico	352,583
New York	1,432,988
North Carolina	2,784,526
North Dakota	616,159
Ohio	1,210,048
Oklahoma	739,412
Oregon	1,070,550
Pennsylvania	1,289,454
South Carolina	821,545
South Dakota	398,196
Tennessee	739,412
Texas	4,425,933
Utah	225,375
Vermont	208,230
Virginia	931,019
Washington	1,803,000
West Virginia	245,775
Wisconsin	1,554,266
Wyoming	197,175
Puerto Rico	1,889,597
National total	57,986,000

Signed at Washington, D.C., this 8th day of August, 1983.

Paul Mayrand,

Acting Director, Office of Special Targeted Programs.

[FR Doc. 83-22038 Filed 8-11-83; 8:45 am]

BILLING CODE 4510-30-M

Fiscal Year 1984 Technical Assistance and Training Grants for Migrant and Seasonal Farmworker Housing Assistance; Preapplication for Federal Assistance and Solicitation for Grant Application

AGENCY: Employment and Training, Labor.

ACTION: Notice.

SUMMARY: The purpose of this document is to announce application instructions for Fiscal Year 1984 Migrant and Seasonal Farmworker (MSFW) technical assistance and training grants authorized under Title IV, Sections 402 and 455 of the Job Training Partnership Act (JTPA). The Department intends to award up to six grants in six areas of the country identified in Part II, Section (3) of this notice. It is intended that one grant be awarded for each area. The total funds available for this effort are $1.2 million. This notice consists of: *Part I—Preapplication for Federal Assistance*, an invitation for private nonprofit organizations authorized by their charters or articles of incorporation to provide employment and training or other services described in this notice, and public agencies to submit preapplications for Federal assistance, and, *Part II—Solicitation for Grant Application (SGA)*, an invitation for these agencies and organizations to submit funding applications in accordance with the SGA set forth below.

FOR FURTHER INFORMATION CONTACT: A. E. Berndt, Chief, Division of Farmworker and Rural Employment Programs, or Virginia Villarreal, 601 D

[1] Variable plus fixed costs is 125.8 percent for both 1980 and 1981. The overall Rail Form A variability percentage for both 1980 and 1981 was 79.5 percent. In order to cover total costs (variable plus fixed costs) the variable costs developed in Rail Form A must be increased by a fixed cost additive (100 percent divided by 79.5 percent equals 125.8 percent) of 25.8 percent. The CRP is read at 1.258 in the array.

Street, NW., Room 6114, Washington, D.C. 20213, Phone 202/376-7615.

SUPPLEMENTARY INFORMATION:

The Department's technical assistance effort for MSFW housing is $1.2 million for FY 1984. A fundamental consideration for establishing this level of funding is the significant reduction in funding for the FY 1984 basic MSFW employment and training program under Section 402 of JTPA from the funding level of the CETA, Section 303 program whose authorization expires on September 30, 1983. In addition, only a 6-percent maximum of the JTPA Section 402 funding level may be used for discretionary activities, from which the housing effort is funded, as compared to a 20-percent discretionary authority under CETA, Section 303.

Because of these factors and the desire to minimize the negative impact on the basic migrant and seasonal farmworker program, every effort is being made to propose discretionary funding for only the most essential, high-priority items. This decision to devote as many resources as possible to the basic section 402 program during this period of scarce resources is in line with the Employment and Training Administration's primary mission—employment and training.

The Department's decision to limit the number of farmworker housing grants to six is related to another consideration in addition to the funding level constraint. The Department believes that reducing the number of MSFW housing grantees to six will result in enhanced administrative efficiencies and eliminate any duplication of effort. Current farmworker housing grantees are encouraged to compete for the funds available.

To further enhance the effectiveness of the program, the Department will continue to coordinate its effort with the Farmers Home Administration (FmHA) to ensure that the Department's farmworker housing effort will be directed to those areas where farmworker housing is most needed as recommended by FmHA, will achieve the most cost-effective results, and can be best matched to existing resources of housing production.

The Department will not consider any funding application which does not meet the Precondition for Grant Application requirements provided as part of the SGA in Part II of this notice. In addition, prior to the final selection of an applicant as a potential grantee, the Department, as provided in Part II, will conduct a responsibility review of the available records to determine if the applicant has reasonably administered Federal funds. Any applicant which does not have its application considered or is not selected as a potential grantee because of these provisions shall be advised of its appeal rights.

Part I—Preapplication for Federal Assistance

Applicants applying for grants shall submit a preapplication consisting of:

(1) A Standard Form 424 described at 41 CFR 29-70.214-4;

(2) an attachment identifying the target area to be served by State and counties;

(3) for a private nonprofit organization, a certification from a certified public accountant that its financial management system is capable of safeguarding Federal funds; and,

(4) for a public agency, a certification by the chief fiscal officer attesting to the adequacy of the agency's accounting system to safeguard Federal funds.

Two copies of preapplications for Federal assistance shall be submitted either by mail or hand delivered. Mailings must be posted by registered or certified mail, return receipt requested, and postmarked no later than August 26, 1983. All hand-delivered preapplications will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m. A receipt will be provided bearing the time and date of delivery. No hand deliveries will be accepted after 4:45 p.m. on August 26, 1983. No exceptions to these mailing and hand-delivery conditions will be granted. Preapplications not meeting these conditions will not be accepted.

Preapplications for Federal assistance must be mailed or hand delivered to: Mr. Edward Tomchick, Contracting/Grant Officer, Employment and Training Administration, Room 7122, 601 D Street, NW., Washington, D.C. 20213.

Part II Solicitation for Grant Application (SGA)

The Department of Labor is soliciting applications for grants under the provisions of Title IV, Sections 402 and 455 of JTPA to provide technical assistance and training programs to secure housing for migrant and seasonal farmworkers. In awarding grants through this SGA, the Department will rate individual applications by a panel which will use criteria described in this SGA. The competitive process and the content of the funding application are as follows:

(1) *Precondition for Grant Application.* The Department will not consider an application submitted in response to this SGA if any of the following factors exist:

(i) The application is not submitted by either a private nonprofit organization, authorized by its charter or articles of incorporation to provide employment and training or other services described in this notice, or a public agency.

(ii) The applicant has not complied with the preapplication for Federal assistance provisions described in Part II above.

(iii) The Department's efforts to recover debts from the applicant (for which three demand letters have been sent) established by final agency action have been unsuccessful, or fraud or criminal activity has been proven to exist within the applicant's organization.

(iv) The applicant has not met the funding application submission requirements provided in this SGA.

(2) *Responsibility Review.* The Department, prior to the final selection of an applicant as a potential grantee, will conduct a review of the available records to determine whether or not the organization has responsibly administered Federal funds. This review is intended to establish overall responsibility, and it is independent of the competitive process. The following information will be taken into consideration in making the final selection of an applicant as a potential grantee:

(i) The Department's efforts to recover debts from the applicant (for which three demand letters have been sent) established by final agency action have been unsuccessful, or failure to comply with an approved repayment plan.

(ii) Serious adminstrative deficiencies identified in final findings and determinations, such as failure to maintain a financial mangement system as required by Federal regulations.

(iii) Established fraud or criminal activity within the organization.

(iv) Willful obstruction of the audit process.

(v) Substantial failure to provide services to applicants as agreed to in a current or recent grant.

(vi) Failure to correct deficiencies brought to the grantee's attention as a result of monitoring activities, reviews, assessments, etc.

(vii) Failure to return a grant closeout package or outstanding advances within 90 days of expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted; final billings reflecting serious cost category or total budget cost overrun.

(viii) Failure to submit required reports.

(ix) Failure to properly report and dispose of government property as instructed by the Department.

(x) Failure to have maintained cost controls resulting in excess cash on hand.

(xi) Failure to procure or arrange for audit coverage for any 2-year period when required by the department.

(xii) Failure to audit subrecipient within the required period when applicable.

(xiii) Final disallowed costs in excess of 5 percent of the grant or contract award.

(xiv) Failure to establish a mechanism to resolve subrecipient's audit within established time frames.

(3) *General*. The technical assistance grants being solicited in this SGA are intended to aid public and/or private nonprofit agencies concerned with farmworker housing to secure funds for the construction or rehabilitation of houses, including self-help housing, rental development, cooperative development, and weatherization efforts.

Technical assistance and related training to be provided under this SGA shall include, but are not limited to techniques in application packaging, outreach/counseling, site development, and the development of appropriate community-development projects. As their top priority, technical assistance and training providers should assist new or inexperienced housing agencies as well as organizations needing specific, limited technical assistance. This should expand the potential pool of capable developers and owners of labor housing.

The Department of Labor (DOL) intends to award up to six technical assistance and training (TAT) grants to address the needs of the many agencies concerned with farmworker housing in the country. Grants will be awarded for not less than $150,000, and not more than $250,000. However, the Department may award more than $250,000 to a single grant under exceptional circumstances. Applicants are required to provide specific justification for proposals that exceed $250,000. The Department reserves the right to award funds for a lesser amount than requested by an applicant.

The initial period of performance of these grants shall be 12 months. Since a continuous 24-month operation is more conducive to the long-term nature of developing housing projects, a second 12-month period will be granted without further competition, contingent upon successful operations and the availability of funds.

Six areas of the country have been identified for this effort. It is intended that there be one grant for each area. However, an applicant need not be currently located in the area for which the application is made so long as it can clearly demonstrate the ability to conduct the technical assistance within the area. Following is a list of the areas, the States included in them, and how the areas correspond to existing Federal regions:

Farmworker Housing Area and State and Federal Regions

Area I and Region I

Connecticut, Maine, Massachusetts, Rhode Island, Vermont, New Hampshire

Region II

Puerto Rico, New Jersey, New York

Area II and Region III

Pennsylvania, West Virginia, Delaware, Virginia, Maryland

Area III and Region IV

Alabama, Kentucky, Mississippi, North Carolina, Florida, Georgia, South Carolina, Tennessee

Area IV and Region V

Illinois, Minnesota, Ohio, Indiana, Michigan, Wisconsin

Region VII

Kansas, Iowa, Nebraska, Missouri

Area V and Region VI

Louisiana, Arkansas, New Mexico, Texas, Oklahoma

Region VIII

Colorado, Montana, Wyoming, Utah, South Dakota, North Dakota

Area VI and Region IX

Arizona, California, Nevada, Hawaii

Region X

Idaho, Oregon, Washington.

Since the majority of funds in support of farmworker housing is provided by the Farmers Home Administration (FmHA), U.S. Department of Agriculture, it is critical that any applicant have an in-depth knowledge and a previous working relationship with FmHA. Therefore, applicants must be able to develop linkages with the respective State and local FmHA offices in each of the identified areas.

Due to limited resources available, it is not expected that every State or locality in an area be served. It is expected that services will be available to each State should there be the necessary positive elements to mount a housing program.

Organizations funded during the current fiscal year 1983 effort are largely community-based, nonprofit groups although a few are county housing authorities. These grants provide for a small administrative staff, averaging from 3–5 individuals, whose primary objectives are: self-help housing development, rental housing development, housing rehabilitation/weatherization, cooperative development, and/or appropriate community-development projects. Specific activities include loan packaging, site development, out-reach/counseling, etc. The basic component of these grants is an administrative unit. Linkages, in addition to the farmworker families, are developed with county housing authorities, local and State officials at FmHA and HUD, foundations and other community groups.

Summarizing, these current DOL housing grants have as their objective the production of housing units (self-help, rental) and/or a specified number of loan packages, site development agreements, etc. as measurable outcomes. For the fiscal year 1984 program the Department is shifting its housing effort from this direct provision of housing to that of providing technical assistance and training to organizations which provides these services. It is felt that this approach will result in a more productive use of existing resources.

(4) *Reporting Requirements.* Grantee reports shall be submitted qarterly. They are due in the office of the funding agency no later than 30 days following the end of the quarter. The reports shall consist of:

(i) Financial Activity Report.

(ii) Program Activity Report which will measure units produced and the productions plan for the upcoming quarter.

All quarterly reports are to be submitted in triplicate. In addition to the quarterly reports, the grantee is required to submit an annual report. The Department may request additional reports as particular activities are completed.

(5) *Deliverables.* The grantee shall deliver the following items:

(i) Qaurterly reports.

(ii) Final report.

(iii) A final work plan identifying the geographic location where work will be performed, type of technical assistance and training, number of technical assistance and training days, farmworker housing organizations to be involved, etc. shall be developed and submitted within 30 days of the award of the grant.

(iv) A program activity report instrument developed by the grantee shall be submitted for review and approval within 30 days of the award of the grant.

(6) *Content of Application.* This segment of the SGA provides the format and content of the funding application. Exclusive of eligibility documentation,

letters of support and commitment, and budget pages, the application should not exceed 30 pages of double-spaced, unreduced type.

The format for the application should be in five sections. The first section will contain the eligibility documentation. Sections 2 through 5 will provide the narrative description, including any charts and tables, if applicable, with the second section describing the administration and staffing of the applicant organization; the third section describing the applicant's program experience; the foruth section describing the applicant's program methodology; and the fifth section describing the proposal's cost advantages. Briefly, these sections should contain:

(i) *Section I—Eligibility Documentation.* The following documents are to be submitted by an applicant to support eligibility for Section 402 funds:

(A) A statement indicating the legally constituted authority under which the organization functions;

(B) An employer identification number from the Internal Revenue Service, and for nonprofit applicants, proof of the organization's tax-exempt status.

(ii) *Section II—Administration and Staffing.* The applicant shall specify staff members, their responsibilities and the percentage of their time they will devote to this housing effort. Consultant use should be minimal. If consultants are part of the plan, their role and capability should be clearly stated. Staff must have familiarity with rural housing and should be familiar with the farmworker population. It should be noted that bilingual staff capability would be beneficial in some regions. A resume to identify specific housing experience, including any working relationships with FmHA, should be included for each staff member. A statement that the person is available for this effort should also be included. The applicant shall specify its other funding sources, amount of such funding, program purposes of such funding, and the extent to which staff identified for the purposes of this Notice will be involved with these efforts.

(iii) *Section III—Program Experience.* The experience statement should highlight the organization's and the proposed staff personnel's previous experience working directly with the FmHA offices and programs. Since the most important outcome for this effort is the production of new units of farmworker housing, the applicant should also document its successful past housing production, and/or technical assistance and training it has provided which resulted in housing production.

(iv) *Section IV—Program Methodology.* Farmworker housing efforts generally fall into four categories: Single-family housing, rental housing, cooperative housing, and weatherization activities. Applicants in response to this SGA should target their technical assistance to agencies concerned with farmworker housing in support of these activities. Some elements should be addressed in the application and preliminary work plan are:

(A) The applicant's efforts to assist organizations both public and private to expand and improve housing for farmworkers through the provision of technical assistance and related training.

(B) The identification of area(s), including the State(s) and to the extent possible, the organizations for which TAT will be provided. The target area(s) shall conform to the areas identified in Part II, Section (3).

(C) The approach and methodology to be employed in the provision of TAT as well as a description of the manner and the extent to which coordination will be established with public and nonprofit organizations as well as State/Federal agencies. TAT shall be principally conducted onsite with the added dimensions of area seminars and workshops. The specific assistance shall include but is not limited to: Market feasibility analysis, financing alternative, preapplication preparation, negotiation and selection of architectural and engineering firms and preparation of subsequent agreements, land selection, development and unit plans, housing project maintenance and management, project budget and financial management, construction and rehabilitation, housing options, water/sewer development, etc.

The applicant shall develop a proposed work plan and a schedule of TAT onsite visits and regional workshops. Such work plans and schedules shall be subject to approval by the Department following the awarding of the grant. In developing the schedule, the applicant should take into consideration that farmworker housing concerns may not exist within some States. The applicant's experiential knowledge of farmworker housing needs will be instructive in identifying such areas. The rationale for the schedule and site selections should be explained.

(D) Documentation of information regarding past and current experience, capability performance and an understanding of farmworker housing needs and objectives.

(v) *Cost Advantages.* The applicant should describe the proposed costs for the effort and their reasonableness relative to the program design. The applicant shall prepare a proposed budget which shall contain the following elements:

(A) Staff salaries and percentage of time devoted to this project (for each staff person).

(B) Fringe benefits for staff.

(C) Staff travel and per diem.

(D) Consultant fees.

(E) Administrative supplies and materials.

(F) Printing/reproduction costs.

(G) Communications/telephone.

(H) Program facilities and maintenance.

(I) Office equipment and furnishings.

(J) Motor vehicle lease/rental.

(K) Insurance.

(L) Other facilities, equipment and maintenance.

(M) Subcontract costs, if applicable, including name of instructor.

(N) Indirect costs.

(O) Training Materials and equipment.

(P) Other costs.

(Q) Total.

(7) *Specific Rating Criteria.* Each application considered by the Department will be reviewed and rated by a panel using the following specific criteria:

(i) *Administrative Capability (Range, 0 to 25 points).* The administrative capability factor is a rating of the applicant's management experience and efficiency. The applicant must demonstrate that it has the staff, financial, and management ability to undertake and sustain a program of this kind in the wide geographic areas to be covered. The extent to which other resources can be secured to maximize effectiveness will be rated. The highest rating of 25 points will be awarded to organizations which demonstrate proven ability to operate an effective program which provides timely and effective technical assistance using optimal financial and program management capability.

(ii) *Program Experience (Range, 0 to 30 points).* Housing development for low income persons is complicated by the many elements which must be put together to achieve success. An organization must be able to work with the general community, a multitude of funding sources (each with differing and often conflicting objectives and requirements) and the participant. The highest rating of 30 points will be

awarded to the applicant which can document both the organization's and individual staff's successful development of such an effort. Specific examples of housing production and/or technical assistance and training which resulted in housing production should be provided.

(iii) *Program Methodology (Range, 0 to 25 points).* The approach to farmworker housing described in this SGA is new to the DOL. It is therefore important that the applicant demonstrate an understanding of the approach and its technical assistance objectives. The methodology should be creative while practical and point to expected effectiveness. The highest rating of 25 points will be awarded to organizations which demonstrate (a) an understanding of farmworker housing needs in the target area(s), (b) a process to analyze these needs and develop program goals and work plans based on this analysis, and (c) an ability to deliver the proposed program.

(iv) *Cost Advantages (Range, 0 to 20 points).* This factor will measure cost effectiveness and the degree to which total program costs appear reasonable relative to program design. Any cost-savings measure should be identified. The highest rating of 20 points will be awarded to organizations which demonstrate proven ability to operate a cost-effective program and have developed practical cost-saving measures.

(8) *Submission of Funding Application.* Three (3) copies of the funding application shall be submitted either by mail or hand delivered. Mailings must be posted by registered or certified mail, return receipt requested, no later than September 12, 1983. All hand-delivered applications will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m. A receipt will be provided bearing the time and date of delivery. No hand deliveries will be accepted after 4:45 p.m. on September 12, 1983. No exceptions to these mailing and hand-delivery conditions will be granted. Applications not meeting these conditions will not be accepted.

Funding applications must be mailed or hand delivered to: Mr. Edward A. Tomchick, Contracting/Grant Officer, Employment and Training Administration, Room 7122, 601 D Street, NW., Washington, D.C. 20213.

(9) *Notification of Selection.*

(1) Respondents to this SGA which are selected as potential grantees will be notified by the Department. The notification will invite each potential grantee to negotiate the final terms and conditions of the grant, will establish a reasonable time and place for the negotiation, and will indicate the State or area to be covered by the grant.

(ii) An applicant whose grant application is not selected by the Department to receive funding will be notified in writing.

(iii) Applicants who submit grant applications which have been rejected may not resubmit a new grant application for the State(s) or area(s) in which they are interested in providing services until the area(s) is announced by the Department as reopened for competition.

(iv) Any applicant whose grant application is denied in whole or in part by the Department will be advised of its appeal rights.

Signed at Washington, D.C. this 8th day of August 1983.

Paul A. Mayrand,

Acting Director, Office of Special Targeted Programs.

Edward A. Tomchick,

Grant Officer, Employment and Training Administration.

[FR Doc. 83-22037 Filed 8-11-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14,895 et al.]

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Beals, McCarthy & Rogers, Inc., et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to detemine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not late than August 22, 1983.

Interested persons are invited to sumit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 22, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 8th day of August 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of —	Location	Date received	Date of petition	Petition No.	Articles produced
Beals, McCarthy & Rogers, Inc. (workers)	Buffalo, N.Y.	7/29/83	7/26/83	TA-W-14,895	Cut burn, shape plate and structural carbon steel.
A & E Machine Ship, Inc., (workers)	Lone Star, TX	8/1/83	7/27/83	TA-W-14,896	Metal fabrication.
Forged Products Division of Gulf & Western Mfg. Co. (workers).	Houston, TX	8/1/83	7/11/83	TA-W-14,897	Steel forgings.
General Electric Co., Video Products Business Div. (workers).	Portsmouth, VA	8/1/83	7/26/83	TA-W-14,898	Video products, color TV sets and receivers.
Loose Leaf Hardware, Inc. (workers)	West Memphis, AR	8/4/83	8/1/83	TA-W-14,899	Metal inserts for notebook binders.
N.A.P. Consumer Electronics Corp. (IUE)	Jefferson City, TN	8/3/83	7/27/83	TA-W-14,900	Home video games and monitor screens, cabinets for TV.
Rola & Esmark Co. (workers)	Punxsutawney, PA	8/1/83	7/10/83	TA-W-14,901	Auto speakers.
Scovill Security Products Group (workers)	Lenoir City, TN	8/1/83	7/23/83	TA-W-14,902	Door locks.
Sheller-Globe Corp., Hamtramck Plastic Division (UAW)	Detriot, MI	8/2/83	7/28/83	TA-W-14,903	Plastic steering wheels and various other plastic components for autos.
Taylor Wharton Co. (USWA)	Easton, PA	8/4/83	8/2/83	TA-W-14,904	Oxygen cylinders.
U.S. Steel Mining Co., #9 Mine (workers)	Gary, WV	8/2/83	7/28/83	TA-W-14,905	Coal mining.

[FR Doc. 83-22135 Filed 8-11-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14, 758]

Jones & Laughlin Steel Corporation, Lind Greenway Mine, Aurora, Minnesota; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on June 20, 1983 in response to a worker petition received on June 9, 1983 which was filed by the United Steelworkers of America on behalf of workers at the Lind Greenway Mine of the Jones & Laughlin Steel Corporation, Aurora, Minnesota.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C., August 3, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-22131 Filed 8-11-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14,002 et al.]

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Reliance Electric Co. et al.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period August 1, 1983–August 5, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-14,002; Reliance Electric Co., Dodge Div., Mishawaka, IN

TA-W-14,408; Detroit Strip Div., Cyclops Corp., Hamden, CT

TA-W-14,443; Sharon Steel Corp., Bayard Operations, Fierro, NM

TA-W-14,380; Crompton Co., Inc., Shenandoah Plant, Waynesboro, VA

TA-W-14,377; Amerel-Jerold Corp., Smithfield, NC

TA-W-13,899; Copperweld Steel Co., Warren, OH

TA-W-13,945; Mackintosh-Hemphill Div., E. W. Bliss Co., Div. of Gulf & Western Industries, Pittsburgh, PA

TA-W-14,483; Corning Glass Works, Electrical Products Div., Bluffton, IN

TA-W-14,205; Mercer Dress, Inc., A Plant of Butte Knitting Mills, Inc., Burgin, KY

TA-W-14,368; Miglo Corp., Lake Worth, FL

TA-W-13,884; Print Fashions, Inc., Bethlehem, PA

TA-W-14,576; Jay Cee Sportswear, Inc., Hialeah, FL

TA-W-14,429; Magma Copper Co., San Manuel Div., San Manuel, AZ

In the following case the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-14,373; Uniroyal, Inc., Uniroyal Distribution Center Accounting Group, Troy, MI

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-14,503; Merchants Metals, Inc., Birmingham, AL

Aggregate U.S. imports of chain link fence did not increase as required for certification.

TA-W-14,489; Freeport Brick Co., Freeport, PA

Aggregate U.S. imports of refractory brick did not increase as required for certification.

TA-W-14,461; Koppers Co., Inc., Engineering & Construction Group, Pittsburgh, PA

Aggregate U.S. imports of blast furnaces and ovens, electric or furnaces or open-hearth furnaces for steelmaking are negligible.

Affirmative Determinations

TA-W-14,463; Morganstern Pants Co., Fredericksburg, VA

A certification was issued covering all workers separated on or after October 1, 1982.

TA-W-14,222; Artco Woven Label, Inc., Minnewawa Mfg. Co., Inc., Marlbrough, NH

A certification was issued covering all workers separated on or after January 6, 1982 and before December 31, 1982.

TA-W-13,971; Armstrong Rubber Co., Little Rock, AR

A certification was issued covering all workers separated on or after November 12, 1982.

TA-W-13,976; Indianapolis Rubber Co., Indianapolis, IN

A certification was issued covering all workers separated on or after November 11, 1981.

TA-W-13,974; Firestone Tire & Rubber Co., Russellville, AR

A certification was issued covering all workers separated on or after November 11, 1981.

TA-W-14,495; National Garment Co., Hammonton, NJ

A certification was issued covering all workers separated on or after March 10, 1982.

TA-W-14,569; Salem Sportswear Co., Salem, MO

A certification was issued covering all workers separated on or after March 14, 1982.

I hereby certify that the aforementioned determinations were issued during the period August 1, 1983–August 5, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: August 9, 1983.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-22134 Filed 8-11-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14,841]

Spang & Company, Butler, PA; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 18, 1983 in response to a worker petition received on July 13, 1983 which was filed by U.S.W.A., Local 6058, Lorain, Ohio on behalf of former workers at Spang and Company.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this August 3, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-22132 Filed 8-11-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14, 756]

T & N Lone Star Warehouse Company, Lone Star, Texas; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was intiated on June 20, 1983 in response to a worker petition received on June 10, 1983 which was filed by the United Steelworkers of America on behalf of workers at T & N Lone Star Warehouse Company.

An active certification covering the petitioning group of workers remains in effect (TA-W-13, 902). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this August 3, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-22133 Filed 8-11-83; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

Employee Benefit Plans; Proposed Exemptions; Lee Investment Co. et al.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Person

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Lee Investment Co. Money Purchase Pension Plan and Trust Agreement (the Plan) Located in San Diego, California

[Application No. D-3745]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406 of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (F) of the Code shall not apply to the proposed loan (the Loan) of money by the directed individual account (the Account) in the Plan of Marvin L. Krichman, a party in interest with respect to the Plan, to a purchaser of a certain parcel of real property (the Property) of which Marvin L. Krichman and his wife, Rosalie Krichman (the Krichmans) are the sellers.

Summary of Facts and Representations

1. The Plan is a money purchase pension plan with three participants. The Krichmans are the trustees (the Trustees) of the Plan, participants in the Plan and collectively own 50% of the stock of Lee Investment Co. (the Employer), the sponsor of the Plan. As of January 31, 1982, the Account contained approximately $400,000 in assets. As of January 31, 1982, the Plan had total assets of $425,000. All participants in the Plan direct the Trustees as to investments for their segregated individual accounts.

2. The Krichmans own the Property located in Chatsworth, California. The Property is a single family home. As of November 10, 1982, the Property had a fair market value of $110,000 as determined by Franklin D.C. Wong.

S.R.A., an independent appraisal officer of the First California Bank. The applicants are requesting an exemption for the Loan of up to $100,000 from the Account to a potential purchaser of the Property. The guidelines or underwriting standards used by the Plan in making the Loan will be the same as those used by the Home Federal Savings and Loan Association of San Diego, California (Home Federal), an independent savings and loan association, in Home Federal's granting of a residential mortgage loan.

3. The Loan will not exceed 80% of the appraised value of the Property. The maximum principal amount of the Loan will be $100,000. The Loan will be secured by a first deed of trust on the Property executed in favor of the Account. The deed of trust will contain a "due on sale" clause obligating the borrower/purchaser to pay the balance in full on the Loan in the event of a sale by the borrower/purchaser of the Property. Title insurance on the Property will be provided by the Krichmans. A current appraisal on the Property will be provided by the Krichmans. Collections on the Loan will be made by an independent bank or savings and loan association. The term of the Loan will not exceed thirty years. The Loan will provide for minimum monthly payments of one percent of the original amount of the Loan. The Loan will bear an interest rate equivalent to that charged for similar loans made by Home Federal, which is currently 13% per annum.

4. No borrower will be a party in interest with respect to the Plan as defined in section 3(14) of the Act. In general, the credit standards for the selection of a potential borrower will be comparable to those utilized by Home Federal in assessing a borrowers application for a similar residential loan. A credit history will be obtained from a recognized credit reporting agency to verify the borrowers credit history. At least two years of stable employment will be required of the borrower prior to the grant of the Loan. Payments on the Loan will not exceed 30% of the combined gross income of the borrower and his spouse. Payments on the Loan, combined with other debts of the borrower, will not exceed 36% of the combined gross income of the borrower and his spouse.

5. In summary, the applicant represents that the proposed transactions satisfy the statutory criteria of section 408(a) of the Act because: (1) The Loan will affect solely the Account and will be directed by Marvin L. Krichman; (2) the Loan will be secured by a first deed of trust on the Property; (3) Title insurance and an appraisal of the Property will be provided by the Krichmans; (4) collections on the Loan will be made by an independent bank or financial institution; (5) the interest rate on the Loan will be based on similar loans made by Home Federal; (6) the Loan will only be made to borrowers unrelated to the Krichmans or the Employer; and (7) underwriting standards comparable to those utilized by Home Federal for similar loans will be used by the Plan in making the Loan.

For Further Information Contact: Louis Campagna of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

Bangs, McCullen, Butler and Foye Employees' Profit Sharing Retirement Plan (the Plan) Located in Rapid City, South Dakota

[Application No. D-3755]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b)(1) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed continuation past June 30, 1984 of a lease by the Plan of certain improved real property to Bangs, McCullen, Butler, Foye and Simmons, the sponsor of the Plan.

Summary of Facts and Representations

1. The Plan is a profit sharing pension plan with approximately 24 participants and assets of approximately $1,389,584 as of June 30, 1982. In 1968 the Plan purchased from an unrelated party a two-story brick office building (the Building) in Rapid City, South Dakota containing 9,600 square feet of marketable office space. The Building was purchased from the original builder subject to a commitment to lease the front two-thirds of the lower floor of the Building to the New York Life Insurance Company (New York Life). Pursuant to this commitment the Plan and New York Life entered into a lease agreement effective December 1, 1968 under which New York Life leased the front two-thirds of the lower floor of the Building from the Plan. Under a separate lease agreement (the Initial Lease) dated November 15, 1968 the remaining office space in the Building was leased to the law firm of Bangs, McCullen, Butler, and Foye (the Employer), the sponsor of the Plan, at a rental rate comparable to that being paid by New York Life. The Employer leased this general office space as its principal place of business. On January 1, 1978 New York Life vacated the front two-thirds of the lower floor of the Building and the Employer commenced leasing the entire Building (the Current Lease), adapting the front two-thirds of the lower floor for use as additional office space for the Employer's principal place of business.

2. The Employer asserts that the terms and conditions of the Current Lease are substantially identical to those of the Initial Lease and that the execution of the Current Lease did not constitute a substantial modification of the Initial Lease. Consequently, the Employer asserts that the Current Lease is a lease involving a party in interest pursuant to a binding contract in effect on July 1, 1974, as defined under section 414(c)(2) of the Act, and therefore is statutorily exempt until June 30, 1984 from the prohibitions of sections 406 and 407 of the Act and section 4975 of the Code by virtue of section 414(c)(2) of the Act.[1] The Employer is requesting an exemption to permit the continuation, past June 30, 1984, of the Current Lease pursuant to a proposed amendment (the Amended Lease) of the Current Lease to be effective January 1, 1984.

3. The proposed Amended Lease is a triple net lease for a term of ten years commencing on January 1, 1984. The interests of the Plan under the Amended Lease for all purposes will be represented by Jerald M. Gerdes (the Trustee), senior vice-president of the First Northwestern Trust Company of South Dakota, which is independent of the Employer. The annual rental under the Amended Lease is payable in equal monthly installments. The initial annual rental under the Amended Lease will be the fair market rental value of the Building at the commencement of the Amended Lease as determined by an appraisal to be conducted by Dick Kahler, CRB/CRS (Kahler), a professional real estate appraiser who is unrelated to the parties to the Amended Lease and whose office is located in Rapid City, South Dakota. On January 1, 1989, the Trustee will determine whether there has been an increase in the fair market rental value of the Building since January 1, 1984 and will raise the rental

[1] The Department expresses no opinion as to whether the Current Lease constituted a lease pursuant to a binding contract in effect on July 1, 1974 as defined under section 414(c)(2) of the Act or whether the Current Lease was statutorily exempt until June 30, 1984 from the prohibitions of section 406 and 407 of the Act and section 4975 of the Code by virtue of Section 414(c)(2) of the Act.

under the Amended Lease in an amount commensurate with any such increase. In no event will the rental under the Amended Lease be less than $50,000 per annum. The Amended Lease requires the Employer to pay all repair and maintenance costs of the Building except with respect to necessary major structural repairs to the Building, its roof, or its electrical, heating, cooling or plumbing systems in excess of $5,000 in any calendar year. Any such excess over $5,000 will be the responsibility of the Plan. The Amended Lease requires the Employer to pay all real estate taxes on the Building and to carry fire, extended coverage, and public liability insurance on the Building in amounts acceptable to the Trustee with the Plan as the named insured. Under the Amended Lease the Employer will indemnify and hold the Plan harmless from all penalties, claims, demands, liabilities, expenses and losses of any nature arising from the Employer's use of the Building.

4. The Trustee agrees to monitor on behalf of the Plan the performance of the Employer under the Amended Lease and to represent the Plan in the enforcement of the terms and conditions of the Amended Lease. The Trustee represents that he has examined and evaluated the lease of the Building under the proposed Amended Lease and that it constitutes a highly desirable investment for the Plan which yields an annual rate of return of 13.3%, which the Trustee represents is a return in excess of the yield which can reasonably be expected from Plan investments. Specifically, the Trustee represents that the Building has an excellent location, an excellent potential for appreciation, and is particularly desirable for occupancy by a law firm. The Building has been appraised for its fair market value by Kahler. In an update of his December 31, 1979 appraisal of the Building, Kahler represents that as of April 27, 1983 the Building has a fair market value of $375,000. The Employer represents that as of June 30, 1982, based on a Building value of $375,000 the Building represents 26.98% of the total assets of the Plan. The Trustee represents that the Amended Lease constitutes an arm's-length transaction with terms more favorable to the Plan than the Plan could reasonably expect in dealing with an unrelated party.

5. In summary, the applicant represents that the statutory criteria of section 408(a) of the Act will be satisfied because (1) the Amended Lease is a triple net lease requiring the Employer to pay costs of repair and maintenance and all taxes and insurance on the Building; (2) the interests of the Plan under the Amended Lease will be represented by the Trustee, an independent fiduciary who is unrelated to the Employer and who will monitor performance of the terms and conditions of the Amended Lease of behalf of the Plan; (3) the Amended Lease requires that the rental will remain at least fair market value; and (4) the Trustee has evaluated the Amended Lease on behalf of the Plan and has determined that it is a highly desirable investment for the Plan.

For Further Information Contact: Ronald Willett of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Victor T. Bazzone, M.D., P.A. Profit Sharing Plan (the Plan) Located in Gulfport, Mississippi

[Application No. D-3851]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed sale of certain unimproved real property (the Lots) by the Plan to Victor T. Bazzone, M.D. (Dr. Bazzone) and Mr. N.A. Achee (Mr. Achee), parties in interest with respect to the Plan, provided the sales price is no less than the fair market value of the Lots on the date of the sale.

Summary of Facts and Representations

1. The Plan covered two participants as of September 23, 1982: Ms. Barbara Kouba and Dr. Bazzone, who is the sole owner of the Plan sponsor, the administrator and investment advisor of the Plan, and a fiduciary with respect to the Plan. As of May 17, 1983, the fair market value of the Plan's assets totalled $194,685.37. Dr. Bazzone and Mr. Achee are partners in Achee and Bazzone, which they own equally.

2. On April 4, 1980 and June 9, 1980, the Plan purchased Lots 11, 12, 13, and 14 of Block 20, Jonestown-McCaughan Subdivision, Gulfport, Mississippi, as investment property. Lots 11 and 12 were purchased from Mr. A. J. Tullos for the principal sum $14,994.24. Lots 13 and 14 were purchased from Mr. Alvin B. Sumerlin and Ms. Edna Earl Sumerline for $5,158.45. None of these sellers was a party in interest to the Plan when it purchased the Lots, according to the applicant. The applicant further states that the Plan purchased the Lots as investment property since real estate in this particular area was appreciating in value and appeared to be a sound investment for the Plan participants. The Lots, comprising 30,000 square feet of vacant land, are located on the west side of 45th Avenue in Gulfport, contiguous to Garden Park Community Hospital, opposite the Omega Medical Arts Center, and within four blocks of Memorial Hospital and many other medical clinics. Other lots abutting the Lots were subsequently acquired by Dr. Bazzone and Mr. Achee in conjuinction with the proposed expansion of Garden Park Community Hospital. It is envisioned that a medical building will be built on the property owned by Dr. Bazzone, Mr. Achee, and the Plan to house doctors who will then be adjacent to Garden Park Community Hospital. Since the Plan acquired the Lots, it has incurred costs totalling $80.70 with respect to the Lots; these costs were the amounts of city and county taxes on the Lots for the years 1981 and 1982. As the lots are undeveloped, they have produced no income.

3. The anticipated appreciation in the value of the Lots has occurred. Mr. Mike Purvis, an appraiser who is not related in any manner to the Plan participants or any of the potential purchasers of the Lots, has personnaly inspected the Lots and has made an exterior inspection of three comparable sales nearby. After taking into account the additional property abutting the Lots and owned by Dr. Bazzone and Mr. Achee, Mr. Purvis estimates that the fair market value of the Lots was $45,000 as of May 17, 1983. Mr. Purvis states that his general appraisal experience encompasses all types of residential property, both urban and rural, and all types of appraisal assignments, and that he is an independent appraiser affiliated since August 1972, with O.H. Burns (now Burns-Poulos & Associates, Real Estate Appraisers and Brokers).

4. Dr. Bazzone and Mr. Achee wish to purchase the Lots for a price of $12,000 per lot ($48,000 total), payable in cash, to develop the Lots together with the adjacent lots which they own, as described in 2, above. It is represented that the Lots alone are insufficient for such development but that development of the Lots together with the adjacent lots as a single larger block of land will substantially increase its value. The Plan has not attempted to sell the Lots to unrelated parties in view of the above mentioned development plans. Dr.

Bazzone and Mr. Achee will pay all fees incurred in effecting the proposed sale. Dr. Bazzone, who has authority to make investment decisions on behalf of the Plan, believes the proposed sale is in the best interests of the Plan and its participants and beneficiaries because the proposed sale will result in a gain to the Plan of $27,837.31 on the Lots, which have appreciated 238% since the Plan purchased them in 1981. Dr. Bazzone believes that this is more than a fair return on investment and greatly exceeds the return the Plan could have made in any other type of investment.

5. In summary, the applicant represents that the proposed sale satisfies the exemption criteria provided by section 408(a) of the Act because (a) the sale will be a one-time transaction for cash; (b) the sale will enable the Plan to realize the maximum appreciated value of the Lots and to dispose of a non-income producing asset; (c) the sale price will exceed the fair market value of the Lots as determined by an unrelated appraiser, who has considered the fact that Dr. Bazzone and Mr. Achee own additional property abutting the Lots; (d) Dr. Bazzone and Mr. Achee will pay any fees incurred in effecting the sale; and (e) Dr. Bazzone, who is responsible for investing plan assets, believes that the sale will be in the best interests of the Plan and its participants and beneficiaries.

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Profit Sharing Plan for the Employees of Frederick F. Hardin, M.D., P.C. (the P/S Plan) and The Frederick F. Hardin, M.D., P.C. Money Purchase Pension Plan (the M/P Plan) Located in Atlanta, Georgia

[Application No. D-4073]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procdures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975 (c)(1)(A) through (E) of the Code shall not apply to (1) the proposed purchase of a promissory note (Note I) from Frederick F. Hardin, M.D., a party in interest with respect to the P/S Plan, by his individual account under the P/S Plan for a purchase price equal to the lesser of (a) the fair market value of Note I on the date of the purchase, or (b) 25% of the fair market value of Dr. Hardin's account under the P/S Plan on the date of the purchase; and (2) the proposed purchase of a half interest in another promissory note (Note II) from Dr. Hardin by his individual account under the M/P Plan for a purchase price equal to the lesser of (a) the fair market value of such half interest on the date of the purchase, interest on the date of the purchase, or (b) 25% of the fair market value of Dr. Hardin's account under the M/P Plan on the date of the purchase.

Summary of Facts and Representations

1. The P/S Plan and the M/P Plan (collectively, the Plans) each specifically permit each participant, with the permission of the Plan Administrator and the Plan trustee, to direct the Plan trustee to invest the vested portion of the participant's interest under the Plan in such investment as the participant may direct, provided such investment does not constitute a prohibited transaction under the Act. The Plans also provide that gains, losses, income, and expenses attributable to such a directed investment are allocated solely to the account of the participant who directed the investment. As of September 30, 1981, and July 8, 1983 respectively, the P/S Plan and the M/P Plan each covered two participants: Dr. Hardin, who is the Plan Administrator and the sole shareholder of Frederick F. Hardin, M.D., P.C. (the Employer), the Plan sponsor, and another participant who is not related to Dr. Hardin. The trustee of both Plans is Wachovia Bank & Trust Company.

2. Dr. Hardin wishes to direct his accounts under the Plans to purchase his interests in Note I and Note II. Note I is a $55,000 note, made February 28, 1981, in favor of Dr. Hardin, by Robert E. Russell and Rebecca L. Russell, neither of whom are parties in interest with respect to the Plan. Note I matures March 15, 1991 and bears interest at the rate of 12% per annum on the unpaid balance. Principal and interest under Note 1 are repayable in 119 equal consecutive monthly installments of $565.74 each. Note I is secured by a purchase money security deed on a parcel of land conveyed by Dr. Hardin to Robert E. and Rebecca L. Russell on Feburary 28, 1981 for $72,500, consisting of $17,500 in cash and $55,000 payable under Note I. No other liens encumber this parcel of land. Trust Company Bank of Georgia estimates that the fair market value of Note I was $49,897.61 as of June 14, 1983.

3. Dr. Hardin owns a half interest in Note II, which was made February 5, 1981, in favor of Edwin C. Pound, Jr. and Dr. Hardin, by E. Frank Dutton, in the amount of $120,000. Neither Mr. Pound nor Mr. Dutton is a party in interest with respect to the Plan. Note II matures February 5, 1991 and bears interest at the rate of 12% per annum on the unpaid principal balance. Principal and interest under Note II are repayable in equal consecutive monthly installments of $1,234.33 each. Note II is secured by a deed of trust on a condominium unit, which is not encumbered by any other lien. Trust Company of Georgia estimates that the fair market value of half of Note II (Dr. Hardin's interest) was $50,040.98 as of June 14, 1983.

4. The Plans propose to pay cash for the full amounts of the purchase prices of Dr. Hardin's interests in Notes I and II (i.e., all of Note I and half of Note II). Such amounts will be charged solely to Dr. Hardin's accounts under the Plans as directed investments. It is represented that Dr. Hardin's vested interests under the Plans as of September 30, 1982 were $169,137.53 in the P/S Plan and $163,009.65 in the M/P Plan and that the fair market values of Dr. Hardin's accounts under the Plans as of July 8, 1983 were: $180,829.30 in the P/S Plan and $177,748.19 in the M/P Plan. The purchase price of Dr. Hardin's interest in Note I will equal the lesser of (a) the fair market value of such interest on the date of purchase by the Plan, or (b) 25% of the fair market value of Dr. Hardin's account under the P/S Plan or such date. Similarly, the purchase price of Dr. Hardin's interest in Note II will equal the lesser of (a) the fair market value of such interest on the date of purchase, or (b) 25% of the fair market value of Dr. Hardin's account under the M/P Plan or such date. The fair market values of Dr. Hardin's interests in Note I and Note II will be determined by discounting the future payments under each note at the market rate of interest for similar mortgage obligations prevailing on the date of sale and by taking into account the strength of the security, the terms of the note, and such other factors as the appraiser deems appropriate. The valuation of Notes I and II will be performed immediately prior to the purchase date by an independent appraiser which shall be a federally chartered Atlanta, Georgia bank with respect to which neither Dr. Hardin nor the Employer regularly transacts business or has an indebtedness. Such appraisal will state in writing the appraiser's determination of the values of Dr. Hardin's interests in Notes I and II and the reasons in support of such valuation. If the proposed exemption is granted, the Plans will purchase such interests as soon as administratively

feasible after the exemption is granted. Either Dr. Hardin or the Employer—but not the Plan—will pay the fees for such appraisals. The indentures securing Notes I and II with real property in Georgia and Colorado have been duly recorded. It is represented that upon the purchase of Note I by the Plan, the security provided by the security deed will, under Georgia law, automatically apply to the Plan as transferee of Note I and no additional filing is required under Georgia law. The sale of Note II will be registered according to Colorado law in Gunnison County, Colorado, where the condominium securing Note II is located. This registration will be effected as soon as possible after the Plan's purchase of Note II.

5. In summary, the applicant represents that the proposed purchase satisfies the exemptive criteria provided in section 408(a) of the Act because: (a) The purchase prices of Dr. Hardin's interests in Notes I and II will not exceed the fair market values of such interests on the proposed purchase date, and such fair market values will be determined by an independent appraiser; (b) the fees for such appraisals will be paid by either Dr. Hardin or the Employer, and not by the Plan; (c) the recording requirements of the applicable state law will be satisfied; (d) no more than 25% of the fair market value of Dr. Hardin's account under each Plan will be involved in the proposed purchases; and (e) the only Plan participant affected by the proposed transaction will be Dr. Hardin, and he desires the transaction to be consummated.

Notice to interested persons: Since the only assets of the Plans involved in the proposed transaction are those in Dr. Hardin's accounts under the Plans and he is the only participant in the Plans affected by the proposed transaction, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Comments and hearing requests are due 30 days after the date of publication in the **Federal Register.**

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Doe-Anderson Advertising Agency, Inc. Profit Sharing Plan (the Plan) Located in Louisville, Kentucky

[Application No. D-4188]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the proposed continuation past June 30, 1984 of a lease of certain improved real property by the Plan to the Doe-Anderson Advertising Agency, Inc. (the Employer), the sponsor of the Plan, provided that the terms are at least as favorable to the Plan as the Plan could obtain in a lease with an unrelated party.

Summary of Facts and Representations

1. The Plan is a defined contribution profit sharing pension plan with 65 participants and total assets of $3,112,895 as of December 31, 1982. The Employer is a general advertising agency with its principal place of business (the Property) at 223 E. Broadway in Louisville, Kentucky. The Plan purchased the Property on May 1, 1972 from an unrelated party for cash in the amount of $310,000. Under a triple net lease (the Lease) dated May 1, 1972 the Plan has continuously leased the Property to the Employer. The Employer asserts that the Lease is a lease involving a party in interest pursuant to a binding contract in effect on July 1, 1974, as defined under section 414(c)(2) of the Act, and therefore is statutorily exempt until June 30, 1984 from the prohibitions of sections 406 and 407(a) of the Act and section 4975 of the Code by virtue of section 414(c)(2) of the Act.[1] The Property, consisting of a 19,000 square foot office complex, was appraised by Harry Lewman, S.R.E.A., M.A.I. (Lewman), an independent professional real estate appraiser whose office is located in Louisville, Kentucky. Lewman represents that as of December 15, 1982 the fair market value of the Property was $585,000.

2. Employer is requesting an exemption to permit the continuation of the Lease past June 30, 1984. The present term of the Lease expires June 30, 1987 and may be extended for one additional term of five years upon mutual approval of the Plan and the Employer. The interests of the Plan under the Lease are represented by the First Kentucky Trust Company (the Trustee), which is the trustee of the Plan responsible for investment decisions on behalf of the Plan. The Employer represents that it is unrelated to and independent of the Trustee and that between the Employer and the Trustee there are no common directors and no credit or business relationship. Under the Lease in addition to monthly rental the Employer is obligated to pay all utility expenses, taxes and maintenance costs, and is obligated to carry comprehensive general liability and hazard insurance on the Property for the Property's full insurable value with the Plan as the named insured. The Lease also requires the Employer to indemnify the Plan for any and all damage or loss to the Property related to the Employer's use of the Property. Monthly rental under the Lease until June 30, 1984 is in the amount of $4,375, which is the fair market rental value of the Property as determined by Lewman in an appraisal dated May 12, 1982. On June 30, 1984 Lewman will again will make an appraisal of the fair market rental value of the Property and the monthly rental under the Lease will be increased by the amount, if any, by which the fair market rental value of the Property exceeds the current rental under the Lease. Rental under the Lease during the five-year renewal term commencing June 30, 1987, if such additional term should be agreed upon, will be the fair market rental value of the Property as determined by a professional independent real estate appraiser selected by the Trustee. Rental under the Lease during the five-year renewal term will in no event be less than the rental required at the commencement of the five-year term.

3. On behalf of the Plan the Trustee has reviewed and evaluated the proposed continuation of the Lease past June 30, 1984. The Trustee represents that the continuation of the Lease according to its terms will be in the best interests and protective of the participants and beneficiaries of the Plan. The Trustee agrees to continue to monitor the Lease for the duration of its term, including any renewal, and to represent the Plan in the collection of rentals from the Employer and in the enforcement, if necessary, of appropriate remedies on behalf of the Plan in the event of the Employer's default under the Lease. The Trustee represents that the Property constitutes approximately 18% of the total assets of the Plan as of December 31, 1982.

4. In summary, the Employer represents that the proposed continuation of the Lease past June 30, 1984 will satisfy the criteria of section 408(a) of the Act because: (1) The

[1] The Department expresses no opinion as to whether the Lease constituted a lease pursuant to a binding contract in effect on July 1, 1974 as defined under section 414(c)(2) of the Act or whether the Lease was statutorily exempt until June 30, 1984 from the prohibitions of sections 406 and 407(a) of the Act and section 4975 of the Code by virtue of section 414(c)(2) of the Act.

interests of the Plan under the Lease will be represented by the Trustee, an independent fiduciary which is unrelated to the Employer; (2) the Lease requires the rental to be adjusted to insure that rental remains at least the fair market rental value of the Property; (3) the lease is a triple net lease under which the Employer fully insures the Property against loss and indemnifies the Plan against loss related to the Employer's use of the Property; and (4) the Trustee approves of the proposed continuation of the Lease as protective of and in the best interests of the participants and beneficiaries of the Plan.

For Further Information Contact: Ronald Willett of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

The Show Low Medical Clinic, P.C. Employee Money Purchase Pension Plan (the Pension Plan) and the Show Low Medical Clinic, P.C. Employee Profit Sharing Plan (the Profit Sharing Plan; Collectively, the Plans) Located in Show Low, Arizona

[Application Nos. D-4341 and D-4355]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) The proposed loan (the Loan) of $97,000 by the Plans to the Garver Trust, a party in interest with respect to the Plans, provided that the terms and conditions are the Loan are at least as favorable to the Plans as those which the Plans could receive in a similar transaction with an unrelated party; (2) the personal guarantee of payments by the Garver Trust on the Loan by Paddy R. Garver, M.D. (Dr. Garver); and (3) the guarantee of payments by the Garver Trust on the Loan by the Show Low Medical Clinic P.C. (the Clinic).

Summary of Facts and Representations

1. The Plans are qualified employee benefit plans sponsored by the Clinic. The sole shareholder of the Clinic is Dr. Garver. As of April 1, 1983, the Plans had six participants and commingled assets of approximately $392,633. The Garver Trust is a Clifford Trust agreement between Dr. Garver, as Grantor, and Valley National Bank of Arizona (Valley Bank) as Trustee. The applicant represents that Valley Bank, as trustee of the Garver Trust, has agreed to be bound by all of the terms and conditions of the proposed transaction as detailed below.

2. The Loan will be for cash in the amount of $97,000. Each Plan's interest in the Loan will be identical to its interest in the commingled assets. The Loan will have an initial term of one year and will be renewable at the sole discretion of the First Interstate Bank of Arizona, N.A. (First Interstate) for up to four additional one year periods. First Interstate, which is located in Phoenix, Arizona will review and approve the terms and conditions of the Loan on behalf of the Plan. First Interstate will be acting as an independent fiduciary of the Plan and will represent solely the interests of the participants and beneficiaries of the Plan. The Loan will provide for quarterly payments of interest only throughout the term of the Loan. The Loan will bear interest at the rate of 2% above the prevailing First Interstate prime rate and will be adjusted daily. First Interstate represents that such interest rate is at least comparable to the interest rate on similar unrelated loans. In addition, the Loan will have a minimum interest rate of 12%. All payments by the Garver Trust on the Loan will be guaranteed by the Clinic and will be personally guaranteed by Dr. Garver. The Loan will be collateralized by a first mortgage on the land and building which constitute the business facilities (the Property) of the Clinic. The proceeds from the Loan will be used to build an addition to the Property. The Property was independently appraised on June 15, 1983 by Robert Cannon (Cannon) of Pearl Penrod Realty, Inc. located in Show Low, Arizona. Cannon represents that the Property as of June 15, 1983 had a fair market value of $456,700. First Interstate represents that in the event the value of Property falls below 200% of the amount outstanding on the Loan the Clinic will be required to pledge additional security.

3. First Interstate represents that in addition to reviewing the specific terms and conditions of the Loan it has: (1) Examined the overall investment portfolio of the Plans; (2) considered the cash flow needs of the Plans; (3) given consideration to the necessity of a sale of any assets of the Plans; (4) examined the diversification of the assets of the Plans in light of the Loan; and (5) reviewed the terms of the Loan as such terms comport with the investment scheme of the Plans. After such review, First Interstate represents that the Loan is: (1) A prudent investment for the Plans; (2) consistent with the Plans' funding policy; and (3) in the best interest of the participants and beneficiaries of the Plans. In addition, First Interstate will monitor the terms and conditions of the Loan, including the value of the collateral, on behalf of the Plans and will enforce any rights the Plans have thereto.

4. In summary, the applicant represents that the Loan will satisfy the criteria of section 408(a) of the Act as follows: (1) the Loan will be approved and monitored by First Interstate an independent fiduciary of the Plans; (2) the Plans will receive interest on the Loan at the rate of 2% above the prime rate with a minimum of 12%; (3) the Loan will be collateralized by the Property which has a fair market value of $456,700 as determined by an independent appraiser; and (4) the payments on the Loan will be guaranteed by the Clinic and personally guaranteed by Dr. Garver.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

Equitable Life Assurance Society of the United States (Equitable) Located in New York City, New York

[Application No. D-4368]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the acquisition pursuant to a tender offer (the Offer) of certain notes (the Notes) by Equitable Life Mortgage and Realty Investors, Inc. (New Telmari) from employee benefit plans (the Plans) with respect to which New Telmari or Equitable is a party in interest, or certain related transactions which are entered into in connection with or as a result of the Offer as described herein, provided that the terms and conditions of the Offer and the related transactions are at least as favorable to the Plans as those which are available to unrelated holders of the Notes.

Effective Date: If the proposed exemption is granted, it will be effective April 29, 1983.

Summary of Facts and Representations

1. Equitable is a mutual life insurance company organized under the laws of the State of New York and subject to supervision and examination by the Superintendent of Insurance of the State of New York. It is the third largest life insurance company in the United States, having total assets of approximately $37 billion. Equitable provides funding, asset management and other services for a large number of employee benefit plans subject to the provisions of Title I of the Act.

2. The Equitable Life Mortgage and Realty Investors (Telmari) was a publicly-held Massachusetts real estate investment trust. Equitable and Telmari entered into an Agreement and Plan of Reorganization dated October 4, 1982 (the Agreement) pursuant to which a subsidiary of Equitable would acquire the entire equity interest in Telmari. Equitable's subsidiary accomplished such acquisition by a tender offer followed by mergers (the Mergers) which became effective on January 5, 1983. As a result of these transactions the business and assets of Telmari were acquired by a wholly-owned corporate subsidiary of Equitable named New Telmari. New Telmari, as a result of the Mergers and by operation of law, assumed the Notes.

3. The Notes were issued under an indenture (the Indenture) dated as of August 30, 1979 between Telmari and Manufacturers Hanover Trust Company, as Trustee. Each Note is convertible at the option of the holder at any time prior to September 1, 1986 into the same principal amount of New Telmari's 9% Debentures due 1999 (the Debentures). Debentures that may be issued upon conversion of Notes will be issued under a separate indenture (the Debenture Indenture) dated as of August 30, 1979 between Telmari and Manufacturers Hanover Trust Company, as Trustee. At the time of the Mergers, New Telmari executed supplemental indentures under which it became the obligor on the Notes and assumed all of Telmari's obligations under the Indenture and the Debenture Indenture. The Notes (and any Debentures that may be issued) are obligations of New Telmari only, and Equitable has no obligation with respect thereto. As of March 24, 1983, there were outstanding $50,000,000 aggregate principal amount of Notes; no Debentures were outstanding. Since the completion of the acquisition there have been no publicly held shares of Telmari (or New Telmari) and, accordingly, the common shares of Telmari, which had been traded on the New York Stock Exchange (the NYSE), were delisted by the NYSE. In connecton with that delisting, Equitable requested and the NYSE approved the delisting of the Notes, which also were traded on the NYSE.

4. On March 29, 1983, New Telmari made the Offer to purchase for cash all outstanding Notes at $1,010 net per $1,000 principal amount of Notes plus accrued interest. Morgan Stanley and Co. Inc. (Morgan Stanley) has acted as financial advisor to New Telmari and Equitable in connection with the Offer. The applicant represents that the Offer price of $1,010 is above the face amount of the Notes and substantially above the Notes' historic trading range. Morgan Stanely is also acting as dealer-manager in connection with the Offer. New Telmari has agreed to pay Morgan Stanley fees for its services as financial advisor and dealer manager. The Offer was conditioned upon the adoption of certain amendments to the Intendure under which the Notes were issued and the related Debenture Indenture and the satisfaction of certain other conditions. Following the purchase of the Notes, new Telmari intends to adopt a plan of liquidation pursuant to which New Telmari will transfer its assets to Equitable without the assumption by Equitable of any remaining Notes or the obligations of New Telmari under the Indenture or the Debenture Indenture. Payments under any remaining Notes will be provided for through a letter of credit issued by Citibank N.A. (Citibank), located in New York City, New York.

5. There are approximately 185 registered holders of Notes and the applicant represents that it believes there are a substantially greater number of beneficial holders (the Noteholders). Some of these Noteholders may be employee benefit plans, or financial institutions holding Notes for the benefit of plans. Equitable and New Telmari are parties in interest with respect to a great number of employee benefit plans. Accordingly, it may be possible that the Notes may be held by or on behalf of the Plans with respect to which Equitable or New Telmari are parties in interest. The applicant represents that it is not possible for Equitable to determine fully which Noteholders may be, or may hold Notes on behalf of, the Plans with respect to which a party-in-interest relationship may exist. The applicant does represent, however, that neither Equitable nor New Telmari is acting as a fiduciary with respect to any Notes held by or on behalf of a Plan.

6. Pursuant to the terms of the Offer, the Offer would have expired on april 29, 1983 unless extended. The Offer was conditioned upon the adoption of certain amendments to the Indenture (and the Debenture Indenture) and the satisfaction of certain other conditions Tendered Notes may be withdrawn until 5:00 p.m. on the third business day following public announcement by New Telmari of the adoption of those amendments (the First Withdrawal Period) and if not previously accepted for payment pursuant to the Offer, Notes may also be withdrawn at any time more than 60 days after such public announcement. On April 25, 1983, New Telmari announced that the holders of 66⅔ percent principal amount of the Notes approved the amendment of the Indentures. On April 29, 1983, New Telmari further announced that it had extended the Offer until 5:00 p.m., New York City time, on Friday, May 13, 1983. At the same time New Telmari also announced that approximately $46.9 million principal amount of the Notes, representing approximately 93.8 percent of the Notes outstanding prior to the Offer had been accepted for payment and that payment for those Notes would begin on that date.

7. To date, approximately $48.5 million principal amount of Notes, representing approximately 97 percent of the Notes outstanding prior to the Offer have been accepted for payment and paid for.

8. As stated, following the purchase of the Notes, New Telmari intends to adopt a plan of liquidation pursuant to which New Telmari will transfer its assets, including its portfolio of real estate investments, to Equitable without the assumption by Equitable of any remaining Notes or the obligations of New Telmari under the Indenture or the Debenture Indenture, as then in effect. As described more specifically below, following such liquidation payments of principal (and premium, if any) and interest on the Notes (and Debentures, if any) will be provided for through a letter of credit issued by Citibank. As part of such plan of liquidation, New Telmari intends to call for redemption any Notes outstanding on September 1, 1986, and any Debentures outstanding on September 1,1989. The Notes, Debentures (if any), the Indenture and the Debenture Indenture would, until the redemption of such securities, either continue as obligations of New Telmari or, if deemed desirable to permit earlier dissolution of New Telmari, become obligations of a liquidating trust. In the alternative, Equitable may, under certain circumstances, determine to assume any remaining outstanding Notes and the obligations of New Telmari under the Indenture and the

Debenture Indenture. However, assuming the liquidation of New Telmari, the letter of credit arrangements described below will continue in effect whether the Notes and such obligations continue as obligations of New Telmari or are assumed by a liquidating trust or Equitable.

9. The Offer was also conditioned upon the consent of Noteholders (and Debenture holders, if any) to, and the execution of supplemental indentures by New Telmari and the Indenture trustee providing for, amendments of the Indenture and the Debenture Indenture. In summary, these amendments provide for the following:

(a) The Indenture and the Debenture Indenture currently prohibit the transfer of New Telmari's assets substantially as an entirety to any other person or entity unless that person or entity simultaneously assumes New Telmari's obligations for payment of the Notes (and Debentures, if any) and for performance of all other obligations under the Indenture and the Debenture Indenture. The proposed amendments would permit New Telmari to make such a transfer without such an assumption by the transferee, but only on condition that New Telmari deliver to the Indenture trustee an irrevocable letter of credit issued by Citibank for payments of principal (and premium, if any) and interest that will become due on the Notes (assuming for this purpose that the interest rate on the Notes for any period which is not determinable at the time of delivery of the letter of credit will be 19% per annum) and any Debentures that may be issued upon conversion of the Notes, as well as to provide a reasonable reserve for any other payments required to be made under the Indenture or the Debenture Indenture.

(b) The Debenture Indenture currently permits New Telmari to be relieved from continuing obligations under the Debenture Indenture at any time within one year before the principal of the Debentures is required to be paid (whether at maturity or upon call for redemption) by depositing with the Indenture trustee sufficient funds for the payment of all principal (and premium, if any) and interest that will become due on the Debentures. The proposed amendments would permit New Telmari to be relieved from continuing obligations under the Debenture Indenture at any time within three years before the principal of the Debentures is required to be paid (whether at maturity or upon call for redemption), either by making the cash deposit referred to in the preceding sentence or by depositing a letter of credit from Citibank meeting the criteria described above.

(c) The Indenture and the Debenture Indenture currently contain covenants requiring New Telmari to:

(i) Pay or discharge all (*a*) taxes, assessments and governmental charges imposed upon it or its income or properties, and (*b*) all lawful claims for labor, materials and supplies which, if unpaid, might by law become a lien upon its property;

(ii) Maintain its properties and keep them in good condition, repair and working order and supplied with all necessary equipment;

(iii) Deliver to the Indenture trustee certain statements as to compliance with the Indenture and Debenture Indenture;

(iv) Preserve its existence;

(v) Maintain insurance on its properties and against claims to which it may be exposed because of the nature of its business or maintain a system of self-insurance; and

(vi) Not incur obligations for borrowed money in excess of certain limitations.

10. The proposed amendments would relieve New Telmari of its obligations to comply with these convenants upon delivery to the indenture trustee of a letter of credit meeting the criteria described above.

11. New Telmari and the trustee under the Indenture and the Debenture Indenture may enter into supplemental indentures effecting these changes only upon receipt of the consent of the registered holders of 66⅔ percent in principal amount of the outstanding Notes (and the consent of the registered holders of 66⅔ percent in principal amount of outstanding Debentures, if any). The consents will include a waiver of compliance with Section 1010 of the Indenture, which prohibits certain amendments to the Debenture Indenture. Any registered Noteholder may vote for the amendments without tendering his Notes. Similarily, a registered Noteholder may tender his Notes and vote against the amendments. However, a tender of Notes without noting a vote against the amendments to the indentures will constitute a vote in favor of such amendments.

12. In summary, the applicant represents that the proposed exemption will satisfy the criteria of section 408(a) of the Act as follows: (1) The Plans will be able to tender their Notes at a price higher that the face amount of the Note and higher than the historical price trading range of the Notes; (2) the Offer price is being offered uniformly to all Noteholders; (3) to date, approximatley 93.8 percent of the Notes outstanding prior to the Offer have been tendered for payment; and (4) the decision for any Plan is made by an independent fiduciary of that Plan.

FOR FURTHER INFORMATION CONTACT: 1Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of secton 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

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

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-22113 Filed 8-11-83; 8:45 am]

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Employee Benefit Plans; Proposed Exemptions; Alaska Carpenters Retirement Plan, et al.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments

All interested persons are invited to submit written comments on the pending exemption, within 60 days from the date of publication of this **Federal Register** Notice. Comments should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

Notice to Interested Persons

Within 30 days of the publication of the proposed exemptions in the **Federal Register**, notice of the proposed exemptions will be provided to all interested persons as agreed upon by the applicant and the Department. The notice to interested persons will include a copy of each applicable notice of pendency and a statement informing interested persons of their right to comment.

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Plans Involved

(a) *The Alaska Teamsters Employer Pension Trust* is a multi-employer pension plan which covers participants who are employed in over-the-road and local transportation as well as related industries in Alaska. As of February 28, 1981, it had approximately 15,500 participants and assets of $224,409,000.

(b) *The Alaska Laborers Employer Pension Trust* is a multi-employer pension plan which covers participants who are employed in construction and related industries in Alaska. It had approximately 2,174 participants and had assets of $121,282,000 as of March 31, 1981.

(c) *The Alaska Carpenters Retirement Plan* is a multi-employer pension plan which covers participants who are employed in construction and related industries in Alaska. As of June 18, 1982, it had approximately 2,196 participants and assets of $52,023,143.

(d) *The Alaska Electrical Pension Fund* is a multi-employer pension fund which covers participants who are employed in construction and related industries in Alaska. As of June 18, 1982, it had approximately 3,093 participants and assets of $95,000,000.

Limited Scope of Exemptions

The following series of proposed exemptions involve loans made by financial institutions in the State of Alaska to various borrowers. The above-named employee benefit plans became participants in these loans. Because the borrowers were parties in interest with respect to the Plans, the loans became prohibited transactions. The applicants have represented that the borrowers in these cases had no way of knowing that the Plans would become participants in the loans, or no way of influencing the Plans' decision to invest in the loans. Based upon the record submitted, the Department is proposing exemptions from the sanctions resulting from the application of section 4975 of the code, by reason of section 4975(c)(1)(A) through (D) of the code, with respect to the borrowers. Thus, the borrowers would be relieved of their excise tax liability arising as a result of these transactions. The Department is not proposing exemptive relief for any other aspects of the transactions, or for any other parties to the extent such parties may have engaged in prohibited transactions. In this connection, the Department is not providing exemptive relief from the restrictions of Title I of the Act to any fiduciary who caused the Plans to enter these transactions, nor is the Department herein providing any exemptive relief from Title I or Title II of the Act for any financial institution which may have sold participations in these loans to the subject Plans.

The Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

[Application No. D-2348]

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to Carr-Gottstein Properties, Inc. (CGP), by reason of the Plan's participation in a mortgage loan made by the Alaska Pacific Bank (the Bank) to CGP on August 16, 1976.

Effective Date: If the proposed exemption is granted, it will be effective August 16, 1976.

Summary of Facts and Representations

1. The Plan was founded in 1965 to provide pension and retirement benefits for members of the Alaska Carpenters Union. In 1966, the Plan retained an independent investment counseling firm, Kennedy Associates, Inc. (KA), to manage and supervise investment of the Plan's assets.

2. In 1976, CGP applied to the Bank for a loan to finance improvements to existing buildings. The improvements were to consist of two multi-low-bay warehouses with associated office space. The buildings are located on a 125,327 square foot site at Old Seward

Highway and Huffman Road in Anchorage, Alaska. The buildings had an appraised value of $1,536,302 as of May 11, 1976.

3. The loan closed on August 16, 1976. The amount loaned to CGP by the Bank was $327,000. The loan was secured by a mortgage on the buildings. The Plan funded the full amount of the refinancing. KA approved the investment on behalf of the Plan. The interest rate to the Plan was ten percent, net of .125 percent servicing fee to the Bank. All loan payments have been made on schedule.

4. At the time the loan closed, Alaska Catering Company (ACC) was a contributing employer to the Plan. ACC is 100% owned by Production Services, Inc., which is 50% owned by Rim, Inc. Rim, Inc. is 50% owned by CGP, the borrower in this transaction. CGP and its principals have never been trustees of the Plan, nor have they occupied any other fiduciary relationship with respect to the Plan.

5. In summary, the applicant represents that the subject transaction meets the criteria of section 4975(c)(2) of the Code because: (1) All loan payments have been made in full and on schedule; and (2) CGP had no influence or control over the investment by the Plan in the mortgage loan which CGP sought and obtained from the Bank.

For Further Information Contact: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

[Application No. D–2349]

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to C&C, Inc., Edna Cox, Vernon W. Hickel and Louis G. Palmer (the Borrowers), by reason of the Plan's participation in a mortgage loan made by the National Bank of Alaska (the Bank) to the Borrowers on April 30, 1975.

Effective Date: If the proposed exemption is granted, it will be effective April 30, 1975.

Summary of Facts and Representations

1. The Plan was founded in 1965 to provide pension and retirement benefits for members of the Alaska Carpenters Union. In 1966, the Plan retained an independent investment counseling firm, Kennedy Associates, Inc. (KA), to manage and supervise investment of the Plan's assets.

2. In 1975, the Borrowers applied to the Bank for a loan for a two-story steel and concrete building. The building, located at C Street between West 32nd and West 33rd Avenues in Anchorage, is used for commercial purposes as a bank branch, and has net rentable space of 18,167 square feet. The building had an appraised value of $1,790,000 as of March 25, 1975.

3. The loan closed on April 30, 1975. The Plan's participation in the mortgage was $607,500, which is 50.63% of the amount borrowed. KA approved the investment on behalf of the Plan. The interest rate to the Plan was 10.25% net of a .25% servicing fee to the Bank. All loan payments have been made on schedule.

4. One of the Borrowers, Vernon Hickel, owns 75% of the Hickel Construction Company, which has been a contributing employer to the Plan since 1974. None of the Borrowers have ever been trustees of the Plan, nor have they occupied any other fiduciary relationship to the Plan. At the time the loan was made, the Borrowers did not know that the Plan would become a participant in the mortgage.

5. In summary, the applicant represents that the subject transaction meets the criteria of section 4975(c)(2) of the Code because: (1) All loan payments have been made in full and on schedule; (2) the Borrowers did not and could not know that the Plan would become a participant in the loan; and (3) the Borrowers had no influence or control over the Plan's investment in the mortgage loan which the Borrowers sought and obtained from the Bank.

For Further Information Contact: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

[Application No. D–2350]

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to Harold Bonner d/b/a Bonner Electric Co. (Bonner), by reason of the Plan's participation in a mortgage loan made by the National Bank of Alaska (the Bank) to Bonner on September 10, 1974.

Effective Date: If the proposed exemption is granted, it will be effective January 1, 1975.

Summary of Facts and Representations

1. The Plan was founded in 1965 to provide pension and retirement benefits for members of the Alaska Carpenters Union. In 1966, the Plan retained an independent investment counseling firm, Kennedy Associates, Inc. (KA), to manage and supervise investment of the Plan's assets.

2. In 1974 Bonner applied to the Bank for a mortgage loan on a 5,000 square foot metal frame warehouse on 34,800 square feet of leased government land. The warehouse, located at Livengood Street near Phillips Field Road, Fairbanks, Alaska, is used for industrial purposes. The warehouse had an appraised value of $186,000 as of June 10, 1974.

3. The loan closed on September 10, 1974. The Plan's participation in the mortgage was $106,285.49, which is 75 percent of the amount borrowed. KA appoved the investment on behalf of the Plan. The interest rate to the Plan was 9.25 percent net of a .25 percent servicing fee to the Bank. All loan payments have been made on schedule.

4. Bonner owns 50 percent of Bonner-Hegdahl, which has been a contributing employer to the Plan since 1972. Bonner has never been a trustee of the Plan nor occupied any other fiduciary relationship to the Plan. At the time the loan was made, Bonner did not know that the Plan would become a participant in the mortgage.

5. In summary, the applicant represents that the subject transaction meets the criteria of section 4975(c)(2) of the Code because: (1) All loan payments have been made in full and on schedule; (2) Bonner did not and could not know that the Plan would become a participant in the loan; and (3) Bonner had no influence or control over the Plan's investment in the mortgage loan which Bonner sought and obtained from the Bank.

For Further Information Contact: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

[Application No. D-2351]

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to Brown Jug, Inc. (Brown Jug) and Ed O'Neill, Diana O'Neill, Michael O'Neill and Onnalee O'Neill (the O'Neill's), by reason of the Plan's participation in a mortgage loan made by the National Bank of Alaska (the Bank) to Brown Jug and the O'Neills on March 18, 1977.

Effective Date: If the proposed exemption is granted, it will be effective March 18, 1977.

Summary of Facts and Representations

1. The Plan was founded in 1965 to provide pension and retirement benefits for members of The Alaska Carpenters Union. In 1966, the Plan retained an independent investment counseling firm, Kennedy Associates, Inc. (KA), to manage and supervise investment of the Plan's assets.

2. In 1976, Brown Jug and the O'Neills applied to the Bank for a loan for an addition to an existing office building. The building, located at 1317 West Northern Lights Boulevard, Anchorage, is used for commercial purposes and has net rentable space of 11,545 square feet. The building had an appraised value of $950,000 as of August 26, 1976.

3. The loan was closed on March 18, 1977. The Plan's participation in the mortgage was $676,875, which is 95% of the amount borrowed. KA approved the investment on behalf of the Plan. The interest rate to the Plan is 10.25% net of a .25% servicing fee to the Bank. All loan payments have been made on schedule.

4. Ed O'Neill was a contributing employer to the Plan from 1977 through 1980. Neither Brown Jug nor any of the O'Neills has ever been a trustee of the Plan nor occupied any other fiduciary relationship with respect to the Plan.

5. In summary, the applicant represents that the subject transaction meets the criteria of section 4975(c)(2) of the Code because: (1) All loan payments have been made in full and on schedule; and (2) Brown Jug and the O'Neills had no influence or control over the investment by the Plan in the mortgage loan which Brown Jug and the O'Neills sought and obtained from the Bank.

For Further Information Contact: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

The Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

[Application No. D-2352]

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722. If the exemption is granted, the sanctions resuting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to Anchorage Refuse, Inc. (ARI) and John P. Culhane (Culhane), by reason of the Plan's participation in a mortgage loan made by the National Bank of Alaska (the Bank) to ARI and Culhane on January 14, 1975.

Effective Date: If the proposed exemption is granted, it will be effective on January 14, 1975.

Summary of Facts and Representations

1. The Plan was founded in 1965 to provide pension and retirement benefits for members of the Alaska Carpenters Union. In 1966, the Plan retained an independent investment counseling firm, Kennedy Associates, Inc. (KA), to manage and supervise investment of the Plan's assets.

2. In 1974, ARI and Culhane applied to the Bank for a loan for improvements on an existing concrete block industrial building. The building, located north of East 64th Street between Rosewood and Greenland Streets in Anchorage, is used for industrial purposes and includes a service shop, storage area and offices. The building contains gross rentable space of 22,720 square feet. The building had an appraised value of $920,000 as of December 2, 1974.

3. The loan closed on January 14, 1975. The Plan's participation in the mortgage was $344,598, which is 50% of the amount borrowed. KA approved the investment on behalf of the Plan. The interest rate to the Plan was 10.5% of a .25% servicing fee to the Bank. All loan payments have been made on schedule.

4. Culhane is a vice-president of ARI. In May and November 1976, ARI was a contributing employer to the Plan. Neither ARI nor Culhane has ever been a trustee of the Plan, nor occupied any other fiduciary relationship with respect to the Plan. At the time the loan was made, the borrowers did not know that the Plan would become a participant in the mortgage.

5. In summary, the applicant represents that the subject transaction meets the criteria of section 4975(c)(2) of the Code because: (1) All loan payments have been made in full and on schedule; (2) ARI and Culhane did not and could not know that the Plan would become a participant in the mortgage; and (3) ARI and Culhane had no influence or control over the Plan's investment in the mortgage loan which ARI and Culhane sought and obtained from the Bank.

For Further Information Contact: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

The Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

[Application No. D-2353]

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the code shall not apply to Allerton H. and Helen K. Willis (the Willises), by reason of the Plan's participation in a mortgage loan made by Home Federal Savings & Loan (the Bank) to the Willises for the period beginning January 8, 1975 through November 24, 1980.

Effective Dates: If the proposed exemption is granted, it will be effective from January 8, 1975 through November 24, 1980.

Summary of Facts and Representations

1. The Plan was founded in 1965 to provide pension and retirement benefits for members of the Alaska Carpenters Union. In 1966, the Plan retained an independent investment counseling firm, Kennedy Associates, Inc. (KA), to manage and supervise investment of the Plan's assets.

2. In 1974, the Willises applied to the Bank for a mortgage loan on a two-story concrete block office building. The building, located at 924 West Fireweed Lane, Anchorage, is being used for commercial purposes, and has net rentable space of 8,400 square feet. The building had an appraised value of $600,000 as of December 2, 1974.

3. The loan closed on January 8, 1975. The Plan's participation in the mortgage was $281,836.60, which was 75% of the amount borrowed. KA approved the investment on behalf of the Plan. The interest rate to the Plan was 10.50% net of a .375% servicing fee to the Bank. All loan payments were made in full and on schedule.

4. The Willises are the owners of Walrus Construction Co., a contributing employer to the Plan from September 1975 to December 1978. The Willises have never been trustees of the Plan, nor have they ever occupied any other fiduciary relationship with respect to the Plan. At the time the loan was made, the Willises did not know that the Plan wouuld become a participant in the mortgage.

5. In summary, the applicant represents that the subject transaction meets the criteria of section 4975(c)(2) of the Code because: (1) All loan payments have been made in full and on schedule; (2) the Willises did not and could not know that the Plan would become a participant in in the loan; and (3) the Willises had no influence or control over the Plan's investment in the mortgage loan which the Willises sought and obtained from the Bank.

For Further Information Contact: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

The Alaska Laborers Employees Retirement Fund (the Plan) Located in Anchorage, Alaska

[Application No. D-2553]

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to CKC and its partners, Roland J. Cherrier, Earl S. King and Wayne Cherrier, by reason of the Plan's participation in a mortgage loan originated by the National Bank of Alaska (the Bank) to CKC for the period beginning June 9, 1976 through December 31, 1980.

Effective Dates: If the proposed exemption is granted, it will be effectie from June 9, 1976 through December 31, 1980.

Summary of Facts and Representations

1. The Bank was retained by the Plan in 1967 as a fiduciary to evaluate, process and commit the Plan to appropriate mortgage investments.

2. In late 1975, CKC applied to the Bank for a loan to develop the Post Office Mall projet (the Mall). The Bank approved a loan to CKC of $3,400,000 secured by a first lien on the Mall. The Mall was appraised at that time as having a value of $5,150,000.

3. The loan closed on June 9, 1976. The Bank placed 25% of the loan with the Plan within the scope of its discretionary authority for the Plan. The loan was for a 15 year period and bore interest at the rate of 10¾ percent per year. The loan has never been in default.

4. At the time the loan closed, CKC was a contributing employer to the Plan. CKC and its partners have never been trustees of the Plan, nor have they occupied any other fiduciary relationship with respect to the Plan.

5. The applicants were not aware of the Plan's possible participation in the loan transaction until an audit by the Internal Revenue Service in 1980. The designation Nabalaska 182 was internally used by the Bank to denote holdings for the benefit of the Plan, and this designation was used in all the loan documents to reflect the Plan's interest in the CKC loan. The Bank negotiated the terms of the loan without disclosing the identity of the participants to the applicants. On December 31, 1980, the bank repurchased the loan from the Plan at the greater of its fair market value or the unpaid principal amount plus any accrued interest as part of a Settlement Order between the Bank and the Department.

6. In summary, the applicants represent that the subject transaction meets the criteria of section 4975(c)(2) of the Code because: (1) All loan payments were made in full and on schedule; and (2) the applicants had no knowledge of the Plan's involvement in the participation until years after the transaction had been consummated.

For Further Information Contact: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

[Application No. D-3322]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722. If the exemption is granted the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to Raymond Young, Martha Young and RaMar Construction Company (RaMar) by reason of the Plan's participation in a mortgage loan originated by the First National Bank of Fairbanks (the Bank) on December 26, 1974 to Raymond and Martha Young (the Youngs).

Effective Date: If the proposed exemption is granted, it will be effective from January 1, 1975 through January 31, 1980.

Summary of Facts and Representations

1. In December, 1974, the Youngs concluded long-term financing in the amount of $100,000 for a warehouse and office building then under construction in Fairbanks, Alaska. The loan was originated by the Bank and sold to the Plan through the Plan's independent investment advisor, Kennedy Associates, Inc. The Plan acquired a 75% participation interest in the loan.

2. The Bank's agreement to provide financing contained a number of conditions which were required to be met before funding of the loan. Included among the conditions was a requirement for a complete appraisal on the project to be mortgaged. The appraisal was provided and shows a value of $180,000. The appraisal was an "as-built" appraisal and assumed that construction of the building had been completed.

3. The financing was closed on December 26, 1974, after completion of construction and was secured by a promissory note and deed of trust. The note was signed by the Youngs. The promissory note bears interest at the rate of 10.5% per annum and calls for equal monthly installments over a period of 10 years. Loan payments have been current throughout the history of the loan.

4. At the time of the transaction, RaMar was a contributing employer to the Plan. The Youngs were 100% owners of RaMar. The Youngs are not and have never been trustees of the Plan, nor do they occupy any other fiduciary relationship with respect to the Plan.

5. The applicants were not aware of the Plan's possible participation in the loan transaction until the 1980 audit by the Internal Revenue Service which revealed the role played by the Plan. Neither the Bank nor the Plan revealed the interest of the Plan, and the Youngs assumed throughout that the source of funds for the loan was from the Bank.

6. The mortgaged property was sold in January, 1980, and the mortgage loan

was assumed by the purchaser who is unrelated to the Plan and to the Youngs.

7. In summary, the applicants represent that the subject transaction meets the criteria of section 4975(c)(2) of the Code because: (1) All loan payments have been made in full and on schedule; (2) the applicants had no influence or control over the Plan's involvement in the transaction; and (3) the applicants were unaware of the possible prohibited nature of the transaction until after the loan had been assumed by an unrelated party.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Alaska Carpenters Retirement Plan (the Carpenters Plan) and the Alaska Electrical Pension Fund (the Electrical Plan; together, the Plans) Located in Anchorage, Alaska

[Application Nos. D-3548 and D-3551]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722. If the exemption is granted the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to Baugh Construction & Engineering Company (BCE), and Gary M. and Barbara L. Baugh (the Baughs), by reason of the Plans' participation in a mortgage loan originated by Washington Mortgage Company (WMC) on June 17, 1975 to Anchorage Distribution Associates (ADA).

Effective Date: If the proposed exemption is granted, it will be effective December 5, 1975.

Summary of Facts and Representations

1. On February 18, 1975, ADA entered into two construction contracts with BCE (then known as Baugh-Belarde Construction Co., Inc.) to build a commercial warehouse and parking lot on property located in Anchorage, Alaska. The aggregate amount of the two contracts was $2,400,000.

2. On April 30, 1975, WMC issued a commitment to ADA to provide interim and permanent financing. On June 17, 1975, the loan was closed. The loan was evidenced by a promissory note and a deed of trust from ADA to WMC. To secure performance of the construction and payment of materialmen and subcontractors, BCE and the Baughs executed a "Personal Undertaking" regarding performance of BCE under the construction contract. The maximum amount of the "Personal Undertaking" was $2,400,000.

3. On July 7, 1975, nearly five months after the BCE-ADA construction contract and the Personal Undertaking, the Baughs and ADA formed a limited partnership, Dog One Associates (Dog), with ADA acting as a general partner and the Baughs holding a 33.4% limited partnership interest. The Baughs and BCE held no interest in the ADA general partnership. The Baughs also had no voice in the management of Dog, nor did they have access to information or documents of ADA, including the loan documents with WMC.

4. The loan proceeds, the WMC note and the construction contracts with BCE were then assigned by ADA to Dog, which assumed the note and contract obligations.

5. On July 28, 1975, pursuant to competitive bid, BCE was awarded a construction contract on an office building for the Electrical Plan.

6. On December 5, 1975, construction on the Dog warehouse and parking lot was completed, the Baughs' Personal Undertaking was discharged, and the Plans purchased their participation interests in the note and deed of trust from WMC. The Plans' independent investment manager, Kennedy Associates, Inc., approved the investments on behalf of the Plans. The note bears interest at 10.5% per annum and calls for equal monthly payments over a period of 25 years. Loan payments have been current throughout the history of the loan.

7. The applicants have requested an exemption for BCE and the Baughs. The applicants represent that BCE was a service provider to the Electrical Plan and a contributing employer to the Carpenters Plan. Gary M. Baugh owns 100% of the stock of BCE. The Baughs represent that they had no involvement in arranging the financing and no knowledge of the role played by the Plans until an audit by the Internal Revenue Service in 1980. The loan was arranged by ADA, an entity in which the Baughs had no financial interest. The Baughs are not and have never been trustees of either Plan, nor have they occupied any other fiduciary relationship with respect to either Plan.

8. The loan was sold from the Electrical Plan's investment portfolio on November 14, 1978. The Carpenters Plan still holds its participation interest in the loan.

9. In summary, the applicants represent that the subject transaction meets the statutory criteria of section 4975(c)(2) of the Code because: (1) All loan payments have been made in full and on schedule; (2) the applicants had no influence or control over the Plans' involvement in the transaction; and (3) the applicants had no knowledge of the Plans' involvement in the transaction until years after the transaction had been consummated.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Signed at Washington, D.C., this 4th day of August 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-22115 Filed 8-11-83; 8:45 am]

BILLING CODE 4510-29-M

Employee Benefit Plans; Grant of Individual Exemptions; Alley, Overby, Hagedorn P.A. and Ray Tylander Inc.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102

of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

The Drs. Alley, Overby, Hagedorn P.A. Employees' Profit Sharing Plan (the Profit Sharing Plan) and the Drs. Alley, Overby, Hagedorn P.A. Money Purchase Pension Plan (the Money Purchase Plan; Collectively, the Plans) Located in Boca Raton, Florida

[Application Nos. D–3830 and D–3831 and Prohibited Transaction Exemption 83–124]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (1) the proposed purchase by the Plans of certain medical facilities (the Property) at the price of $667,800 from Aloha Realty Corporation, a party in interest with respect to the Plans, provided that such amount is not greater than the fair market value of the Property at the time of the transaction; and (2) the proposed leasing of the Property by the Plans to Drs. Alley, Overby, Hagedorn, P.A., the sponsor of the Plans, provided that the terms and conditions of such proposed leasing are at least as favorable to the Plans as those which the Plans could receive from an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on June 14, 1983 at 48 FR 27316.

For Further Information Contact: Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

Ray Tylander's Inc. Profit Sharing Plan (the Plan) Located in Palm Beach, Florida

[Exemption Application No. D–4220; Prohibited Transaction Exemption 83–125]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the santions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to proposed construction loans, not to exceed the lesser of $350,000 or 25% of the Plan's assets, for a period of ten years, by the Plan to certain qualified customers of Ray Tylander, Inc., a party in interest with respect to the Plan, provided the terms of each transaction are no less favorable to the Plan than those available in an arm's length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 10, 1983 at 48 FR 21027.

Temporary Nature of Exemption: This exemption is temporary in nature and will expire 10 years after the date of grant with respect to the making of loans. Loans may be held by the Plan after the initial 10 year period provided such loans originated during the initial 10 year period.

Comments and Hearing Requests: The applicant notified the Department that it was unable to comply with the notification to interested persons as set forth in the notice of pendency. Pursuant to discussions with the Department, the applicant notified interested persons on July 1, 1983 and informed interested persons that the comment period had been extended to July 31, 1983.

For Further Information Contact: Horace C. Green of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive or whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

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

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83–22114 Filed 8–11–83; 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

[ASLBP Docket No. 83–491–04 OLA (NRC Docket No. 50–289) (Steam Generator Repair)]

Metropolitan Edison Co., et al. (Three Mile Island Nuclear Station, Unit No. 1); Hearing on Issuance of Amendment to Facility Operating License

August 8, 1983.

On May 31, 1983, at 48 FR 24231, the Nuclear Regulatory Commission published a notice captioned "Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing." This notice stated that the Commission was considering issuance of an amendment to Three Mile Island Nuclear Station, Unit No. 1 (TMI–1) Facility Operating License No. DPR–50. Among other things, the notice stated that:

The amendment requested would revise the Technical Specifications to recognition steam generator tube repair techniques, other

than plugging, provided such techniques are approved by the Commission.

The licensees' application, dated May 9, 1983, further requested that the Commission approve, within the provisions of the proposed Technical Specification revision, the kinetic expansion steam generator tube repair technique used at the facility, thus permitting subsequent operation of the facility with the as-repaired steam generators.

The notice, as amended on June 14, 1983 (48 FR 27328), provided that, by June 30, 1983, any person whose interest might be affected by this proceeding and who wished to participate at a party must file a written petition for leave to intervene in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. On July 15, 1983, an Atomic Safety and Licensing Board was established to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered. The Board's Administrative Judges are Dr. David L. Hetrick, Dr. James C. Lamb, III, and Sheldon J. Wolfe, who will serve as Chairman of the Board.

Three Mile Island Alert, Inc. (TMIA) filed a petition for leave to intervene, as supplemented, and Joint Petitioners, (Ms. Jane Lee, Dr. Bruce Molholt, and Mr. Norman Aamodt) filed a petition for leave to intervene, as amended. As indicated in its Memorandum and Order of August 5, 1983, (unpublished), the Atomic Safety and Licensing Borad ruled *inter alia* that TMIA and two of the Joint Petitioners for leave to intervene (Ms. Lee and Mr. Aamodt) had established standing to intervene, and provisionally ordered a hearing and provisionally granted these petitions for leave to intervene.

Pursuant to 10 CFR 2.751a, the Board will conduct a special prehearing conference at the following location at 9:00 a.m. on October 17, 1983: Department of Education, Harristown Building No. 2, Heritage Room A, 333 Market Street, Harrisburg, Pa. 17108.

Counsel for the Licenses and for the Staff, and representatives for the Petitioners are directed to appear. This special prehearing conference is held in order to:

(1) To hear any further argument by Joint Petitioner Dr. Bruce Molhold, Licensees and by the NRC Staff upon his second amended petition for leave to intervene;

(2) Permit identification of the key issues in the proceeding;

(3) Take any steps necessary for further identification of the issues;

(4) Consider all intervention petitions to allow the presiding officer to make such preliminary or final determination as to the parties to the proceeding, as may be appropriate; and

(5) Establish a schedule for further actions in the proceeding.

In order that the Board will have sufficient time within which to review contentions proposed by TMIA and the two Joint Petitioners and to review the answers of the Licensees and the NRC Staff, pursuant to § 2.711, the Board extends the fifteen (15) day time limit set forth in § 2.714(b). Thus, by no later than September 21, 1983, the aforementioned petitioners [1] shall file a supplement to their petitions for leave to intervene which must include a list of the contentions which they seek to have litigated in the matter, and set forth the bases for each contention with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. The Licensees and the NRC Staff shall have ten days after the service of the proposed contentions within which to respond.

The public is invited to attend the prehearing conference but members of the public may not participate in this conference. An opportunity will be provided for any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene. Any person may request permission to make a limited appearance in order to set forth his position on the issues pursuant to provisions of 10 CFR 2.715 of the Commission's "Rules of Practice." Subject to the conditions set forth in subsequent Orders, limited appearances will be permitted at the time a § 2.752 prehearing conference is held and also at the beginning of the hearing, if any. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Whether a hearing is ultimately held will depend upon whether contentions suitable for hearing develop in the prehearing procedures to follow this Notice of Hearing.

It is so ordered.

[1] The third Joint Petitioner, Dr Molholt, whose first amended petition for leave to intervene was denied without prejudice in the Memorandum and Order of August 5, 1983, because he failed to demonstrate his standing or interest, also should file a supplement to his second amended petition for leave to intervene on September 21st which must include a list of contentions which he seeks to have litigated and the bases for each contention set forth with reasonable specificity. Should the Board deny the second amended petition in that it fails to demonstrate Dr. Molholt's standing or interest, obviously none of his proposed contentions will be admitted as issues in controversy

Dated at Bethesda, Maryland this 8th day of August, 1983.

For the Atomic Safety and Licensing Board.

Sheldon J. Wolfe,

Chairman, Administrative Judge.

[FR Doc. 83-22129 Filed 8-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-416]

Mississippi Power and Light Co., et al.; Issuance of Amendment of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. NPF-13, issued to Mississippi Power and Light Company, Middle South Energy, Inc., and South Mississippi Electric Power Association (the licensees), for Grand Gulf Nuclear Station, Unit No. 1 (the facility) located in Claiborne County, Mississippi. This amendment grants changes to the Technical Specifications which are administrative in nature and are necessary to correct editorial and nomenclature errors and to achieve consistency with the as-built condition of the plant. None of the changes involve a significantly relaxation of the criteria used to establish safety limits or the bases for limiting safety system setting or limiting conditions for operation.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. The changes to the Technical Specifications approved in this amendment are to correct deficiencies and inadvertent errors in the Technical Specifications which were identified during the low power testing period at Grand Gulf Unit 1. These corrective measures result as part of the review for the full power operating license and are encompassed by the prior public notice of the overall action involving the proposed issuance of an operating license published in the **Federal Register** on July 28, 1978 (43 FR 32903).

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact other than those evaluated in the Final Environmental Statement since the activity authorized by this amendment is encompassed by the overall action

evaluated in the Final Environmental Statement dated September 1981.

For further details with respect to this action, see (1) the applications for the amendment dated March 24, 1983, April 7, 1983, April 25, 1983, June 9, 1983, June 14, 1983, June 23, 1983, and June 29, 1983; (2) Amendment No. 8 to License NPF-13 dated August 8, 1983; (3) the Commission's evaluation dated August 8, 1983; (4) Final Safety Analysis Report (FSAR) and amendments thereto; (5) Final Environmental Statement dated September 1981; (6) the Commission's Safety Evaluation Report dated September 1981 (NUREG-0831) and supplements thereto; and (7) the Commission's Confirmation of Action letter dated October 20, 1982. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20555, and at the Hinds Jr. College, George M. McLendon Library, Raymond, Mississippi 39154. A copy of items (1), (2), (3) and (7) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of items (5) and (6) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders may call 301-492-9530.

Dated at Bethesda, Maryland, this 8th day of August 1983.

For the Nuclear Regulatory Commission.

R. Auluck,

Acting Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-22123 Filed 8-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-387]

Pennsylvania Power and Light Co., Allegheny Electric Cooperative, Inc.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-14, issued to Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc. (the licensees), for operation of the Susquehanna Steam Electric Station, Unit 1 located in Luzerne County, Pennsylvania.

The amendment would modify Technical Specification Table 3.3.7.9-1, Fire Detection Instrumentation, to correct adminstrative errors, decrease the number of detectors in two zones using NRC and industry standard guidelines, and add fire zones that warrant inclusion in the Technical Specification, reflecting the as-built configuration in accordance with the licensee's application for an amendment dated March 11, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendment involves changes to the total number and minimum number of fire detectors operable in various fire zones. These changes are a result of administrative errors due to an incorrect and unnecessary listing of room numbers which resulted in clerical errors in the total number an minimum number of fire detectors operable. One of the examples of actions involving no significant hazards consideration, example i, relates to such a purely administrative change to correct errors. (48 FR 14871).

The staff proposes to determine that the changes which delete room numbers, decrease the number of detectors in Zone 1-4B and deletes Zone 1-7B, involve no significant hazards consideration. Deletion of the room numbers decreasing in the number of detectors in Zone 1-7B and the deletion of Zone 1-4B and the deletion of Zone 1-7B from Technical Specification 3.3.7.9-1, do not affect reactor operations or accident analyses and have no radiological consequences. This change clearly does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possiblilty of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Zones 0-24D and Zone 0-27E, Power Generation Control Complex areas associated with the Upper and Lower Relay Rooms were proposed to be added to Technical Specification Table 3.3.7.9-1 because they protect essential equipment. Zone 1-6I was proposed to be added because this zone contains cables necessary to accomplish and maintain a safe shutdown condition. One of the examples of actions involving no significant hazards consideration, example ii, relates to such a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications (48 FR 14871).

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By September 12, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the

following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspects of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and state comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to A. Schwencer: petitioner's name and telephone number; date petition was mailed; plant name; and publication data and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or request for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 1.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Bethesda, Maryland this 8th day of August 1983.

For the Nuclear Regulatory Commission.

R. Auluck,

Acting Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-22134 Filed 8-11-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committeee on Reactor Safeguards; Subcommittee on Safeguards and Security; Meeting

The ACRS Subcommittee on Safeguards and Security will hold a meeting on August 30, 1983, Room 1046, 1717 H Street, NW, Washington, DC.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, August 30, 1983—8:30 a.m. until 1:00 p.m.

The Subcommittee will review the proposed insider safeguards rules. The proposed rule package includes an Access Authorization Rule (screening requirements), Search Requirements Rule (pat-down search issue), and Miscellaneous Safeguards Related Amendments (access controls, vital area designation, etc.).

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements

and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. David Fischer (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: August 8, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-22121 Filed 8-11-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Proposed Policy Letter on Federally Funded Research and Development Centers

AGENCY: Office of Federal Procurement Policy, OMB.

ACTION: A draft Office of Federal Procurement Policy (OFPP) policy letter on Federally Funded Research and Development Centers (FFRDCs) is being published for public review and comment.

SUMMARY: The proposed policy sets forth guidelines for the establishment, use, periodic review, and termination of the sponsorship of FFRDCs.

DATE: Comments must be received by October 11, 1983.

ADDRESS: Send comments to Ms. July Hendrickson, Deputy Associate Administrator for Policy Development, Office of Federal Procurement Policy, 726 Jackson Place, NW., Room 9013, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Hendrickson, 202–395–6810.

SUPPLEMENTARY INFORMATION: The Commission on Government Procurement, in its 1972 report, included the following recommendation:

B–5 "Continue the option to organize and use FFRDCs to satisfy needs that cannot be satisfied effectively from other organizational resources. Any proposal for a new FFRDC should be reviewed and approved by the agency head and special attention should be given to the method of termination, including ownership of assets, when the need for the FFRDC no longer exists. Existing FFRDCs should be evaluated by the agency head periodically (perhaps every three years) for continued need."

In January 1977, as part of a proposed policy on research and development procurement, OFPP issued for informal comment a draft policy on FFRDCs to the agencies and to industry groups which had indicated an interest. The comments supported the need for such a policy and, as appropriate, were reflected in a draft published for public comment on December 31, 1980. A total of 38 responses were received from individuals, universities, non-profit organizations, industrial associations and Federal agencies. As a result of the depth and scope of the comments received a working group of concerned Federal agency representatives convened to consider them. This revised draft is a result of the working group's and this office's consideration of those and subsequent comments received to date.

This draft differs from the 1980 draft primarily in the following areas:

(1) Definition of an FFRDC;

(2) Prescribed order of precedence in alternatives for meeting special technical needs;

(3) Requirements for the establishment of an FFRDC or changing the scope of an existing FFRDC's sponsoring agreement;

(4) Nature and content of the sponsoring agreement;

(5) Use of the FFRDC by its sponsor(s) by Federal agencies who are not a sponsor, and by other than a Federal agency;

(6) Timing of the periodic review;

(7) Transfer of sponsorship in lieu of termination, where justified.

OFPP believes the current draft achieves an appropriate balance between the divergent concerns expressed in the comments on the 1980 draft and the recommendation of the Commission on Government Procurement. The current draft is consistent with this Administration's emphasis on control of noncompetitive procurement.

The following is a list of the current FFRDCs arranged by category of principal activity. The primary sponsoring agency is shown in parentheses (source: National Science Foundation):

Research Laboratories

Frederick Cancer Research Center (HHS/NIH)
Cerro Tololo Inter-American Observatory (NSF)
Kitt Peak National Observatory (NSF)
National Astronomy and Ionosphere Center (NSF)
National Center for Atmospheric Research (NSF)
National Radio Astronomy Observatory (NSF)
Sacramento Peak Observatory (NSF)
Stanford Linear Accelerator Center (DOE)
Fermilab (DOE)

R&D Laboratories

Jet Propulsion Laboratory (NASA)
Ames Laboratory (DOE)
Argonne National Laboratory (DOE)
Bettis Atomic Power Laboratory (DOE)
Brookhaven National Laboratory (DOE)
E.O. Lawrence Berkeley Laboratory (DOE)
E.O. Lawrence Livermore National Laboratory (DOE)
Hanford Engineering Development Laboratory (DOE)
Idaho National Engineering Laboratory (DOE)
Knolls Atomic Power Laboratory (DOE)
Los Alamos National Laboratory (DOE)
Oak Ridge Institute of Nuclear Studies (DOE)
Oak Ridge National Laboratory

R&D Laboratories (cont'd)

Pacific Northwest Laboratory (DOE)
Plasma Physics Laboratory (DOE)
Sandia National Laboratories (DOE)
Savannah River Laboratory (DOE)
Solar Energy Research Institute (DOE)
Energy Technology Engineering Center (DOE)
Lincoln Laboratory (DOD/AF)

Study and Analysis Centers

Center for Naval Analyses (DOD/NAVY)
Institute for Defense Analyses (DOD/OSD)
Project Air Force (DOD/AF)

System Engineering/System Integration Centers

Aerospace Corporation (DOD/AF)
C31 Division of Mitre (DOD/AF)

Donald E. Sowle,

Administrator.

OFPP Policy Letter 83– to the Heads of Executive Departments and Establishments

Subject: *Federally Funded Research and Development Centers*

1. *Purpose.* This policy letter establishes Government-wide policies for the establishment, use, periodic review, and termination of the sponsorship of Federally Funded Research and Development Centers (FFRDCs).

2. *Supersession.* Memorandum from the Chairman to the Members of the Federal Council for Science and Technology, dated November 1, 1967, which set forth criteria for identification of FFRDCs and the requirement for a master Government listing of these centers, is superseded by this policy letter.

3. *Authority.* This policy letter is being issued pursuant to 41 U.S.C. 405d(1) and h(1), which require disposition of the Commission on government Procurement recommendaitons and authorize the issuance of policy directives.

4. *Background.* The Departments of Energy, Defense, Health and Human Services, the National Aeronautics and Space

Administration and the National Science Foundation currently sponsor a total of 34 FFRDCs. Non-sponsoring departments and agencies also utilize the FFRDCs. Federal funding of FFRDC's currently exceeds 4 billion dollars.

In 1967, a Government-wide policy for the identification and maintenance of a master listing of these FFRDCs was issued (reference paragraph 2—Supersession). In 1972, the Commission on Government Procurement recommended that the Federal Government keep open the option to organize and use FFRDCs to satisfy needs that cannot be satisfied effectively by other organizational resources. The Commission also recommended that agency heads periodically review the continuing need for existing FFRDCs and approve any proposal for new FFRDCs, with specific attention paid to the method of ultimate termination of sponsorship. The policy letter is based on the executive branch consideration of the Commission's recommendations.

5. *Definition.*

a. *Primary Sponsor*—The executive agency which manages, administers or monitors overall use of the FFRDC.

b. *Sponsor(s)* means executive agency(s) which fund and monitor specific work of a continuing nature with an FFRDC and are party to a sponsoring agreement. Multiple sponsorship of an FFRDC is possible so long as one agency agrees to act as the primary sponsor for administrative purposes.

c. *Federally Funded Research and Development Center (FFRDC).*

(1) FFRDCs do not have a prescribed organizational structure. They can range from the traditional contractor-owned/contractor-operated or Government-owned/contractor-operated (GOCO) organizational structures to various degrees of contractor/Government control and ownership. In general, however, most of the following criteria should be met before an activity is identified as an FFRDC:

(a) Performs, analyzes, integrates, supports (non-financial) and/or manages basic research, applied research, and/or development. (Activities primarily engaged in routine quality control and testing, routine service activities, production, mapping and surveys, and information dissemination are specifically excluded.)

(b) Performance of the functions in 5.c.(1)(a) are either upon the direct request of the Government or under a broad charter from the Government, but in either case the results are directly monitored by the Government. However, the monitoring shall not be such as to create a personal services relationship, or to cause disruptions that are detrimental to the pruductivity and/or quality of the contractor's work.

(c) The majority of the activity's financial support (75% or more) is received from the Government with a single agency usually predominating in that financial support. The average annual budget (operating and capital equipment) supported by the Government is at least $1.5 million.

(d) Most or all of the facilities are usually owned by the Government or funded, under contract, by the Government.

(e) The activity is operated, managed and/or administered by either a university, other non-profit organization or industrial firm as an autonomous organization or as an identifiable separate operating unit of a parent organization.

(f) A long term relationship (five or more years) evidenced by specific agreement exists or is expected to exist between the operator, manager, or administrator of the activity and its primary sponsor.

(2) In addition to the above criteria, the relationship between the activity and the Government should exhibit the following characteristics in order to qualify for FFRDC identification:

(a) The activity (organization and/or facilities) is brought into existence at the initiative of a Government agency or bureau to meet some special need which, at the time, cannot be met as effectively by existing in-house or contractor resources. Even in the case of activities fully controlled by contractors (versus GOCOs) original capital or some form of dierct support is usually furnished by the Government.

(b) Work from other than a sponsoring agency is undertaken only in accordance with procedures set forth in the sponsoring agreement or at the specific concurrence of the primary sponsor.

(c) The contractor, whether the operator of its own or a Government-owned facility, enjoys a privileged status, not common to the normal contractual relationship, in obtaining access to the Government and/or supplier data, employees, and facilities needed to discharge its responsibilities efficiently and effectively, whether the data is sensitive/proprietary or not.

(d) The primary sponsor undertakes the responsibility to assure a reasonable continuity in the level of support to the activity consistent with the agency's need for the activity and the terms of the sponsoring agreement.

(e) The activity is expected to conduct its business in a responsible manner befitting their quasi-public status, to operate in the public interest free from organizational conflict of interest, and to make disclosure of its affairs to the primary sponsor.

(6) *Policy.*

a. *General.* Agencies will rely, to the extent practicable, on existing in-house and contractor sources for satisfying their special technical needs or mission requirements consistent with established procedures under the Economy Act of 1932 (31 U.S.C. 1535), other statutory authority or procurement/assistance regulations. A thorough assessment of existing alternative sources for meeting these needs is especially important prior to establishing an FFRDC.

b. *Sponsoring Agreements.* Long-term Government relationships with FFRDCs are encouraged in order to provide the continuity that will attract high quality personnel to the FFRDC. This relationship should be of a type to encourage the FFRDC to maintain currency in its field(s) of expertise, maintain its objectivity and independence, preserve its familiarity with the needs of its sponsor(s), and provide a quick response capability. A contract is the generally preferred instrument under which an FFRDC accomplishes effort for its sponsor(s). However, there may be instances where other legal instruments may be appropriate. At a minimum, however, there shall be a written agreement of sponsorship between FFRDC and its sponsor or primary sponsor where more than one sponsor is involved which should include at least the following items:

(1) A delineation of the purpose for which the FFRDC is being brought into being along with a description of the scope of effort to be performed and the role the FFRDC is to have in accomplishment of the sponsoring agency's mission.

(2) For cost type contracts, cost items on which advance agreements are to be negotiated (e.g., salary structure, depreciation, certain indirect costs such as employee benefits).

(3) Where fees are appropriate, identification of the factors which will affect their negotiation (e.g., weighted guidelines, risks, use of Government furnished property and facilities, needs).

(4) Criteria for the orderly termination or nonrenewal of the agreement and disposal of assets.

(5) A prohibition against the FFRDC competing with any concern in response to a Federal agency solicitation. Any exceptions to the prohibition against competing with for-profit concerns must be on at least a full cost recovery basis and require the specific approval of the primary sponsor.

(6) Policies and procedures with respect to the FFRDC accepting work from other than the primary sponsor or its sponsors in the case of multiple agency sponsorship.

This sponsoring agreement will be the base against which changes in an existing FFRDC's scope of effort will be measured.

c. *Establishment of an FFRDC or Changing the Scope of an Existing FFRDC's Sponsoring Agreement.* In establishing an FFRDC or changing the scope of an existing FFRDC's sponsoring agreement, the sponsoring agency shall ensure that:

(1) Existing alternative sources for satisfying agency requirements cannot effectively meet the needs (6.a).

(2) At least three notices are placed over a 90-day period in the *Commerce Business Daily* indicating the agency's intention to sponsor an FFRDC and the scope and nature of the effort to be performed by the FFRDC. Where a change to the scope of an existing sponsoring agreement is planned the notice shall indicate the nature and scope of the change.

(3) There is sufficient Government expertise available to adequately and objectively evaluate the work to be performed by the FFRDC.

(4) Controls are established to ensure that the costs of the services being provided to the Government are reasonable.

(5) The responsibility for capitalization of the FFRDC has been defined in such a manner that ownership of assets may be

readily and equitably determined upon termination of the FFRDC relationship with the sponsor(s).

d. *Use of the FFRDC by the Primary Sponsor or Sponsors in the Case of Multiple Agency Sponsorship.* The primary sponsor or sponsors in the case of multiple sponsorship will ensure that all taske it places with the FFRDC are within the scope of the sponsoring agreement (6b) and in accordance with this Policy Letter. This includes tasks a sponsoring agency agrees to accept from another Federal agency under the provision of the Economy Act of 1932 (31 U.S.C. 1535) or other statutory authority.

e. *Use of an Existing FFRDC by Other than a Sponsor.*

(1) When a Federal agency other than a sponsor determines that no source other than a specific FFRDC has the special competence to perform a required effort, that agency shall coordinate with the primary sponsoring agency as to whether the required effort is more appropriate for processing under the Economy Act of 1932 (31 U.S.C. 1535) or other statutory authority or for direct procurement by the requiring agency from the FFRDC. Where direct procurement is determined to be the appropriate route, the requiring agency shall comply with its procurement or assistance regualtions with respect to noncompetitive actions prior to placing such effort with the FFRDC. The requiring agency shall also comply with the sponsoring agency's established procedures and the terms of the FFRDC sponsoring agreement with respect to effort from other than a sponsoring agency. The agencies involved and the FFRDC will agree as to the management of the contract and specific work assignments thereunder.

(2) When an organization other than a Federal agency desires to place work with an FFRDC, placement of the work must be in accordance with the sponsoring agency's established procedures and the terms of the sponsoring agreement.

f. *Consulting Services.* Agencies sponsoring FFRDC tasks which are consulting services, as defined by OMB Circular No. A–120, will comply with the provisions of that Circular.

g. *Production-Manufacturing.* FFRDCs will not be asked to perform quantity production and manufacturing tasks unless mandated by legislation. Such activities as breadboarding or other similar tasks inherent to R&D are allowable.

h. *Periodic Review.* Agencies shall conduct a comprehensive periodic review (at contract renewal or every five years, whichever is later) of their use and need for each FFRDC that they sponsor. Where multiple agency sponsorship exists the periodic review will be a coordinated interagency effort. When the funding for an FFRDC is a specific line item within the sponsoring agency's budget, the comprehensive review may be done in conjunction with the budget process or the review may be done separately. The sponsoring agency(s) shall apprise other agencies who use the FFRDC of the scheduled review and afford them an opportunity to assume sponsorship in the event the current sponsorship is determined no longer appropriate. Final approval to continue or terminate an agency's sponsorship arrangement with a given FFRDC as a result of a periodic review shall rest with the head of that sponsoring agency. The periodic review should include:

(1) An examination of the agency's special technical needs and mission requirements to determine if they continue to exist.

(2) Consideration of alternative sources to meet the agency's needs.

(3) An assessment of the efficiency and effectiveness of the FFRDC in meeting the agency's needs.

(4) An assessment of the adequacy of the FFRDC management in assuring a cost effective operation.

(5) A determination that the guidelines of section 6 are being satisfied.

i. *Termination or nonrenewal of an FFRDC Relationship.* When a sponsor's need for the FFRDC no longer exists, the sponsorship may be transferred to one or more Government agencies, if appropriately justified. Otherwise it shall be phased out and the assets disposed of under the terms and conditions of the sponsoring agreement.

7. *Action Requirements.*

a. Each sponsoring agency shal develop criteria to determine which efforts are appropriate for FFRDC performance.

b. Each agency head is responsible for ensuring that the provisions of this policy are followed.

c. For statistical purposes, FFRDCs will be identified by their primary sponsors who will provide information, including funding data, on the type of R&D being performed by the FFRDC's to the National Science Foundation (NSF). The primary sponsor is responsible for informing the National Science Foundation, Division of Science Resources Studies, of any change in the status or use of an FFRDC.

d. The National Science Foundation will maintain a master Government list of FFRDCs based upon the definition in this policy letter.

8. *Information Contact.* All questions or inquiries about this policy letter should be submitted to the Office of Management and Budget, Office of Federal Procurement Policy, telephone (202) 395–6810.

9. *Sunset Review Date.* This policy letter will be reviewed five years after its effective date for extension, modification, or rescission.

Donald E. Sowle,

Administrator.

[FR Doc. 83-22035 Filed 8-11-83; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

Information Collection for OMB Review

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of information collection submitted to OMB for clearance.

SUMMARY: In accordance with the "Paperwork Reduction Act of 1980" (Title 44 U.S.C. Chapter 35), this notice announces a request submitted to OMB for clearance for collecting data on the Monthly Report of Full-time Equivalent/Work-Year Civilian Employment (SF 113–G). The data collected are used by OMB and OPM to monitor agencies' progress in increasing part-time employment, aid OMB and the President in making decisions on agencies' budget appropriations for the next fiscal year and are used to track and monitor the work year usage during the current fiscal year. For copies of the clearance package, call John P. Weld, Agency Clearance Officer, on (202) 632–7720.

DATES: Comments on this information collection should be received within 10 working days from date 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, Office of Management and Budget, Room 3235, Washington, DC. 20503.

FOR FURTHER INFORMATION CONTACT: John P. Weld, (202) 632–7720, Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83-22034 Filed 8-11-83; 8:45 am]

BILLING CODE 6325-01-M

Proposed Extension of Forms

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of proposed extension of forms.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (Title 44, U.S.C. Chapter 35) this notice announces a proposed extension of forms which collect information from the public. The Establishment Information Form, Wage Data Collection Form, and Continuation Form are wage survey forms developed by the Office of Personnel Management and used by three lead agencies, Department of Defense, Veterans Administration, and the National Aeronautics and Space Administration, to survey private sector business establishments. The surveys are conducted annually to determine the level of wages paid by private enterprise establishments for representative jobs which are common to both private industry and government. The lead agencies use this information to establish rates of pay, for Federal Wage

System employees, competitive with the private sector. For copies of this proposal, call John P. Weld, Agency Clearance Officer, on (202) 632-7720.

DATES: Comments on this proposal should be received in ten working days from August 12, 1983.

ADDRESSES: Send or deliver comments to:

John P. Weld, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, NW., Room 6669, Washington, D.C. 20415
and
Frank Reeder, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: William J. Washington, on (202) 632-5472.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83-22096 Filed 8-11-83; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-23029; (70-6796)]

Consolidated Natural Gas Service Co., Inc.; Proposed Reorganization of Capital Structure and Inclusion of Interest Expense in Service Charges

August 9, 1983.

Consolidated Natural Gas Service Company, Inc. ("Service Company"), 110 Broadway, New York, New York 10005, a subsidiary of Consolidated Natural Gas Company ("Consolidated"), a registered holding company, has filed with this Commission an amendment to a declaration pursuant to Sections 6(a), 7, 9(a), 10, and 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45, 50(a)(3), 90, and 91 promulgated thereunder.

The Commission previously issued a notice in this proceeding (November 12, 1982; HCAR No. 22706) concerning Service Company's request herein for authorization to include in its billings for services to associate companies a rate of return on its capital stock, equal to the return on equity authorized by the Federal Energy Regulatory Commission for Consolidated Gas Supply Corporation, another subsidiary of Consolidated. Service Company currently has outstanding 20,000 shares of capital stock, $100 par value.

Timely state authorization of the proposed transaction has not been obtained and the Public Service Commission of West Virginia has intervened in this proceeding requesting that a public hearing be held concerning the proposed return on equity. In light of the foregoing, Service Company has now requested to withdraw its original proposal and, in lieu thereof, proposes to: (1) Call in and cancel all but 100 shares of its common stock; (2) replace such shares with long-term debt bearing the same effective interest rate and with the same maturity as debentures issued by Consolidated in April 1983 at a stated coupon rate of 11⅛%; and (3) bill its associate companies, in connection with services rendered, all interest expense related to the aforementioned long-term debt, effective January 1, 1983.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 2, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued. After said date, the declaration, as amended or further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-22119 Filed 8-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23026; (70-6860)]

AEP Generating Co., Loan Commitment Under Revolving Credit Line and Term Notes Issued By Subsidiary Generating Company

August 9, 1983.

AEP Generating Company ("AEGCo"), 180 East Broad Street, Columbus, Ohio 43215, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration filed in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and applicable rules thereunder.

By order dated June 13, 1983 (HCAR No. 22973), the Commission authorized AEGCo to borrow up to $300 million from one or more commercial banks pursuant to a Term Loan Agreement, and to enter into one or more "interest rate swap" agreements with respect to up to $300 million principal amount of unsecured notes issued or to be issued to a group of commercial banks by AEGCo pursuant to a Revolving Credit Agreement (February 16, 1983, HCAR No. 22973). The applicable commitment fee under the Revolving Credit Agreement is ⅜ of 1% per annum on the average daily amount of the unused commitment. Aggregate borrowings pursuant to the term Loan Agreement and the Revolving Credit Agreement (with or without any related "interest rate swap") would not exceed $450 million but AEGCo undertook to reduce the banks' commitments under the Revolving Credit Agreement by the amount of borrowings under the Term Loan Agreement.

AEGCo now proposes that it not be required to reduce the banks' commitments under the Revolving Credit Agreement in those instances where the notes issued under the Term Loan Agreement mature prior to June 30, 1987 in order to insure a source of funds to repay such term notes without securing an additional source of funding. aggregate borrowings pursuant to the Term Loan Agreement and the Revolving Credit Agreement (with or without any related "interest rate swap") still, however, would not exceed $450 million.

The application-declaration, as amended by the post-effective amendment and any further amendments thereto, is available for public inspection through the Commission's Office of Public Reference. Any interested persons wishing to comment or request a hearing should submit their views in writing by August 31, 1983, to the Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration as now amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-22118 Filed 8-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23027; (70-6878)]

National Fuel Gas Co., et al.; Proposal To Transfer Oil and Gas Leaseholds to Newly Established Fuel Exploration and Development Company and To Acquire Common Stock of Such Company

August 9, 1983.

National Fuel Gas Company ("National"), (30 Rockefeller Plaza, New York, New York 10112, a registered holding company, and its subsidiaries National Fuel Gas Supply Corporation ("Supply"), an interstate pipeline and an Appalachian oil and gas exploration and development company, National Fuel Gas Distribtuion Corporation ("Distribution"), a gas distribution subsidiary, and Seneca Resources Corporation ("Seneca"), an oil and gas exploration and development subsidiary operating mainly in the Gulf Coast area of Texas and Louisiana and incidentally in the Appalachian Basin, as well as Empire Exploration, Inc. ("Empire"), 10 Lafayette Square, Buffalo, New York 14203, a newly formed Appalachian oil and gas exploration and development company, have filed an application-declaration with this Commission pursuant to Sections 6(a) 7, 9(a), 10 and 13 of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 45, 50(a)(3), 86, 87, 90(a) and 91 thereunder.

Supply and Seneca propose to declare a dividend in kind of certain leaseholds having respective aggregate book values of $79,783.74 and $12,802.26 as of June 30, 1983 to National, their sole shareholder. These properties are located in New York and Pennsylvania. National proposes to transfer the leaseholds plus $3 million to Empire in exchange for 1,000 shares of Empire's common stock, par value $10. Empire proposes to enter into one or more operating agreements which will vary in form and terms with other oil and gas companies to drill and operate wells on these leaseholds.

It is anticipated that further authorization will be sought for additional transfers and transactions so that Empire, to the extext legally permissible, will engage in all exploration, development and production of gas and oil in the Appalachian region for the National Fuel Gas System.

Currently, Empire has no employees. As additional Appalachian production-related assets are transferred to Empire, it is anticipated that the requisite personnel will be assigned to Empire. Until that time, Supply personnel will perform services for Empire and will bill Empire pursuant to Rules 90(a) and 91.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 31, 1983 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-22117 Filed 8-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13425; 812-5594]

St. Regis Capital Corp.; Filing of Application

August 5, 1983.

Notice is hereby given that St. Regis Capital Corporation ("Applicant"), 237 Park Avenue, New York, NY, 10017, a Delaware corporation, filed an application on July 6, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. 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 all applicable sections thereof.

Applicant represents that all of its outstanding common stock is owned by St. Regis Corporation ("St. Regis"), a New York corporation engaged principally in the manufacture and sale of paper and other forest products and also involved in energy resource operations and insurance activities. Applicant states that its purpose is to finance the business operations of St. Regis through the sale of securities guaranteed by St. Regis. Applicant further represents that its only anticipated business will be the raising of capital for St. Regis by the sale of Applicant's preferred stock ("Preferred Stock"). Applicant states that the Preferred Stock is convertible at the option of the holder into St. Regis common stock, at a conversion price disclosed in the prospectus ("Prospectus") issued in connection with the sale of the Preferred Stock and is also exchangeable in whole at the option of the Applicant, on any dividend date beginning September 1, 1984, for the convertible subordinated debentures of St. Regis (the "Debentures"). The Debentures will be convertible into common stock of St. Regis (at the conversion price applicable to the Preferred Stock). In addition, the Preferred Stock is redeemable, subject to certain conditions, at any time, at the option of the Applicant at a redemption price disclosed in the Prospectus.

Applicant represents that St. Regis will unconditionally guarantee (1) the payment of dividends (whether or not declared) on the Preferred Stock, (2) the optional redemption price on shares of Preferred Stock called for redemption and (3) a liquidation preference of the Preferred Stock. Applicant also states that this guaranty of St. Regis (the "Guaranty"), provides that in the event Applicant fails to make payment with regard to these items, St. Regis shall pay an amount to each holder equal to such payments. Applicant represents that St. Regis' obligation to make such payments is unconditional and may be enforced directly against it by a holder of Preferred Stock. Applicant states that St. Regis has agreed under the Guaranty that it will cause the Applicant to deliver shares of St. Regis common stock to holders of the Preferred Stock upon exercise by such holders of their conversion rights. Applicant further states that the obligation of St. Regis to make payments pursuant to the Guaranty is subordinated and subject in priority of payment to prior payment in full of all "superior indebtedness" of St. Regis.[1]

[1] "Superior indebtedness" is defined to include certain specified debt instruments and any other obligations of St. Regis which are not expressly subordinate or junior in right of payment to any other obligation of St. Regis.

On June 29, 1983, the Applicant and St. Regis filed a registration statement on form S–3 ("Registration Statement") (Registration No. 2–84692) under the Securities Act of 1933 to register (1) 2,200,000 shares of Preferred Stock, (2) the Guaranty, (3) the Debentures and (4) the Common Stock of St. Regis. The Registration Statement became effective on June 29, 1983. Applicant states that it anticipates that immediately following the delivery of the Preferred Stock to its underwriters,[1] it will declare a dividend on its common Stock to St. Regis of substantially all of the net proceeds from the Preferred Stock. Applicant would retain a portion of the net proceeds sufficient to pay the dividend on the Preferred stock payable on September 1, 1983, and amounts required by Delaware Law (i.e., an amount equal to its stated capital). Applicant represents that the amounts it retains probably would be deposited in bank accounts, but in no event would such amounts be invested in investment securities as defined in Section 3(a) (3) of the Act.

Applicant states that upon receipt of the requested order, St. Regis would make a capital contribution to the Applicant of an amount equal to Applicant's common stock dividend previously paid to St. Regis. Applicant would then lend to St. Regis an amount equal to the net proceeds received by the Applicant from the sale of the Preferred Stock (less any dividends theretofore paid on the Preferred Stock). Applicant would receive a note of St. Regis bearing interest sufficient to provide adequate earnings and profits to support dividend treatment for federal income tax purposes respecting the dividends paid on the Preferred Stock.

Applicant states that as a result of this proposed transaction, particularly the receipt by Applicant of St. Regis' note, Applicant may be deemed an investment company under Section 3(a) (3) of the 1940 Act. The note from St. Regis may be considered an investment security which would comprise more than 40% of the Applicant's total assets. However, Applicant submits that it has been organized solely for the purpose of financing St. Regis' operations and, therefore, is not the type of entity intended to be regulated under the Act. Applicant asserts that it is appropriate that, as a finance subsidiary of St. Regis, it should be exempted from the requirements of the Act because if St. Regis had issued the Preferred Stock directly, no question would have arisen under the Act and the practical effect of the Guaranty is that investors in the Preferred Stock will be in substantially the same position as if St. Regis had issued the Preferred Stock directly. Accordingly, Applicant requests a Commission order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 26, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–22034 Filed 8–11–83; 8:45 am]

BILLING CODE 8010–01–M

[1] The Registration Statement discloses that the underwriting will be on a firm commitment basis.

[Release No. 34–20048; File No. SR–MSTC–83–7]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Securities Trust Co.

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 27, 1983 the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached to the filing as Exhibit A is the MST System Administrative Bulletin which advises Participants of issuance fees on American Depository Receipts which will be passed on to Participants by MSTC effective with the June 1983 billing statements.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

When stock dividends are paid by American Depository Receipts (ADRs), the issuance of these shares is subject to a fee charged by the cutodian of the securities. In the past, MSTC has absorbed these charges. However, due to the growth of depository activity and increases in the fees imposed by the custodians, MSTC must begin to pass these costs along to Participants.

The proposed rule change is consistent with Section 17A of the Securities Exchange Act of 1934, in that it provides for the equitable allocation of dues, fees or other charges among MSTC's Participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor 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 19 b–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 Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington D.C 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, 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 the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of the filing will also be available for inspection and copying at the principal office of the above mentioned self regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

Exhibit A

June 15, 1983.

To: All Participants

Attention: Operations Manager/Head Cashier

Subject: Issuance Fees—ADR Stock Dividend Certificates

When stock dividends are paid on American Depository Receipts (ADRs), the issuance of these shares is subject to a fee charged by the custodians of the securities.

In past years, MSTC has absorbed these charges. However, with the growth of depository activity and increases in the fees imposed by the custodians, MSTC must begin to pass these costs along to participants.

Participants receiving a stock dividend on an ADR issue will be assessed a prorated charge equal to their proportionate amount of the total fees incurred by MSTC from custodians and/or other depositories. these fees are effective immediately and will appear on the monthly billing statement for MCC/MSTC beginning in June, 1983 under the Miscellaneous Billing section titled "ADR Fees."

Questions regarding this information should be directed to your Participant Services Representative.

Gerald R. Broz,

Vice President MCC/MSTC.

[FR Doc. 83-22116 Filed 8-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20059; File No. SR-MSRB-83-7]

Self-Regulatory Organizations; Proposed Rule Changes By Municipal Securities Rulemaking Board

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 July 26, 1983, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) The Municipal Securities Rulemaking Board ("Board") is filing herewith certain amendments (the "proposed rule change") to rule G-25 relating to guarantees against loss. The proposed rule change is as follows:

Rule G-25 Improper Use of Assets [1]

(a) No change.

(b) Guaranties. No broker, dealer, or municipal securities dealer shall guarantee or offer to guarantee a customer against loss in

(i) No change.

(ii) A transaction in municipal securities with or for a customer;

[Bona fide] *Put options and repurchase agreements [issued in the ordinary course of business] shall not be deemed to be guaranties against loss[.] if their terms are provided in writing to the customer with or on the confirmation of the transaction and recorded in accordance with rule G-8(a)(v).*

(c) No change.

[1] *Italics* indicates new language, [brackets] indicate deletions.

II. Self-Regulatory Organization's Statement on Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Rule G-25(b) generally prohibits a municipal securities dealer from guaranteeing a customer against loss. The rule provides that "bona fide put options" and "repurchase agreements issued in the ordinary course of business" are not guarantees for purposes of the rule. The rule, which became effective in 1978, is intended in part to prevent a municipal securities representative from inducing individual customers to purchase or sell securities by making guarantees on behalf of a dealer which the dealer is not aware of or does not intend to honor. The exemptions provided for put options and repurchase agreements originally were adopted to permit dealers to enter into legitimate buy-back arrangements to finance inventories. Since the rule's adoption, however, the industry has begun using buy-back arrangements for other legitimate purposes as well, such as tailoring maturities for customers or interposing a dealer's credit for that of the issuer.

The draft amendment is intended to make the rule more enforceable by requiring that the terms of all put options and repurchase agreements be provided to customers in writing with or on the confirmation of the transaction and recorded on dealers' books and records in accordance with rule G-8(a)(v).[2]

The anti-manipulative purposes of the rule would be strengthened since any put options or repurchase agreements not so disclosed would be considered prohibited guarantees under the rule. At the same time the current exemptions provided by the rule would be preserved to permit municipal securities dealers the flexibility necessary to enter into legitimate financing and other arrangements in the course of doing business.

(b) The Board has adopted the proposed rule change pursuant to Section 15B(b)(2)(C) which authorizes

[2] Rule G-8(a)(v) provides: Records of all options (whether written or oral) to sell municipal securities (*i.e.* put options) and of all repurchase agreements (whether written or oral) with respect to municipal securities, in which such municipal securities broker or municipal securities dealer has any direct or indirect interest or which such municipal securities broker or municipal securities dealer has granted or guaranteed, showing the description and aggregate par value of the securities, and the terms and conditions of the option, agreement or guarantee.

the Board to adopt rules "designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, [and] to foster cooperation and coordination with persons engaged in regulating * * * transactions in municipal securities,* * *"

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change will effect any burdens on competition since it merely places formal written disclosure requirements upon dealers who enter into put option or repurchase arrangements with customers. Moreover, since the proposed rule change does not alter the circumstances under which put options and repurchase agreements can be offered, it will not affect existing competitive relationships among municipal securities dealers.

C. Self-Regulatory Organization's Statement of Comments on Proposed Rule Change Received From Members, Participants and Others

In August and again in December 1982, the Board published for comment draft amendments to rule G–25(b) that would have exempted from the general prohibition all guarantees furnished in connection with transactions in municipal securities, including put options, repurchase agreements, and remarketing agreements, if the terms of such gurantees were provided in writing to a customer with delivery of the final confirmation and were recorded on the dealer's books and records in accordance with Board rule G–8(a)(v).

The Board received six comment letters. Three of the comment letters questioned whether the elimination of the general prohibition against guarantees would undermine the customer protections provided by the rule. Two letters from one commentator strongly supported the amemdment. One commentator stated it did not know what the effect of the draft amendment would be.

The Board has considered all of the comments it has received to date and has determined that it would be appropriate to retain the general prohibition against guarantees since it is reasonable to assume that the current provision has some prophylactic effect. It also has concluded that it would be appropriate to limit the exemption for put options and repurchase agreements to those whose details are disclosed in writing to a customer on or with delivery of the final confirmation of the transaction and which are carried on the dealer's books and records. The Board believes this modification will facilitate oversight of rule G–25(b) by the appropriate oversight agencies and will assure that dealers are aware of put option and repurchase agreements offered by their salesmen and will discourage the use of these devices for fraudulent purposes.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, 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 wtih the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 5, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-22021 Filed 8-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20060 ; File No. SR-NASD-83-8]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, 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 May 31, 1983, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the Association's Uniform Practice Code to extend the coverage of the Code to secondary market trades in Unit Investment Trust securities (UITS) and to make clear the exemption from the Code's provisions for other securities registered under the Investment Company Act of 1940 and for Direct Participation Program securities.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule changes are twofold. The first of these is to specifically extend the coverage of the Uniform Practice Code to secondary market trades in unit investment trust securities. The second is to specifically exempt from the coverage of the Code transactions in other redeemable securities registered under the Investment company Act of 1940 and direct participation program securities both of which have in the past been treated as being exempt from coverage of the Code.

The reason for clarifying the exemption of direct participation program (DPP) securities is that there is limited industry experience in secondary market trading of such securities and that certificates are not issued for such interests. The procedures contained in the Uniform Practice Code which relate to certificated securities are therefore impractical to apply to direct participation program interests.

The determination to include unit investment trust securities under the coverage of the Uniform Practice Code resulted from a study conducted by a special subcommittee of the Association's Uniform Practice Committee. This study was undertaken as a result of increased interest and trading in unit investment trusts and a desire to provide industry-wide uniformity for trading and trade processing for investment of unit investment trust securities (UITS).

The statutory basis for the proposed rule changes are found in Section 15(A)(B)(b) of the Securities Exchange Act of 1934 ("the Act"). The Association believes that the proposed rule change will foster cooperation and coordination in the clearing and settling of transactions by providing a uniform set of procedures for trading and trade processing of secondary market transactions in unit investment trust securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not result in a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Association solicited but received no comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450—5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450—5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: August 5, 1983.

George A. Fitzsimmons,

Secretary

[FR Doc. 83-22033 Filed 8-11-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/648]

Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on September 8, 1983 at 10:00 a.m. in the first floor Theater, Communications Satellite Corporation, 950 L'Enfant Plaza, SW., Washington, D.C.

Study Group 4 deals with matters relating to systems of radiocommunications for the fixed service using satellites. The purpose of the meeting will be to discuss preparations for the international meeting of Study Group 4 in April/May, 1984.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: August 3, 1983.

William H. Jahn,

Acting Director, Office of International Communications Policy.

[FR Doc. 83-22107 Filed 8-11-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/649]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on September 8, 1983 in Room 1105, Department of State, 2201 C Street, NW., Washington, D.C., at 10:00 a.m.

Study Group A deals with U.S. Government aspects of international telegram and telephone operations and tariffs. The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international Study Groups I and III meetings.

Members of the general public may attend the meetings subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meetings. It is therefore suggested that prior to the meeting, persons who plan to attend, so advise Mr. Earl Barbely, Department of State, Washington, D.C. 20520; telephone (202) 632-3405. All attendees must use the C Street entrance to the building.

Dated: August 1, 1983.

Earl S. Barbely,

Chairman, U.S. CCITT National Committee.

[FR Doc. 83-22106 Filed 8-11-83; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Disabilities Incurred by Conviction; Granting of Relief

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

ACTION: Notice of Granting of Relief from Disabilities Incurred by Conviction.

SUMMARY: The persons named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms, from their disabilities imposed by Federal laws. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Noel A. Haera, Firearms Enforcement Branch, Firearms Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20026, (202–566–7258).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

Adkins, Randy Joel, 622 East 24th Street, Owensboro, Kentucky, convicted on July 30, 1981, in the District Court of Lea County, New Mexico.

Alpert, Jack Bradford, 3427 Homes, Kansas City, Missouri, convicted on May 6, 1970, in the Circuit Court of Pettis County, Missouri; and also on July 7, 1976, in the United States District Court, Western District of Missouri.

Anderson, Rhonda C., 148 Austin Circle, Crystal Springs, Mississippi, convicted on April 10, 1975, in the Northern District of Alabama.

Austin, James Gary, 103 Ford Drive, Petal, Mississippi, convicted on July 20, 1979, in the Forrest County Courthouse of Hatliesburg, Mississippi.

Boggerley, Carvelle Hampton, III, 104 Washington Avenue, Front Royal, Virginia, convicted on April 9, 1976, in the Circuit Court of Warren County, Virginia.

Barnes, Fred Franklin, 375 Arnold Road, Apartment A213, Mobile, Alabama, convicted on July 18, 1977, in the Federal District Court, Birmingham, Alabama.

Barnett, Jesse P., Jr., 2125 Delmas Street, Opelousas, Louisiana, convicted on November 30, 1977, in the United States District Court, Northern District of Mississippi.

Briggs, Robert Charles, 86 Quaker Drive, Hendersonville, North Carolina, convicted on July 12, 1978, in the General Court of Justice, Transylvania County, North Carolina.

Brown, James Michael, 13 South Margrave, Fort Scott, Kansas, convicted on November 17, 1980, in the District Court of Bourbon County, Kansas.

Burdick, Allen F., 424 North 11th Street, DeKalb, Illinois, convicted on December 15, 1977, in the Circuit Court of the 16th Judicial Circuit, DeKalb County, Illinois.

Byford, Ken Andrew, 5133 North Umberland Road, Birmingham, Alabama, convicted on July 20, 1979, in the District Court of Jefferson County, Birmingham, Alabama.

Cain, Charles Edmond, 2621 North Sparkman, Tucson, Arizona, convicted on July 20, 1978, in the United States District Court, Tucson, Arizona.

Carrier, Norcees B., P.O. Box 506, Fort Washakie, Wyoming, convicted on July 10, 1967, in the United States District Court Cheyenne, Wyoming.

Carroll, James Leroy, 2206 Annapolis Road, Baltimore, Maryland, convicted on April 19, 1965, in the Circuit Court of Baltimore City, Baltimore, Maryland.

Cervantes, Geraldo, 510 South Madison Avenue, Bay City, Michigan, convicted on September 10, 1976, in the St. Clair Court, Belleville, Illinois.

Christen, Joseph Harold, P.O. Box 53, Des Allemands, Louisiana, convicted on January 21, 1966, in the United States District Court, Baton Rouge, Louisiana.

Clark, Gary Wayne, 1317 McKinley, Yakima, Washington, convicted on May 9, 1972, in the Superior Court of Yakima County, Yakima, Washington.

Cline Edward M., 7793 Lakeshore Boulevard, Mentor on the Lake, Ohio, convicted on June 24, 1975, in the Court of Common Pleas, Lake County, Ohio.

Cook, Frederick Michael, 416 McAdam Road, Longview, Washington, convicted on March 10, 1966, in the Superior Court of Cowlitz County, Washington.

Craig, Irvin Roger, Route 2, Box 788, Bassett, Virginia, convicted on July 27, 1977, in the Circuit Court of Henry County, Virginia.

Creamer, Robert L., 3612 West Kirby #2, Pasco, Washington, convicted on July 23, 1979, in Superior Court of Kitsap County, Washington.

Creekmur, William R., 1147 West Avenue, Richmond, Virginia, convicted on March 19, 1975, in the Circuit Court, Richmond, Virginia.

Curtright, Carl Brooks, 7811 West El Entree, Tucson, Arizona, convicted on April 18, 1980, in the United States District Court, Wyoming.

Decory, Warren Osborne, 109 Lansing Street, Auburn, New York, convicted on February 26, 1942, in the Monroe County Court, New York.

Dunlevy, Clifford William, 307–B Monroe Street, Lafayette, Louisiana, convicted on July 19, 1976, in the Circuit Court of St. Mary's County, Maryland.

Eckenrode, David Douglas, 4120 East Madison Avenue, Phoenix, Arizona, convicted on September 18, 1978, in the United States District Court, Phoenix, Arizona.

Ellert, William Frederick, 233 Goose Lane, Tolland, Connecticut, convicted on September 9, 1981, in the Hartford Superior Court, Hartford, Connecticut.

Esse, Jerry L., 426 West 2nd Street, Janesville, Minnesota, convicted on March 11, 1976, in the 3rd District Court, Waseca, Minnesota.

Farmer, Sam Jewell, 1672 Lyon Street, Batesville, Arkansas, convicted on June 10, 1963, in the Superior Court of Kings County, California.

Fields, Larry, 6951 Salem Drive, New Orleans, Louisiana, convicted on November 13, 1979, in the United States District Court, Dallas, Texas.

Fischer, James Allen, 207 North Walnut, Kimball, Nebraska, convicted on July 26, 1971, in the Garfield County Court, Enid, Oklahoma.

Freeman, Sammy Joe, Route 2, Highway 11, Salem, South Carolina, convicted on October 27, 1977, in the Court of General Sessions, Oconee County, South Carolina.

Fritzges, Henry Robert, Jr., 4227 Berger Avenue, Baltimore, Maryland, convicted on July 26, 1972, in the Circuit Court of Baltimore County, Baltimore, Maryland.

Garner, Walton Steven, 1628 Village Lake Drive, Charlotte, North Carolina, convicted on May 4, 1978, in the Superior Court of Wake County, Raleigh, North Carolina.

Giltrop, Phillip Eric, 7261 Blackmar Road, Birch Run, Michigan, convicted on November 12, 1978, in the Circuit Court of Iosco County, Tawas City, Michigan.

Goings, Perry Wayne, Route 4, Box 154–A, Franklinton, Louisiana, convicted on September 18, 1980, in the 22nd Judicial Court, Franklinton, Louisiana.

Graham, Briscoe, 3712 Overview Road, Baltimore, Maryland, convicted on November 27, 1961, in the Criminal Court, Baltimore, Maryland.

Greene, Glenn Leon, Jr., 127 South 22nd, Middlesboro, Kentucky, convicted on July 11, 1973, in the United States District Court, Western District of North Carolina.

Grimsley, Gunger Henry, 1301 East 7th Street, Lumberton, North Carolina, convicted on April 18, 1980, in the Superior Court of Robeson County, Lumberton, North Carolina.

Guindon, Theodore, E., East 1845 Horsehaven Avenue, Post Falls, Indiana, convicted on January 26, 1978, in the 1st Judicial Court of Shoshone County, Indiana.

Hall, Louis Keith, 5414 Brickey Drive, Hereford, Arizona, convicted on August 13, 1945, in the Circuit Court of Gulf County, Florida.

Hammerly, Dale Louis, 1061 Highway 95 North #12, Moscow, Idaho, convicted on

March 23, 1977, in the 2nd Judicial District, Lewiston, Idaho.

Harrington, Leroy E., Jr., RFD 1, Box 1995, North Monmouth, Maine, convicted on August 25, 1959, in the Superior Court of Kennebec County, Augusta, Maine; and on April 10, 1962, in the Superior Court of Aroostook Court, Houlton, Maine.

Harvey, Donald Clifton, 1313 North Hulgan, Deasto, Texas, convicted on September 21, 1957, in the 77th Judicial District Court of Linestone County, Texas.

Heuser, Terry Gilbert, 504 East Ormsby Street, Louisville, Kentucky, convicted on November 9, 1979, in the United States District Court, New Albany, Indiana.

Higdon, James Glenn, 107 Penner Drive, Apartment 8, Leitchfield, Kentucky, convicted on January 17, 1977, in the Circuit Court of Grayson County, Leitchfield, Kentucky.

Howell, John Stinson, 1101 Broad, Fort Worth, Texas, convicted on June 29, 1979, in the United States District Court, Northern District of Texas, Fort Worth, Texas.

Jenkins, Robert Payne, 1141 Bob-O-Link Circle, Great Falls, Virginia, convicted on October 15, 1981, in the United States District Court, Baltimore, Maryland.

Jenniges, Kevin John, RR 1, Lamberton, Minnesota, convicted on July 13, 1981, in the 5th District Court of Lyon County, Minnesota.

Keeth, Spurgeon D. Sr., Route 4, Box 4038, Wapato, Washington, convicted on June 16, 1981, in the United States District Court, Eastern District Washington.

Lamberson, Daniel L., 3709 Settlers Lane, Hopewell, Virginia, convicted on April 10, 1975, in the Circuit Court, Petersburg, Virginia.

Lebaron, Ervin H., 4743 North 9th Street, Phoenix, Arizona, convicted on February 26, 1976, in the Superior Court of Pima County, Arizona.

Leclair, John Beverly, 9 Bardwell Street, Jamaica Plain, Massachusetts, convicted on June 30, 1944, in the Suffolk Superior Court, Boston, Massachusetts.

Lee, George Allan, North 4419 Bennen Street, Spokane, Washington, convicted on September 28, 1976, in the Superior Court of Spokane County, Washington.

Lemley, Terry Ray, State Route 7, Box 45, Blacksville, West Virginia, convicted on November 16, 1979, in the United States District Court, Elkin, West Virginia.

Lewis, Rodney Dale, 423 Montana Avenue, Louisville, Kentucky, convicted on October 4, 1974, in the Criminal Branch Circuit Court of Jefferson County, Kentucky.

Lingreen, Clarence Joseph, 5412 Apache, Great Bend, Kansas, convicted on August 26, 1981, in the United States District Court, Wichita, Kansas.

Littlefield, Earl W., 1121 Daniel Drive, Birmingham, Alabama, convicted on June 30, 1961, in the Recorders Court, Detroit, Michigan.

Loving, Thomas Van, Route 1, Box 205, Port Republic, Virginia, convicted on June 23, 1971, in the Hastings Court, Roanoke, Virginia.

Manley, Thomas O., RR #2, Box 27, Poultney, Vermont, convicted on March 6, 1981, in the Chittenden Circuit District Court, Burlington, Vermont.

May, Clifford Arnold, 3640 North 28th Street, Phoenix, Arizona, convicted on May 23, 1963, in the Superior Court of Maricopa County, Arizona; and on September 10, 1964, in the Superior Court of Maricopa County, Arizona.

McCartney, Daniel S., 2900 West Hood, Kennewick, Washington, convicted on April 4, 1980, in the Superior Court of Benton County, Washington.

McFerrin, Gene Boone, P.O. Box 16712, Baton Rouge, Louisiana, convicted in 1966, in the United States District Court, Baton Rouge, Louisiana; and on September 11, 1975, in the United States District Court, Baton Rouge, Louisiana.

Meredith, Shirley Edwards, 4108 Kivett Drive, Jamestown, North Carolina, convicted on December 4, 1978, in the United States District Court, Greensboro, North Carolina.

Mitzelfeldt, Christopher, 13807 Northeast 79th Street, Vancouver, Washington, convicted on April 7, 1978, in the Superior Court of Whatcom County, Washington.

Montgomery, Janes Allan, 1969 Kennedy Drive, McLean, Virginia, convicted on October 12, 1976, in the Belknap Superior Court, Laconia, New Hampshire.

Moore, Herman Branson, Route 3, Box 217, North Wilkesboro, North Carolina, convicted on June 21, 1958, in the United States District Court, Greensboro, North Carolina.

Maretick, Morris W., Post Office Box 44, Placedo, Texas, convicted on June 23, 1975, in the 24th Judicial District of Victoria County, Texas.

Nedrow, Donel Keith, 4200 Park Avenue, Building 9, Apartment 25, Des Moines, Iowa, convicted on October 24, 1972, in the District Court of Van Buren County, Iowa.

New, Daniel A., 5346 Mosquito Lake Road, Deming, Washington, convicted on October 4, 1977, in the Superior Court of Whatcom County, Washington.

Ng, Billy Chun, 19726 Sagevale, Houston, Texas, convicted on January 21, 1980, in the 185th District Court, Houston, Texas.

Ogan, Servetus W., 407 South 5th Street, #7, Laramie, Wyoming, convicted on July 21, 1971, in the District Court, 2nd District, Laramie, Wyoming.

Olson, Jeffrey Earl, 20900 Pacific Coast Highway, Malibu, California, convicted on October 17, 1978, in the Superior Court of San Diego County, California.

Osborne, Richard D., 10701 Vista Del Sol, #87, El Paso, Texas, convicted on June 28, 1976, in the United States District Court, Montgomery, Alabama.

Parrish, Roland E., 42 Irwin Street, Portsmouth, Virginia, convicted on June 26, 1973, in the United States District Court, Alexandria, Virginia.

Pimental, Ronald J., 556 Boden Way, Oakland, California, convicted on May 2, 1980, in the United States District Court, San Francisco, California.

Pipkin, Herman O'Neil, 5467 Barbra Drive, Satsuma, Alabama, convicted on March 16, 1970, in the Circuit Court of Mobile County, Alabama.

Radford, Thomas Denver, Route 2, Box 97, Ferrum, Virginia, convicted on November 10, 1959, in the Western District Court, Virginia.

Robinson, Larry Dale, 822 Pierce Street, Gary, Indiana, convicted on September 25, 1969, in the Circuit Court of Tippecanoe County, Indiana.

Ross, Ralph Edward, Post Office Box 151, Lawrenceburg, Kentucky, convicted on December 18, 1982, in the Fayette Circuit Court, Lexington, Kentucky.

Scarboro, James Wesley, Route 1, Box 544 L, Aberdeen, North Carolina, convicted on March 5, 1979, in the Superior Court of Richmond County, Rackingham, North Carolina.

Schardt, Carl Leonard, 7894 Adler Road, Lambertville, Michigan, convicted on July 28, 1966, in the Circuit Court of Monroe County, Michigan.

Sessions, Jimmy Lee, Post Office Box 62, Longdale, Oklahoma, convicted on December 31, 1959, in the Superior Court of Garfield County, Oklahoma.

Sharp, Ronald Lee, 2429 North Union Street, Kokomo, Indiana, convicted on March 28, 1960, in the Superior Court of Howard County, Indiana.

Smith, Morgan Owen, 2917 Lyndale Avenue, Nashville, Tennessee, convicted on November 23, 1964, in the United States District Court, Middle District, Tennessee.

Sparks, Elmer Hugh, Route 2, Box 206 A, North Wilkesboro, North Carolina, convicted on September 27, 1948, in the United States District Court, North Wilkesboro, North Carolina.

Stanley, Timothy Jay, 16356 Redwing Boulevard, Hastings, Minnesota, convicted on August 3, 1979, in the District Court of Washington County, Stillwater, Minnesota.

Stickler, Timothy L., 3045½ North Park, Tucson, Arizona, convicted on January 22, 1981, in the Superior Court of Pima County, Arizona.

Strickland, William E., 5395 Maddox Circle, Beaumont, Texas, convicted on September 9, 1970, in the District Court of Jefferson County, Texas.

Taylor, Virgil Ray, 214 Parkins, Lot 16, Sulphur Springs, Texas, convicted on April 2, 1979, in the 8th Judicial District Court of Hopkins County, Texas.

Terry, Bobby Redus, Highway 157 North, Moulton, Alabama, convicted on September 19, 1980, in the Northern District of Alabama.

Terry, Eva Rebecca, Highway 157 North, Moulton, Alabama, convicted on September 19, 1980, in the Northern District of Alabama.

Tinsman, John Melvin, Jr., Route #1, Box 95, Winchester, Virginia, convicted on February 21, 1976, in the Circuit Court of Frederick County, Winchester, Virginia.

Toles, John Lee, 14 Riverview Road, Rome, Georgia, convicted on June 30, 1976, in the Superior Court of Floyd County, Georgia.

Towns, William S., Jr., 20 North Sunset Boulevard, Gulf Breeze, Florida, convicted on August 16, 1980, in the United States Court, Northern District of Florida.

Vick, Loran Drexel, Route #4, Greenville, Kentucky, convicted on August 21, 1980, in the United States District Court, Owensboro, Kentucky.

Wade, Clayton W., 709 North 71st Street, Seattle, Washington, convicted on May 5, 1978, in the Superior Court of Whatcom County, Washington.

Walker, William Ray, 241½ Oak Street, Glasgow, Kentucky, convicted on April 9, 1974, in the Federal District Court, Bowling Green, Kentucky; and on April 15, 1974, in the

Circuit Court of Barren County, Glasgow, Kentucky.

Watson, Dwight Eugene, Sr., 2806 Royal Drive, Kilgore, Texas, convicted on June 23, 1980, in the United States District Court, Eastern District of Texas.

Wedding, Clifford Herbert, Route #1, Lakesidegreen, Highway #45, Maceo, Kentucky, convicted on August 19, 1974, in the Circuit Court of Davis County, Owensboro, Kentucky.

Wheeler, Edwin Rogers, 409 Palm Avenue, Imperial Beach, California, convicted on February 19, 1981, in the South Bay Municiple Court, Chula Vista, California.

Whitley, Johnny Ray, Route 1, Box 823, Wilson, North Carolina, convicted on March 22, 1972, in the Superior Court, Raleigh, North Carolina; and on May 12, 1972, in the Superior Court, Wilson, North Carolina; and on March 30, 1972, in the Superior Court of Raleigh, North Carolina.

Whiz, William A., 1812 East Viola, Yakima, Washington, convicted on December 24, 1953, in the Superior Court of Yakima County, Washington.

Wiley, Bobby L., 1309 Dripping Springs Road, Cullman, Alabama, convicted on March 21, 1977, in the United States District Court, Northern District, Alabama.

Witt, Dennis Lee, Route 5, Box 348, Bassett, Virginia, convicted on January 22, 1975, in the Circuit Court of Henry County, Virginia.

Compliance With Executive Order 12291

It has been determined that this notice is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Signed: August 4, 1983.

Stephen E. Higgins,

Director.

[FR Doc. 83-22032 Filed 8-11-83; 8:45 am]

BILLING CODE 4810-31-M

Fiscal Service

Privacy Act of 1974; Routine Uses

AGENCY: Bureau of the Public Debt, FS, Treasury.

ACTION: Notice of routine uses for Treasury/BPD 00.001—Personnel and Administrative Records; Treasury/BPD 00.002—United States Savings-Type Securities; Treasury/BPD 00.003—United States Securities (Other than Savings-Type Securities).

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, the Commissioner of the Bureau of the Public Debt gives notice by this publication of six new routine uses for the following systems of records: Treasury/BPD 00.001; Treasury/BPD 00.002; Treasury/BPD 00.003. The purpose of these routine uses is to take advantage of certain debt collection procedures, techniques, and services authorized by the Debt Collection Act of 1982, Pub. L. 97-365, 96 Stat. 1749 (1982).

The first use deals with the disclosure of debtor mailing addresses obtained from the Internal Revenue Service. Section 8 of the Debt Collection Act provides for such disclosure to third parties for the purpose of collecting or compromising Federal Claims. Accordingly, addresses obtained by the Bureau from the Internal Revenue Service will be released to credit reporting agencies to obtain commercial credit reports and to debt collection agencies to recover claims.

Disclosure of debtor information to effect both salary and administrative offsets comprise the second and third uses. Sections 5 and 10 of the Debt Collection Act provide for such disclosure. As some offsets may only be effected through inter-agency cooperation, the Bureau in those instances, will release debtor informaiton to other agencies. All procedural steps to ensure due process, as provided in the Debt Collection Act, will be implemented.

The fourth use envisions the routine disclosure of debtor records to debt collection agencies. Section 13 of the Debt Collection Act authorizes the head of an agency or his designee to enter into contracts for collection services. As such contracts necessitate the disclosure of most data in a debtor's file, section (m) of the Privacy Act provides for two safeguards. By contract, the debt collection agency selected will be responsible for complying with the Privacy Act. In addition, collection agencies are liable under the criminal provisions of the Privacy Act as "employees of the [Federal] agency." The Bureau intends to avail itself of such services whenever necessary to collect its debts. Appropriate protective clauses will be incorporated into all contracts.

The fifth use deals with obtaining commercial credit reports. debtor information will be disclosed to consumer reporting agencies for this purpose. Only the minimum identifying data necessary to obtain a report will be released. These reports may be used internally by the Bureau in assessing a debtor's ability to repay a debt or they may be released to a debt collection agency or to the Department of Justice. Claims referred to the Department of Justice for litigation must be accompanied by current credit data. (41 CFR 105.3.) Such reports must support a reasonable prospect of effecting enforced collections. In most cases, a commercial credit report is the only means of obtaining the needed information.

Sections 5, 8, 10, and 13 of the Debt Collection Act, comprise the necessary authority to meet the Privacy Act's "compatibility" requirement for the above-described routine uses. That is, they provide a statutory basis for agencies to assume that such disclosures are compatible with the purpose for which the data was originally collected.

The sixth and final use entails the disclosure of certain debtor information to consumer reporting agencies. The purpose of the disclosure is to make available delinquency and default data to private sector credit grantors. Although Congress, in section 3(d)(1) of the Debt Collection Act, authorized the use of this service as a tool to encourage repayment of an overdue debt, it did not intend for consumer reporting agency disclosures to be treated as general routine uses. To guard against indiscriminate disclosures in this area, Congress placed stringent limitations on the procedures to be observed when releasing debtor information. Hence, before disclosing debtor information, the Bureau will implement the due process requirements established in section 3(d) and only that information directly related to the identity of the debtor and the history of the claim will be released. Debtor information will consist of the following: the individual's name, address, taxpayer identification number, and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

Although disclosure of debtor information to consumer reporting agencies falls under the (b)(12) exemption of the Privacy Act, and not the (b)(3) exemption for routine uses, the intended use by the Bureau of such data is being published at the end of the routine use sections for BPD 00.001, BPD 00.002, and BPD 00.003. This is being done in accordance with OMB's Guidelines on the Relationship of the Debt Collection Act of 1982 to the Privacy Act of 1974. (48 FR 15556, April 11, 1983.) The primary concern is editorial consistency.

DATE: Comments must be received no later than 30 days after the publication of this notice. If no comments are received, the proposed routine uses will become effective September 12, 1983.

ADDRESS: Comments may be sent to: Information Officer, Bureau of the Public Debt, Washington Building, Room 300, 1435 G Street, NW., Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT: Volney M. Taylor (202) 634-5090, Information Officer.

dated: July 19, 1983.

George Astengo,

Acting Assistant Secretary (Administration).

The routine uses data element of the following systems of records notice, as last published in 46 FR 16,582 (1981), is amended to read as follows:

Treasury/BPD 00.001

SYSTEM NAME:

Personnel and Administrative Records—Treasury/BPD

SYSTEM LOCATION:

Bureau of the Public Debt: Washington, DC; Parkersburg, West Virginia; Ravenswood, West Virginia.

Federal Records Center: St. Louis, Missouri.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past, present, and prospective employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All personnel records not mentioned in this system, but maintained at the Bureau, are considered to belong to the Office of Personnel Management and will be reported by that agency. (1) Personnel Folders (Temporary side): Contain the following types of records or information apart from official records, but which may duplicate or supplement official records: Pre-employment records and vouchers; orientation records; requests for personnel action; requests for training; performance evaluation records; letters of reference; debt correspondence; correspondence between an employee and the personnel office; disciplinary action papers; duplicate copies of personnel actions; payroll, leave, and retirement benefits data; compensation forms and reports relating thereto; tax check records; reduction-in-force data; requests for outside employment; merit promotion applications; and credit and employment verification. (2) Locator File: Contains the employee's office and home address and telephone numbers, emergency notification information, and indication of permission or denial to disclose this information upon inquiry. (3) Applications for Employment File: Contains inquiries concerning employment, applicants' résumés, and correspondence. (4) Career Development Program for Lower Level Employees (CADE) Files: Contain, but are not limited to, all pertinent information, such as applications, vouchers, correspondence, developmental plans, and appraisal forms of candidates for the program. (5) Security Investigation Files: Contain background information and the results of investigations conducted by Internal Revenue Service, U.S. Secret Service, or other federal agencies, on Bureau attorneys and certain other employees. (6) Awards Case Files: Contain reports and background data concerning awards for employees. (7) Informal Equal Employment Opportunity Complaint Files: Contain records of informal EEO complaints and discussions thereon which have not reached the level of formal complaints. (8) Administrative Grievance Files: Contain informal or formal grievance complaints and background documentation. (9) General Correspondence Files: Contain inquiry and reply letters and documentation concerning general administrative, policy, transactional, and personnel matters. (10) Union-related Files: Contain formal, informal, contractual, and administrative grievance complaints; background documentation; and reports of union dues participation. (11) Merit Promotion Files: Contain records of competitive promotion actions, including, but not limited to, vacancy announcements, candidates considered, assessments of candidates, and disposition of applications. (12) Exit Interview Files: Contain records of an employee's critique of the Bureau, final interview, and supervisors' recommendations. (13) Suitability Files: Contain information documenting the suitability for employment of prospective and current employees, such as arrest records, National Agency checks, and background information. (14) Budget Files: (a) Employee Travel Records File: Contains travel vouchers, authorizations, and receipts for travel which an employee performed in connection with official business and which is reimbursable by government funds. (b) Comprehensive Listing of Employee Master File: Contains salary, grade, leave, retirement, health-life insurance, tax, payroll deduction, and other information. (c) Time and Attendance Records: Contain the daily posting of an employee's leave and attendance. (15) Medical Records File: Contains pre-appointment and fitness-for-duty medical reports and records. (16) Employee Relations Files: Contain, but are not limited to, retirement and compensation information. (17) Confidential Financial Statements File: Contains personal financial statements required by certain employees as defined in the Department's Minimum Standards of Conduct. (18) Classification Appeals File: Contains statements and peritnent information relating to the adjudication of an appeal. (19) History of Employment File: Contains service record cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C.; Federal Personnel Manual; and Executive Order 11478, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Within the Department of the Treasury, the aforementioned records are routinely used to determine the suitability of an applicant for employment; to conduct an employee's orientation processing; to supplement official personnel records for clarification of pesonnel actions; to authorize deductions of state, local, or District of Columbia taxes from an employee's salary for payroll functions; to provide information for determining the eligibility and suitability of an employee for promotion or award; to appraise an employee's performance following hiring or promotion; to judge the necessity for disciplinary action and to make record of the same; to inform an employee of present leave and retirement benefits status; to make record of all correspondence exchanged between an employee and the Division of Personnel Management for reference purposes; to locate an employee in an emergency situation if the employee's permission was granted; to issue building passes and make record thereof; to record work-related injuries and illnesses and to process compensation therefor; to perform security investigations and to provide security clearance for attorneys and certain other employees in order to protect security information; to furnish Internal Revenue Service, U.S. Secret Service, and other federal agencies with information in the course of their investigations; to document grievances or complaints of discrimination for purposes of hearing and passing decision on a case; to furnish management with information necessary for the hearing and resolution of administrative grievances arising within a labor-management framework; to

record, analyze, and approve travel expenditures; to furnish data needed by the Division of Administrative Services, Division of Financial Management, Division of Personnel Management, and the Division of Management Analysis in the performance of their duties relating to the estimating and accounting for budget expenditures, maintaining records, and providing payroll and personnel data to the Treasury's centralized payroll and personnel information systems, to the individual employee, and to the supervisors who have need of such information in the performance of their duties; to maintain records of correspondence for reference and precedence purposes; to provide Federal income tax filing information on employees, GS grade 14 and above, for the purpose of tax checks; to process and document merit promotion actions; to conduct turnover studies; and to maintain records of those employees who have requested voluntary withholding of union dues.

Routine users of records within the Department are the Bureau's Division of Personnel Management, Division of Financial Management, Division of Administrative Services, and the Division of Management Analysis; the EEO Officers; Internal Revenue Service; U.S. Secret Service; and all other employees who have need of such information in the performance of their authorized duties.

Outside the Department of the Treasury, information is routinely used to furnish other federal agencies with pre-employment information for hiring purposes; to verify debt complaints and employment data upon request by creditors; to respond to requests for information by federal investigative agencies for the purpose of security or criminal investigation and civil or criminal judicial proceedings; to provide data to the Office of Personnel Management, Merit Systems Protection Board, and other federal agencies upon authorized requests; to supply federal agencies and others with data necessary for employee compensation; to provide union representatives, arbitrators, and other third parties responsibe for the administration of the federal labor-management relations program with information needed in the performance of their authorized duties under a Bureau-union contract or E.O. 11491, as amended; to disclose data to Members of Congress who inquire on behalf of constituents; to disclose data to next-of-kin, voluntary guardian, and other representative or successor in interest of a deceased or incapacitated employee or former employee; to furnish another federal agency information to effect inter-agency salary offset; to furnish another federal agency information to effect inter-agency administrative offset; to furnish a consumer reporting agency information to obtain commercial credit reports; and to furnish a debt collection agency information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service and which become a part of this system are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services.

Routine users outside the Department are other federal agency personnel offices; the Office of Personnel Management; U.S. Department of Labor, Office of Employees Compensation; State unemployment offices; union representatives, arbitrators, and other third-parties who have responsibilities under a Bureau-union contract or E.O. 11491, as amended, for the administration of the Federal labor-management relations program as described in the routine use; creditors; federal agencies; consumer reporting agencies to obtain credit reports; debt collection agencies; Members of Congress; next-of-kin; and voluntary guardian and other representative or successor in interest.

For Additional Routine Uses, see Department of the Treasury Annual Publication of Systems of Records, Appendix AA.

Disclosures pursuant to 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982: Debt information concerning a Government claim against an employee is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982, to consumer reporting agencies to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic media, paper, and microform.

RETRIEVABILITY:

By name, and in some cases, social security number.

SAFEGUARDS:

Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of the Bureau who are subject to the Bureau's personnel screening procedures and to the Treasury Department Code of Conduct. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

RETENTION AND DISPOSAL:

Records are maintained in accordance with GSA and OPM retention schedules. All records are destroyed by incineration, maceration, or shredding. Records in electronic media are electronically erased using accepted techniques.

SYSTEM MANAGER(S) AND ADDRESS:

For administrative records: Commissioner, Bureau of the Public Debt, Washington, D.C. 20226. For personnel records: Director, Division of Personnel Management, Bureau of the Public Debt, Washington, D.C. 20226.

NOTIFICATION PROCEDURE:

Address administrative inquiries and initial requests for correction of records to: Privacy Act Request, Commissioner, Bureau of the Public Debt, Washington, D.C. 20226, (202) 376–0249. Address personnel inquiries and initial requests for correction of records to: Privacy Act Request, Director, Division of Personnel Management, Bureau of the Public Debt, Washington, D.C. 20226, (202) 447–1297; or Privacy Act Request, Personnel Officer, Savings Bonds Operations Office, Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101, (304) 422–8551.

RECORD ACCESS PROCEDURES:

Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests for access to records: (1) A request for access to records should be in writing, signed by the individual concerned, and in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) Requests for records concerning a deceased or incapacitated

individual should be accompanied either by evidence of the requester's appointment as legal representative of the estate or the individual or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual. (4) The request must state whether the requester wishes to be notified that the record exists or desires to inspect or obtain a copy of the record. If a copy of the record is desired, the requester must agree to pay the fees for copying the documents in accordance with 31 CFR Part 1, Subpart C.

Requests for correction of records: (1) A request by an individual for correction of records should be in writing, be signed, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor. (3) The request must include any available evidence in support of the request.

Appeals from an initial denial for a request for correction of records: (1) An appeal from an initial denial of a request for correction of records must be in writing, be signed by the individual involved, and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the records to which the appeal relates, (b) the date of the initial request made for correction of the records; and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requester's disagreement with the initial denial of correctin and must include any applicable supporting evidence. (5) Appeals should be addressed to the Commissioner, Bureau of the Public Debt, Washington, D.C. 20226, or as otherwise provided in the applicable appendix to 31 CFR Part 1, Subpart C.

CONTESTING RECORD PROCEDURES:

See "Notification Procedure" and "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Information on records in the system is furnished by the individuals listed in "Categories of Individuals" or their authorized representatives, by creditors, by supervisors, medical personnel, other employees, or as the result of security investigations.

Treasury/BPD 00.002

SYSTEM NAME:

United States Savings-Type Securities—Treasury/BPD

SYSTEM LOCATION:

Bureau of the Public Debt: Washington, D.C. 20226; Parkersburg, West Virginia 26101; and Ravenswood, West Virginia 26164. Federal Reserve Banks and Branches located at: Atlanta, Georgia; Baltimore, Maryland; Birmingham, Alabama; Boston, Massachusetts; Buffalo, New York; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Texas; Denver, Colorado; Detroit, Michigan; El Paso, Texas; Jacksonville, Florida; Helena, Montana; Houston, Texas; Kansas City, Missouri; Little Rock, Arkansas; Louisville, Kentucky; Los Angeles, California; Memphis, Tennessee; Miami, Florida; Minneapolis, Minnesota; Nashville, Tennessee; New Orleans, Louisiana; New York, New York; Oklahoma City, Oklahoma; Omaha, Nebraska; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Portland, Oregon; Richmond, Virginia; Salt Lake City, Utah; San Antonio, Texas; San Francisco, California; Seattle, Washington; and St. Louis, Missouri. Federal Records Centers located at: Waltham, Massachusetts; New York, New York; Bayonne, New Jersey; Philadelphia, Pennsylvania; Mechanicsburg, Pennsylvania; Washington, DC; East Point, Georgia; Chicago, Illinois; Dayton, Ohio; Kansas City, Missouri; St. Louis, Missouri; Fort Worth, Texas; Denver, Colorado; San Bruno, California; Laguna Niguel, California; and Seattle, Washington.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former owners of, claimants to, persons entitled to, and inquirers concerning United States savings-type securities and interest thereon—including, but not limited to, United States Savings Bonds, Savings Notes, Retirement Plan Bonds, and Individual Retirement Bonds.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Issuance: Records relating to registration, issuance, and correspondence in connection with issuance of savings-type securities. (2) Holdings: Records documenting ownership, status, payments by date and account numbers, and inscription information; interest activity; correspondence in connection with notice of change of name and address; non-receipt or over- and underpayments of interest and principal; and numerical registers of ownership. Such records include information relating to savings-type securities held in safekeeping in conjunction with the Department's program to deliver such securities to the owners or persons entitled. (3) Transactions (redemptions, payments, and reissues): Records, which include securities transaction requests; interest activity; legal papers supporting transactions; applications for disposition or payment of securities and/or interest thereon of deceased or incapacitated owners; records of retired securities; and payment records. (4) Claims: Records including correspondence concerning lost, stolen, destroyed or mutilated savings-type securities; bonds of indemnity; legal documents supporting claims for relief; and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning savings-type securities and/or interest thereon.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3101 *et seq.* and 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Within the Department of the Treasury, the information contained in this system of records is routinely used in connection with the issuance of securities, the payment of interest thereon, processing of claims therefor, responding to inquiries thereon, processing of transactions therein and the redemption and retirement thereof. The information in this system of records is also routinely used for claims of the Department. users for these purposes are officials, authorized employees, and agents of the Department for the purpose of administering the Public Debt of the United States. Information in this system is also routinely furnished to the Internal Revenue Service for use by officials and authorized employees for the purpose of facilitating collection of tax revenues by the United States. In addition to these uses within the Department, disclosures outside the Department are made as follows: (1) Information concerning holdings is furnished to the next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities, and others entitled in connection with

reissue, distribution, or payment thereof; users for this purpose are as described for the purpose of assuring equitable and lawful disposition of securities and/or interest. (2) Information is routinely furnished, when appropriate, pertaining to securities to the United States Secret Service for inclusion in the National Crime Information Center of the Federal Bureau of Investigation, Department of Justice, and to other federal agencies; users for this purpose are law enforcement officials, for the purpose of reducing monetary losses of the United States and to aid in law enforcement. (3) Information is routinely disclosed pertaining to holdings of securities, interest thereon, and transactions therein to the Department of Justice in connection with lawsuits to which the Department of the Treasury is a party and to Trustees in Bankruptcy; users are federal officials for the purpose of carrying out their duties. (4) Information is routinely disclosed to the Veterans Administration and selected veterans publications in connection with attempts to locate owners, or their next-of-kin or persons otherwise entitled to bonds undeliverable and being held in safekeeping by the Department. (5) Information regarding records of holdings of securities registered in co-ownership form is routinely disclosed to either co-owner upon request. Information regarding records of holdings for securities registered in beneficiary form ("P.O.D.") is routinely disclosed to the beneficiary named thereon, provided acceptable proof of death of the registered owner is submitted. (6) Information regarding holdings is routinely disclosed to Members of Congress who inquire on behalf of constituents. (7) Information concerning claims of the Government arising from holdings of securities and transactions therein is routinely disclosed to consumer reporting agencies to obtain credit reports, to debt collection agencies for collection services, and to federal agencies for salary or administrative offset. (8) Current mailing addresses acquired from the Internal Revenue Service and which become a part of this system are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services.

For additional routine uses, see Department of the Treasury Annual Publication of Systems of Records, Appendix AA.

Disclosures pursuant to 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982: Debtor information is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982, to consumer reporting agencies to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are stored in their original form in file cabinets, as information in electronic media, or on microform.

RETRIEVABILITY:

Information can be retrieved alphabetically by name, bond serial numbers, or, in some cases, numerically by social security number. In the case of securities, except Series G savings bonds, registered in more than one name, information relating thereto can only be retrieved by the name, or, in some cases, the social security number of the first-named co-owner.

SAAFEGUARDS:

Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied either by officers and responsible employees of the Department who are subject to personnel screening procedures and to the Treasury Department Code of Conduct or by agents of the Department who are required by the Department to maintain proper control over records while in their custody. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable to retrieve information in meaningful form. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physicial security measures.

RETENTION AND DISPOSAL:

Records of holdings, forms, documents, and other legal papers which constitute the basis for transactions subsequent to original issue are maintained for such time as is necessary to protect the legal rights and interests of the U.S. Government and the persons affected, or othewise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Service, General Services Administration. All records are destroyed by shredding, incineration, or maceration. Records in electronic media are electronically erased using accepted techniques.

SYSTEM MANAGER(S) AND ADDRESS:

Commissioner, Bureau of the Public Debt, Washington, DC 20226.

NOTIFICATION PROCEDURE:

Address inquiries and initial requests for correction of records to: Privacy Act Request, Assistant Commissioner, Savings Bond Operations Office, Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101, (304) 422-8551. Inquiries should include the full name, social security number, address, and security serial number(s), if known.

RECORD ACCESS PROCEDURES:

Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests for access to records: (1) A request for access to records must be in writing, signed by the individual concerned, and in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) In the case of requests for information concerning holdings of securities, the type of security involved (i.e., Series E and EE savings bonds, Series H and HH savings bonds, savings notes, retirement plan bonds) must be specified. Additionally, the request should to the extent possible, specify: the approximate date of issue, serial number(s), exact form of registration, social security number, and address. Requests which do not furnish all or some of the above information will be complied with to the extent possible, but may be subject to the requirement that additional identifying evidence be furnished. (4) Requests for information concerning records of holdings of securities, except Series G savings bonds registered in co-ownership form, must be accompanied by the name and, wherever possible, the social security number of the first-named-co-owner. Requests for information concerning

securities registered in beneficiary form must also be accompanied by the name and social security number of the owner thereof and, if made by the beneficiary, must be accompanied by proof of death of the registered owner. (5) Requests for records of holdings or other information concerning a deceased or incapacitated individual should be accompanied either by evidence of the requester's appointment as legal representative of the estate or the individual or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual. (6) The request must state whether the requester wishes to be notified that the record exists or desires to inspect or obtain a copy of the record. If a copy of the record is desired, the requester must agree to pay the fees for copying the documents in accordance with 31 CFR Part 1, Subpart C.

Requests for correction of records: (1) A request by an individual for correction of records should be in writing, be signed, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence with the Bureau concerning the records in question; (b) the specific records alleged to be incorrect; (c) the correction requested; and (d) the reasons therefor. (3) The request must include any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) An appeal from an initial denial of a request for correction of records must be in writing, be signed by the individual involved and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the records to which the appeal relates; (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requester's disagreement with the initial denial of correction and must include any applicable supporting evidence. (5) Appeals should be addressed to the Commissioner, Bureau of the Public Debt, Washington, D.C. 20226, or as otherwise provided in the applicable appendix to 31 CFR Part 1, Subpart C.

CONTESTING RECORD PROCEDURES:

See "Notification Procedure" and "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Information on records in this system is furnished by the individual or their authorized representatives as listed in "Categories of Individuals" and issuing agents for securities or is generated within the system itself.

Treasury/BPD 00.003

SYSTEM NAME:

United States Securities (Other than Savings-Type Securities)—Treasury/BPD.

SYSTEM LOCATION:

Bureau of the Public Debt: Washington, DC 20226; Parkersburg, West Virginia 26101; and Ravenswood, West Virginia 26164. Federal Reserve Banks and Branches located at: Atlanta, Georgia; Baltimore, Maryland; Birmingham, Alabama; Boston, Massachusetts; Buffalo, New York; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Texas; Denver, Colorado; Detroit, Michigan; El Paso, Texas; Jacksonville, Florida; Helena, Montana; Houston, Texas; Kansas City, Missouri; Little Rock, Arkansas; Louisville, Kentucky; Los Angeles, California; Memphis, Tennessee; Miami, Florida; Minneapolis, Minnesota; Nashville, Tennessee; New Orleans, Louisiana; New York, New York; Oklahoma City, Oklahoma; Omaha, Nebraska; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Portland, Oregon; Richmond, Virginia; Salt Lake City, Utah; San Antonio, Texas; San Francisco, California; Seattle, Washington; and St. Louis, Missouri. Federal Records Centers located at: Waltham, Massachusetts; New York, New York; Bayonne, New Jersey; Philadelphia, Pennsylvania; Mechanicsburg, Pennsylvania; Washington, DC; East Point, Georgia; Chicago, Illinois; Dayton, Ohio; Kansas City, Missouri; St. Louis, Missouri; Fort Worth, Texas; Denver, Colorado; San Bruno, California; Laguna Niguel, California; and Seattle, Washington.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

President and former owners of, subscribers to, claimants to, persons entitled to, and inquirers concerning United States Treasury Securities (except savings-type securities) and interest thereon and such securities for which the Treasury acts as agent and interest thereon—including, but not limited to, Treasury Bonds, Notes and Bills; Adjusted Service Bonds; Armed Forces Leave Bonds; and Federal Housing Administration Debentures.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Issuance: Records relating to tenders, bids, subscriptions, advices of shipment, requests (applications) for original issue, and correspondence concerning erroneous issue and non-receipt of securities. (2) Holdings: Records of ownership and interest activity on registered or recorded United States securities (other than savings-type securities); change of name and address notices; correspondence concerning errors in registration or recordation; non-receipt or over- and underpayments of interest and principal; records of interest activity; records of unclaimed accounts; and letters concerning the New York State tax exemption for veterans of World War I. (3) Transactions (redemptions, payments, reissues, transfers, and exchanges): Records which include securities transaction requests; legal papers supporting transactions; applications for transfer, disposition, or payment of securities of deceased or incompetent owners; records of Federal estate tax transactions; certificates of ownership covering paid overdue bearer securities; records of erroneous redemption transactions; records of retired securities; and payment records. (4) Claims: Records including correspondence concerning lost, stolen, destroyed, or mutilated United States securities (other than savings-type securities) or securities for which the Treasury acts as agent and interest coupons thereon; bonds of indemnity; legal documents supporting claims for relief; and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning United States Treasury securities (other than savings-type securities) or securities for which the Treasury acts as agent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3101 *et seq.* and 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Within the Department of the Treasury, the information contained in this system of records is routinely used in connection with the issuance of securities, the payment of interest thereon, processing of claims therefor, responding to inquiries thereon,

processing of transactions therein and the redemption and retirement thereof. The information in this system of records is also routinely used for effecting inter-agency salary and administrative offsets for claims of the Department. Users for these purposes are officials, authorized employees, and agents of the Department for the purpose of administering the Public Debt of the United States. Information in this system is also routinely furnished to the Internal Revenue Service for use by its officials and authorized employees for the purpose of facilitating collection of tax revenues by the United States. In addition to these uses within the Department, disclosures outside the Department are made as follows: (1) Information concerning holdings is furnished to the next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities, and others entitled in connection without transfer, exchange, distribution or payment thereof; users for this purpose are as described for the purpose of assuring equitable and lawful disposition of securities and/or interest. (2) Information is routinely furnished pertaining to securities reported as lost or stolen to the United States Secret Service for inclusion in the National Crime Information Center of the Federal Bureau of Investigation, Department of Justice, and to other federal agencies; users for this purpose are law enforcement officials, for the purpose of reducing monetary losses of the United States and to aid in law enforcement. (3) Information is routinely disclosed pertaining to holdings of securities and transactions therein to the Department of Justice in connection with lawsuits to which the Bureau is a party; users are law enforcement officials for the purpose of administration of justice. (4) Information concerning holdings of Armed Forces Leave Bonds is routinely furnished to the Veterans Administration in connection with redemption or disposition of these securities. Users of the resultant information furnished by the Veterans Administration are officers and authorized employees of the Bureau, for the purpose of making proper disposition of these bonds. (5) Information regarding records of holdings of securities registered or recorded in the names of two or more owners is routinely disclosed to either owner. (6) Information regarding holdings is routinely disclosed to Members of Congress who inquire on behalf of constituents. (7) Information concerning debts arising from holdings of securities and transactions therein is routinely disclosed to consumer reporting agencies to obtain credit reports, to debt collection agencies for collection services, and to federal agencies for salary and administrative offset. (8) Current mailing addresses acquired from the Internal Revenue Service and which become a part of this system are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services.

For additional routine uses, see Department of the Treasury Annual Publication of Systems of Records, Appendix AA.

Disclosures pursuant to 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982: Debtor information is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982, to consumer reporting agencies to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this sytem are stored in their original form in file cabinets, as information in electronic media, or on microform.

RETRIEVABILITY:

Information can be retrieved by social security or account number, or, in some cases, alphabetically by name or numerically by security serial number. In the case of securities registered in more than one name, information relating thereto can generally only be retrieved by social security number or by the name of the first-named owner.

SAFEGUARDS:

Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied either by officers and responsible employees of the Department who are subject to personnel screening procedures and to the Treasury Department Code of Conduct or by agents of the Department who are required by the Department to maintain proper control over records while in their custody. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable to retrieve information in a meaningful form. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

RETENTION AND DISPOSAL:

Records of holdings, forms, documents, and other legal papers which constitute the basis for transactions subsequent to original issue are maintained for such time as is necessary to protect the legal rights and interests of the U.S. Government and the persons affected, or otherwise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Service, General Services Administration. All records are destroyed by shredding, incineration, or maceration. Records in electronic media are electronically erased using accepted techniques.

SYSTEM MANAGER(S) AND ADDRESS:

Commissioner, Bureau of the Public Debt, Washington, DC 20226.

NOTIFICATION PROCEDURE:

Address inquiries and initial requests for correction of records to: Privacy Act Request, Assistant Commissioner, Washington Office, Bureau of the Public Debt, Washington, DC 20226, (202) 447-9862. Inquiries should include the full name, social security number, address, and security serial number(s), if known.

RECORD ACCESS PROCEDURES:

Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests for access to records: (1) A request for access to records must be in writing, signed by the individual concerned, and, in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) In the case of requests for information concerning records of holdings of securities, the type of security involved (e.g., Treasury Notes, Armed Forces Leave Bonds, Adjusted

Service Bonds) must be specified. Additionally, the request should, to the extent possible, specify: the loan and issue, approximate date of issue, denomination, serial number(s), exact form of registration, social security number, and address. Requests which do not furnish some or all of the latter information will be complied with to the extent possible but may be subject to the requirement that additional identifying evidence be furnished. (4) Requests for records of holdings of securities registered in the name of more than one person should include the name and, wherever possible, social security number of the first-named owner. (5) Requests for records of holdings or other information concerning a deceased or incapacitated individual must be accompanied either by evidence of the requester's appointment as legal representative of the estate or the individual or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual. (6) The request must state whether the requester wishes to be notified that the record exists or desires to inspect or obtain a copy of the record. If a copy of the record is desired, the requester must agree to pay the fees for copying the documents in accordance with 31 CFR Part 1, Subpart C.

Requests for correction of records: (1) A request by an individual for correction of records should be in writing, be signed, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence with the Bureau concerning the records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor. (3) The request must include any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) An appeal from an initial denial of a request for correction of records must be in writing, be signed by the individual involved, and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the records to which the appeal relates, (b) the date of the initial request made for correction of the records; and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requester's disagreement with the initial denial of correction and must include any applicable supporting evidence. (5) Appeals should be addressed to the Commissioner, Bureau of the Public Debt, Washington, DC 20226, or as otherwise provided in the applicable appendix to 31 CFR Part 1, Subpart C.

CONTESTING RECORD PROCEDURES:

See "notification Procedure" and "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Information contained in records in the system is furnished by the individuals or their authorized representatives as listed in "Categories of Individuals," or is generated within the system itself.

[FR Doc. 83-22130 Filed 8-11-83; 8:45 am]

BILLING CODE 4810-40-M

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

On August 8, 1983, the Department the of 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, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545-00122
Form Number: 1118
Title: Computation of Foreign Tax Credit
OMB Number: 1545-0001
Form Number: CT-1
Title: Employer's Annual Railroad Retirement Tax Return
OMB Number: 1545-0230
Form Number: 6458
Title: Certification and Election Form
OMB Number: 1545-0145
Form Number: 2439
Title: Notice to Shareholders on Undistributed Long Term Capital Gains
OMB Number: 1545-0704
Form Number: 5471
Title: Information Return with Respect to a Foreign Corporation
OMB Reviewer: Norman Frumkin, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: August 8, 1983.

Rita A. DeNagy,

Departmental Reports, Management Office.

[FR Doc. 83-22030 Filed 8-11-83; 8:45 am]

BILLING CODE 4810-25-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Footwear Industries of America, Inc., et al.; Decision Not To Initiate an Investigation Under Section 301 of the Trade Act of 1974

On June 29, 1983, a petition for relief under Section 301 of the Trade Act of 1974 was filed by Footwear Industries of America, Inc., et al. The petition alleged, in pertinent part, that the governments of France, the United Kingdom, Taiwan, Korea, Brazil, and Japan have diverted footwear exports to the United States through trade restrictive practices which are inconsistent with the Provisions of the General Agreement on Tariffs and Trade or are unjustifiable, unreasonable or discriminatory and a burden on U.S. commerce within the meaning of Section 301. Petitioners alleged that France and the United Kingdom had each entered into bilateral restraint agreements regarding footwear imports with the governments of Taiwan and Korea. Petitioners argued that the actions of France, the United Kingdom, Taiwan and Korea in entering into and maintaining the agreements constitute quantitative import restraints which are inconsistent with Articles I and XI of the General Agreement on Tariffs and Trade. The petition also alleged that Brazil has suspended footwear import licenses and employs excessive tariffs on footwear imports and that Japan has imposed a worldwide quota on leather footwear through its licensing system. It was argued that all of these practices have caused an increase in U.S. nonrubber footwear imports. Finally, it was also claimed that France has instituted a "Leather Plan" reducing access to its footwear markets to the detriment of the United States.

On August 1, 1983, the United States Trade Representative (USTR) decided not to initiate an investigation on the basis of the petition on the ground that information sufficient to warrant an investigation has not been presented.

This decision was made without prejudice to the petitioners' ability to refile a petition containing all necessary information to support the allegations contained therein.

The petition fails to demonstrate that any governmental agreements exist between France and Taiwan or Korea or between the U.K. and Taiwan or Korea. Additionally, no causal link has been shown between decreasing French and U.K. footwear imports and increasing U.S. imports of this product. There is insufficient evidence that France has instituted footwear import restriction plan. Furthermore, while there is adequate data pointing out the loss of Brazilian and Japanese footwear markets due to import restrictions inconsistent with the GATT, the petitioners have failed to provide sufficient evidence of diversion of exports to the U.S. market and consequent damage to the U.S. industry caused by these actions.

While we have determined that the petition is not sufficient to support the initiation of an investigation on the question of whether diversion may result from the Japanese actions, we can raise this issue during the ongoing Article XXII negotiations with Japan.

Jeanne S. Archibald,

Chairman, Section 301 Committee.

[FR Doc. 83-22079 Filed 8-11-83; 8:45 am]

BILLING CODE 3190-01-M

UNITED STATES INFORMATION AGENCY

President's International Youth Exchange Initiative; Selective Assistance Through Limited Grant Support to Not-for-Profit Organizations

The United States Information Agency (USIA) announces a program of selective assistance through limited grant support to private not-for-profit organizations for programs in support of the President's International Youth Exchange Initiative.

The purpose of the program is to encourage an increase in the level and quality of youth exchanges between the United States and other countries in order to strengthen a shared understanding of, and commitment to, basic democratic values.

The primary focus of the program will be on exchanges between the United States and the other six participants in the annual Economic Summit (Canada, United Kingdom, Federal Republic of Germany, France, Italy and Japan). Proposals for exchanges with other countries will not be accepted at this time.

Private sector not-for-profit organizations meeting eligibility requirements and interested in working cooperatively with USIA are invited to submit concept papers to the International Youth Exchange Staff.

Program Proposal Content

The following categories for the program have been established for this competition:

Category I: Academic Exchanges

1. Participant type—Students from 15 to 19 years old from the specified countries.

2. Program Length—Five months to a full academic year in a recognized academic institution; shorter-term programs of six weeks or longer, which may take place during summer or other vacation periods; school-to-school exchanges of not less than three weeks, with reciprocal exchanges of comparable length.

3. Homestay—A homestay for the full period of residency is an essential element of the program.

Category II: Non-academic Exchanges

1. Participant type—15–22 year olds engaged in intercultural learning programs designed specifically for non-academic participants, such as young workers, business interns, farm youth from the specified countries.

2. Program length—Generally three-four weeks or longer.

3. Homestay—Homestays for the full period of residency are preferred.

Objectives:

1. The primary objective is to expand the number of existing youth exchanges and assist in the initiation of new exchange activities.

2. The secondary objective is to support activities that improve the climate for youth exchanges in the sending and receiving countries and enhance the quality of the exchange experience.

Eligibility

Academic, cultural and not-for-profit exchange-of-persons organizations are eligible to apply. Organizations should be able to demonstrate a proven record (four years) of work in the field (except for pilot projects, as noted below). To be eligible activities must fall within the purposes of the Mutual Education and Cultural Exchange (Fulbright-Hays) Act. Organizations with less than four years experience in youth exchanges will be considered only for pilot projects (Grants of less than $60,000).

Priority will be given to organizations with national or regional volunteers. Organizations must be capable of meeting the "Criteria for Teen-ager Exchange Visitors Programs" or "Criteria for Practical Trainees", which may be obtained by writing to the USIA address listed at the end of this announcement.

Grant Guidelines

The first phase will focus on the identification of not-for-profit organizations whose proposed activities most clearly complement or coincide with the purposes of the President's initiative and are competent to address the program concepts outlined.

USIA grant assistance should constitute only a portion of total project funding. Continuing projects for which USIA assistance is requested should include an acceptable plan for leading to a self-sustaining status. USIA support is limited to one year under normal circumstances.

Concept papers will be judged on the basis of the following criteria:

The proposed activity should contribute to the sustained, long-term development of youth exchanges

The project should be cost effective

The project should show promise of generating additional private exchange activity

The project should enhance the quality of the exchange visitors' experience

The organization should demonstrate the capability of managing and conducting the exchange (adequate field personnel, administrative support mechanisms, etc.) without extensive subcontracting

Reciprocity of exchanges will be regarded as a positive factor.

Under this program USIA will not finance: preparation of research studies; the underwriting of exchange activities which are already being carried out or of operating costs; any project which is designed to lobby elected officials or promote politically partisan views; projects whose aim is to promote religious activities.

All grant proposals are subject to the annual level of appropriated funds and private sector contributions available for this initiative. USIA currently estimates that approximately $1,000,000 will be available to fund modest grant agreements to further the purposes outlined above during this grant cycle. We anticipate the possibility of another grant competition early next year.

This is not a Solicitation for Grant Proposals

Interested organizations are invited to forward (to the address given below) 10 copies of a brief two to three page concept paper, outlining the objective of their proposed activity and the nature of the project. Please also include: a copy of the organization's charter; a list of the board of directors; a budgetary summary which notes the probable contributions of the organization or other sources to the total cost of the proposed project; and curricula vitae on the principal project staff. USIA will review these promptly and recommend whether a full proposal should be submitted and at that time will forward detailed guidelines. It should be understood that USIA's recommendation to prepare a detailed grant proposal does not necessarily guarantee the approval of the proposal.

In order to be considered for funding in this competition concept papers should be received by USIA not later than six weeks following that date of publication of this announcement.

For further information on participation in the President's International Youth Exchange Initiative, interested organizations should contact: The International Youth Exchange Staff, Bureau of Educational and Cultural Affairs (E/YX), U.S. Information Agency, Washington, D.C. 20547 or call (202) 485–7299.

Dated: August 8, 1983.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 83-22049 Filed 8-11-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 157
Friday, August 12, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552(e)(2)), notice is hereby given that at its open meeting held at 2 p.m. on Monday, August 8, 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 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 liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,429-L (Amended): Franklin National Bank, New York, New York
Case No. 45,747-L: American City Bank, Los Angeles, California

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: August 8, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1158-83 Filed 8-10-83; 8:49 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

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 Monday, August 8, 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 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:

Recommendation regarding the Corporation's assistance agreement involving an insured bank pursuant to Section 13 of the Federal Deposit Insurance Act.

Application for assistance under section 13(c) of the Federal Deposit Insurance Act: Name and loation of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

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)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: August 8, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1159-83 Filed 8-10-83; 8:49 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:40 p.m. on Friday, August 5, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The First National Bank of Danvers, Danvers, Illinois, which was closed by the Comptroller of the Currency on Friday, August 5, 1983; (2) accept the bid for the transaction submitted by First State Bank of Danvers, Danvers, Illinois, a newly-chartered State nonmember bank; (3) approve the applications of First State Bank of Danvers, Danvers, Illinois, for Federal deposit insurance, and for consent to purchase the assets of and to assume the liability to pay deposits made in The First National Bank of Danvers, Danvers, Illinois; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters 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 maters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: August 9, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1160-83 Filed 8-10-83; 8:49 am]

BILLING CODE 6714-01-M

4

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, August 17, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Request by the General Accounting Office for Board comment on a draft report regarding examination and supervision of financial institutions.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: August 9, 1983.

James McAfee,

Associate Secretary of the Board.

[S-1161-83 Filed 8-10-83; 9:20 am]

BILLING CODE 6210-01-M

5

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 2:30 p.m., Monday, August 22, 1983.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731-TA-101 (final) (Greigs Polyester/Cotton Printcloth from the People's Republic of China)—briefing and vote.
6. Investigation 731-TA-138 (preliminary) (Certain Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1163-83 Filed 8-10-83; 2:29 pm]

BILLING CODE 7020-02-M

6

LEGAL SERVICES CORPORATION

Committee on Operations and Regulations

TIME AND DATE: 10 a.m.-12 p.m., Tuesday, August 23, 1983.

PLACE: GSA Central Office Auditorium, 18th and "F" Streets NW., First floor, Washington, D.C. 20005.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Proposed Eligibility Regulations
2. Report from the General Counsel.
3. Report from the Office of Government Relations.

CONTACT PERSON FOR MORE INFORMATION: Michele Surface, Office of the President (202) 272-4040.

Dated: August 10, 1983.

Alan Swendiman,

General Counsel.

[S-1164-83 Filed 8-10-83; 3:16 pm]

BILLING CODE 6820-35-M

7

NATIONAL SCIENCE BOARD

DATE AND TIME:

August 18, 1983, 8:30 a.m., open session;
August 19, 1983, 9:00 a.m., closed session;
August 19, 1983, 9:45 a.m., open session.

PLACE: National Science Foundation, Washington, D.C.

STATUS: Most of this meeting will be open to the public. Parts of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Open Session:

Thursday, August 18, 1983—8:30 a.m.

1. Minutes—June 1983 Meeting.
2. Chairman's Items.
3. Director's Report.
4. NSB Statement on "The Engineering Mission of NSF Over the Next Decade."
5. Policy on Protection of Human Subjects.
6. Recommendations of Ad Hoc Committee on NSB Research Support.
7. Proposed Transfer of National Bureau of Standards.
8. Report on "A National Computing Environment for Academic Research."

Friday, August 19, 1983—9:45 a.m.

9. Grants, Contracts, and Programs.
10. NSF Budget Request for Fiscal Year 1985.
11. Reports of Board Committees.
12. Board Representation at Advisory Committee and Other Meetings.
13. Other Business.
14. Next Meetings.

Closed Session:

Friday, August 19, 1983—9 a.m.

A. NSB Nominees.
B. NSF Staff Nominees.
C. Nominees for Alan T. Waterman Award Committee.
D. Grants, Contracts, and Programs.

[S-1165-83 Filed 8-10-83; 3:31 pm]

BILLING CODE 7555-01-M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 34571, July 29, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., August 11, 1983.

CHANGES IN THE MEETING: Meeting *rescheduled for 2:30 p.m.* on August 11, 1983.

Dated: August 10, 1983.

[S-1162-83 Filed 8-10-83; 11:09 am]

BILLING CODE 7600-01-M

9

SYNTHETIC FUELS CORPORATION

ENTITY: United States Synthetic Fuels Corporation.

ACTION: Notice of Meeting

SUMMARY: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held on the date and at the time and place specified below by telephone conference call. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1) and Section 4 of the Corporation's Statement of Policy on Public Access to Board Meetings.

MATTER TO BE CONSIDERED:

Identification of Qualified Bidders, Competitive Solicitation for Gulf Province Lignite Gasification Projects.

In addition, The Board of Directors will consider such others matters as may properly be brought before the meeting.

DATE AND TIME: August 18, 1983 at 4:00 p.m. (EDT)

Note.—It may be necessary to change this date and time, in which case an amended notice will be published. Interested parties should contact the Corporation.

PLACE: Room 503, 2121 K Street, NW., Washington, D.C. 20586.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Legal Services Group (202) 822-6336.

[S-1166-83 Filed 8-11-83; 11:25 am]

BILLING CODE 0000-00-M

federal register

Friday
August 12, 1983

Part II

Department of Labor

Wage and Hour Division

Migrant and Seasonal Agricultural Worker Protection Regulations; Final Rule

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 500

Migrant and Seasonal Agricultural Worker Protection Regulations

AGENCY: Wage and Hour Division, Labor.

ACTION: Final rule.

SUMMARY: This document provides the final text of Regulation 29 CFR Part 500, implementing the Migrant and Seasonal Agricultural Worker Protection Act (Pub. L. 97–470) 29 U.S.C., 1801 et seq. (MSPA). The Act became effective on April 14, 1983. Interim regulations were published on April 12, 1983. This document provides the Department's response to the comments on those interim regulations. In addition, changes have been made to correct typographical errors, to clarify various sections of the regulations, particularly those relating to motor vehicle safety, insurance standards and housing safety and health standards, and to revise the administrative procedures in light of the rules of practice which have been adopted for the Department's Office of the Adminstrative Law Judges.

DATE: These final regulations will become effective September 12, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. William M. Otter, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523–8305.

SUPPLEMENTARY INFORMATION: On Tuesday, April 12, 1983, interim regulations and a request for comments on the Migrant and Seasonal Agricultural Worker Protection Regulations were published in the **Federal Register** (48 FR 15800).

Interested persons were afforded the opportunity to submit comments to the Wage and Hour Division within 30 days after publication of the interim regulations in the **Federal Register**. Agricultural associations, State and local governmental agencies, business organizations, organizations representing farmworkers and individuals submitted 57 timely comments which were reviewed. We also reviewed four comments which were received after the specified date. The interim regulations published on April 12, 1983, have been extended by a companion document published in today's issue of the **Federal Register**. That extension of the interim regulations is effective until these final regulations become effective. The following summarizes the substantive comments which were received, states the Department's response to those comments, and indicates the changes which have been made in the rules as a result of those comments on a section-by-section basis.

Section 500.1 Purpose and scope.

One commenter urged expansion of the wording in subsection (f) to include the fine and restitution provisions of the Employment and Training Administration (ETA) regulations pertaining to discontinuance of services to employers by the job service system. This section was clarified by adding a reference to 20 CFR 658.502(a)(4) which specifies the standards necessary for compliance with those ETA regulations.

Section 500.7 Investigation authority of the Secretary.

Several commenters expressed the view that the language of this section expanded the investigative authority of the Secretary, because the statutory language does not include the words "as he deemed necessary." The powers which the Secretary is authorized to exercise under section 512 are designed to confer discretion on the Secretary and not to limit its exercise. The phrase "as he deems necessary" reflects that discretion. Consequently, no change was made.

Section 500.9 Discrimination prohibited.

Subsection (b) has been clarified, in accordance with a comment which was received, to state specifically that a complaint may be filed no later than 180 days after an alleged violation occurs.

Section 500.20(g) Day-haul.

Some commenters suggested that the definition of carpooling be broadened; some suggested that it be narrowed. Others believed that it was correct as written; that worker carpools are not included within the scope of day-haul operations. The Department believes that its definition was essentially correct, but is revising it slightly to exclude arrangements "specifically directed or requested by" an employer or a farm labor contractor. This change incorporates the legislative intent regarding transportation regulated by the Act: "that voluntary agreements between individual workers for the transportation to and from their place of employment (carpooling) for which they receive no fee or other benefit from the employer is not within the scope of this section." (H.R. Report No. 97–885 p. 19). The adopted language, consistent with the legislative history of the Act, recognizes a middle ground between the more inclusive "involving" suggested by farmworker representatives and the more limiting "operated by" suggested by employer groups.

Section 500.20(h)(4) Joint employment.

Comments received from both migrant and grower representatives suggested additions to or deletions from the listing of factors to be considered in determining the existence of "joint employment" under MSPA. Farmworker representatives recommended expanding both the listing of the indicia for such a determination and the court cases supporting same, while agricultural employer representatives recommended either deletion of the section entirely or the elimination of the court citations contained therein.

The Department believes that its definition of joint employment is consistent with both the language of the Act and its legislative history, and, therefore, has determined not to change it. The Act's legislative history clearly establishes that the use of the term "employ" in subsection 3(5) of MSPA was deliberate and done with the clear intent of adopting the "joint employer" doctrine established under section 3(g) of the Fair Labor Standards Act (FLSA) as a central foundation of MSPA. Further, the House Report accompanying MSPA expressly states that the prior interpretations of the term "joint employment" should serve as the basis for making all such determinations under this Act. The case citations appearing on pages 6 and 7 of that House Report have properly been included in this section of these Regulations. See H.R. Report No. 97–885, 97th Congress, 2nd session, pages 6–8, 9, 14. Since the Act's own definition of the term "employ" has the same meaning as it has under the FLSA, restatement of the well established FLSA joint employment interpretations, found in 29 CFR 791, is not necessary.

Moreover, it is important to understand that the joint employment concept applies primarily to wage related issues and recordkeeping. Other aspects of MSPA, such as housing and transportation requirements, impose joint responsibility for compliance under certain circumstances, but joint responsibility is not established solely through a "joint employment" analysis.

The citation to *Rutherford Food Corporation* v. *Walling* was corrected to *Rutherford Food Corporation* v. *McComb.*

Section 500.20(o) Immediate Family.

One commenter suggested expansion of the definition of immediate family to include aunts, uncles and cousins. The legislative history adopting the Farm Labor Contractor Registration Act (FLCRA) regulatory definition precludes acceptance of this suggestion. See H.R. Report 97–885, 97th Congress, 2d Session, pg. 8.

Section 500.20(r)(2)(ii) Seasonal agricultural worker—field work.

Many organizations representing farmworkers objected to the terminology concerning "field work," which they felt might exclude mushroom and nursery workers from the definition of field work. The intent of the Act, as shown by the legislative history, is to include such workers. The committee report states that ". . . it is the intent of the Committee that the phrase 'field work' encompass any boxing of commodities done in the field, and the off- and on-field loading of trucks and other similar transports, and that nursery, mushroom and similar workers are intended to be covered if the requirements of this subsection are otherwise met . . ." (See page 8 of H.R. No. 97–885, 97th Cong., 2d Sess.) Appropriate clarifying language was added to this section.

Section 500.20(r)(2)(iii) Seasonal or temporary.

Many farmworker advocates felt that the definition of seasonal worker was unjustifiably narrow and could exclude seasonal workers whose jobs theoretically could be performed year round. However, employer groups felt that the same wording was too broad and might include year round employees because of the variety of crops which they harvested. Wording changes, deletions, and additions were suggested by most commenters. The Department has determined, however, that no policy changes are appropriate in this section since it accurately reflects the language of the Act. It is clear in the legislative history that any individual in agricultural employment, other than a migrant worker, who performs field work during any part of a day is defined as a seasonal agricultural worker during that period of time. Field work is defined by the type of activity and not by the duration of employment. The regulations, however, do exclude from the definition of seasonal or temporary work, certain foremen, supervisors and local residents employed on a year round basis to perform a variety of tasks for their employer and not primarily employed to do field work.

Section 500.20(u) States.

Several state agencies objected to the requirement that they have "all powers necessary to cooperate with DOL" as being too broad. However, the required powers are only those necessary for the stated purpose, such as registration of farm labor contractors. Thus, a state agency need have only sufficient powers to perform the functions which are delegated to that agency. Accordingly, no change was made.

Section 500.30(f) Local short-term contracting activity.

This section has been revised, in response to comments, to clarify two important principles. When the 13-week test is exceeded in one year, the person is covered in that year and, in addition, there is a presumption that the person is subject to the Act in the following year unless the requirements for the exemption are shown to be met in the following year. When the 25 intrastate mile test is exceeded by either the employer or his employee the exemption is lost.

Section 500.30(k) Employees of exempt employers.

Several commenters stated that this subsection did not clearly indicate that both the employer and the employee must meet the requirements in order to qualify for exemption. The added language clarifies this subsection and explains that this is indeed the case.

Section 500.41 Farm labor contractor is responsible for actions of his farm labor contractor employee.

Numerous commenters requested that the regulatory language mirror the statutory language of this provision. In order to clearly follow the statute, a sentence was added explaining that any person engaging in any farm labor contracting activity for a farm labor contractor must also comply with the registration provisions.

Section 500.50 Duration of certificate.

This section was corrected to clarify the statutory proscription as to the duration of renewed certificates.

Section 500.59 Good faith reliance on documents.

One commenter suggested that self-certification be allowed to attest to citizenship, alleging that this is permitted under the Food Stamp Act and the Social Security Act. The Department had accepted a form of self-certification under FLCRA (see 29 CFR 40.51(p)(1)(xi)) and will continue to accept such declarations of citizenship under MSPA when executed as provided in § 500.59(a)(11). As noted in § 500.1(i)(4), an optional form, WH–509, may be used for self-certification under § 500.59(a)(11). Conforming cross-references in §§ 500.1(i)(4) and 500.59(a)(11) have been added to make clear the availability of this option.

Section 500.60 Farm labor contractors' recruitment, contractual and general obligations.

A change was made to make it clear that the records supplied by a farm labor contractor to a person utilizing his services need only cover work done "for that place of employment."

Section 500.70 Scope of worker protections.

This section remains essentially unchanged. However, after reviewing the comments received, minor wording changes were made to clarify the joint responsibility for compliance with the housing and transportation provisions of the Act.

One comment on the housing aspect of this section led to amendment of the housing safety and health standards in § 500.70(a) to conform with the provisions of § 500.132.

Sections 500.75 and 500.76 Disclosure of information.

In response to comments these sections were changed to require specific disclosure to the extent practical of the prospective place of employment to migrant workers and to seasonal workers, respectively. After reviewing the comments, the workers' compensation and unemployment insurance disclosure requirements were retained since these constitute employee benefits under sections 201(a)(5) and 301(a)(1)(E) of the Act.

Section 500.80 Payroll records required.

Subsection (c) of this section was changed to follow more accurately sections 201(e) and 301(d)(1) of the Act which require the farm labor contractor to always maintain and furnish records.

Many commenters representing the agricultural employer community objected to various recordkeeping requirements of the Regulations such as listing name, address and Federal ID number on payroll information; furnishing an employee's name, address and social security number on at least a biweekly pay period basis; and disclosing specific payroll deductions.

Farmworker representatives, on the other hand, requested that additional data be required such as hours worked and piece rates maintained on a daily

basis; a requirement that both joint employers be obligated to keep payroll records; and authorizing a worker to request written statements at any time and more than once.

The Department believes that the sections as originally published fairly represent the language of the Act and its legislative history.

Motor Vehicle Safety in General

Sections 500.100 through 500.105 were formerly arranged in a different order and were the subject of numerous comments. Upon review, these sections were reorganized and redesignated when appropriate. The Secretary has adopted in these sections the regulations applicable to transportation under the Act. For the convenience of persons subject thereto, the Department of Transportation standards adopted by the Secretary have been listed in section 105. The Secretary has established in section 104 the standards otherwise applicable under the Act.

Concern was expressed by several commenters who took exception to the wording of the carpooling exclusion in the section dealing with "using" a vehicle or "causing" a vehicle to be used. Some stated that the term "directed" in that section could be interpreted too broadly, while others stated that it was too narrow. In analyzing these comments the Department has determined that it should change the term "directed" to the term "specifically directed or requested". This change will more clearly indicate the degree of activity by parties other than the employees in arranging transportation which removes it from the carpooling exclusion.

In addition, some commenters argued that the same standards should be used for determining the responsibility of different types of employers for the carpooling arrangements of the employees. The Department has decided however, to retain different standards for farm labor contractors than for other types of employers because it believes that its experience with farm labor contractors justifies a more rigorous test in order to assure that the statutory purposes are achieved.

Section 500.100 Vehicle safety obligations.

The interim regulations on motor vehicle safety received numerous comments. Upon review these sections were reorganized to follow a more logical sequence and thus facilitate understanding.

Section 500.101 Promulgation and adoption of vehicle safety standards.

This section includes a general statement discussing the transportation which is subject to vehicle safety standards under the regulations, and the persons required to comply with them. This section also requires compliance with Department of Labor safety standards for certain transportation, and with Department of Transportation safety standards adopted by the Secretary for other transportation.

Section 500.102 Applicability of Secretary's standards.

This section, which specifies the application of the vehicle safety standards, was editorially revised to conform to the new structure established for §§ 500.100 through 500.105. A number of commenters objected to the proposed language because it was not clear whether the 75-mile limitation applied to one-way trips or round trips. The 75-mile limitation is intended to apply to the entire trip made by the vehicle. A trip normally ends when a vehicle returns to its starting point, so no change was made. Additionally, this section makes clear that a pick-up truck not subject to the standards contained in section 105 will be treated as a station wagon subject to the standards contained in section 104 when workers are transported only within the cab.

Sections 500.103 Activities not subject to vehicle safety standards.

This section was revised to clarify the exclusions for agricultural machinery and equipment, carpooling and transportation of immediate family members. An inadvertent omission was corrected to affirm that the exclusion for agricultural machinery and equipment from the motor vehicle safety standards does not apply when such machinery is used for the transportation of any worker other than under the specific circumstances described as qualifying for the exclusion. For reasons previously discussed in § 500.100, the carpooling exclusion has been clarified to indicate that carpooling does not include transportation arrangements specifically directed or requested by an agricultural employer or agricultural association.

Section 500.104 Department of Labor standards for passenger automobiles and station wagons and transportation of seventy-five miles or less.

This section enumerates the specific safety requirements for vehicles subject to Department of Labor (DOL) standards. Many comments were received regarding the seat requirement and related safety issues.

One commenter requested that terms such as "seats" be defined, but the Department believes that this is unnecessary and would lead to needless litigation.

Another commenter objected to the requirement of seats, arguing that this imposes an unreasonable burden on employers. The regulations require a seat for each worker being transported. An exclusion to the requirement for seats has been provided for trips of less than ten miles, which are primarily on private farm roads and which begin and end on a farm owned or operated by the same employer.

The Department received several comments on this exclusion as it applies to pick-up trucks. The first commenter related that the term "primarily" is unenforceably vague and should be replaced by "entirely". We believe the term "primarily" is sufficiently clear in the context of this section and is more realistic in terms of the transportation actually provided. For example, the term "entirely" would preclude exclusion of a vehicle which merely crossed a public road. Several commenters requested that the exclusion be removed altogether since there is no evidence that short trips are any safer than long ones. Several commenters suggested that any requirement for seats in the back of trucks for trips of any length be restudied since this would place a hardship on agricultural employers who might use one vehicle to haul supplies to the job and also transport employees. These commenters stated that this would require the purchase of a second vehicle which the employer could ill afford.

The Department has concluded that to withdraw the exclusion could place an unreasonable economic burden on employers and might lead them to discontinue transporting migrant workers for short distances. For the same reason, although requested by two commenters, no requirement has been added for seat belts under these circumstances.

Commenters did not submit data to the Department on the frequency of accidents or injuries to passengers transported in such vehicles. The Department intends to keep the concerns of the commenters in mind and will monitor the accident and injury frequency rate resulting from such transportation. If further experience indicates the need for amendments to the requirements pertaining to seats in such vehicles, changes in these regulations will be proposed.

One commenter believed there was a universal requirement for a right side mirror and that such requirement imposes an unreasonable burden on employers. There is no such requirement. The regulations require that mirrors shall provide the driver full vision of the sides and to the rear of the vehicle. Whether meeting this standard requires a right-side mirror depends upon the type of vehicle and the field of view afforded by the mirror or mirrors installed thereon.

Section 500.105 Department of Transportation standards adopted by the Secretary.

This section enumerates the specific safety requirements for vehicles subject to Department of Transportation (DOT) standards as adopted by the Secretary from 49 CFR Part 398.

Although this section contains many more words than previously, the inclusion of additional material represents no change in vehicle safety standards. The specific requirements which were previously identified only by reference have been set forth at length for clarity. All transportation standards adopted by the Secretary are thus found in one place.

Section 500.120 Insurance policy or liability bond is required for each vehicle used to transport any migrant or seasonal agricultural worker.

For clarification purposes, language was added stating that activities which are exempt from the transportation safety standards in § 500.103 are also exempt from insurance requirements. Accordingly, the text on insurance was deleted from § 500.103. This change was made in response to several comments.

Section 500.121 Coverage and level of insurance required.

Section 500.122 Adjustments in insurance requirements when workers' compensation coverage is provided under State law.

In response to suggestions from various commenters, many wording changes were made in these sections to make clear the coverage and level of insurance required by the Act.

Section 500.123 Property damage insurance required.

The principal comments which were received from agricultural employers suggested deletion of this section, based on a belief that the Act requires no insurance or liability bond if workers' compensation coverage exists. It is clear that section 401(b)(1)(c) of the Act requires "an insurance policy or liability bond" which insures against "damage to persons or property." Section 401(c) provides for a partial exclusion from requirements of personal liability insurance where workers' compensation is applicable. However, this section makes no reference to exclusion from the requirement of property damage insurance in Section 401(b)(1)(c) or 401(b)(3). Persons providing transportation continue to have the responsibility to provide property damage insurance even where workers' compensation is applicable.

The Department believes that this position is consistent with the legislative history of the Act, which states that, in those situations in which agricultural workers are transported who are covered by state workers'compensation, no additional insurance for damage to *persons* need be obtained (H.R. Report No. 97–885, page 20, emphasis added).

Section 500.124 Liability bond in lieu of insurance policy.

One commenter objected to the requirement of a liability bond and suggested an alternative method of self-insurance. The Department, while noting the comment, believes that § 500.124 is in accord with the mandate of Section 401(b)(1)(C) of the Act, which specifically requires "an insurance policy or a liability bond."

Section 500.125 Qualifications and eligibility of insurance carrier or surety.

One commenter objected to the wording of § 500.125(c) because it could be read as conferring eligibility on an insurance carrier who qualifies "in any State." Since this is in fact the intended meaning of the subsection, no change was made.

Section 500.127 Limitations on cancellation of insurance or liability bond of registered farm labor contractors.

Section 500.128 Cancellation of insurance policy or liability bond not relief from insurance requirements.

Comments received on these sections concern the relationship between insurance carriers and their customers and are beyond the scope of these Regulations. Therefore, no change was made.

Section 500.130 Application and scope of safety and health requirement.

In response to comments, the regulation was amended to make it clear that the housing standards apply to any person who owns, controls or operates housing for migrant workers.

Section 500.131 Exclusion from housing safety and health requirements.

The only comment received on this section expressed concern that the "innkeeper exclusion" might be extended to a migrant camp which simply offered lodging to the general public. A sentence has been added to remove that possibility.

Section 500.132 Applicable Federal standards: ETA and OSHA housing standards.

One agricultural employer association, and attorneys who have represented that association, stated that the Occupational Safety and Health Administration (OSHA) and Employment and Training Administration (ETA) housing standards could be enforced under MSPA only when they were already enforceable under preexisting laws. One Congressional commenter, as well as farmworker representatives and others, stated that the interim regulation properly made it clear that OSHA and ETA migrant housing standards are enforceable under MSPA without regard to any jurisdictional limitations applicable to the Occupational Safety and Health Administration or the Employment and Training Administration.

The legislative history makes clear that Congress intended that substantive Federal and State standards apply to all housing for migrant agricultural workers, except as specifically provided in section 203(c) of MSPA. (See § 500.131, *infra.*) Indeed, Deputy Under Secretary of Labor Robert B. Collyer, in testimony given to the House Subcommittee on Labor Standards regarding the administration's bill, stated: "Substantive Federal and State housing health and safety standards must be complied with at all times."

Congress enacted the administration's bill without amendment. The Department believes that the agricultural association's position is wrong and would substantially undercut one of the most important worker protections provided by MSPA: comprehensive housing safety for migrant workers. OSHA standards are enforceable under MSPA regardless of whether the housing is independently coverd by OSHA, subject only to the understanding that ETA standards may be substituted depending on the date when the housing was constructed. This section has been amended to make this clear.

The agricultural association argues further that the enforceability of housing

safety standards is limited by the term "applicable" in section 203(a) of MSPA. The Department believes that the association misinterprets the term "applicable" as a jurisdictional limitation within MSPA. The Department believes it is clear from the language of MSPA and its legislative history together with the Department's interpretation of the essentially identical language contained in FLCRA (the predecessor statute), that the same meaning be given to this term under MSPA as was given to this term under FLCRA. The word "applicable" is a generic reference to the type of housing standard rather than a jurisdictional limitation of the standard. Thus the Secretary's adoption of the OSHA and ETA standards as the Federal standards for MSPA insures the intended worker protections required by the statute.

The broad delegation contained in section 511 of the Act authorizes the promulgation of regulations relating to housing and the Secretary believes that such regulations "are necessary to carry out the Act..." Finally, the determination of which Federal standard (e.g., OSHA or ETA) shall apply to migrant housing, based upon the date of its construction, is a recognition by the Secretary that housing built prior to March 4, 1980, may have been constructed under ETA standards.

Section 500.133 Substantive Federal and State safety and health standards defined.

Several individuals and a number of farmworker representatives requested that the list of substantive standards be expanded. The suggested additions were not adopted since the list is merely illustrative. Many commenters took exception to the passage regarding "de minimus" violations. In response to their comments, this passage was deleted. The Department, of course, as set forth in § 500.143, will take into account the gravity of a situation in determining whether to assess a monetary penalty and the amount of that penalty.

Section 500.134 Compliance with State standards.

The only comment on this section raised the possibility of conflict between the federal and state standards. However, this section is mandated by section 521 of the Act.

Section 500.135 Certificate of housing inspection.

There was one comment that this section seems to permit unconditional occupancy of migrant housing when state law would prohibit occupancy of housing not licensed by the State. That result is not intended, and to preclude such occurrence the words "unless prohibited by state law" have been added. One commenter questioned what evidence was required to establish that a request for inspection of migrant housing was made 45 days prior to occupancy. Evidence of a probative charactor is necessary. In addition, a farm labor contractor applying for housing authorization is required by § 500.48(f) to provide written evidence that inspection of the migrant housing has been requested.

Section 500.143 Civil money penalty assessment.

The only comment received objected to the inclusion of the seventh standard (§ 500.143(b)(7)) in considering the amount of the civil money penalty to be assessed, because of the difficulty of ascertaining the amount of a violator's financial gain. The standard is retained since it is relevant to the extent that it can be determined.

Section 500.158 Functions delegatable.

Two farmworker representatives commented that the DOL should not delegate the functions of conducting investigations and enforcing the Act. However, section 513 of the Act specifically permits delegation of any or all functions other than rulemaking. Section 513(b)(2) of the Act requires assurances that the State agency's performance of delegated functions will be at least comparable to the performance by the Department of Labor of such functions.

Section 500.159 Submission of plan.

The Department agrees with the one commenter that guidelines for the States should be made available at an early date to facilitate State participation.

Section 500.160 Approved State plans.

One commenter suggested that any delegation of functions to a State be submitted in advance for public review and comment. Any agreements with States will be subject to public inspection. Public review and input are not required by the Act. Accordingly, no change has been made.

Section 500.170 Establishment of registry.

In response to comments, a minor change has been made in order to make it clear that access to information from the public registry will be available to all.

Administrative Proceedings: Subpart F In General

Section 500.200–500.262 Administrative proceedings revised.

Subsequent to the publication in the **Federal Register** on April 12, 1983 of the Interim Regulations, the Secretary promulgated rules of practice and procedure for administrative hearings before the Office of Administrative Law Judges. Those rules became effective on July 15, 1983, as a final rule at 29 CFR Part 18. As explained in the preamble thereto, the provisions of Part 18 will generally govern administrative hearings before Departmental Administrative Law Judges (ALJs), and are intended to provide maximum uniformity in the conduct of administrative hearings. However, in the event of an inconsistency or conflict between the provisions of 29 CFR Part 18 and a rule or procedure required by statute, executive order or regulation, the latter will control. The Department has carefully reviewed the provisions of 29 CFR 500.220 through 500.262, as published on April 12, 1983, vis-a-vis the provisions of 29 CFR Part 18, and has determined that certain of the provisions in the former are no longer necessary since they will be adequately covered by the latter. A new section 500.220 was added to reflect the adoption of the new ALJ Rules, and former §§ 500.220 *ff.* were renumbered to reflect the changes.

Deleted in their entirety were the following sections: § 500.225 (Supplemental pleadings), § 500.226 (Service of documents—manner of service), § 500.228 (Proof of service), § 500.229 (Computation of Time), § 500.230 (Authority of Administrative Law Judge), § 500.232 (Pleadings allowed), § 500.233 (Motions and Requests), § 500.234 (Subpoenas), § 500.235 (Witnesses and Fees), § 500.236 (Depositions), § 500.237 (Prehearing Conferences), §§ 500.250–500.253 (Hearings), and § 500.261 (Proposals by the Parties). In addition, conforming changes were made in § 500.223 (renumbered § 500.224: Referral to Administrative Law Judge), § 500.224 (renumbered § 500.225: Notice of Docketing), § 500.227 (renumbered § 500.226: Service upon the Department of Labor—number of copies), § 500.238 (renumbered § 500.232: Consent findings and order), and § 500.264(c) (Implementation by the Secretary).

Other revisions were made to incorporate certain of the provisions of 29 CFR Part 18. An intended effect of these revisions is to facilitate the uniformity to be established by 29 CFR

Part 18 and to harmonize the provisions of Parts 500 and 18.

Noted below are specific comments on sections 500.215 and 500.262, which have been retained.

Section 500.215 Change of address.

The comment of one State agency that "requiring Farm Labor Contractors to notify the Employment Standards Administration of any address change within 30 days is counterproductive" is noted; however the statute specifically mandates this. States can still require that changes of address be sent to them if required by State law because Section 521 of the Act clearly indicates that compliance with MSPA does not excuse noncompliance with appropriate State law or regulation.

Section 500.262 Decision and order of administrative law judge.

Several commenters objected to the provision that the ALJ not render determinations on the legality of a regulatory provision or the constitutionality of a statutory provision. No change was made because the ALJ is an agent of the Secretary and is bound to carry out his regulations.

Section 500.262 and 500.263 Amendment relating to the Equal Access to Justice Act.

Effective December 29, 1981, the Department issued final rules for implementing the Equal Access to Justice Act (5 U.S.C. 504, Pub. L. No. 96-481, section 203(a)(1)). Those regulations, codified at 29 CFR Part 16, identify at § 16.104 the proceedings which are subject to the Equal Access to Justice Act. Section 16.104(a)(2) of those regulations lists the proceedings involving the Employment Standards Administration which were found to be subject to the Equal Access to Justice Act. MSPA, enacted subsequent to the promulgation of those regulations, is not included thereunder. The proceedings identified in § 16.104(a) exclude from coverage "Proceedings to grant or renew licenses" and include "proceedings to modify, suspend or revoke licenses. * * * if they are otherwise adversary adjudications." In addition, proceedings listed in § 16.104(a)(2) (i) and (iv) include "civil money penalties" under FLSA and the FLCRA. As MSPA was enacted to replace FLCRA, and repealed FLCRA, the Department, in accordance with the stated legislative intent of MSPA, has determined that it will treat administrative proceedings under MSPA as it treated such proceedings under FLCRA. Accordingly, for the purposes of the Equal Access to Justice Act, MSPA adversary adjudications in proceedings involving the refusal to issue or to renew MSPA certificates of registration will not be subject to the Equal Access to Justice Act, while such proceedings involving modification, suspension and revocation of such certificates, and civil money penalties will be subject to the Equal Access to Justice Act. Conforming language setting forth this determination and providing for appropriate review by the Secretary of determinations of Administrative Law judges awarding attorney fees and/or other litigation expenses pursuant to the Equal Access to Justice Act has been added in §§ 500.262 and 500.263 of these Regulations.

Appendix—Comments were received on the documents and forms published as an appendix to the regulations.

Poster—The current poster is believed adequate. However, improvements will be considered on the basis of experience gathered.

WH-516—This is an optional form. Therefore, any person wishing to add further information may do so.

WH-521—The English version of the form meets all statutory requirements; the Spanish text is longer due to the nature of the language.

Executive Order 12291; Regulatory Flexibility Act

The Department has determined that these regulations are not a major rule under Executive Order 12291. These regulations implement the MSPA, which is designed to improve the delivery of Federal protections for agricultural workers and which adds no new types of protections for these workers. Rather, the Act and these regulations streamline procedures adopted under the FLCRA and reduce certain burdens imposed on agricultural employers and associations under FLCRA. For this reason, the Department believes that the regulations will result in some lower cost to the agricultural sector of the economy. However, the Department believes it unlikely that their overall economic impact will be significant. Consequently, the Department certifies, under the Regulatory Flexibility Act, that the rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

Information collection requirements contained in this regulation (§ 500.1(i)) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned the following control numbers 1215-0038 (WH-510), 1215-0037 (WH-512), 1215-0036 (WH-514, 514a), 1215-0145 (WH-516), 1215-0146 (WH-521), 1215-0148 (WH-501, 501a), 1215-0091 (WH-509).

Appendix

Appendix A—Migrant and Seasonal Agricultural Worker Protection Act Poster, WH-1376.

Appendix B—Worker Information, WH-516.

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List of Subjects in 29 CFR Part 500

Administrative practice and procedure, Agricultural associations, Agricultural worker, Aliens, Carpooling, Day-haul, Farmers, Farm labor contractor, Health, Housing, Housing standards, Immigration, Insurance, Investigation, Migrant agricultural workers, Migrant labor, Motor carriers, Motor vehicle safety, Occupational safety and health, Penalties, Reporting requirements, Seasonal agricultural workers, Transportation, Wages, Manpower training programs, Labor, Safety.

For the reasons set out in the preamble, Chapter V of Title 29 of the Code of Federal Regulations, Part 500, is revised to read as set forth below.

Signed at Washinton, D.C. this 4th day of August, 1983.

Raymond J. Donovan,

Secretary of Labor.

Robert B. Collyer,

Deputy Under Secretary for Employment Standards.

William M. Otter,

Administrator, Wage and Hour Division, Employment Standards Administration.

PART 500—MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION

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Authority: Pub. L. 97-470, 96 Stat. 2583 (29 U.S.C. 1801-1872); Secretary's Order No. 5-83, 48 FR 15352; and Employment Standards Order No. 83-1, 48 FR 15352.

Subpart A—General Provisions

§ 500.0 Introduction.

The Migrant and Seasonal Agricultural Worker Protection Act (MSPA), hereinafter referred to as MSPA or the Act, repeals and replaces the Farm Labor Contractor Registration Act of 1963, as amended, hereinafter referred to as FLCRA or the Farm Labor Contractor Registration Act. Prior judgments and final orders obtained under FLCRA continue in effect as stated in § 500.4.

§ 500.1 Purpose and scope.

(a) Congress stated, in enacting the Migrant and Seasonal Agricultural Worker Protection Act that "[I]t is the purpose of this Act to remove the restraints on commerce caused by activities detrimental to migrant and seasonal agricultural workers; to require farm labor contractors to register under this Act; and to assure necessary protections for migrant and seasonal agricultural workers, agricultural associations, and agricultural employers." It authorized the Secretary to issue such rules and regulations as are necessary to carry out the Act consistent with the requirements of Chapter 5 of Title 5, United States Code.

(b) These regulations implement this purpose and policy. The regulations contained in this part are issued in accordance with section 511 of the Act and establish the rules and regulations necessary to carry out the Act.

(c) Any farm labor contractor, as defined in the Act, is required to obtain a Certificate of Registration issued pursuant to the Act from the Department of Labor or from a State agency authorized to issue such certificates on behalf of the Department of Labor. Such a farm labor contractor must ensure that any individual whom he employs to perform any farm labor contracting activities also obtains a Certificate of Registration. The farm labor contractor is responsible, as well, for any violation of the Act or these regulations by any such employee whether or not the employee obtains a certificate. In addition to registering, farm labor contractors must comply with all other applicable provisions of the Act when they recruit, solicit, hire, employ, furnish or transport migrant or seasonal agricultural workers or, in the case of migrant agricultural workers, provide housing.

(d) Agricultural employers and agricultural associations which are subject to the Act must comply with all of the worker protections which are applicable under the Act to migrant or seasonal agricultural workers whom they recruit, solicit, hire, employ, furnish, or transport migrant or seasonal agricultural workers or, in the case of migrant agricultural workers, provide housing. The obligations will vary, depending on the types of activities affecting migrant or seasonal agricultural workers. Agricultural employers and agricultural associations and their employees need not obtain Certificates of Registration in order to engage in these activities, even if the workers they obtain are utilized by other persons or on the premises of another.

(e) The Act empowers the Secretary of Labor to enforce the Act, conduct investigations, issue subpenas and, in the case of designated violations of the Act, impose sanctions. As provided in the Act, the Secretary is empowered, among other things, to impose an assessment and to collect a civil money penalty of not more than $1,000 for each violation, to seek a temporary or permanent restraining order in a United States District Court, and to seek the imposition of criminal penalties on persons who willfully and knowingly violate the Act or any regulation under the Act. In accordance with the Act and with these regulations, the Secretary may refuse to issue or to renew, or may suspend or revoke a certificate of registration issued to a farm labor contractor or to a person who engages in farm labor contracting as an employee of a farm labor contractor.

(f) The facilities and services of the U.S. Employment Service, including State agencies, authorized by the Wagner-Peyser Act may be denied to any person found by a final determination by an appropriate enforcement agency to have violated any employment-related laws including MSPA when notification of this final determination has been provided to the Job Service by that enforcement agency. See 20 CFR 658.501(a)(4). The facilities and services of the U.S. Employment Service shall be restored immediately upon compliance with 20 CFR 658.502(a)(4).

(g) Subparts A through E set forth the substantive regulations relating to farm labor contractors, agricultural employers and agricultural associations. These subparts cover the applicability of the Act, registration requirements applicable to farm labor contractors, the obligations of persons who hold Certificates of Registration, the worker protections which must be complied with by all who are subject to the Act, and the enforcement authority of the Secretary.

(h) Subpart F sets forth the rules of practice for administrative hearings relating to actions involving Certificates of Registration. It also outlines the procedure to be followed for filing a challenge to a proposed administrative action relating to violations and summarizes the methods provided for collection and recovery of a civil money penalty.

(i)(1) The Act requires that farm labor contractors obtain a certificate of registration from the Department of Labor prior to engaging in farm labor contracting activities. The Act also requires registration by individuals who will perform farm labor contracting activities for a farm labor contractor. Form WH-510 and WH-512 are the applications used to obtain Farm Labor Contractor and Farm Labor Contractor Employee Certificates of Registration. These forms have been approved by the Office of Management and Budget (OMB) under control numbers 1215-0038 (WH-510) and 1215-0037 (WH-512). Forms WH-514 and WH-514a are used when applying for transportation authorization to furnish proof of compliance with vehicle safety requirements. These forms have been jointly cleared by OMB under control number 1215-0036.

(2) The Act further requires disclosure to migrant and seasonal agricultural workers regarding wages, hours and other working conditions and housing when provided to migrant workers. The Department of Labor has developed optional forms for use in making the required disclosure. OMB has approved the following: Worker Information (WH-516) 1215-0145 and Housing Terms and Conditions (WH-521) 1215-0146.

(3) The Act also requires that farm labor contractors, agricultural employers and agricultural associations make, keep, preserve and disclose certain payroll records. Forms WH-501 and WH-501a (Spanish version) are provided to assist in carrying out this requirement. In addition, farm labor contractors who are applying for housing authorization must submit information which identifies the housing to be used along with proof of compliance with housing safety and health requirements. There has been no form developed for this purpose. The Act further requires disclosure by the insurance industry of certain information pertaining to cancellation of

vehicle liability insurance policies. The requirements concerning recordkeeping, housing and insurance have been cleared by OMB under control number 1215–0148.

(4) The act provides that no farm labor contractor shall knowingly employ or utilize the services of aliens not lawfully admitted for permanent residence or who have not been authorized by the Attorney General to accept employment. Form WH–509 is an optional form which may be used to self-certify that the applicant is a citizen of the U.S. This form has been cleared by OMB under control number 1215–0091. (See § 500.59(a)(11)).

§ 500.2 Compliance with State laws and regulations.

The Act and these regulations are intended to supplement State law; compliance with the Act or these regulations shall not excuse any individual from compliance with appropriate State law or regulation.

§ 500.3 Effective date of the Act; transition period; repeal of the Farm Labor Contractor Registration Act.

(a) The provisions of the Migrant and Seasonal Agricultural Worker Protection Act are effective on April 14, 1983, and are codified in 29 U.S.C. 1801 *et seq.*

(b) The Migrant and Seasonal Agricultural Worker Protection Act repeals the Farm Labor Contractor Registration Act of 1963, as amended, (7 U.S.C. 2041, *et seq.*), effective April 14, 1983.

(c) Violations of the Farm Labor Contractor Registration Act occurring prior to April 14, 1983, may be pursued by the Department of Labor after that date.

§ 500.4 Effect of prior judgments and final orders obtained under the Farm Labor Contractor Registration Act.

The Secretary may refuse to issue or to renew, or may suspend or revoke, a Certificate of Registration under the Act, if the applicant or holder has failed to pay any court judgment obtained by the Secretary or any other person under the Farm Labor Contractor Registration Act, or has failed to comply with any final order issued by the Secretary under the Farm Labor Contractor Registration Act. The Secretary may deny a Certificate of Registration under the Act to any farm labor contractor who has a judgment outstanding against him, or is subject to a final order assessing a civil money penalty which has not been paid.

§ 500.5 Filing of applications, notices and documents.

Unless otherwise prescribed herein, all applications, notices and other documents required or permitted to be filed by these regulations shall be filed in accordance with the provisions of Subpart F of the regulations.

§ 500.6 Accuracy of information, statements and data.

Information, statements and data submitted in compliance with provisions of the Act or these regulations are subject to Title 18, section 1001, of the United States Code, which provides:

Section 1001. Statements or entries generally.

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 500.7 Investigation authority of the Secretary.

(a) The Secretary, either pursuant to a complaint or otherwise, shall, as may be appropriate, investigate and, in connection therewith, enter and inspect such places (including housing and vehicles) and such records (and make transcriptions thereof), question such persons and gather such information as he deems necessary to determine compliance with the Act, or these regulations.

(b) The Secretary may issue subpenas requiring the attendance and testimony of witnesses or the production of any evidence in connection with such investigations. The Secretary may administer oaths, examine witnesses, and receive evidence. For the purpose of any hearing or investigation provided for in the Act, the Authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary. The Secretary shall conduct investigations in a manner which protects the confidentiality of any complainant or other party who provides information to the Secretary in good faith.

(c) Any person may report a violation of the Act or these regulations to the Secretary by advising any local office of the Employment Service of the various States, or any office of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, or any other authorized representative of the Administrator. The office or person receiving such a report shall refer it to the appropriate office of the Wage and Hour Division, Employment Standards Administration for the region or area in which the reported violation is alleged to have occurred.

(d) In case of disobedience to a subpena, the Secretary may invoke the aid of a United States District Court which is authorized to issue an order requiring the person to obey such subpena.

§ 500.8 Prohibition on interference with Department of Labor officials.

It is a violation of section 512(c) of the Act for any person to unlawfully resist, oppose, impede, intimidate, or interfere with any official of the Department of Labor assigned to perform an investigation, inspection, or law enforcement function pursuant to the Act during the performance of such duties. (Other Federal statutes which prohibit persons from interfering with a Federal officer in the course of official duties are found at 18 U.S.C. 111 and 18 U.S.C. 1114.)

§ 500.9 Discrimination prohibited.

(a) It is a violation of the Act for any person to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against any migrant or seasonal agricultural worker because such worker has, with just cause:

(1) Filed a complaint with reference to the Act with the Secretary of Labor; or

(2) Instituted or caused to be instituted any proceeding under or related to the Act; or

(3) Testified or is about to testify in any proceeding under or related to the Act; or

(4) Exercised or asserted on behalf of himself or others any right or protection afforded by the Act.

(b) A migrant or seasonal agricultural worker who believes, with just cause, that he has been discriminated against by any person in violation of this section may, no later than 180 days after such violation occurs, file a complaint with the Secretary alleging such discrimination.

§ 500.10 Waiver of rights prohibited.

Any agreement by an employee purporting to waive or modify any rights inuring to said person under the Act or these regulations shall be void as contrary to public policy, except that a waiver or modification of rights or obligations hereunder in favor of the Secretary shall be valid for purposes of enforcement of the provisions of the Act or these regulations. This does not

prevent agreements to settle private litigation.

§ 500.20 Definitions.

For purposes of this part:

(a) "Administrator" means the Administrator of the Wage and Hour Division, Employment Standards Administration, United States Department of Labor, and such authorized representatives as may be designated by the Administrator to perform any of the functions of the Administrator under this part.

(b) "Administrative Law Judge" means a person appointed as provided in Title 5 U.S.C. and qualified to preside at hearings under 5 U.S.C. 557. "Chief Administrative Law Judge" means the Chief Administrative Law Judge, United States Department of Labor, Washington, D.C. 20210.

(c) "Agricultural association" means any nonprofit or cooperative association of farmers, growers, or ranchers, incorporated or qualified under applicable State law, which recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker.

(d) "Agricultural employer" means any person who owns or operates a farm, ranch, processing establishment, cannery, gin, packing shed or nursery, or who produces or conditions seed, and who either recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker. "Produces seed" means the planting, cultivation, growing and harvesting of seeds of agricultural or horticultural commodities. "Conditions seed" means the in-plant work done after seed production including the drying and aerating of seed.

(e) "Agricultural employment" means employment in any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), or section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121(g)), and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.

(f) "Convicted" means that a final judgment of guilty has been rendered by a court of competent jurisdiction from which no opportunity for appeal remains.

(g) "Day-haul operation" means the assembly of workers at a pick-up point waiting to be hired and employed, transportation of such workers to agricultural employment, and the return of such workers to a drop-off point on the same day. This term does not include transportation provided by an employer for individuals who are already employees at the time they are picked up nor does it include carpooling arrangements by such employees which are not specifically directed or requested by the employer, farm labor contractor or agent thereof.

(h)(1) The term "employ" has the meaning given such term under section 3(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g)) for the purposes of implementing the requirements of that Act. As so defined, "employ" includes to suffer or permit to work.

(2) The term "employer" is given its meaning as found in the Fair Labor Standards Act. "Employer" under Section 3(d) of that Act includes any person acting directly or indirectly in the interest of an employer in relation to an employee.

(3) The term "employee" is also given its meaning as found in the Fair Labor Standards Act. "Employee" under Section 3(e) of that Act means any individual employed by an employer.

(4) The definition of the term "employ" includes the "joint employment" principles applicable under the Fair Labor Standards Act. "Joint employment" under the Fair Labor Standards Act is "joint employment" under the MSPA.

(i) The term "joint employment" means a condition in which a single individual stands in the relation of an employee to two or more persons at the same time. A determination of whether the employment is to be considered joint employment depends upon all the facts in the particular case. If the facts establish that two or more persons are completely disassociated with respect to the employment of a particular employee, a "joint employment" situation does not exist.

(ii) Questions will often arise under the Act as to whether individuals employed by a farm labor contractor are also jointly employed by another person engaged in agriculture (including any person defined in the Act as an agricultural employer or an agricultural association). Such joint employment relationships are common in agriculture and have often been addressed by the Federal courts. See *Hodgson* v. *Okada*, 472 F. 2d 965, *Hodgson* v. *Griffin and Brand*, 471 F. 2d 235, *Mitchell* v. *Hertzke*, 234 F. 2d 183, *United States* v. *Rosenwasser*, 323 U.S. 360, *Rutherford Food Corporation* v. *McComb*, 331 U.S. 722, 67 S. Ct. 1473, *Real* v. *Driscoll Strawberry Associates, Inc.*, 603 F. 2d 748, *Mednick* v. *Albert Enterprises, Inc.*, 508 F. 2d 297, and *Usery* v. *Pilgrim Equipment Company, Inc.*, 527 F. 2d 1308. In determining whether such a joint employment relation exists the courts have cited the broad definition of "employ" in the Fair Labor Standards Act which "includes to suffer or permit to work". The factors considered significant by the courts in these cases and to be used as guidance by the Secretary, include, but are not limited to, the following:

(A) The nature and degree of control of the workers;

(B) The degree of supervision, direct or indirect, of the work;

(C) The power to determine the pay rates or the methods of payment of the workers;

(D) The right, directly or indirectly, to hire, fire, or modify the employment conditions of the workers;

(E) Preparation of payroll and the payment of wages.

(i) "Farm labor contracting activity" means recruiting, soliciting, hiring, employing, furnishing, or transporting any migrant or seasonal agricultural worker.

(j) "Farm labor contractor" means any person—other than an agricultural employer, an agricultural association, or an employee of an agricultural employer or agricultural association—who, for any money or other valuable consideration paid or promised to be paid, performs any farm labor contracting activity.

(k) "Farm Labor Contractor Certificate of Registration" or "Certificate of Registration" means the certificate issued by the Administrator which permits a farm labor contractor to engage in farm labor contracting activities.

(l) "Farm labor contractor employee" who is required to obtain a Certificate of Registration as an employee of a farm labor contractor means a person who performs farm labor contracting activity solely on behalf of a farm labor contractor holding a valid Certificate of Registration and is not an independent farm labor contractor who would be required to register under the Act in his own right.

(m) "Farm Labor Contractor Employee Certificate" or "Farm Labor Contractor Employee Certificate of Registration" or "Employee Certificate" means the certificate issued by the Administrator to an employee of a farm labor contractor authorizing the performance of farm labor contracting activities solely on behalf of such farm labor contractor and not as an independent farm labor contractor who would be required to register in his own right.

(n) "Illegal alien" means any person who is not lawfully admitted for permanent residence in the United

States or who has not been authorized by the Attorney General to accept employment in the United States.

(o) "Immediate family" includes only:

(1) A spouse;

(2) Children, stepchildren, and foster children;

(3) Parents, stepparents, and foster parents; and

(4) Brothers and sisters.

(p) "Migrant agricultural worker" means an individual who is employed in agricultural employment of a seasonal or other temporary nature, and who is required to be absent overnight from his permanent place of residence.

(1) "Migrant agricultural worker" does not include:

(i) Any immediate family member of an agricultural employer or a farm labor contractor; or

(ii) Any temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under sections 101(a)(15)(H)(ii) and 214(c) of the Immigration and Nationality Act.

(2) "Permanent place of residence", with respect to an individual, means a domicile or permanent home. Permanent place of residence does not include seasonal or temporary housing such as a labor camp. The term "permanent place of residence" for any nonimmigrant alien is that individual's country of origin.

(q) "Person" means any individual, partnership, association, joint stock company, trust, cooperative, or corporation.

(r) "Seasonal agricultural worker" means an individual who is employed in agricultural employment of a seasonal or other temporary nature and is not required to be absent overnight from his permanent place of residence:

(1) When employed on a farm or ranch performing field work related to planting, cultivating, or harvesting operations; or

(2) When employed in canning, packing, ginning, seed conditioning or related research, or processing operations, and transported, or caused to be transported, to or from the place of employment by means of a day-haul operation.

(i) "Seasonal agricultural worker" does not include:

(A) any migrant agricultural worker;

(B) any immediate family member of an agricultural employer or a farm labor contractor; or

(C) any temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under sections 101(a)(15)(H)(ii) and 214(c) of the Immigration and Nationality Act.

(ii) "Field work related to planting, cultivating or harvesting operations" includes all farming operations on a farm or ranch which are normally required to plant, harvest or produce agricultural or horticultural commodities, including the production of a commodity which normally occurs in the fields of a farm or ranch as opposed to those activities which generally occur in a processing plant or packing shed. A worker engaged in the placing of commodities in a container in the field and on-field loading of trucks and similar transports is included. Nursery, mushroom and similar workers engaged in activities in connection with planting, cultivating or harvesting operations are intended to be covered. An individual operating a machine, such as a picker, or tractor is not included when performing such activity.

(iii) "On a seasonal or other temporary basis" means:

(A) Labor is performed on a seasonal basis where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year. A worker who moves from one seasonal activity to another, while employed in agriculture or performing agricultural labor, is employed on a seasonal basis even though he may continue to be employed during a major portion of the year.

(B) A worker is employed on "other temporary basis" where he is employed for a limited time only or his performance is contemplated for a particular piece of work, usually of short duration. Generally, employment, which is contemplated to continue indefinitely, is not temporary.

(iv) "On a seasonal or other temporary basis" does not include the employment of any foreman or other supervisory employee who is employed by a specific agricultural employer or agricultural association essentially on a year round basis.

(v) "On a seasonal or other temporary basis" does not include the employment of any worker who is living at his permanent place of residence, when that worker is employed by a specific agricultural employer or agricultural association on essentially a year round basis to perform a variety of tasks for his employer and is not primarily employed to do field work.

(s) "Secretary" means the Secretary of Labor or the Secretary's authorized representative.

(t)(1) "Solicitor of Labor" means the Solicitor, United States Department of Labor, and includes attorneys designated by the Solicitor to perform functions of the Solicitor under these regulations.

(2) "Associate Solicitor for Fair Labor Standards" means the Associate Solicitor, who, among other duties, is in charge of litigation for the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), Office of the Solicitor, U.S. Department of Labor, Washington, D.C. 20210.

(3) "Regional Solicitors" means the attorneys in charge of the various regional offices of the Office of the Solicitor.

(u) "State" means any of the States of the United States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, and Guam. "State agency" means a State agency vested with all powers necessary to cooperate with the U.S. Department of Labor for purposes of entering into agreements to carry out the Act as provided in section 513 thereof.

(v) "Temporary nonimmigrant alien" means a person who has a residence in a foreign country which he does not intend to abandon and who comes temporarily to the United States, with approval of the Attorney General, to perform temporary service or labor.

(w) The "Wagner-Peyser Act" is the Act of June 6, 1933 (48 Stat. 113; codified in 29 U.S.C. 49 *et seq.*), providing, inter alia, for the establishment of the U.S. Employment Service. "Employment Service of the various States" means a State agency vested with all powers necessary to cooperate with the U.S. Employment Service under the Wagner-Peyser Act.

Applicability of the Act: Exemptions

§ 500.30 Persons not subject to the Act.

(a) *Family business exemption.* Any individual who engages in a farm labor contracting activity on behalf of a farm, processing establishment, seed conditioning establishment, cannery, gin, packing shed, or nursery, which is owned or operated exclusively by such individual or an immediate family member of such individual, if such activities are performed only for such operation and exclusively by such individual or an immediate family member, but without regard to whether such individual has incorporated or otherwise organized for business purposes.

(b) *Small business exemption.* Any person, other than a farm labor contractor, for whom the man-days exemption for agricultural labor provided under section 13(a)(6)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(6)(A)) is applicable. That exemption applies to an agricultural

employer who did not, during any calendar quarter of the preceding calendar year, use more man-days of agricultural labor than the limit specified under that statute.

(1) Currently the limit for exemption is 500 man-days.

(2) A "man-day" means any day during which an employee performs agricultural labor for not less than one (1) hour. Agricultural labor performed by an employer's parent, spouse, child, or other member of his immediate family, i.e., step-children, foster children, step-parents and foster parents, brothers, and sisters is not counted as man-days.

(3) The man-days of agricultural labor rendered in a joint employment relationship are counted toward the man-days of such labor of each employer for purposes of the man-day test of this exemption.

(c) *Common carriers.* Any common carrier which would be a farm labor contractor solely because the carrier is engaged in the farm labor contracting activity of transporting any migrant or seasonal agricultural worker. A "common carrier" by motor vehicle is one which holds itself out to the general public to engage in transportation of passengers for hire, whether over regular or irregular routes, and which holds a valid certificate of authorization for such purposes from an appropriate local, State or Federal agency.

(d) *Labor organizations.* Any labor organization, as defined in section 2(5) of the Labor Management Relations Act (29 U.S.C. 152(5)) (without regard to the exclusion of agricultural employees in that Act) or as defined under applicable State labor relations law.

(e) *Nonprofit charitable organizations.* Any nonprofit charitable organization or public or private nonprofit educational institution.

(f) *Local short-term contracting activity.* Any person who engages in any farm labor contracting activity solely within a twenty-five mile intrastate radius of such person's permanent place of residence and for not more than thirteen weeks per year.

(1) "Twenty-five mile intrastate radius" as used in section 4(a)(3)(D) of the Act means that engagement in a farm labor contracting activity may not go beyond a twenty-five mile intrastate geographical radius. Once this limit is transcended, the exemption no longer applies and the person becomes subject to the requirements of the Act. If, for example, a person or his employee solicits workers from a distance greater than twenty-five miles from his permanent residence or from across a State line, then the person has engaged in a named activity outside of the permitted scope of the exemption, and is subject to the requirements of the Act. A person who uses lines of communication (such as U.S. Mail, telephone, or advertising) to recruit, solicit, hire, or furnish workers over a distance greater than twenty-five miles from his permanent residence or from across a State line for agricultural employment is also engaged in a named activity beyond the specified limit of the exemption and is subject to the Act. In the case of a corporation its permanent place of residence for these purposes shall be a single designated location.

(2) "For not more than thirteen weeks per year" as used in section 4(a)(3)(D) of the Act means that farm labor contracting activities may not be engaged in for more than thirteen weeks in a year. This does not mean, however, that persons who engage in intrastate and short-range farm labor contracting activities are exempt for the first thirteen weeks of their farm labor contracting activities each year. The number of weeks of contracting activity during the prior year is also a factor. When the limit of weeks for the exemption is exceeded in a calendar year, the person is subject immediately to the Act and is also presumed subject to the Act in the next calendar year, unless it can be shown that the tests of section 4(a)(3)(D) are met.

(g) *Custom combine.* Any custom combine, hay harvesting, or sheep shearing operation. "Custom combine, hay harvesting, and sheep shearing operation" means the agricultural services and activities involved in combining grain, harvesting hay and shearing sheep which are provided to a farmer on a contract basis by a person who provides the necessary equipment and labor and who specializes on providing such services and activities.

(h) *Custom poultry operations.* Any custom poultry harvesting, breeding, debeaking, desexing, or health service operation, provided the employees of the operation are not regularly required to be away from their permanent place of residence other than during their normal working hours.

(i) *Seed production exemption.* (1) Any person whose principal occupation or business is not agricultural employment, when supplying full-time students or other individuals whose principal occupation is not agricultural employment to detassel, rogue, or otherwise engage in the production of seed and to engage in related and incidental agricultural employment, unless such full-time students or other individuals are required to be away from their permanent place of residence overnight or there are individuals under eighteen years of age who are providing transportation on behalf of such person.

(2) Any person to the extent he is supplied with students or other individuals for agricultural employment in accordance with paragraph (i)(1) of this section by a person who is exempt thereunder.

(j) *Shade grown tobacco.* (1) Any person whose principal occupation or business is not agricultural employment, when supplying full-time students or other individuals whose principal occupation is not agricultural employment to string or harvest shade grown tobacco and to engage in related and incidental agricultural employment, unless there are individuals under eighteen years of age who are providing transportation on behalf of such person.

(2) Any person to the extent he is supplied with students or other individuals for agricultural employment is accordance with paragraph (j)(1) of this section by a person who is exempt thereunder.

(k) *Employees of exempt employers.* Any employee of any person described in paragraphs (c) through (j) of this section when performing farm labor contracting activities within the scope of such exemptions and exclusively for such person.

Subpart B—Registration of Farm Labor Contractors and Employees of Farm Labor Contractors Engaged in Farm Labor Contracting Activities

Registration Requirements; General

§ 500.40 Registration in general.

Any person who desires to engage in any activity as a farm labor contractor, as defined in the Act and these regulations, and is not exempt, is required first to obtain a Certificate of Registration authorizing each such activity. Any employee of a registered farm labor contractor who performs farm labor contracting activities solely on behalf of such contractor, and who is not an independent contractor, must obtain a Farm Labor Contractor Employee Certificate of Registration authorizing each such activity. The employee's certificate must show the name of the farm labor contractor for whom the activities are to be performed. The contractor whose name appears on the employee's certificate must hold a valid Certificate of Registration covering the entire period shown on the employee's certificate.

§ 500.41 Farm labor contractor is responsible for actions of his farm labor contractor employee.

(a) A farm labor contractor is responsible for assuring that every employee who is performing farm labor contracting activities on behalf of such contractor has obtained either a Farm Labor Contractor Employee Certificate of Registration or a Certificate of Registration as an independent farm labor contractor, as required by the Act and these regulations, prior to such employee's engagement in any activity enumerated in section 3(6) of the Act. A farm labor contractor who utilizes the services of another farm labor contractor who is not his employee must also comply with the provisions of § 500.71. The farm labor contractor is responsible for any violations of the Act or these regulations committed by his employee, whether or not the employee has registered as required by the Act.

(b) A Farm Labor Contractor Employee Certificate of Registration is valid only during the period in which the holder is an employee of the registered farm labor contractor named on the Farm Labor Contractor Employee Certificate. If prior to the expiration of the Employee Certificate, the holder, through a change in employment, should become an employee of a different registered farm labor contractor, a replacement Employee Certificate which names the new employer may be obtained by submitting to the regional office that issued the original employee certificate or to any regional office of the Wage and Hour Division, Employment Standards Administration, a written statement that includes the date of the change in employment status and the name, the permanent place of residence and certificate registration number of the new employer. Any such change should be reported immediately.

§ 500.42 Certificate of Registration to be carried and exhibited.

Each registered farm labor contractor and registered farm labor contractor employee shall carry at all times while engaging in farm labor contracting activities, a Certificate of Registration or a Farm Labor Contractor Employee Certificate as appropriate and, upon request, shall exhibit that certificate to representatives of the U.S. Department of Labor and State Employment Service Agencies and to all persons with whom he intends to deal as a farm labor contractor or farm labor contractor employee.

§ 500.43 Effect of failure to produce certificate.

The facilities and the services authorized by the Wagner-Peyser Act shall be denied to any farm labor contractor upon refusal or failure to produce, when asked, a Certificate of Registration. Services shall be provided upon presentation of a valid Certificate of Registration.

Applications and Renewal of Farm Labor Contractor and Farm Labor Contractor Employee Certificates

§ 500.44 Form of application.

An application for issuance or renewal of a Farm Labor Contractor Certificate of Registration or Farm Labor Contractor Employee Certificate shall be made on forms designated by the Secretary.

§ 500.45 Contents of application.

The application shall set forth the information required thereon which shall include the following:

(a) A declaration, subscribed and sworn to by the applicant, stating the applicant's permanent place of residence, the farm labor contracting activities for which the certificate is requested, and the address to which official documents should be mailed;

(b) A statement identifying each vehicle to be used to transport any migrant or seasonal agricultural worker and, if the vehicle is or will be owned or controlled by the applicant, documentation showing that the applicant for a Farm Labor Contractor Certificate of Registration is in compliance with the requirements of section 401 of the Act with respect to each such vehicle;

(c) A statement identifying each facility or real property to be used to house any migrant agricultural worker and, if the facility or real property is or will be owned or controlled by the applicant, documentation showing that the applicant for a Farm Labor Contractor Certificate of Registration is in compliance with section 203 of the Act with respect to each such facility or real property;

(d) A set of fingerprints of the applicant on Form FD 258 as prescribed by the U.S. Department of Justice;

(e) A declaration, subscribed and sworn to by the applicant, consenting to the designation by a court of the Secretary as an agent available to accept service of summons in any action against the applicant, if the applicant has left the jurisdiction in which the action is commenced or otherwise has become unavailable to accept service; and

(f) Such other relevant information as the Secretary may require.

§ 500.46 Filing an application.

Registration under the Act is required whether or not licensing or registration is required under State law.

§ 500.47 Place for filing application.

Application forms may be filed in any State Employment Service Office or in any office of the Wage and Hour Division, U.S. Department of Labor.

Action on Application

§ 500.48 Issuance of certificate.

The Administrator or authorized representative shall:

(a) Review each application received and determine whether such application is complete and properly executed;

(b) When appropriate, notify the applicant in writing of any incompleteness or error in the application and return the application for correction and completion;

(c) Determine, after appropriate investigation, whether the applicant has complied with the requirements of the Act and these regulations, and if appropriate, issue a Certificate of Registration or a Farm Labor Contractor Employee Certificate of Registration authorizing the performance of one or more activities permitted under the Act;

(d) Authorize the activity of transporting a migrant or seasonal agricultural worker only upon receipt of (1) a statement in the manner prescribed by the Secretary identifying each vehicle to be used, or caused to be used, by the applicant for the transportation of any migrant or seasonal agricultural worker during the period for which registration is sought; (2) written proof that every such vehicle which is under the applicant's ownership or control, is in compliance with the vehicle safety requirements of the Act and these regulations; and (3) written proof that every such vehicle is in compliance with the insurance requirements of the Act and these regulations;

(e) Authorize the activity of driving a vehicle to transport a migrant or seasonal agricultural worker only upon receipt of (1) a doctor's certificate on the prescribed form, with an initial application for a Certificate of Registration or a Farm Labor Contractor Employee Certificate, and, when applying for a renewal, a new completed doctor's certificate if the previous doctor's certificate is more than three years old; and (2) evidence of a valid and appropriate license, as provided by State law, to operate the vehicle; and

(f) Authorize the activity of housing a migrant agricultural worker only upon receipt of (1) a statement identifying each facility or real property to be used for housing a migrant agricultural worker during the period for which registration is sought; and (2) if the facility or real property is or will be owned or controlled by the applicant, written proof that the facility or real property complies with the applicable Federal and State standards of health and safety. Such written proof may be either a certification issued by a State or local health authority or other appropriate agency, or a copy of a written request for the inspection of a facility or real property made to the appropriate State or local agency at least forty-five days prior to the date on which the facility or real property is to be occupied by migrant agricultural workers, dated and signed by the applicant or other person who owns or controls the facility or real property. If housing authorization is issued based on a written request for inspection and the housing facility or real property is subsequently inspected and does not meet the appropriate standards, the housing authorization is null and void. Should the required written proof for housing authorization be unavailable at the time of filing an application, the applicant must attest in writing that the applicant will not house any migrant agricultural worker in any facility or real property owned or controlled by the applicant, until such applicant shall have submitted all necessary written proof and obtained a Farm Labor Contractor Certificate of Registration showing that housing in the facility or real property is authorized by the Secretary of Labor. In such event, if otherwise eligible, the applicant will be issued a Certificate of Registration without a housing authorization. This certificate may be amended to include an authorization to house at such time as the required proof is forthcoming.

§ 500.50 Duration of certificate.

(a) Initial certificates of farm labor contractors and farm labor contractor employees.

(1) An initial certificate issued under the Act and these regulations shall expire twelve months from the date of issuance unless earlier suspended or revoked.

(2) Certificates applied for during the period beginning April 14, 1983, and ending November 30, 1983, may be issued for a period of up to twenty-four months for the purpose of an orderly transition to registration under the Act.

(3) Certificates issued to employees of farm labor contractors shall expire at the suspension, revocation or expiration of the farm labor contractor's Certificate of Registration under which such employee was authorized.

(b) Certificate renewal of farm labor contractors and farm labor contractor employees.

(1) A certificate issued under the Act and these regulations may be temporarily extended by the filing of an application with the Secretary at least thirty days prior to its expiration date. The authority to operate pursuant to a valid certificate under the Act and these regulations shall continue until the renewal application has been finally determined by the Secretary.

(2) A certificate issued under the Act and these regulations may be renewed by the Secretary for additional twelve-month periods or for periods in excess of twelve months but not in excess of twenty-four months.

(3) Eligibility for renewals of certificates for more than twelve months under the Act and these regulations shall be limited to those farm labor contractors and farm labor contractor employees who have not been cited during the preceding five years for a violation of the Act or any regulation under the Act, or the Farm Labor Contractor Registration Act or any regulation under such Act.

(c) Continuation of certain FLCRA certificates.

(1) Certificates issued under FLCRA, and in effect on April 14, 1983, that are valid for the services performed under FLCRA, will be continued in effect and be accepted as authorization to perform like services under the Act and these regulations for the remainder of calendar year 1983. Such certificates will be subject to the Act and these regulations with respect to determinations to suspend, revoke or refuse renewal.

(2) Actions pending related to the suspension, revocation, or refusal to issue or renew FLCRA certificates shall continue through to a final determination. Any such certificate which is considered to be in effect under Title 29 CFR 40.21 pending a final determination, will be considered valid under MSPA, provided application for a certificate under MSPA is made no later than November 30, 1983.

§ 500.51 Refusal to issue or to renew, or suspension or revocation of certificate.

The Secretary may suspend or revoke or refuse to issue or to renew a Certificate of Registration (including a Farm Labor Contractor Employee Certificate) if the applicant or holder:

(a) Has knowingly made any misrepresentation in the application for such certificate;

(b) Is not the real party in interest in the application or Certificate of Registration and the real party in interest is a person who has been refused issuance or renewal of a certificate, has had a certificate suspended or revoked, or does not qualify under this section for a certificate;

(c) Has failed to comply with the Act or these regulations;

(d) Has failed to pay any court judgment obtained by the Secretary or any other person under the Act or these regulations or under the Farm Labor Contractor Registration Act of 1963 or any regulation under such Act;

(e) Has failed to comply with any final order issued by the Secretary as a result of a violation of the Act or these regulations or a violation of the Farm Labor Contractor Registration Act of 1963 or any regulation under such Act;

(f) Has been convicted within the preceding five years:

(1) Of any crime under State or Federal law relating to gambling, or to the sale, distribution or possession of alcoholic beverages, in connection with or incident to any farm labor contracting activities, or

(2) Of any felony under State or Federal law involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, prostitution, peonage, or smuggling or harboring individuals who have entered the United States illegally.

§ 500.52 Right to hearing.

Any applicant or holder who desires an administrative hearing on the determination to refuse to issue or to renew, or to suspend or to revoke, a Certificate of Registration or a Farm Labor Contractor Employee Certificate of Registration, shall make a request in accordance with § 500.212, no later than thirty (30) days after service of the notice referred to in § 500.210.

§ 500.53 Nontransfer of certificate.

A Certificate of Registration may not be transferred or assigned.

§ 500.54 Change of address.

During the period for which the Certificate of Registration or Employee Certificate is in effect, each farm labor

contractor or farm labor contractor employee shall provide to the Secretary, within thirty (30) days, a notice of each change of permanent place of residence in accordance with § 500.215.

§ 500.55 Changes to or amendments of certificate authority.

(a) During the period for which the Certificate of Registration is in effect, a farm labor contractor must apply to the Secretary to amend the Certificate of Registration whenever he intends to:

(1) Engage in another farm labor contracting activity;

(2) Use, or cause to be used, another vehicle than that covered by the certificate to transport any migrant or seasonal agricultural worker; or

(3) Use, or cause to be used, another real property or facility to house any migrant agricultural worker than that covered by the certificate.

(b) Whenever another vehicle or housing facility or real property is or will be owned, operated, or controlled by the farm labor contractor, the farm labor contractor must submit the appropriate information to obtain transportation, driving or housing authorization, as applicable, as described in § 500.48, within 10 days after the contractor obtains or learns of the intended use of such vehicle or housing facility or real property.

(c) Notwithstanding submission of the appropriate information, the farm labor contractor must comply with all applicable motor safety, insurance, and housing safety and health provisions of the Act and these regulations. With regard to housing, the farm labor contractor must submit the appropriate housing documentation as well as comply with the housing safety and health provisions of the Act and these regulations, prior to occupancy by a migrant agricultural worker.

§ 500.56 Replacement of Certificate of Registration or Farm Labor Contractor Employee Certificate.

If a Certificate of Registration or a Farm Labor Contractor Employee Certificate is lost or destroyed, a duplicate certificate may be obtained by the submission to the regional office that issued it or to any regional office of the Wage and Hour Division, Employment Standards Administration, of a written statement explaining its loss or destruction, indicating where the original application was filed and requesting that a duplicate be issued.

Prohibition Against Employing Illegal Aliens

§ 500.58 Prohibition against recruiting, hiring, employing, or using an alien not lawfully admitted for permanent residence or authorized by Attorney General to accept employment.

It is a violation of the Act for a farm labor contractor to recruit, hire, employ, or use, with knowledge, the services of any individual who is an alien not lawfully admitted for permanent residence or who has not been authorized by the Attorney General to accept employment.

§ 500.59 Good faith reliance on documents.

A farm labor contractor will be considered in compliance with the prohibition against recruiting, hiring, employing or using the services of an illegal alien if the contractor can demonstrate that he relied in good faith on documentation, prescribed by the Secretary of Labor, attesting to a prospective employee's status as a United States citizen or as an individual lawfully authorized to work in the United States and the contractor had no reason to believe that the prospective employee was an illegal alien. Good faith reliance by the contractor on documentation prescribed by the Secretary of Labor will be deemed met by a written affirmation that the contractor relied on any of the following:

(a) Acceptable evidence of United States citizenship:

(1) Birth certificate.

(2) Certificate of citizenship.

(3) Certificate of naturalization.

(4) U.S. identification card (INS—Form I–179 or I–197).

(5) Passport issued by United States identifying person as citizen of United States.

(6) Consular report of birth (State Department Form FS–240).

(7) Baptismal certificate under seal of a church or other religious body which practices infant baptism showing the individual's date and place of birth within the United States, its territories or possessions.

(8) A document under seal of a religious body which does not practice infant baptism showing the individual's date and place of birth within the United States, its territories or possessions.

(9) Tribal enrollment card in an American Indian tribe recognized by the Bureau of Indian Affairs.

(10) Other written advice from the Immigration and Naturalization Service (INS) attesting that such person is a citizen of the United States.

(11) A copy of a written declaration made in accordance with § 500.1(i)(4), signed by the applicant under penalty of prosecution for violation of Title 18 U.S.C. 1001, and witnessed by the signature of the appropriate official of the Employment Service, affixed in the presence of the applicant, filed with the United States Employment Service or any of its affiliated offices, attesting that such person is a citizen of the United States, was born at the place stated and on the date set forth thereon, and reciting the following additional information:

(i) Social Security number of such person (voluntary) and,

(ii) Names and addresses of three adult citizens of the United States who can be contacted to verify declarant's citizenship.

(12) A certificate issued by the Department of Labor, Bureau of Employment Security, Commonwealth of Puerto Rico which attests that, based upon examination of any of the documents prescribed by paragraphs (a)(1) through (11) of this section, the individual named and identified by the picture on that certificate was born within the United States (including its territories and possessions) at the place and on the date specified thereon and which sets forth such individual's home address (street and number, city, State, zip code) and Social Security number.

(b) INS—Form I–151 or I–551, Alien Registration Receipt Card, which is proof that the alien has been lawfully admitted to the United States for permanent residence. It is a wallet-sized laminated card, bearing a photograph of the alien and contains information concerning his alien registration number, date of admission as an immigrant, birth date and sex.

(c) INS—Form I–94 (with or without a passport)—

(1) INS—Form I–94 bearing an employment authorization consisting of the words "Employment Authorized."

(2) INS—Form I–94 bearing the designation of H–2, as endorsed on the front or back of the form, authorizing a person to engage only in agricultural employment during the period of such persons's authorized stay in the United States.

(d) Any other written advice from the Immigration and Naturalization Service (INS) that such person is an alien authorized by INS to accept such employment in agriculture in the United States.

(e) United States Armed Forces Discharge Papers.

Additional Obligations of Farm Labor Contractors and Farm Labor Contractor Employees

§ 500.60 Farm labor contractors' recruitment, contractual and general obligations.

The Act imposes certain specific recruitment, contractual and general obligations on farm labor contractors and farm labor contractor employees. The contractor is responsible for any violations under the Act committed by his employee. Each of the following obligations applies to both farm labor contractors and farm labor contractor employees.

(a) Each farm labor contractor shall provide to any other farm labor contractor and to any agricultural employer and agricultural association to which such farm labor contractor has furnished any migrant or seasonal agricultural worker, copies of all records for that place of employment which such farm labor contractor is required to retain for each worker furnished or supplied. The recipient of these records shall keep them for a period of three years.

(b) Each farm labor contractor, without regard to any other provisions of this Act, shall obtain at each place of employment and make available for inspection to every worker he furnishes for employment, a written statement of the conditions of such employment as described in sections 201(b) and 301(b) of the Act and §§ 500.75 and 500.76 of these regulations. As with the written disclosure statements under §§ 500.76 and 500.77, these statements must be provided to the workers in English or, as necessary and reasonable, in Spanish or another language common to migrant or seasonal agricultural workers who are not fluent in English.

(c)(1) No farm labor contractor shall violate, without justification, the terms of any written agreements made with an agricultural employer or an agricultural association pertaining to any contracting activity or worker protection under the Act. Normally, "without justification" would not include situations in which failure to comply with the terms of any written agreements was directly attributable to Acts of God, due to conditions beyond the control of the person or to conditions which he could not reasonably foresee.

(2) Written agreements do not relieve a farm labor contractor of any responsibility that such contractor would otherwise have under the Act and these regulations.

(d) All payroll records made by the farm labor contractor must be retained by him for a period of three years.

§ 500.61 Farm labor contractors must comply with all worker protections and all other statutory provisions.

Every farm labor contractor must comply with all of the provisions of Titles I through V of the Act and all of the subparts of these regulations, unless subject to a specific statutory exemption. In addition to complying with all of the standards stated in Subparts A and B of these regulations, every farm labor contractor must comply with each provision stated in Subpart C and the motor vehicle safety and insurance and housing standards stated in Subpart D.

§ 500.62 Obligations of a person holding a valid Farm Labor Contractor Employee Certificate of Registration.

Any person holding a valid Farm Labor Contractor Employee Certificate of Registration in accordance with the Act and these regulations is required to comply with the Act and these regulations to the same extent as if said person had been required to obtain a Certificate of Registration in such person's own name as a farm labor contractor.

Subpart C—Worker Protections

General

§ 500.70 Scope of worker protections.

(a) *General.* The Act provides protections for migrant and seasonal agricultural workers irrespective of whether they are employed by a farm labor contractor, an agricultural employer or an agricultural association, or, in the case where there is joint responsibility, by more than one of these persons. The Act's provisions include standards relating to vehicle safety, housing safety and health, disclosure of wages, hours and other conditions of employment, and recordkeeping. When any person not otherwise exempt from the Act recruits, solicits, hires, employs, furnishes or transports workers, that person is required to comply with the applicable protective provisions of the Act. In addition, any person not specifically exempt from coverage of the Act (irrespective of whether that person is an agricultural employer, an agricultural association or farm labor contractor) who owns or controls a facility or real property which is used as housing for any migrant agricultural workers must ensure that the facility or real property complies with all substantive Federal and State safety and health standards made applicable to that type of housing. (See § 500.132)

(b) *Wage related protections.* Joint employment under the Fair Labor Standards Act, which establishes responsibility for the maintenance of payroll records, payment of wages and posting of notices under that law, is joint employment under MSPA for establishing responsibility for the maintenance of records, payment of wages and the posting of required posters under MSPA. In such joint employment situations the responsibility for assuring these MSPA protections may be carried out by one of the joint employers. While under a joint employment relationship all joint employers are equally responsible for assuring that the appropriate protections are provided, the creation of such a joint employment relationship does not also require unnecessary duplication of effort as, for example, in relation to the posting of posters (see §§ 500.75(e) and 500.76(e)) or the provision of an itemized written statement of the worker's pay (see § 500.80(d)). Failure to provide protections coming within the joint employment relationship, however, will result in all joint employers being responsible for that failure.

(c) *Transportation related protections.* Responsibility for compliance with the motor vehicle safety and insurance provisions of section 401 of the Act and §§ 500.100 through 500.128 of these regulations is imposed upon the person or persons using or causing to be used, any vehicle for transportation of migrant or seasonal agricultural workers. As stated in these regulations, the transportation safety provisions do not include certain car pooling arrangements. Additionally, these regulations do not impose responsibility on an agricultural employer or agricultural association for a farm labor contractor's failure to adhere to the safety provisions provided in these regulations when the farm labor contractor is providing the vehicles and directing their use. However, when an agricultural employer or agricultural association specifically directs or requests a farm labor contractor to use the contractor's vehicle to carry out a task for the agricultural employer or agricultural association, such direction constitutes causing the vehicle to be used and the agricultural employer or agricultural association is jointly responsible with the farm labor contractor for assuring that the vehicle meets the insurance, and safety and health provisions of these regulations. In all cases a person using a farm labor contractor is required to take reasonable steps to determine that the vehicle used by the farm labor contractor is authorized to be used for transportation

as prescribed in Section 402 of the Act and § 500.71 of these regulations.

(d) *Housing related protections.* Responsibility for compliance with the housing safety and health provisions of section 203 of the Act and §§ 500.130 through 500.135 of these regulations is imposed upon the person (or persons) who owns or controls a facility or real property used as housing for migrant agricultural workers. Any agricultural employer or agricultural association which has a farm labor contractor operate housing which it owns or controls is responsible, as well as the farm labor contractor, for insuring compliance with the housing safety and health provisions of these regulations. When the owner or operator of the housing is not an agricultural employer, agricultural association or farm labor contractor, the owner is responsible for that housing meeting the safety and health provisions under the Act and these regulations. This is subject to the exclusion stated in § 500.131 of these regulations which provides that the housing safety and health requirements do not apply to any person who, in the ordinary course of that person's business, regularly provides housing on a commercial basis to the general public and who provides housing to any migrant agricultural worker of the same character and on the same or comparable terms and conditions as provided to the general public.

§ 500.71 Utilization of only registered farm labor contractors.

The Act prohibits any person from utilizing the services of a farm labor contractor to supply migrant or seasonal agricultural workers without first taking reasonable steps to determine that the farm labor contractor possesses a valid Certificate of Registration, issued pursuant to the Act, which authorizes the activity for which the contractor is to be utilized. This prohibition also applies to a farm labor contractor who wishes to utilize the services of another farm labor contractor (see § 500.41). In making the determination about a contractor's registration status, a person may rely upon the contractor's possession of a Certificate of Registration which on its face is valid and which authorizes the activity for which the contractor is utilized. A person has the alternative to confirm the contractor's registration through the central registry maintained by the United States Department of Labor.

§ 500.72 Agreements with workers.

(a) The Act prohibits farm labor contractors, agricultural employers and agricultural associations from violating, without justification, the terms of any working arrangements they have made with migrant or seasonal agricultural workers. Normally, "without justification" would not include situations in which failure to comply with the terms of any working arrangements was directly attributable to acts of God, due to conditions beyond the control of the person or to conditions which he could not reasonably foresee.

(b) Written agreements do not relieve any person of any responsibility that the person would otherwise have under the Act or these regulations.

§ 500.73 Required purchase of goods or services solely from any person prohibited.

The Act prohibits a farm labor contractor, agricultural employer or agricultural association from requiring a migrant or seasonal agricultural worker to purchase goods or services solely from such farm labor contractor, agricultural employer, or agricultural association, or any other person acting as an agent for any person subject to this prohibition.

Recruiting, Hiring and Providing Information to Migrant Agricultural Workers

§ 500.75 Disclosure of information.

(a) Where disclosure is required, Department of Labor optional forms may be used to satisfy the requirements of disclosure under the Act.

(b) Each farm labor contractor, agricultural employer, and agricultural association which recruits any migrant agricultural worker shall ascertain to the best of his ability and disclose, in writing to the extent that he has obtained such information, to such worker at the time of recruitment, the following information:

(1) The place of employment (with as much specificity as practical, such as the name and address of the employer or the association);

(2) The wage rates (including piece rates) to be paid;

(3) The crops and kinds of activities on which the worker may be employed;

(4) The period of employment;

(5) The transportation, housing, and any other employee benefits to be provided, if any, and any costs to be charged for each of them;

(6) Workers' compensation and unemployment insurance;

(7) The existence of any strike or other concerted work stoppage, slowdown, or interruption of operations by employees at the place of employment; and

(8) The existence of any arrangements with any owner or agent of any establishment in the area of employment under which the farm labor contractor, the agricultural employer, or the agricultural association is to receive a commission or any other benefit resulting from any sales by such establishment to the workers.

(c) Each farm labor contractor, agricultural employer and agricultural association which employs any migrant agricultural worker shall post (and maintain) in a conspicuous place at the place of employment a poster provided by the Secretary of Labor, which sets out the rights and protections for workers required under the Act.

(d) The employer (other than a farm labor contractor) of any migrant agricultural worker, shall provide at the place of employment on request of the worker, a written statement of the conditions of employment. A farm labor contractor shall provide such information in accordance with § 500.60(b) of these regulations.

(e) In a joint employment situation, each employer is equally responsible for displaying and maintaining the poster and for responding to worker requests for written statements of the conditions of employment which are made during the course of employment. This joint responsibility, however, does not require needless duplication, such as would occur if each employer posted the same poster or provided the same written statement with respect to the same employment conditions. Failure to provide the information required by a joint employment relationship, however, will result in all joint employers being responsible for that failure.

(f) Each farm labor contractor, agricultural employer and agricultural association which provides housing for any migrant agricultural worker shall post in a conspicuous place (at the site of the housing) or present in the form of a written statement to the worker the following information on the terms and conditions of occupancy of such housing, if any:

(1) The name and address of the farm labor contractor, agricultural employer or agricultural association providing the housing;

(2) The name and address of the individual in charge of the housing;

(3) The mailing address and phone number where persons living in the housing facility may be reached;

(4) Who may live at the housing facility;

(5) The charges to be made for housing;

(6) The meals to be provided and the charges to be made for them;

(7) The charges for utilities; and

(8) Any other charges or conditions of occupancy.

(g) If the terms and conditions of occupancy are posted, the poster shall be displayed and maintained during the entire period of occupancy. If the terms and conditions of occupancy are disclosed to the worker through a statement (rather than through a posting), such statement shall be provided to the worker prior to occupancy. Department of Labor optional forms may be used to satisfy this requirement.

Hiring and Providing Information to Seasonal Agricultural Workers

§ 500.76 Disclosure of information.

(a) Where disclosure is required, Department of Labor optional forms may be used to satisfy the requirements of disclosure under the Act.

(b) Each farm labor contractor, agricultural employer and agricultural association, which recruits any seasonal agricultural worker for employment on a farm or ranch to perform field work related to planting, cultivating or harvesting operations, shall ascertain and, upon request, disclose in writing the following information to such worker when an offer of employment is made:

(1) The place of employment (with as much specificity as practical, such as the name and address of the employer or the association);

(2) The wage rates (including piece rates) to be paid;

(3) The crops and kinds of activities on which the worker may be employed;

(4) The period of employment;

(5) The transportation and any other employee benefits to be provided, if any, and any costs to be charged for each of them;

(6) Workers' compensation and unemployment insurance;

(7) The existence of any strike or other concerted work stoppage, slowdown, or interruption of operations by employees at the place of employment; and

(8) The existence of any arrangements with any owner or agent of any establishment in the area of employment under which the farm labor contractor, the agricultural employer, or the agricultural association is to receive a commission or any other benefit resulting from any sales by such establishment to the workers.

(c) Each farm labor contractor, agricultural employer and agricultural association which recruits any seasonal agricultural worker for employment through the use of day-haul operation in canning, packing, ginning, seed conditioning or related research, or processing operations, shall ascertain and disclose in writing to the worker at the time of recruitment the information on employment conditions set out in paragraph (b) of this section.

(d) (1) Each farm labor contractor, agricultural employer and agricultural association which employs any seasonal agricultural worker shall post (and maintain) at the place of employment in a conspicuous place readily accessible to the worker a poster provided by the Secretary of Labor which sets out the rights and protections for such worker required under the Act.

(2) Such employer shall provide, on request of the worker, a written statement of the information described in paragraph (b) of this section.

(e) In a joint employment situation, each employer is equally responsible for displaying and maintaining the poster and for responding to worker requests for written statements of the conditions of employment which are made during the course of employment. This joint responsibility, however, does not require needless duplication, such as would occur if each employer posted the same poster or provided the same written statement with respect to the same employment conditions.

Employment Information Furnished

§ 500.77 Accuracy of information furnished.

No farm labor contractor, agricultural employer or agricultural association shall knowingly provide false or misleading information on the terms, conditions or existence of agricultural employment and housing required to be disclosed by the Act and these regulations to any migrant or seasonal agricultural worker.

§ 500.78 Information in foreign language.

Each farm labor contractor, agricultural employer and agricultural association shall make all required written disclosures to the worker, including the written disclosures of the terms and conditions of occupancy of housing to be provided to any migrant worker, in English or, as necessary and reasonable, in Spanish or another language common to migrant or seasonal agricultural workers who are not fluent or literate in English. The Department of Labor shall make forms available in English, Spanish, Haitian-Creole and other languages, as necessary, which may be used in providing workers with such information.

Wages and Payroll Standards

§ 500.80 Payroll records required.

(a) Each farm labor contractor, agricultural employer and agricultural association which employs any migrant or seasonal agricultural worker shall make and keep the following records with respect to each worker including the name, permanent address, and Social Security number:

(1) The basis on which wages are paid;

(2) The number of piecework units earned, if paid on a piecework basis;

(3) The number of hours worked;

(4) The total pay period earnings;

(5) The specific sums withheld and the purpose of each sum withheld; and

(6) The net pay.

(b) Each farm labor contractor, agricultural employer and agricultural association which employs any migrant or seasonal agricultural worker shall preserve all payroll records with respect to each such worker for a period of three years.

(c) When a farm labor contractor furnishes any migrant or seasonal agricultural worker, and the farm labor contractor is the employer, the farm labor contractor must furnish the agricultural employer, agricultural association or other farm labor contractor to whom the workers are furnished, a copy of all payroll records required under paragraph (a) of this section which the farm labor contractor has made regarding such worker for that place of employment. The person receiving such records shall maintain them for a period of three years.

(d) In addition to making records of this payroll information, the farm labor contractor, agricultural employer and agricultural association shall provide each migrant or seasonal agricultural worker employed with an itemized written statement of this information at the time of payment for each pay period which must be no less often than every two weeks (or semi-monthly). Such statement shall also include the employer's name, address, and employer indentification number assigned by the Internal Revenue Service. This responsibility does not require needless duplication such as would occur if each provided the worker with a written itemized statement for the same work.

§ 500.81 Payment of wages when due.

Each farm labor contractor, agricultural employer and agricultural association which employs any migrant or seasonal agricultural worker must pay the wages owed such worker when due. In meeting this responsibility, the

farm labor contractor, agricultural employer and agricultural association shall pay the worker no less often than every two weeks (or semi-monthly).

Subpart D—Motor Vehicle Safety and Insurance for Transportation of Migrant and Seasonal Agricultural Workers, Housing Safety and Health for Migrant Workers

Motor Vehicle Safety

§ 500.100 Vehicle safety obligations.

(a) *General obligations.* Each farm labor contractor, agricultural employer and agricultural association which uses, or causes to be used, any vehicle to transport a migrant or seasonal agricultural worker shall ensure that such vehicle conforms to vehicle safety standards prescribed by the Secretary of Labor under the Act and with other applicable Federal and State safety standards. Each farm labor contractor, agricultural employer and agricultural association shall also ensure that each driver of any such vehicle has a currently valid motor vehicle operator's permit or license, as provided by applicable State law, to operate the vehicle.

(b) *Proof of compliance with vehicle safety standards.* Prima facie evidence that safety standards have been met will be shown by the presence of a current State vehicle inspection sticker. Such sticker will not, however, relieve the farm labor contractor, agricultural employer or agricultural association from responsibility for maintaining the vehicle in accordance with § 500.104 or 500.105, as applicable.

(c) *Uses or Causes to be used.* The term "uses or causes to be used" as set forth in paragraph (a) of this section does not include carpooling arrangements made by the workers themselves, using one of the workers' own vehicles. However, carpooling does not include any transportation arrangement in which a farm labor contractor participates or which is specifically directed or requested by an agricultural employer or an agricultural association.

§ 500.101 Promulgation and adoption of vehicle standards.

(a) *General.* All transportation of migrant and seasonal agricultural workers, whether on the farm or on the road, shall be subject to the vehicle safety standards of the Act, except for activities under the circumstances set out in § 500.103.

(b) *Compliance required.* Any violation of the standards promulgated by the Secretary in § 500.104 or adopted by the Secretary in § 500.105 shall be a violation of the Act and these regulations.

(c) *Development of Department of Labor Standards.* In developing the regulations in § 500.104, the Secretary has considered among other factors: (a) The type of vehicle used, (b) the passenger capacity of the vehicle, (c) the distance which such workers will be carried in the vehicle, (d) the type of roads and highways on which such workers will be carried in the vehicle, and (e) the extent to which a proposed standard would cause an undue burden on agricultural employers, agricultural associations, or farm labor contractors.

(d) *Adoption of Department of Transportation (DOT) Standards.* In accordance with Section 401(b)(2)(C) of the Act, the Secretary has adopted in § 500.105 of these regulations, the DOT standards, without regard to the mileage and boundary limitations established in 49 U.S.C. 3102(c).

§ 500.102 Applicability of Vehicle Safety Standards.

(a) Any passenger automobile or station wagon used or caused to be used by any farm labor contractor, agricultural employer or agricultural association to transport any migrant or seasonal agricultural worker shall meet the vehicle safety standards prescribed in § 500.104.

(b) Any vehicle, other than a passenger automobile or station wagon, used or caused to be used by any farm labor contractor, agricultural employer or agricultural association to transport any migrant or seasonal agricultural worker pursuant to a day-haul operation shall be subject to the safety standards prescribed under § 500.105.

(c) Any vehicle, other than a passenger automobile or station wagon, which has been or is being used or caused to be used for any trip of a distance greater than 75 miles by a farm labor contractor, agricultural employer or agricultural association to transport any migrant or seasonal agricultural worker, shall be subject to the safety standards prescribed under § 500.105. One trip may have numerous intermediate stops.

(d) Any vehicle, other than a passenger automobile or station wagon, used or caused to be used by any farm labor contractor, agricultural employer or agricultural association to transport any migrant or seasonal agricultural worker in any manner not addressed by paragraphs (a), (b), or (c) of this section shall meet the vehicle safety standards prescribed in § 500.104.

(e) The use or intended use of a vehicle, other than a passenger automobile or station wagon, for transportation of the type identified in § 500.102(b) or § 500.102(c) will make the vehicle subject to the standards prescribed under § 500.105, so long as the vehicle is used for transportation subject to the Act and these regulations.

(f) Any pickup truck used only for transportation subject to § 500.104 when transporting passengers only within the cab shall be treated as a station wagon.

(g) Pursuant to section 401(b)(2)(C) of the Act, standards prescribed by the Secretary shall be in addition to, and shall not supersede nor modify, any standard prescribed under part II of the Interstate Commerce Act and any successor provision of subtitle IV of title 49, United Stated Code or the regulations issued thereunder which is independently applicable to transportation to which this section applies. A violation of any such standard shall also constitute a violation of the Act and these regulations.

§ 500.103 Activities not subject to vehicle safety standards.

(a) *Agricultural machinery and equipment excluded.* Vehicle safety standards or insurance requirements issued under the Act and these regulations do not apply to the transportation of any seasonal or migrant agricultural worker on a tractor, combine, harvester, picker, other similar machinery and equipment while such worker is actually engaged in the planting, cultivating, or harvesting of any agricultural commodity or the care of livestock or poultry. This exclusion applies only to workers carrying out these activities on such machinery and equipment or being engaged in transportation incidental thereto. The exclusion does not include the use of such machinery for the transportation of any worker under any other circumstances.

(b) *Exclusion for immediate family transporting family members.* The standards of this subpart do not apply to an individual migrant or seasonal agricultural worker when the only other occupants of that individual's vehicle consist of his immediate family members as defined in § 500.20(o)

(c) *Carpooling.* Vehicle safety standards or insurance requirements of the Act and these regulations do not apply to carpooling arrangements made by the workers themselves, using one of the workers' own vehicles and not specifically directed or requested by an agricultural employer or agricultural association. Carpooling, however, does not include any transportation arrangement in which a farm labor contractor participates.

(See also § 500.120)

§ 500.104 Department of Labor standards for passenger automobiles and station wagons and transportation of seventy-five miles or less.

Any farm labor contractor, agricultural employer or agricultural association providing transportation in passenger automobiles and station wagons and other vehicles used only for transportation as provided in § 500.102(a) and (d) shall comply with the following vehicle safety standards:

(a) *External Lights:* Head lights, tail lights, stop lights, back-up lights, turn signals and hazard warning lights shall be operable.

(b) *Brakes:* Every vehicle shall be equipped with operable brakes for stopping and holding on an incline. Brake systems shall be free of leaks.

(c) *Tires:* Tires shall have at least 2/32 inch tread depth, and have no cracks/defects in the sidewall.

(d) *Steering:* The steering wheel and associated mechanism shall be maintained so as to safely and accurately turn the vehicles.

(e) *Horn:* Vehicles shall have an operable air or electric horn.

(f) *Mirrors:* Mirrors shall provide the driver full vision of the sides and to the rear of the vehicle.

(g) *Windshields/Windshield Wipers:* Windshields and windows may not have cracks or opaque obstructions which obscure vision. Vehicles shall be equipped with windshield wipers that are operational to allow the operator full frontal vision in all weather conditions.

(h) *Fuel System:* Fuel lines and the fuel tank shall be free of leaks. The tank shall be fitted with a cap to securely cover the filling opening.

(i) *Exhaust System:* The exhaust system shall discharge carbon monoxide away from the passenger compartment and be free of leaks beneath the passenger compartment.

(j) *Ventilation:* Windows will be operational to allow fresh air to the occupants of the vehicle.

(k) *Safe Loading:* Vehicles will not be driven when loaded beyond the manufacturer's gross vehicle weight rating.

(l) *Seats:* A seat securely fastened to the vehicle will be provided for each occupant or rider in, or on, any vehicle, except that transportation which is primarily on private farm roads will be excused from this requirement provided the total distance traveled does not exceed ten (10) miles, and so long as the trip begins and ends on a farm owned or operated by the same employer.

(m) *Handles and Latches:* Door handles and latches shall be provided and maintained to allow exiting capability for vehicle occupants.

(n) *Passenger compartment:* Floor and sides of any part of the vehicle to be occupied by passengers must be free of openings, rusted areas or other defects which are likely to result in injury to passengers.

§ 500.105 DOT standards adopted by the Secretary.

(a) Any farm labor contractor, agricultural employer or agricultural association providing transportation in vehicles other than passenger automobiles and station wagons used for transportation as provided in § 500.102 (b), (c), and (e) shall comply with the motor carrier safety standards listed in paragraph (b) of this section.

(b) The Secretary for the purposes of this section has adopted from 49 CFR Part 398 the following pertinent standards. (In adopting these standards, editorial changes necessitated by the Act and these regulations have been made to conform the language to these regulations):

(1) *Qualification of drivers or operators (Source: 49 CFR 398.3)*—(i) *Compliance required.* Every person subject to this Act who drives a motor vehicle or is responsible for the hiring, supervision, training, assignment or dispatching of drivers shall comply and be conversant with the requirements of this section.

(ii) *Minimum physical requirements.* No such person shall drive, nor shall any such person require or permit any person to drive, any motor vehicle unless such person possesses the following minimum qualifications:

(A) No loss of foot, leg, hand or arm.

(B) No mental, nervous, organic, or functional disease, likely to interfere with safe driving.

(C) No loss of fingers, impairment of use of foot, leg, fingers, hand or arm, or other structural defect or limitation, likely to interfere with safe driving.

(D) *Eyesight:* Visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses; form field of vision in the horizontal meridian shall not be less than a total of 140 degrees; ability to distinguish colors red, green and yellow; drivers requiring correction by glasses shall wear properly prescribed glasses at all times when driving.

(E) *Hearing:* Hearing shall not be less than 10/20 in the better ear, for conversational tones, without a hearing aid.

(F) *Liquor, narcotics and drugs:* Shall not be addicted to the use of narcotics or habit forming drugs, or the excessive use of alcoholic beverages or liquors.

(G) *Initial and periodic physical examination of drivers:* No such person shall drive nor shall any such person require or permit any person to drive any motor vehicle unless within the immediately preceding 36-month period such person shall have been physically examined and shall have been certified in accordance with the provisions of paragraph (b)(8) of this section by a licensed doctor of medicine or osteopathy as meeting the requirements of this subsection.

(H) *Certificate of physical examination:* Every person shall have in his files at his principal place of business for every driver employed or used by him a legible certificate of a licensed doctor of medicine or osteopathy based on a physical examination as required by paragraph (b)(1)(ii)(G) of this section or a legible photographically reproduced copy thereof, and every driver shall have in his possession while driving, such a certificate or a photographically reproduced copy thereof covering himself.

(I) *Doctor's certificate:* The doctor's certificate shall certify as follows:

Doctor's Certificate

(Driver of Migrant Workers)

This is to certify that I have this day examined ———— in accordance with § 398.3(b) of the Federal Motor Carrier Safety Regulations of the Federal Highway Administration and that I find him

Qualified under said rules ☐

Qualified only when wearing glasses ☐

I have kept on file in my office a completed examination.

_____

(Date)

_____

(Place)

_____

(Signature of examining doctor)

_____

(Address of doctor)

_____

(Signature of driver)

_____

(Address of driver)

(iii) *Minimum age and experience requirements.* No person shall drive, nor shall any person require or permit any person to drive, any motor vehicle unless such person possesses the following minimum qualifications:

(A) *Age.* Minimum age shall be 21 years.

(B) *Driving skill.* Experience in driving some type of motor vehicle (including private automobiles) for not less than one year, including experience throughout the four seasons.

(C) *Knowledge of regulations.* Familiarity with the rules and regulations prescribed in this part pertaining to the driving of motor vehicles.

(D) *Knowledge of English.* Every driver shall be able to read and speak the English language sufficiently to understand highway traffic signs and signals and directions given in English and to respond to official inquiries.

(E) *Driver's permit.* Possession of a valid permit qualifying the driver to operate the type of vehicle driven by him in the jurisdiction by which the permit is issued.

(2) *Driving of motor vehicles (Source: 49 CFR 398.4)—*

(i) *Compliance required.* Every person shall comply with the requirements of this section, shall instruct its officers, agents, representatives and drivers with respect thereto, and shall take such measures as are necessary to insure compliance therewith by such persons. All officers, agents, representatives, drivers, and employees of persons subject to this Act directly concerned with the management, maintenance, operation, or driving of motor vehicles, shall comply with and be conversant with the requirements of this section.

(ii) *Driving rules to be obeyed.* Every motor vehicle shall be driven in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated, unless such laws, ordinances and regulations are at variance with specific regulations of the Federal Highway Administration, which impose a greater affirmative obligation or restraint.

(iii) [Reserved.]

(iv) *Alcoholic beverages.* No driver shall drive or be required or permitted to drive a motor vehicle, be in active control of any such vehicle, or go on duty or remain on duty, when under the influence of any alcoholic beverage or liquor, regardless of its alcoholic content, nor shall any driver drink any such beverage or liquor while on duty.

(v) *Schedules to conform with speed limits.* No person shall permit nor require the operation of any motor vehicle between points in such period of time as would necessitate the vehicle being operated at speeds greater than those prescribed by the jurisdictions in or through which the vehicle is being operated.

(vi) *Equipment and emergency devices.* No motor vehicle shall be driven unless the driver thereof shall have satisfied himself that the following parts, accessories, and emergency devices are in good working order; nor shall any driver fail to use or make use of such parts, assessories, and devices when and as needed:

Service brakes, including trailer brake connections.
Parking (hand) brake.
Steering mechanism.
Lighting devices and reflectors.
Tires.
Horn.
Windshield wiper or wipers.
Rear-vision mirror or mirrors.
Coupling devices.
Fire extinguisher, at least one properly mounted.
Road warning devices, at least one red burning fusee and at least three flares (oil burning pot torches), red electric lanterns, or red emergency reflectors.

(vii) *Safe loading*—(A) *Distribution and securing of load.* No motor vehicle shall be driven nor shall any motor carrier permit or require any motor vehicle to be driven if it is so loaded, or if the load thereon is so improperly distributed or so inadequately secured, as to prevent its safe operation.

(B) *Doors, tarpaulins, tailgates and other equipment.* No motor vehicle shall be driven unless the tailgate, tailboard, tarpaulins, doors, all equipment and rigging used in the operation of said vehicle, and all means of fastening the load, are securely in place.

(C) *Interference with driver.* No motor vehicle shall be driven when any object obscures his view ahead, or to the right or left sides, or to the rear, or interferes with the free movement of his arms or legs, or prevents his free and ready access to the accessories required for emergencies, or prevents the free and ready exit of any person from the cab or driver's compartment.

(D) *Property on motor vehicles.* No vehicle transporting persons and property shall be driven unless such property is stowed in a manner which will assure: (*1*) Unrestricted freedom of motion to the driver for proper operation of the vehicle; (*2*) unobstructed passage to all exits by any person; and (*3*) adequate protection to passengers and others from injury as a result of the displacement or falling of such articles.

(E) *Maximum passengers on motor vehicles.* No motor vehicle shall be driven if the total number of passengers exceeds the seating capacity which will be permitted on seats prescribed in § 500.105(b)(3)(vi). All passengers carried on such vehicle shall remain seated while the motor vehicle is in motion.

(viii) *Rest and meal stops.* Every person shall provide for reasonable rest stops at least once between meal stops. Meal stops shall be made at intervals not to exceed six hours and shall be for a period of not less than 30 minutes duration.

(ix) *Kinds of motor vehicles in which workers may be transported.* Workers may be transported in or on only the following types of motor vehicles: A bus, a truck with no trailer attached, or a semitrailer attached to a truck-tractor provided that no other trailer is attached to the semitrailer. Closed vans without windows or means to assure ventilation shall not be used.

(x) *Limitation on distance of travel in trucks.* Any truck when used for the transportation of migrant or seasonal agricultural workers, if such workers are being transported in excess of 600 miles, shall be stopped for a period of not less than eight consecutive hours either before or upon completion of 600 miles travel, and either before or upon completion of any subsequent 600 miles travel to provide rest for drivers and passengers.

(xi) *Lighting devices and reflectors.* No motor vehicle shall be driven when any of the required lamps or reflectors are obscured by the tailboard, by any and all lighting devices required pursuant to 49 U.S.C. 3102(c) shall be lighted during darkness or at any other time when there is not sufficient light to render vehicles and persons visible upon the highway at a distance of 500 feet.

(xii) *Ignition of fuel; prevention.* No driver or other person shall: (A) Fuel a motor vehicle with the engine running, except when it is necessary to run the engine to fuel the vehicle; (B) smoke or expose any open flame in the vicinity of a vehicle being fueled; (C) fuel a motor vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank; (D) permit any other person to engage in such activities as would be likely to result in fire or explosion.

(xiii) *Reserve fuel.* No supply of fuel for the propulsion of any motor vehicle or for the operation of any accessory thereof shall be carried on the motor vehicle except in a properly mounted fuel tank or tanks.

(xiv) *Driving by unauthorized person.* Except in case of emergency, no driver shall permit a motor vehicle to which he is assigned to be driven by any person not authorized to drive such vehicle.

(xv) *Protection of passengers from weather.* No motor vehicle shall be driven while transporting passengers unless the passengers therein are protected from inclement weather conditions such as rain, snow, or sleet.

by use of the top or protective devices required by § 500.105(b)(3)(f).

(xvi) *Unattended vehicles; precautions.* No motor vehicle shall be left unattended by the driver until the parking brake has been securely set, the wheels chocked, and all reasonable precautions have been taken to prevent the movement of such vehicle.

(xvii) *Railroad grade crossings; stopping required; sign on rear of vehicle.* Every motor vehicle shall, upon approaching any railroad grade crossing, make a full stop not more than 50 feet, nor less than 15 feet from the nearest rail of such railroad grade crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear; except that a full stop need not be made at:

(A) A street car crossing within a business or residence district of a municipality;

(B) A railroad grade crossing where a police officer or a traffic-control signal (not a railroad flashing signal) directs traffic to proceed:

(C) An abandoned or exempted grade crossing which is clearly marked as such by or with the consent of the proper state authority, when such marking can be read from the driver's position.

All such motor vehicles shall display a sign on the rear reading, "This Vehicle Stops at Railroad Crossings."

(3) Parts and accessories necessary (Source: 49 CFR 398.5). (i) *Compliance.* Every person and its officers, agents, drivers, representatives and employees directly concerned with the installation and maintenance of equipment and accessories shall comply and be conversant with the requirements and specifications of this part, and no person shall operate any motor vehicle, or cause or permit it to be operated, unless it is equipped in accordance with said requirements and specifications.

(ii) *Lighting devices.* Every motor vehicle shall be equipped with the lighting devices and reflectors required pursuant to 49 U.S.C. 3102 (c).

(iii) *Brakes.* Every motor vehicle shall be equipped with brakes as required pursuant to 49 U.S.C. 3102 (c).

(iv) *Coupling devices; fifth wheel mounting and locking.* The lower half of every fifth wheel mounted on any truck-tractor or dolly shall be securely affixed to the frame thereof by U-bolts of adequate size, securely tighened, or by other means providing at least equivalent security. Such U-bolts shall not be of welded construction. The installation shall be such as not to cause cracking, warping, or deformation of the frame. Adequate means shall be provided positively to prevent the shifting of the lower half of a fifth wheel on the frame to which it is attached. The upper half of every fifth wheel shall be fastened to the motor vehicle with at least the security required for the securing of the lower half to a truck-tractor or dolly. Locking means shall be provided in every fifth wheel mechanism including adapters when used, so that the upper and lower halves may not be separated without the operation of a positive manual release. A release mechanism operated by the driver from the cab shall be deemed to meet this requirement. On fifth wheels designed and constructed so as to be readly separable, the fifth wheel locking devices shall apply automatically on coupling for any motor vehicle the date of manufacture of which is subsequent to December 31, 1952.

(v) *Tires.* Every motor vehicle shall be equipped with tires of adequate capacity to support its gross weight. No motor vehicle shall be operated on tires which have been worn so smooth as to expose any tread fabric or which have any other defect likely to cause failure. No vehicle shall be operated while transporting passengers while using any tire which does not have tread configurations on that part of the tire which is in contact with the road surface. No vehicle transporting passengers shall be operated with regrooved, re-capped, or re-treaded tires on front wheels.

(vi) *Passenger compartment.* Every motor vehicle transporting passengers, other than a bus, shall have a passenger compartment meeting the following requirements:

(A) *Floors.* A substantially smooth floor, without protruding obstructions more than two inches high, except as are necessary for securing seats or other devices to the floor, and without cracks or holes.

(B) *Sides.* Side walls and ends above the floor at least 60 inches high, by attachment of sideboards to the permanent body construction if necessary. Stake body construction shall be construed to comply with this requirement only if all six-inch or larger spaces between stakes are suitably closed to prevent passengers from falling off the vehicle.

(C) *Nails, screws, splinters.* The floor and the interior of the sides and ends of the passenger-carrying space shall be free of inwardly protruding nails, screws, splinters, or other projecting objects likely to be injurious to passengers or their apparel.

(D) *Seats.* A seat shall be provided for each worker transported. The seats shall be: Securely attached to the vehicle during the course of transportation; not less than 16 inches nor more than 19 inches above the floor; at least 13 inches deep; equipped with backrests extending to a height of at least 36 inches above the floor, with at least 24 inches of space between the backrests or between the edges of the opposite seats when face to face; desinged to provide at least 18 inches of seat for each passenger; without cracks more than two inches wide, and the exposed surfaces, if made of wood, planed or sanded smooth and free of splinters.

(E) *Protection from weather.* Whenever necessary to protect the passengers from inclement weather conditions, be equipped with a top at least 80 inches high above the floor and facilities for closing the sides and ends of the passenger-carrying compartment. Tarpaulins or other such removable devices for protection from the weather shall be secured in place.

(F) *Exit.* Adequate means of ingress and egress to and from the passenger space shall be provided on the rear or at the right side. Such means of ingress and egress shall be at least 18 inches wide. The top and the clear opening shall be at least 60 inches high, or as high as the side wall of the passenger space if less than 60 inches. The bottom shall be at the floor of the passenger space.

(G) *Gates and doors.* Gates or doors shall be provided to close the means of ingress and egress and each such gate or door shall be equipped with at least one latch or other fastening device of such construction as to keep the gate or door securely closed during the course of transportation; and readily operative without the use of tools.

(H) *Ladders or steps.* Ladders or steps for the purpose of ingress or egress shall be used when necessary. The maximum vertical spacing of footholds shall not exceed 12 inches, except that the lowest step may be not more than 18 inches above the ground when the vehicle is emtpy.

(I) *Hand holds.* Hand holds or devices for similar purpose shall be provided to permit ingress and egress without hazard to passengers.

(J) *Emergency exit.* Vehicles with permanently affixed roofs shall be equipped with at least one emergency exit having a gate or door, latch and hand hold as prescribed in paragraphs (b)(3)(vi) (G) and (I) of this section and located on a side or rear not equipped with the exit prescribed in paragraph (f)(6) of this section.

(K) *Communication with driver.* Means shall be provided to enable the passengers to communicate with the driver. Such means may include telephone, speaker tubes, buzzers, pull

cords, or other mechanical or electrical means.

(vii) *Protection from cold.* Every motor vehicle shall be provided with a safe means of protecting passengers from cold or undue exposure, but in no event shall hearters of the following types be used:

(A) *Exhaust heaters.* Any type of exhaust heater in which the engine exhaust gases are conducted into or through any space occupied by persons or any heater which conducts engine compartment air into any such space.

(B) *Unenclosed flame heaters.* Any type of heater employing a flame which is not fully enclosed.

(C) *Heaters permitting fuel leakage.* Any type of heater from the burner of which there could be spillage or leakage of fuel upon the tilting or overturning of the vehicle in which it is mounted.

(D) *Heaters permitting air contamination.* Any heater taking air, heated or to be heated, from the engine compartment or from direct contact with any portion of the exhaust system; or any heater taking air in ducts from the outside atmosphere to be conveyed through the engine compartment, unless said ducts are so constructed and installed as to prevent contamination of the air so conveyed by exhaust or engine compartment gases.

(E) Any heater not securely fastened to the vehicle.

(4) *Hours of service of drivers; maximum driving time (Source: 49 CFR 398.6).* No person shall drive nor shall any person permit or require a driver employed or used by it to drive or operate for more than 10 hours in the aggregate (excluding rest stops and stops for meals) in any period of 24 consecutive hours, unless such driver be afforded eight consecutive hours rest immediately following the 10 hours aggregate driving. The term "24 consecutive hours" as used in this part means any such period starting at the time the driver reports for duty.

(5) *Inspection and maintenance of motor vehicles (Source: 49 CFR 398.7).* Every person shall systematically inspect and maintain or cause to be systematically maintained, all motor vehicles and their accessories subject to its control, to insure that such motor vehicles and accessories are in safe and proper operating condition.

Insurance

§ 500.120 Insurance policy or liability bond is required for each vehicle used to transport any migrant or seasonal agricultural worker.

A farm labor contractor, agricultural employer or agricultural association shall not transport any migrant or seasonal agricultural worker or his property in any vehicle such contractor, employer or association owns, operates, controls, or causes to be operated unless he has an insurance policy or liability bond in effect which insures against liability for damage to persons or property arising from the ownership, operation, or causing to be operated of such vehicle. Generally, the owner or lessor of the vehicle will be responsible for providing the required insurance. The insurance requirements do not apply to vehicles involved in carpooling arrangements made by the workers themselves, using one of the workers' own vehicles and not specifically directed or requested by an agricultural employer or agricultural association. However, carpooling does not include any transportation arrangement in which a farm labor contractor participates. Activities exempt from transportation safety standards are also exempt from insurance requirements. (See also § 500.103.)

§ 500.121 Coverage and level of insurance required.

(a) Except to the extent that a liability bond pursuant to section 500.124 of this part has been approved by the Secretary, or that workers' compensation insurance is applicable as provided in § 500.122, a farm labor contractor, agricultural employer or agricultural association shall, in order to meet the insurance requirements in § 500.120, obtain a vehicle liability insurance. The level of insurance as required by section 401(b)(3) of the Act shall be at least the amount currently required for common carriers of passengers under part II of the Interstate Commerce Act and any successor provision of subtitle IV of title 49, United States Code, and regulations prescribed thereunder.

(b) The amounts of insurance currently required by the Secretary under paragraph (a) of this section, are as follows:

INSURANCE REQUIRED FOR PASSENGER EQUIPMENT

	12 or less passengers	More than 12 passengers
Limit for bodily injuries to or death of one (1) person	$100,000	$100,000
Limit for bodily injuries to or death of all persons injured or killed in any one (1) accident (subject to a maximum of $100,000 for bodily injuries to or death of one (1) person)	300,000	500,000
Limit for loss or damage in any one (1) accident to property of others (excluding cargo)	50,000	50,000

(Source: 49 CFR 1043.2(a))

Note.—Pursuant to section 18 of the Bus Regulatory Reform Act of 1982 (Pub. L. 97-261, 49 U.S.C. 10927 note) the Federal Highway Administration of the Department of Transportation is currently considering the establishment of minimum levels of financial responsibility applicable to "for hire motor carriers of passengers operating in interstate or foreign commerce". Pending the adoption and clarification of the application of these new limits to farm labor contractors, agricultural employers, and agricultural associations the minimum level of insurance established by paragraph (b) of this section shall continue to be applicable.

(c) The insurance to be obtained under paragraph (a) of this section shall be issued by an insurance carrier licensed or otherwise authorized to do business in the State in which the insurance is obtained.

(d) The vehicle liability insurance to be obtained under paragraph (a) of this section shall be endorsed to insure against liability for personal injury to employees whose transportation is not covered by workers' compensation insurance, and to persons who are not employees; and for property damage as specified in (b) above.

(e) An agricultural employer or agricultural association may evidence the purchase of liability insurance which covers the workers while being transported, as required under paragraph (a) by obtaining and making available upon request to the Department of Labor a completed liability certificate of insurance showing that insurance conforming to the limits required by paragraph (b) and the coverage required by paragraph (d) of this section is in effect. A farm labor contractor must obtain such a certificate and provide a copy to the Administrator when applying for authorization to transport migrant or seasonal agricultural workers.

(f) With respect to an agricultural employer or agricultural association, in the absence of the insurance certificate referred to under paragraph (e) of this section, the Department of Labor will look to the actual policy of insurance in determining compliance with the insurance requirements.

§ 500.122 Adjustments in insurance requirements when workers' compensation coverage is provided under State law.

(a) If a farm labor contractor, agricultural employer or agricultural association referred to in § 500.120 is the employer of a migrant or seasonal agricultural worker for purposes of a State workers' compensation law and such employer provides workers' compensation coverage for such worker in the case of bodily injury or death as

provided by such State law, the following adjustments in the insurance requirements relating to having an insurance policy or liability bond apply:

(1) Except as provided in § 500.123, no vehicle liability insurance policy or liability bond shall be required of the employer, if such worker is transported only under circumstances for which there is coverage under such State law.

(2) A liability insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such worker is not provided under such State law.

(b) Where a State workers' compensation law is applicable and coverage is provided for a migrant or seasonal agricultural worker by the employer, the workers' compensation benefits are the exclusive remedy for loss under this Act in the case of bodily injury or death.

(c) A farm labor contractor, agricultural employer or agricultural association who is the employer of a migrant or seasonal agricultural worker may evidence the issuance of workers' compensation insurance and passenger insurance under paragraphs (a) and (b) of this section respectively by obtaining and making available upon request to the Department of Labor:

(1) A workers' compensation coverage policy of insurance, and

(2) A liability certificate of insurance covering transportation of all passengers who are not employees and of workers whose transportation by the employer is not covered by workers' compensation insurance.

(d) In the absence of the insurance certificate referred to under paragraph (c)(2) of this section, the Department of Labor will look to the actual policy of insurance or liability bond in determining compliance with the Act and these regulations.

§ 500.123 Property damage insurance required.

(a) When a person who is an employer of a migrant or seasonal agricultural worker provides workers' compensation insurance which protects such worker in the event of bodily injury or death while the worker is being transported, such person must also obtain insurance providing a minimum of $50,000 for loss or damage in any one accident to the property of others (excluding cargo), or evidence of a general liability insurance policy that provides the same protection.

(b) Such person may evidence the purchase of motor carrier insurance or other appropriate insurance providing such property damage protection by obtaining and making available upon request to the Department of Labor a vehicle or other liability certificate of insurance showing that such person has obtained the property damage insurance required under paragraph (a) of this section.

(c) In the absence of the insurance certificate referred to in paragraph (b) of this section, the Department of Labor will look to the actual policy of insurance in determining compliance with paragraph (a) of this section.

§ 500.124 Liability bond in lieu of insurance policy.

Financial responsibility in lieu of insurance may be evidenced by a liability bond executed as the "principal" by the person who will be transporting a migrant or seasonal agricultural worker, together with a third party identified in the instrument as the "surety", to assure payment of any liability up to $500,000 for damages to persons or property arising out of such person's ownership of, operation of, or causing to be operated any vehicle for the transportation of such worker in connection with the person's business, activities, or operations. The "surety" shall be one which appears on the list contained in Treasury Department Circular 570, or which has been approved by the Secretary under the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406). Treasury Department Circular 570 may be obtained from the U.S. Treasury Department, Audit Staff, Bureau of Government Financial Operations, Washington, D.C. 20226.

§ 500.125 Qualifications and eligibility of insurance carrier or surety.

A policy of insurance or liability bond does not satisfy the financial responsibility of requirements of the Act and these regulations unless the insurer or surety furnishing the policy or bond to any farm labor contractor, agricultural employer or agricultural association is:

(a) Legally authorized to issue such policies or bonds in the State in which the transportation occurs; or

(b) Legally authorized to issue such policies or bonds in the State in which the farm labor contractor, agricultural employer or agricultural association has its principal place of business or permanent residence and is willing to designate a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any State in which the transportation occurs; or

(c) Legally authorized to issue such policies or bonds in any State of the United States and eligible as an excess or surplus lines insurer in any State in which business is written and is willing to designate a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any State in which the transportation occurs.

§ 500.126 Duration of insurance or liability bond.

Any insurance policy or liability bond which is obtained pursuant to the Act shall provide the required coverage for the full period during which the person shall be engaged in transporting any migrant or seasonal agricultural worker within the meaning of the Act.

§ 500.127 Limitations on cancellation of insurance or liability bond of registered farm labor contractors.

Any insurance policy or liability bond obtained by a farm labor contractor who is required to register with the Department of Labor shall provide that it shall not be cancelled, rescinded, or suspended, nor become void for any reason whatsoever during such period in which the insurance or liability bond is required by the Act to be effective, except upon the expiration of the term for which it is written; or unless the parties desiring to cancel shall have first given thirty (30) days notice to the Administrator. The notice will include a statement setting forth the reason for cancellation, rescission, suspension, or any other termination of such policy or bond. The notice shall be in writing and forwarded via certified or registered mail, addressed to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210. Said thirty (30) days notice shall commence to run from the date notice is actually received by the Administrator.

§ 500.128 Cancellation of insurance policy or liability bond not relief from insurance requirements.

Cancellation, rescission, suspension, or any other termination of any insurance policy or liability bond required by the Act does not relieve a person who transports or causes to be transported any migrant or seasonal agricultural worker in any vehicle under his ownership or control of the responsibility to comply with the insurance requirements specified in §§ 500.121, 500.122 and 500.123.

Housing Safety and Health

§ 500.130 Application and scope of safety and health requirement.

(a) Each person who owns or controls a facility or real property which is used as housing for any migrant agricultural worker must ensure that the facility or real property complies with all substantive Federal and State safety and health standards applicable to such housing. If more than one person is involved in providing the housing for any migrant agricultural worker (for example, when an agricultural employer owns it and a farm labor contractor or any other person operates it), both persons are responsible for ensuring that the facility or real property meets the applicable Federal and State housing standards.

(b) A farm labor contractor, agricultural employer, agricultural association or any other person is deemed an "owner" of a housing facility or real property if said person has a legal or equitable interest in such facility or real property.

(c) A farm labor contractor, agricultural employer, agricultural association or any other person is in "control" of a housing facility or real property, regardless of the location of such facility, if said person is in charge of or has the power or authority to oversee, manage, superintend or administer the housing facility or real property either personally or through an authorized agent or employee, irrespective of whether compensation is paid for engaging in any of the aforesaid capacities.

(d) The Occupational Safety and Health Administration (OSHA) is the agency of the U.S. Department of Labor which administers the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) which provides for the establishment of safety and health standards generally.

(e) The Employment and Training Administration (ETA) is the agency of the U.S. Department of Labor which administers the U.S. Employment Service pursuant to the Wagner-Peyser Act (29 U.S.C. 49 *et seq.*) including the interstate clearance order system.

§ 500.131 Exclusion from housing safety and health requirement.

The housing safety and health requirements do not apply to any person who, in the ordinary course of that person's business, regularly provides housing on a commercial basis to the general public and who provides housing to any migrant agricultural worker of the same character and on the same or comparable terms and conditions as provided to the general public. Migrant labor housing shall not be brought within this exception simply by offering lodging to the general public.

§ 500.132 Applicable Federal standards ETA and OSHA housing standards.

(a) The Secretary has determined that the applicable Federal housing standards are the standards promulgated by the Employment and Training Administration, at 20 CFR 654.404 *et seq.* and the standards promulgated by the Occupational Safety and Health Administration, at 29 CFR 1910.142. Except as provided in § 500.131, all migrant housing is subject to either the ETA standards or the OSHA standards, as follows:

(1) A person who owns or controls a facility or real property to be used for housing any migrant agricultural worker, the construction of which was begun on or after April 3, 1980, and which was not under a contract for construction as of March 4, 1980, shall comply with the substantive Federal safety and health standards promulgated by OSHA at 29 CFR 1910.142. These OSHA standards are enforceable under MSPA, irrespective of whether housing is, at any particular point in time, subject to inspection under the Occupational Safety and Health Act.

(2) A person who owns or controls a facility or real property to be used for housing any migrant agricultural worker which was completed or under construction prior to April 3, 1980, or which was under a contract for construction prior to March 4, 1980, may elect to comply with either the substantive Federal safety and health standards promulgated by OSHA at 29 CFR 1910.142 or the standards promulgated by ETA at 20 CFR 654.404 *et seq.* The ETA standards were established to provide housing requirements for migrant housing used by an employer obtaining migrant workers through the U.S. Employment Service. The owner or operator of such housing may continue to rely on those standards, rather than OSHA standards, even if the housing is not currently being provided pursuant to a USES job placement program.

§ 500.133 Substantive Federal and State safety and health standards defined.

Substantive safety and health standards include, but are not limited to, those that provide fire prevention, an adequate and sanitary supply of water, plumbing maintenance, structurally sound construction of buildings, effective maintenance of those buildings, provision of adequate heat as weather conditions require, and reasonable protections for inhabitants from insects and rodents. Substantive housing standards do not include technical or procedural violations of safety and health standards.

§ 500.134 Compliance with State standards.

Compliance with the substantive Federal housing safety and health standards shall not excuse noncompliance with applicable substantive State housing safety and health standards.

§ 500.135 Certificate of housing inspection.

(a) Except as provided in paragraph (c) of this section, a facility or real property to be used for housing a migrant agricultural worker shall not be occupied by any migrant agricultural worker unless either a State or local health authority or other appropriate agency, including a Federal agency, has certified that the facility or real property meets applicable safety and health standards.

(b) Except as provided in paragraph (c) of this section, the person who owns or controls a facility or real property shall not permit it to be occupied by any migrant agricultural worker unless a copy of a certificate of occupancy from the State, local or Federal agency which conducted the housing safety and health inspection is posted at the site of the facility or real property. The original of such certificate of occupancy shall be retained by such person for three years and made available for inspection in accordance with section 512 of the Act.

(c) If a request for an inspection of a facility or real property is made to the appropriate State, local or Federal agency at least forty-five (45) days prior to the date on which it is to be occupied by a migrant agricultural worker but the agency has not conducted an inspection by such date, the facility or property may be occupied by migrant agricultural workers unless prohibited by State law.

(d) Receipt and posting of a certificate of occupancy as provided under paragraph (b) of this section, or the failure of an agency to inspect a facility or property within the forty-five (45) day time period, shall not relieve the person who owns or controls a facility or property from the responsibility of ensuring that such facility or property meets the applicable State and Federal safety and health standards. Once such facility or property is occupied, such person shall supervise and continually maintain such facility or property so as to ensure that it remains in compliance

with the applicable safety and health standards.

Subpart E—Enforcement

§ 500.140 General.

Whenever the Secretary believes that the Act or these regulations have been violated he shall take such action and institute such proceedings as he deems appropriate, including (but not limited to) the following:

(a) Recommend to the Attorney General the institution of criminal proceedings against any person who willfully and knowingly violates the Act or these regulations;

(b) Recommend to the Attorney General the institution of criminal proceedings against any farm labor contractor who recruits, hires, employs, or uses, with knowledge, the services of any illegal alien, as defined in § 500.20(n) of these regulations, if such farm labor contractor has:

(1) Been refused issuance or renewal of, or has failed to obtain, a Cerificate of Registration, or

(2) Is a farm labor contractor whose certificate has been suspended or revoked;

(c) Petition any appropriate District Court of the United States for temporary or permanent injunctive relief to prohibit violation of the Act or these regulations by any person;

(d) Assess a civil money penalty against any person for any violation of the Act or these regulations;

(e) Refer any unpaid civil money penalty which has become a final and unappealable order of the Secretary or a final judgment of a court in favor of the Secretary to the Attorney General for recovery;

(f) Revoke or suspend or refuse to issue or renew any Certificate of Registration authorized by the Act or these regulations;

(g) Deny the facilities and services afforded by the Wagner-Peyser Act to any farm labor contractor who refuses or fails to produce, when asked, a valid Certificate of Registration;

(h) Institute action in any appropriate United States District Court against any person who, contrary to the provisions of section 505(a) of the Act, discriminates against any migrant or seasonal agricultural worker.

§ 500.141 Concurrent actions.

The taking of any one of the actions referred to in § 500.140 shall not be a bar to the concurrent taking of any other action authorized by the Act and these regulations.

§ 500.142 Representation of the Secretary.

(a) Except as provided in section 518(a) of Title 28, U.S. Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under the Act; but all such litigation shall be subject to the direction and control of the Attorney General.

(b) The Solicitor of Labor, through the authorized representatives identified in § 500.231, shall represent the Secretary in all administrative hearings under the Act and these regulations.

§ 500.143 Civil money penalty assessment.

(a) A civil money penalty may be assessed for each violation of the Act or these regulations.

(b) In determining the amount of penalty to be assessed for any violation of the Act or these regulations the Secretary shall consider the type of violation committed and other relevant factors, including but not limited to the following:

(1) Previous history of violation or violations of this Act and the Farm Labor Contractor Registration Act;

(2) The number of workers affected by the violation or violations;

(3) The gravity of the violation or violations;

(4) Efforts made in good faith to comply with the Act;

(5) Explanation of person charged with the violation or violations;

(6) Commitment to future compliance, taking into account the public health, interest or safety, and whether the person has previously violated the Act;

(7) The extent to which the violator achieved a financial gain due to the violation, or the potential financial loss or potential injury to the workers.

§ 500.144 Civil money penalties—payment and collection.

Where the assessment is directed in a final order by the Secretary or in a final judgment issued by a United States District Court, the amount of the penalty is immediately due and payable to the United States Department of Labor. The person assessed such penalty shall remit promptly the amount thereof, as finally determined, to the Secretary by certified check or by money order, made payable to the order of "Wage and Hour Division, Labor." The remittance shall be delivered or mailed either to the Administrator, in Washington, D.C., or to the Wage and Hour Division Regional Office for the area in which the violations occurred.

§ 500.145 Registration determinations.

Section 500.51 set forth the standards under which the Secretary may refuse to issue or to renew, or may suspend or revoke, a Certificate of Registration (including a Farm Labor Contractor Employee Certificate of Registration).

§ 500.146 Continuation of matters involving violations of FLCRA.

(a) Any matter involving the revocation, suspension, or refusal to renew a Certification of Registration issued under FLCRA and any matter involving the refusal to issue a certificate authorized under FLCRA shall continue through final administrative determination in accordance with the provisions of FLCRA and the regulations issued thereunder.

(b) Any matter involving the assessment of a civil money penalty for a violation of FLCRA will continue through final administrative determination in accordance with the provisions of FLCRA and the regulations issued thereunder.

(c) The rules of practice for implementation of administrative enforcement for violations of FLCRA referred to the Office of the Chief Administrative Law Judge on or after April 14, 1983, shall be the rules of practice provided in §§ 500.220 through 500.262 and the official record shall be maintained in accordance with §§ 500.270 and 500.271 of these regulations.

(d) The rules of practice for implementation of administrative enforcement for violations of FLCRA referred to the Office of the Chief Administrative Law Judge prior to April 14, 1983 shall be the rules of practice provided in 29 CFR 40.201 through 40.262.

Agreements With Federal and State Agencies

§ 500.155 Authority.

Section 513 of the Act authorizes the Secretary to enter into agreements with Federal and State agencies (a) to use their facilities and services, (b) to delegate (subject to subsection 513(b) of the Act) to Federal and State agencies such authority (other than rulemaking) as he determines may be useful in carrying out the purposes of the Act, and (c) to allocate or transfer funds to, or otherwise pay or reimburse, such agencies for expenses incurred pursuant to paragraphs (a) or (b) of this section.

§ 500.156 Scope of agreements with Federal agencies.

Every agreement between the Secretary and any other Federal agency under the authority referred to in § 500.155 of this Part shall contain terms and conditions mutually agreeable to both parties, and shall contain such delegation of authority as the Secretary deems useful.

§ 500.157 Scope of agreements with State agencies.

(a) Every agreement between the Secretary and any State agency under the authority referred to in § 500.155 of this Part shall be in writing.

(b) Any delegation to a State agency by the Secretary under such authority shall be made pursuant to approval of a written State plan submitted in accordance with § 500.159 which shall (1) include a description of each function to be performed, the method of performing each such function, and the resources to be devoted to the performance of each such function, (2) provide assurances satisfactory to the Secretary that the State agency will comply with its description under paragraph (b)(1) of this section and that the State agency's performance of the delegated functions will be at least comparable to the performance of such functions by the Department of Labor; and (3) contain a certification of the Attorney General of such State, or, if the Attorney General is not authorized to make such a statement, the State official who is so authorized, that an agreement pursuant to such State plan is valid under the laws of that State.

§ 500.158 Functions delegatable.

The Secretary may delegate to the State such functions as he deems useful including the

(a) Receipt, handling and processing of applications for certificates of registration;

(b) Issuance of certificates of registration;

(c) Conduct of various investigations; and

(d) Enforcement of the Act.

§ 500.159 Submission of plan.

(a) Any State agency desiring to enter into an agreement pursuant to section 513 of the Act shall submit a State plan in such form and in such detail as the Secretary shall direct.

(b) Each such plan shall include, at least, the following:

(1) The delegation sought;

(2) The State authority for performing such delegated functions;

(3) A description of the manner in which the State intends to carry out such functions; and

(4) The estimated cost of carrying out such functions.

§ 500.160 Approved State plans.

(a) The Secretary, in accordance with the authority referred to in § 500.155 of this Part, has delegated the following functions to the States listed herein below:

State	Function
None	

(b) Every State agreement entered into pursuant to the authority referred to in § 500.155 of this Part shall be available for public inspection and copying in accordance with 29 CFR Part 70.

§ 500.161 Audits.

The Secretary shall conduct audits as he deems necessary of the State plans, but on not less than an annual basis.

§ 500.162 Reports.

The Secretary shall require such reports as he deems necessary of activities conducted pursuant to State plans, but on not less than an annual basis.

Central Public Registry

§ 500.170 Establishment of registry.

The Administrator shall establish a central public registry of all persons issued a Certificate of Registration or a Farm Labor Contractor Employee Certificate. The central public registry shall be available at the Regional Offices of the Wage and Hour Division and its National Office in Washington, D.C. Information filed therein shall be made available upon request. Requests for information contained in the registry may also be directed by mail to the Administrator, Wage and Hour Division, Attn: MSPA, U.S. Department of Labor, Washington, D.C. 20210. Alternatively, requests for registry information may be made by telephone by calling 1–800–368–1008, a toll-free number, during the hours of 8:15 a.m. to 4:45 p.m., Eastern time, on week days. Telephone requests within the Washington, D.C. metropolitan area may be made by calling 523–6058.

Subpart F—Administrative Proceedings

General

§ 500.200 Establishment of procedures and rules of practice.

This subpart codifies and establishes the procedures and rules of practice necessary for the administrative enforcement of the Act.

§ 500.201 Applicability of procedures and rules.

(a) The procedures and rules contained herein prescribe the administrative process necessary for a determination:

(1) To suspend or revoke, or to refuse to issue or renew, a Certificate of Registration authorized under the Act and these regulations; and

(2) To impose an assessment of civil money penalties for violations of the Act or of these regulations.

(b) The procedures and rules contained herein also specify the administrative responsibility under section 102(5) of the Act with regard to a designation by a court of the Secretary as an agent of an applicant for a certificate of registration in any action against such applicant, if said applicant has left the jurisdiction in which the action is commenced or otherwise has become unavailable to accept service.

Procedures Relating to Hearing

§ 500.210 Written notice of determination required.

(a) Whenever the Secretary determines to suspend or revoke, or to refuse to issue or renew, a Certificate of Registration, the applicant for or the holder of such certificate shall be notified in writing of such determination.

(1) In cases involving a determination relating to a Certificate of Registration applied for by, or issued to, a farm labor contractor, written notice shall also be given to every applicant for or holder of a Certificate of Registration as an employee of such contractor.

(2) In cases involving a determination relating to a Farm Labor Contractor Employee Certificate of Registration, written notice shall also be given to the farm labor contractor of such applicant or certificate holder.

(b) Whenever the Secretary determines to assess a civil money penalty for a violation of the Act or these regulations, the person against whom such penalty is assessed shall be notified in writing of such determination.

§ 500.211 Contents of notice.

The notice required by § 500.210 shall:

(a) Set forth the determination of the Secretary and the reason or reasons therefor.

(b) Set forth, in the case of a civil money penalty assessment:

(1) A description of each violation; and

(2) The amount assessed for each violation.

(c) Set forth the right to request a hearing on such determination.

(d) Inform any affected person or persons that in the absence of a timely request for a hearing, the determination of the Secretary shall become final and unappealable.

(e) Set forth the time and method for requesting a hearing, and the procedures relating thereto, as set forth in § 500.212.

§ 500.212 Request for hearing.

(a) Any person desiring to request an administrative hearing on a determination referred to in § 500.210 shall make such request in writing to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, no later than thirty (30) days after the service of the notice referred to in § 500.210.

(b) No particular form is prescribed for any request for hearing permitted by this part. However, any such request shall:

(1) Be typewritten or legibly written on size 8½" x 11" paper;

(2) Specify the issue or issues stated in the notice of determination giving rise to such request;

(3) State the specific reason or reasons why the person requesting the hearing believes such determination is in error;

(4) Be signed by the person making the request or by an authorized representative of such person; and

(5) Include the address at which such person or authorized representative desires to receive further communications relating thereto.

(c) The request for such hearing shall be delivered in person or by mail to the Administrator at the above address, within the time set forth in paragraph (a) of this section. For the affected person's protection, if the request is by mail, it should be by certified mail.

(d) Civil money penalties under FLCRA shall be treated as follows:

(1) Determinations to assess civil money penalties for violations of FLCRA made prior to April 14, 1983 shall continue until a final administrative determination shall have been made in accordance with 29 CFR Part 40.

(2) Determinations to assess civil money penalties for violations of FLCRA arising prior to April 14, 1983, made on or after April 14, 1983, shall continue until a final administrative determination shall have been made in accordance with these regulations.

Procedures Relating to Substituted Service

§ 500.215 Change of address.

(a) Pursuant to section 105(1) of the Act, every holder of a Certificate of Registration shall notify the Secretary within thirty (30) days of each change of permanent place of residence. Said persons may also furnish additional mailing addresses.

(b) The notification required in paragraph (a) of this section shall be in writing, by certified mail and addressed to the Administrator, Wage and Hour Division, Employment Standards Administration, 200 Constitution Avenue, NW., Washington, D.C. 20210.

(c) Such change of address shall be deemed effective upon receipt by the Administrator, unless a later date is specified in the notice.

§ 500.216 Substituted service.

(a) Pursuant to section 102(5) of the Act, the Secretary, when so designated by a court, shall accept service of summons in any action arising under the Act or these regulations against any applicant for or any holder of a Certificate of Registration who has left the jurisdiction in which such action is commenced or otherwise has become unavailable to accept such service.

(b) Acceptance of service of summons referred to in paragraph (a) of this section shall be under such terms and conditions as are set by the court in its designation of the Secretary for the purpose of section 102(5) of the Act.

(c) To be effective, such service shall be made by delivery personally or by certified mail, either to the Administrator of the Wage and Hour Division in Washington, D.C., or to the Administrator's authorized representative located in the area in which the action has been commenced.

§ 500.217 Responsibility of Secretary for service.

Upon receipt of any substituted service, as described in § 500.216, the same shall be forwarded by certified mail to the permanent address furnished by the person for whom service is accepted and to such other address as may be determined appropriate by the Secretary. Such mailing shall complete the Secretary's responsibility in connection with the substituted service requirement of the Act.

Rules of Practice

§ 500.220 General.

Except as specifically provided in these regulations, the "Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges" established by the Secretary at 29 CFR Part 18 shall apply to administrative proceedings under MSPA.

§ 500.221 Commencement of proceeding.

Each administrative proceeding permitted under the Act and these regulations shall be commenced upon receipt of a timely request for hearing filed in accordance with § 500.212.

§ 500.222 Designation of record.

Except as provided in paragraph (c) of this section:

(a) Each administrative proceeding instituted under the Act and these regulations shall be identified of record by a number preceded by the year and the letters "MSPA" and followed by one or more of the following designations:

(1) Proceedings involving the "refusal to issue or to renew, or to suspend or to revoke Certificate of Registration" shall be designated as "R".

(2) Proceedings involving the "assessment of civil money penalties" shall be designated as "P".

(3) Proceedings involving both Certificate of Registration and assessment of civil money penalties shall be designated as "R and P".

(b) The number, letter(s), and designation assigned to each such proceeding shall be clearly displayed on each pleading, motion, brief, or other formal document filed and docketed of record.

(c) Each administrative proceeding involving violations of FLCRA prior to April 14, 1983 and filed with the Office of the Chief Administrative Law Judge on or after April 14, 1983, shall be identified of record by a number preceded by the year and the letters "FLCRA–MSPA" and followed by one or more of the letter designations provided in paragraphs (a)(1) through (a)(3) of this section, i.e., *(year)* –FLCRA–MSPA–(#)–(R and/or P).

§ 500.223 Caption of proceeding.

(a) Each administrative proceeding instituted under the Act and these regulations shall be captioned in the name of the person requesting such hearing, and shall be styled as follows:

In The Matter of ——, Respondent.

(b) For the purposes of such administrative proceeding the "Secretary of Labor" shall be identified as plaintiff and the person requesting such hearing shall be named as respondent.

Referral for Hearing

§ 500.224 Referral to Administrative Law Judge.

(a) Upon receipt of a timely request for a hearing filed pursuant to and in accordance with § 500.212, the Secretary, by the Associate Solicitor for the Division of Fair Labor Standards or by the Regional Solicitor for the Region in which the action arose, shall, by Order of Reference, promptly refer an authenticated copy of the notice of administrative determination complained of, and the original or a duplicate copy of the request for hearing signed by the person requesting such hearing or by the authorized representative of such person, to the Chief Administrative Law Judge, for a determination in an administrative proceeding as provided herein. The notice of administrative determination and request for hearing shall be filed of record in the Office of the Chief Administrative Law Judge and shall, respectively, be given the effect of a complaint and answer thereto for purposes of the administrative proceeding, subject to any amendment that may be permitted under these regulations.

(b) A copy of the Order of Reference, together with a copy of these regulations, shall be served by counsel for the Secretary upon the person requesting the hearing, in the manner provided in 29 CFR 18.3.

§ 500.225 Notice of docketing.

The Chief Administrative Law Judge shall promptly notify the parties of the docketing of each matter.

§ 500.226 Service upon attorneys for the Department of Labor—number of copies.

Two copies of all pleadings and other documents required for any administrative proceeding provided herein shall be served on the attorneys for the Department of Labor. One copy shall be served on the Associate Solicitor, Division of Fair Labor Standards, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, and one copy on the Attorney representing the Department in the proceeding.

Procedures Before Administrative Law Judge

§ 500.231 Appearances; representation of the Department of Labor.

The Associate Solicitor, Division of Fair Labor Standards, and such other counsel, as designated, shall represent the Secretary in any proceeding under these regulations.

§ 500.232 Consent findings and order.

(a) *General.* At any time after the commencement of a proceeding under this part, but prior to the reception of evidence in any such proceeding, a party may move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of such deferment and the duration thereof shall be at the discretion of the Administrative Law Judge, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(b) *Content.* Any agreement containing consent findings and an order disposing of a proceeding or any part thereof shall also provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the notice of administrative determination (or amended notice, if one is filed), and the agreement;

(3) A waiver of any further procedural steps before the Administrative Law Judge; and

(4) A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their authorized representatives or their counsel may:

(1) Submit the proposed agreement for consideration by the Administrative Law Judge; or

(2) Inform the Administrative Law Judge that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and an order is submitted within the time allowed therefor, the Administrative Law Judge, within thirty (30) days thereafter, shall, if satisfied with its form and substance, accept such agreement by issuing a decision based upon the agreed findings.

Post-Hearing Procedures

§ 500.262 Decision and Order of Administrative Law Judge.

(a) The Administrative Law Judge shall prepare, as promptly as practicable after the expiration of the time set for filing proposed findings and related papers a decision on the issues referred by the Secretary.

(b) The decision of the Administrative Law Judge shall be limited to a determination whether the respondent has violated the Act or these regulations, and the appropriateness of the remedy or remedies imposed by the Secretary. The Administrative Law Judge shall not render determinations on the legality of a regulatory provision or the constitutionality of a statutory provision.

(c) The decision of the Administrative Law Judge, for purposes of the Equal Access to Justice Act (5 U.S.C. 504), shall be limited to determinations of attorney fees and/or other litigation expenses in adversary proceedings requested pursuant to § 500.212 which involve the modification, suspension or revocation of a Certificate of Registration issued under the Act and these Regulations, and/or the imposition of a civil money penalty assessed for a violation of the Act or these Regulations. The Administrative Law Judge shall have no power or authority to award attorney fees and/or other litigation expenses pursuant to the provisions of the Equal Access to Justice Act or Regulations issued thereunder in any proceeding under MSPA or these Regulations involving the refusal to issue or renew a Certificate of Registration.

(d) The decision of the Administrative Law Judge shall include a statement of findings and conclusions, with reasons and basis therefor, upon each material issue presented on the record. The decision shall also include an appropriate order which may be to affirm, deny, reverse, or modify, in whole or in part, the determination of the Secretary. The reason or reasons for such order shall be stated in the decision.

(e) The Administrative Law Judge shall transmit to the Chief Administrative Law Judge the entire record including the decision. The Chief Administrative Law Judge shall serve copies of the decision on each of the parties.

(f) The decision when served shall constitute the final order of the Secretary unless the Secretary, pursuant to section 103(b)(2) or section 503(b)(2) of the Act, modifies or vacates the decision and order of the Administrative Law Judge.

(g) Except as provided in §§ 500.263 through 500.268, the administrative remedies available to the parties under the Act will be exhausted upon service of the decision of the Administrative Law Judge.

Modification or Vacation of Order of Administrative Law Judge

§ 500.263 Authority of the Secretary.

Whenever the Secretary believes that the Decision and Order of the Administrative Law Judge: (a) Is inconsistent with a policy or precedent established by the Department of Labor, (b) encompasses determinations not within the scope of the authority of the Administrative Law Judge, or (c) awards attorney fees and/or other litigation expenses pursuant to the Equal Access to Justice Act which are unjustified or excessive, he may modify or vacate such Decision and Order, pursuant to the authority contained in section 103(b)(2) or section 503(b)(2) of the Act.

§ 500.264 Implementation by the Secretary.

(a) The Secretary shall implement this authority by the issuance of a Notice of Intent to Modify or Vacate the Decision and Order in question.

(b) The Notice of Intent shall be issued within thirty (30) days after the Decision and Order in question.

(c) Service of the Notice of Intent shall be made upon each party to the proceeding pursuant to 29 CFR 18.3, and upon the Chief Administrative Law Judge.

§ 500.265 Responsibility of the Office of Administrative Law Judges.

Upon receipt of the Secretary's Notice of Intent to Modify or Vacate a Decision and Order of an Administrative Law Judge, the Chief Administrative Law Judge shall, within fifteen (15) days, index, certify and forward a copy of the complete hearing record to the Secretary.

§ 500.266 Additional information, if required.

Where the Secretary issues a Notice of Intent to Modify or Vacate such Decision and Order, the Secretary shall, after review of the hearing record, notify each party of:

(a) The issue or issues raised;

(b) The form in which submission shall be made (i.e., briefs, oral argument, etc.); and the time within which such presentation shall be submitted.

§ 500.267 Final decision of the Secretary.

(a) The Secretary's final decision shall be issued and forwarded to the Chief Administrative Law Judge for service upon the parties to such proceeding. Such service shall be made in accordance with paragraph (b) of this section.

(b) Upon receipt of an Order of the Secretary modifying or vacating the Decision and Order of an Administrative Law Judge, the Chief Administrative Law Judge shall substitute such Order for the Decision and Order of the Administrative Law Judge and serve same upon each party to the proceeding.

§ 500.268 Stay pending decision of the Secretary.

In the event a respondent has filed a notice of appeal of the Administrative Law Judge's Decision and Order in a United States District Court prior to receipt of the Secretary's Notice of Intent the Secretary shall seek a stay of proceedings in such United States District Court.

Record

§ 500.270 Retention of official record.

The official record of every completed administrative hearing provided by these regulations shall be maintained and filed under the custody and control of the Chief Administrative Law Judge.

§ 500.271 Certification of official record.

Upon receipt of timely notice of appeal to a United States District Court pursuant to section 103(c) or 503(c) of the Act, the Chief Administrative Law Judge shall promptly certify and file with the appropriate United States District Court, a full, true, and correct copy of the entire record, including the transcript of proceedings.

Appendix

Editorial Note: The Department hereby presents forms which satisfy certain disclosure and recordkeeping aspects of the Act and the regulations. These forms, however, will not appear in the Code of Federal Regulations.

Appendix A—Migrant and Seasonal Agricultural Worker Protection Act Poster, WH–1376.

Appendix B—Worker Information, WH–516.

Appendix C—Housing Terms and Conditions, WH–521.

Appendix D—Wage Statement, WH–501 (English, Spanish).

[FR Doc. 83-21565 Filed 8-11-83; 8:45 am]

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federal register

Friday,
August 12, 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.

Arkansas: AR83–4037	May 13, 1983.
Arizona: AZ83–5107	Mar.18, 1983.
Colorado: CO83–5113	July 15, 1983.
District of Columbia: DC82–3031	Nov. 12, 1982.
Kansas:	
KS83–4009	Feb. 4, 1983.
KS83–4013	
KS83–4014 Do.	
KS83–4015	
New Jersey:	
NJ83–3015	June 17, 1983.
NJ83–3016 Do.	
New Mexico: NM83–4032	Apr. 15, 1983.
Nevada:	
NV83–5103	Mar. 18, 1983.
NV82–5113	Aug. 6, 1982.
Texas:	
TX82–4025	June 18, 1982.
TX82–4042	Aug. 20, 1982.
TX82–4002	Jan. 7, 1983.
TX82–4003	
TX82–4004	
TX82–4005	Do.
TX82–4006	
TX82–4007	
TX82–4026	Apr. 8, 1983.
Washington: WA83–5110	June 3, 1983.
Wyoming: WY83–5114	July 15, 1983.
Utah: UT83–5106	Mar. 25,1983.

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.

Illinois:	
IL82–2047(IL83–2064)	Oct. 8, 1982.
IL83–2056(IL83–2066)	July 29, 1983.
Indiana: In81–2060(IN83–2065)	Oct. 9, 1981.
Kentucky: KY79–1074(KY83–1056)	Apr. 20,1979.

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

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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DECISION #AR83-4037-Mod. #4
48FR21773 - May 13, 1983
PULASKI AND JEFFERSON COUNTIES, ARKANSAS

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Decision No. AR83-4036 to modification No. 3 published in Federal Register dated August 5, 1983 to read "No. AR83-4037"		
PLEASE NOTE THAT MODIFICATION NO. 2 FOR THE ABOVE DECISION NO. AR83-4037 for Pulaski & Jefferson Counties, Arkansas publication date is to read "July 29, 1983" action taken as follows:		
OMIT:		
PLUMBERS-PIPEFITTERS:		
Jefferson County	$13.97	1.98
Pulaski County:		
Within 10 Mi. radius of Pulaski Co. Courthouse	14.90	1.53
Over 10 miles from Pulaski Co. Courthouse	14.95	1.53
SHEET METAL WORKERS	14.08	3%+1.93
ADD:		
PLUMBERS & PIPEFITTERS: (Including the setting & erecting of all piping in heating-ventilating and air conditioning systems):		
Jefferson County	13.97	1.98
Pulaski County:		
Within 10 miles radius of Pulaski County Courthouse	14.90	1.53
Over 10 miles from Pulaski County Courthouse	14.95	1.53
SHEET METAL WORKERS: (Including the installation, dismantling, conditioning, adjustment, alteration, repairing & servicing of all air-veyor & air handling systems, testing & balancing of all air handling equipment & duct work)	14.08	3%+1.93

	Basic Hourly Rates	Fringe Benefits

DECISION NO. AZ83-5107 - Mod. #5
(48 FR 11605-March 18, 1983)
Statewide, Arizona

	Basic Hourly Rates	Fringe Benefits
Change:		
Laborers:		
Area 1:		
Group 1	$10.745	$2.52
Group 2	12.845	2.52
Group 3	13.325	2.52
Group 4	13.545	2.52
Group 5	14.845	2.52
Area 2:		
Group 1	8.62	2.52
Group 2	10.72	2.52
Group 3	11.20	2.52
Group 4	11.42	2.52
Group 5	12.72	2.52
(Tunnel and Shaft Work):		
Area 1:		
Group 1	13.155	2.52
Group 2	13.365	2.52
Group 3	13.535	2.52
Group 4	13.925	2.52
Group 5	14.235	2.52
Area 2:		
Group 1	11.03	2.52
Group 2	11.24	2.52
Group 3	11.41	2.52
Group 4	11.86	2.52
Group 5	12.11	2.52

LABORERS CLASSIFICATIONS

Group 1: Laborer, General or Construction; Tool Dispatcher or Checker; Manually Controlled Signal Operator; Fence Builder; Guard Rail Builder - highway; Chat Box Man; Dumpman and/or Spotter; Rip Rap Stone Man; Rock Slinger; Head Rock Slinger (25¢); Form Stripper; Packing Rod Steel and Pans; Cesspool Diggers and Installers; Astro Turf Layer; Clean Up - Bull Gang Trackman; Railroad Chipper (clearing and grubbing); Kettleman - Tarman; Spikers; Wrenchers - Creosote Tieman; Floor Sanders - Concrete; Sandblaster (Pot Tender); Powderman Tender; Fire Grader; All Tenders not herein separately classified; Window Cleaner

Group 2: Chuck Tender (except tunnel); Concrete Laborer (belt, pipe and/or Hoseman); Cement Mason Tender; Cutting Torch Operator; Power-type Concrete Buggy; Bander

Group 3: Guinea Chaser; Operator and Tender of Pnuematic and Electric Tools; Concrete Vibrating Machines, Chain Saw Machines (on clearing and grubbing); Hydraulic Jacks and similar mechanical tools not seperately herein classified; Pipe Caulker and/or Backup Man - Pipeline; Rigger and Signal Man - Pipeline; Pipe Wrapper; Cribber; Shorer (except tunnel); Pneumatic Gopher; Pre-cast Manhole Erector

Group 4: Asphalt Raker and Ironer; Air and Water Washout Nozzleman (low and high pressure); Scaler (using Bos'n's Chair or Safety Belt); Tamper (mechanical - all types); Sandblaster (Nozzleman); Concrete Saw (hand-guided); Concrete Cutting Torch; Gunite (Gunman, Mixerman, Rodman); Bio-filer; Pressman; Installer; Operator; Hand-guided Trencher and similarly operated equipment; Driller (Jackhammer and/or Pavement Breaker); Grade Setter (pipeline); Pipe Layer (included but not limited to non-metallic transite and plastic pipe, sewer pipe, drain pipe, underground tile pipe and conduit)

Group 5: Drill Doctor and/or Air Tool Repairman; Scaler (Driller); Form Setter and/or Builder; Welder and/or Pipe Layer installing process piping; Driller - Core Diamond, Wagon, Air Track, Joy, Mustang, PR-143, 220 Gardner, Denver, Hydrasonic; Power Man; Water Blaster Operator

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits
DECISION NO. CO83-5113 - Mod. #1 (48 FR 32451 - July 15, 1983) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado		
Change: Carpenters: Area 1: Boulder:		
Zone 1	$15.935	$3.57
Zone 2	17.93	3.57
Zone 3	19.92	3.57

	Basic Hourly Rates	Fringe Benefits
DECISION NO. DC#2-3031 - MOD. # 14 (47 FR 51304-November 12, 1982) District of Columbia;Maryland Montgomery & Prince Georges Counties;DC Training School;Virginia-Independent City of Alexandria; Arlington & Fairfax Ctys.		
CHANGE:		
ELECTRICIANS	$15.65	3%+2.75
LABOPERS (EXCLUDING HEAVY CONSTRUCTION)		
Plasterer Tenders	12.21	1.73
Operators on scootcretes, buggymobiles, & mixer operators not in conjunction with plasterering machine		
(on Plastering work)	12.55	1.73
Mixer operator in conjunction with plastering machine	12.89	1.73

	Basic Hourly Rates	Fringe Benefits

MODIFICATIONS P. 4

DECISION #KS83-4009-Mod.#4 (48 FR 5438-February 4, 1983) Leavenworth Co., Kansas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Roofers	$15.68	$2.71
Pipefitters	17.56	3.32
Line Construction (SW 2/3 of Leavenworth County):		
Lineman	15.97	3-1/2% +.65
Cable Splicer	16.77	3-1/2% +.65
Powderman	13.19	3-1/2% +.65
Line Truck & Equipment Operators	13.19	3-1/2% +.65
Groundman	9.67	
Boilermakers	17.345	3.00

DECISION #KS83-4013-Mod.#4 (48 FR 5446-February 4, 1983) Shawnee County, Kansas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Line Construction:		
Lineman	$15.97	3-1/2% +.65
Cable Splicer	16.77	3-1/2% +.65
Powderman	13.19	3-1/2% +.65
Line Truck & Equipment Operators	13.19	3-1/2% +.65
Groundman	9.67	
Boilermakers	17.345	3.00

DECISION #KS83-4014-Mod#4 (48 FR 5441-February 4, 1983) Sedgwick Co., Kansas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Electricians	$15.00	4%+ 1.85
Cable Splicer	15.25	4%+ 1.85
Line Construction:		
Lineman	15.97	3-1/2% +.65
Cable Splicer	16.77	3-1/2% +.65
Powderman	13.19	3-1/2% +.65
Line Truck & Equipment Operators	13.19	3-1/2% +.65
Groundman	9.67	3-1/2% +.65
Roofers	11.35	1.27
Boilermakers	17.345	3.00

DECISION #KS83-4015-Mod#3 (48 FR 5443-February 4, 1983) Douglas,Jefferson, Shawnee,Miami,and Leavenworth Cos.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters: Zone 1	$11.20	$1.80

DECISION NO. NJ83-3015 - MOD. #5
(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
CARPENTERS, INSULATORS, and MILLWRIGHTS:		
ZONE 2	$17.06	$4.12
IRONWORKERS:	16.32	4.455
Reinforcing, Ornamental, and Structural:	16.89	5.68
ZONE 1	17.26	3.58
ZONE 2		
POWER EQUIPMENT OPERATORS:		
Building Construction-Projects in which individual items of work are $100,000 or less (including clearing, and grading, excavation, for foundations, back filling, storm and sanitary sewers, sidewalks, street excavation and paving, curbing and landscaping, water and gas supply lines)	11.94	4.40+a
OTHER BUILDING CONSTRUCTION PROJECTS: HEAVY, HIGHWAY, ROAD, STREET AND SEWER PROJECTS:		
CLASS A	21.67	4.80+a
CLASS B	20.08	4.80+a
CLASS C	18.17	4.80+a
CLASS D	16.54	4.80+a
CLASS E	14.83	4.80+a
CLASS F	23.49	4.80+a
STEEL ERECTION:		
CLASS A	23.89	4.80+a
CLASS B	22.58	4.80+a
CLASS C	21.24	4.80+a
CLASS D	18.58	4.80+a
CLASS E	17.58	4.80+a
CLASS F	15.69	4.80+a
CLASS G	25.30	4.80+a
TANK ERECTION:		
CLASS A	23.16	4.80+a
CLASS B	23.32	4.80+a
CLASS C	25.30	4.80+a
CLASS D	21.73	4.80+a
CLASS E	16.02	4.80+a
OILOSATATIC MAINLINES & TRANSPORTATION PIPELINES:		
CLASS A	$22.30	$4.80+a
CLASS B	20.65	4.80+a
CLASS C	18.51	4.80+a
CLASS D	17.61	4.80+a
CLASS E	15.29	4.80+a
CLASS F	24.23	4.80+a

FOOTNOTE:
a. Paid Holidays: New year's Day, Memorial Day Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Presidential Election Day and Veterans Day, provided the employee works any of the 3 days in the 5-day workweek preceeding the holiday and the first work day after the holiday.

POWER EQUIPMENT OPERATORS
OTHER BUILDING CONSTRUCTION PROJECTS; HEAVY, HIGHWAY, ROAD, STREET and SEWER PROJECTS

CLASS A: Auto-grade-combination Sub-grader, Base Mtl. Spreader 7 Base Trimmer (CMI and similar types); Autograde Placer-trimmer Spreader combination (CMI and similar types); Autograde Slipform Paver (CMI and similar types); Backhoe; Central Power Plants (all types); Concrete Paving Machines; Cranes (all types, including Overhead and Straddle Traveling type); Cranes, Gantry; Derricks (land or floating); Drillmaster, Quarrymaster (down the hole drill); Rotary Drill, Self-propelled Hydraulic Drill, Self-powered Drill; Draglines; Elevator Graders; Front End Loaders (5 yds. and over); Gradalls; Grader, Rago; Locomotive (large); Mucking Machines; Pavement and Concrete Breaker, i.e., Superhammer and Hoeram; Pile Driver, length of boom including length of leads, shall determine premium rate applicable; Roadway Surface Grinder, Scooper (Loader and Shovel; Shovels; Tree Chopper with boom; and Trench Machines

Class B: "A" Frame; Backhoe (combination); Boom Attachment on Loaders rate based on size of bucket) not applicable to Pipehook; Boring & Drilling Machines; Brush Chopper, Shredder and Tree Shredder, Tree Shearer; Cableways; Carryalls; Concrete Pump; Concrete Pumping System, Pumpcrete & Similar Types; Conveyors, 125 ft. and over; Drill Doctor (including dust collector maintenance); front end loaders (2 yds. but less than 5 yds.); Graders (finish) Groove Cutting Machine (ride on type); Heater Planer; Hoists (all type hoists, shall also include Steam, Gas, Diesel, Electric, Air Hydraulic,Single and Double Drum, Concrete, Brick Shaft Caisson, Snorkel roof, and/or any other similar type Hoisting Machines, Portable or Stationary, except Chicago Boom type); Hoist - (Chicago Boom type); Hydraulic Cranes-10 tons and under; Hydra-axle; Jacks, Screw Air Hydraulic Power operated unit or Console type (not Hand Jacks or Pile Load Test type); Log Skidder; Pans; Pavers (all) Concrete; Pumpcrete Machines, Squeeze-crete & Concrete PUmping (regardless of size); Scrapers; Sidebooms; "Straddle" Carrier, Ross and similar types and Winch Trucks (Hoisting).

POWER EQUIPMENT OPERATORS (Cont'd)

CLASS C: Asphalt Curbing Machine; Asphalt Plant Engineer; Asphalt Spreader; Autograde Tube Finisher & Texturing Machine (CMI & similar types); Autograde Curecrete Machine (CMI & similar types); Autograde Curb Trimmer & Sidewalk, Shoulder, Slipform (CMI & similar types); Bar Bending Machines (power); Batchers, Batching Plant & Crusher on site; Belt Conveyor Systems; Boom Type Skimmer Machines; Bridge Deck Finisher; Bulldozers (all); Car Dumpers (railroad); Compressor and Blower Type Units (used independently or mounted on dual purposes Trucks, on job site or in conjunction with job site, in Loading and Unloading of Concrete, Cement, Fly Ash, Instantcrete, or similar type materials); Compressor (2 or 3) in a Battery; Concrete Finishing Machines; Concrete Saws & Cutters (ride on type); Concrete Spreaders, Betrel, Rexomatic and similar types; Concrete Vibrators; Conveyors, under 125 ft.; Crushing Machines; Ditching Machine, small (Ditchwitch or similar type); Dope Pots (mechanical with or without Pump); Dumpsters; Elevator; Fireman; Fork lifts (Economobile, Lull & similar types of equipment); Front End Loader (1 yd. and over but less than 2 yds.); Generators (2 or 3) in Battery; Giraffe Grinders; Graders & Motor Patrols; Gunnite Machines (excluding Nozzle); Hammer Vibratory (in conjunction with Generator); Hoists (Roof, Tugger, Aerial Platform Hoist and House Cars); Hoppers; Hopper Doors (power operated); Ladders (Motorized); Laddervator; Locomotive, Dinky Type; Maintenance, Utility Man; Mechanics; Mixers (except Paving Mixers); Motor Patrols & Graders; Pavement Breakers, small, Self-propelled ride on type (also maintaining Compressor or Hydraulic Unit); Pavement Breaker, Truck Mounted; Pipe Bending Machine (Power); Pitch Pump; Plaster Pump (regardless of size); Post Hole Diggger (Post Pounder and Auger); Rod Bending Machines (Power); Roller, Black Top; Scales, (Power); Seaman Pulverizing Mixer; Shoulder Widener; Silos; Skimmer Machines (Boom Type); Steel Cutting Machine, Service & Maintaining; Tractors; Tug Captain; Vibrating Plants (used in conjunction with unloading) and Welder and Repair Mechanics

CLASS D: Brooms and Sweepers; Chipers; Compressor (single); Concrete Spreaders (small type); Conveyor Loaders (not including Elevator Graders); Engines, large diesel (1620 H.P.) and Staging Pump Farm Tractors; Fertilizing equipment (operation and maintenance); Fine Grade Machine (small type); Form Line Graders (small type); Front Loader (under 1 yd.); Generator (single); Grease, Gas, Fuel, and Oil supply Trucks; Heaters (Nelson or other type including Propane Natural Gas or Flowtype units) Lights, Portable Generating Light Plants; Mixers, Concrete Small; Mulching Equipment (operation and maintenance); Pumps (2 or less, than 4 inch suction); Pumps (4 inch suction and over including Subersible Pumps); Pumps (Diesel Engine and Hydraulic); Immaterial ofPower; Road Finishing Machines (small type); Rollers, Grade, Fill or Stone Base; Seeding Equipment (operation and maintenance of); Sprinkler and Water Pump; Steam Jennies and Boilers; Stone Spreaders; Tamping Machines, Vibrating Ride on; Temporary Heating Plant (Nelson or other type, including Propane, Natural Gas or Flow type units); Water and Sprinkler Trucks; Welding Machines (Gas, Diesel, and/or Electric Convertors of any type, single; two or three in a Battery); Welding System, Multiple (rectifier transformer type), Trucks and Wellpoint Systems.

CLASS E: Oiler.

CLASS F: Helicopters-Pilot.

POWER EQUIPMENT OPERATORS (Cont'd)
TANK ERECTION:

CLASS A: Operating engineers--on all Cranes, Derricks, etc. with Booms including Jib 140 ft. or more above the ground.

CLASS B: Operating Engineers--on all Equipment, including Cranes, Derricks, etc. with Booms including Jib, less than 140 ft. above the ground.

CLASS C: Helicopters--Pilot.

CLASS D: Air Compressors, Welding Machines and Generators (Gas, Diesel, or Electrical driven equipment and sources of power from a permanment plant, i.e., Steam, Compressed Air, Hydraulic or other power, for the operating of any machine or automatic tools used in the Erection, Alteration, Repair and dismantling of tanks and any and all "dual purpose" Trucks used on the construction job site.

CLASS E: Oiler.

OILOSTATIC MAINLINES & TRANSPORTATION PIPELINES:

CLASS A: Backhoe; Cranes (all types); Drag Lines; Front End Loaders (5 yds. & over); Gradalls; Scooper (Loader & Shovel) Koehring and Trench Machines.

CLASS B: "A" Frame, Backhoe (combination Hoe Loader); Boring & Drilling Machines; Ditching Machine, small Ditchwitch or similar type; Fork Lifts; Front End Loaders (2 yds. & over but less than 5 yds.); Graders, Finish (fine); Hydraulic Cranes-10 tons & under (over 10 tons, Crane rate applies); Side Booms and Winch Trucks (Hoisting).

CLASS C: Backfiller; Brooms & Sweepers; Bulldozers; Compressors (2 or 3 in Battery); Front End Loaders (Under 2 yds.); Generators; Giraffe Grinders; Graders & Motor Patrols; Mechanic; Pipe Bending Machine (power); Tractors; Water & Sprinkler Trucks; Welder & Repair Mechanic.

CLASS D: Compressor (single); Dope Pots (mechanical with or without Pump; Dust Collectors; Farm Tractors; Pumps (4 inch suction & over); Pumps (2 of less than 4 inch suction); Pumps, Diesel Engine & Hydraulic (immaterial or power); Welding Machines, Gas or Electric Converters of any type-single; Welding Machines, Gas or Electric Converters of any type- 2 or 3 in Batery, Multiple Welders; Wellpoint Systems (including installation & maintenance).

CLASS E. Oiler; Grease, Gas, Fuel & Oil supply Trucks; Tire Repair & maintenance.

CLASS F: Helicopter-Pilot.

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Presidential Election Day and Veterans Day, provided the employee works any of the 3 days in the 5-day workweek preceding the holiday and the first work day after the holiday.

CLASSIFICATIONS DESCRIPTIONS

STEEL ERECTION

CLASS A: Cranes - (all Cranes, Land or Floating with Booms including Jib, 140 ft. and over, above ground); Derricks-(all Derricks, Land or Floating with Boom including Jib, 140 ft. and over, above ground).

CLASS B: Cranes-(all cranes, Land or Floating with Booms including Jib, less than 140 ft. above ground); Derricks (all Derricks, Land or Floating with Booms including Jib, less than 140 ft. above ground)

CLASS C: "A" Frame; Cherry pickers 10 tons and under; Hoists: all types Hoists shall also include Steam, Gas, Diesel, Electric, Air Hydraulic, Single and Double Drum, Concrete, Brick Shaft Caisson, or any other similar type Hoisting Machines, Portable or Stationary, except Chicago Boom type; Jacks-Screw Air Hydraulic Power operated unit Console type (not Hand Jack or Pile Load Test type); Side Booms.

CLASS D: Aerial platform used Hoist; Compressor, 2 or 3 in Battery; Elevators or House Cars; Conveyors and Tugger Hoists; Fireman; Forklift; Generators, 2 or 3 maintenance-utility man; Rod Bending Machine (power); Welding Machines--(Gas or Electric, 2 or 3 in Battery, including Diesels); Captain Power Boats; Tug Master Power Boats.

CLASS E: Compressor, single, Welding Machine, Single, Gas, Electric Converters of any type, Diesel; Welding System Multiple (rectifier transformer type); Generator, Single.

CLASS F: Straddle Carrier.

CLASS G: Helicopter-Pilot.

DECISION NO. NJ83-3016 - MOD. #5
(48 FR 28003 - June 17, 1983)
Atlantic, Burlington, Camden, Cumberland, Gloucester, Mercer, Ocean and Salem Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS:		
ZONE 1	$17.06	$4.12
ZONE 2	16.32	4.455
ZONE 3	16.89	5.68
ZONE 5	17.26	3.58
POWER EQUIPMENT OPERATORS:		
Building Construction-Projects in which individual items of work are $100,000 or less (including clearing, and grading, excavation, for foundations, back filling, storm and sanitary sewers, sidewalks, street excavation and paving, curbing and landscaping, water and gas supply lines)	11.94	4.40+a
OTHER BUILDING CONSTRUCTION PROJECTS: HEAVY, HIGHWAY, ROAD, STREET AND SEWER PROJECTS:		
CLASS A	21.67	4.80+a
CLASS B	20.68	4.80+a
CLASS C	18.17	4.80+a
CLASS D	16.54	4.80+a
CLASS E	14.83	4.80+a
CLASS F	23.49	4.80+a
STEEL ERECTION:		
CLASS A	23.89	4.80+a
CLASS B	22.58	4.80+a
CLASS C	21.24	4.80+a
CLASS D	18.58	4.80+a
CLASS E	17.58	4.80+a
CLASS F	15.69	4.80+a
CLASS G	25.30	4.80+a
TANK ERECTION:		
CLASS A	23.16	4.80+a
CLASS B	23.32	4.80+a
CLASS C	25.30	4.80+a
CLASS D	21.73	4.80+a
CLASS E	16.02	4.80+a
OILOGATATIC MAINLINES & TRANSPORTATION PIPELINES:		
CLASS A	$22.30	$4.80+a
CLASS B	20.65	4.80+a
CLASS C	18.51	4.80+a
CLASS D	17.61	4.80+a
CLASS E	15.29	4.80+a
CLASS F	24.23	4.80+a
DOCK BUILDERS & PILE-DRIVERMEN:		
ZONE 1	14.82	b+6.16
ZONE 2	17.36	6.60
ROOFERS:		
ZONE 1: Composition, Damp and Waterproofers	18.17	2.73
Mechanic II (Handle and transport all materials tools, and equipment; clean-up debris)	8.25	2.73

FOOTNOTE:
a. Paid Holidays: New year's Day, Memorial Day Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Presidential Election Day and Veterans Day, provided the employee works any of the 3 days in the 5-day workweek preceeding the holiday and the first work day after the holiday.

POWER EQUIPMENT OPERATORS
OTHER BUILDING CONSTRUCTION PROJECTS; HEAVY, HIGHWAY, ROAD, STREET and SEWER PROJECTS

CLASS A: Auto-grade-combination Sub-grader, Base Mtl. Spreader 7 Base Trimmer (CMI and similar types); Autograde Placer-trimmer Spreader combination (CMI and similar types); Autograde Slipform Paver (CMI and similar types); Backhoe; Central Power Plants (all types); Concrete Paving Machines; Cranes (all types, including Overhead and Straddle Traveling type); Cranes, Gantry; Derricks (land or floating); Drillmaster, Quarrymaster (down the hole drill); Rotary Drill, Self-propelled Hydraulic Drill, Self-powered Drill; Draglines; Elevator Graders; Front End Loaders (5 yds. and over); Gradalls; Grader, Rago; Locomotive (large); Mucking Machines; Pavement and Concrete Breaker, i.e., Superhammer and Hoeram; Pile Driver, length of boom including length of leads, shall determine premium rate applicable; Roadway Surface Grinder, Scooper (Loader and Shovel; Shovels; Tree Chopper with boom; and Trench Machines

Class B: "A" Frame; Backhoe (combination); Boom Attachment on Loaders rate based on size of bucket) not applicable to Pipehook; Boring & Drilling Machines; Brush Chopper, Shredder and Tree Shredder, Tree Shearer; Cableways; Carryalls; Concrete Pump; Concrete Pumping System, Pumpcrete & Similar Types; Conveyors, 125 ft. and over; Drill Doctor (including dust collector maintenance); front end loaders (2 yds. but less than 5 yds.); Graders (finish) Groove Cutting Machine (ride on type); Heater Planer; Hoists (all type hoists, shall also include Steam, Gas, Diesel, Electric, Air Hydraulic,Single and Double Drum, Concrete, Brick Shaft Caisson, Snorkel roof, and/or any other similar type Hoisting Machines, Portable or Stationary, except Chicago Boom type); Hoist - (Chicago Boom type); Hydraulic Cranes-10 tons and under; Hydra-axle; Jacks, Screw Air Hydraulic Power operated unit or Console type (not Hand Jacks or Pile Load Test type); Log Skidder; Pans; Pavers (all) Concrete; Pumpcrete Machines, Squeeze-crete & Concrete PUmping (regardless of size); Scrapers; Sidebooms; "Straddle" Carrier, Ross and similar types and Winch Trucks (Hoisting).

POWER EQUIPMENT OPERATORS (Cont'd)

CLASS C: Asphalt Curbing Machine; Asphalt Plant Engineer; Asphalt Spreader; Autograde Tube Finisher & Texturing Machine (CMI & similar types); Autograde Curecrete Machine (CMI & similar types); Autograde Curb Trimmer & Sidewalk, Shoulder, Slipform (CMI & similar types); Bar Bending Machines (power); Batchers, Batching Plant & Crusher on site; Belt Conveyor Systems; Boom Type Skimmer Machines; Bridge Deck Finisher; Bulldozers (all); Car Dumpers (railroad); Compressor and Blower Type Units (used independently or mounted on dual purposes Trucks, on job site or in conjunction with job site, in Loading and Unloading of Concrete, Cement, Fly Ash, Instantcrete, or similar type materials); Compressor (2 or 3) in a Battery; Concrete Finishing Machines; Concrete Saws & Cutters (ride on type); Concrete Spreaders, Betzel, Bexomatic and similar types; Concrete Vibrators; Conveyors, under 125 ft.; Crushing Machines; Ditching Machine, small (Ditch-witch or similar type); Dope Pots (mechanical with or without Pump); Dumpsters; Elevator; Fireman; Fork lifts (Economobile, Lull & similar types of equipment); Front End Loader (1 yd. and over but less than 2 yds.); Generators (2 or 3) in Battery; Giraffe Grinders; Graders & Motor Patrols; Gunnite Machines (excluding Nozzle); Hammer Vibratory (in conjunction with Generator); Hoists (Roof, Tugger, Aerial Platform Hoist and House Cars); Hoppers; Hopper Doors (power operated); Ladders (Motorized); Laddervator; Locomotive, Dinky Type; Maintenance, Utility Man; Mechanics; Mixers (except Paving Mixers); Motor Patrols & Graders; Pavement Breakers, small, Self-propelled ride on type (also maintaining Compressor or Hydraulic Unit); Pavement Breaker, Truck Mounted; Pipe Bending Machine (Power); Pitch Pump; Plaster Pump (regardless of size); Post Hole Diggger (Post Pounder and Auger); Rod Bending Machines (Power); Roller, Black Top; Scales, (Power); Seaman Pulverizing Mixer; Shoulder Widener; Silos; Skimmer Machines (Boom Type); Steel Cutting Machine, Service & Maintaining; Tractors; Tug Captain; Vibrating Plants (used in conjunction with unloading) and Welder and Repair Mechanics

CLASS D: Brooms and Sweepers; Chipers; Compressor (single); Concrete Spreaders (small type); Conveyor Loaders (not including Elevator Graders); Engines, large diesel (1620 H.P.) and Staging Pump Farm Tractors; Fertilizing equipment (operation and maintenance); Fine Grade Machine (small type); Form Line Graders (small type); Front Loader (under 1 yd.); Generator (single); Grease, Gas, Fuel, and Oil supply Trucks; Heaters (Nelson or other type including Propane Natural Gas or Flowtype units) Lights, Portable Generating Light Plants; Mixers, Concrete Small; Mulching Equipment (operation and maintenance); Pumps (2 or less, than 4 inch suction); Pumps (4 inch suction and over including Subersible Pumps); Pumps (Diesel Engine and Hydraulic); Immaterial ofPower; Road Finishing Machines (small type); Rollers, Grade, Fill or Stone Base; Seeding Equipment (operation and maintenance of); Sprinkler and Water Pump; Steam Jennies and Boilers; Stone Spreaders; Tamping Machines, Vibrating Ride on; Temporary Heating Plant (Nelson or other type, including Propane, Natural Gas or Flow type units); Water and Sprinkler Trucks; Welding Machines (Gas, Diesel, and/or Electric Convertors of any type, single; two or three in a Battery); Welding System, Multiple (rectifier transformer type), Trucks and Wellpoint Systems.

CLASS E: Oiler.

CLASS F: Helicopters-Pilot.

POWER EQUIPMENT OPERATORS (Cont'd)
TANK ERECTION:

CLASS A: Operating engineers--on all Cranes, Derricks, etc. with Booms including Jib 140 ft. or more above the ground.

CLASS B: Operating Engineers--on all Equipment, including Cranes, Derricks, etc. with Booms including Jib, less than 140 ft. above the ground.

CLASS C: Helicopters--Pilot.

CLASS D: Air Compressors, Welding Machines and Generators (Gas, Diesel, or Electrical driven equipment and sources of power from a permanment plant, i.e., Steam, Compressed Air, Hydraulic or other power, for the operating of any machine or automatic tools used in the Erection, Alteration, Repair and dismantling of tanks and any and all "dual purpose" Trucks used on the construction job site.

CLASS E: Oiler.

OILOSTATIC MAINLINES & TRANSPORTATION PIPELINES:

CLASS A: Backhoe; Cranes (all types); Drag Lines; Front End Loaders (5 yds. & over); Gradalls; Scooper (Loader & Shovel) Koehring and Trench Machines.

CLASS B: "A" Frame, Backhoe (combination Hoe Loader); Boring & Drilling Machines; Ditching Machine, small Ditchwitch or similar type; Fork Lifts; Front End Loaders (2 yds. & over but less than 5 yds.); Graders, Finish (fine); Hydraulic Cranes-10 tons & under (over 10 tons, Crane rate applies); Side Booms and Winch Trucks (Hoisting).

CLASS C: Backfiller; Brooms & Sweepers; Bulldozers; Compressors (2 or 3 in Battery); Front End Loaders (Under 2 yds.); Generators; Giraffe Grinders; Graders & Motor Patrols; Mechanic; Pipe Bending Machine (power); Tractors; Water & Sprinkler Trucks; Welder & Repair Mechanic.

CLASS D: Compressor (single); Dope Pots (mechanical with or without Pump; Dust Collectors; Farm Tractors; Pumps (4 inch suction & over); Pumps (2 of less than 4 inch suction); Pumps, Diesel Engine & Hydraulic (immaterial or power); Welding Machines, Gas or Electric Converters of any type-single; Welding Machines, Gas or Electric Converters of any type- 2 or 3 in Batery, Multiple Welders; Wellpoint Systems (including installation & maintenance).

CLASS E. Oiler; Grease, Gas, Fuel & Oil supply Trucks; Tire Repair & maintenance.

CLASS F: Helicopter-Pilot.

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birtrday, Presidential Election Day and Veterans Day, provided the employee works any of the 3 days in the 5-day workweek preceding the holiday and the first work day after the holiday.

CLASSIFICATIONS DESCRIPTIONS

STEEL ERECTION

CLASS A: Cranes - (all Cranes, Land or Floating with Booms including Jib, 140 ft. and over, above ground); Derricks-(all Derricks, Land or Floating with Boom including Jib, 140 ft. and over, above ground).

CLASS B: Cranes-(all cranes, Land or Floating with Booms including Jib, less than 140 ft. above ground); Derricks (all Derricks, Land or Floating with Booms including Jib, less than 140 ft. above ground)

CLASS C: "A" Frame; Cherry pickers 10 tons and under; Hoists: all types Hoists shall also include Steam, Gas, Diesel, Electric, Air Hydraulic, Single and Double Drum, Concrete, Brick Shaft Caisson, or any other similar type Hoisting Machines, Portable or Stationary, except Chicago Boom type; Jacks-Screw Air Hydraulic Power operated unit Console type (not Band Jack or Pile Load Test type); Side Booms.

CLASS D: Aerial platform used Hoist; Compressor, 2 or 3 in Battery; Elevators or House Cars; Conveyors and Tugger Hoists; Fireman; Forklift; Generators, 2 or 3 maintenance-utility man; Rod Bending Machine (power); Welding Machines--(Gas or Electric, 2 or 3 in Battery, including Diesels); Captain Power Boats; Tug Master Power Boats.

CLASS E: Compressor, single, Welding Machine, Single, Gas, Electric Converters of any type, Diesel; Welding System Multiple (rectifier transformer type); Generator, Single.

CLASS F: Straddle Carrier.

CLASS G: Helicopter-Pilot.

DECISION NO. NV83-5103 -	Basic Hourly Rates	Fringe Benefits
Mod. #3 (48 FR 11629-March 18, 1983) Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada		
Change:		
Carpenters:		
Area 1:		
Carpenters; Drywall; Floor Layer; Lather; Patent Scaffold Erector; Power Saw Operator	$17.41	$4.05
Millwrights	16.91	6.55
Piledrivermen	17.61	4.05
Area 2:		
Carpenters	15.30	5.27
Drywall Installer	15.55	5.27
Floor Layers; Patent Scaffold Erectors; Power Saw Operators; Shingler	15.45	5.27
Millwrights	15.90	5.27
Piledrivermen	15.55	5.27
Cement Masons:		
Area 1:		
Cement Masons	17.58	3.70
Cement Floor Finishing Machine and Color Work	17.93	3.70
Area 2:		
Cement Masons	15.47	5.43
Mastic, Magnesite and all Composition Masons	15.72	5.43
Troweling Machine; Grinder Operator and Kelly Float	15.97	5.43
Area 3:		
Cement Masons	17.22	5.43
Mastic, Magnesite and all Composition Masons	17.47	5.43
Troweling Machine; Grinder Operator and Kelly Float	17.62	5.43
Glaziers:		
Area 1	23.69	2.35
Laborers:		
Remaining Counties:		
Group 1	$13.16	$2.65
Group 2	13.26	2.65
Group 3	13.41	2.65
Group 4	13.66	2.65
Group 5	13.96	2.65
Group 6-A	13.96	2.65
Group 6-B	13.66	2.65
Group 6-C	13.31	2.65
Line Construction Workers:		
Area 1:		
Groundman	17.07	1.41+ 4%
Line Equipment Operator	20.48	1.41+ 4%
Linemen	22.76	1.41+ 4%
Cable Splicers	23.85	1.41+ 4%
Plasterers:		
Area 1	18.20	3.70

DECISION NO. NV82-5111- Mod. #8 (47 FR 34300 - August 6, 1982) Clark County (does not include the Nevada Test Site), Nevada	Basic Hourly Rates	Fringe Benefits
Change:		
Carpenters:		
Carpenters; Drywall; Floor Layer; Lather; Patent Scaffold Erector; Power Saw Operator	$17.41	$4.05
Millwrights	16.91	6.55
Piledrivermen	17.61	4.05
Cement Masons:		
Cement Masons	17.58	3.70
Cement Floor Finishing Machine; Color Work	17.93	3.70
Glaziers	10.00	2.35
Plasterers	18.20	3.70

DECISION NO. TX82-4025 - MOD. #10 (47 FR 26550 - 6/18/82) Brazos County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	$16.40	2.645
Cement masons	15.80	2.18
Line construction:		
Linemen & cable splicer	16.91	.80+3½%
Groundmen	9.81	.80+3½%

DECISION NO. TX82-4042 - MOD. #4 (47 FR 36522 - 8/20/82) Bowie County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers	16.71	2.935
Boilermakers	16.40	2.645
Elevator constructors:		
Mechanics	16.025	2.69+a
Helpers	70%JR	2.69+a
Helpers (Prob.)	50%JR	
Ironworkers	13.60	2.36

DECISION NO. TX83-4002 - MOD. #5 (48 FR 931 - 1/7/83) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers	16.00	2.37
Boilermakers	16.40	2.645
Cement masons	14.60	
Lathers	16.35	
Line construction:		
Zone 1:		
Linemen: Operators	14.30	.80+3½%
Cable splicers	14.55	.80+3½%
Groundman	70%JR	.80+3½%
Marble masons (exterior)	11.00	1.00
Plasterers	16.35	.01
Plumbers & pipefitters	15.85	2.56

DECISION NO. TX83-4003 - MOD. #4 (48 FR 935 - 1/7/83) Bexar County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers	$15.60	3.24
Boilermakers	16.40	2.645
Bricklayers & stonemasons	13.03	1.92
Electricians:		
Electricians	16.29	.80+6%
Cable splicers	16.54	.80+6%
Line construction:		
Lineman	16.69	.80+3½%
Cable splicers	16.94	.80+3½%
Groundman	9.18	.80+3½%
Marble, tile & terrazzo workers	13.12	1.87
Painters:		
Brush; paperhanger; taper & floater, roller	11.55	.65
Brush on all structural steel; spray on other surface other than steel	11.80	.65

DECISION NO. TX83-4004 - MOD. #8 (48 FR 936 - 1/7/83) Galveston & Harris Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	16.40	2.645
Cement masons-Harris	15.80	2.18
Line construction:		
Zone 1:		
Linemen & cable splicer	18.88	.80+3½%
Groundmen	10.95	.80+3½%
Zone 2:		
Linemen & cable splicer	18.48	.80+3½%
Groundman	10.72	.80+3½%
OMIT all wage rates & classifications for laborers		
ADD:		
Laborers	11.91	1.81
All laborers wrapping pipe or handling creosoted or treated material, liquid acid or like material when injurious to health	12.085	1.81

DECISION NO. TX83-4005 - MOD. #4 (48 FR 934 - 1/7/83) Lubbock County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers	$16.00	2.37
Boilermakers	16.40	2.645
Bricklayers & stonemasons	13.67	.33
Carpenters	12.60	2.03
Plumbers & steamfitters	14.30	1.59
DECISION NO. TX83-4006 - MOD. #7 (48 FR 933 - 1/7/83) Travis County, Texas		
CHANGE:		
Asbestos workers	15.60	3.24
Boilermakers	16.40	2.645
Elevator constructors:		
Mechanics	14.74	3.00+a
Helpers	70%JR	3.00+a
Helpers (Prob.)	50%JR	
Ironworkers	14.60	2.97
Lathers	14.36	1.98
Painters - Group 1	13.55	
Group 2	14.05	
DECISION NO. TX83-4007 - MOD. #6 (48 FR 932 - 1/7/83) Wichita County, Texas		
CHANGE:		
Boilermakers	16.40	2.645
Plasterers	14.25	.01
DECISION NO. TX83-4026 - MOD. #4 (48 FR 15425 - 4/8/83) Jefferson & Orange Cos., Texas		
CHANGE:		
Asbestos workers:		
Orange Co.	18.645	2.335
Boilermakers	16.40	2.645
Carpenters:		
Carpenters-residential const. of not more than 2 units of condominium townhouses of not more than 10 units excluding all apt. const. & multiple bldgs for rental	15.74	2.615

	Basic Hourly Rates	Fringe Benefits

DECISION #NM83-4032-Mod. 9 48FR16413-April 15, 1983 STATEWIDE, NEW MEXICO	Basic Hourly Rates	Fringe Benefits
ADD TO MODIFICATION NO. 8 Published in Federal Register dated April 22, 1983:		
ELECTRICIANS-CABLE SPLICERS ZONES I AND II FRINGE BENEFITS: Y & K - 3-1/2% + $2.00		

DECISION NO. WA83-5110 - Mod #3 (48 FR 25106 - June 3, 1983) Statewide Washington	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
Area 1:		
Electricians	$18.95	3%+3.33
Cable Splicers	19.35	3%+3.33
Area 2:		
Electricians	20.87	3%+4.80
Cable Splicers	21.91	3%+4.80
Area 3:		
Electricians	19.53	3%+3.75
Cable Splicers	21.48	3%+3.75
PAINTERS:		
Area 4:		
Striper	16.65	2.03
PLUMBERS:		
Area 1	17.50	6.52
Area 4	20.48	3.70
Area 5	19.25	6.52

DECISION NO. WY83-5114 - Mod. #2 (48 FR 32459 - July 15 1983) Converse, Goshen, Laramie, Natrona, Niobrara, and Platte Counties, Wyoming	Basic Hourly Rates	Fringe Benefits
Change:		
Boilermakers	$17.34	$3.60
Omit:		
Plumbers; Steamfitters: Area 2 as originally issued		
Add:		
Plumbers; Steamfitters: Area 2	17.03	2.60

DECISION NO. UT83-5108 - Mod. #7 (48 FR 12651 - March 25, 1983) Statewide, Utah	Basic Hourly Rates	Fringe Benefits
Change:		
Carpenters:		
Heavy and Highway Construction:		
Zone 1:		
Carpenters	$14.73	$2.35
Saw Operators; Carpenters handling creosote materials	14.98	2.35
Zone 2:		
Carpenters	17.23	2.35
Saw Operators; Carpenters handling creosote materials	17.48	2.35
Elevator Constructors:		
Mechanics	15.78	3.00+a
Helpers	11.05	3.00+a
Probationary Helpers	7.89	
Marble Setters	12.02	1.59
Terrazzo Workers and Tile Setters	12.02	1.59

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTY: MACON
DECISION NO. IL83-2064 DATE: Date of Publication
Supersedes Decision No. IL82-2047, dated October 8, 1982 in 47 FR 44665
DESCRIPTION OF WORK: Building Construction (including Residential) Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.99	2.76
BOILERMAKERS	18.30	3.305
BRICKLAYERS; Caulkers; Cement Block Layers; Cleaners; Marble Setters; Pointers; Terrazzo Workers; & Tile Setters	15.975	2.105
CARPENTERS; Lathers; Millwrights; Piledrivermen; & Soft Floor Layers: Carpenters; Soft Floor Layers: Residential not to exceed 3 levels (including level below ground)	11.16	2.46
All Other Work: Carpenters; Lathers; & Soft Floor Layers	15.955	2.46
Millwrights; Piledrivermen	16.455	2.46
CEMENT MASONS	16.25	1.785
ELECTRICIANS: Residential not to exceed 6 Family Units	11.47	8.35% +1.05
All Other Work	17.65	8.35% +1.05
GLAZIERS	16.29	.97
IRONWORKERS: East of Decatur	15.00	3.03
Remainder of County	15.95	2.23
MARBLE & TILE SETTERS' FINISHER	16.00	
PAINTERS: Commercial Building: Brush; Roller; & Vinyl Paperhangers	14.95	1.50
Spray	15.70	1.50
Steeples & Structures over 50 ft.	15.95	1.50
Residential: Brush	9.95	1.50
Spray	10.70	1.50
PLASTERERS	16.47	1.785
PLUMBERS; Steamfitters: Residential not to exceed 3 floors	13.54	2.60
All Other Work	19.35	2.80
ROOFERS	14.78	2.72
SHEET METAL WORKERS: Residential	15.93	3.23
Commerical Building	16.71	2.47 +a
SPRINKLER FITTERS	16.67	2.83
TERRAZZO WORKERS' FINISHERS	16.15	
LABORERS: Residential	9.835	2.25
Commercial Building: Unskilled	14.05	2.25
Semi-Skilled	14.25	2.25
Skilled	14.40	2.25
POWER EQUIPMENT OPERATORS: Class I	16.25	1.85
Class II	14.60	1.85
Class III	13.00	1.85
TRUCK DRIVERS: Group I	14.325	1.15+b
Group II	14.725	1.15+b
Group III	14.925	1.15+b
Group IV	15.175	1.15+b

FOOTNOTES:
a. 3% of gross earnings to SASMI
b. $51.00 per week per employee

DECISION NO. IL83-2064

CLASSIFICATION DEFINITIONS

LABORERS:

Unskilled - All Sewer Workers, plus Depth Pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters' Tenders; Cleaning Lumber; Cofferdam Workers, plus Depth Pay; Deck Hand, Dredge Hand and Shore Laborer; Dispatchers; Driving of Stakes, Stringlines for all Machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Laborers with De-Watering System; Landscapers; Laying of Sod; Material Handlers; Pit Men; Plastic Installers; Planting of Trees; Removal of Trees; Rip Rap Men; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading & Carrying Lath; Unloading and Carrying of Re-Bars; Wrecking, Dismantling Buildings; Wallmen & Housemovers; Wrecking Laborers

Semi-Skilled Laborers - Asphalt Workers with Machine; Asphalt Raker and Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime and Plasterers, Handlers (Bulk or Bag); Chain Saw; Chloride Handlers; Concrete Workers (Wet); Grade Checker; Handling of Materials Treated with Oil, Creosote, Asphalt and/or any Foreign Material Harmful to Skin or Clothing; Kettle Tar Men on Concrete Paving, Placing, Cutting and Tying of Reinforcing; Tank Cleaners; Tunnel Tenders in Free Air

Skilled Laborers - Air Tamping Hammerman; Caisson Workers, Plus Depth Pay; Concrete Burning Machine Op.; Concrete Saw Op.; Coring Machine Op.; Curb Asphalt Machine Op.; Gunnite Nozzle Men; Jackhammer and Drill Op.; Laborers Handling Masterplate or similar materials; Laborers Tending Masons with Hot Material or where Foreign Materials are used; Laser Beam Op.; Layout Man on Sewer Work; Luteman; Mason Tenders; Mortar Mixer Op.; Motorized Buggies or Motorized Unit used for Wet Concrete or Handling of Building Materials; Multiple Concrete Duct - Leadman; Plasterers' Tenders; Ready Mix Scalemen; Screenman on Asphalt Pavers; Steel Form Setters - Street & Highway; Vibrator Ops.; Welders, Cutters, Burners & Torchmen

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt Plant Engineer; Asphalt Screed Man; Apsco Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Athey Loaders; Backfillers; Crane Type Backhoes; Cableway; Cherry Pickers; Clam Shell; C.M.I. & Similar Type Autograde Formless Paver, Autograde Placer & Finisher; Concrete Breakers; Concrete Plant Operators; Concrete Pumps;

DECISION NO. IL83-2064

POWER EQUIPMENT OPERATORS (CONT'D)

Cranes; Derricks; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Graders; Engineers on Dredge; Gravel Processing Machines; Head Equipment Greasers; High Lift or Fork Lifts; Hoist W/two Drums or Two or more Loadlines; Locomotives; Mechanics; Motor Graders or Auto Patrols; Operators or Levelman on Dredges; Operators Power Boat; Operators Pug Mill (Asphalt Plants); Orange Peels; Overhead Cranes; Paving Mixers; Pile-drivers; Pipe Wrapping & Painting Machines; Push Dozers or Push Cats; Rock Crushers; Ross Carriers or similar Machines; Scoops; Skimmers 2 cu. yd. cap. & under; Sheep Foot Roller (Self-propelled); Shovels;Skimmer Scoops; Test Hole Drilling Machines; Tower Cranes; Tower Machines; Tower Mixers; Track Type & Loaders; Track Type Fork Lift or High Lifts; Track Jacks & Tampers; Tractors; Sideboom; Trenching Machines; Ditching Machine; Tunnel Loggers; Wheel Type End Loaders; Winch Cat; Scoops (all or Torunapull)

CLASS II - Asphalt Boosters & Beaters; Asphalt Distributors; Asphalt Plant Fireman; Building Elevator; Bull Floats or Flexplanes; Concrete Finishing Machines; Concrete Saws, Self-propelled; Concrete Spreader Machines; Gravel or Stone Spreaders, Power Operated; Hoist Automatic; Hoist w/1 Drum & 1 Load Line; Oiler on 2 Paving Mixers when used in Tandem Boom or Winch Truck; Post Hole Diggers, Mechanical; Road or Street Sweeper-Self-Propelled; Scissors Hoist; Seaman Tiller; Straw Machine; Vibratory Compactors; Well Drill Machines; & Mud Jacks (Hwy & Hwy only)

CLASS III - Air Compressors*; Air Compressors, Track or Self-propelled; Bulk Cement Batching Plants; Conveyors*; Concrete Mixers (except plant paver, tower); Firemen; Generators*; Greasers; Light Plants*; Mechanical Heaters*; Oilers; Power Form Graders; Power Sub-Graders; Pug Mills, when used for other than Asphalt Operation; Rollers (except Bituminous Concrete); Tractors w/o Power Attachments Regardless of size or type; Truck Crane Oiler & Driver (1 man); Vibratory Hammer; Water Pumps*; Welding Machines (one 300 amp. or over)*; Welding Machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

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TRUCK DRIVERS:

GROUP I - Drivers on 2 Axles hauling less than 9 tons; Air Compressor & welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lb. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II - 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III - 2, 3, or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV - Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Illinois
COUNTIES: *See Below
DECISION NO. IL83-2066
DATE: Date of Publication
Supersedes Decision No. IL83-2056, dated July 29, 1983 48 FR 34606
DESCRIPTION OF WORK: Heavy & Highway Construction Projects

*Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair & Washington

CARPENTERS & PILEDRIVERMEN:	Basic Hourly Rates	Fringe Benefits
Area 1	$15.185	2.65
Area 2	15.735	2.65
Area 3:		
Carpenters	15.405	3.01
Piledrivermen	15.905	3.01
Area 4:		
Carpenters	15.77	2.61
Piledrivermen	16.27	2.61
CEMENT MASONS:		
Area 1	16.155	2.52
Area 2	18.675	
ELECTRICIANS:		
Area 1	18.61	3.46
Area 2	19.20	2.83
Area 3	17.86	3.44
Area 4	17.32	2.29
Area 5	17.85	2.14
IRONWORKERS:		
Area 1	16.80	2.20
Area 2	15.95	2.23
LINE CONSTRUCTION:		
Area 1:		
Linemen & Digging Operator	15.80	2.58
Groundmen Equipment Op.:		
Class I	13.51	2.27
Class II	12.10	2.08
Groundman	10.04	1.81
Area 2:		
Linemen	19.90	8⅓%
Groundman Equipment Operator	17.31	8⅓%
Groundman Truck Drivers	14.12	8⅓%
Groundman	12.93	8⅓%
Area 3:		
Linemen	17.86	3.48
Groundman Truck Drivers W/Winch	16.91	3.44
Groundman & Groundman Truck Driver	16.66	3.43
Area 4:		
Linemen	18.02	2.18
Groundman Equipment Op.	16.81	2.08
Groundman Truck Driver W/Winch	12.77	1.74
Groundman Truck Driver WO/Winch	12.02	1.67
Groundman	11.46	1.62

PAINTERS:	Basic Hourly Rates	Fringe Benefits
Commercial Brush	15.01	1.85
Commercial Spray & Blast	16.01	1.85
Industrial Brush	15.72	1.85
Industrial Spray & Blast	16.72	1.85
Bridges - Brush	15.97	1.85
Bridges - Spray & Blast	16.97	1.85
LABORERS (HEAVY CONSTRUCTION)		
Area 1:		
Class 1	16.85	.45
Class 2	17.10	.45
Class 3	17.35	.45
Class 4	18.45	.45
Area 2:		
Class 1	17.25	.05
Class 2	17.50	.05
Class 3	17.75	.05
Class 4	18.85	.05
Area 3:		
Class 1	15.70	1.60
Class 2	15.95	1.60
Class 3	16.20	1.60
Class 4	17.30	1.60
Area 4:		
Class 1	14.30	3.00
Class 2	14.55	3.00
Class 3	14.80	3.00
Class 4	15.90	3.00
Area 5:		
Class 1	15.30	2.00
Class 2	15.55	2.00
Class 3	15.80	2.00
Class 4	16.90	2.00
Area 6:		
Class 1	16.35	1.05
Class 2	16.60	1.05
Class 3	16.85	1.05
Class 4	17.95	1.05
Area 7:		
Class 1	16.95	.35
Class 2	17.20	.35
Class 3	17.45	.35
Class 4	18.55	.35
Area 8:		
Class 1	17.05	.25
Class 2	14.30	.25
Class 3	17.55	.25
Class 4	18.65	.25

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LABORERS (HEAVY CONSTRUCTION) CONT'D)	Basic Hourly Rates	Fringe Benefits
Area 9:		
Class 1	16.65	.65
Class 2	16.90	.65
Class 3	17.15	.65
Class 4	18.25	.65
Area 10:		
Class 1	16.25	1.05
Class 2	16.50	1.05
Class 3	16.75	1.05
Class 4	17.85	1.05
Area 11:		
Class 1	17.00	.30
Class 2	17.25	.30
Class 3	17.50	.30
Class 4	18.60	.30
Area 12:		
Class 1	16.25	1.05
Class 2	16.50	1.05
Class 3	16.75	1.05
Class 4	17.85	1.05
Area 13:		
Class 1	16.75	.55
Class 2	17.00	.55
Class 3	17.25	.55
Class 4	18.35	.55
Area 14:		
Class 1	16.45	.85
Class 2	16.70	.85
Class 3	16.95	.85
Class 4	18.05	.85
Area 15:		
Class 1	14.65	2.65
Class 2	14.90	2.65
Class 3	15.15	2.65
Class 4	16.25	2.65
Area 16:		
Class 1	16.80	.50
Class 2	17.05	.50
Class 3	17.30	.50
Class 4	18.40	.50
Area 17:		
Class 1	15.40	1.90
Class 2	15.65	1.90
Class 3	15.90	1.90
Class 4	17.00	1.90
Area 18:		
Class 1	14.80	1.35
Class 2	14.90	1.35
Class 3	14.95	1.35
Class 4	15.05	1.35
Class 5	15.05	1.35
Class 6	15.25	1.35
Class 7	15.30	1.35
Class 8	15.80	1.35
Class 9	16.325	1.35
Area 19:		
Class 1	14.30	1.85
Class 2	14.40	1.85
Class 3	14.45	1.85
Class 4	14.55	1.85
Class 5	14.65	1.85
Class 6	14.75	1.85
Class 7	14.80	1.85
Class 8	15.30	1.85
Class 9	15.825	1.85
Area 20:		
Class 1	14.00	2.15
Class 2	14.50	2.15
Class 3	14.525	2.15
Class 4	14.275	2.15
Class 5	15.525	2.15
Class 6	14.525	2.15
Area 21:		
Class 1	14.55	1.60
Class 2	15.05	1.60
Class 3	15.10	1.60
Class 4	15.85	1.60
Area 22:		
Class 1	15.10	1.05
Class 2	15.20	1.05
Class 3	15.35	1.05
Class 4	15.60	1.05
Class 5	16.625	1.05
Area 23:		
Class 1	14.45	1.65
Class 2	14.70	1.65
Class 3	14.75	1.65
Class 4	14.95	1.65
Area 24:		
Class 1	12.40	1.135
Class 2	12.90	1.135
Class 3	12.65	1.135
Class 4	14.00	1.135
Area 25:		
Class 1	14.35	1.90
Class 2	15.75	1.90
Class 3	14.50	1.90
Area 26:		
Class 1	14.70	1.45
Class 2	24.95	1.45
Class 3	15.55	1.45
Class 4	15.20	1.45

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	Basic Hourly Rates	Fringe Benefits
LABORERS (HEAVY CONSTRUCTION) CONT'D		
Area 27:		
Class 1	14.00	2.15
Class 2	14.25	2.15
Class 3	14.26	2.15
Class 4	15.525	2.15
Class 5	14.50	2.15
Class 6	16.60	
Area 28:		
Class 1	15.70	1.60
Class 2	15.95	1.60
Class 3	16.20	1.60
Class 4	17.30	1.60
Area 29:		
Class 1	14.70	1.45
Class 2	14.95	1.45
Class 3	15.55	1.45
Class 4	15.20	1.45
LABORERS (HIGHWAY CONSTRUCTION)		
Area 1:		
Class 1	16.95	.45
Class 2	17.05	.45
Class 3	17.20	.45
Class 4	17.45	.45
Class 5	18.475	.45
Area 2:		
Class 1	17.35	.05
Class 2	17.45	.05
Class 3	17.60	.05
Class 4	17.85	.05
Class 5	18.875	.05
Areas 3, 26, 28 & 29:		
Class 1	15.80	1.45
Class 2	15.94	1.45
Class 3	16.05	1.45
Class 4	16.30	1.45
Class 5	17.325	1.45
Area 4:		
Class 1	14.40	3.00
Class 2	14.50	3.00
Class 3	14.65	3.00
Class 4	14.90	3.00
Class 5	15.925	3.00
Areas 5 and 23:		
Class 1	15.40	2.00
Class 2	15.50	2.00
Class 3	15.65	2.00
Class 4	15.90	2.00
Class 5	16.925	2.00
Areas 6, 10, and 12:		
Class 1	16.35	1.05
Class 2	16.45	1.05
Class 3	16.60	1.05
Class 4	16.85	1.05
Class 5	17.875	1.05
Area 7:		
Class 1	17.05	.35
Class 2	17.15	.35
Class 3	17.30	.35
Class 4	17.55	.35
Class 5	18.575	.35
Area 8:		
Class 1	17.15	.25
Class 2	17.25	.25
Class 3	17.40	.25
Class 4	17.65	.25
Class 5	18.675	.25
Area 9:		
Class 1	16.75	.65
Class 2	16.85	.65
Class 3	17.00	.65
Class 4	17.25	.65
Class 5	18.275	.65
Area 11:		
Class 1	17.10	.30
Class 2	17.20	.30
Class 3	17.35	.30
Class 4	17.60	.30
Class 5	18.625	.30
Area 13:		
Class 1	16.85	.55
Class 2	16.95	.55
Class 3	17.10	.55
Class 4	17.35	.55
Class 5	18.375	.55
Area 14:		
Class 1	16.55	.85
Class 2	16.65	.85
Class 3	16.80	.85
Class 4	17.05	.85
Class 5	18.075	.85
Area 15:		
Class 1	14.75	2.65
Class 2	14.85	2.65
Class 3	15.00	2.65
Class 4	15.25	2.65
Class 5	16.275	2.65
Area 16:		
Class 1	16.90	.50
Class 2	17.00	.50
Class 3	17.15	.50
Class 4	17.40	.50
Class 5	18.435	.50

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	Basic Hourly Rates	Fringe Benefits
LABORERS (HIGHWAY CONSTRUCTION) (CONT'D)		
Area 17:		
Class 1	15.50	1.90
Class 2	15.60	1.90
Class 3	15.75	1.90
Class 4	16.00	1.90
Class 5	17.025	1.90
Area 18:		
Class 1	15.90	1.50
Class 2	16.00	1.50
Class 3	16.15	1.50
Class 4	16.40	1.50
Class 5	17.425	1.50
Area 19:		
Class 1	14.90	2.50
Class 2	15.00	2.50
Class 3	15.15	2.50
Class 4	15.40	2.50
Class 5	16.425	2.50
Area 20 and Area 27:		
Class 1	14.75	2.65
Class 2	14.85	2.65
Class 3	15.00	2.65
Class 4	15.25	2.65
Class 5	16.275	2.65
Area 21:		
Class 1	15.65	1.75
Class 2	15.75	1.75
Class 3	15.90	1.75
Class 4	16.15	1.75
Class 5	17.175	1.75
Area 22:		
Class 1	15.50	1.90
Class 2	15.60	1.90
Class 3	15.75	1.90
Class 4	16.00	1.90
Class 5	17.025	1.90
Area 24:		
Class 1	12.45	1.185
Class 2	12.55	1.185
Class 3	12.70	1.185
Class 4	12.95	1.185
Class 5	13.875	1.185
Area 25:		
Class 1	14.70	2.70
Class 2	14.80	2.70
Class 3	14.95	2.70
Class 4	15.20	2.70
Class 5	16.225	2.70
POWER EQUIPMENT OPERATORS		
Group I	16.67	2.48
Group II	13.89	2.48
Group III	13.24	2.48
Group IV	13.14	2.48
Group V	12.89	2.48
Group VI:		
a.	18.82	2.48
b.	19.12	2.48
c.	14.99	2.48
d.	15.49	2.48
TRUCK DRIVERS:		
Group 1	14.325	1.15 +a
Group II	14.725	1.15 +a
Group III	14.925	1.15 +a
Group IV	15.175	1.15 +a

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AREA DEFINITIONS

CARPENTERS & PILEDRIVERMEN

Area 1: Bond, Calhoun, Greene (S. of Apple Creek), Jersey, Macoupin (S 2/3), Madison, & Montgomery (S2/3) Cos.
Area 2: Clinton, Monroe, St. Clair, & Washington Cos.
Area 3: Greene (except S. of Apple Creek) Co.
Area 4: Macoupin (N 1/3), & Montgomery (N 1/3, inclu. Waggoner, Standard City, & North Thereof) Cos.

CEMENT MASONS

Area 1: Bond, Calhoun, Clinton (W. ½, East to but not incl. Carlyle), Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, & St. Clair Cos.
Area 2: Clinton (E ½ incl. Carlyle), & Washington Cos.

ELECTRICIANS

Area 1 - Bond (E ½), Clinton (Huey, Hoffmen & Vic), & Washington (except Venedy Tpw.) Cos.
Area 2: Bond (W ½), Clinton (Rem. of Co.), Macoupin (except Brighton, Athensville, Scottville, Girard & areas N. thereof), Madison (except Alton & Vic.), Monroe, Montgomery (except Portion E. of Butler Grove, Grisham, Hillsboro & Raymond Twp.), St. Clair, & Washington (Venedy Twp.) Cos.
Area 3: Calhoun, Greene, Jersey, Macoupin (rRighton Twp.), & Madison (Alton & Vic.) Cos.
Area 4: Macoupin (Athensville, Scottville, Girard & areas N. thereof), & Montgomery (NW part incl. Bois D' Arc, Harvel & Pittman Twps.) Cos.
Area 5: Montgomery (E. of Butler Grove, Grishma, Hillsboro & Raymond Twps.) Cos.

IRONWORKERS

Area 1: Bond, Calhoun, Clinton, Greene (S½), Jersey, Macoupin (Summerville & S. thereof), Madison, Monroe, Montgomery (Litchfield, Hillsboro, & S. thereof), St. Clair, & Washington Cos.
Area 2: Greene (N½), Macoupin (N. of Summerville), & Montgomery (N. of Litchfield & Hillsboro) Cos.

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LINE CONSTRUCTION

Area 1: Bond (E ½) & Washington (Okawville & Vendy Twps.) Cos.
Area 2: Bond (W½), Clinton, Macoupin (except N 1/3 & SW Corner), Madison (except E. Alton, Alton, Wood River & Hartford), Monroe, Montgomery (E. of Roundtree, Irving & E. Fork Twps.), St. Clair, & Washington (Okawville & Venedy Twps.) Cos.
Area 3: Calhoun, Greene, Jersey, Macoupin (SW Corner), & Madison (E. Alton, Alton, Wood River & Hartford) Cos.
Area 4: Macoupin (N 1/3) & Montgomery (Rem. of Co.) Cos.

LABORERS

Area 1: Bond Co. (Pocahontas); Macoupin Co. (Gillespie); Washington Co. (Ashley)
Area 2: Macoupin Co. (Carlinville)
Area 3: Clinton Co. (Trenton)
Area 4: Montgomery Co. (Hillsboro)
Area 5: Randolph Co. (Chester)
Area 6: Madison Co. (Glen Carbon)
Area 7: Bond Co. (Greenville); Macoupin Co. (Mt. Olive)
Area 8: Calhoun Co. (Hardin); Madison Co. (Marine)
Area 9: Madison Co. (St. Jacob & Highland); Washington Co. (Okawville)
Area 10: Macoupin (Stauton)
Area 11: Bond Co. (Sorento); Jersey Co. (Jerseyville)
Area 12: Madison Co. (Troy); Greene Co. (Roodhouse); Montgomery Co. (Litchfield)
Area 13: Madison Co. (Livingston)
Area 14: Washington Co. (Nashville)
Area 15: St. Clair Co. (New Athens)
Area 16: Macoupin Co. (Shipman)
Area 17: Randolph (Sparta)
Area 18: Madison (Alton)
Area 19: Madison Co. (Wood River)
Area 20: Madison Co. (Granite City & Vic.)
Area 21: Madison Co. (Collinsville)
Area 22: Madison Co. (Edwardsville)
Area 23: Monroe Co. (Columbia)
Area 24: St. Clair Co. (Freeburg)
Area 25: St. Clair Co. (Belleville)
Area 26: St. Clair Co. (Mascoutah)
Area 27: St. Clair Co. (E. St. Louis & Vic)
Area 28: Cinton Co. Clair Co. (Carlyle)
Area 29: St. Clair Co. (O' Fallon)

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LABORERS - HEAVY CONSTRUCTION

AREAS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, & 28

Class 1 - General Laborers

Class 2 - Bottom of Sewer Trenches on final Grading, Laying or Caulking of preformed sectional sanitary or storm sewer pipe; (including reinforced concrete tile, but not inclu. box culverts, tin whistles or multiplate culverts); Cutting & Burning w/Torch

Class 3 - Brick, Plaster, Mason Tenders

Class 4 - Dynamite Men

AREA 18 and AREA 19

Class 1 - Common Laborer

Class 2 - Laying Sewer & All Sewer Work; Wrapping Pipe and Handling of Tar & Tar Pots; & Handling Creosote & Creosote Work on Railroad

Class 3 - Open Well Work

Class 4 - Well Digging; Machine & Nozzle Op. on Gunnite; Sandblasting; Rip Rapping Work; Cutting & Welding; High Work - 50 ft. to 100 ft.; Hard Rock Mining

Class 5 - Sandblasting

Class 6 - High Work over 100 ft.

Class 7 - Booker on Hard Rock Mining; Hod Carrier

Class 8 - Reinforced Concrete Stack Work by Composite Crews, except footing or bases

Class 9 - Handling & Blastng of Dynamite

AREA 20

Class 1 - General Laborers

Class 2 - Brick, Mason and Plaster Tenders

Class 3 - Oxygen Lancing

Class 4 - Cutting, Burning, & Welding

Class 5 - Dynamiting & Powder Man

Class 6 - Tender w/Dynamiting & Powder Man

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LABORERS - HEAVY CONSTRUCTION (CONT'D)

AREA 21

Class 1 - General Laborers

Class 2 - Mason Tenders, Plaster Tender

Class 3 - Dynamite Man Tender

Class 4 - Dynamite Man

AREA 22

Class 1 - General Laborers

Class 2 - Men Working on Sewer Work from Building to Main Sewer; Water lines and Conduit Work; Main Sewer Top Men; Asphalt & Mastic Paving

Class 3 - Men Working in Main Sewer Ditch; Men Handling Cutting Torch

Class 4 - Mason & Plasterer Tenders

Class 5 - Dynamite & Powder Men

AREA 23

Class 1 - General Laborer

Class 2 - Air Tools, Cutting Torch & Welding (not inclu. Jackhammer), Bottom of Sewer Trenches on the Final Grading, Laying or Caulking of Preformed Sectional Sewer Pipe, High Work 50 ft. or more, (only where free fall is 50' or more)

Class 3 - Cooking of Mastic, Coal Tar Derivatives, or Handling of Creosoted Materials

Class 4 - Dynamite & Blasting (4 hr. min.); Mason Tender & Plasters' Tender

AREA 24

Class 1 - Common Laborer

Class 2 - Brick, Plaster & Mason Tenders

Class 3 - Workmen Cutting & Burning w/Torch; Men Working on Bottom of Sewer

Class 4 - Dynamite Men

AREA 25

Class 1 - Commom Laborer

Class 2 - Dynamite Men & Powder Man

Class 3 - Burning & Cutting w/Torch; Raking or Luting Asphalt

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AREA 26 and AREA 29

Class 1 - Common Laborer

Class 2 - Men Working on Bottom doing Caulking, Laying or Final Grading for sectional sewer pipe

Class 3 - Dynamite Men

Class 4 - Masons & Plasterers' Tenders

AREA 27

Class 1 - General Laborer; Diamond Point Drill Operator

Class 2 - Septic Tanks, Cess Pools or Dry Wells, new or old; Sand-blasting Work; Handling Creosoted Materials, Raking or Luting Asphalt; Burning & Cutting w/ a Torch; Working Labor Foreman; FFeeders, Mixers & Nozzle Men on Gunnite

Class 3 - Bottom of Sewer Trenches on the final Grading; Laying or Caulking of Preformed Sewer Pipe

Class 4 - Dynamite & Powder Men

Class 5 - Plasterers Hod Carriers

Class 6 - Mason Tender

LABORERS (HIGHWAY CONSTRUCTION)

ALL AREAS

Class 1 - General Laborers

Class 2 - Asphalt raker; & Applying, Cooking & Heating of all Mastic; Weighman on Asphalt Platform

Class 3 - Men on Bottom of Sewer Trenches on the Final Grading, Laying or Caulking of performed Pipe (including reinforced concrete tile but not including box culberts), Tin Whistles, Multi-plate Culverts

Class 4 - Brick Mason Tender

Class 5 - Dynamite Men

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POWER EQUIPMENT OPERATORS

Group I - Cranes, draglines, Shovels, Skimmer Scoops, Clamshells or Derrick Boats, Pile Drivers, Crane-Type Backhoes, Asphalt Plant Opers. Plant Opers., Ditching Machines or Backfillers (requiring oilers), Dredges, Asphalt Spreading Machines, Heavy Duty Mechanic, Ass't. Master Mechanic, All Locomotives, Cableways or Tower Machines, Hoists 2 drum or more (where oiler or fireman is required), Hoists-2 drum or more (where oiler or fireman is not required) Hydraulic Backhoes, Ditching Machines or Backfiller (not required oilers) Cherry Pickers, Overhead Cranes, Roller (Steam or Gas) Concrete Pavers, Excavators, Concrete Breakers, Concrete Pumps, Bulk Cement Plants, Cement Pumps, Derrick-Type Drills, Mixers (over 3 bags) and Boats Oprs. (25' & over), Motor Graders or Pushcats, Scoops or Tournapulls, Bulldozers, Endloaders or Fork-Lifts, Power Blade or Elevating Graders, Winch Cats, Boom Tractors, and Pipe Wrapping or Painting Machines, Drills (other than derrick type) 1-drum-hoists, Mud Jacks, Mixers (2 or 3 bags), Conveyors (2), Air Compressors (2), Water Pumps regardless of size (2), Welding Machines (2) Siphons or Jets (2), Winch Heads or Apparatus (2) and Light Plants (2), Mixers (under 2 bags), all Tractors regardless of size (Straight Tractor Only), Firemen on Stationary Boilers, Automatic Elevators, Form Grading Machines, Finishing Machines, Power-Sub-Grader or Ribbon Machine, Longitudinal Floats, Boat Oprs.,(under 25 ft., conveyors (1), Distribution Oprs., On Trucks,Siphons or Jets (1) Winches Heads or Apparatuses (1), Light Plants (1) Mixers (under 2 bags)

Group II - Air Compressor (1), Water Pumps regardless of size (1) Welding Machines (1)

Group III - Firemen and Asphalt Spreader Oilers

Group IV - Heavy Equipment Oilers (truck cranes, dredges, monigans, large cranes, etc.)

Group V - Oilers

Group VI:
a. Engineers Operating under air pressure
b. Engineers Operating in air over 10 lbs. pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs. pressure

TRUCK DRIVERS

Group I - Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

DECISION NO. IL83-2066

CLASSIFICATION DEFINITIONS (CONT'D)

TRUCK DRIVERS (CONT'D)

Group II - 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination Units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

Group III - 2, 3, or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanic & Working Foreman; & Water Pulls

Group IV - Drivers on Oiler Distributors & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:
a. 51.00 Per Week, Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: INDIANA COUNTY: MARION
DECISION NUMBER: IN83-2065 DATE: Date of Publication
Supersedes Decison No. IN81-2060, dated October 9, 1981 in 46 FR 50238
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANIC	$ 6.50	
BRICKLAYERS	9.50	
CARPENTERS	7.75	
CEMENT MASONS	9.03	
DRYWALL HANGER & FINISHERS	10.00	
ELECTRICIANS	7.71	
IRONWORKERS	7.40	
INSULATION INSTALLERS	8.07	
LABORERS	6.40	
PAINTERS	6.79	
PLUMBERS & PIPEFITTERS	7.91	
ROOFERS	9.73	
SHEET METAL WORKERS	7.00	2.24
TILE SETTERS	6.73	
TRUCK DRIVERS:		
Trucks not exceeding 3 tons	12.62	a
Trucks over 3 tons	12.77	a
POWER EQUIPMENT OPERATORS:		
Backhoe	8.60	
Bulldozer	9.10	
Front End Loader	10.00	
Grader	12.80	2.20
Paver	11.40	
Roller	12.80	2.20

FOOTNOTES:
a - $91.00 per week, per employee. Paid vacation - For each employee with 1 year plus 1000 hours (accumulated during the period May 1 to April 30) - 1 week: 3 years & 1000 hours - 2 weeks: 10 years & 1000 hours - 3 weeks.

	Basic Hourly Rates	Fringe Benefits

SUPERSEDEAS DECISION

STATE: KENTUCKY
DECISION NUMBER: KY83-4056
Supersedes Decision Number KY79-4076, dated April 20, 1979, in 44 FR 23734.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECT - includes single family homes and apartments up to and including four (4) stories.
COUNTIES: BOONE & GALLATIN
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING		
MECHANICS	$ 6.91	
REFRIGERATION	8.50	
CARPENTERS	7.44	
CEMENT MASONS	7.64	
DRYWALL FINISHERS	7.88	
DRYWALL HANGERS	8.00	
ELECTRICIANS	8.06	
INSULATION INSTALLERS	5.81	
LABORERS:		
SKILLED	6.83	
MASON TENDERS	5.84	
PAINTERS	6.70	
PLUMBERS & PIPEFITTERS	6.76	
ROOFERS	7.33	
SHEET METAL WORKERS	6.04	
SOFT FLOOR LAYERS	6.15	
TILE SETTERS	7.38	
TRUCK DRIVERS	6.80	

POWER EQUIPMENT OPERATORS:

Backhoe — $ 8.00

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

[FR Doc. 83-21854 Filed 8-10-83; 8:45 am]
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Federal Register

Friday
August 12, 1983

Part IV

Department of Labor

Mine Safety and Health Administration

Gassy Mine and Air Quality Standards; Extension of Time

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 55, 56, and 57

Gassy Mine and Air Quality Standards; Extension of Comment Period

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice to extend period for public comment.

SUMMARY: The Mine Safety and Health Adminsitration (MSHA) is extending the period for public comment regarding the Agency's review of the metal and nonmetal gassy mine standards in 30 CFR 57.21, and the standards for air quality in 30 CFR Parts 55, 56 and § 57.5. Due to requests from the public, MSHA is extending the time for commenting on these preproposal drafts.

DATE: Written comment on the gassy mine standards must be received on or before September 9, 1983. Written comments on the air quality standards must be received on or before October 6, 1983.

ADDRESS: All comments should be sent to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA (703) 235–1910.

SUPPLEMENTARY INFORMATION: On June 10, 1983 MSHA made available a preproposal draft of revisions to the metal and nonmetal gassy mine standards in 30 CFR Part 57.21. The availability of the draft was announced in the **Federal Register** (48 FR 27025). The comment period ended on August 9, 1983.

On July 6, 1983, MSHA made available preproposal draft revisions to the standards for air quality at metal and nonmetal mines (30 CFR Part 55, 56, and § 57.5). The availability of the draft was announced in the **Federal Register** (48 FR 31171). The comment period was scheduled to close on September 6, 1983.

Due to requests from the public, MSHA is extending the time for commenting on these preproposal drafts. For gassy mine standards, the comment period is extended to September 9, 1983. For air quality standards, the comment period is extended to October 6, 1983.. All interested members of the mining community are encouraged to submit comments prior to the appropriate dates.

Dated: August 8, 1983.

Thomas J. Shepich,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 83–22015 Filed 8–11–83; 8:45 am]

BILLING CODE 4510–43–M

federal register

Friday
August 12, 1983

Part V

Department of Energy

Energy Information Administration

Domestic Uranium Mining and Milling Industry; Criteria To Assess Viability

DEPARTMENT OF ENERGY

Energy Information Administration

10 CFR Part 761

Criteria To Assess Viability of Domestic Uranium Mining and Milling Industry

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Proposed Rule and Notice of Hearings.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE), in response to requirements set forth in Section 170B of the Atomic Energy Act of 1954 (42 U.S.C. 2210b), is proposing regulations to establish criteria which will be used to assess the viability of the domestic uranium mining and milling industry. The assessment is to be set forth in an annual report to the Congress and the President. The proposed regulation describes the criteria and identifies information collections necessary to enable EIA to determine if the criteria have been met.

DATES: Written comments on the proposed criteria must be received no later than September 12, 1983. For specific information on the presentation of comments at the public hearings and presenting confidential comments, see Supplementary Information, Part III, Procedures for Public Hearings and Presenting Confidential Comments. Public hearings are scheduled as follows:

1. August 26, 1983, 9:00–3:00 p.m., Washington, D.C.
2. August 30, 1983, 10:00–3:00 p.m., Casper Wyoming.
3. September 1, 1983, 9:00–3:00 p.m. Albuquerque, New Mexico.

ADDRESSES: Written comments and requests to testify may be addressed to: Dr. R. Gene Clark, Director, Nuclear and Alternate Fuels Division, Energy Information Administration, EI–53, Room BG–057, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6363.

The hearings will be held at the following locations:

1. August 26, 1983, Forrestal Building Room GE–086, 1000 Independence Avenue, SW., Washington, D.C.
2. August 30, 1983, City Council Chamber, Casper City Hall, 200 N. David Street, Casper, Wyoming
3. September 1, 1983, Albuquerque Public Library, 501 Copper Avenue NW., Albuquerque, New Mexico

FOR FURTHER INFORMATION CONTACT:

Dr. R. Gene Clark, Director, Nuclear and Alternate Fuels Division, Energy Information Administration, EI–53, Room BG–057, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585 (202) 252–6363

Ms. Laurie R. Garnand Ford, Office of the General Counsel, GC–41, Room 6A–211, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–8618.

SUPPLEMENTARY INFORMATION:

I. Background
II. Rulemaking Requirement
A. Section 501 of the DOE Organization Act
B. National Environmental Policy Act
C. Executive Order 12291
D. Regulatory Flexibility Act
E. Paperwork Reduction Act
III. Procedures for Public Hearings

I. Background

Section 23(b) of Pub. L. No. 97–415, amends the Atomic Energy Act of 1954 by adding a new section 170B (42 U.S.C. 2210b) which requires the Secretary of Energy to monitor and, for the years 1983 through 1992, make an annual determination of the viability of the domestic uranium mining and milling industry. Section 170B further requires the Secretary, within 9 months of enactment, to establish by rule, after public notice, criteria which will form the basis of these annual determinations and specifies that certain criteria shall be considered.

Section 170B also evidences Congressional concern that the level of domestic uranium supply may have an impact on the national security. A component of ensuring that the national security will not be impaired is the ability of the Nation to meet adequately its current and future energy needs. Section 170B focuses on the ability of the domestic uranium mining and milling industry to meet domestic nuclear power requirements. The primary purpose of the establishment of these criteria and their assessment in the annual reports is to provide an early notification that the industry may not be viable, that is, unable to supply domestic nuclear power requirements. In that event, the Nation's nuclear utility industry would be vulnerable to supply disruption from its foreign uranium sources, which, in turn, could threaten national security.

The Energy Information Administration (EIA) proposes to assess the viability of the domestic uranium mining and milling industry by determining whether that industry will be capable, at any particular time, of supplying the total needs of the domestic nuclear power industry under a variety of contingencies. It is not necessary that the industry actually supply all such needs, but it must have the *ability* to do so, if required. This assessment will involve three major attributes of viability: resource capability, operational capability, and financial capability. The EIA proposes to define indices of these attributes, collect and analyze data to determine current values of the indices, and estimate future values under a variety of market assumptions.

The status of the industry's viability would be determined by comparing these current and projected attributes to minimum values consistent with a viable industry. To be deemed viable, the values of each of the three attributes, for the entire industry, must meet the minimal conditions outlined in the explanations of sections 761.3 through 761.5, or be projected to met those conditions within two years of the time of assessment.

The methodology proposed by EIA recognizes that some of the specified criteria are "primary" measures of the uranium industry's capability, whereas others are "secondary." The primary criteria which define the three attributes are the following—

Resource Capability: whether domestic economic uranium reserves can supply all domestic needs for a future ten-year period;

Operational Capability: the level of domestic uranium production capacity sufficient to meet projected domestic nuclear power needs for a ten-year period;

Financial Capability: the ability of the domestic uranium industry to obtain funds adequate to finance the level of production capability defined under operational capability.

The secondary criteria are partial contributors to the primary criteria. For example, the size of domestic uranium reserves (the measure of resource capability) would be increaed by domestic uranium exploration, expenditures (Statutory Criterion No. 5) but decreased by domestic uranium production (Statutory Criterion No. 8). In addition, the number of known uranium deposits that would be considered "economic" depends on future market conditions, primarily projected uranium price levels (Statutory Criterion No. 8).

The relationships among the primary and secondary criteria are outlined in the following table:

PRIMARY AND SECONDARY CRITERIA

Primary criterion	Related secondary criteria
Resource Capability (4).	Domestic Utility Requirements (2). Imports (3). Exploration (5). Production and Prices (8). Domestic Utility Requirements (2).
Operational Capability (7).	Imports (3). Employment and Capital Investment (6). Production and Prices (8). Supply Contracts (1).
Financial Capability.	Domestic Utility Requirements (2). Imports (3). Exploration (5). Employment and Capital Investment (6). Production and Prices (8).

Notes.—Numbers in parentheses refer to Criteria set forth in Section 1708.

The resource capability measure is addressed in § 761.3. Based on Statutory Criterion No. 4, this measure will be a ration of domestic economic uranium reserves to ten-year forward domestic utility requirements.

The EIA will use its official estimates of known reserves, with associated measures of economic extraction difficulty, to measure the current status of reserves. Although these Government estimates traditionally are reported as quantities of uranium recoverable to various levels of "forward cost," the associated levels of economic extraction will be reconstituted in terms of "minimum acceptable sales price (MASP)," including an allowance for return on investment, income taxes, interest expense, and other factors beyond those normally included in the forward-cost concept.

As a benchmark against which to determine the "economic" quantity of uranium reserves at any particualr time, EIA will use an average of prices in actual supply contracts, as reported by U.S. electric utility companies and uranium producers on Form EIA–419 ("Survey of U.S. Uranium Marketing Activity"). The economic price benchmark will be the average of unescalated prices in contract-price type contracts and floor prices in market-price type contracts, weighted by the quantity of uranium actually under contract for future delivery at these prices.

The quantity of "economic" reserves will be derived by adjusting the EIA reserve estimates to MASP and determining the cumulative quantity of domestic reserves relating to the economic price benchmark.

The denominator of the reserve forward coverage ratio (i.e., requirements) will be determined from information collections which provide the sum of all supply contracts and options in place with domestic utilities plus the utilities' reported uncontracted requirements over the future ten-year period. The resulting quantity of requirements will represent the ten-year cumulative quantity of uranium expected to be delivered to domestic utilities over the future ten-year period.

The EIA proposes to estimate the value of projected reserves at future times, under various markets assumptions, as well as considering the current value. In addition to current reserves, projected reserves will include reserves that could be developed in the future based upon currently estimated potential resources. The ratio will be calculated as follows. The numerator of the projected reserve forward coverage ratio will consist of the current status of economic reserves, adjusted for estimations of results of exploration activities (Statutory Criterion No. 5) and projected price levels (Statutory Criterion No. 8), but reduced by projected production (Statutory Criterion No. 8). The denominator of this ratio will use EIA's projections of nuclear power plant start-up dates and operating factors, adjusting the uncontracted portion of the uranium requirements definition to be consistent. The Operational capability attribute is addressed in Section 761.4. A determination of operational capability must include an examination of the Nation's stock or production facilities (i.e., mines, mills, etc.) and the manpower that are required to produce uranium concentrate from reserves in the ground. This attribute will be measured by a primary criterion—Statutory Criterion No. 7 ("the level of domestic uranium production capacity sufficient to meet projected domestic nuclear power needs for a ten-year period").

A production capability coverage ratio will be used to determine the current value of this attribute. The ratio will be calculated as follows. The numerator of this ratio will be EIA's estimate of the quantity of uranium that the domestic uranium industry could supply over a future ten-year period. Estimates will be based on the capacity of operating facilities; the technical ability to reopen shut down facilities; and the status and potential capability of facilities under development or planned. The denominator of this ratio will be the total quantity of uranium for delivery to domestic utilities.

The EIA proposes to estimate the value of projected production, at future times and under various market assumptions, based upon projected uranium requirements (Statutory Criterion No. 2), foreign imports (Statutory Criterion No. 3), employment and capital investment (Statutory Criterion No. 6), and projections of domestic production and price levels (Statutory Criterion No. 8).

To make a determination of industry viability, minimum value of one for the current ratio will be required, or a minimum value of one projected within two years of the year of the assessment. The numerator of this ratio is related to the technical, engineering capability of the domestice industry to produce uranium, if required, to meet total domestic utility needs. As such, the ratio does not include economic considerations.

Section 76.5 addresses the importance of the financial status of individual firms within an industry and for the industry as a whole. A firm, or industry, can possess an abundance of technical ability to develop its productive capabilities, but without a healthy financial environmental, there will be a reduction in the likelihood that available resources and technical ability will be adequately utilized. Conversion of productive potential into actual capability, which is essential for the long-run health of an industry, will occur when the expectation of an adequate return on investment is accompanied by an adequate supply of funds. To assess the financial capability of the domestic uranium mining and milling industry, there will be a need for financial data of the type normally contained in basic financial statements, namely Income Statements, Balance Sheets, and Statements of Changes in Financial Conditions (i.e., Working Capital), as well as data regarding changes in Property, Plant and Equipment and the related Reserve for Accumulated Depreciation, Depletion and Amortization. The information that EIA believes will be necessary is explained in greater detail below. In addition, it is contemplated that supplementary information concerning capital and exploration expenditures would also continue to be requested.

From absolute dollar amounts, ratios can be developed which reflect the financial conditon of the industry. Different investors may view the status of a firm (and, thus, their willingness to invest in such a firm) from different perspectives due to the diverse nature of their primary objectives. For example, the lender of short-term funds would have different concerns than the lender of long-term funds. Accordingly, EIA plans to utilize a number of financial ratios, as appropriate, to measure the

uranium industry's ability to obtain funds for different investment purposes.

The proposed rule in § 761.7 sets forth the types of information EIA will request to determine whether the criteria outlined §§ 761.3 through 761.5 have been met. Some of this information will be obtained from forms which domestic companies engaged in uranium commerce currently submit to EIA.

For example, EIA will use the Form EIA–491 A and B, "Survey of United States Uranium Marketing Activity," and Form EIA–717, "Survey of U.S. Uranium Exploration Activity," which have received the approval of the Office of Management and Budget (OMB). The EIA will develop additional forms to collect financial information, which will be submitted to OMB for approval prior to requiring informationfrom industry. Examples of the types of financial information are:

1. Income Statement

a. Operating revenues from sales of uranium concentrate and related mining and milling expenses.

b. Operating revenues and expenses related to sales of uranium concentrate purchased from third parties.

c. Royalty income.

d. Income tax expense—current and deferred.

e. Detailed components of other income and expense items.

2. Balance Sheet

a. Detailed components of Current Assets.

b. Detailed components of Noncurrent Assets such as:

i. Gross Property, Plant, and Equipment (PP&E) less Accumulated Depreciation, Depletion and Amortization (DD&A).

ii. Idle Facilities less Accumulated DD&A

iii. Investments in Partnerships

iv. Investment and Advances to Unconsolidated Affiliates

c. Detailed components of Current Liabilities.

d. Detailed components of Noncurrent Liabiities such as:

i. Long-Term Debt

ii. Advances from Affiliated Organizations

iii. Deferred Credits

iv. Shareholders' equity

3. Statement of Changes in Financial Position

a. Detailed components of Funds From Operations.

b. Detailed components of Other Sources of Funds including issuance of long-term debt and equity and disposition of PP&E.

c. Detailed components of Uses of Funds such as:

i. Additions to PP&E

ii. Additions to Investment and Advances to Affiliates

iii. Reduction in Long-Term Debt

iv. Acquisition of Assets of Operating Concerns

The EIA Solicits any comments which would aid in developing the form to collect financial data to implement this regulation. The EIA is particulary interested in comments concerning:

- Identifying problems that might be involved in preparing financial data for only the domestic uranium mining and milling segment, such as: the allocation of general corporate overhead of a parent company to uranium activities; income tax considerations where the uranium entity is a subsidiary of a parent; allocation of uranium income and/or assets and liabilities to domestic and foreign operations; transfer price considerations; treatment of costs and revenues of by-products; etc.
- Suggestions as to the appropriate level of detail for which data should be collected (e.g., should expenditures for PP&E be broken down to include the details for mining activities, milling activities, buildings, etc.).
- Any technical problems involved in providing financial data of the type previously described and an assessment of the significance of any burden that might be encountered in providing the data.
- Appropriate accounting principles to follow in preparing the financial statements.
- Comments on specific financial items that may be particularly meaningful in assessing viability.

Accordingly, the DOE proposes to add 10 CFR Part 761 and to invite public comment on the proposed rule.

II. Rulemaking Requirement

A. *Section 501 of the DOE Organization Act:* Under Section 501(c) of the Department of Energy Organization Act (42 U.S.C. 7191(c)), the DOE is not bound by the requirements of subsections (b), (c), and (d) of that Act with respect to the promulgation of regulations if the Secretary of Energy determines that no substantial issue of fact or law exists and that the regulations in question are unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or small businesses. Where it is determined that no substantial issue or impact exists, regulations may be promulgated in accordance with Section 533 of Title 5 of the United States Code.

The DOE does not believe that these regulations raise substantial issues of law or fact or will have a substantial impact on the Nations's economy or large numbers of individuals or small businesses; accordingly, they are being promulgated in accordance with 5 U.S.C. 553.

B. *National Environmental Policy Act:* The National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, requires Federal agencies to prepare detailed statements on prospects for major Federal actions significantly affecting the quality of the human environment. The DOE has determined that the establishment of criteria to assess the viability of the domestic uranium industry does not significantly affect the quality of the human environment; therefore, the preparation of an Environmental Impact Statement is not required.

C. *Executive Order 12291:* Section 3 of Executive Order (E.O.) 12291 (46 FR 13193, February 19, 1981) requires that DOE determine whether a rule is a "major rule," as defined by Section 1 (b) of E.O. 12291, and prepare a regulatory impact analysis for each major rule. Since this proposal establishes criteria which will serve as a basis for the annual reports to the Congress and the President on the viability of the domestic uranium mining and milling industry, DOE has determined that the proposed rule does not meet the E.O. 12291 definition of a major rule as one likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, Individual industries; Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, a regulatory impact analysis is not required.

D. *Regulatory Flexibility Act:* Pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the DOE finds that Sections 603 and 604 of the Act do not apply to this proposed rule because its promulgation will not have a significant economic impact on a substantial number of small entities, since the proposal merely established criteria which will be used to assess the viability of the domestic uranium industry in the annual reports to the Congress and the President. Therefore, DOE certifies, as required by Section 605(b), that the proposed rule will not have a significant economic impact on a substantial number of small entities.

E. *Paperwork Reduction Act:* The forms which will be used to collect the information outlined in section 671.7 either have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501.1 *et seq.*, and procedures implementing that Act, 5 CFR 1320.1 *et seq.*, or will be submitted for approval in accordance with those procedures when the forms are developed.

III. Procedures for Public Hearings and Presenting Confidential Comments

Any person or representative of a group may make a written or oral request for an opportunity to make oral presentation at the public hearings. Such request must be received no later than 3 working days before the appropriate hearing. All reasonable means will be used to notify requestors of specific times and the suggested number of copies of their presentations for the record. Those present at the hearing who would like to speak but who have not pre-registered will be accommodated if time permits. Verbatim transcripts will be made of all sessions.

It would be helpful if the person making the request would describe briefly the interest concerned; if applicable, indicate why she or he is a proper representative of the group having such an interest; and provide a phone number where she or he may be contacted during working hours. While an attempt will be made to accommodate all who wish to be heard, it may not be practical to do so, and EIA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. Although time constraints may limit the number of persons who will be allowed to speak, EIA will consider all comments submitted. Time allotted to each presentation may be limited, based on the number of persons requesting to be heard. A presiding officer will be designated to conduct the hearings. These hearings will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings. As a rule, oral presentations shall be limited to 10 minutes. Any additional testimony may be submitted in writing.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer. A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained in EIA and made available for inspection at the DOE Freedom of Information Office, Room 1E–190, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

In addition, all written comments received on the proposed rules will be available for public inspection at the DOE Freedom of Information Office. Pursuant to the provisions of 10 CFR 1004.11, any person submitting information which is believed to be confidential and exempt by law from public disclosure, should submit one complete copy of the document, and if possible, 10 copies from which the information believed to be confidential has been deleted. The DOE will make its own determination with regard to the confidential status of the information or data and treat it according to its determination.

Lists of Subjects in 10 CFR Part 761

Uranium, Reporting and recordkeeping requirements.

(Sec. 23(b) Pub. L. No. 97–415, 96 Stat. 2080 (42 U.S.C. 2210b))

For the reasons set out in the preamble, Part 761 of Chapter III of Title 10 of the Code of Federal Regulations is proposed to be added as set forth below.

Issued in Washington, D.C., August 11, 1983.

J. Erich Evered,

Administrator, Energy Information Administration.

PART 761—CRITERIA TO ASSESS VIABILITY OF DOMESTIC URANIUM MINING AND MILLING INDUSTRY

Sec.

761.1 Purpose and scope.
761.2 Definitions.
761.3 Resource capability.
761.4 Operational capability.
761.5 Financial capability.
761.6 Determination of viability.
761.7 Reports by domestic companies involved in uranium commerce.

Authority: Sec. 23(b), Pub. L. No. 97–415, 96 Stat. 2080 (42 U.S.C. 2210b).

§ 761.1 Purpose and scope.

This part contains the regulations of the Energy Information Administration (EIA) of the Department of Energy (DOE) implementing section 170B of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), which requires the Secretary of Energy to monitor and for the years 1983 to 1992 report annually to the Congress and the President a determination of the viability of the domestic uranium mining industry. The regulations stated here provide for the establishment of criteria which shall be assessed in the annual reports and information collections necessary to determine if the criteria have been met.

§ 761.2 Definitions.

As used in this part:

(a) "Statutory Criterion No. 1" means an assessment of whether executed contracts or options for source material or special nuclear material will result in greater than 37½ percentum of actual or projected domestic uranium requirements for any two-consecutive-year period being supplied by source material or special nuclear material from foreign sources;

(b) "Statutory Criterion No. 2" means projections of uranium requirements and inventories of domestic utilities for a ten-year period;

(c) "Statutory Criterion No. 3" means present and probable future use of the domestic market by foreign imports;

(d) "Statutory Criterion No. 4" means whether domestic economic reserves can supply all future needs for a future ten-year period;

(e) "Statutory Criterion No. 5" means present and projected domestic uranium exploration expenditures and plans;

(f) "Statutory Criterion No. 6" means present and projected employment and capital investment in the uranium industry;

(g) "Statutory Criterion No. 7" means the level of domestic uranium production capacity sufficient to meet projected domestic nuclear power needs for a ten-year period;

(h) "Statutory Criterion No. 8" means a projection of domestic uranium production and uranium price levels which will be in effect under various assumptions with respect to imports.

§ 761.3 Resource capability.

(a) Components. The following components will be used to determine the current and future values assigned to this attribute:

(1) Statutory Criterion No 2.
(2) Statutory Criterion No 3.
(3) Statutory Criterion No 4.
(4) Statutory Criterion No 5.
(5) Statutory Criterion No 8.

(b) Current Status. A forward coverage ratio of economic reserves to ten-year forward requirements will be used to determine the current status of this attribute. This ratio will be calculated as follows:

(1) The numerator will be the fraction of EIA's official estimates of uranium ore reserves which is judged to be economically marketable as uranium concentrate. This judgment will be made

by comparing average production cost (including an allowance for return on investment, income taxes, interest expense, depletion allowance, depreciation, and other financial factors) with the quantity-weighted average of prices imbedded in all existing contracts involving at least one domestic party.

(2) The denominator (i.e., requirements) will be determined from information collections which provide estimates of total uranium required to be delivered over the future ten-year period to domestic utilities, after allowing for use of their uranium inventories.

(c) Projected Status. The EIA will estimate the value of this attribute at future times, under various market assumptions. This projected ratio will be calculated as follows:

(1) The numerator of the projected reserve forward coverage ratio consists of the current status of economic reserves, adjusted by the components listed in paragraph (a) (4) and (5).

(2) The denominator of this ratio will utilize EIA's projections of nuclear power plant start-up dates and operating factors, adjusting the uranium requirements definition to be consistent.

(d) Viability Threshold. A minimum value of one for the current ratio will be required for industry viability, or a minimum value of one projected within two years of the year of the assessment.

§ 761.4 Operational capability.

(a) Components. The following components will be used to determine the current and future values assigned to this attribute:

(1) Statutory Criterion No. 2.
(2) Statutory Criterion No. 3.
(3) Statutory Criterion No. 6.
(4) Statutory Criterion No. 7.
(5) Statutory Criterion No. 8.

(b) Current Status. A production capability coverage ratio will be used to determine the current value of this attribute. The ratio will be calculated as follows:

(1) The numerator of this ratio will be EIA's estimate of the quantity of uranium that the domestic uranium industry could supply over a future ten-year period. Such estimates will be based on the capacity of operating facilities, the technical ability to reopen shut down facilities, and the status and potential capability of facilities under development or planned.

(2) The denominator of this ratio will be identical to that of the resource capability attribute, namely the total quantity of uranium needed to be delivered in the marketplace to domestic utilities.

(c) Projected Status. EIA will estimate the value of this attribute at future points in the time under various market assumptions by referring to the components listed in paragraph (a) (1), (2), (3), and (5).

(d) Viability Threshold. A minimum value of one for the current ratio will be required for industry viability, or a minimum value of one projected within two years of the year of the assessment.

§ 761.5 Financial capability.

(a) Components. The following components will be used to determine the current and future values assigned to this attribute:

(1) Statutory Criterion No. 1.
(2) Statutory Criterion No. 2.
(3) Statutory Criterion No. 3.
(4) Statutory Criterion No. 5.
(5) Statutory Criterion No. 6.
(6) Statutory Criterion No. 7.
(7) The working capital of the uranium industry, net property, plant and equipment capitalization, profits, availability of funds and uses to which the funds are applied.

(b) A financial capability ratio will be used to measure the domestic uranium industry's financial ability to maintain operational capability in the year of assessment.

(1) The numerator of this ratio will be EIA's estimate of the uranium industry's ability to obtain financing, based on its actual investment expenditures and the components listed above.

(2) the denominator of this ratio will be the level of investment required to maintain a viable operational capability, as described in section 761.4.

(c) Future Status. EIA will project the financial capability ratio which incorporates the uranium mining and milling industry's ability to obtain funds in relation to the projected investment requirements to maintain an operationally viable domestic industry. These projections will include considerations of the components listed in paragraph (a) (1) through (6).

(d) Viability Threshold. A minimum value of one for the current ratio will be required for industry viability, or a minimum value of one projected within two years of the year of the assessment.

§ 761.6 Determination of viability.

The domestic uranium mining and milling industry will be deemed viable when the values of each of the three capability attributes, for the entire industry, meet the viability thresholds outlined in §§ 761.3(d), 761.4(d), and 761.5(d), or are projected to meet these thresholds within two years of the year of the assessment.

§ 761.7 Report by companies involved in domestic uranium commerce.

Every company engaged in domestic uranium commerce shall report periodically to the EIA, in accordance with forms and instructions issued by EIA, such information as is required, including the following:

(a) Inventories of and requirements for uranium supplies.

(b) Terms of contractual arrangements for uranium sales, purchases, loans and other similar forms of commerce.

(c) Reserves of uranium-bearing ore.

(d) Exploration, development, construction, production, and operation activities concerning uranium supplies

(e) Capital expenditures and employment for uranium exploration, development, construction, production, and operation activities.

(f) Financial information about uranium exploration, development, construction, production, and operation activities, such as that contained in:

(1) a Balance Sheet.

(2) a Statement of Income.

(3) a Statement of Changes in Financial Position.

(4) a Statement of Changes in Property, Plant and Equipment and a related Statement of Changes in Accumulated Depreciation, Depletion and Amortization, which will provide data similar to that contained in Schedules V and VI of Securities and Exchange Commission Form 10–K

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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DOT/UMTA			DOT/UMTA	

Note: On August 9, 1983, the Office of the Federal Register announced termination of the formal program of agency publication on assigned days of the week, effective August 22, 1983. See 48 FR 36197.

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.**

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