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federal register

Friday
September 9, 1983

Selected Subjects

Administrative Practice and Procedure
Land Management Bureau

Air Pollution Control
Environmental Protection Agency

Animal Drugs
Food and Drug Administration

Authority Delegations (Government Agencies)
Food and Drug Administration

Banks, Banking
Federal Reserve System

Classified Information
Information Security Oversight Office

Customs Duties and Inspection
Customs Service

Endangered and Threatened Wildlife
Fish and Wildlife Service

Fisheries
National Oceanic and Atmospheric Administration

Food Grades and Standards
Agricultural Marketing Service

Government Employees
Personnel Management Office

Hunting
Fish and Wildlife Service

CONTINUED INSIDE

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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.

Selected Subjects

Loan Programs-Housing and Community Development
Farmers Home Administration

Marine Safety
Coast Guard

Marketing Agreements
Agricultural Marketing Service

Mortgage Insurance
Federal Housing Commissioner—Office of Assistant Secretary for Housing

Mortgages
Comptroller of Currency

National Banks
Comptroller of Currency

Natural Gas
Federal Energy Regulatory Commission

Oil Pollution
Coast Guard

Organization and Functions (Government Agencies)
Housing and Urban Development Department

Recreation and Recreation Areas
Engineers Corps

Seizures and Forfeitures
Customs Service

Contents

Federal Register
Vol. 48, No. 176
Friday, September 9, 1983

The President
ADMINISTRATIVE ORDERS
40695 Trading With the Enemy Act, extension of authority (Memorandum of September 7, 1983)

Executive Agencies

Administrative Conference of United States
NOTICES
Meetings:
40754 Uniform Federal Agency Rules of Procedure Select Committee

Agency for International Development
NOTICES
Authority delegations:
40801 Africa, Mission Directors, et al.

Agricultural Marketing Service
RULES
40697 Lemons grown in Ariz. and Calif.
PROPOSED RULES
40734 Grapefruit and orange (canned) for salad, grade standards

Agricultural Research Service
NOTICES
Meetings:
40754 Soybean Research Advisory Institute

Agriculture Department
See Agricultural Marketing Service; Agricultural Research Service; Farmers Home Administration; Forest Service; Soil Conservation Service.

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
40803 H. S. Crocker Co., Inc., et al.

Coast Guard
RULES
Boating safety:
40716 Hull identification numbers
Regattas and marine parades; safety of life:
40714 Miller High Life Thunderboat Regatta
40715 South Bay Marathon
PROPOSED RULES
Pollution:
40741 Cargo lightering operations, special requirements

Commerce Department
See also International Trade Administration; National Oceanic and Atmospheric Administration.
NOTICES
40758 Agency information collection activities under OMB review

Commodity Futures Trading Commission
NOTICES
40815 Meetings; Sunshine Act

Comptroller of Currency
RULES
40702 Adjustable-rate mortgages; amortization and maturity requirements
National banks:
40698 Real estate loans
PROPOSED RULES
National banks:
40735 Corporate activities; employee stock option and stock purchase plans

Customs Service
PROPOSED RULES
Air commerce:
40737 Unaccompanied baggage; processing
Articles conditionally free, subject to a reduced rate, etc.:
40738 Importation bonds; cancellation
Recordkeeping, inspection, search and seizure:
40740 Seized and forfeited property, disposition of proceeds of sale

Defense Department
See also Engineers Corps; Navy Department.
NOTICES
Meetings:
40772 Science Board task forces

Education Department
NOTICES
Meetings:
40773 Indian Education National Advisory Council

Employment and Training Administration
NOTICES
Adjustment assistence:
40803 Tennessee Texas Alloy Chemical Corp.

Employment Standards Administration
NOTICES
40818 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Conn., Fla., Ind., Kans., Ky., Minn., Mo., N.J., N. Mex., Pa., and R.I.)

Energy Department
See Federal Energy Regulatory Commission.

Engineers Corps
RULES
40719 Falls of the Ohio National Wildlife Conservation Area; protection, use, and management
NOTICES
Environmental statements; availability, etc.:
40773 Lake Champlain, Whitehall, N.Y., et al.

Environmental Protection Agency
RULES
Air quality planning purposes; designation of areas:
40722 California
PROPOSED RULES
Air quality planning purposes; designation of areas:
40746 California

NOTICES
Environmental statements; availability, etc.:
40780 Agency statements; weekly receipts
Toxic and hazardous substances control:
40782 Premanufacture notices receipts
40781 Premanufacture notices review period extensions
40781 Premanufacture notification requirements; test marketing exemption applications

Equal Employment Opportunity Commission
NOTICES
40815 Meeting; Sunshine Act

Farmers Home Administration
RULES
Rural housing loans and grants:
40697 Policies, procedures, and authorizations (Section 502); alien legal status of noncitizen applicant

Federal Aviation Administration
NOTICES
Advisory circulars; availability, etc.:
40810 Airplanes, small; self-locking nuts on bolts subject to rotation
Meetings:
40811 Air Traffic Procedures Advisory Committee
40811 Rotorcraft regulatory analysis seminar

Federal Deposit Insurance Corporation
NOTICES
40815 Meetings; Sunshine Act

Federal Energy Regulatory Commission
PROPOSED RULES
Natural Gas Policy Act; ceiling prices for high cost natural gas produced from tight formations; various States:
40736 Texas
NOTICES
Hearings, etc.:
40774 Central Maine Power Co. (3 documents)
40775 Cincinnati Gas & Electric Co.
40775, 40776 Cleveland Electric Illuminating Co. (4 documents)
40776 Consolidated Gas Supply Corp. et al.
40777 East Tennessee Natural Gas Co.
40778 Nantahala Power & Light Co.
40778 Northern Natural Gas Co.
40778 Pacific Power & Light Co.
40779 Texas Gas Transmission Corp.
40780 Wisconsin Power & Light Co.
Small power production and cogeneration facilities; qualifying status; certification applications, etc.:
40774 Aquenergy Systems, Inc.
40776 Corn Products Corp.
40777 Dutchess County Resource Recovery Agency
40777 Heber Geothermal Co.
40778 Hydraco Power
40779 Perkins Power of Broken H Ranch

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
40811 Honolulu, Hawaii; intent to prepare

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Mortgage and loan insurance programs:
40711 Home ownership and project rehabilitation; repayment of assistance
40710 Multifamily housing; mobile home parks insured under National Housing Act
NOTICES
Authority delegations:
40789 Regional Administrators et al.

Federal Maritime Commission
NOTICES
40815 Meetings; Sunshine Act

Federal Railroad Administration
NOTICES
Exemption petitions, etc.:
40812 Ontario Eastern Railroad et al.

Federal Reserve System
RULES
Interest on deposits (Regulation Q):
40702 Texas; early withdrawal penalty; temporary suspensions

Fish and Wildlife Service
RULES
Migratory bird hunting:
40852 Seasons, limits, and shooting hours; establishment, etc.
PROPOSED RULES
Endangered Species Convention:
40750 American ginseng

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
40704 SDS Biotech Corp.; sponsor change
Human drugs:
40704 Antibiotic drugs; sterile cefuroxime sodium; correction
Organization and authority delegations:
40703 Orphan Products Development Office, Director, et al.; orphan products
NOTICES
Human drugs:
40784 Orphan drugs, interim procedures; availability and inquiry

Forest Service
NOTICES
Land and resource management plans:
40756 Stanislaus National Forest, Calif.; intent to reevaluate roadless areas
Meetings:
40754 North Kaibab Grazing Advisory Board
40754 Timber sale contracts, extension; interim policy; clarification

General Services Administration
NOTICES
40783 Agency information collection activities under OMB review

Health and Human Services Department
See also Food and Drug Administration; Health Care Financing Administration; Health Resources and Services Administration; National Institutes of Health; Public Health Service.
NOTICES
40783 Agency information collection activities under OMB review

Health Care Financing Administration
PROPOSED RULES
Medicaid:
40749 Claims processing assessment system; correction

Health Resources and Services Administration
NOTICES
Grants; availability, etc.:
40785 Hill-Burton program; health facilities or hospitals modernization or construction

Housing and Urban Development Department
See also Federal Housing Commissioner—Office of Assistant Secretary for Housing.
RULES
40705 Mortgagee Review Board

Indian Affairs Bureau
NOTICES
Judgment funds; plan for use and distribution:
40790 Shoshone-Bannock Tribes of Fort Hall Reservation
Land additions:
40790 Isabella Indian Reservation, Mich.

Information Security Oversight Office
RULES
National security information program:
40849 Standard forms

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Minerals Management Service.

Internal Revenue Service
NOTICES
Procurement:
40814 Commercial activities, performance; cost comparison review

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
Antidumping:
40769 Animal glue and inedible gelatin from Sweden
40758 Animal glue and inedible gelatin from West Germany
40759 Cadmium from Japan
40760 Elemental sulphur from Canada
40761 Portable electric typewriter from Japan
40771 Potassium permanganate from China; postponement
40768 Steel reinforcing bars from Canada
Countervailing duties:
40770 Vitamin K from Spain

Interstate Commerce Commission
NOTICES
Motor carriers:
40802 Compensated intercorporate hauling operations; intent to engage in
Rail carriers:
40802 Union Pacific Railroad Co.; passenger train operation

Justice Department
See also Antitrust Division.
NOTICES
Pollution control; consent judgments:
40803 Watts Regulator Co.

Labor Department
See Employment and Training Administration; Employment Standards Administration.

Land Management Bureau
RULES
Administrative procedures:
40724 Colorado State Office; jurisdiction over public lands in Kansas
Public land orders:
40724 New Mexico
NOTICES
Coal leases, exploration licenses, etc.:
40797 New Mexico
Conveyance of public lands:
40792 Montana
Disposal of public lands:
40796 New Mexico
Environmental statements; availability, etc.:
40794 California Desert Conservation Area Plan, Calif.
40796 Eagle Lake/Cedarville wilderness study areas, Susanville District, Calif. and Nev.
Geothermal resource lease sales:
40796 California
Meetings:
40798 Dickinson District Advisory Council
40798 Rawlins District Advisory Council
40798 Salem District Advisory Council
Motor vehicles, off-road, etc.; area closures and openings:
40793, 40794 Nevada (2 documents)
Opening of public lands:
40791, 40795 Arizona (3 documents)
Resources management plans:
40795 Rio Puerco Resource Area, N. Mex.
Sale of public lands:
40793 Montana
40792 North Dakota
40799 Utah
Survey plat filings:
40791 Arizona (2 documents)
Wilderness areas; characteristics, inventories, etc.:
40792 Utah

Merit Systems Protection Board
NOTICES
40815 Meetings; Sunshine Act

Minerals Management Service
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations:
40799 Gulf of Mexico; lease offerings
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
40801 Huffco Petroleum Corp.

National Institutes of Health
NOTICES
Meetings:
40786 Aging National Advisory Council
40786 Animal Resources Review Committee
40785 Dental Research National Advisory Council
40785 National Library of Medicine; Board of Regents
40785 Neurological Disorders Program Project Review Committees
40786 Research Grants Division study sections

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
40725 Tanner crab off Alaska
PROPOSED RULES
Fishery conservation and management:
40752 Northern anchovy; hearings
NOTICES
Costal Zone management program:
40771 California

National Science Foundation
NOTICES
Meetings:
40803 Economics Oversight Panel

National Transportation Safety Board
NOTICES
40803 Accident reports, safety recommendations, and responses, etc.; availability

Navy Department
NOTICES
Meetings:
40773 Chief of Naval Operations Executive Panel Advisory Committee

Personnel Management Office
PROPOSED RULES
40732 Life insurance; basic, standard optional, additional optional and family optional; coverage waiver cancellation
40731 Suitability and adverse actions

Postal Rate Commission
NOTICES
40816 Meetings; Sunshine Act
Post office closing; petitions for appeal:
40806 Uler, W. Va.

Public Health Services
NOTICES
Meetings:
40787 National Toxicology Program; Scientific Counselors Board

Securities and Exchange Commission
NOTICES
Hearings, etc.:
40807 Indiana & Michigan Electric Co.
40807 PHM Credit Corp.
40808 Presidential Associates I Ltd. Partnership et al.
Self-regulatory organizations; proposed rule changes:
40809 National Securities Clearing Corp.
40809 Options Clearing Corp.

Small Business Administration
NOTICES
Applications, etc.:
40810 Mighty Capital Corp.
Authority delegations:
40810 Disaster Assistance, Deputy Associate Administrator
40810 Finance and Investment, Associate Administrator
Meetings; regional advisory councils:
40810 South Dakota
40810 Vermont

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
40757 East-West-Dry Maple Creeks Watershed, Nebr.
40756 Juniper Canyon Watershed, Oreg.
40757 Okfuskee Tributaries Watershed, Okla.
40758 Thornton Academy Athletic Area Land Drainage RC&D Measure, Maine
Watershed projects; deauthorization of funds:
40757 Dewitt Creek Watershed, Ind.
40756 West Creek Watershed, Ill. and Ind.

Solar Energy and Energy Conservation Bank
NOTICES
Committees; establishment, renewals, terminations, etc.:
40787 Energy Conservation Advisory Committee et al.

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration.

Treasury Department
See also Comptroller of Currency; Customs Service; Internal Revenue Service.
NOTICES
40813 Agency information collection activities under OMB review

Separate Parts in This Issue

Part II
40818 Department of Labor, Employment Standards Administration, Wage and Hour Division

Part III
40849 Information Security Oversight Office

Part IV
40852 Department of the Interior, Fish and Wildlife Service

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Administrative Orders:

Memorandums:
September 7, 1983 40695

Executive Orders:

6143 (Revoked by PLO 6459) 40724
6276 (Revoked by PLO 6459) 40724
6583 (Revoked by PLO 6459) 40724

5 CFR

Proposed Rules:

731 40731
754 40731
870 40732
871 40732
872 40732
873 40732

7 CFR

910 40697
1944 40697

Proposed Rules:

5 40734

12 CFR

7 40698
29 40702
34 40698
217 40702

Proposed Rules:

5 40735

18 CFR

Proposed Rules:

271 40736

19 CFR

Proposed Rules:

6 40737
10 40738
114 40738
162 40740

21 CFR

5 40703
436 40704
510 40704
520 40704
522 40704
558 40704

24 CFR

25 40705
207 40710
235 40711

32 CFR

2003 40849

33 CFR

100 (2 documents) 40714, 40715
181 40716

Proposed Rules:

1 40741
156 40741

36 CFR

331 40719

40 CFR

81 40722

Proposed Rules:

81 40746

42 CFR

Proposed Rules:

431 40749

43 CFR

1820 40724

Public Land Orders:

6459 40724

50 CFR

20 40852
671 40725

Proposed Rules:

23 40750
662 40752

Federal Register
Vol. 48, No. 176
Friday, September 9, 1983

Presidential Documents

Title 3—

The President

Memorandum of September 7, 1983

Extension of the Exercise of Certain Authorities Under the Trading With the Enemy Act

Memorandum for the Secretary of State, the Secretary of the Treasury

Under section 101(b) of Public Law 95–223 (91 Stat. 1625, 50 U.S.C. App. 5(b) note), and a previous determination made by the President on September 8, 1982 (47 F.R. 39797 (1982)), the exercise of certain authorities under the Trading With the Enemy Act is scheduled to terminate on September 14, 1983.

I hereby determine that the extension for one year of the exercise of those authorities with respect to the applicable countries is in the national interest of the United States.

Therefore, pursuant to the authority vested in me by section 101(b) of Public Law 95–223, I extend for one year, until September 14, 1984, the exercise of those authorities with respect to countries affected by:

(1) the Foreign Assets Control Regulations, 31 CFR Part 500;

(2) the Transaction Control Regulations, 31 CFR Part 505;

(3) the Cuban Assets Control Regulations, 31 CFR Part 515; and

(4) the Foreign Funds Control Regulations, 31 CFR Part 520.

This memorandum shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, September 7, 1983.

[FR Doc. 83-24833
Filed 9-7-83; 4:42 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 48, No. 176
Friday, September 9, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 428]

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 245,000 cartons during the period September 11–17, 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: September 11, 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 September 6, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good on larger sizes and weaker on smaller sizes.

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 910.728 is added as follows:

§ 910.728 Lemon Regulation 428.

The quantity of lemons grown in California and Arizona which may be handled during the period September 11, 1983, through September 17, 1983, is established at 245,000 cartons.

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

Dated: September 8, 1983.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service

[FR Doc. 83-24860 Filed 9-8-83; 11:31 am]
BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1944

Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding Section 502 Rural Housing loans by providing the procedures for verifying the legal alien status of a noncitizen applicant. This action is needed to clarify such procedures. The intended effect of the action is to advise FmHA field staffs of these procedures.

EFFECTIVE DATE: September 9, 1983.

FOR FURTHER INFORMATION CONTACT: Frank Colon, Supervisory Loan Specialist, Single Family Housing Processing Division, Farmers Home Administration, USDA, Room 5345, South Agriculture Building, 14th and Independence Avenue, SW, Washington, D.C. 20250, Telephone (202) 382–1482.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be exempt from those requirements because it involves only internal Agency management. This final action does not affect eligibility requirements for Section 502 Rural Housing Loans. The requirement that an applicant be a citizen or a noncitizen with legal alien status remains the same. Only the administrative procedures for providing and verifying evidence of noncitizen eligibility is changed with this final action. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or

contracts shall be published for comment notwithstanding the exemption in 5 U.S.C 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of this change involves only internal Agency management and publication for comment is unnecessary.

If the authenticity of the information shown on the alien's identification document is questioned, the Agency may ask the Immigration and Naturalization Service (INS) to verify the information for law enforcement purposes (in the case of FmHA, for compliance with the eligibility requirements set forth by the Housing Act of 1949). The payment of a service fee by FmHA to INS is waived by inserting in the upper right hand corner of INS Form G-641, "Application for Verification of Information from Immigration and Naturalization Records," the following words, "Interagency Law Enforcement Request".

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements". FmHA has determined that this action does not constitute a major Federal action significantly affecting the quality of human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

The Catalog of Federal Domestic Assistance programs affected by this regulation are: 10.410, "Low to Moderate Income Housing Loans" and 10.417, "Very Low-Income Housing Repair Loans and Grants."

List of Subjects in 7 CFR Part 1944

Home improvement, Loan programs—housing and community development, Low and moderate income housing—rental, Mortgages, Rural housing, Subsidies.

PART 1944—HOUSING

Accordingly, Subpart A of Part 1944, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

1. Section 1944.9 is amended by revising paragraph (c) to read as follows:

§ 1944.9 Other eligibility requirements.

* * * * *

(c) Be a natural person (individual) who resides in any of the 50 States, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Marianas, or the Trust Territory of the Western Pacific Islands, or a noncitizen who resides in one of the foregoing areas after being legally admitted for permanent residence or on indefinite parole. Permanent residents will verify their status by presentation of Form I-151 or Form I-551, "Alien Registration Receipt Card," or any later revision of the form. Those on indefinite parole must present Form I-94, "Arrival/Departure Card," or any later revision of the form. If the authenticity of the information shown on the alien's identification document is questioned, the County Supervisor may request the Immigration and Naturalization Service (INS) to verify the information appearing on the alien's identification card by completing INS Form G-641, "Application for Verification of Information from Immigration and Naturalization Records" (obtainable from the nearest INS District. See Exhibit B of this Subpart), and mailing the form to INS. The payment of a service fee by FmHA to INS is waived by inserting in the upper right hand corner of INS Form G-641, the following: "Interagency Law Enforcement Request".

* * * * *

2. Section 1944.50 is added to read as follows:

§ 1944.50 OBM control number.

The collection of information requirements in this regulations have been approved by the Office of Management and Budget and have been assigned OMB control number 0575-0059.

(42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70)

Dated: August 19, 1983.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 83-24700 Filed 9-8-83; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Parts 7 and 34

[Docket No. 83-37]

Real Estate Lending by National Banks

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency is adopting final amendments to its regulations and is removing interpretive rulings regarding real estate lending by national banks. This action implements statutory changes contained in the Garn-St Germain Depository Institutions Act of 1982. This rule eliminates certain real estate lending limitations and restrictions. This rule is intended to enhance the ability of national banks to develop real estate lending products.

DATE: The regulation is effective September 9, 1983.

FOR FURTHER INFORMATION CONTACT: Robert Sihler, National Bank Examiner, National Bank Surveillance System Division, (202) 447-1181; or Jerome Edelstein or Francis S. Rath, Attorneys, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

Background

The Garn-St Germain Depository Institutions Act of 1982 (Act), Pub. L. 97-320, Section 403, amends 12 U.S.C. 371 by removing statutory restrictions on real estate lending by national banks. The Act authorizes national banks to make, arrange, purchase, or sell loans or extensions of credit secured by liens on interests in real estate subject to terms, conditions and limitations that the Comptroller of the Currency may prescribe.

Because of this statutory change the Office reviewed its existing regulations regarding real estate lending by national banks. On March 10, 1983, the Office published a notice of proposed rulemaking (Docket No. 83-13) in the **Federal Register** (48 FR 10068) requesting comments. The comment period closed on April 11, 1983.

Existing Requirements

Notice of proposed rulemaking Docket No. 83-13 set out in detail those federal statutory and regulatory requirements for real estate lending in effect prior to passage of the Act. These requirements fall into the following five categories:

A. *Loan-to-value ratios.* These limit the amount a national bank may loan relative to the appraised value of the property that secures the loan.

B. *Amortization requirements.* These require a scheduled reduction of principal for certain loans secured by real estate.

C. *Maturity requirements.* These require that certain loans secured by real estate must mature within 30 years.

D. *Aggregate limits.* These limit the aggregate amount of loans secured by real estate that a national bank may make. Specific aggregate limits are also set for forest tract loans, construction loans that are considered to be commercial loans, and loans secured by junior liens on real estate.

E. *Leasehold loan requirements.* These require amortization and set other conditions for loans secured by leaseholds.

Regulatory Options Considered

The Office considered three regulatory options in response to its broadened authority under the Act. These were:

1. Adopt a regulation that reaffirms the limitations that existed under 12 U.S.C. 371 before the 1982 amendment and currently exist in Interpretive Rulings 12 U.S.C. 7.2000 through 7.2700.

2. Adopt a regulation that modifies the limitations that existed under 12 U.S.C. 371 before the 1982 amendment and currently exist in the interpretive rulings.

3. Adopt a regulation that imposes no limitations on national banks' real estate lending and rescinds current regulations which do impose limitations.

Proposal

The Office proposed the third option: Adopt a regulation that imposes no limitations on national banks' real estate lending and rescind current regulations which do impose limitations. The proposed rule provided:

A. General permission for national banks to engage in real estate lending, including a clarification of types of property considered to be real estate;

B. Clarification that certain loans are not considered real estate loans under 12 U.S.C. 371, and a statement that such loans may be made by national banks under 12 U.S.C. 24 Seventh;

C. Preemption of certain state laws regulating real estate loans, including nonpurchase money loans secured by real estate; and

D. Notice that banks must comply with other federal laws and regulations, including those pertaining to disclosure.

Request for Comments in the Notice

In the notice of proposed rulemaking the Office requested comments on the proposal and the alternative regulatory options. In addition, the Office requested comments specifically addressing:

A. A variety of regulatory requirements, including loan-to-value ratios, amortization (including negative amortization), maturity requirements, aggregate limitations on real estate loans, loans on leaseholds, limitations on forest tract loans, and construction loans;

B. The preemption of state laws regarding loans secured by real estate, particularly nonpurchase money loans; and

C. Any other issues that the public felt were relevant to the regulation of real estate lending by national banks.

Discussion of Comments

Fifty-five comments were received on the proposed action. The majority of the commenters were national banks or their representatives. The final rule includes changes based on recommendations offered by commenters.

Forth-eight of the commenters support the proposal. The seven commenters opposing the proposal include four national banks, a consumer group, a state banking regulator, and an association of mortgage insurance companies. One of these commenters suggests gradual relaxation of the existing limitations rather than the approach taken in the proposal. Comments addressing the proposal are discussed below.

A. Regulatory Requirements

1. Loan-to-value ratios. The Office proposed to eliminate limitations on the amount a national bank may loan relative to the appraised value of the property securing the loan.

The majority of the commenters support the elimination of limitations on loan-to-value ratios. Two commenters opposing the proposal state that the maximum loan-to-value ratio should be 100%. Two others state that the present 90% maximum ratio should be retained. One of these commenters contends that the 90% ratio limits the risk of default.

2. Amortization, including negative amortization, and maturity requirements. The Office proposed to eliminate the requirements that certain loans follow a scheduled reduction of principal and that certain loans mature within 30 years.

The majority of the commenter support the elimination of amortization and maturity requirements. A few commenters oppose the elimination of these requirements. Three commenters state that the present 30 year maturity requirements should be retained. One commenter states that some amortization should be required. Another suggests that negative amortization be prohibited.

3. Loans on leaseholds. The Office proposed to eliminate amortization and other requirements for loans secured by leaseholds.

The majority of the commenters support the elimination of these requirements. A few commenters declined to comment specifically on these requirements because of their limited experience with such loans. Two commenters state that the maturity of leasehold loans should not extend beyond the lease period.

4. Construction loans. The Office proposed to eliminate maturity requirements, aggregate limitations, and certain other requirements which construction loans had to satisfy in order to be considered commercial loans, not real estate loans. Upon removal of the restrictions, construction loans would be considered real estate loans.

A few commenters suggest that a loan for which there is a valid and binding commitment by a financially responsible third party to purchase or repay the loan at or prior to maturity, be treated as a commercial loan. One commenter states that construction loans should be limited to seven years and that equity or take-out commitments should be required.

Office's Reasons for Eliminating These Regulatory Restrictions

The Office believes that aside from the regulations, factors such as market forces and management philosophies are the real determinants of banks' real estate lending practices. A number of comments support this conclusion. One commenting bank notes that its underwriting standards exceed the requirements of existing regulations. Another urges the removal of existing restrictions in favor of permitting national banks to make real estate loans that conform to the requirements of the secondary market. Other commenters state that they will use the existing restrictions as guidelines if the restrictions are eliminated.

In recent years there have been a number of developments in the mortgage market. In more than a few cases regulatory changes had to be made to respond to market occurrences. If restrictions were retained, national banks' responses to real estate market occurrences would be constrained. Therefore, the Office believes that, in the interest of facilitating national banks' ability to respond to market conditions, removal of the restrictions is warranted.

Decisions concerning the forms and terms of national bank lending are properly the responsibility of each bank's directorate and management. The lending forms and terms which management chooses should be

reflected in the bank's lending policy. Bank managers and directors are expected to prudently manage real estate lending activities and not expose the bank to undue or unwarranted risk. The removal of restrictions should not be interpreted as a sign of reduced Office concern with banks' real estate lending activities. Rather, the elimination of regulatory restrictions emphasizes that this is properly the responsibility of bank management.

The Office believes that, at this time, regulatory restrictions are unnecessary to ensure the safety and soundness of national banks' real estate lending activities. These activities can be monitored and evaluated through various means including the examination process, surveillance procedures, contact with the industry, and economic reviews.

B. Preemption of State Law

The proposal included preemption of certain state laws which apply to real estate lending.

Numerous commenters are concerned with this aspect of the proposal. Predominantly these commenters express concern that the extent of preemption is unclear and suggest that the final rule clarify the scope of preemption. Additionally, several commenters oppose preemption with regard to loans secured by junior liens, usury limits, prepayments, foreclosures, interest on escrow accounts, delinquency charges, and adjustable rate mortgage indexes within the control of the lender. Other commenters question whether interest rates are covered by the preemption, and suggest that the usury override for first liens should be made applicable to junior liens. Also sought is a clarification of the preemption, particularly as it relates to state law restrictions on the terms of mortgage loans secured by junior liens.

Several commenters suggest that national banks not be subject to state law restrictions on nonpurchase money adjustable rate mortgages. One commenter opposes preemption of state law that prohibits additional liens on a homestead. Finally, four commenters suggest the addition of the word "federal" to the proposed 12 CFR 7.2000(c) thereby precluding the application of state law restrictions to areas directly addressed by the proposed rule.

The Office acknowledges a need to clarify the extent of preemption of state law. The Office proposed to eliminate certain federal regulatory restrictions and limitations on real estate lending by national banks, and to preempt state law imposing, on national banks, restrictions similar to those eliminated. The restrictions and limitations eliminated in this final rule include loan-to-value ratios, amortization, maturity requirements, aggregate limits, and certain terms of loans secured by leaseholds.

The Congress, when it passed the Act, sought to provide flexibility in real estate lending for national banks. The Office is preempting, at this time, only those state laws that govern those areas in which federal limitations and restrictions are eliminated. This is to precluce any conflict of state law with Congressional intent and the intent of the Office in removing the regulatory restrictions. The final rule clarifies the limited scope of the preemption. Aside from the specific preemption of state law as to the restrictions discussed, the relationship between state and federal law in regard to real estate loans as it existed prior to the amendment of 12 U.S.C. 371 is expected to remain unchanged. Other changes in the regulations are intended to assure that banks are aware that other federal laws and regulations remain applicable.

C. Other Issues

A number of commenters raise various other concerns about the notice of proposed rulemaking. One concern is the belief that there is an inconsistency between 12 CFR Part 29, which governs adjustable rate mortgages, and the proposed regulations regarding the treatment of loans secured by liens on mobile homes. The focus of 12 CFR Part 29 is on loans secured by dwellings (which include mobile homes), while 12 U.S.C 371 and 12 CFR 7.2000(e) are concerned with loans primarily secured by real estate (which does not include mobile homes). Therefore, there is no inconsistency.

Another commenter suggests that the final rule clarify that national banks may sell real estate loans with recourse. This is unnecessary since § 7.7000 provides that a national bank may endorse or otherwise guarantee notes or other obligations sold by the bank for its own account. It should also be noted that language in 12 U.S.C. 92, which has been interpreted by several courts as casting some doubt on the ability of national banks to repurchase real estate mortgages, has been rescinded by the Act.

One commenter states that national banks should not be permitted to invest in real estate projects that they finance. The Office emphasizes that the authority for national bank ownership of real estate is separately contained in 12 U.S.C. 29 and, as such, is unaffected by the Act and this regulation.

One commenter questions whether the removal of loan-to-value ratios will alter the § 7.3025 requirement that other real estate owned includes covered transactions where less than 10% of the total sales price is received in cash. Again regulations concerning bank ownership of property are separate from this regulation and are not affected by this regulation.

Two commenters question the applicability of this regulation to state banks. Title 8 of the Act provides that state commercial banks may engage in "alternative mortgage transactions" in accordance with Office regulations. In the opinion of the Office, this regulation has applicability for state banks to the extent that the regulation permits national banks to engage in what the Act characterizes as "alternative mortgage transactions."

Summary of Changes

The final rule is changed from the proposal in the following ways:

1. The scope of preemption of state law is clarified. The preemption, at this time, is limited to state laws that govern those areas for which the Office is eliminating federal limitations and restrictions;

2. It is specified that national banks must comply with all applicable federal laws and regulations, including those pertaining to disclosure;

3. The section which identifies loans not constituting real estate loans within 12 U.S.C. 371 is changed to clarify the treatment of construction loans as commercial loans where there is an agreement by a third party to advance the full amount of the bank's loan upon completion of the construction. Also, added to this section are loans made to finance the construction of residential or farm buildings; and

4. The scope of loans constituting real estate loans now includes forest tract loans.

Special Studies

The Secretary of the Treasury has certified that this regulation will not have a "significant impact on a substantial number of small businesses," as that phrase is used in the Regulatory Flexibility Act; therefore, no regulatory flexibility analysis has been prepared. This regulation will ease the burden of existing regulations. The effect of this regulation is expected to be beneficial rather than adverse, and small entities are expected to share the benefits of this regulation with larger institutions.

A Regulatory Impact Analysis is not required because the Office has

determined that this regulation is not a "major rule" as defined by Executive Order 12291. The regulation will not have an annual effect on the economy of $100 million or more, will not result in a major increase in costs or prices to consumers, individual industries, federal, state, or local government agencies, or geographic regions, nor will it have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

Reason for Immediate Effective Date

The regulation is effective upon publication. Delayed effectiveness of 30 days is not required because the regulation relieves restrictions.

Designation of Final Rule

In the notice of proposed rulemaking, the Office proposed to include these regulations in 12 CFR Part 7—INTERPRETIVE RULINGS. Because the final rule is regulatory in nature, it is inappropriate to place these regulations with Office interpretive rulings in Part 7. Therefore, the final rule is issued under new CFR Part 34.

List of Subjects in 12 CFR Parts 7 and 34

Credit, Mortgages, National bank, Real estate lending

Accordingly, pursuant to authority under 12 U.S.C. 93a and 371, the Comptroller hereby amends Title 12 of the Code of Federal Regulations by amending Part 7 and adding a new Part 34 as follows:

PART 7—INTERPRETIVE RULINGS

1. The authority for Part 7 is:

Authority: R.S. 324 *et seq.*, as amended; 12 U.S.C. 1 *et seq.*, unless otherwise noted.

§ 7.2000 through 7.2700 [Removed]

2. Part 7 is amended by removing § 7.2000 through and including § 7.2700.

3. The authority for Part 34 is:

Authority: 12 U.S.C. 93a; 12 U.S.C. 371.

4. A new Part 34 is added to 12 CFR Chapter I to read as follows:

PART 34—REAL ESTATE LENDING

Sec.

34.1 General and scope.
34.2 Applicability of law.
34.3 Loans not constituting real estate loans.

Authority: 12 U.S.C. 93a; 12 U.S.C. 371.

§ 34.1 General and scope.

(a) *General.* Any national bank may make, arrange, purchase, or sell loans or extensions of credit secured by liens on interests in real estate, subject to such terms, conditions and limitations as may be prescribed, from time to time, by the Comptroller of the Currency by order, rule, or regulation.

(b) *Scope.* For the purposes of 12 U.S.C. 371 and this part, loans secured by liens on interests in real estate include loans made upon the security of condominiums, leaseholds, cooperatives, forest tracts, construction project loans (except as specified in § 34.3(a) (6) and (7)), and land sales contracts.

§ 34.2 Applicability of Law.

(a) *State Law.* National banks may proceed under 12 U.S.C. 371 and § 34.1 without regard to state law limitations as to:

(1) The amount of a loan in relation to the appraised value of the real estate;

(2) The schedule for the repayment of principal and interest;

(3) The term to maturity of the loan;

(4) The aggregate amount of funds which may be loaned upon the security of real estate; and

(5) The covenants and restrictions which must be contained in a lease to qualify the leasehold as acceptable security for a real estate loan.

Limitations imposed on paragraphs (a) (1) through (5) of this section directly or indirectly by law or judicial decisions of any state, the District of Columbia, Puerto Rico, the Virgin Islands, the Trust Territory of the Pacific Islands, and Guam are hereby expressly preempted.

(b) *Federal Law.* National banks, in making real estate loans pursuant to this part, must comply with all applicable federal laws and regulations, including those pertaining to disclosure.

§ 34.3 Loans not constituting real estate loans.

The loans listed below are not real estate loans for the purposes of 12 U.S.C. 371 and this part.[1] National banks have the authority to make these loans pursuant to 12 U.S.C. 24 Seventh, even when the bank takes a security interest in real estate as a matter of prudent banking practice or because such security is required by the insurer or guarantor.

(a) *Insured or Guaranteed Loans.* (1) When the bank relies substantially on the insurance or guaranty of a governmental agency in making a loan. This includes loans which are:

(i) Insured under the provisions of the National Housing Act;

(ii) Insured by the Secretary of Agriculture pursuant to Title I of the Bankhead-Jones Farm Tenant Act, or the Act of August 28, 1937, as amended, or Title V of the Housing Act of 1949, as amended;

(iii) Guaranteed by the Secretary of Housing and Urban Development, for the payment of obligations of which the full faith and credit of the United States is pledged;

(iv) Fully guaranteed or insured by a state, any agency or instrumentality of a state, or by a state authority for the payment of obligations of which the full faith and credit of the State is pledged, if under the terms of the guaranty or insurance agreement the association will be assured of repayment in accordance with the terms of the loan;

(v) At least 20% guaranteed or insured by the Administrator of Veterans Affairs under Chapter 37, Title 38 of the United States Code;

(vi) Guaranteed under section 802 of the Housing and Community Development Act of 1974;

(vii) Subject to a firm commitment to insure by a Government insuring agency. A firm commitment is a commitment in which a specific mortgagor is named; and

(viii) Loans in which the Small Business Administration cooperates through agreements to participate on an immediate or deferred or guaranteed basis under the Small Business Act.

(2) When the bank relies substantially upon private company mortgage insurance or guaranty, but only to the extent of the insurance or guaranty.

(b) Loans where the association looks for repayment by relying primarily on the borrower's general credit standing and forecast of income.

(c) Loans secured by an assignment of rents under a lease.

(d) Loans secured by the pledge or assignment of another real estate mortgage.

(e) Loans secured by a valid chattel mortgage on timber, in states which permit such mortgages.

(f) Loans having maturities not to exceed 60 months made to finance the construction of a building or buildings, where there is a valid and binding agreement entered into by a financially responsible lender or other party to advance the full amount of the bank's loan upon completion of the building or buildings.

[1] It continues to be the position of the Office that these loans are not subject to state laws which restrict the ability of national banks to make such loans. Those state laws, including laws governing amortization, maturity, loan-to-value, and aggregate limits, conflict with the federal statutory scheme which gives exclusive authority to this Office to assure the safety and soundness of national banks and the national banking system. Those laws also infringe on the ability of national banks to exercise their statutory authority.

(g) Loans having maturities not to exceed 60 months made to finance the construction of residential or farm buildings.

(h) Loans for which a security interest is taken in a mobile home.

(i) Loans made previously where a security interest in real estate is taken subsequently in good faith.

Dated: August 12, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-24683 Filed 9-8-83; 8:45 am]

BILLING CODE 4810-33-M

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12 CFR Part 29

[Docket No. 83-36]

Adjustable-Rate Mortgages

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

ACTION: Final Rule.

SUMMARY: The Office of the Comptroller of the Currency ("Office") is revising its Adjustable-Rate Mortgage ("ARM") regulation to remove references to amortization and maturity requirements. The action is necessary to conform the ARM regulation to the Office's real estate lending regulation which removes such restrictions on real estate loans. The action is intended to assure that banks have the same flexibility to establish amortization and maturity requirements in ARM loans as they have with regard to real estate loans not governed by the ARM regulation.

EFFECTIVE DATE: September 9, 1983.

FOR FURTHER INFORMATION CONTACT: David Nebhut, Financial Economist, Economic and Policy Analysis Division (202) 447-1924, Francis S. Rath, Attorney, or Jerome L. Edelstein, Attorney, Legal Advisory Services Division (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 1983, the Office published in the **Federal Register** (48 FR 8506), final revisions of its regulation on ARMs. This regulation provided that ARM loans by national banks must be amortized no later than the 21st year of the loan. This amortization occurs under a schedule that provides for full repayment without a substantial balloon payment by the end of the 30th year, and, for state banks by the end of any maximum loan term permitted by state law. 12 CFR 29.5.

The provision was included so that the ARM regulation, which includes loans made upon the security of certain real estate, would comply with the amortization and maturity requirements imposed on real estate loans by 12 U.S.C. 371 (as of the date of enactment of the rule; September 9, 1983) and 12 CFR 7.2125. The statutory restrictions were repealed as of April 14, 1983. *See* Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, Title IV, § 403(a), 96 Stat. 1510.

The regulatory restrictions are rescinded today in another final rule published in this **Federal Register**. Because there is no longer any separate law, rule or regulation imposing amortization and maturity requirements on ARM loans, the Office is rescinding 12 CFR 29.5. The Office also notes that in the event a bank makes a loan under this Part without a specified term to maturity, the disclosure requirements of 12 CFR 29.7(b)(5) and 29.7(c)(3) would be inapplicable.

Special Analyses

A regulatory flexibility analysis has not been prepared for this final rule because a notice of proposed rulemaking is not required by the Administrative Procedure Act.

The Office has determined that this final rule does not constitute a major rule within the meaning of Executive Order 12291. Accordingly, a regulatory impact analysis will not be prepared on the grounds that the revision (1) will not have an annual effect on the economy of $100 million or more, (2) will not result in a major increase in the cost of bank operations or government supervision, nor is it likely to generate substantially higher payments for borrowers and (3) will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or competitive with foreign-based entities.

Notice and Comment

The final rule has not been published for notice and comment, because such notice and comment is unnecessary. The Office's proposal to eliminate amortization and maturity requirements from its real estate lending regulations was published on March 10, 1983 (48 FR 10068). Today, the Office is publishing its final real estate lending regulation eliminating those restrictions. This final rule merely conforms 12 CFR Part 29 to the new real estate lending regulations.

Immediately Effective

This final rule is also being made effective immediately because, as discussed, it simply effects a technical change. Further, delayed effectiveness is not required for regulations which relieve restrictions.

List of Subjects in 12 CFR Part 29

National banks, Mortgages, Adjustable rate mortgages

PART 29—[AMENDED]

Accordingly, for the reasons set forth above, 12 CFR Part 29 is amended as follows:

1. The authority citation for Part 29 reads as follows:

Authority: 12 U.S.C. 1 *et seq.*; 12 U.S.C. 93a; and 12 U.S.C. 371.

§ 29.5 [Removed]

2. By removing § 29.5.

3. By revising § 29.9 to read as follows:

§ 29.9 Nonfederally chartered commercial banks.

Under authority granted by Pub. L. 97-320, the Garn-St Germain Depository Institutions Act of 1982, nonfederally chartered commercial banks may make adjustable-rate mortgages in accordance with the following provisions of this part: §§ 29.1, 29.3, 29.4, 29.6 and 29.7.

Dated: August 12, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-24682 Filed 9-8-83; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0480]

Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty; Regulation Q

AGENCY: Federal Reserve System.

ACTION: Amendment of Board Order temporarily suspending the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by Hurricane Alicia in the Texas counties of Brazoria, Chambers, Fort Bend, Galveston, Harris and Matagorda on August 26, 1983. This action expands that Order to include additional counties in Texas.

DATE: August 29, 1983.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On August 19, 1983, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Texas counties of Brazoria, Chambers, Fort Bend, Galveston, Harris and Matagorda, major disaster areas. The Board regarded the President's actions as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board of Governors, acting through its Secretary, pursuant to delegated authority, suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors suffering property or other financial loss in the disaster areas as a result of Hurricane Alicia beginning on or about August 18, 1983. (48 FR 39604). Subsequent to this action, the Presidential declaration of a major disaster has been amended to include the Texas counties of Liberty, Montgomery and San Jacinto. The Board therefore believes it appropriate to amend its Order to include the additional counties. The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of Hurricane Alicia beginning on or about August 18, 1983. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This amendment will be retroactive to August 29, for the Texas counties of Liberty, Montgomery and San Jacinto and will remain in effect unitl 12 midnight, February 18, 1984.

List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated counties of Texas directly affected by Hurricane Alicia, good cause exists for dispensing with the notice and public participation provisions in Section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, September 2, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-24607 Filed 9-8-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Orphan Products

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to orphan products. This amendment redelegates new authorities to the Director of the Office of Orphan Products Development and officials in the National Center for Drugs and Biologics.

EFFECTIVE DATE: September 9, 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 of the Orphan Drugs Act (Pub. L. 97-414) amended Chapter V of the Federal Food, Drug, and Cosmetic Act by adding Subchapter B—Drugs for Rare Diseases or Conditions. In a notice published elsewhere in this issue of the **Federal Register**, FDA announces the availability of copies of interim procedures under which the agency will operate until final regulations can be promulgated implementing the provisions of the amendment.

The responsibility for agency actions under the new provisions has been divided between the Office of Orphan Products Development in the Office of the Commissioner and the National Center for Drugs and Biologics. FDA is revising the delegation of authority in 21 CFR 5.58 relating to orphan products to include the appropriate delegations of authority to officials in those organizations for the conduct of agency operations.

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 § 5.58 to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.58 Orphan products.

(a) The Director, Office of Orphan Products Development, Office of the Commissioner, is authorized to issue notices, and amendments thereto, inviting sponsorship for orphan products (drugs, biological products, and medical devices) and submission of new drug applications, new animal drug applications, applications for establishment and product licenses for biological products, or premarket approval applications for medical devices, as appropriate.

(b) The Director, Office of Orphan Products Development, Office of the Commissioner, is authorized:

(1) To determine whether there is reason to believe that a drug is a drug for a disease or condition that is rare in the United States under section 525(a) of the Federal Food, Drug, and Cosmetic Act (the act) and to designate such drug as a drug for a rare disease or condition under section 526(a) of the act.

(2) To issue holders of approved applications or licenses notice and opportunity for the submission of views under section 527(b)(1) of the act.

(3) To encourage sponsors of an investigational new drug for a rare disease or condition to design protocols for clinical investigations to permit the addition to the investigation of persons with the disease or condition under section 528 of the act.

(c) The following officials are authorized to provide sponsors, under section 525(a) of the act, with recommendations for nonclinical or clinical investigations believed to be necessary for a drug for a rare disease or condition to be approved or licensed:

(1) The Director and Scientific Director, National Center for Drugs and Biologics (NCDB).

(2) For drugs under their jurisdiction:

(i) The Director and Deputy Director, Office of New Drug Evaluation, NCDB.

(ii) The Directors of the Divisions of: Neuropharmacological Drug Products, Anti-Infective Drug Products, Metabolism and Endocrine Drug

Products, Cardio-Renal Drug Products, Surgical-Dental Drug Products, and Oncology and Radiopharmaceutical Drug Products, Office of New Drug Evaluation, NCDB.

(3) For drugs, including drugs that are biological products, under their jurisdiction, the Director and Deputy Director, Office of Biologics, NCDB.

Effective date. This regulation shall become effective September 9, 1983.

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

Dated: September 2, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-24590 Filed 9-6-83; 10:47 am]

BILLING CODE 4160-01-M

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21 CFR Part 436

[Docket No. 83N-0251]

Antibiotic Drugs; Sterile Cefuroxime Sodium

Correction

In FR Doc. 83-23205 beginning on page 38459 in the issue of Wednesday, August 24, 1983, make the following corrections:

On page 38460, first column, § 436.343, paragraph (b)(2), second line, "304" should read "3.4".

BILLING CODE 1505-01-M

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21 CFR Parts 510, 520, 522, and 558

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of supplemental new animal drug applications (NADA's) filed by SDS Biotech Corp., providing for a change of sponsor from Diamond Shamrock Corp. to SDS Biotech Corp.

EFFECTIVE DATE: September 9, 1983.

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

SUPPLEMENTARY INFORMATION: SDS Biotech Corp., 7528 Auburn Rd., P.O. Box 348, Concord Township, Painesville, OH 44077, filed several supplemental NADA's providing for a change of sponsor from Diamond Shamrock Corp. Diamond Shamrock Corp. has confirmed the change of sponsor. This change affects the following NADA's:

NADA and product	Ingredient
31-512 Atgard V/Swine Wormer	Dichlorvos.
33-803 Task Dog Anthelmintic	Do.
35-916 Equigard/Horse Wormer	Do.
38-200 Oxy WS (Turkey)	Oxytetracycline hydrochloride.
39-077 CSP 250, CSP 500 (Swine).	Chlortetracycline sulfathiazole, penicillin.
40-848 Atgard C Swine Wormer	Dichlorvos.
41-128 Custom Broiler Premixes	Zoalene, procaine penicillin, zinc bacitracin.
41-129 Custom Broiler Premixes	Zoalene, roxarsone, bacitracin methylene disalicylate.
43-606 Atgard V/Swine Wormer	Dichlorvos.
45-143 Oxyject (Cattle)	Oxytetracycline hydrochloride.
46-699 CTC Premixes (e.g., CTC 10, CTC 50, CTC 100 MR) (Swine, Chicken, Turkey).	Chlortetracycline.
48-237 Equigel Equine Anthelmintic.	Dichlorvos.
48-271 Task Tabs Anthelmintic for Cats and Puppies.	Do.
49-032 Atgard C Production Efficiency Improver (Swine).	Do.
65-020 Micro CTC-100 (Chicken, Turkey, Swine).	Chlortetracycline.
65-178 CTC Soluble (Chicken, Turkey, Swine, Cattle).	Chlortetracycline hydrochloride.
65-486 CTC Bisulfate Soluble (Chicken, Turkey).	Chlortetracycline bisulfate.
97-452 Oxyject 100 (Cattle, Swine).	Oxytetracycline hydrochloride.

Supplemental NADA's filed by SDS Biotech Corp. provide for the change of sponsor. The supplements are approved and Parts 520, 522, and 558 are amended to reflect the approval. In addition, SDS Biotech has not been previously added to 21 CFR 510.600(c). Part 150 is amended to add the new sponsor.

This action concerns a change of sponsor and does not involve any changes in manufacturing facilities, equipment, procedures, or production personnel. The facilities, personnel, and procedures transfer to the new firm. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this change does not require reevaluation of the safety and effectiveness data in the parent applications.

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

List of Subjects

21 CFR Part 510

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

21 CFR Part 520

Animal drugs, Oral use.

21 CFR Part 522

Animal drugs, Injectable.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510, 520, 522, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. Part 510 is amended in § 510.600 in paragraph (c)(1) by adding a new entry alphabetically and in paragraph (c)(2) by adding a new entry numerically to read as follows:

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

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
SDS Biotech Corp., 7528 Auburn Rd., P.O. Box 348, Concord Township, Painesville, OH 44077	052313
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* *	* * *
052313	SDS Biotech Corp., 7528 Auburn Rd., P.O. Box 348, Concord Township, Painesville, OH 44077.
* *	* * *

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

§ 520.600 [Amended]

2. Part 520 is amended in § 520.600 *Dichlorvos* in paragraph (c) by removing "025001" and inserting in its place "052313."

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

§ 522.1662a [Amended]

3. Part 522 is amended in § 522.1662a *Oxytetracycline hydrochloride injection* in paragraphs (a)(2) and (g)(2) by removing "025001" and inserting in its place "052313."

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.15 [Amended]

4. Part 558 is amended:

a. In § 558.15 *Antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals* in paragraph (g)(1) in the table under "Drug sponsor" by changing "Diamond Shamrock Chemical Co." and "Diamond Shamrock Chemical Corp." to read "SDS Biotech Corp." and in paragraph (g)(2) in the table under "Drug Sponsor" by changing "Diamond Shamrock Corp." to read "SDS Biotech Corp."

§ 558.155 [Amended]

b. In § 558.155 *Chlortetracycline, procaine penicillin, and sulfathiazole* in paragraph (b)(1) and (2) by removing "025001" and inserting in its place "052313."

§ 558.205 [Amended]

c. In § 558.205 *Dichlorvos* in paragraph (b) by removing "025001" and inserting in its place "052313."

Effective date. September 9, 1983.

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

Dated: September 2, 1983.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-24592 Filed 9-8-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 25

[Docket No. R-83-862]

Mortgage Review Board; Administrative Actions

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule revises the administrative actions available to the Mortgage Review Board and the permissible grounds for such actions. The rule provides greater clarification of the grounds which may result in an administrative action by the Board against a HUD/FHA approved mortgagee. The rule also provides greater flexibility in the administrative actions available to the Board to ensure compliance with HUD regulations and procedures.

EFFECTIVE DATE: October 11, 1983.

FOR FURTHER INFORMATION CONTACT: Phillip L. Schulman, Department of Housing and Urban Development, Office of General Counsel, Room 10270, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755-5557. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: This rule provides greater clarification of the grounds which may result in administrative actions by the Mortgagee Review Board against a HUD/FHA approved mortgagee. The rule also provides greater flexibility in the administrative actions available to the Board to ensure compliance with HUD regulations and procedures. Under the previous regulation the sole remedy available to the Board was withdrawal of mortgagee approval. The operation of the Board over the past several years has shown that less severe sanctions are appropriate in some cases. In addition, it has been possible to identify the grounds for administrative actions with greater specificity.

The Department received relatively few comments on the proposed regulation, published August 28, 1980 (45 FR 57437). Nevertheless, some of the comments were quite detailed, and specific changes were recommended and have been adopted. Several commentators suggested that the proposed rule did not adequately address due process considerations. Several provisions have been modified to increase procedural safeguards.

Establishment and Operation of the Board

Section 25.2 has been modified to clarify the relationship between the administrative sanctions under Part 24 and Part 25, as applied to mortgagees. No suspension or debarment action may be initiated against a mortgagee under Part 24 without the prior approval of the Mortgagee Review Board. This section has also been modified to provide express redelegation authority for the Board in areas involving non-discretionary acts.

Section 25.3 has been amended to delete the term "Respondent," since it does not otherwise appear in the regulation.

One commentator questioned the technical expertise of Board members, the adequacy of the Board's staff, and the failure to include the President of the Government National Mortgage Association (GNMA) as a member of the Board. The composition of the Mortgagee Review Board is intended to provide a cross-section of Departmental interests, as well as an impartial high-level body to determine whether sanctions against mortgagees are warranted. Board members receive detailed agendas concerning cases under consideration, as well as briefings from both a legal and programmatic perspective concerning HUD requirements and any alleged violations by a mortgagee. The Office of Lender Certification in the Office of Housing essentially operates as the Board's staff. In addition, the Office of Inspector General and the Inspector General and Administrative Proceedings Division of the Office of General Counsel provide advice to the Board concerning pending cases. Consequently, the Department has determined that the members of the Board are adequately informed, and additional staffing is unnecessary.

The Department has eliminated the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection as a voting member of the Board. Since the Government National Mortgage Association (GNMA) often has a direct interest in Board decisions, the President of GNMA will be made a full voting member of the Board under § 25.4. With the elimination of the Assistant Secretary for NVACP and the addition of the President of GNMA, the Board will continue to be comprised of four voting members.

A suggestion that officials in the Office of Housing and the Office of General Counsel be formally designated as advisors to the Board was rejected, since both the General Counsel and the Assistant Secretary for Housing are full voting members of the Board.

Administrative Actions

Comments on the expanded range of sanctions in section 25.5 were generally favorable; however some suggested that greater procedural protections are needed. Two commentators recommended modification of the regulation to provide mortgagees with a hearing prior to imposition of some or all of the sanctions available to the Board. Both commentators recognized, however, that action prior to a hearing may be necessary under limited circumstances. Alternative procedures suggested included (1) Providing the mortgagee with an opportunity to respond in writing and in person before the Board, or (2) Adoption of expeditious procedures akin to applications for temporary injunctions

The Department has carefully considered these comments, and has modified the regulation to address the due process concerns of mortgagees while preserving the Board's ability to act promptly where necessary and in the public interest.

Section 25.7 has been redesignated as § 25.8 and amended to provide the mortgagee with a right to a hearing

within thirty days when a serious sanction is made effective prior to a full hearing. In addition, § 25.5(a) has been redesignated as § 25.6. Under § 25.6 the Secretary of the Board is required to issue a written notice to the mortgagee at least thirty days prior to consideration of any matter by the Board, where there is a possibility of probation or withdrawal. The Notice will inform the mortgagee that the Board is considering an administrative action and will set forth the allegations. The Notice will also direct the mortgagee to reply within a reasonable period. An exception to this requirement has been established where immediate action is necessary because of serious and egregious violations of the Department's requirements or because the violations are of an objective requirement and notice is unnecessary. Examples of the latter would be withdrawal actions for failure to file the required annual audit report (§ 25.9(e)) or to pay the annual fee (§ 25.9(u)).

One commentator suggested the need for greater specificity and a minimum period for response by the mortgagee in a Notice of Possible Violation. Section 25.6 will now require the Notice to set forth specifically the violations which have been alleged. While a minimum of thirty days for response by the mortgagee was suggested, § 25.6 was modified to permit the Board to require a reply within a "reasonable period, but not less than fifteen days." It is contemplated that the length of this period would vary depending upon the complexity of the allegations, but in no event would it be less than fifteen days. One commentator expressed concern that the penalty for failure to respond was too harsh, since the failure to reply may result from non-receipt of the notice or other innocent cause. Therefore, § 25.6 has been modified to provide that the minimum period for reply is fifteen days after receipt of the notice by the mortgagee.

The Department has determined that it would not be advisable to provide the mortgagees with an opportunity to respond in person before the Board. To inject the argument of counsel before the Board decides to impose a sanction would result in lengthy and duplicative proceedings. Mortgagees are given adequate opportunity to respond in writing under § 25.6 and for a prompt hearing before an impartial Departmental Hearing Officer under § 25.8.

One commentator suggested that mortgagees should be entitled to a hearing where any sanction is imposed by the Board, not just for a suspension or withdrawal action. The Department has determined that no hearing is required where a letter of reprimand is issued directing the mortgagee to bring and maintain its activities into conformity with all HUD/FHA requirements. Where the Board issues a Notice of Possible Violation, it is legally sufficient and consistent with due process to offer the mortgagee the opportunity to respond in writing. Since an order of probation may entail the imposition of reasonable additional requirements as specified in the regulation, § 25.8 has been amended to provide that the mortgagee is entitled to a hearing to contest a probation order. The remedial order sanction has been eliminated. Instead, § 25.5(e) has been modified to provide that the Board may incorporate remedial measures into a consent agreement with a mortgagee to resolve any outstanding grounds for administrative action. This procedure is more closely patterned after the past practice of the Board.

Section 25.5(b) and 25.5(c) have been modified to provide that probation and suspension actions shall become effective upon receipt of notice of the action by the mortgagee. One commentator suggested that suspensions should be limited to a period of ninety days and that a greater evidentiary standard should be required. A suspension is an interim measure to be utilized where there is evidence of serious misconduct prior to the completion of an audit, investigation, review, or associated administrative or legal proceedings. While some audits or investigations could be concluded within ninety days, legal proceedings may often continue for a larger period. In recognition of this, suspensions of government contractors have been upheld by the courts for significantly longer periods, so long as a limited opportunity for a hearing is provided. Since a pending investigation or criminal proceedings may preclude a full due process hearing, a somewhat lesser standard of proof has been required where a suspension is contested. Section 25.5(c) has been modified to set forth with greater specificity the type of evidence which may warrant suspension of a mortgagee.

Section 25.6 has been redesignated as § 25.7 and modified to require a Notice of Administrative Action to state the specific reasons for the action taken by the Board. In addition, the section expressly provides for the issuance of a supplemental Notice.

Grounds for Administrative Actions

Numerous comments were received on the grounds for administrative actions. Some commentators were concerned that the Board would impose a sanction based upon a de minimis infraction or indiscretion. In addition, one commentator suggested gradation of the grounds in terms of severity and establishment of the type of administrative action warranted by particular infractions. Each case considered by the Board involves a different set of circumstances and may also present mitigating factors. In addition, many cases involve a combination of several infractions or causes. Therefore, a gradation of factors would not be possible. Instead, a general introduction to the grounds has been adopted which states that the Board will consider, among other factors, the seriousness and extent of infractions, the degree of mortgagee responsibility for the occurrences, and any mitigating factors, in determining which sanction, if any, is appropriate.

The failure of a nonsupervised mortgagee to conduct its business in accordance with the plan indicated on its application for approval has been deleted as a ground for administrative action. This provision is superseded by several more specific grounds in the revised regulations.

Section 25.9(g) has been modified to clarify that the Board may take an administrative action based upon non-compliance with the terms of an application for approval or Branch Office notification. Since the application for approval has been interpreted as a contract between HUD/FHA and the mortgagee, this ground is necessary and appropriate.

Several comments were received concerning the provision that an administrative action may be based upon a violation of the requirements of any contract with the Department, or any statute, regulation, mortgagee letter, handbook or other written rule or instruction. One commentator suggested the inclusion of a materiality and willfulness test, as well as a showing of specific harm or damage resulting from the violation. These concerns have essentially been dealt with in the introduction to the section, which is generally applicable to all of the grounds. The Board will consider several factors including the seriousness of the infraction and the degree of mortgagee responsibility. Administrative actions need not be based upon willful violations, since mismanagement, poor supervision, or negligence may be just as damaging to the interests of the Department and the public. In addition, no showing of specific harm or damage has been required. Violations or

disregard for HUD/FHA regulations and procedures generally increase the risk of harm or damage in connection with insured mortgages, even though no default has yet occurred.

Other comments expressed concern that mortgagees may not be aware of the contents of mortgagee letters, handbooks, and other written rules and instructions. This provision encompasses violations of these documents only where the mortgagee has received actual or constructive notice of the contents.

One commentator suggested that a willfulness and materiality test should be adopted with respect to submission of false information to HUD/FHA. These concerns are adequately addressed by the introduction to the section.

Several commentators objected to the inclusion of indictments as a ground for administrative actions. While a withdrawal action could never be based solely on an indictment, suspension or some other lesser sanction may be appropriate based upon an indictment pending completion of criminal proceedings. An indictment is not a mere allegation, but rather a finding by a grand jury that there is probable cause to believe that a crime has been committed. An indictment in and of itself may result in the loss of liberty pending completion of a criminal proceeding though the indicted party is not deemed to be guilty of the offense. The Department must be able to protect itself pending completion of criminal proceedings after a finding of probable cause has been made.

Several commentators suggested the need for a clearer delineation of the type of offense which would result in an administrative action. While it would not be possible to specify every offense which would result in an action by the Board, § 25.9(m) has been modified to encompass only those offenses which reflect upon the responsibility, integrity, or ability of the mortgagee to participate in HUD programs as an approved mortgagee.

Some commentators suggested that the standard for practices of prudent lenders is ill-defined. Section 25.9(p) has been modified to make clear that the Department will take action based upon deviations from the practices of prudent lenders only where the practice is widely accepted in the industry. The standard for evaluating the mortgagee's actions may be found in codes of conduct developed by the industry or other generally accepted industry practices. One commentator suggested that the deviation should be material and substantial to justify an administrative action. These concerns have been addressed in the introduction to § 25.9.

One commentator suggested that the ground relating to failure properly to service an insured mortgage is ambiguous. Section 25.9(s) has been modified to make clear that the mortgagee must service an insured mortgage in accordance with the regulations, and any other requirements of the Secretary which are in effect at the time of servicing the mortgage, regardless of when the mortgage was insured. This provision recognizes the fact that the mortgagee must service HUD/FHA loans inaccordance with changes in procedures subsequent to the issuance of those changes. The failure to do so may result in an administrative action by the Board.

One commentator suggested that the failure by a mortgagee to administer an assistance payment contract properly under § 25.9(t) may be immaterial or due to an honest mistake. These concerns are adequately addressed in the introduction to the section.

Three new bases for administrative action have been added to the regulation. A new § 25.9(n) provides for an administrative action against a mortgagee that knowingly employs or retains an officer, director, principal or employee who has been suspended or debarred pursuant to 24 CFR Part 24. This provision would constitute a ground for administrative action only where the mortgagee has actual notice that the individual has been suspended or debarred. A new ground for administrative action is set forth in § 26.9(u) for failure to pay the application and annual fees required by 24 CFR 203.2(a)(11). In addition, a new § 25.9(v) has been added to include as a ground for administrative action the failure of a coinsuring mortgagee to comply with HUD/FHA procedures relating to coinsured mortgages.

Some commentators objected to the inclusion of a catch-all ground in the regulation. The comments generally suggested that the provision would be subject to gross abuse by the Board. The Department has determined that this provision should be retained as modified in § 25.9(w) because of the possibility of unanticipated but serious misconduct. Reliance on this rather general ground will be rare, since the express grounds for an administrative action have been developed from the experience of the Board over the past several years.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order 12291 on Federal Regulations. An 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 the United State-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The regulations adopted in this document are categorically excluded from the requirements of the National Environmental Policy Act of 1969 pursuant to 24 CFR 50.20(k).

Pursuant to section 605(b) of 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. This finding is based upon the fact that the rule only codifies existing practice, provides greater notice to the public of that practice and provides greater due process protections to participants than under the predecessor rule.

This rule was listed as item S-3-79 in the Department's Semi-Annual Agenda of Regulations published in the **Federal Register** on April 25, 1983 (48 FR 18056) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance is not applicable.

List of Subjects in 24 CFR Part 25

Administrative practice and procedure, Mortgages, Organization and functions (government agencies).

Accordingly, the Department revises 24 CFR Part 25 to read as follows:

PART 25—MORTGAGEE REVIEW BOARD

Sec.

25.1 Scope of rules of this part.
25.2 Establishment of Board.
25.3 Definitions.
25.4 Operation of the Mortgagee Review Board.
25.5 Administrative actions.
25.6 Notice of possible violation.
25.7 Notice of administrative action.
25.8 Hearings and hearing request.
25.9 Grounds for an administrative action.

§ 25.1 Scope of rules in this part.

The rules in this part are applicable to the operation of the Mortgagee Review Board and to proceedings arising from Mortgagee Review Board administrative actions.

§ 25.2 Establishment of Board.

There is established in the Office of the Secretary a Mortgagee Review Board. Except as limited by this part, the Mortgagee Review Board shall exercise all of the authority and perform all of the functions of the Secretary with respect to administrative actions against mortgagees. The Board may in its discretion approve the initiation of a suspension or debarment action by any Assistant Secretary against a mortgagee under 24 CFR Part 24. The Board shall have all powers necessary and incident to the performance of these functions. The Board may redelegate its authority to impose administrative sanctions under § 25.9 (e) and (u), to designate hearing officers and for all other nondiscretionary acts.

§ 25.3 Definitions.

(a) "Administrative Action." A letter of reprimand, an order of probation, a suspension or withdrawal of approval issued by the Mortgagee Review Board.

(b) "Board." The Mortgagee Review Board.

(c) "Letter of Reprimand." A letter informing the mortgagee of the existence or occurrence of a violation and directing the mortgagee to correct the violation and maintain its activities in conformity with all HUD/FHA requirements.

(d) "Party." The Department of Housing and Urban Development or the mortgagee.

(e) "Probation." A period of time during which a mortgagee is allowed to continue participation in HUD/FHA programs, while an evaluation is made of the mortgagee's compliance with HUD/FHA requirements, or an order of the Board.

(f) "Secretary." The Secretary of the Department of Housing and Urban Development or a person designated by the Secretary.

(g) "Suspension." The immediate exclusion of the mortgagee from HUD/FHA programs for a temporary period of time, pending completion of an audit, review, investigation or other administrative or legal proceedings.

(h) "Withdrawal." The exclusion of a mortgagee from participation in HUD/FHA programs for a specified period of time, or an indefinite period of time, commensurate with the seriousness of the violation(s).

§ 25.4 Operation of the Mortgagee Review Board.

(a) *Members.* The Mortgagee Review Board consists of the following members: The Assistant Secretary for Housing—Federal Housing Commissioner who serves as the Chairperson; the General Counsel; the President of the Government National Mortgage Association (GNMA); the Assistant Secretary for Administration; or their designees.

(b) *Advisors.* The Inspector General or his or her designee shall serve as a nonvoting advisor to the Board.

(c) *Quorum.* Three members of the Mortgagee Review Board or their designees shall constitute a quorum.

(d) *Determination by the Board.* Any suspension or withdrawal of mortgagee approval shall be determined by a unanimous vote of the quorum. Any other administrative action shall be determined by a majority vote of the quorum.

(e) *When action effective.* Any acts taken by the Board shall be effective when served in accordance with § 25.7 and § 26.15 of this Title.

§ 25.5 Administrative actions.

When any report, audit, investigation or other information before the Mortgagee Review Board discloses that a basis for an administrative action against a mortgagee exists under § 25.9, the Mortgagee Review Board, depending on the nature and extent of the violations, may take one or more of the following administrative actions:

(a) *Letter of Reprimand.* The Board may issue a letter of reprimand to a mortgagee informing the mortgagee of the existence or occurrence of a violation and directing the mortgagee to bring and maintain its activities in conformity with all HUD/FHA requirements. Failure of the mortgagee to comply with a directive in the letter of reprimand may result in any other administrative action under this part that the Board finds appropriate.

(b) *Probation.* The Board may place a mortgagee on probation for a specified period of time for the purpose of evaluating the mortgagee's compliance with HUD/FHA requirements or an order of the Board. The period of probation shall become effective upon receipt of notice by the mortgagee unless otherwise specified by the Board. During a period of probation, the Board may impose reasonable additional requirements on a mortgagee to aid the Board in evaluating the mortgagee. Such additional requirements may include supervision of the mortgagee's activities by HUD/FHA, periodic reporting to HUD, or submission to HUD/FHA of internal audits, audits by an Independent Public Accountant or other audits. If the Board determines that a mortgagee has failed to comply with the terms of a probation or otherwise violates HUD/FHA requirements, the Board may take any other administrative action the Board determines appropriate.

(c) *Suspension.*—(1) *General:* The Board may issue an order suspending a mortgagee's approval temporarily if there exists adequate evidence of violation(s) under § 25.9 such that continuation of mortgagee approval pending completion of any audit, investigation or other review, or such administrative or legal proceedings as may ensue, would not be in the public interest or in the best interests of the Department. Suspension shall not be imposed based upon an unsupported accusation. In assessing whether adequate evidence exists for imposing a suspension, all available relevant facts should be considered including, but not limited to: (i) the amount of credible evidence available; (ii) the existence or absence of corroboration of important allegations; and (iii) inferences which may be drawn from the existence or absence of available facts.

(2) *Duration.* A suspension shall be for a specified period of time not to exceed one year. The Board may extend the suspension for an additional six months if it determines the extension is in the public interest. These time limits may be waived by the mortgagee.

(3) *Effect.* During the period of suspension, HUD/FHA will not commit to insure any mortgage originated by the suspended mortgagee. The Board may limit the geographical extent of the suspension, or limit its scope to either the single family or multifamily activities of the suspended mortgagee.

(4) *Effective date.* Suspensions shall be effective upon receipt of notice by the mortgagee unless otherwise specified by the Board.

(d) *Withdrawal.* (1) The Board may issue an order withdrawing the HUD/FHA approval of a mortgagee.

(2) *Duration.* A withdrawal shall be for a reasonable, specified period of time commensurate with the seriousness of the ground(s) for withdrawal, generally not to exceed six years. A withdrawal may be for an indefinite period for egregious or willful violations by the mortgagee.

(3) *Effect.* (i) During the period of withdrawal, HUD/FHA will not commit to insure any mortgage originated by the withdrawal mortgagee. The Board may limit the geographical extent of the withdrawal, or limit its scope to either the single family or multifamily activities of the withdrawn mortgagee.

(ii) Upon expiration of a period of withdrawal, the mortgagee may file a new application for approval with the Secretary under 24 CFR Part 203.

(iii) Where a withdrawal is for an indefinite period, the mortgagee, at the expiration of six years and then no more than one time during each following year, may file with the Board a written request to set a date certain for expiration of the withdrawal. The decision to grant or deny the request is solely within the discretion of the Board.

(4) *Effective date of withdrawal.* The withdrawal of a mortgagee's approval shall be effective: (i) Upon receipt of notice by the mortgagee if the Board determines that continuation of mortgagee approval pending a hearing under § 25.8 would not be in the public interest or in the best interests of the Department;

(ii) At the expiration of the 30 day period specified in § 25.8 if the mortgagee has not requested a hearing; or

(iii) Upon receipt of a final determination under Part 26.

(e) *Settlements.* The Board may at any time enter into a settlement agreement with a mortgagee to resolve any outstanding grounds for administrative action. Agreements may include provisions for: cessation of any violation; correction or mitigation of the effects of any violation; repayment of sums of money wrongfully or incorrectly paid to the mortgagee by a mortgagor, by a seller or by HUD/FHA; actions to collect sums of money wrongfully or incorrectly paid by the mortgagee to a third party; indemnification of HUD/FHA for mortgage insurance claims on mortgages originated in violation of HUD/FHA requirements; or implementation of a quality control plan or other corrective measures acceptable to the Board. Failure of a mortgagee to comply with a settlement agreement may result in suspension or withdrawal.

§ 25.6 Notice of possible violation.

Except as provided below, the Chairperson of the Board, or the Chairperson's designee, shall issue a written notice to the mortgagee at least thirty days prior to consideration of any matter by the Board, where there is a possibility of probation or withdrawal.

The Notice shall inform the mortgagee that the Board is considering an administrative action, shall state the specific violations which have been alleged, and shall direct that the mortgagee reply in writing to the Board within a reasonable period of time but not less than fifteen days after receipt of the notice by the mortgagee. If the mortgagee fails to reply, the Board may make a determination without considering the mortgagee's comments. The Notice shall not be required where the Board has made a determination as set forth in 25.5(d)(4)(i).

§ 25.7 Notice of Administrative action.

Whenever the Mortgagee Review Board takes an administrative action against a mortgagee, the Chairperson of the Board of the designee of the Chairperson shall notify the mortgagee by certified mail of the determination. The notice shall describe the nature and duration of the administrative action and shall state the specific reasons for the action. The notice shall inform the mortgagee of any right to a hearing pursuant to Part 26 and the manner and time in which to request such hearing, as required by § 25.8. The notice shall be served in accordance with 24 CFR 26.15. Notice shall be considered to have been received by the addressee, if sent certified mail, return receipt requested, to the addressee's last known address. A supplemental notice may be issued in the discretion of the Board to add to or modify the reasons for the action.

§ 25.8 Hearings and hearing request.

(a) *Hearing Request.* In the case of a probation, suspension or withdrawal action, a mortgagee is entitled to request a hearing before a Hearing Officer to challenge the action.

(b) *Procedural Rules.* Hearings to challenge a probation, suspension or withdrawal action shall be conducted according to the applicable rules of Part 26. Where the Board has determined that a probation, suspension, or withdrawal action shall become effective prior to a hearing, the mortgagee shall be entitled to a hearing within thirty days after the Department receives the mortgagee's request. This period may be extended at the request or with the agreement of the mortgagee.

(c) *Procedure for request.* The request for hearing shall be made in writing within thirty days of receipt of the notice of probation, suspension or withdrawal. The request shall be filed in accordance with 24 CFR 26.15, addressed to the Mortgagee Review Board Docket Clerk, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Failure to request a hearing within the thirty days shall be a waiver of the mortgagee's opportunity for hearing and a waiver of its right to contest the probation, suspension or withdrawal, which shall then become final.

§ 25.9 Grounds for an administrative action.

One or more of the following violations may result in administrative action by the Board under § 25.5. The Board will consider, among other factors, the seriousness and extent of the infractions, the degree of mortgagee responsibility for the occurrences and any mitigating factors, in determining which sanction, if any, is appropriate. Any administrative action under § 25.5 shall be based upon one or more of the following grounds:

(a) The transfer of an insured mortgage to a non-approved mortgagee, except pursuant to 24 CFR 203.433 or 203.435;

(b) The failure of a nonsupervised mortgagee to segregate all escrow funds received from mortgagors on account of ground rents, taxes, assessments and insurance premiums, or failure to deposit these funds in a special account with a financial institution whose accounts are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation or by the National Credit Union Administration except as otherwise provided in writing;

(c) The use of escrow funds for any purpose other than that for which they were received;

(d) The termination of a mortgagee's supervision by a governmental agency;

(e) The failure of a nonsupervised mortgagee to submit the required annual audit report of its financial condition prepared in accordance with instructions issued by the Secretary within 75 days of the close of its fiscal year or such longer period as the Assistant Secretary for Housing—Federal Housing Commissioner may authorize in writing prior to the expiration of the 75 days;

(f) The payment by a mortgagee of a referral fee to any person or organization; or payment of any thing of value, directly or indirectly, in connection with any insured mortgage transaction or transactions to any person, including but not limited to an attorney, escrow agent, title company, consultant, mortgage broker, seller, builder or real estate agent, if that person has received any other compensation from the mortgagor, the seller, the builder or any other person for services related to such transactions or from or related to the purchase or sale of the mortgaged property, except compensation paid for the actual performance of such services as may be approved by the Assistant Secretary for Housing—Federal Housing Commissioner;

(g) Failure to comply with any agreement, certification, undertaking, or condition of approval listed on either a mortgagee's application for approval or on an approved mortgagee's Branch Office notification;

(h) Failure of an approved mortgagee to meet or maintain the net worth in assets required by 24 CFR Part 203;

(i) Failure or refusal of an approved mortgagee to comply with an order of the Mortgagee Review Board, the Secretary or hearing officer under this part;

(j) Violation of the requirements of any contract with the Department, or violation of the requirements set forth in any statute, regulation, handbook, mortgagee letter, or other written rule or instruction;

(k) Submission of false information to HUD in connection with any HUD/FHA insured mortgage transaction;

(l) Failure of mortgagee to respond to inquiries from the Mortgage Review Board;

(m) Indictment or conviction of a mortgagee or any of its officers, directors, prinicipals or employees for an offense which reflects upon the responsibility, integrity, or ability of the mortgagee to participate in HUD/FHA programs as an approved mortgagee;

(n) Employing or retaining an officer, director, principal or employee who is suspended or debarred under 24 CFR Part 24 where it was known that the individual was on the Department's Consolidated List of parties subject to administrative sanctions;

(o) Violation by an approved mortgagee of the nondiscrimination requirements of the Equal Credit Opportunity Act, 15 U.S.C. 1691–1691f, Title VIII of the Civil Rights Act of 1968 (Fair Housing Act, 42 U.S.C. 3601–3619), Executive Order 11063 (27 FR 11527) and all regulations issued pursuant thereto;

(p) Business practices which do not conform to generally accepted practices of prudent lenders or which demonstrate irresponsibility;

(q) Failure to cooperate with an audit or investigation by the Department's Office of Inspector General or an inquiry by HUD/FHA into the conduct of the mortgagee's HUD/FHA insured business or any other failure to provide information to the Secretary or a representative related to the conduct of the mortgagee's HUD/FHA business;

(r) Violation by an approved mortgagee of the requirements or prohibitions of the Real Estate Settlement Procedures Act, 12 U.S.C. 2601–2617;

(s) Without regard to the date of insurance of the mortgage, failure to service an insured mortgage in accordance with the regulations and any other requirements of the Secretary which are in effect at the time the act or omission occurs;

(t) Failure to administer properly an assistance payment contract under Section 235 of the National Housing Act;

(u) Failure to pay the application and annual fees required by 24 CFR 203.2(a)(11).

(v) The failure of a coinsuring mortgagee:

(1) properly to perform underwriting, servicing or property disposition functions in accordance with instructions and standards issued by the Commissioner;

(2) to make full payment to an investing mortgagee as required by 24 CFR Part 204;

(3) to discharge responsibilities under a contract for coinsurance;

(4) to comply with restrictions concerning the transfer of a coinsured mortgage to an agency not approved under 24 CFR Part 250;

(5) to maintain additional net worth requirements, as applicable.

(w) Any other reasons the Board, Secretary or Hearing Officer, as appropriate, determine to be so serious as to justify an administrative action.

Authority: Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), and Section 211 of the National Housing Act of 1934, 12 U.S.C. 1715b.

Dated: September 1, 1983.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 83-24968 Filed 9-8-83; 8:45 am]

BILLING CODE 4210-01-M

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 207

[Docket No. R-83-1092]

Multifamily Housing Mortgage Insurance; Amendments to Part 207 Concerning Mobile Home Parks Insured Under the National Housing Act

AGENCY: Department of Housing and Urban Development, Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Final rule.

SUMMARY: This rule partially implements section 308(c)(1) of the Housing and Community Development Act of 1980 which replaces the term "mobile home", whenever it appears in the National Housing Act, with the term "manufactured home". It also implements section 338(b) of the Housing and Community Development Amendments of 1981 which increases from $8,000 to $9,000 per space the maximum mortgage limit for manufactured home parks insured under the Section 207 multifamily housing mortgage insurance program.

EFFECTIVE DATE: October 11, 1983.

FOR FURTHER INFORMATION CONTACT: April LeClair, Office of Multifamily Development, Development Division, Room 6116, 451 Seventh Street SW., Washington, D.C. 20410, telephone (202) 755-9280. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: Section 308(c)(1) of the Housing and Community Development Act of 1980 amended the National Housing Act to replace, wherever it appears in the Act, the term "mobile home(s)" with the term "manufactured home(s)". Section 338(b) of the Housing and Community Development Amendments of 1981 increased the maximum mortgage limit from $8,000 to $9,000 per space for manufactured home parks insured under Section 207 of the National Housing Act.

The rule amends 24 CFR 207.33 to implement these statutory requirements. The change in name from "mobile home(s)" to "manufactured home(s)" to conform with the statutory terminology is ministerial in nature and does not involve the exercise of a policy judgment by this Department. Also, it will make the regulation consistent with current industry terminology. The increase in per-space maximum mortgage limits reflects clear Congressional policy and is certainly more indicative of the current costs of development than the existing $8,000 limit. Therefore, the Secretary has determined that advance publication, notice and public comment procedures are unnecessary and would be contrary to the public interest and that good cause exists for making these amendments effective as soon as possible.

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

This rule was listed as item H-25-82 under the Office of Housing in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48432) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations 24 CFR Part 50, which implements Section 102(2)(c) of the National Environmental Policy Act of 1969. A copy of this Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule will, if anything, increase the chances of a finding of feasibility on manufactured home park projects which involve small entities.

The Catalog of Federal Domestic Assistance Programs number is 14.134.

List of Subjects in 24 CFR Part 207

Mortgage insurance, Rental housing, Mobile home parks.

PART 207—[AMENDED]

Accordingly, 24 CFR is amended by revising § 207.33 as follows:

1. 24 CFR 207.33 is amended by removing the words "mobile home" and "mobile homes" and substituting in lieu thereof the words "manufactured home" and "manufactured homes," respectively in the section heading and in the following places in the text:

(a) 24 CFR 207.33(a).
(b) 24 CFR 207.33(b).
(c) 24 CFR 207.33(c).
(d) 24 CFR 207.33(f).
(e) 24 CFR 207.33(h).

2. By revising paragraph (b) introductory text and (b)(1) of § 207.33 to read as follows:

§ 207.33 Eligibility of mortgages on manufactured home courts and parks.

* * * * *

(b) A mortgage on a manufactured home park may involve a principal obligation in an amount to be determined as follows:

(1) An amount not exceeding the lesser of $9,000 per space (as defined by the Commissioner), or 90 percent of the estimated value of the property after the improvements are completed.

* * * * *

Authority: Section 207 of the National Housing Act (12 U.S.C. 1713); Section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: September 1, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-24869 Filed 9-8-83; 8:45 am]
BILLING CODE 4210-27-M

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24 CFR Part 235

[Docket No. R-83-916]

Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation; Mortgage Insurance and Assistance Payments for Lower Income Families

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

ACTION: Final rule.

SUMMARY: This rule makes final the interim rule published on May 27, 1981 at 46 FR 28401, which implemented a provision of the Housing and Community Development Act of 1980 requiring the recapture of assistance payments made on behalf of lower income families under the Section 235 program. This rule also contains the revision to the interim rule made by the final rule published on December 3, 1982 at 47 FR 54430, which implemented a provision of the Housing and Community Development Amendments of 1981 removing the 90-day default trigger for the recapture of assistance payments. In addition, the rule makes a technical amendment clarifying what conditions may trigger recapture.

EFFECTIVE DATE: October 11, 1983.

FOR FURTHER INFORMATION CONTACT: Richard B. Buchheit Director, Single Family Servicing Division, Office of Single Family Housing, Room 9180, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 755-6672. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Section 206(b) of the Housing and Community Development Act of 1980 amended section 235 of the National Housing Act by adding a new paragraph (c)(2) requiring the recapture, in certain circumstances, of all or a portion of the assistance payments made on behalf of lower income families who have insured financing under section 235. This change was implemented by HUD in an interim rule, published on May 27, 1981 at 46 FR 28401, which amended 24 CFR Part 235 to add a new § 235.12.

Section 328(a) of the Housing and Community Development Amendments of 1981 amended section 235(c)(2) of the Act to remove one of the circumstances triggering recapture—where the mortgagor ceased to make payments on the mortgage for a period of 90 continuous days. HUD implemented this change in a final rule amending § 235.12, published on December 3, 1982 at 47 FR 54430.

Response to Public Comments

The interim rule invited public comments for a 60-day period. In response, HUD received six comments. Two of these comments were from mortgage companies, two from municipal development departments and one each from a municipal development legal office and a construction company. The comments, as well as HUD's responses to them, are discussed below.

Increased Costs for Mortgagors and Owners

Most of the six commenters were concerned that the interim rule would significantly increase the costs of participating in the Section 235 assistance program. In general, they argued that those increased costs would discourage many low-income families from participating in the program and would prevent those who do participate from accumulating equity in their property. Both effects would contravene the purpose of the program, which is to move low-income families into the unassisted homebuying market. These commenters cited several specific provisions of the rule as being particularly burdensome.

First, several commenters objected to HUD's requirement that the entire amount of Section 235 assistance that may be provided must constitute a second lien on the property. These commenters argued that the second mortgage (which, as specified in HUD Handbooks, could exceed a total of $113,000—an amount two and a half times greater than the maximum original loan) is excessive and will discourage participation in the program by many lower income families. They maintain that HUD need not require such a large lien and that the Department could ensure the recapture of most assistance with a much smaller second lien.

In order to comply with the 1980 law, the Department has no other option than to impose a lien for the total assistance that may be provided under the Section 235 program. That law requires HUD to recapture either the total amount of assistance or 50% of the net appreciation of the property, whichever is less. Since it is impossible to know in advance either how much a property will appreciate or how much assistance the Department will eventually provide, HUD must be prepared to recapture the maximum possible amount required by law. In this case, that means the maximum amount of assistance the Department may provide over the 30-year term. Requiring a smaller lien which would guarantee recapture in most cases, as suggested by one commenter, is not adequate: to comply with the law, HUD must be able to recapture all of the assistance in all of the cases. It should be noted, however, that because HUD will rarely provide the maximum possible amount of assistance, and the amount recaptured is the lesser of two factors, very few families (if any) will be required to repay the full lien amount. Thus, the actual burden imposed by the rule will not be as significant as it might appear.

A second objection raised by some commenters was that, because of local tax structures and recapture agreements already effective in some local programs, this interim rule could impose severe cost increases on Section 235 participants in some areas. For example, one commenter noted that some local programs already require the recapture of significant amounts of assistance and that HUD's recapture rule, when applied in conjunction with these local provisions, could result in a mortgagor having to repay more than 100% of his or her net gain, thus contravening the purpose of the program. Another commenter pointed out that, in areas where taxes are levied as a percentage of a mortgage, local mortgage taxes would be increased by these provisions.

HUD recognizes that this rule may impose cost increases upon program participants in areas subject to taxes and recapture provisions of the type discussed in these comments. However, HUD is not free to adjust the amount of recapture in response to these conditions. The statute is clear and mandatory. Local governments and agencies may wish to adjust their programs, as appropriate, to take account of this requirement.

A third comment regarding increased program costs for mortgagors expressed concern that this interim rule would increase legal costs for closings because such legal fees are sometimes calculated as a percentage of the amount of the lien. The commenter pointed to Puerto Rico as one area where this could occur.

HUD is aware of this potential problem; however it can be handled by local HUD field offices, which may establish maximum reasonable legal costs of use in conjunction with the recapture provisions. Field Office directors are authorized to establish a schedule of "reasonable and customary fees and charges" under 24 CFR Section 203.27, which is made applicable to Part 235 by § 235.1. Legal fee limits have been established under this provision in Puerto Rico and in other areas where the problem has arisen, and HUD expects that the procedure will obviate this difficulty.

Finally, one commenter argued that, because of tight housing markets in some areas of the country, the debt caused by the second lien will not be reflected in the purchase price of homes and will be passed on to new homeowners. By adding the costs of the second lien onto the cost of the home, without any compensatory adjustment in the latter, this provision could increase housing costs significantly.

HUD does not agree that this constitutes a significant drawback to the rule. Only an assumptor, that is, one eligible for Section 235 assistance, could have this problem; disposition of the property to a purchaser not qualified to receive Section 235 assistance would trigger the recapture. Furthermore, the recapture is required by law, and it is beyond HUD's control that some families may purchase encumbered property without making provisions for the Secretary's recapture lien.

In sum, the Department does not agree that this rule will necessarily result in unreasonable cost increases for participants in the Section 235 program. Those cost increases which do result from the rule are largely the result of HUD's compliance with the statutory provision and cannot be avoided.

General Negative Impact on Mortgagors and Homebuyers

A frequently offered comment was that the interim rule would have pernicious, long-term secondary effects upon mortgagors, and that these secondary effects would result in a variety of difficulties for mortgagors and communities.

One commenter argued that the interim rule fails to protect the homebuyer against inflation. Under the interim rule, a mortgagor will have to repay to the Federal government a significant amount of the net gain on the property; thus, the final profit is unlikely to compensate for inflation and the owner will not be able to build up any real equity in the property. To prevent this, the commenter suggested that HUD establish an inflation factor exempting from recapture any increase in property value which is less than the rate of inflation.

HUD recognizes that, to a certain extent, this comment may be valid; however, the Department cannot alter the rule to account for inflation. Such a change would violate the requirement of the 1980 statute that the recapture equal the lesser of either all of the Section 235 assistance actually provided or 50% of the property's net appreciation.

A second commenter noted that, because the total amount of assistance grows larger over time, mortgagors may be encouraged to sell out quickly to avoid repayment of a larger subsidy. The commenter suggested that HUD could discourage this practice by recapturing assistance only from those who sell their property to non-eligible buyers within a short time.

As with the preceding suggestion, HUD is unable to make adjustments in the amount of recapture regardless of the purpose of the adjustments.

Another commenter observed that the recapture provisions are regressive and hit hardest at the poor. Because they receive the largest subsidies, the poor must pay back the largest amounts of recapture. The commenter argues that this is unfair.

HUD agrees with the observation that the recapture provision may sometimes have a regressive effect. However, this is a consequence of the statutory requirement, and will not diminish the program's effectiveness in meeting the program goals of assisting low- and moderate-income families to own their homes. Furthermore, it is not necessarily true that families receiving the largest subsidy will pay the largest amount of recapture, because the property value at the time of recapture may limit the amount recaptured.

A fourth commenter argued that the mortgagor assumes the full risk for any decline in property values, but is allowed to profit from only half of the appreciation. Thus, the potential benefits of purchasing a home in depressed urban areas will not offset the risks of such a venture.

The assumption of risk is inherent in homebuying, while the recapture of assistance is statutorily mandated; HUD can do nothing about either. However, it should be noted that the rule does protect the homeowner from having to repay assistance on property which has

declined in value because there would be no appreciation on that property.

Finally, it was argued that the owner's knowledge that 50% of his or her net gain would be subject to recapture would serve as a disincentive to routine maintenance. To prevent this, the commenter suggested that HUD should allow the costs of routine maintenance to be deducted from net appreciation.

HUD disagrees with this comment for two reasons. First, the Department does not agree that the recapture will be a disincentive to routine maintenance. Absence of such maintenance can limit or detract from the value of the property, so owners can be expected to conduct routine maintenance, if only to safeguard their investment. Secondly, and more importantly, HUD is not free to make any adjustment in the recapture amount. Section 235(c)(2)(A) of the National Housing Act does permit a seller to deduct from the sale price of a house the reasonable costs of any improvements made to the property. However, routine maintenance is not considered an improvement because it does not raise the value of the property and thus does not increase the property's selling price. Therefore, HUD cannot give any kind of credit for routine maintenance and must collect recapture as required by the 1980 law.

Originator/Servicer Difficulties

A third issue which provoked numerous comments was the impact of this rule on those who originate and service mortgages. Most of these comments consisted of technical questions or suggestions.

One commenter did oppose the rule on these grounds. That commenter argued that the interim rule could create logistical and administrative difficulties by requiring the presence of HUD officials at all closings of Section 235 transactions. HUD does not believe that this comment necessitates any change in the rule. This concern is procedural, and since implementation of the rule in 1981, has not arisen as an obstacle. It does not constitute a significant regulatory issue.

The remaining comments on this subject consisted of specific technical questions on various issues, answered as follows:

Q. How will the loan originator be protected where it makes loans for HUD in States which require a license to originate second mortgages?

A. It is up to the mortgagee to ensure that it meets applicable State laws when acting as the Secretary's agent for the origination of mortgages insured and assisted under the Department's programs. To act as an Agent for the Secretary in the origination of second mortgages, the mortgagor must be in compliance with State licensing requirements.

Q. The servicer is often not informed of property transfers. When this occurs, what is the servicer's obligation?

A. The servicer has no legal obligation. The realtor, seller and buyer are responsible for protecting their own interests. If a first mortgage is assumed by a title transfer with or without the mortgagee's participation, the buyer will take title subject to all lien encumbrances, just as in any other real estate transaction. However, when a mortgagee learns of an assumption of a mortgage by a homeowner not qualified to receive assistance payments, the mortgagee, "shall immediately send a notification to the local HUD Field Office having a jurisdiction over the property." (See HUD Handbook 4330.1, Chapter 11.188.)

Q. Whose responsibility is: (a) Reviewing individual cases to determine whether the repayment at time of sale will be for the amount of assistance received or for 50% of appreciated value; (b) Verification of costs of sale and improvements when determining appreciation; and (c) Enforcement of recapture from the mortgagor?

A. These issues have been addressed in Handbook 4330.1 CHG. 1, dated August 1982, which states that local HUD Field Offices will calculate the amount of recapture, including calculating allowances for improvements and costs of sales, and will enforce recapture provisions.

Q. If a loan amortizes in full and the balance of the loan is zero, will assistance have to be repaid at that time?

A. The payoff of the first mortgage does not make the recapture provision effective. The second lien would assume first lien position, but recapture is only due (a) Upon sale of the property to a party ineligible for assistance, (b) When a property has been rented for more than 12 months, or (c) When the mortgagor requests satisfaction of the HUD lien.

Q. When a loan is sold to, or assumed by, a qualified mortgagor, and then the new mortgagor sells to an unqualified mortgagor, how much assistance will have to be repaid?

A. The statutory provision requires recapture of either all the assistance received on behalf of the mortgagor or mortgagors, or 50 percent of net appreciation in value at the time that recapture is due. The second owner may have to repay all assistance that he or she received and all assistance received by his or her predecessor if that figure is less than 50 percent of the net appreciation when recapture is occasioned by the sale to an unqualified mortgagor.

Q. If a delinquent mortgagor repays assistance and then reinstates, is the mortgagor entitled to recover the previously paid assistance?

A. This question is no longer relevant, since the statutory provision calling for recapture where a default has occurred for 90 continuous days was deleted by the Housing and Community Development Amendments of 1981 and the final rule reflects this change.

Q. Section 235.12(a)(2), reading "Has rented the property for more than one year," should be expanded to say "Has rented property for up to one year."

A. The statutory provision states that recapture is triggered when the property has been rented for more than one year. The Department is without authority to change this provision.

Effective Date Objections

The final provision of the rule which provoked comment was the effective date. Several commenters objected to the immediate implementation of the rule as unfair to those home buyers who had begun, but not yet completed, purchase negotiations for Section 235-assisted homes in the belief that Section 235 did not require any recapture of assistance. Others argued that it was unfair to the contractors who had begun developing property aimed at buyers using Section 235 assistance but who would not now be able to sell to that market. All of those who commented on this provision recommended that HUD delay the implementation of the rule to allow those affected by it to adjust their plans.

HUD has decided to retain the original effective date. The statute exempted from the recapture provision all commitments issued within 6 months following enactment of the law, and the May 27, 1981 effective date complied with that provision. HUD therefore has decided not to change the effective date of the rule.

For the reasons outlined above, this rule has not been changed in response to public comments.

Technical Amendment

The Department has decided to make one minor, technical amendment to § 235.12(a)(2). This change is intended only to clarify that recapture may be triggered by rental of the owner's unit in a two- to four-family property. That provision is part of the 1980 law and the Department wishes to make it clear that it is included in § 235.12(a)(2). No substantive change is intended.

In connection with this technical amendment, the Department would like to clarify the procedure by which we provide for the recapture of assistance when a mortgager rents a Section 235 property for more than one year. As soon as HUD determines that such a property has been rented for more than one year, the appropriate HUD Field Office both calculates the amount of recapture due and determines whether recapture will be deferred or required immediately. In almost all cases, because mortgagors do not possess the financial resources to repay the assistance immediately, the Department defers recapture until the mortgagor either requests satisfaction of the Secretary's recapture lien, or disposes of the property. When either of those events occurs, the Department recalculates the amount of recapture to include the original recapture amount, plus interest, and requires payment of that amount. (Procedures for implementing the recapture laws and regulations are contained in Chapter 11 of HUD Handbook 4330.1, titled "Administration of Insured Home Mortgages".)

Findings and Certifications

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

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 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 certifies that this final rule does not have a significant economic impact on a substantial number of small entities because individual mortgagors under the § 235 program, which are the ones primarily affected by the rule, are not considered small entities, and because the responsibilities and duties imposed on originators and servicers are very limited.

This rule was listed as Item H–5–81 under the Office of Housing in the Department's Semiannual Agenda of Regulations published on April 25, 1983 pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Section 235 Program is listed as program number 14.105, Interest Reduction—Homes for Lower Income Families, in the Catalog of Federal Domestic Assistance Programs.

List of Subjects in 24 CFR Part 235

Condominiums, Cooperatives, Low and moderate income housing, Mortgage insurance, Homeownership, Grant programs—housing and community development.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOMEOWNERSHIP AND PROJECT REHABILITATION

Accordingly, the interim amendment to 24 CFR Part 235, published on May 27, 1981 (46 FR 28401), is adopted as final, subject to the changes in the final rule published on December 3, 1982 (47 FR 54430) and to a technical amendment at § 235.12(a)(2), as set forth below. Section 235.12 is revised to read as follows:

§ 235.12 Recapture of assistance payments.

(a) With respect to any mortgage insured under this part pursuant to a firm commitment issued on or after May 27, 1981, the mortgagor shall repay to the Secretary any assistance received under this part in the amount provided in paragraph (b) of this section when the mortgagor:

(1) Disposes of the property or a homeowner not qualified to receive assistance payments, or

(2) Has rented the property (or rented the owner's unit in the case of a two- to four-family property) for more than one year, or

(3) Requests a release of the Secretary's lien on the property.

(b) The amount of assistance to be repaid by the mortgagor shall be the lesser of the amount of assistance actually received under this part (other than handling charges) or 50 percent of the net appreciation of the property.

(c) The term "net appreciation of the property" as used in this section means any increase in the value of the property over the purchase price, as of the time the mortgage is accepted for insurance, less the reasonable costs of sale and the reasonable costs of improvements made to the property.

(d) The mortgagor shall execute such documents as the Secretary shall require to assure repayment to the Secretary of the amounts provided in this paragraph.

Authority: Sec. 211, 235, National Housing Act (12 U.S.C. 1715b, 1715z); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: September 1, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83–24670 Filed 9–8–83; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 11–85–83]

Establishment of Special Local Regulations for the "Miller High Life Thunderboat Regatta"

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Miller High Life Thunderboat Regatta, a unlimited hydroplane race in Mission Bay, to be held on 15 thru 18 September 1983. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 15 September 1983 at 9:00 a.m. and terminate on 18 September 1983 at 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: LTJG J. N. Arroyo, Commander(bb), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590–2331.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and was impracticable as they are being made effective in less than 30 days from the date of publication. Following normal rule making procedures would have been impracticable. The application to hold the event was not received until 18 May 1983, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The principal individuals involved in drafting this rule are CDR T. A. Welch, Chief, Boating Safety Division, Eleventh Coast Guard District, and Lt. Joseph R. McFaul, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Regulations

Thunderboats Unlimited of San Diego, Inc. "Thunderboat Regatta" will be conducted in Mission Bay San Diego beginning 15 September 1983, starting west of Fiesta Island. This event will have 20 unlimited hydroplanes that could pose hazards to navigation. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area can be open periodically for the passage of commercial and recreational vessels.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Final Regulations: In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35–11–85 to read as follows:

§ 100.35–11–85 Thunderboats Unlimited/ Thunderboat Regatta.

(a) *Regulated area:* The following regulated area will be closed intermittently to all vessel traffic from 9:00 a.m. to 5:00 p.m. on 15 thru 18 September 1983, for the subject race, bounded by the following coordinates:

That enclosed portion of Fiesta Bay, Mission Bay, CA starting at 32°27'32" N 117°13" W, thence due west to 117°13'25" W, thence along the eastern shoreline of Crown Point to the Vacation Isle Bridge thence south along the bridge to Vacation Isle, thence along the eastern shoreline of Vacation Isle to 32°46'18" N 117°14'01" W, thence southeasterly to 32°46'14" N 117°13'43" W, thence along the western shoreline of Fiesta Isle to 32°47'20" N 117°13" W, thence due north to the starting point.

(b) *Special Local Regulations:*

(1) No person or vessel may enter or remain in the regulated area unless participating in the event or authorized by the sponsor of the event to do so.

(2) Procedures for Transiting: The regulated area will be opened every hour on the hour or after each heat or race for a minimum of ten (10) minutes for the safe transit of non-participant water craft.

(3) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: August 30, 1983.

F. P. Schubert,

Rear Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. 83–24695 Filed 9–8–83; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD3–83–50]

Special Local Regulations; South Bay Marathon, Great South Bay, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the South Bay Marathon. This power boat race will be held in the Great South Bay, near Brookhaven, New York on September 10, 1983. This regulation is needed to provide for the safety of participants and spectators on navigable waters during the event.

EFFECTIVE DATE: This regulation becomes effective on September 10, 1983 at 11:30 a.m. and terminates the same day at 3:30 p.m. No rain date has been approved for this event.

FOR FURTHER INFORMATION CONTACT: LTJG D. R. Cilley, (212) 668–7974.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for this regulation and it is being made effective in less than 30 days from the date of publication. Following normal rule making procedures would have been impracticable. Supporting documentation was not received with sufficient time remaining to publish proposed rules in advance of event or to provide for a delayed effective date.

Drafting Information: The drafters of this regulation are LTJG D. R. Cilley, Project Officer, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulations: The South Bay Marathon is sponsored by the South Bay Performance Association of East Patchogue, New York. This power boat race will be held in the Great South Bay on September 10, 1983. This event is well known to the boaters and residents alike in this area. The race will be held within the area around Patchogue Bay, west to Blue Point and east to Bellport. It will consist of both a warm up session from 1:00 p.m. to 2:00 p.m. followed by a single race lasting about one hour. Approximately 30–45 production performance class power boats will race four (4) times around a 12 and one half mile triangular course at speeds in excess of 60 mph for a total distance of nearly 52 miles. The course will be marked by patrol craft and a line of helium filled weather balloons. East/ west traffic through the Great South Bay will be allowed during the event near the shoreline. Ferry traffic will be allowed to pass at the direction of the Coast Guard Patrol Commander. A large spectator fleet is expected to watch this race. The Coast Guard in conjunction with vessels provided by the sponsor and local authorities will set up a large safety patrol. In order to provide for the safety of participants and spectators, the Coast Guard will restrict vessel movement within the regulated area during the event.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Regulations: In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35–311 to read as follows:

§ 100.35–311 South Bay Marathon, Great South Bay, Brookhaven, New York.

(a) *Effective Date:* This regulation shall be effective from 11:30 a.m. to 3:30 p.m. on September 10, 1983. No rain date has been approved for this event.

(b) *Regulated Area:* That section of the Great South Bay bounded by longitude 73°04' on the west and longitude 72°56' on the east.

(c) *Special Local Regulations:* (1) the approximate boundaries of the triangular race course area within the regulated area will be marked by the following three corner coordinates: 40°44'00"N, 72°56'20"W; 40°44'10"N, 73°01'00"W; and 40°42'35"N, 73°02'50"W. This area shall be marked by helium balloons provided by the sponsor, anchored at half mile intervals around the race course. Patrol craft will be spaced between these balloons. No person or vessel shall enter or remain within this area unless participating in the event or authorized by the sponsor or Coast Guard Patrol personnel.

(2) All race participants shall remain within the race course area described in

paragraph (c)(1) of this section. Any participant going outside this area into the spectator areas shall be immediately disqualified by the event sponsor unless the vessel is down off plane, at a slow speed before entering the spectator area.

(3) The sponsor shall provide approximately 15 vessels to assist in marking the race course and patrolling the event. Each patrol vessel shall have an orange flag displayed conspicuously as a means of identification.

(4) The sponsor shall ensure that at a minimum the 3 check point (corner) boats have VHF-FM marine radios capable of communications with the Coast Guard. Each of these vessels shall have a black and a red flag to be used to communicate a stop or cancel command to race participants.

(5) Ferry traffic shall be given an opportunity to pass through the regulated area at times designated by the Coast Guard Patrol Commander.

(6) All persons or vessels not registered with sponsor as participants or not part of the regatta patrol are considered spectators. Spectator vessels shall be anchored outside the race course in such a way that will allow passage through the regulated area by transiting vessels.

(7) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

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

Dated: August 29 1983.

W. E. Caldwell,

Vice Admiral, Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 83-24692 Filed 9-8-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 181

[CGD 79-013]

Identification, Boat Hull Numbers

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the regulations concerning boat hull identification numbers in Subpart C of Part 181. During past recall campaigns, altered or removed hull identification numbers reduced the effectiveness of the recall causing an adverse impact on boating safety. These amendments make alteration or removal of the hull identification number (HIN) more difficult and require the placement of an additional HIN which will enable identification of the boat even if the primary HIN is altered or removed. These amendments also clarify certain ambiguities in the hull identification number regulations. These changes will ensure that a manufacturer responsible for repairing a defective or noncomplying boat can be identified and that each boat remains uniquely identified with the number assigned by its manufacturer.

EFFECTIVE DATE: These regulations are effective August 1, 1984.

FOR FURTHER INFORMATION CONTACT: LCDR Calvin F. Perkins, Jr., Office of Boating, Public, and Consumer Affairs (G-BBS/43), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 (202) 426-1065, between 8 am and 4 pm Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: The Coast Guard published a notice of proposed rulemaking in the **Federal Register** on December 29, 1980 (45 FR 85476). Interested persons were invited to participate in this proposed rulemaking by submitting relevant comments. All of the comments received were carefully considered. The National Boating Safety Advisory Council was consulted and its opinions and advice have been considered in the formulation of these amendments. The transcripts of the proceedings of the National Boating Safety Advisory Council at which this proposed rule was discussed are available for examination in Room 4304, U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, D.C. The minutes of the meetings are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BBS), U.S. Coast Guard, Washington, D.C. 20593.

Since the Hull Identification Number (HIN) regulation became effective in 1972, the Coast Guard has evaluated its usefulness in other areas. The Coast Guard uses the HIN in notification campaigns for defects which create a substantial risk of personal injury to the public and for failures to meet required recreational boating safety standards. The HIN also provides a positive identification of lost and stolen boats. Other law enforcement groups and state agencies have adopted the HIN for titling, registration, accident investigation, and insurance. Since 1972, certain problems have been identified. This amendment seeks to solve them by: (1) Restricting assignment and use of manufacturer identifications to those persons who have defect notification accountability. (2) Allowing only one method of indicating the date of certification or manufacture in the HIN; (3) Establishing measures to make alteration or removal of an HIN difficult; (4) Requiring an additional means of identification; and (5) Resolving miscellaneous ambiguities in the regulation which have led to confusion and accidental noncompliance.

For the purposes of enforcement of the Federal Boat Safety Act of 1971 (Pub. L. 92-75) and regulations and standards issued thereunder, the U.S. importer of a boat is considered the "manufacturer" of that boat. The HIN regulations issued in November 1972, did not make it clear whether the foreign manufacturer or the U.S. importer must apply for the manufacturer identification code. As a result, § 181.31 is revised to require the HIN to contain the manufacturer identification code of the U.S. importer. Under the new HIN regulations, a foreign manufacturer wishing to export its recreational boats to the U.S. will be able to do so only by securing an importer within the United States who will assume the responsibilities attendant with the Federal Boat Safety Act of 1971 and applicable regulations and standards issued thereunder.

The Coast Guard is also accepting other nations' hull identification number systems that meet the requirements of § 181.25. Those persons interested in the countries whose HIN's are currently accepted may write the Office of Boating, Public, and Consumer Affairs (G-BBS/43), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. The acceptance of another country's HIN means that the HIN format is compatible with the requirements of § 181.25. This acceptance applies to the HIN and does not in any way affect the requirements for imported boats to comply with the applicable U.S. Coast Guard safety standards and regulations.

Drafting Information

The principal persons involved in drafting these rules are LCDR Calvin F. Perkins, Jr., Project Manager, Office of Boating, Public, and Consumer Affairs and LT. Mark Hanlon, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Twenty six written comments were received. Revisions have been made to the final rule in accordance with the written comments and with opinions

expressed by members of the National Boating Safety Advisory Council at a meeting held in Washington, D.C., on 18 and 19 May, 1982. Comments received on the proposed amendments, and the changes made, are grouped according to the section to which they relate:

Section 181.24 Additional marking required.

Several commenters want to know if one additional marking is adequate, while others state that we could require three or more additional markings and a thief could still find them all. The Coast Guard disagrees. The Coast Guard considers the second additional marking adequate to identify the manufacturer that is responsible for complying with boating safety regulations.

Some commenters state that the location of the additional marking should be released only to law enforcement personnel or boat owners. The main purpose of the HIN is the identification of individual boats involved in recall campaigns. Any benefit to law enforcement is secondary.

Some commenters state that the additional number should be a duplicate of the HIN which would give the manufacturer's name. They also indicate that this additional number should be as permanent as the transom HIN. The Coast Guard agrees. These two recommendations are accepted.

One law enforcement official wants an additional HIN placed on the foredeck adjacent to the operators station to help speedily identify the boat. The transom number is very difficult to read when a boat is underway. The Coast Guard disagrees. The transom marking and the newly required duplicate marking are adequate for recall campaigns.

Other commenters state that the additional number should be concealed. The duplicate HIN should be placed in an unexposed and protected area, not necessarily a concealed one, because identification and not law enforcement is the intent of these regulations.

One label manufacturer states that the additional HIN should be required to have distinctive features that make it highly resistant to counterfeiting and alteration. He states that one way would be through the use of an optical system including unique markings visible only under retro-reflected light. This type of system is too complex and expensive. Manufacturers will be allowed to affix the HIN in any manner acceptable, including a permanent ink marker covered with resin.

Several manufacturers of inflatable boats want all inflatable boats to be exempt from the requirement to have a second HIN because of an inflatable's construction. The Coast Guard disagrees. Even the simplest of boats have a location, in addition to the transom area, for the second HIN.

Section 181.25 Hull identification number format.

Several comments from boat manufacturers, boat manufacturer associations and government agencies request that the model year be clearly marked on all HIN's. Model year is extremely important in the recreational boating field, particularly in those states which conduct title programs and levy sales taxes on boat sales. Model year also affects resale value.

Under past HIN regulations and the Notice of Proposed Rulemaking, § 181.25 allowed for two methods of indicating the date of manufacture in the last four characters of the 12 digit HIN. When these two formats were devised it was believed that the new model year would not commence prior to August and therefore the letter "A" was chosen to designate that month. Recently some manufacturers have begun their model years as early as April and therefore, the original HIN formats have proven impractical.

Under the past HIN regulations § 181.25(c) required that the last four characters in the HIN indicate the date of certification for boats subject to standards in Part 183. Thus, anyone reading the HIN could determine what standards the manufacturer certified that he complied with simply by knowing what standards were in effect prior to that date. For boats that were not subject to any standards in Part 183, the last four characters indicated the date of manufacture. The Coast Guard believes that manufacturers who have never used the concept of model year could simply repeat the year of certification as the model year. At the National Boating Safety Advisory Council (NBSAC) meeting in October 1981 a proposal for a single numbering system based on the month and year of manufacture as well as a clear indication of the model year was proposed. This format, introduced at the request of the recreational boating industry in agreement with State and Federal boating affairs officers, is the only HIN system allowed.

The new HIN format in § 181.25 remains at twelve characters with the first three characters being the manufacturer identification code (MIC). Characters four through eight continue as serial numbers assigned by the manufacturer. Characters nine and ten now indicate the month and year of certification, when certification is required. In all other cases, characters nine and ten indicate the date of manufacture. Character nine is the month of manufacture using letters of the English alphabet starting with January as "A" and ending with December as "L". Character ten is the last digit of the year of manufacture.

Characters eleven and twelve indicate the model year using the last two numbers of the model year such as "82" for 1982 and "83" for 1983.

In other comments on the HIN format, one commenter states that more than one importer of a certain line of boats ought to be allowed to use the same MIC. This comment is not accepted. The Coast Guard must have a single entity to whom we may direct the responsibility for defect notification.

Another commenter wants more than twelve characters in the HIN which would show length, boat type, etc. Present State and Federal data systems, however, cannot handle more than twelve digits.

One commenter recommends that the letter "X" be used instead of the certification date in boats that do not presently require a certification date. This comment is not accepted. This method would not allow a consumer or titling agency to determine the date of manufacture or model year.

One commenter recommends that a manufacturer be prohibited from re-assigning the first eight characters of the HIN. However, the proposal is not being changed. § 181.23(c) prohibits the assignment of the same twelve digit number to more one boat. This uniqueness can always be achieved using the last four characters in the HIN, which indicate month of manufacture and model year. The regulations give a manufacturer more flexibility by permitting him to repeat the serial number (characters four through eight) on a monthly basis. This allows the manufacturer to use more of the available characters within the serial numbers to indicate model, size and options.

Section 181.27 Information displayed near hull identification number.

One commenter requests a requirement for a border around the HIN to make it more prominent. Historically, most manufacturers did not place additional information near the HIN. The new requirement to keep any additional information that is affixed within two inches of the HIN separated by means of borders or labeling should be sufficient.

Several commenters desired the ability to display additional information

in the HIN with a hyphen to separate from any following information. The Coast Guard disagrees. Additional information may be displayed near the HIN, but must be separated from the HIN. Since a character as small as ¼" may be used, the hyphen does not provide adequate separation.

One commenter states that it would be too costly to border the information. He also favors a one inch separation instead of two inches. There is no requirement in the regulations to place additional information after the HIN, so if a manufacturer chooses to do so, he must bear any expense incurred. The two inch separation is the minimum separation the Coast Guard considers sufficient to ensure a clear recognition of the HIN.

One commenter recommends borders except when placing information below the HIN. The model year below the HIN for example. This comment is also not accepted. The two inch rule and border is considered to be less confusing.

Section 181.29 Hull identification number display.

One commenter states that to require HIN's to be mounted on the starboard side of the transom generates no benefit. He also states that the current requirement to mount the HIN on the outboard side of the transom creates no confusion, makes it easy to locate, and allows manufacturers to place the HIN out of the way of obstructions. The commenter also states that by requiring the HIN to be "within two inches below the top of the transom" it may interfere with the ability to place thick rub rails on a boat, or interfere with deck joining construction. This commenter states that these changes do not generate improved ability to locate or identify the HIN. Another commenter states that on decked racing canoes the location of the HIN could not be worse due to the possibility of damage at the ends of the boat or along the seams. He recommends that the HIN be a meter forward and 5–6 cm down from the seam line. These comments are not accepted. No single HIN position is perfect for all types of boats. The Coast Guard concludes that by requiring the placement of the HIN on the starboard side within two inches of the top of the transom, a quick identification can be made. In the case of a manufacturer with thick rubrails or other construction problems, § 181.29(a)(4) gives the builder the flexibility to depart slightly from the rigid two inch rule when necessary.

Most commenters agree that the word "permanently" should remain in § 181.29(b). A few commenters state that the word "considerable" should be placed before the word "scarring." Other commenters state that plates should not be allowed for indicating the HIN, that poprivets should not be allowed in mounting the HIN, and that manufacturers should be required to mold in HIN's. These comments were addressed in the discussion of the proposed regulations where it is noted that any plate must be bonded or welded in addition to any riveting. No method is fool proof.

Economic Evaluation

The Coast Guard has analyzed the economic impact of this action and has determined that it is not "major" within the meaning of Executive Order 12291 and not "significant" within the meaning of Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations", dated May 22, 1980. A draft evaluation has been prepared. The change to a single HIN format and the requirement for a boat manufacturer to place a second HIN within the boat will impose little or, in some cases, no new cost on the boat manufacturer. In no case will it be necessary to cost more than $1.00 per boat. An estimated 500,000 boats will be affected per year. Among the many methods of compliance, a manufacturer may choose to write the HIN with an indelible marker on some unexposed portion of the boat, or laminate a torn-off piece of a production control document containing the HIN into the boat, or stamp the HIN into the hull of an aluminum boat. In addition, many manufacturers already have additional HIN numbers on their boats which will meet this new requirement. The total cost of the additional marking is estimated at $250,000 per year.

The additional HIN will provide a means whereby a boat can be identified even if the transom-located HIN is damaged or lost. The Coast Guard also expects the additional HIN to act as some deterrence to those who would deliberately alter an HIN to disguise the model year or for any other reason. The HIN is crucial not only to Coast Guard boating safety recall campaigns, but also for state boat registration programs.

The Coast Guard has considered the impact of this action on small entities under the provisions of Section 605(b) of the Regulatory Flexibility Act (94 Stat 1164) and certifies that this rule will not have a significant economic impact on a substantial number of small business entities. Many boat manufacturers are considered to be small business entities; however, this rule will not have a significant impact on them since as discussed above, the cost of compliance is insignificant when compared to the cost of manufacturing even the smallest boat.

List of Subjects in 33 CFR Part 181

Marine safety.

In consideration of the foregoing Subpart C of Part 181 of Title 33, Code of Federal Regulations, is revised as follows:

PART 181—MANUFACTURER REQUIREMENTS

* * * * *

Subpart C—Identification of Boats

Sec.

181.21 Purpose, applicability and effective date.
181.23 Hull identification numbers required.
181.25 Hull identification number format.
181.27 Information displayed near hull identification number.
181.29 Hull identification number display.
181.31 Manufacturer identification code assignment.
181.33 Conditions for use of manufacturer identification codes.
181.35 Removal of numbers

Authority: 46 U.S.C. 1454, 1456, 1464, 1488; 49 CFR 1.46(n)(1).

* * * * *

Subpart C—Identification of Boats

§ 181.21 Purpose, applicability and effective dates.

(a) This subpart prescribes the requirements for identification of boats to which section 4 of the Federal Boat Safety Act of 1971 applies.

(b) These amendments are effective on August 1, 1984, however, a manufacturer may voluntarily comply with this regulation on January 1, 1984.

§ 181.23 Hull identification numbers required.

(a) A manufacturer (or importer), as defined in § 181.3 of this part, must identify each boat produced or imported with two hull identification numbers that meet the requirements of this subpart:

(1) A primary hull identification number affixed in accordance with §§ 181.29 (a) and (c) of this subpart; and

(2) A duplicate hull identification number affixed in accordance with §§ 181.29 (b) and (c) of this subpart.

(b) A person who builds or imports a boat for his or her own use and not for the purposes of sale, must identify that boat with two hull identification numbers that meet the requirements of this subpart.

(c) No person may assign the same hull identification number to more than one boat.

§ 181.25 Hull identification number format.

Each of the hull identification numbers required by § 181.23 must consist of twelve characters, uninterrupted by slashes, hyphens, or spaces, as follows:

(a) The first three characters must be a manufacturer identification code assigned under § 181.31(a) or the importer designation assigned under § 181.31(b).

(b) Characters four through eight must be a serial number assigned by the manufacturer in letters of the English alphabet, or Arabic numerals, or both, except the letters I, O, and Q.

(c) Characters nine and ten must indicate the month and year of certification when a date of certification is required. In all other cases characters nine and ten must indicate the date of manufacture. The date indicated can be no earlier than the date construction or assembly began and no later than the date the boat leaves the place of manufacture or assembly or is imported into the United States for the purposes of sale. Character nine must be indicated using letters of the English alphabet. The first month of the year, January, must be designated by the letter "A", the second month, February, by the letter "B", and so on until the last month of the year, December. Character ten must be the last digit of the year of manufacture or certification and must be an Arabic numeral.

(d) Characters eleven and twelve must indicate the model year using Arabic numerals for the last two numbers of the model year such as "82" for 1982 and "83" for 1983.

§ 181.27 Information displayed near hull identification number.

If additional information is displayed on the boat within two inches of the hull identification number, that information must be separated from the hull identification number by means of borders or must be on a separate label so that it will not be interpreted as part of the hull identification number.

§ 181.29 Hull identification number display.

Two identical hull identification numbers are required to be displayed on each boat hull.

(a) The primary hull identification number must be affixed—

(1) On boats with transoms, to the starboard side of the transom within two inches of the top of the transom, gunwale, or hull/deck joint, whichever is lowest.

(2) On boats without transoms or on boats on which it would be impractical to use the transom, to the starboard outboard side of the hull, aft, within one foot of the stern and within two inches of the top of the hull side, gunwale or hull/deck joint, whichever is lowest.

(3) On catamarans and pontoon boats which have readily replaceable hulls, to the aft crossbeam within one foot of the starboard hull attachment.

(4) If the hull identification number would not be visible, because of rails, fittings, or other accessories, the number must be affixed as near as possible to the location specified in paragraph (a) of this section.

(b) The duplicate hull identification number must be affixed in an unexposed location on the interior of the boat or beneath a fitting or item of hardware.

(c) Each hull identification number must be carved, burned, stamped, embossed, molded, bonded, or otherwise permanently affixed to the boat so that alteration, removal, or replacement would be obvious. If the number is on a separate plate, the plate must be fastened in such a manner that its removal would normally cause some scarring of or damage to the surrounding hull area. A hull identification number must not be attached to parts of the boat that are removable.

(d) The characters of each hull identification number must be no less than one-fourth of an inch high.

§ 181.31 Manufacturer identification code assignment.

(a) Each person required by § 181.23 to affix hull identifications numbers must request a manufacturer identification code in writing from the Commandant (G–BP), U.S. Coast Guard, 2100 Second Street, SW., Washington, D.C. 20593. The request must indicate the manufacturer's name and U.S. address along with the general types and lengths of boats that will be manufactured.

(b) For boats manufactured outside of the jurisdiction of the United States, a U.S. importer must obtain a manufacturer identification code as required by paragraph (a) of this section. The request of an importer, as defined in § 181.3 of this subpart, must indicate the importer's name and U.S. address along with a list of the manufacturers, their addresses, and the general types and sizes of boats that will be imported. If a nation has a hull identification number system which has been accepted by the U.S. Coast Guard for the purpose of importing boats, it may be used by the importer instead of the one specified within this subpart. To request a list of those nations having such a numbering system, write: Commandant (G–BP), U.S. Coast Guard, 2100 Second Street SW., Washington, D.C. 20593.

(c) Persons who are required to identify boats under § 181.23(b) must obtain the required hull identification number from the State Boating Law Administrator of the State where the boat will be principally used, or, if the State Boating Law Administrator does not assign these numbers, from the Coast Guard District office in the area of principal use.

§ 181.33 Conditions for use of manufacturer identification codes.

(a) No manufacturer or importer may sell or transfer a manufacturer identification code or use a manufacturer identification code that has been assigned to another.

(b) A manufacturer or importer who changes the business name or address must advise the Commandant (G–BP), U.S. Coast Guard, 2100 Second Street, SW., Washington, D.C. 20593 of the change in writing.

§ 181.35 Removal of numbers.

No person may remove or alter a number required by this subpart unless authorized by the Commandant, U.S. Coast Guard.

Dated: August 8, 1983.

L. C. Kindbom,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 83-24093 Filed 9-8-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

36 CFR Part 331

Navigational Regulations; Falls, Ohio River, Kentucky and Indiana; Protection, Use, and Management of Conservation Area

AGENCY: Department of the Army, Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers is publishing final rules and regulations for the protection, use and management of the national wildlife conservation area located at the Falls of the Ohio River in Kentucky and Indiana. The Federal law which established the conservation area directs publication of these regulations and that they include a complete prohibition on hunting, vandalism (including the removal of fossils), and the dumping of refuse within the boundaries of the conservation area.

EFFECTIVE DATE: September 12, 1983.

FOR FURTHER INFORMATION CONTACT: Richard Leverty, 202–272–0130.

SUPPLEMENTARY INFORMATION: These regulations place certain restrictions, prohibitions and limitations on use of the lands and waters under Federal jurisdiction within the designated boundaries of the Falls of the Ohio National Wildlife Conservation Area (WCA) in order to protect, preserve and provide for the proper management of the significant physical and biological features of the WCA and to prevent interference with the generation of hydroelectric power and with commercial and recreational navigation on the Ohio River.

The WCA was authorized by Title II of Pub. L. 97–137, approved by the President on December 29, 1981. Responsibility for administration of the WCA and for promulgation of these regulations is assigned by statute to the Secretary of the Army, acting through the U.S. Army Corps of Engineers. Within the boundary of the WCA, which was designated by the Secretary of the Interior through publication of notice in the **Federal Register** of August 12, 1982, lands, waters and interests therein will be acquired by the Corps of Engineers as may be necessary to insure that the WCA can be effectively managed for the conservation, research, interpretive, environmental and recreational purposes for which it was established.

An Interim Rule to govern the protection, use and management of the WCA was published in the **Federal Register** of December 28, 1982, with a period for comment until Fedruary 28, 1983. A total of twenty-four comments were received from private organizations, government agencies and individuals. As a result, § 331.3, Hunting and Trapping, has been amended to include the lead phrase "Unless authorized in writing by the District Engineer." Omission of that phrase in the Interim Rule was an administrative oversight; it has been included in the Final Rule in order to provide for properly permitted scientific research in keeping with the purposes for which the WCA was established. Other comments concerned present management practices or were more pertinent to future planning and management of the WCA and its resources and did not result in substantive changes or amendments in this Final Rule.

"Regulation Changes:" This Rule amends Title 36 of the Code of Federal Regulations by adding a new Part 331 which governs the protection, use and management of the Falls of the Ohio National Wildlife Conservation Area, Kentucky and Indiana.

Impact Analysis

The Department of the Army has determined that this is not a "major rule" requiring preparation of a regulatory impact analysis under Executive Order 12291. The Department of the Army has also determined that this Rule will not have a significant economic impact on a substantial number of small entities and, therefore, does not require a small entity regulatory flexibility analysis under provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq). The Department of the Army has further determined that these regulations do not necessitate any new "collection of information" as defined in the Paperwork Reduction Act (44 U.S.C. 4501 et seq); therefore the requirements of that Act do not apply to this action. These regulations were reviewed by the Office of Management and Budget and on July 13, 1983, were approved for publication in the **Federal Register** as a Final Rule.

List of Subjects in 36 CFR Part 331

Recreation areas, Waterways, Hunting and fishing, Administrative practice and procedure, Public lands.

John O. Roach II,

Army Liaison Officer with the Federal Register.

Accordingly, 36 CFR is amended by adding a new Part 331 to read as set forth below.

PART 331—REGULATIONS GOVERNING THE PROTECTION, USE AND MANAGEMENT OF THE FALLS OF THE OHIO NATIONAL WILDLIFE CONSERVATION AREA, KENTUCKY AND INDIANA

Sec.

331.1 Applicability and scope.
331.2 Policy.
331.3 Hunting and trapping.
331.4 Fishing.
331.5 Explosives and fireworks.
331.6 Public property.
331.7 Sanitation.
331.8 Picnicking.
331.9 Camping.
331.10 Swimming.
331.11 Special events.
331.12 Vehicles.
331.13 Vessels.
331.14 Aircraft.
331.15 Fires.
331.16 Interference with government employees.
331.17 Minerals.
331.18 Restrictions.
331.19 Commercial activities.
331.20 Advertisement.
331.21 Unauthorized structures.
331.22 Abandonment of personal property.
331.23 Control of animals.
331.24 Permits.
331.25 Violation of regulations.

Authority: Pub. L. 97–137.

§ 331.1 Applicability and scope.

(a) The regulations contained in this part apply to those lands and waters within the established boundary of the Falls of the Ohio National Wildlife Conservation Area (WCA). Included in this boundary, which was published in the **Federal Register** of August 12, 1982, are publicly and privately owned lands, waters and improvements. The Federal Government, acting through the Corps of Engineers, will acquire such rights to privately-owned properties in the WCA as are necessary to carry out the purposes of Title II, Pub. L. 97–137. The regulations prescribed herein are for the use, management and protection of the resources of the WCA and all persons entering, using or visiting within the boundaries of the WCA are subject to these regulations. All other applicable Federal, State and local laws and regulations remain in full force and effect. The District Engineer, US Army Corps of Engineers, exercises non-exclusive jurisdiction over the lands and waters of the WCA and enforces these regulations.

(b) The WCA boundary encompasses an existing hydroelectric generating station and the McAlpine Locks and Dam, operating navigation structures which are part of the authorized Ohio River Navigation System. The continued operation and maintenance of this system take precedence over the purposes of the WCA, except that such operation and maintenance will be consistent with the basic purpose of the WCA as regards prohibition of hunting, vandalism, and dumping of refuse. Management of the WCA to achieve its intended purposes will, to the extent practicable, be accomplished in a manner consistent and compatible with continued generation of electricity and navigation on the Ohio River, including operation and maintenance of the McAlpine Locks and Dam and the Louisville Repair Station and material storage areas located on Shippingport Island.

§ 331.2 Policy

(a) It is the policy of the Secretary of the Army, acting through the Chief of Engineers, to manage the natural and cultural resources of the WCA in the public interest, providing the public with safe and healthful recreational opportunities while protecting and enhancing these resources.

(b) Unless otherwise indicated herein, the term "District Engineer" shall include the authorized representatives of the District Engineer.

(c) The WCA shall be available to the public without regard to sex, race, color, creed or national origin. No lessee, licensee or concessionaire providing a service to the public shall discriminate against any person because of sex, race, creed, color, or national origin in the conduct of the operations under the lease, license, or concession contract.

§ 331.3 Hunting and trapping.

Unless authorized in writing by the District Engineer:

(a) The hunting, trapping, catching, molesting, killing, or having in possession any wild animal or bird, or taking the eggs of any such bird, is prohibited.

(b) Possession of equipment (including, but not limited to, firearms, ammunition, traps, projectile firing devices including bow and arrow) which could be used for hunting, trapping, or the taking of wildlife, is prohibited.

§ 331.4 Fishing.

Unless otherwise authorized in writing by the District Engineer:

(a) Fishing is only permitted in accordance with the laws and regulations of the State within whose exterior boundaries that portion of the WCA is located, and such laws and regulations which are now or may hereafter be in effect are hereby adopted as part of these regulations.

(b) Fishing by means of the use of drugs, poisons, explosives, bow and arrow or electricity is prohibited.

(c) Commercial fishing and fishing with gill nets, trammel nets, hoop nets, bow and arrow or trot lines is prohibited.

§ 331.5 Explosives and fireworks.

Unless otherwise authorized in writing by the District Engineer.

(a) The possession or use of fireworks is prohibited.

(b) The possession or use of explosives is prohibited.

§ 331.6 Public property.

Unless otherwise authorized in writing by the District Engineer, the destruction, injury, defacement, removal, or any alteration of public property including, but not limited to natural formations, paleontological features, historical and archaeological features and vegetative growth is prohibited. Any such destruction, removal, or alteration of public property shall be in accordance with the conditions of any permission granted.

§ 331.7 Sanitation.

(a) Garbage, trash, rubbish, litter, or any other waste material or waste liquid generated on the WCA shall be removed from the area or deposited in receptacles provided for that purpose. The improper disposal of such wastes within the boundaries of the WCA is prohibited.

(b) The use of refuse containers for the disposal of refuse not generated on the WCA is prohibited.

(c) It is a violation to bring any material onto the WCA for the purpose of disposal.

(d) The discharge or placing of sewage, galley waste, garbage, refuse or pollutants into the WCA waters from any vessel or watercraft is prohibited.

§ 331.8 Picnicking.

(a) Picnicking is permitted only in designated areas.

(b) Picnickers shall remove all personal equipment and clean their sites upon departure.

§ 331.9 Camping.

Camping is not permitted within the WCA.

§ 331.10 Swimming.

Swimming is prohibited unless authorized in writing by the District Engineer.

§ 331.11 Special events.

(a) Special events including, but not limited to, water carnivals, boat regattas, music festivals, dramatic presentations, or other special recreation programs are prohibited unless written permission has been granted by the District Engineer.

(b) The public shall not be charged any fee by the sponsor of such permitted event unless the District Engineer has approved in writing the proposed schedule of fees. The District Engineer shall have authority to revoke permission and require removal of any equipment upon failure of the sponsor to comply with terms and conditions of the permit/permission. Any violation shall constitute a separate violation for each calendar day in which it occurs.

§ 331.12 Vehicles.

(a) The use of a vehicle off roadways is prohibited except as may be authorized by the District Engineer.

(b) Vehicles shall not be parked in violation of any posted restriction, or in such a manner as to endanger any Federal property to include natural features. The owner of any vehicle parked in violation of this section shall be presumed to have parked it, and unless rebutted such presumption will be sufficient to sustain a conviction as provided for in § 331.25.

(c) Vehicles shall be operated in accordance with all posted regulations.

(d) Driving or operating any vehicle in a careless, negligent, or reckless manner, heedlessly or in willful disregard for the safety of other persons, or in such manner as to endanger any property or environmental feature, or without due care or at a speed greater than is reasonable and prudent under prevailing conditions with regard to traffic, weather, road, light and surface conditions, is prohibited.

(e) This section pertains to all vehicles, including, but not limited to, automobiles, trucks, motorcycles, minibikes, trail bikes, snowmobiles, dune buggies, all terrain vehicles, bicycles, trailers, campers, or any other such equipment.

(f) Except as authorized by the District Engineer, no person shall operate any motorized vehicle without a proper and effective exhaust muffler, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.

§ 331.13 Vessels.

(a) Vessels or other watercraft may be operated in the WCA waters except in prohibited or restricted areas in accordance with posted regulations and applicable Federal, State and local laws.

(b) All vessels when not in actual use shall be removed from the WCA unless securely moored at mooring facilities approved by the District Engineer. The placing of floating or stationary mooring facilities to, or interfering with, a buoy, channel marker, or other navigational aid is prohibited.

(c) The operation of vessels or other watercraft in a careless, negligent, or reckless manner so as to endanger any property (including the operator and/or user(s) of the vessel or watercraft) is prohibited.

§ 331.14 Aircraft.

(a) The operation of aircraft on WCA lands and waters is prohibited, unless authorized in writing by the District Engineer.

(b) Except in extreme emergencies threatening human life or serious property loss, the air delivery of any person or thing by parachute, helicopter, or other means onto project lands or waters without written permission of the District Engineer is prohibited.

(c) The provisions of this section shall not be applicable to aircraft engaged on official business of the Federal Government or used in emergency

rescue in accordance with the directions of the District Engineer.

§ 331.15 Fires.

Open fires are prohibited unless confined to fireplaces, grills, or other facilities designed for this purpose as designated by the District Engineer. Fires shall not be left unattended and must be completely extinguished prior to departure.

§ 331.16 Interference with government employees.

Interference with any Government employee in the conduct of his or her official duties pertaining to the administration of these regulations is prohibited. It is a violation to fail to comply with a lawful order directed by any Government employee or to knowingly give any false, fictitious, or fraudulent report or other information to any government employee in the performance of his or her official duties pertaining to the administration of these regulations.

§ 331.17 Minerals.

All activities in connection with prospecting, exploration, development, mining or other removal or the processing of mineral resources and all uses reasonably incident thereto are prohibited.

§ 331.18 Restrictions.

The District Engineer may establish and post a schedule of visiting hours and/or restrictions on the public use of a portion or portions of the WCA. The District Engineer may close or restrict the use of the WCA or portion of the WCA when necessitated by reason of public health, public safety, security, maintenance, or other reasons in the public interest. Entering or using the project in a manner which is contrary to the schedule of visiting hours, closure or restrictions is prohibited.

§ 331.19 Commercial activities.

Unless otherwise authorized in writing by the District Engineer, the engaging in or solicitation of business or money is prohibited.

§ 331.20 Advertisement.

Unless otherwise authorized in writing by the District Engineer, advertising by the use of billboards, signs, markers, audio devices, or any other means whatsoever including handbills, circulars, and posters is prohibited. Vessels or vehicles with semipermanent or permanently installed signs are exempt if being used for authorized recreational activities or special events and in compliance with all other rules and regulations pertaining to vessels and vehicles.

§ 331.21 Unauthorized structures.

The construction, placing, or continued existence of any structure of any kind under, upon, in, or over WCA lands or waters is prohibited unless a permit, lease, license, or other appropriate written agreement therefor has been issued by the District Engineer. Structures not so authorized are subject to summary removal or impoundment by the District Engineer. The design, construction, placing, existence, or use of structures in violation of the terms of the permit, lease, license, or other written agreement therefor is prohibited.

§ 331.22 Abandonment of personal property.

(a) Personal property of any kind left unattended upon WCA lands or waters for a period of 24 hours shall be considered abandoned and may be impounded and stored at a storage point designated by the District Engineer who may assess a reasonable impoundment fee. Such fee shall be paid before the impounded property is returned to its owner.

(b) If abandoned property is not claimed by its owner within 3 months after the date it is received at the storage point designated by the District Engineer, it may be disposed of by public or private sale or by other means determined by the District Engineer. Any net proceeds from the sale of property shall be conveyed unto the Treasury of the United States as miscellaneous receipts.

§ 331.23 Control of animals.

(a) No person shall bring or allow horses, cattle, or other livestock in the WCA.

(b) No person shall bring dogs, cats, or other pets into the WCA unless penned, caged, or on a leash under 6 feet in length, or otherwise under physical restraint at all times. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with State and local laws.

§ 331.24 Permits.

It shall be a violation of these regulations to refuse to or fail to comply with the terms or conditions of any permit isued by the District Engineer.

§ 331.25 Violation of regulations.

Anyone violating the provisions of this regulation shall be subject to a fine of not more than $500 or imprisonment for not more than 6 months, or both. All persons designated by the Chief of Engineers, U.S. Army Corps of Engineers, for that purpose shall have the authority to issue a citation for the violation of these regulations, requiring the appearance of any person charged with violation to appear before the U.S. Magistrate within whose jurisdiction the violation occurred.

Authority: Section 206, Pub. L. 97-137, 95 Stat. 1710 (16 U.S.C. 668dd note))

[FR Doc. 83-24821 Filed 9-8-83; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-9-FRL 2430-4]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations, California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On November 12, 1981, EPA invited comments on California's air quality attainment status designations and proposed action on six California Air Resources Board (ARB) redesignation requests. This is the second in a series of final actions which respond to the comments EPA received concerning that proposal. Elsewhere in today's **Federal Register**, EPA is proposing changes to several California designations as a result of comments received on the November 12 notice.

In this notice, EPA retains the following nonattainment area designations, which we have determined are correct despite challenges from certain public comments: the ozone designations in the San Francisco Bay Area, the Sacramento Valley, and the San Joaquin Valley Air Basins; the total suspended particulate (TSP) designations in the San Joaquin Valley Air Basin; and the carbon monoxide designation in Yolo County and Solano County.

DATE: This action is effective October 11, 1983.

ADDRESS: Copies of the public comments and EPA's Technical Support Document are available for public inspection during normal business hours at the EPA Region 9 Office.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Air Programs Branch (A-2-3), Air Management Division, EPA Region 9, 215 Fremont Street, San Francisco, CA 94105, Tele: (415) 974-7641, FTS 454-7641.

SUPPLEMENTARY INFORMATION:

Background

In response to the November 12, 1981, notice of proposed rulemaking, EPA received comments from industry, environmental groups, local air pollution control districts, and the ARB. These comments include general policy issues, recommended boundary changes, and discussion of the six proposed actions.

To address the extensive comments received, EPA elected to issue a series of rulemaking actions. The first notice, published June 29, 1982 (47 FR 28100), retained the proposed designations in those areas where EPA received no comments, took final action on the six ARB redesignation requests, and, in response to comments, reduced the carbon monoxide (CO) nonattainment area in Sacramento County. In this second final notice, EPA retains certain challenged designations and responds to policy questions raised in the comments. A third notice, found elsewhere in today's **Federal Register**, proposes to revise several area designations based on the comments, State requests, and EPA's own analysis. EPA will address the ozone designation for the Monterey Bay Unified Air Pollution Control District in a fourth rulemaking action.

Significant Issues

The public response to the November 12 proposal covered many policy issues concerning Section 107, "Air Quality Control Regions," of the Clean Air Act. The two most significant issues are discussed in the paragraphs below. EPA's complete response to the concerns raised by comments can be found in EPA's "Public Comment Technical Support Document, California Attainment Status Designations, Second Notice of Final Rulemaking," available at the address listed above.

Several comments argued that the EPA's Section 107 nonattainment designation should be used only for those areas immediately surrounding air quality monitors that record violations and not for larger areas that include emission *sources* which cause or contribute to the recorded violations.

EPA disagrees with this narrow interpretation of Section 107 designations. Section 107 requires that areas not meeting a national ambient air quality standard (NAAQS) be identified. EPA terms such areas nonattainment and equates them with the nonattainment areas defined in Section 171 of the Act. These areas are for the purpose of and initiate the Part D "Plan Requirements for the Nonattainment Areas."

Part D requires states to develop, for each nonattainment area, plans which will provide for the attainment of the NAAQS as expeditiously as practicable. Therefore, the nonattainment area designation must include all sources that significantly contribute to or cause NAAQS violations, even if the area immediately surrounding certain sources does not record violations.

If, as some comments suggest, the nonattainment area designation is interpreted to describe a smaller area, it would be further argued that the planning agencies should only inventory and control those sources within that area, even when sources upwind were the major cause of the violations. In this scenario, the possible over-control of sources within the designated nonattainment area and the probable under-control of sources outside of the area could result in an economically and technically unreasonable strategy and continued NAAQS violations.

In the same scenario, the Clean Air Act construction moratorium would only apply within the area where the sources were already controlled and would not affect the sources which may be the major cause of the continued NAAQS violations. Thus, EPA rejects the narrow interpretation of the nonattainment area designation since it could hinder development of approvable Part D plans and could lead to unreasonable and inequitable situations.

Several comments state that only *measured* concentrations should be used in determining the proper attainment status designations and boundaries.

EPA policy, since the original March 3, 1978 designations, has been to use both measured and modeled data whenever possible in the process of determining the Section 107 and 171 attainment/nonattainment boundaries. The policy is derived from the fact that monitoring data is an accurate, but limited tool. While it provides information for a given geographic *point*, it does not specify the *area* which should be designated to attainment or nonattainment. Interpolation between points with measured data can be quite inaccurate if used as the only criterion to determine area designations. EPA must also rely upon other methods when available, including diffusion modeling results.

Findings

Comments were received, primarily from the Western Oil and Gas Association (WOGA), that recommended new designations for certain parts of California. EPA has reevaluated the challenged designations and finds the original designations addressed in this notice to be correct and proper. Below is a listing of those designations EPA is retaining along with a summary of the comments and EPA's response. For further details on EPA's evaluation and a full discussion of the comments received, please refer to the Technical Support Document.

1. San Francisco Bay Area Air Basin

The basinwide nonattainment designation for ozone is retained (including the following areas: San Francisco County, Alameda County, Contra Costa County, Marin County, San Mateo County, Santa Clara County, Napa County, and the San Francisco Bay Area Air Basin portions of Solano and Sonoma Counties).

WOGA argued that portions of the Air Basin should be redesignated to attainment based on air quality data showing less than one exceedance for recent years. This recommendation would reduce the size of the ozone nonattainment area from the entire basin to primarily the southeast counties. However, WOGA's recommendation does not satisfy EPA's "General Criteria for Nonattainment Designations," number 5 (November 12, 1981, 46 FR 55724). Specifically, a nonattainment area must include all sources of significant impact on violations. Since emissions originating in the northwest counties can significantly contribute to the violations measured in the southeast counties, EPA cannot redesignate those counties to attainment.

2. Sacramento Valley Air Basin

The nonattainment designation for ozone is retained in the following areas: Butte County, Sacramento County, Sutter County, Yolo County, Yuba County, and the Sacramento Valley Air Basin portion of Solano County.

WOGA stated that the counties listed above (or portions of them) should be redesignated to unclassifiable because there is insufficient data available to determine a proper designation. EPA's analysis of the air quality data shows that there is at least one season's data available to validate the nonattainment designations.

3. San Joaquin Valley Air Basin

The nonattainment designation for ozone is retained in the following areas: Fresno County, Kings County, and the San Joaquin Valley Air Basin portion of Kern County.

WOGA suggested that a portion of the areas listed above should be redesignated to attainment or

unclassifiable because air quality data shows an average of less than one expected exceedance in 1979 and 1980. This approach does not satisfy EPA's general criteria number 5 as described in number 1 above.

4. Sacramento Valley Air Basin

The unclassifiable designation for carbon monoxide is retained for Yolo County, and the Sacramento Valley Air Basin portion of Solano County.

The Yolo-Solano Air Pollution Control District recommended that it be redesignated from unclassifiable to attainment for carbon monoxide. However, since the District did not present data supporting its recommended change, EPA is retaining the unclassifiable designation.

5. San Joaquin Valley Air Basin

The nonattainment designation for total suspended particulate matter (TSP) is retained in the following areas: Fresno County, Kings County, San Joaquin County, and the San Joaquin Valley Air Basin portion of Kern County.

WOGA requested that the counties listed above (or portions of them) should be redesignated to attainment or unclassifiable based on EPA's fugitive dust policy, since much of the area is rural and lacks major industrial development (November 12, 1981, 46 FR 55723). EPA has determined, however, that the fugitive dust policy does not apply in this case because region-wide industrial emissions in the form of secondary aerosols are known to be significantly impacting monitors recording violations. EPA is therefore retaining the nonattainment designation throughout the San Joaquin Valley Air Basin.

Administration

Under the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 8, 1983. This action may not be challenged later in proceedings to enforce its requirements.

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

Authority: Secs. 107(d) and 301(a), Clean Air Act, as amended (42 U.S.C. 7407(d) and 7601(a)).

List of Subjects in 40 CFR Part 81

Environmental Protection Agency, Air pollution control, National parks, Wilderness areas.

Dated: August 31, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 83-24619 Filed 9-8-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1820

Change of Area of Jurisdiction and Responsibility in Colorado and Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: By this final rulemaking, as of October 1, 1983, administrative jurisdiction over public lands in the State of Kansas is moved from the Wyoming State Office to the Colorado State Office because of reorganizational of Minerals Management Activities within the Department. As of October 1, 1983, all filings and other documents relating to public lands in the State of Kansas shall be filed with the Colorado State Office of the Bureau of Land Management. As of that date, all official Bureau records relating to the State of Kansas that were formerly in the Wyoming State Office will have been moved to the Colorado State Office.

EFFECTIVE DATE: October 1, 1983.

FOR FURTHER INFORMATION CONTACT: Ralph Smith, (303) 837-3816.

SUPPLEMENTARY INFORMATION: This final rulemaking reflects administrative actions taken by the Bureau of Land Management to allow for more efficient handling of filings and other documents required by other provisions of Title 43 of the Code of Federal Regulations but makes no change in the filing requirements. Therefore, this amendment is published as final rulemaking with the effective date shown above.

The Department of the Interior has determined that because this rule is an administrative action, 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. There are no additional information collection requirements imposed by this final rulemaking.

List of Subjects in 43 CFR Part 1820

Administrative practice and procedure, Alaska, Archives and records, Public Lands.

Under the authority of section 2478 of the Revised Statutes (43 U.S.C. 1201), Subpart 1821, Part 1820, Group 1800, Subchapter A, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

Dated: September 6, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

PART 1821—[AMENDED]

1. Section 1821.2-1(d), under the heading "State Office and Area of Jurisdiction" is amended by revising the entries for Colorado and Wyoming as follows:

A. "Colorado State Office, 1037 Twentieth Street, Denver, Colorado 80202—Colorado and Kansas".

B. "Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82003—Wyoming and Nebraska".

[FR Doc. 83-24652 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6459

[NM-42705, NM-42706, NM-42707]

New Mexico; Revocation of Executive Order Nos. 6143, 6276 and 6583

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will revoke three Executive Orders dated May 23, 1933, September 8, 1933 and February 3, 1934, which reserved 223,580.71 acres of lands for "in lieu" State selection rights. The public lands will be restored to operation of the public land laws and to location for nonmetalliferous minerals. All lands affected by this order have been and will remain open to metalliferous mining and mineral leasing.

EFFECTIVE DATE: October 7, 1983.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Orders No. 6143, May 23, 1933; No. 6276, September 8, 1933; and No. 6583, February 3, 1934, which withdrew public lands in New Mexico to aid the State in making exchange selections as provided by the Act of June 15, 1926, 44 Stat. 746-748, are hereby revoked in their entirety. The

townships involved are described as follows:

New Mexico Principal Meridian

T. 13 S., R. 2 W.
T. 21 S., R. 2 W.
T. 7 S., R. 3 W.
T. 20 S., R. 3 W.
T. 24 S., R. 3 W.
T. 5 S., R. 4 W.
T. 20 S., R. 4 W.
T. 19 S., R. 5 W.
T. 22 S., R. 5 W.
T. 23 S., R. 5 W.
T. 19 S., R. 6 W.
T. 20 S., R. 6 W.
T. 21 S., R. 6 W.
T. 22 S., R. 6 W.
T. 23 S., R. 6 W.
T. 29 S., R. 6 W.
T. 11 S., R. 7 W.
T. 12 S., R. 7 W.
T. 15 S., R. 7 W.
T. 17 S., R. 7 W.
T. 18 S., R. 7 W.
T. 20 S., R. 7 W.
T. 21 S., R. 7 W.
T. 22 S., R. 7 W.
T. 23 S., R. 7 W.
T. 24 S., R. 7 W.
T. 18 S., R. 7½ W.
T. 10 S., R. 8 W.
T. 15 S., R. 8 W.
T. 18 S., R. 8 W.
T. 19 S., R. 8 W.
T. 24 S., R. 8 W.
T. 19 S., R. 9 W.
T. 20 S., R. 9 W.
T. 19 S., R. 10 W.
T. 20 S., R. 10 W.
T. 22 S., R. 10 W.
T. 27 S., R. 10 W.
T. 28 S., R. 10 W.
T. 29 S., R. 10 W.
T. 18 S., R. 11 W.
T. 19 S., R. 11 W.
T. 21 S., R. 11 W.
T. 22 S., R. 11 W.
T. 24 S., R. 11 W.
T. 26 S., R. 11 W.
T. 27 S., R. 11 W.
T. 28 S., R. 11 W.
T. 21 S., R. 12 W.
T. 24 S., R. 12 W.
T. 22 S., R. 13 W.
T. 24 S., R. 13 W.
T. 25 S., R. 13 W.
T. 27 S., R. 13 W.
T. 21 S., R. 14 W.
T. 23 S., R. 14 W.
T. 16 S., R. 15 W.
T. 17 S., R. 15 W.
T. 22 S., R. 15 W.
T. 24 S., R. 15 W.
T. 25 S., R. 15 W.
T. 16 S., R. 16 W.
T. 17 S., R. 16 W.
T. 29 S., R. 16 W.
T. 16 S., R. 17 W.
T. 17 S., R. 17 W.
T. 18 S., R. 17 W.
T. 19 S., R. 17 W.
T. 20 S., R. 17 W.
T. 21 S., R. 17 W.
T. 22 S., R. 17 W.
T. 15 S., R. 18 W.
T. 16 S., R. 18 W.
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T. 29 S., R. 18 W.
T. 30 S., R. 18 W.
T. 31 S., R. 18 W.
T. 16 S., R. 19 W.
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T. 30 S., R. 20 W.
T. 16 S., R. 21 W.
T. 17 S., R. 21 W.
T. 22 S., R. 21 W.
T. 24 S., R. 21 W.
T. 28 S., R. 21 W.
T. 29 S., R. 21 W.
T. 30 S., R. 21 W.

The townships described aggregate 223,580.71 acres in Dona Ana, Grant, Hidalgo, Luna, Sierra and Socorro Counties. More specific legal descriptions showing the sections and subdivision involved in each township may be examined by the public during regular working hours at the New Mexico State Office in Santa Fe.

2. At 10 a.m. on October 7, 1983, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 7, 1983, shall be considered in the order of filing.

3. The lands have been and continue to be open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws for metalliferous minerals. They will be open to location for nonmetalliferous minerals at 10 a.m. on October 7, 1983.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

August 16, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-24087 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 30815-164]

Tanner Crab Off Alaska

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

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to implement the approved parts of Amendment 8 to the Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska. Approved measures contained in this amendment have been adopted by the North Pacific Fishery Management Council to protect stocks from over-harvest, provide for an equal start in the fishery by the participants, reduce the incidental take of Pacific halibut, and provide for fishing seasons that are biologically and economically optimal.

EFFECTIVE DATE: October 5, 1983.

ADDRESS: Copies of the amendment, the environmental assessment, and the regulatory impact review may be obtained by contacting the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510, telephone 907-274-4563.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (Fishery Biologist, Kodiak Field Office), 907-486-4791.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska (FMP) was developed by the North Pacific Fishery Management Council (Council) and approved and implemented by the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 (Magnuson Act). The FMP was published in the **Federal Register** on May 16, 1978 (43 FR 21170). Following initial implementation of the FMP in

December 1978, the Assistant Administrator approved and implemented seven amendments to the FMP that had been developed by the Council.

Amendment 8 was adopted by the Council at its September 1982, meeting and contains five measures. All but part of one of these measures have been approved by the Director, Alaska Region, National Marine Fisheries Service (Regional Director) acting for the Secretary of Commerce. The approved measures accomplish the following:

A. An existing vessel pot limit in Registration Area H (Cook Inlet) is removed and an implementing regulation is thus rescinded. Existing vessel pot limits in Registration Area A (Yakutat and Southeast Districts), for which regulations were never implemented, are also removed.

B. A regulation that allowed storing crab pots on the fishing grounds for 72 hours before the start of a season is rescinded.

C. A minimum carapace size limit for *Chionoecetes opilio* Tanner crab of 3.1 inches (78 mm) is established.

D. The use of side-loading pots in the Yakutat District of Registration Area A is prohibited.

E. Fishing seasons in four districts of Registration Area J and one district in Registration Area A are revised.

In addition to regulations implementing the above approved measures, a regulation is implemented to modify the definition of a Tanner crab pot. Regulations are also implemented to describe and implement certain management districts that were incorporated into the original FMP, but never implemented. Those descriptions pertain to the Southeast and Yakutat Districts of Registration Area A and the Eastern and Western Aleutian Districts of Registration Area J.

When Measure A was adopted by the Council, it included the establishment of vessel pot limits in the Kodiak District of Registration Area J and two areas of Registration Area E (Prince William Sound). This part of Measure A is disapproved for the reasons discussed below.

The preamble to the proposed rule (48 FR 27807, June 17, 1983) discussed the need and justification for the above measures. Public comments were invited until July 29, 1983. Comments received have been considered and are responded to below. A correction to the proposed rule was published in the Federal Register (48 FR 34231, June 27, 1983). After considering the comments, the Regional Director has: (1) Disapproved the vessel pot limits proposed for the Kodiak District and Prince William Sound, (2) approved the other management measures, and (3) implemented the approved measures with this final rule.

The decision to disapprove the proposed vessel pot limits is based on recognition that enforcement of vessel pot limits is not practicable without expenditure of considerable fiscal resources. This proposed management measure is, therefore, not consistent with National Standard 7, which requires that conservation and management measures shall, when practicable, minimize costs. The Regional Director recognizes that the pot limits were intended as a conservation tool to control effort and thus better monitor the fishery. To assure compliance with vessel pot limits by the fishermen, however, would require some type of sampling system to ascertain the total number of pots being fished from a given vessel.

The Kodiak fleet is traditionally composed of about 160 vessels. Vessels from other areas number about 500. Although the actual total number of vessels that fished the Kodiak District in the 1983 season was about 400, over 600 vessels could be available to fish there. The known average number of pots to be fished is about 130 per vessel although the vessel pot limit adopted by the Council for this district is 250. The possible number of pots in the Kodiak District, then, could vary from 52,000 to 150,000 and these could be dispersed widely across thousands of square miles of fishing grounds. Enforcement would require on-site accountability of the number of pots being fished from a representative number of vessels, which would likely require considerable effort by patrol vessels that are not available.

The number of vessels that fish in Registration Area E (Prince William Sound) is about 30. The vessel pot limit in this area is 175 pots, except in part of the northern district of Registration Area E where the vessel pot limit is 100. Hence, totals of 3,000 and 5,250 pots could be fished. Enforcement of the number of pots being fished from a representative number of vessels is more feasible than the enforcement in the Kodiak District but is still not considered desirable in view of costs that would be incurred.

In making his decision to disapprove the above vessel pot limits, the Regional Director also considered the general requirements of Executive Order 12291. General Requirement 2a stipulates that, in promulgating new regulations, administrative decisions shall be based on adequate information concerning the need for a proposed government action. Because fishermen would likely use the number of pots optimal for the grounds they are fishing, and because the pot limits are not enforceable without greatly increased costs, information to justify the need for this regulation is not adequate.

Public Comments

Several comments were received from an individual representing the North Pacific Fishing Vessel Owners' Association. These comments are summarized and responded to as follows:

Comment 1. The intent, as well as the mandate, of the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act, and Executive Order 12291 (E.O. 12291), is to analyze impacts of management measures prior to the Council's making a decision. Resulting analytical documents are not to be written as after-the-fact justifications to support the Councils actions. The Council's failure to have these documents available for public review before a decision was made on the measures contained in Amendment 8 is a fatal procedural defect.

Response. To comply with requirements of Executive Order 12291 and the Regulatory Flexibility Act, NMFS prepares a regulatory impact review (RIR) to aid the NOAA Administrator in his determination on whether or not an implementing rule is "major" under the Executive Order or "significant" under the Regulatory Flexibility Act. If a rule is determined to be "major," preparation of a Regulatory Impact Analysis would be required; if it is "significant," preparation of an initial and final Regulatory Flexibility Analysis would be required. In actual practice, the RIR serves as either or both documents. To comply with regulatory requirements implementing the National Environmental Policy Act of 1969 (NEPA), an environmental assessment (EA) is prepared to aid the responsible Federal Agency in its determination of whether or not a Federal action (e.g. implementing a fishery management plan or amendment) would have a significant adverse impact on the quality of the human environment. If significant, an environmental impact statement is required.

Current procedures provide for public review of these documents during the period of proposed rulemaking. The contention in the above comments is that the Council should have had these documents available for public review prior to its decision to approve the measures in Amendment 8. The Council might then have been influenced by the

analyses during its decision-making process.

There is no specific legal requirement that the Council have the RIR or EA available prior to its making a final decision. Explicit under the E.O. 12291, the RFA, and NEPA are the requirements that an agency shall prepare and make available for public comment such analyses and to combine them, or summaries thereof, with proposed rulemaking. The RIR and EA were prepared and made available for public comment and associated with the proposed rulemaking. All specific legislative responsibilities were fulfilled.

There is merit in the comment that the Council should have prepared and made available for public comment some type of similar analyses, if not the RIR and EA themselves, before making a final decision. In lieu of these documents, the Council acted on the combined testimony of professional fishery managers and the public who aired their advice, concerns, and support of the management measures during public hearings. The Council also acted on the advice and recommendations of its advisory panel and Scientific and Statistical Committees.

Comment 2. Rules implementing the management measures contained in Amendment 8 should be determined to be "major" under E.O. 12291 and "significant" under the RFA.

Response. None of the implementing rules are "major" within the meaning of E.O. 12291 nor significant under the RFA. This conclusion is based upon an assessment of the existing fleet's capacity, market conditions, and the likely effects of the rule as depicted in the RIR. Specifically, the crab fleet operating off Alaska contains, by any standard, significant excess harvesting capacity. There are no limits placed on new entry to this fishery. Combined with strong world demand, small inventories and reduced landings in recent seasons, more than adequate incentives exist to assure full utilization of the harvestable resource. This is evidenced by the fact that a series of management constraints are necessary to prevent overexploitation of the Tanner crab resource, e.g., season opening and closing dates, registration areas, etc., and to distribute the excess potential effort more widely among the fishing grounds.

Comment 3. The Council continues to adopt State of Alaska management measures without first ascertaining whether they are consistent with national standards of the Magnuson Act. The Council should demonstrate that such measures are consistent with the national standards prior to adopting them.

Response. Section 303(b)(5) of the Magnuson Act (16 U.S.C. 1853(b)(5)) permits a Council to incorporate the relevant management measures of adjacent states when consistent with national standards. The Regional Director, on behalf of the Secretary of Commerce, has determined that the approved measures are so consistent.

Comment 4. Vessel pot limits violate National Standards 4, 5, and 7 of the Magnuson Act, because they function as an allocation measure and have the sole purpose of rendering fishing by a large vessel economically unattractive. Consequently, pot limits are anti-competitive and protectionist measures, and they result in the inefficient use of large vessels. Pot limits violate National Standard 7 because costs of enforcement outweigh the benefits.

Response. The cost of enforcement of vessel pot limits outweigh any conservation purpose. These measures are disapproved for failure to meet the requirements of National Standard 7 (16 U.S.C. 1851(a)(7)).

Comment 5. The measure that has allowed the storage of crab pots, in a non-fishing condition, on the fishing grounds for 72 hours prior to a fishing season is still necessary for the Bering Sea Tanner crab fisheries, although elimination of this provision may be justified around Kodiak. Fishing grounds in the Bering Sea are considerably distant from the major fishing port. At-sea storage areas in the Bering Sea are not used between the king crab and Tanner crab seasons. On-land storage facilities are inadequate to quickly load pots from shore onto the vessels. The 72-hour storage provision provides a "fair start" among vessels that compete for the same fishing grounds but vary considerably in pot-carrying capacity. The Council never gave serious consideration to an alternative measure that would have prohibited at-sea storage of gear until the season opened with the requirement that vessels, after setting gear, would be required to return to port to have their holding tanks inspected no sooner than 116 hours after the season opened. Vessel safety in the Bering Sea may have been compromised in the 1983 fishery by the elimination of this provision if vessels, to be competitive, had been carrying more pots than could be safely handled.

Response. Although pot storage facilities in the Bering Sea area, whether on land or at sea, are not optimal in relation to the large number of pots that must be loaded in a short time, the justification for the recission of the preseason pot storage provision in the Bering Sea is the same as for the Kodiak area—compliance is difficult to enforce without inordinate costs.

The Council's rescission of this measure is a result of lessons learned following several fishing seasons with this provision in effect. As discussed in the preamble to the proposed rule, effective enforcement of this provision has never been possible, given the size of the fishing grounds, the number of pots, and enforcement capabilities. Effective enforcement would have required the use of several patrol boats at great expense to adequately sample crab pots that are placed on several thousand square miles of fishing grounds. Sampling would require lifting each pot to the surface, as only the floating marker buoy is otherwise visible.

The Council did consider the alternative measure to require a vessel tank inspection system after setting gear once the season opened. Vessels would demonstrate the same degree of competitiveness and would strive to set their gear on the fishing grounds in a timely manner, regardless of whether year placement were allowed on the opening day of, or 72 hours prior to, the fishery. The problem of transporting pot numbers in excess of vessel capacity would exist in either case. Further, the cost to the fishermen of setting unbaited pots, then pulling and baiting them and returning them to the water ought to be greater than simply setting baited pots on the grounds. Continuance of this preseason pot storage measure would be inconsistent with National Standard 7 and General Requirement 2 of E.O. 12291. The Council's decision to rescind is approved.

Comment 6. The Council has not presented supporting rationale in its documents to explain why the fishing seasons are changed. The simultaneous openings of certain districts are dictated by a desire of local fishermen to insulate themselves from "outside" fishermen. No valid biological justification exists for closing the *C. opilio* fishery on August 1. This fishery should remain open until the optimum yield is harvested so as not to violate National Standard 1.

Response. Supporting documentation was provided to interested persons at public hearings held by the Council when it met jointly with the Alaska Board of Fisheries in March, 1982, and aired again in public hearings before the Council approved the changes at its September, 1982, meeting. The season changes respond to local conditions in the districts concerned, perceived by the industry or by the area Tanner crab

management biologists to warrant a season change. Some of the factors that warrant season changes, and which were considered by the Council, include (1) optimum management of effort among areas, thus preventing gear saturation in any particular area, which could result in local overfishing, (2) coordination of the Tanner crab fishery with the king crab fishery to prevent additional handling and possible injury that occurs when one crab species, for which a season is closed, must be discarded during the open season for another crab species, (3) scheduling in consideration of other fisheries that may demand the same harvesting, processing, and transportation facilities as in the Tanner crab fishery, (4) scheduling in recognition of weather conditions that could result in loss of fishing time, and (5) scheduling to increase meat recovery from the crab, or in response to their physical condition (e.g., proportion of crab that are in a "soft shell" condition).

Justifications considered by the Council for each season change being implemented fall under one or more of the above considerations and are presented here in response to the above comment.

Chignik and South Peninsula Districts—Because the current season opening for the Kodiak District is February 10, seasons for the nearby Chignik and South Peninsula Districts are being changed to February 10 to encourage fishermen to direct their effort among these districts simultaneously rather than concentrate effort in a single district. Participation by the fishermen will therefore be maximized, and the rate of harvest within a single district can be slowed down to better monitor the extent of the harvest.

Western Aleutian District—The season in the Western Aleutian District is being changed to November 10 to coincide with the start of the king crab season. By allowing fishermen to retain legal Tanner crab that would be caught incidentally in the king crab fishery, the potential for wastage is minimized, and the economic efficiency of the fishery is improved.

Bering Sea District—In the Bering Sea District—the scheduled season closing date for *C. opilio* Tanner crab is being changed to August 1 instead of closure only by field order. August 1 approximates the time of year when the problem of "dead loss," i.e., increasing crab mortality due to warm water temperatures in the vessel holding tanks, becomes unacceptable, which justifies a season closure. Also, a king crab fishery (St. Matthew Island fishery) usually starts about August 20, the orderly conduct of which is complicated if the *C. opilio* fishery is left open. For instance, effective enforcement against exploratory fishing for the stock piling of king crab, or enforcement of a king crab closure is difficult to conduct if buoys marking Tanner crab pots remain on the grounds.

Yakutat District—In the Yakutat District, the season ending date is extended by fourteen days, from May 1 to May 15. Although the condition of Tanner crab in this district is likely to generally decline at this time of year due to their soft shell condition following molting, processors and fishermen believe that enough high quality crab would still be available to warrant extra fishing time to fully utilize the resource. The Council decided to honor their request, recognizing that the fishery could be curtailed by inseason adjustment if stock conditions warranted such action.

Simultaneous openings in certain districts are not intended to insulate local fishermen from, and therefore discriminate against, nonresident fishermen. The simultaneous openings are intended to encourage fishermen to disperse their effort more widely throughout the available fishing grounds rather than to concentrate effort in a single district. Participation by the fishermen will therefore be maximized, and the rate of harvest within a single district can be slowed down to better monitor the extent of the harvest.

Biological justification exists to close the *C. opilio* fishery on August 1. The amount of deadloss occurring in the *C. opilio* catches often becomes a problem at this time of year. The 1982 *C. opilio* fishery was closed by field order on August 1 because the amount of deadloss was unacceptable, and because the desired harvest level for that season was achieved (47 FR 33711, August 4, 1982).

Comment 7. The prohibition against the use of side-loading Tanner crab pots in the Yakutat District violates National Standards 4, 5, and 7. The prohibition results in an allocation of Tanner crab to fishermen residing in the Yakutat District and, therefore, is an anti-competitive and protectionist measure. Costs incurred by "outside" fishermen to convert from side-loading to top-loading pots are significant and would impose a hardship. The Council never considered less costly methods of solving the problem such as requiring modified Tanner boards to restrict tunnel eye openings in the crab pots. Members of the North Pacific Fishing Vessel Owners' Association have not been successful in using top-loading pots for king crab, and new entrants would have to purchase another complement of gear for king crab. Crab fishermen should be allowed to retain incidentally caught halibut. Literature citations should be provided for studies of Pacific halibut caught in crab pots. The comment also includes a series of questions and several critical statements about the amendment text, RIR, and EA that address the need for more quantified and detailed data relating to the problem of incidentally caught Pacific halibut in Tanner crab pots.

Response. The prohibition does not violate National Standard 4, because all fishermen who fish in the Yakutat District, regardless of their state residency, will be required to use only top-loading pots. The prohibition does not violate National Standard 5, because the prohibition on the use of side-loading pots is a conservation measure, not an economic allocation measure. The Council recognized that the general area of the Yakutat District is a significant and productive Pacific halibut fishing ground for U.S. fishermen who target on this species. Management measures that conserve Pacific halibut, without adversely affecting the harvest of Tanner crab by fishermen who may wish to fish in this district, are considered reasonable. The Council considered the fact that the Tanner crab resource in the Yakutat District is small and would not likely support an increase in effort by other fishermen. As summarized in the preamble to the proposed rule at 48 FR 27809, any new entrant from outside the Yakutat District could incur about $14,000 in expenses to employ all top-loading pots, assuming 75 pots per boat at a cost of $185 per pot. Impacts of the prohibition are likely to be limited to the estimated 9 to 16 fishermen who traditionally fish this district. They may incur costs of between $700 and $3,500 each to employ all top-loading pots, depending on how many pots need to be converted. Whether or not this would impose a hardship on any one fisherman, as alleged, is conjectural. The comment that the Council never considered less expensive options of mitigating the Pacific halibut by-catch problem is not correct. The Council was aware of recommendations contained in the January 1981 Council report that further gear research could be conducted to ascertain if Tanner boards could be modified to mitigate the problem.

The prohibition does not violate National Standard 7, because it is a conservation and management measure that could be enforced by physically lifting to the surface a sample of the

relatively small number of pots that are fished in the Yakutat District without imposing burdensome costs on the public, as discussed above, or on management agencies.

The agency is not aware of any studies that address the catchability of king crab in top-loading pots. Both side-loading and top-loading pots are used in the king crab fishery; which type of gear is used appears to be a personal preference. Literature citations for the studies conducted in the Yakutat District are listed in the RIR.

Present regulations promulgated by the International Pacific Halibut Commission preclude the use of crab pots as a legal gear type for catching Pacific halibut. Crab fishermen, therefore, cannot legally retain Pacific halibut.

There is a need for more quantified and detailed data relating to the incidental catch of Pacific halibut in crab pots. As with any scientific studies, the very nature of the results often brings to light new aspects of the problem being studied and new questions thus are raised. Results of studies rarely solve all problems or explain to the fullest degree all the parameters of a single problem. These same circumstances hold true for the studies that compare the amounts of Pacific halibut caught in side-loading and top-loading crab pots in the Yakutat District. These studies show conclusively that the catch of Pacific halibut is less by top-loading than by side-loading pots. Because the Yakutat District is also important to commercial Pacific halibut fishermen, the measure to ban side-loading pots is an appropriate conservation and management measure that benefits the Pacific halibut industry with relatively small cost to Tanner crab fishermen. Further studies could be conducted to provide more quantified and detailed data that would answer questions and respond to statements in the comment, but the conclusion of the studies already conducted would not change. The ban on side-loading pots in the Yakutat District is approved.

Classification

The Regional Director has determined that the approved measures contained in Amendment 8 to the FMP and this rule are necessary for the conservation of the Tanner crab resource off Alaska and the management of that resource. Each is consistent with the Magnuson Act and other applicable law.

The Council prepared an environmental assessment for this amendment. Based upon the environmental assessment, the Assistant Administrator for Fisheries determined that no significant impact on the human environment will occur as a result of this rule. A copy of the environmental assessment may be obtained from the Council at the address listed above.

The Council has determined that approval and implementation of this rule would be carried out in a manner that is consistent to the maximum extent practicable with the Alaska Coastal Management Program, as required by section 307(c) of the Coastal Zone Management Act of 1972 and its implementing regulations at 15 CFR Part 930, Subpart C. The State of Alaska's Division of Policy Development and Planning concurred with the Council's determination on May 18, 1983.

The NOAA Administrator has determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The General Counsel of the Department of Commerce has certified to the Small Business Administration that the rule to implement Amendment 8 will not have a significant economic impact upon a substantial number of small domestic entities for the purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The determination and the certification were made on the basis of the analysis contained in a regulatory impact review on the impacts of this rule. A summary of the review can be found in the preamble to the proposed rule at 48 FR 27809.

The rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 671

Fish, Fisheries, Reporting and recordkeeping requirements.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

PART 671—[AMENDED]

For the reasons set forth in the preamble, 50 CFR Part 671 is amended as follows:

1. The authority citation in 50 CFR Part 671 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 671.2, the definition of Tanner crab pot is revised to read as follows:

§ 671.2 Definitions.

* * * * *

Tanner crab pot means a live-capture pot with either (1) side-loading, rigid tunnel eye openings that are individually a maximum of 5 inches (13 cm) in one dimension, and tunnel eye opening perimeters that individually are larger than 30 inches (76 cm), or (2) a single, top-loading, horizontal opening of any size.

* * * * *

3. In § 671.22, paragraph (b) is revised to read as follows:

§ 671.22 Size and sex restrictions.

* * * * *

(b) *Male Tanner crab.* No male Tanner crab of the species *C. bairdi* measuring less than 5.5 inches (140 mm) across the greatest width of the carapace may be retained, except that male Tanner crab of the species *C. bairdi* in Federal registration area E (Prince William Sound) may be retained if they measure 5.3 inches (135 mm) or greater across the greatest width of the carapace. No male Tanner crab of the species *C. opilio* measuring less than 3.1 inches (78 mm) across the greatest width of the carapace may be retained. The width measurement of Tanner crab is determined by measuring the greatest straight line distance across the carapace, including the spines, perpendicular to an imaginary line drawn between a point midway between the eyes and the midpoint of the posterior portion of the carapace.

* * * * *

4. In § 671.26, the section heading and the heading of paragraph (b) are revised, paragraph (e)(3) is removed, paragraphs (f)(1)(v) (A)–(C)(2) are redesignated as paragraphs (f)(1)(vi) (A)–(C)(2), (f)(2)(v) is redesignated as (f)(2)(vi), new paragraphs (f)(1)(v) and (f)(2)(v) are added, and paragraphs (a), (b)(3)(ii), (c), (f)(1)(iv), and (f)(2) (ii)–(iv), and (vi) are revised to read as follows:

§ 671.26 Seasons, general gear restrictions, and registration areas.

(a) *Season dates.* All season dates in this section are inclusive. Time periods begin at 12:00 noon and end at 12:00 noon on the dates specified, based on local time zones, unless otherwise specified.

(b) *General gear restrictions.*

* * * * *

(3) * * *

(ii) Tanner crab pots with all doors secured fully open and with all bait and bait containers removed may be stored in water depth greater than the maximum permissible storage depth for 72 hours after the season closure where the pots are fished.

* * * * *

(c) *Registration Area A.*—(1) Districts. The following districts within Registration Area A are established:

(i) *Southeast District:* All waters between Dixon Entrance and a line

projected southwest (225° true north) from the westernmost tip of Cape Fairweather.

(ii) *Yakutat District.* All waters between a line projected southwest from the westernmost tip of Cape Fairweather and the longitude of Cape Suckling (143°53' W. longitude).

(2) *Seasons.* (i) Tanner crab may be taken in the Southeast District from December 1 through May 1, subject to adjustment by the Secretary of Commerce under § 671.27 of this part.

(ii) Tanner crab may be taken in the Yakutat District from February 1 through May 15, subject to adjustment by the Secretary of Commerce under § 671.27 of this part.

(3) *Gear.* Tanner crab may be taken in the Yakutat District with top loading pots only.

* * * * *

(f) * * *

(1) * * *

(iv) *Eastern Aleutian District:* All waters of Registration Area J between the longitude of Scotch Cap light (164°44'6" W. longitude) and 172° W. longitude and south of 54°36' N. latitude.

(v) *Western Aleutian District;* All waters of Registration Area J west of 172° W. longitude and south of 54°36' N. latitude.

* * * * *

(2) * * *

(ii) In the South Peninsula District from 12:00 noon February 10 through 12:00 noon May 15 only.

(iii) In the Chignik District from 12:00 noon February 10 through 12:00 noon May 15 only.

(iv) In the Eastern Aleutian District from 12:00 noon February 15 through 12:00 noon June 15 only.

(v) In the Western Aleutian District from 12:00 noon November 10 through 12:00 noon June 15 only.

(vi) In the Bering Sea District from 12:00 noon February 15 through 12:00 noon June 15 only, except that Tanner crab other than *C. bairdi* may be taken or possessed from 12:00 noon February 15 until 12:00 noon August 1.

* * * * *

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Proposed Rules

Federal Register
Vol. 48, No. 176
Friday, September 9, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 731 and 754

Suitability and Adverse Actions by OPM

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) proposes to amend its regulations governing suitability, and to make technical and conforming changes in its regulations regarding adverse actions by OPM. The changes are intended to update nomenclature to reflect internal reorganization within OPM; to correct certain inconsistencies and omissions; and to strengthen and clarify the procedures designed to ensure the according of due process of law to persons adversely affected by suitability decisions made both by OPM and by agencies with suitability authority delegated by OPM.

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

ADDRESS: Mail written comments to Peter Garcia, Assistant Director, Office of Personnnel Investigations, U.S. Office of Personnel Management, Post Office Box 886, Washington, D.C., 20044. Written comments may be delivered to Mr. Garcia at Room 913, 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Joseph L. Durant, Chief, Investigations Planning Division, Office of Personnel Investigations, 202-632-6181.

SUPPLEMENTARY INFORMATION: OPM proposes four changes in its regulations on suitability, at 5 CFR Part 731, and on related adverse actions, at 5 CFR Part 754. First, in 5 CFR 731.202, a typographical error found in the Code of Federal Regulations would be corrected, with the proper reference being to 5 CFR 5.4 rather than § 5.3, and clarification would be given to OPM's implementational responsibility regarding both its own suitability program and any undertaken under authority delegated by OPM.

Second, the automatic nature of the exception from suitability redeterminations that has hitherto been given, under 5 CFR 731.301(a)(vi), to persons leaving the Federal service and returning within one year would be ended. If the exception were not automatic, OPM and other agencies would be able to assess needs for suitability redeterminations on a case-by-case basis. The present automatic exception is anomalous, constituting the only exception to OPM's suitability authority for appointments of persons from outside the Government to positions in the competitive service. In curing this defect, OPM would thus put all candidates for appointment from outside the Government on comparable footings.

Third, OPM proposes to codify in its regulations the due process procedures that it presently follows in virtually all suitability cases and to bring into conformity the safeguards that it now accords variously to applicants and eligibles for appointment and to employees and appointees. OPM and other agencies with suitability authority would thus be clearly required to give appropriate notices and opportunities to be heard to respondents in suitability cases and to inform them fully of their rights of appeal. OPM further proposes to grant in all cases a right to be heard, at least in writing before a final suitability disqualification action is taken and, thus, before the Merit Systems Protection Board (MSPB) would have jurisdiction of an appeal. No change is proposed regarding the right of appeal to the MSPB.

Fourth, OPM would revise 5 CFR Part 754 to effect the extension and conformation of these due process safeguards and to reflect the transfer of relevant responsibility within OPM from the Associate Director for Staffing Services (a title; the most comparable post is now that of the Associate Director for Staffing) to the Associate Director for Compliance and Investigations (a successor to some of the duties, including those germane here, of the former Associate Director for Staffing Services).

Finding on Comment Period

The Director of OPM finds that good cause exists for setting the comment period on this proposed rulemaking at 60 days. This comment period will allow sufficient time for all interested persons to review and evaluate the proposed regulatory revisions and to submit comments thereon. At the same time, the comment period is not so long that OPM will not have sufficient time to consider comments, assimilate them into a final rulemaking, and publish a final rule in time for it to be reflected in the codification, as of January 1, 1984, of Title 5 of the Code of Federal Regulations.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined in section 1(b) of Executive Order 12291, Federal Regulation.

Regulatory Flexibility Act

I hereby certify that this regulation will not have significant economic impact on a substantial number of small entities, as it relates entirely to federal employment suitability requirements and adverse personnel action procedures relating to a very narrow range of internal personnel matters within the federal government.

List of Subjects

5 CFR Part 731

Administrative practice and procedure, Government employees.

5 CFR Part 754

Administrative practice and procedure, Government employees.

Donald J. Devine,
Director.

Accordingly, the Office of Personnel Management proposes to amend Title 5 of the Code of Federal Regulations as follows:

PART 731—SUITABILITY

1. In 5 CFR 731.202, paragraph (b)(4) would be revised, and paragraph (d) would be added, to read as follows. The introductory text of paragraph (b) is shown for reader convenience.

§ 731.202 OPM determination.

* * * * *

(b) *Specific factors.* Among the reasons which may be used in making a

determination under paragraph (a) of this section, any of the following reasons may be considered a basis for disqualification:

* * * * *

(4) Refusal to furnish testimony as required by § 5.4 of this chapter;

* * * * *

(d) *Implementation.* Policies, procedures, criteria, and guidance for the implementation of this Part shall be set forth in issuances of the Federal Personnel Manual System and other appropriate instruments. Agencies exercising authority under this Part by delegation from OPM shall conform to such policies, procedures, criteria, and guidance.

2. In 5 CFR 731.301, paragraph (a)(1)(vi) would be removed and paragraph (a)(1)(vii) would be redesignated as paragraph (a)(1)(vi), and is revised to read as follows:

§ 731.301 Jurisdiction.

(a) * * *

(1) * * *

(vi) Transfer, provided the one-year, subject-to-investigation period applied to the previous appointment has expired.

* * * * *

3. In 5 CFR 731.302, the section heading would be revised and paragraph (e) added to read as follows:

§ 731.302 Actions by OPM and other agencies.

* * * * *

(e) Before OPM shall take a final suitability disqualification action against an applicant, eligible, appointee, or employee under this Part, the person against whom the action is proposed shall be given notice of the proposed action, an opportunity to answer, notice of the final decision on the action, and notice of rights of appeal, if any, all in accordance with 5 CFR Part 754. Before any agency to which OPM may have delegated authority under this Part shall take a final suitability disqualification action against any person under this Part, an agency shall give such person the same notices and opportunities that OPM would be required to give in such a case under 5 CFR Part 754, *Provided,* That the agency shall assign to its own officer or officers the duties that are assigned to an officer or officers of OPM in 5 CFR Part 754.

4. 5 CFR Part 754 would be revised to read as follows:

PART 754—SUITABILITY DISQUALIFICATION ACTIONS BY OPM

Sec.
754.101 Scope.
754.102 Notice of proposed action.
754.103 Answer.
754.104 Decision.
754.105 Appeal rights.

Authority: 5 U.S.C. 1302, 3301, 3302, and 7701; E.O. 10577, 3 CFR, 1954–1958 Comp. p. 218; E.O. 11491, 3 CFR, 1966–1970 Comp., p. 861.

§ 754.101 Scope.

(a) *Coverage.* This part sets forth the procedures to be followed when the Associate Director for Compliance and Investigations or his/her designee (referred to in this part as the Associate Director), acting under authority of 5 CFR part 731, proposes to take a final suitability disqualification action to remove, or to take other disciplinary action against an applicant or eligible for appointment in, or an appointee or employee in, the competitive service, or to instruct an agency to take such action.

(b) *Definition.* In this part, "days" means calendar days and not; for example, work-days.

§ 754.102 Notice of proposed action.

The Associate Director shall notify the applicant, eligible, appointee, or employee (hereinafter, the "respondent") in writing of the proposed action and of the charges against him or her. The notice shall state the reasons, specifically and in detail, for the proposed action. The Associate Director shall send a copy of this notice to the agency, if any, that is involved. The notice shall be served upon the respondent by being mailed to him or her at his/her last known residence or duty station no less than 30 days prior to the effective date of the proposed adverse action. In the event that, at the time of the service of the notice, the respondent is an employee in the competitive service, the respondent shall be entitled to be retained in pay status during the notice period.

§ 754.103 Answer.

(a) *Respondent's answer.* A respondent may answer the charges in writing and furnish affidavits in support of his/her answer. The respondent may also request in writing, an opportunity to be heard orally by the Associate Director. To be timely, a written answer and a written request, if any, for the opportunity to make an oral answer shall be received by the Associate Director no more than 15 days next following after the day of service of the notice of proposed action. In the event that the respondent makes a timely written request for an opportunity to make an oral answer, the Associate Director shall, in his/her sole discretion, determine whether or not such opportunity shall be granted and, if granted, the time and place thereof. The Associate Director shall consider any answer that the respondent makes in reaching his/her decision.

(b) *Agency's answer.* In actions proposed by OPM under 5 CFR § 5.4, the agency may also answer the notice of proposed adverse action. The time limit for filing an answer is 15 days from the date of service of the notice upon the agency. The Associate Director shall consider any answer that the agency makes in reaching his/her decision.

§ 754.104 Decision.

The Associate Director shall notify the respondent and the agency of his/her decision and inform the respondent of his/her appeal rights as prescribed by 5 CFR 1201.21. The decision shall be in writing, be dated, and inform the respondent of the reasons for the decision.

§ 754.105 Appeal rights.

(a) A respondent may appeal an adverse decision of the Associate Director to the Merit Systems Protection Board under the provisions of the Board's regulations.

(b) An employee who appeals under this section and who is, at the time that the final adverse action is taken against him/her, an employee in the competitive service, shall be entitled to be retained in a pay status until action on appeal, if any, is completed under Part 1201 of this title.

(5 U.S.C. 1302, 3301, 3302, and 7701; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218; E.O. 11491, 3 CFR, 1966–1970 Comp., p. 861)

[FR Doc. 83-24612 Filed 9-8-83; 8:45 am]
BILLING CODE 6325-01-M

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5 CFR Parts 870, 871, 872, and 873

Basic Life Insurance; Standard Optional Life Insurance; Additional Optional Life Insurance; Family Optional Life Insurance

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) proposes to revise the rules governing cancellation of waiver of life insurance coverage under the Federal Employees' Group Life Insurance (FEGLI) Program. These regulations would liberalize the cancellation of waiver provision for reinstated employees.

DATE: Comments must be received on or before October 11, 1983.

ADDRESS: Written comments may be sent to Jerome D. Julius, Office of Pay and Benefits Policy, Compensation Group, P.O. Box 57, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20044, or delivered to Room 4351.

FOR FURTHER INFORMATION CONTACT: Mary Ann Mercer, 202–632–4634.

SUPPLEMENTARY INFORMATION: This revised regulation would automatically cancel a waiver of insurance at time of reinstatement if at least 180 days have elapsed since last date of separation. The regulations as currently written present a dichotomy in the treatment of new hires and returning employees. New employees are automatically covered unless they waive coverage. Persons with previous Federal service who are reinstated after age 50 have no opportunity to enroll if they waived coverage prior to their last break in service; if they are under age 50, they must present medical evidence of insurability. This regulatory change is being made to provide equitable treatment to returning Federal employees who, for whatever reason, left Federal service and had no opportunity to cancel their waiver of life insurance.

If this regulation is adopted as final, OPM will ask for agency cooperation in publicizing the change so that those employees who returned to duty between April 1, 1981 (when all previous waivers of insurance coverage were automatically cancelled pursuant to regulations implementing the Federal Employee's Group Life Insurance Act of 1980) and the effective date of this regulation will be made aware of the new provision and will have the opportunity to apply promptly if they wish to do so. Applications for these employees must be made within 31 days of the effective date of the regulation. Agencies will not be required to identify individually those who might be affected by the regulation.

I have determined that the comment period on this proposal will be 30 days because of its beneficial and non-controversial nature.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that, within the scope of the Regulatory Flexibility Act, this regulation will not have a significant economic impact on a substantial number of small entities because it would affect only employees of the Federal Government.

List of Subjects in 5 CFR Parts 870, 871, 872, and 873

Administrative practice and procedure, Government employees, Life insurance, Retirement, Workers' Compensation.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

For the reasons set forth above, OPM proposes to revise Title 5 of the Code of Federal Regulations as follows:

PART 870—BASIC LIFE INSURANCE

1. In § 870.204, a new paragraph (f) is added to read as follows:

§ 870.204 Cancellation of waiver of insurance coverage.

* * * * *

(f)(1) A previous waiver is automatically canceled at time of reinstatement on or after April 1, 1981, if an employee has been separated from service for at least 180 days. If no new waiver is filed, basic insurance coverage automatically attaches on the date the employee actually enters on duty in a pay status in a position wherein he/she is not excluded from insurance by law or regulation. This paragraph does not apply to an individual who is reinstated after having been in receipt of workers' compensation or disability retirement payments.

(2) An employee who returned to Federal service between April 1, 1981, and (effective date of final regulation) after a 180-day break in service may elect basic insurance coverage upon application to his or her employing office before (31 days after effective date of final regulation).

PART 871—STANDARD OPTIONAL LIFE INSURANCE

2. In § 871.205, a new paragraph (f) is added to read as follows:

§ 871.205 Cancellation of declination.

* * * * *

(f)(1) A previous declination is automatically canceled at time of reinstatement on or after April 1, 1981, if an employee has been separated from service for a least 180 days. If no new declination is filed, standard optional insurance coverage is effective on the date the employee actually enters on duty in pay status in a position wherein he/she is not excluded from insurance by law or regulation, provided that the employee has filed an affirmative election of standard optional insurance on the form entitled Life Insurance Election. An employee whose declination is so canceled and who does not file the form with his/her employing office within 31 days after reinstatment shall be deemed to have declined standard optional insurance, except that an employee who fails to file the form during that period due to cause beyond his/her control shall be allowed to enroll belatedly under the conditions prescribed under § 871.202(b). This paragraph does not apply to an individual who is reinstated after having been in receipt of workers' compensation or disability retirement payments.

(2) An employee who returned to Federal service between April 1, 1981, and (effective date of final regulation) after a 180-day break in service may elect standard optional insurance upon application to his or her employing office before (31 days after effective date of final regulation).

PART 872—ADDITIONAL OPTIONAL LIFE INSURANCE

3. In § 872.205, a new paragraph (a)(5) is added to read as follows:

§ 872.205 Cancellation of declination.

(a) * * *

(5)(i) A previous declination is automatically canceled at time of reinstatement on or after April 1, 1981, if an employee has been separated from service for a least 180 days. If no new declination is filed, additional optional insurance coverage is effective on the date the employee actually enters on duty in pay status in a position wherein he/she is not excluded from insurance by law or regulation, provided that the employee has filed an affirmative election of additional optional insurance on the Life Insurance Election form. An employee whose declination is so canceled and who does not file the form with his/her employing office within 31 days after reinstatement shall be deemed to have declined additional optional insurance, except that an employee who fails to file the form during that period due to cause beyond his/her control shall be allowed to enroll belatedly under the conditions prescribed under § 872.202(b). This paragraph does not apply to an individual who is reinstated after having been in receipt of workers' compensation or disability retirement payments.

(ii) An employee who returned to Federal service between April 1, 1981, and (effective date of final regulation) after a 180-day break in service may elect additional optional insurance upon application to his or her employing

office before (31 days after effective date of final regulation).

* * * * *

PART 873—FAMILY OPTIONAL LIFE INSURANCE

4. In § 873.205, a new paragraph (d) is added to read as follows:

§ 873.205 Cancellaton of declination.

* * * * *

(d)(1) A previous declination or waiver is automatically canceled at time of reinstatement on or after April 1, 1981, if an employee has been separated from service for a least 180 days. If no new declination is filed, family optional insurance coverage is effective on the date the employee actually enters on duty in a pay status in a position wherein he/she is not excluded from insurance by law or regulation, provided that the employee has filed an affirmative election of family optional insurance on the Life Insurance Election form. An employee whose declination is so canceled and who does not file the form with his/her employing office within 31 days after reinstatement shall be deemed to have declined family optional insurance, except that an employee who fails to file the form during that period due to cause beyond his/her control shall be allowed to enroll belatedly under the conditions prescribed under § 873.202(b). This paragraph does not apply to an individual who is reinstated after having been in receipt of workers' compensation or disability retirement payments.

(2) An employee who returned to Federal Service between April 1, 1981, and (effective date of final regulation) after a 180-day break in service may elect family optional insurance upon application to his or her employing office before (31 days after effective date of final regulation).

(5 U.S.C. 8716)

[FR Doc. 83-24611 Filed 9-8-83; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Canned Grapefruit and Orange for Salad

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the voluntary U.S. Standards for Grades of Canned Grapefruit and Orange for Salad. The proposed rule was developed by the United States Department of Agriculture (USDA) at the request of major segments of the citrus industry. This proposal would: (1) Allow sliced oranges to be used in packing this product; and (2) replace dual grade nomenclature with single letter designations. Its effect would be to improve the grade standards and promote orderly and efficient marketing of grapefruit and orange for salad.

DATE: Comments must be received on or before October 11, 1983.

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

FOR FURTHER INFORMATION CONTACT: Paul Jennings, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone (202) 447-6247.

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

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because this reflects current marketing practices.

The currently effective standards for grades of canned grapefruit and orange for salad provide only for segmented fruit to be used in the product. The proposed rule would add sliced oranges or a combination of segmented and sliced oranges, to segmented grapefruit as styles used in canned grapefruit and orange for salad for the purpose of describing product subject to grading. Sliced oranges are utilized in packing canned oranges, chilled oranges and chilled citrus salad. They are more attractive than segmented oranges because they are more uniform in size and remain more intact.

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

List of Subjects in 7 CFR Part 52

Fruits, Vegetables, Food grades and Standards.

PART 52—[AMENDED]

Accordingly, the United States Standards for Grades of Canned Grapefruit and Orange for Salad (7 CFR 52.1251-52.1264) are proposed to be amended as follows:

1. The Table of Contents of the Subpart is revised to read as follows:

Sec.
52.1251 Product description.
52.1252 Styles.
52.1253 Grades.
52.1254 Liquid media and Brix measurement.
52.1255 Fill of container.
52.1256 Minimum drained weight.
52.1257 Sample unit size.
52.1258 Determining the grade of a sample unit.
52.1259 Determining the rating for factors which are scored.
52.1260 Wholeness.
52.1261 Color.
52.1262 Defects.
52.1263 Character.
52.1264 Determining the grade of a lot.

2. Section 52.1251 is revised to read as follows:

§ 52.1251 Product description.

Canned grapefruit and orange for salad, commonly known as canned citrus salad, is prepared from sound, mature grapefruit (Citrus paradisi Macfadyen) and sound, mature oranges of the orange group (Citrus sinensis). The fruit ingredients have been properly washed, the grapefruit units segmented and the orange units segmented or sliced, and cored; and seeds and major portions of tough membrance have been removed. The product is packed with a suitable packing medium which may be water, fruit juice, nutritive carbohydrate sweetener, artificial sweeteners, or any other safe and suitable ingredients permissible under the Federal Food, Drug, and Cosmetic Act. The product is sufficiently processed by heat to assure

preservation in hermetically or aseptically sealed containers.

§ 52.1264 [Removed]

3. Section 52.1264 is removed.

§§ 52.1253–52.1264 [Redesignated from §§ 52.1252–52.1263]

4. Sections 52.1252 through 52.1263 are redesignated as §§ 52.1253 through 52.1264 respectively.

§ 52.1252 [Added]

5. A new § 52.1252 is added to read as follows:

§ 52.1252 Styles.

(a) Segmented.
(b) Mixed segmented and sliced.

§ 52.1253 [Amended]

6. Newly designated § 52.1253 is amended in paragraph (a) by removing the phrase "(or U.S. Fancy)" and in paragraph (b) by removing the phrase "(or U.S Choice)".

§§ 52.1253, 52.1260, and 52.1263 [Amended]

7. Newly designated §§ 52.1253, 52.1260, and 52.1263 are amended by changing "segments" to "units" wherever it appears.

§§ 52.1260 and 52.1262 [Amended]

8. In newly designated §§ 52.1260(a) introductory text and (a)(2); and 52.1262(a)(4) change the word "segment" to read "unit".

9. In newly designated § 52.1260(a)(1) and (a)(2) add the words "or sliced" after "segment" and before "that."

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

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

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-24698 Filed 9-8-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 5

[Docket No. 83-38]

Rules, Policies, and Procedures for Corporate Activities: Employee Stock Option and Stock Purchase Plans

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

ACTION: Notice of proposed rulemaking.

SUMMARY: 12 CFR 5.51 sets forth the policies of the Office of the Comptroller of the Currency (Office) with regard to Employee Compensation Programs (plans). Generally, national banks must submit plans to the Office for approval. Approved plans must meet requirements listed in 12 CFR 5.51. The Office's policies were originally adopted in 1966 and were intended to prevent potential abuses which the Office identified. Subsequent changes in tax law governing all employee compensation plans, safeguards in the securities laws, and the Office's experience with plans suggest that the current requirements for approval are superfluous and impose an unnecessary burden on national banks. Therefore, the Office is proposing to eliminate the current requirements for approval of employee stock option and stock purchase plans.

DATE: Written comments must be submitted on or before October 11, 1983.

ADDRESS: Comments should be directed to: Docket No. [83-38], Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, East, SW., Washington, D.C. 20219, Attention: C. Christine Jones. Comments will be available for public inspection and photocopying at the same location.

FOR FURTHER INFORMATION CONTACT: Randall J. Miller, Manager, Policy, Bank Organization and Structure (202) 447-1184; Ginger Barnum, Attorney, Securities and Corporate Practices Division (202) 447-1954, Office of the Comptroller of the Currency.

SUPPLEMENTARY INFORMATION:

Purpose

The purpose of this proposal is to reduce costs and burdens on national banks and the Office by eliminating the requirement for Office approval of employee stock option and stock purchase plans.

Background

This proposal is part of the Office's Corporate Activites Review and Evaluation (CARE) program. That program is described in 45 FR 68586, dated October 15, 1980, and involves a comprehensive review of the Office's rules, policies, procedures and forms governing filings for corporate expansion and structural changes for national banks. The goals of the CARE program are to minimize costs and burdens on applicants, the agency, and the public; to provide a better understanding of Office policies; to modify or eliminate rules, policies, procedures and forms which are unnecessary or lead to inefficiencies; and to remove barriers to competition.

Discussion

Under 12 U.S.C. 57, a national bank may increase its capital stock to any sum provided the increase is approved by the Comptroller of the Currency and by a vote of the shareholders owning two thirds of the outstanding voting stock. The Office's power to review the terms of a stock option or stock purchase plan and direct changes therein derives from the authority of the Office to approve capital increases under 12 U.S.C. 57.

In 1966, the Office adopted a regulation requiring national banks to submit their proposed plans and other pertinent information for review and approval. On October 15, 1980, this regulation was reedesignated 12 CFR 5.51 and was incorporated into Part 5, Rules, Policies and Procedures for Corporate Activities. The regulation provides that plans will generally be approved if their terms are fair and reasonable, and requires that certain conditions be met to obtain approval. These include: (1) Submission of a letter of application for approval containing specified information; (2) Administration of the plan by a committee, none of whose members may participate in the plan; (3) Allocation of shares to any person under the plan in accordance with resonable criteria in relation to the purpose of the plan and the needs of the bank; and (4) Limitation of the number of shares subject to a plan relative to the bank's capital structure and anticipated growth. In addition, the regulation specifies that shares issued to employees pursuant to a plan may be authorized but unissued stock which has been approved by stockholders in accordance with the procedures outlined in 12 CFR 5.46.

The requirements of the regulation are intended to limit abuses which may arise in connection with employee stock option and stock purchase plans. Such abuses include, for example: dilution of existing shareholders equity by large issuances of stock under an option or purchase plan; excessive compensation to corporate insiders; and sales of large or controlling blocks of stock to corporate insiders at preferential prices. Such abuses are of concern to the Office. However, the Office has tentatively concluded that adequate safeguards against such abuses would exist in the absence of the current regulatory requirements in 12 CFR 5.51.

The Office's experience with plans indicates that those of most national banks are intended to qualify for favorable tax treatment under the Internal Revenue Code (IRC). IRC 422A

contains requirements relating to, among other things, exercise price, duration of the option, and shareholder approval for implementation of the plan. Those requirements limit the potential for abuses such as those noted above.

Moreover, for those plans submitted which do not qualify for favorable tax treatment, disclosure requirements often provided a safeguard against abuses. For example, if a plan requires a bank to increase its capital, such an increase requires shareholder approval. Banks subject to the reporting requirements of the Securities Exchange Act of 1934 through 12 CFR 11 must disclose all material information regarding a proposed plan to shareholders before seeking their approval. Similarly, new banks seeking initial capitalization through an offering of stock must disclose all material information, including any stock option or stock purchase plan in an offering circular to prospective shareholders.

In some cases, insiders own a controlling interest in a bank's stock. The approval of informed shareholders would not be an adequate deterrent to abuse in these cases. However, if insiders own a controlling interest in a bank's stock, stock option or stock purchase plan is less likely to be used as a compensation vehicle because the bank's stock would not be subject to significant fluctuations in market value.

In those few cases where abuses may still occur, affected shareholders are not defenseless. Where the operation of a plan results in a breach of fiduciary duty to shareholders or some other violation of law, enforcement mechanisms, such as shareholder's right of action or an administrative action by the Office, would still be available.

Finally, nonbank corporate entities generally need no regulatory approval to establish stock option or stock purchase plans. The Officer's experience in this area suggests that there is no reason why the plans of national banks should be treated differently from those of nonbank corporate entities.

Therefore, the Office is proposing to eliminate the current requirements for approval of national bank stock option or stock purchase plans.

Regulatory Flexibility Analysis

Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), the Secretary of the Treasury has certified that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposal eliminates a regulatory requirement and its attendant burden for all institutions, large and small.

Regulatory Impact Analysis

The Office has determined that the proposed rule does not constitute a major rule within the meaning of Executive Order 12291. The proposed elimination of the rule, if adopted, would not have an annual effect on the economy of $100 million or more, would not cause a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions, and would not have an adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 12 CFR Part 5

National banks, Employee stock option and stock purchase plans.

Authority and Issuance

The Comptroller of the Currency proposes to amend 12 CFR Part 5 as follows:

1. The authority citation for Part 5—Rules, Policies, and Procedures for Corporate Activities reads as follows:

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

§ 5.51 [Removed]

2. By removing section 5.51.

Dated: August 12, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-24086 Filed 9-8-83; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-212; (Texas—38)]

High-Cost Gas Produced From Tight Formations, Texas; Proposed Rulemaking

Issued: September 6, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (Supp V. 1982), to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Austin Chalk Formation be designated as a tight formation under § 271.703(d).

DATES: Comments on the proposed rule are due on October 21, 1983.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on September 21, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Leslie Lawner, (202) 357-8511,

or

Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

I. Background

On July 29, 1983, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (18 CFR 271.703 (1982)), that the Austin Chalk Formation underlying portions of Grimes County, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Austin Chalk Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Austin Chalk Formation, underlying a portion of Grimes County, Texas, Railroad Commission District 3, be designated as a tight formation. The recommended area lies within a 2.5 mile radius around the Tenneco Oil Company, L. R. Fuqua No. 1 well, located 5,200 feet from the north line and 1,500 feet from the east line of the John Bowman Survey A-7.

In the recommended area, the Austin Chalk Formation is the stratigraphic interval defined as being above the Eagleford Formatin and below the Pecan

Gap Formation. The top of the Austin Chalk Formation is found at 12,210 feet subsea, with the bases at 12,484 feet subsea, in the L.R. Fuqua No. 1 well.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing on April 7, 1983, convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed, 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing state and federal regulations assure that development of the formation will not adversely affect any fresh water aquifers that are or are expected to be used as domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, [Reg. Preambles 1977–1981] FERC Stats. and Regs. ¶ 30,180 (1980), notice is hereby given of the proposal submitted by Texas that the Austin Chalk Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 21, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–212 (Texas—38), and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An orginal and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than September 21, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

PART 271—[AMENDED]

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703 is amended by adding paragraph (d)(197) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) Designated tight formations. * * *

(142) through (196) [Reserved] * * *

(197) *Austin Chalk Formation in Texas.* RM79–76 (Texas—38)

(i) *Delineation of formation.* The Austin Chalk Formation is found in Grimes County, Texas, Railroad Commission District 3. The area lies within a 2.5 mile radius around the Tenneco Oil Company L. R. Fuqua No. 1 well, located 5,200 feet from the north line and 1,500 feet from the east line of the John Bowman Survey, A–7.

(ii) *Depth.* The Austin Chalk Formation in the designated area is defined as the stratigraphic interval above the Eagleford Formation and below the Pecan Gap Formation. The top of the Austin Chalk Formation is found at 12,210 feet subsea, with the base at 12,484 feet subsea, in the L.R. Fuqua No. 1 well.

[FR Doc. 83-24709-Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 6

Proposed Customs Regulations Amendment Relating To Processing of Unaccompanied Baggage

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposed to amend the Customs Regulations to allow unaccompanied *checked* baggage to be treated as other than air cargo for Customs documentation purposes. Currently, that baggage is considered to be cargo, and subject to more paperwork than is necessary to expedite its delivery to the traveler.

Baggage which is unaccompanied but *not* checked will continue to be treated, controlled and documented as air cargo.

Customs is proposing the amendment to reduce the paperwork requirements applicable to unaccompanied checked baggage.

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

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Larry K. Shirk, Office of Passenger Enforcement and Facilitation, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5607).

SUPPLEMENTARY INFORMATION:

Background

A fundamental part of Customs traditional mission is to prevent fraud and smuggling. One means to accomplish this is to control carriers, persons and articles entering and departing the United States.

For reasons of Customs anti-smuggling enforcement effort and quantity control purposes, all unaccompanied baggage has been treated as cargo. Accordingly, section 6.7(b)(3)(vii), Customs Regulations (19 CFR 6.7(b)(3)(vii)), requires that all unaccompanied baggage, whether checked or unchecked, arriving in the United States on a foreign flight, be manifested on Customs Form 7509 as air cargo. However, informal surveys conducted by Customs at various United States airports have shown that for the sake of expediency, diverse local

procedures for handling unaccompanied baggage have been developed in many field offices to accommodate their particular workload, enforcement, and control situations. Those local procedures have been devised because of a general recognition that baggage traveling under a regular destination tag, *i.e.*, "checked," poses less risk of a loss to the revenue because of undervaluation or failure to declare articles and is less likely to be used to introduce articles illegally into the commerce of the United States.

However, because unaccompanied checked baggage is treated as air cargo, an entry for immediate transportation without appraisement (in bond) on Customs Form 7520, must be completed by Customs for all such baggage traveling from a port of entry to a port of destination—even though the baggage may have been examined by Customs at the port of entry and will be claimed by the passenger at the port of destination. In addition, all overages of unaccompanied baggage manifested as air cargo now require a "post entry" and completion of Customs Form 5931, Discrepancy Report and Declaration, if the baggage is not claimed immediately by the deplaning passenger (see §§ 6.7(h), 18.13, Customs Regulations (19 CFR 6.7(h), 18.13)).

The proposed amendment would distinguish between unaccompanied checked baggage and that which is not checked, and would eliminate the application to unaccompanied checked baggage of the procedures normally applied to air cargo entering the United States.

Accordingly, the proposal would streamline procedures for processing unaccompanied, checked baggage arriving via air carrier and timely presented to Customs for examination. Only unaccompanied unchecked baggage and unaccompanied checked baggage not timely presented or, if timely presented but containing dutiable, restricted, or prohibited merchandise, would be required to be manifested on Customs Form 7509. Such baggage will be subject to other documentation, allowing other unaccompanied but checked baggage to clear the airport with minimal delay to the air carrier and the traveler. This action, however, will not result in a relaxation of Customs enforcement responsibilities, because unaccompanied checked baggage still will receive an appropriate inspection before release from Customs custody. Once released from Customs custody, delivery of the baggage to the traveler would remain the responsibility of the carrier. Customs believes that the net result of the change will be less required paperwork for air carriers and Customs.

Based on the foregoing, Customs is proposing to amend § 6.7(b)(3)(vii), Customs Regulations, to eliminate the requirement of having air carriers show on an Air Cargo Manifest, Customs Form 7509, baggage which has been checked with the air carrier but is arriving in the United States from any foreign country unaccompanied. Baggage which has *not* been checked with the air carrier and which is arriving unaccompanied would still have to be manifested on Customs Form 7509 as other air express or freight.

Authority

This project is being initiated under the authority of R.S. 251, as amended section 624, 644, 46 Stat. 759, 761, as amended, sections 904, 1109, 72 Stat. 787, 799, as amended (19 U.S.C. 66, 1624, 1644; 49 U.S.C. 1474, 1509).

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Executive Order 12291

The proposed amendment does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is hereby certified that the proposed regulation set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, this regulation is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 6

Air carriers, Baggage, Customs duties and inspection, Freight, Imports.

Proposed Amendment

It is proposed to revise § 6.7(b)(3)(vii), Customs Regulations (19 CFR 6.7(b)(3)(vii)), to read as follows:

PART 6—AIR COMMERCE REGULATIONS

§ 6.7 Documents for entry.

* * * * *

(b) * * *

(3) * * *

(vii) Unaccompanied baggage arriving in the United States under a check number from any foreign country by air and presented timely to Customs may be authorized for delivery by the carrier after inspection and examination without preparation of an entry, declaration, or being manifested as cargo. Such baggage must be found to be free of duty or tax under any provision of Schedule 8, Tariff Schedules of the United States (19 U.S.C. 1202), and cannot be restricted or prohibited. Unaccompanied checked baggage not presented timely to Customs or presented timely and found to be dutiable, restricted, or prohibited will be shown on the cargo manifest in columns under the following headings:

Check No.	Description of package	Where from	Destination

On the right of the foregoing columns two blank columns, one headed "Name of examining officer" and on the right thereof another headed "Disposition," will be provided on the cargo manifest for the use of Customs officers. Unaccompanied unchecked baggage arriving as air express or freight will be manifested as other air express or freight.

William von Raab,

Commissioner of Customs.

* * * * *

Approved: August 17, 1983.

John W. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-24657 Filed 9-8-83; 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Parts 10 and 114

Proposed Customs Regulations Amendments Concerning Cancellation of Temporary Importation Bonds

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule

SUMMARY: This document proposes to eliminate the necessity for Customs to examine merchandise, imported temporarily under bond or under a carnet, before exportation and to supervise the exportation process in order to have the temporary importation bond or carnet canceled. Proof of exportation would be verified by documentary evidence ordinarily submitted to Customs. Elimination of these requirements would ease the Customs workload and benefit importers who use the temporary importation bond procedures.

DATES: Comments must be received on or before November 8, 1983.

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Donald Beach, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–5856).

SUPPLEMENTARY INFORMATION:

Background

Under the provisions of Schedule 8, Part 5, Subpart C, Tariff Schedules of the United States (19 U.S.C. 1202), certain classes of articles may be imported into the United States on a temporary basis under bond. Such articles, when not imported for sale or sale on approval, may be admitted into the United States without the payment of duty by furnishing Customs with a bond which provides for exportation of the articles under Customs supervision. Exportation must be within one year from the date of importation. This period may be extended upon application for one or more periods which when added to the initial one year period will not exceed a total of three years. The Customs Regulations governing temporary importations under bond are found in section 10.31 *et seq.* (19 CFR 10.31 *et seq.*)

A carnet is an international customs document which also may be used for the temporary duty free importation of certain articles into a country in lieu of the usual customs documents required. The carnet serves as a guarantee against the payment of customs duties which may become due on articles temporarily imported and not exported. The Customs Regulations governing carnets are found in § 10.31 *et seq.* and Part 114, Customs Regulations (19 CFR 10.31 *et seq.*, Part 114).

Section 10.38(a), Customs Regulations (19 CFR 10.38(a)), states that articles entered under a temporary importation bond or carnet may be exported at the port of entry or at another port. An Application for Exportation of Articles Under Special Bond, Customs Form 3495, must be filed with the district director of Customs a sufficient length of time in advance of the date of exportation to permit Customs to examine and identify the articles if circumstances warrant examination. The past practice has been to examine most articles before exportation. Articles entered under a carnet are examined at the port from which they are to be exported.

If Customs decides to examine the articles, all expenses in connection with the delivery of the articles to Customs for examination, the cording and sealing of the articles, and their transfer for exportation are paid for by the parties in interest. Customs is required to supervise the exportation process. Section 10.39, Customs Regulations (19 CFR 10.39), sets forth the procedures for cancellation of bonds.

Because of increased demands for Customs service and decreased staffing, it is believed that the requirements of examination and supervision of exportation are now unrealistic. This procedure was instituted to insure that the articles were in fact exported. However, it is Customs opinion that documentary evidence, such as a copy of a bill of lading, a landing certificate, a vessel or vehicle manifest, a certificate of lading, or a certified notice of exportation which shows that the article was exported, is adequate proof of exportation.

Because of the benefit which accrues to the public by modifying the procedure to allow exportations to be proven by documentary evidence and the benefit to Customs by eliminating physical supervision, on April 3, 1981, Customs notified all principal field offices that an importer of a temporarily imported article may cancel the bond or carnet by filing documentary evidence of exportation with Customs. By Treasury Decision 81–124, published in the Customs Bulletin on May 20, 1981, notice was given to the public that the requirements of sections 10.38 and 10.39, Customs Regulations, were being suspended at the importers option. Since that time, most importers have exercised the option without problem.

In light of the foregoing, it is now proposed to amend Parts 10 and 114, Customs Regulations, to eliminate the necessity of examination by Customs of merchandise imported temporarily under bond or carnet and the requirement of supervision of the exportation process. Because of the unique nature of mail or parcel post exportations supervision of their exportation will continue. It is proposed to eliminate Customs Form 3495, Application for Exportation of Articles under Special Bond.

Authority

These amendments are proposed under the authority of R.S. 251, as amended, section 623, as amended, section 624, section 1202, as amended (19 U.S.C. 66, 1202, 1623, 1624).

Comments

Before adopting this proposal, consideration will be given to any written comments, preferably in triplicate, that are submitted timely to the Commissioner of Customs. Comments will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Drafting Information

The principal author of this document was John E. Elkins, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Executive Order 12291

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

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effect on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping or other compliance burdens on a substantial number of small entities, or; generate significant interest or attention from entities through comments, either formal or informal.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule, if promulgated, will

not have a significant economic impact on a substantial number of small entities.

List of Subjects

19 CFR Part 10

Customs duties and inspection, Imports, Temporary importation under bond.

19 CFR Part 114

Customs duties and inspection, Imports.

Proposed Amendments to the Regulations

It is proposed to amend Part 10 and 114, Customs Regulations (19 CFR Parts 10 and 114), as set fourth below.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. It is proposed to amend § 10.38 by revising it to read as follows:

§ 10.38 Exportation.

(a) *General.* Articles temporarily imported under bond or carnet may be exported without Customs examination or supervision. Bond liability will be cancelled or no claim will be brought against the guaranteeing association on a carnet under § 10.39 of this chapter if satisfactory written proof of timely exportation by the person principally liable under the bond or carnet, or an authorized representative or agent, is provided to the district director at the port of importation within (1) 30 days of exportation or (2) 10 days of the end of the period during which the articles were authorized to remain in the customs territory of the United States under bond, whichever occurs first. Evidence sufficient to prove exportation of articles entered temporarily under bond includes, but is not limited to, a bill of lading, landing certificate, vessel or vehicle manifest, certificate of lading or certified notice of exportation. The request for cancellation of the bond must also include a copy of the import entry or a copy of the invoice used on entry. In the case of a carnet, the reexportation voucher shall be submitted and the carnet shall be presented for certification.

(b) *Mail or parcel post exportations.* If articles are exported by mail or parcel post, the package containing the articles shall be presented to Customs for mailing under Customs supervision. If presented for mailing at a port other than the port of entry, the request for cancellation of the bond shall be presented in duplicate along with the package. After the package is mailed, the district director shall certify the orginal of the request and forward it to the port of entry.

(c) *Verification.* Whenever the circumstances warrant, and occasionally in any event, district directors shall cause the fact of exportation to be verified in accordance with the procedures provided for in §§ 18.7 and 22.43 of this chapter.

2. It is proposed to amend § 10.39(e) by removing the words "under Customs supervision" from paragraph (2) and by revising the first sentence of paragraph (3) to read as follows:

§ 10.39 Cancellation of bonds.

* * * * *

(e) * * *

(3) If the article was exported within the bond period, but a timely request for cancellation of the bond was not made, and satisfactory documentary evidence of actual exportation (e.g. foreign landing certificate), or of death or other complete destruction (e.g. veterinarian's certificate or certificates of two disinterested witnesses) is furnished, upon the payment of such lesser amount, or without the collection of liquidated damages, as the district director may deem appropriate under the law and in view of the circumstances. * * *

* * * * *

PART 114—CARNETS

It is proposed to amend the second sentence of section 114.26(a) by revising it to read as follows:

§ 114.26 Discharge, nonacceptance, or cancellation of carnets.

(a) *Unconditionally discharge.* * * *

A TIR carnet shall be discharged unconditionally when all merchandise covered thereby has been properly entered, placed in general order, or exported.

* * * * *

Alfred R. De Angelus,
Acting Commissioner of Customs.

Approved: August 19, 1983.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

[FR Doc. 83-24658 Filed 9-8-83; 8:45 am]
BILLING CODE 4820-02-M

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19 CFR Part 162

Proposed Customs Regulations Amendments Concerning Disposition of Proceeds of Sale of Property Seized and Forfeited Other Than Under 19 U.S.C. 1592

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations relating to the disposition of the proceeds of sale of certain property. The amendment would eliminate language which precludes the recovery of expenses incurred for Government labor and storage on Government-owned or Government-leased property from the proceeds of the sale of property seized and forfeited under laws other than under 19 U.S.C. 1592, when no application for remission and restoration is filed, or the application is denied.

The proposed amendment is necessary because the prohibition of the current regulation has hindered Government enforcement efforts.

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

ADDRESS: Written comments, preferably in triplicate, should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Robert J. Pisani, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8317).

SUPPLEMENTARY INFORMATION:

Background

Section 162.51(a)(2)(iv), Customs Regulations (19 CFR 162.51(a)(2)(iv)), which was amended by T.D. 79-160, published in the Federal Register on June 4, 1979 (44 FR 31950), provides that the Government may not recover expenses incurred for Government labor and storage on Government-owned or Government-leased property from the proceeds of the sale of property seized and forfeited under laws enforced or administered by Customs other than under 19 U.S.C. 1592, when no application for remission and restoration is filed or the application is denied. Prior to T.D. 79-160, section 162.51 has stated that if the forfeited property is cleared for sale, the Customs appropriation shall be reimbursed from the proceeds of the sale for all expenses paid from such appropriation in connection with the seizure and forfeiture of such property.

The restriction of present section 162.51(a)(2)(iv) is not contained in section 613, Tariff Act of 1930, as amended (19 U.S.C. 1613), which provides for the payment of all proper expenses of the proceedings and sale.

including expenses of maintaining custody of the property.

The inability to recover expenses incurred for Government labor and storage on Government-owned or Government-leased property has hindered Government enforcement efforts, inasmuch as those expenses must be paid with funds appropriated for other purposes such as enforcement efforts. The total cost of storing and maintaining conveyances in the Southeast Customs Region (Miami) alone has exceeded $2,000,000 per year.

Accordingly, this document proposes to amend section 162.51(a)(2)(iv) to eliminate the language which precludes the recovery of such expenses.

List of Subjects in 19 CFR Part 162

Customs duties and inspection, Imports, Seizures and forfeitures.

Proposed Regulations Amendments

It is proposed to amend Part 162, Customs Regulations (19 CFR Part 162), in the following manner:

PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

It is proposed to revise § 162.51(a)(2)(iv) to read as follows:

§ 162.51 Disposition of proceeds of sale of property seized and forfeited other than 19 U.S.C. 1592.

(a) * * *

(2) * * *

(iv) Expenses of cartage, storage, and labor. When the proceeds are insufficient to pay these expenses fully, they shall be paid pro rata.

* * * * *

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

These amendments are proposed under the authority of R.S. 251, as amended, section 613, 46 State. 756, as amended, section 624, 46 Stat. 759 (19 U.S.C. 66, 1613, 1624).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to initial and final regulatory flexibility analyses (5 U.S.C. 603, 604) are not applicable to this proposal because the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidential effects on a substantial number of small entities or to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C.605(b)) that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

Because this proposed rule, if promulgated, will not result in a regulation which will be a "major rule" as defined in section 1(b) of E.O. 12291, a regulatory impact analysis as prescribed by section 3 of the E.O. is not required.

Drafting Information

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

George C. Corcorna, Jr.

Acting Commissioner of Customs.

Approved: August 19, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-24859 Filed 9-8-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 1 and 156

[CGD 78-180]

Special Requirements for Cargo Lightering Operations

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This supplemental notice presents proposed regulations for the lightering of oil and hazardous materials cargoes in bulk from one vessel to another in the marine environment surrounding the United States. It contains substantial changes to the notice of proposed rulemaking that was published on May 31, 1979 (44 FR 31486). The Port and Tanker Safety Act of 1978 requires the Secretary of the Department in which the Coast Guard is operating to issue regulations for lightering. If adopted, the proposed rules will establish uniform safety and pollution prevention rules for vessels engaged in offshore lightering.

DATES: Comments must be received on or before November 8, 1983.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/44), U.S. Coast Guard, Washington, D.C. 20593. Comments will be available for examination at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C., 20593, (202) 426-1477. Normal office hours are between 7:30 a.m. and 3:30 p.m. Monday through Friday, except Federal holidays. The Draft Environmental Assessment and Finding of No Significant Impact are also available at the above address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Clayton W. Evans, Project Manager, Office of Marine Environment and Systems (G-WPE/3), (202) 426-9578.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data or arguments. Comments should include the name and address of the person making them, identify this notice (CGD 78-180), and the specific section of the proposal to which each comment applies, and give the reasons for the comment. If an acknowledgment is desired, a stamped, self-addressed postcard should be enclosed.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial.

Drafting Information

The principal persons involved in drafting this proposal are: Lt. Clayton W. Evans, Project Manager, Office of Marine Environment and Systems, and LCDR William B. Short, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulations

The Port and Tanker Safety Act of 1978 (Pub. L. 95-474, October 17, 1978), hereafter called the Act, amended the Tank Vessel Act (46 U.S.C. 391a). Paragraph 17 of Section 5 of the Act requires the Secretary of the Department

in which the Coast Guard is operating to develop regulations for the lightering of oil and hazardous materials which takes place in the navigable waters of the United States or on the adjacent high seas if the cargo is destined for a port or place subject to the jurisdiction of the United States. Congress took this action in response to an increased number of tank vessel casualties, an increasing number of lightering operations, and increasing public awareness of these activities.

A Notice of Proposed Rulemaking (NPRM) regarding lightering was published on 31 May 1979 (44 FR 31486). A 90-day comment period was provided, which expired on 29 August 1979. A total of 47 comments were received. These comments reflected a wide variety of opinion on the subject of lightering and ranged from suggestions for very minimal or no regulation of lightering operations to requests for a total prohibition on lightering within 200 miles of land and complex licensing and permit fee systems. Many of the equipment and behavioral requirements in the original proposal were found restrictive or inappropriate. Additionally, lightering superintendent and personnel experience and qualifications were considered too selective.

The comments were carefully evaluated, and the Coast Guard also observed lightering operations in the Gulf of Mexico. As a result of the comments received and the Coast Guard's observations, it became apparent that the proposal should be simplified, and a Supplemental Notice of Proposed Rulemaking issued. The Coast Guard's initial approach was to encourage use of an existing operations manual on the subject, *The Ship-to-Ship Transfer Guide*, but this concept was later rejected, to avoid incorporation of an impermanent manual by reference.

Offshore lightering has decreased 60 percent from 1979 levels and this is additional incentive to simplify the regulations. Contributing to this decline are: The decreased use of foreign crude oil, increased costs of supertanker operations, and opening of the Louisiana Offshore Oil Port (LOOP) that now receives Very Large and Ultra Large Crude Carriers. Despite these decreases, there will be a continuing need to regulate offshore lightering. For example, in 1981 two substandard tankships were denied entry into port by Coast Guard Captains of the Port and subsequently lightered their cargoes beyond the contiguous zone. Accordingly, pollution prevention requirements must be placed upon vessels lightering offshore. Vessels lightering in waters off the United States coast will be required to comply with the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), and where required by part 151 of this chapter, must have on board an International Oil Pollution Prevention (IOPP) Certificate or other evidence of compliance with MARPOL 73/78.

This Supplemental Notice of Proposed Rulemaking (SNPRM) requires vessels lightering in the marine environment to hold a Certificate of Inspection or Certificate of Compliance (or Tank Vessel Examination Letter); to comply with MARPOL 73/78; and to give pre-arrival notices and report certain incidents. The SNPRM also delegates the authority to establish lightering zones to the Coast Guard District Commander. The following is a discussion of specific sections of the proposed rules.

Discussion of Specific Sections

Section 156.200 Applicability.

The rules apply to all vessels, including barges, which engage in lightering of oil or hazardous materials in the "marine environment" as that term is defined in § 156.205 of this subpart, when the cargo is bound for the United States. Within the contiguous zone and navigable waters of the United States these rules are in addition to the rules in Subpart A, as well as the rules in 33 CFR Part 155 and the applicable sections of 33 CFR Part 157.

Section 156.205 Definitions.

The definitions are in addition to those in § 154.105 of this chapter.

Section 156.210 General.

The vessel to be lightered and service vessel must have a valid Certificate of Inspection, Certificate of Compliance, or Tank Vessel Examination Letter. These vessels must also have an International Oil Pollution Prevention Certificate, or equal documentation of compliance with MARPOL 73/78, as would be required by part 151 of this chapter for U.S. vessels and foreign vessels in navigable waters of the United States. This requirement is effective under the timetable set out in § 151.19 of this chapter (Proposed Rules, 48 FR 30673). The Port and Tanker Safety Act (46 U.S.C. 391a (8) and (17) requires a Certificate of Inspection, or a Certificate of Compliance (or Tank Vessel Examination Letter). The IOPP Certificate can form the basis, in part, for the issuance of the Certificate of Compliance or Tank Vessel Examination Letter.

The rules also apply to vessels lightering hazardous materials. Because of the unique properties of hazardous materials, approval for their lightering must be obtained from the Commandant. At the time of entry into force of Annex II to MARPOL 73/78, these vessels will be required to have an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973), if required by Annex II to MARPOL 73/78, or equivalent documentation of compliance with the annex.

Section 156.215 Pre-arrival Notices.

This section requires the master or other respresentative of a vessel to be lightered to notify the Captain of the Port nearest the lightering location at least 24 hours in advance of arrival in the lightering location or zone. Notification information includes vessel name, call sign or official number; registry; cargo; number of transfers; lightering location or zone; time of arrival; and information on service vessels. This information allows the Coast Guard to monitor lightering and conduct inspection, enforcement and response activities if necessary.

Section 156.220 Reporting of Incidents.

The reporting requirements apply to service vessels having a destination in the United States, and facilitate enforcement.

Immediate reports of incidents such as fires, explosions or other casualties, and failure of critical vessel systems are required to allow for Coast Guard response to an emergency. The term "immediate" means as soon as possible after the incident. A report that is delayed by clearance through an administrative or legal staff is not immediate. Delays decrease the effectiveness or make any remedial action impossible.

The requirement to report the discharge or cargo into the water is included because the Captain of the Port must have knowledge of spills that could impact his area. This requirement incorporates the MARPOL 73/78 reporting requirement in § 151.15 of this chapter (Proposed Rules, 48 FR 30673) to provide uniform requirements.

The Federal Water Pollution Control Act (FWPCA) prohibits the discharge of oil, in such quantities as may be harmful, into or upon the navigable waters or contiguous zone of the United States. The Environmental Protection Agency (EPA) has determined such "quantity as may be harmful" as being

any quantity that creates or causes a film or sheen upon or a discoloration of the surface of the water or adjoining shoreline or causes an emulsion or sludge to be deposited beneath the surface of the water or adjoining shorelines (40 CFR 110.3). Section 311(b)(3)(A) of the FWPCA was amended by Section 13(b) of Pub. L. 96-478 (33 U.S.C. 1901-1911), to allow discharges of oil into the waters of the contiguous zone, where permitted under the provisions of MARPOL 73/78.

The effect of these statutes and the regulations issued under their authority is that within the navigable waters of the United States, the discharge of an oily mixture must be in accordance with the "sheen test". Seaward of the outermost boundary of the navigable waters of the United States, but within the contiguous zone, a discharge allowed by MARPOL 73/78 is allowed under the FWPCA. Such a discharge from machinery space bilges or fuel oil tanks with an oil content of less that 15 ppm (parts per million), would be allowed without regard to the "sheen test". Seaward of the outermost boundary of the contiguous zone of the United States, a discharge from machinery space bilges or fuel oil tanks with an oil content of less than 100 ppm is allowed by MARPOL 73/78. All other oil discharges must be reported.

Section 156.225 Designation of Lightering Zones.

The authority to establish lightering zones is delegated to the Coast Guard District Commander. The District Commander is the official directly responsible for operations in the lightering areas and can best evaluate the need for lightering zones.

It was initially thought the first lightering zones could be readily included in this rulemaking. District Commanders where lightering occurs, however, have recommended lightering zones not be established at this time, because lightering operations have been conducted prudently and zones for some lightering operations could be unreasonably large. For this reason, zones are not proposed and authority will be delegated to the District Commander to designate lightering zones when necessary for safety or environmental protection. § 1.05-1(g)(2) of this chapter, describing rulemaking delgations, has also been amended to include designation of lightering zones.

Section 156.230 Factors Considered in Designating Lightering Zones.

This section describes safety, environmental, and economic factors to be considered by the District Commander in evaluating existing and proposed lightering zones. The factors are thought to be broad enough to permit involvement by concerned parties and ensure careful evaluation of lightering zone sites by the District Commander.

Regulatory Evaluation

The Coast Guard has evaluated this proposal under Executive Order 12291 and the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT Order 2100.5 dated 22 May 1980), and has determined that it is neither a major nor a significant rulemaking. The cost of the regulations to the marine industry is anticipated to be minimal. MARPOL 73/78 requires vessels over 400 gross tons to have installed bilge oily-water separating equipment, and this is not a new cost in the rulemaking are those for the required notices (an estimated 156 notices per year × $5.00 per notice = $780 per year).

This proposed rule will require vessels engaged in lightering to give a pre-arrival notice, and report cargo spills and serious casualties. The collection of information requirements contained in the rule have been submitted to the Office of Management and Budget (OMB) for review under Section 3504(h) of the Paperwork Reduction Act, Pub. L. 96-511. Comments on the collection of information in § 156.215 and § 156.220 are directed to the Office of Information and Regulatory Affairs of OMB, Attention: Mr. Wayne Leiss, Desk Officer for the Coast Guard.

The Coast Guard certifies that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354, 19 September 1980 (5 U.S.C. 603). The companies involved in lightering are generally large oil companies. The costs have been identified and are minimal.

This action will not produce a significant impact on the environment. It is designed to prevent degradation of the environment from lightering activity. A revised Draft Environmental Assessment and a Finding of No Significant Impact have been prepared and are available for study and comment from the Marine Safety Council (G-CMC/44), U.S. Coast Guard, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-1477.

The Coast Guard, through this Supplemental Notice of Proposed Rulemaking, proposes to establish safe, effective, and practical rules for lightering operations. Comments on all aspects of this issue are sought.

List of Subjects

33 CFR Part 1

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of Information, Penalties.

33 CFR Part 156

Oil pollution.

PART 1—[AMENDED]

In consideration of the foregoing the Coast Guard proposes to amend Chapter I of Title 33, Code of Federal Regulations as follows:

1. By revising paragraph (g)(2) of § 1.05-1 to read as follows:

§ 1.05-1 General.

* * * * *

(g) * * *

(2) The designation of lightering zones.

* * * * *

PART 156—[AMENDED]

2. By revising the authority citation for Part 156 to read as follows:

Authority: Sec. 2, Pub. L. 92-500, 86 Stat. 868, (33 U.S.C. 1321(j)(1) (C) and (D)); E.O. 11735, 3 CFR, 1971-1975 COMP., p. 793; 49 CFR 1.46(m). Subpart B is issued under Sec. 5, Pub. L. 95-474, 92 Stat. 1491, (46 U.S.C. 391a(17)(B)); 49 CFR 1.46(n)(4).

3. By designating § 156.100 through § 156.170 as "Subpart A."

4. By revising § 156.105 to read as follows:

§ 156.105 Definitions.

The definitions in § 154.105 of this chapter apply to this subpart.

5. By adding a new "Subpart B" to read as follows:

PART 156—OIL TRANSFER OPERATIONS

* * * * *

Subpart B—Special Requirements for Lightering of Oil and Hazardous Materials Cargos

Sec.

156.200 Applicability.
156.205 Definitions.
156.210 General.
156.215 Pre-arrival notices.
156.220 Reporting of incidents.
156.225 Designation of lightering zones.
156.230 Factors considered in designating lightering zones.

* * * * *

Subpart B—Special Requirements for Lightering of Oil and Hazardous Materials Cargos

§ 156.200 Applicability.

This subpart applies to vessels which engage in oil and hazardous materials lightering operations in the marine environment, when the cargo lightered is destined for a port or place subject to the jurisdiction of the United States. Within the contiguous zone and navigable waters of the United States these rules are in addition to the rules in Subpart A, as well as the rules in 33 CFR Part 155 and the applicable sections of 33 CFR Part 157.

§ 156.205 Definitions.

(a) In addition to the terms defined in this section, the definitions in § 154.105 of this chapter apply to this subpart.

(b) As used in this subpart:

"Hazardous material" means any liquid material or substance which is:

(1) Flammable or combustible; or

(2) Designated a hazardous substance under section 311(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321);

(3) Designated a hazardous material under section 104 of the Hazardous Materials Transportation Act (49 U.S.C. 1803); or

(4) Designated as a noxious liquid substance under Annex II of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78).

"Lightering" or "Lightering operation" means the transfer of a cargo of oil or a hazardous material in bulk from one vessel to another, including all phases of the operation from the beginning of the mooring operation to the departure of the service vessel from the vessel to be lightered, except when that cargo is intended only for use as fuel or lubricant aboard the receiving vessel.

"Marine environment" means the navigable waters of the United States, the contiguous zone, the waters of any area over which the United States asserts exclusive fishery management authority, and the waters over the Outer Continental Shelf of the United States.

"Oil" means oil of any kind or in any form, including, but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

"Service vessel" means the vessel which receives a cargo of oil or a hazardous material from another vessel in a lightering operation.

"Vessel to be lightered" means the vessel which transports a cargo of oil or a hazardous material to a place within the marine environment for transfer of that cargo to another vessel for further transport to a port or place subject to the jurisdiction of the United States.

§ 156.210 General.

(a) No vessel may transfer oil or hazardous materials in a port or place subject to the jurisdiction of the United States, if the cargo has been lightered from another vessel in the marine environment, unless:

(1) The regulations in this subpart have been complied with;

(2) Both the vessel to be lightered and service vessel have, on board, at the time of transfer, a valid Certificate of Inspection, Certificate of Compliance, or a Tank Vessel Examination Letter, as would have been required under 46 U.S.C. 391a(8), had the transfer taken place in a port subject to the jurisdiction of the United States;

(3) Both the vessel to be lightered and service vessel have, on board, at the time of transfer an International Oil Pollution Prevention (IOPP) Certificate or equivalent documentation of compliance with the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) as would be required by part 151 of this chapter for U.S. vessels and foreign vessels in navigable waters of the United States. The IOPP Certificate shall be that prescribed by § 151.19 of this chapter, and shall be effective under the same timetable as that section.

(b) Lightering operations involving hazardous materials may be conducted only with the specific approval of the Commandant. A letter application to lighter hazardous materials must be submitted to Commandant (G-WPE) 90 days prior to the planned start of lightering operations. On the date of entry into force of Annex II to MARPOL 73/78, vessels lightering hazardous materials other than oil shall carry an International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk (1973), if required by Annex II to MARPOL 73/78, or equivalent documentation of compliance with the annex.

§ 156.215 Pre-arrival notices.

The master, owner or agent of each vessel to be lightered in the marine environment, must give at least 24 hours advance notice to the Captain of the Port nearest the lightering location or zone, prior to arrival in the lightering location or zone. This advance notice must include:

(a) The vessel's name, call sign or official number, and registry;

(b) The cargo type (if oil) or shipping name (if hazardous material) and approximate amount on board;

(c) The number of transfers expected;

(d) The lightering location or zone to be used;

(e) The estimated time of arrival in the lightering location or zone;

(f) The estimated duration of transfer operation; and

(g) The name and destination of service vessel(s).

§ 156.220 Reporting of incidents.

(a) An immediate report must be made to the nearest Captain of the Port, by the service vessel, if fire, explosion, collision, grounding or any similar emergency, which poses a threat to the vessels involved occurs during lightering.

(b) Any discharge of cargo into the water shall be reported, by the service vessel, in accordance with the procedures specified in § 151.15 of this chapter.

§ 156.225 Designation of lightering zones.

The District Commander is delegated the authority to designate lightering zones. Lightering zones will be designated for lightering operations conducted in the marine environment where they are necessary for safety or environmental protection.

§ 156.230 Factors considered in designated lightering zones.

The following factors must be considered in designating a lightering zone:

(a) The findings of the environmental analysis or, if prepared, the Environmental Impact Statement;

(b) The proximity of the zone to:

(1) Shipping lanes;

(2) Vessel traffic schemes or vessel separation systems;

(3) Anchorages;

(4) Fixed structures;

(5) Designated marine sanctuaries;

(6) Commercial and recreational fishing areas; and

(7) Environmentally sensitive areas;

(c) The traditional use of areas for lightering operations;

(d) The normal weather and sea conditions in the areas, and their effect on lightering operations, and the fate of possible cargo discharges;

(e) The depth of water and underwater obstructions that may adversely impact anchorages and clearance of vessels;

(f) Other relevant safety, environmental, or economic data.

Dated: August 2, 1983.

B. F. Hollingsworth,

Rear Admiral, Coast Guard, Chief, Office of Marine Environment and Systems.

Addendum—Draft Environmental Assessment and Finding of No Significant Impact

(CGD 78–180)

Special Requirements For Cargo Lightering Operations

The Supplemental Notice of Proposed Rulemaking presents simpler regulations than the original proposal (44 FR 31486), and costs to the marine industry have been significantly reduced. Additionally, lightering zones will be established by the District Commander only when necessary for safety or environmental protection. For these reasons, the regulatory impact has decreased.

Dated: August 2, 1983.

Clayton Evans,

Project Manager.

Dated: August 2, 1983.

W. M. McGovern,

Environmental Reviewer.

Dated: August 2, 1983.

Jules Peebles,

Program Manager.

Dated: August 2, 1983.

B. F. Hollingsworth,

Program Director.

Supporting Statement for Requests for Approval Under the Paperwork Reduction Act and 5 CFR Part 1320

A. *Justification*

1. *Circumstances that make the collection of information necessary.*

The Port and Tanker Safety Act of 1978 (Pub. L. 95–474, October 17, 1978) amended the Tank Vessel Act (46 U.S.C. 391a). Paragraph 17 of Section 5 of the Port and Tanker Safety Act requires the Secretary of the Department in which the Coast Guard is operating to develop regulations for the lightering of oil and hazardous materials which takes place in the navigable waters of the United States or on the adjacent high seas if the cargo is destined for a port or place subject to the jurisdiction of the United States. Congress took this action in response to an increased number of tank vessel casualties, an increasing number of lightering operations, and increasing public awareness of these activities. The law requires regulations developed under it to address:

- Prevention and response to spills.
- Requirements for communication and prearrival messages.

A copy of the appropriate section of the statute and the draft regulation mandating the collection of information is attached to this statement.

2. *Purpose for information collection and consequence to Federal program or policy activities if the collection of information was not conducted.*

The Coast Guard must monitor lightering activities and conduct inspection, enforcement, and casualty and pollution response activities. Notices of vessel arrival, casualties and pollution incidents enable the Coast Guard Captain of the Port to conduct these activities.

Immediate reports of incidents such as fires, explosions or other casualties, and failures of critical vessel systems are required to allow for Coast Guard response to an emergency. The requirement to report the discharge of cargo into the water is included because the Captain of the Port must have knowledge of spills that could impact his area. If the collection of information was not conducted, the Coast Guard could not provide timely response in an emergency, or minimize the environmental damage from an oil or hazardous materials spill.

3. *Description of considerations of use of improved information technology to reduce burden and any technical or legal obstacles to reducing burden.*

Advance notices of offshore lightering activity are most commonly given by telex, telephone or marine radio. The improved information technology of telephone and marine radio have eased the reporting burden to the marine industry.

4. *Description of efforts to identify duplication.*

There is no duplication of information gathering in this area. We have confirmed this with the American Petroleum Institute, companies involved in offshore lightering and Coast Guard District and field units.

5. *Why similar information already available cannot be used.*

There is no existing requirement for vessels lightering oil or hazardous materials cargoes in the marine environment of the United States to report their activity.

6. *Methods used to minimize burden to small businesses if involved.*

This collection of information will not place a burden on small businesses or other small entities. The companies involved in offshore lightering are generally large oil companies, for example Texaco, Arco, Exxon, Gulf, Conoco and Mobil.

7. *Consequences to Federal program or policy activities if collection were conducted less frequently.*

The consequence to the offshore lightering enforcement program if the collection were conducted less frequently would be incomplete knowledge of vessel activity which would result in failure to respond to a vessel emergency or increased environmental damage from an oil or hazardous materials spill.

8. *Special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.*

There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

9. *Efforts to consult with persons outside the agency concerning this information collection.*

a. Consultation was conducted with representatives of the following maritime organizations on the offshore lightering regulations and the required notifications:

Individual consulted	Phone No.	Year consulted	Organization represented
Mr. John G. Blackburn.	(202) 457–7090	1983	American Petroleum Institute: Representatives for major oil companies in governmental affairs.
Ms. Mary Paul.	(713) 754–4755	1982	Gulf Oil Co.
Capt. Harold Muth.	(202) 841–9300	1983	American Waterways Operators.
Mr. T. E. Behringer.	(812) 288–0220	1983	American Commerical Barge Line.
Mr. Charles Burrel.	(504) 384–8000	1983	Levac Marine Transportation.

b. There were no major problems that could not be resolved during consultation. The proposed rules have been substantially simplified from comment given by industry representatives upon the Notice of Proposed Rulemaking issued in May 1979.

c. A Staff Study was undertaken by the Department of Transportation Research and Special Programs Administration, Transportation Systems Center, Cambridge, MA. This study involved working closely with oil companies presently involved in offshore lightering to determine the current practices of oil companies in the regulatory areas considered, in the absence of Federal rules. The Study concluded that some regulatory areas outlined in the Port and Tanker Safety Act which should be covered by Federal regulations are addressed in company operations manuals through general statements or specific operations

requirements. The regulations were further simplified to remove regulation where industry practice was found to be satisfactory.

10. *Assurances of confidentiality provided to respondents.*

No assurances of confidentiality are expressly provided to respondents. However, 46 USC states that no Coast Guard official receiving information from a licensed officer who is employed on any vessel as to defects in such vessel, or her equipments, boilers, or machinery, or that any provision of title 52 of the Revised Statutes is being violated, shall impart the name of such licensed officer, or the source of his information to any person other than his superiors in the Coast Guard. Any Coast Guard official violating this provision shall be subject to dismissal from the service.

Section 507 of the Federal Water Pollution Control Act (33 U.S.C. 1367) also provides a measure of protection for witnesses, in pollution incidents, by establishing a procedure whereby an employee may apply to the Secretary of Labor to investigate his employer, when the employee has been fired or otherwise discriminated against for participating in any proceeding for enforcement of this Act.

11. *Additional justification for any questions of a sensitive nature.*

There are no questions of a sensitive nature and no justification is necessary.

12. & 13. *Estimates of annualized cost to the Federal Government and respondents, and collection burden.*

The Coast Guard estimates the total cost of the notification requirements to be $1,830 per year for:

- Advance notice of transfer.
- Casualties.
- Oil and hazardous materials spills.

The cost components considered were limited to the direct labor cost of communicating and processing information. The cost of industry knowing the location and schedule of vessels and cargo was considered to be a cost of a standard business practice and therefore not a requirement posed solely by the advance notice regulations. Similarly, the requirement for communications equipment (radio, telephone) was considered an existing business need and not attributable directly to the Coast Guard regulations. Two cost components were used to estimate the overall cost to the economy of these regulations:

- Time for shipping companies to notify the Coast Guard—$730.
- Time for Coast Guard processing of information—$1100.

Estimation of Cost to Industry

	Notices
• Six companies are currently involved in offshore lightering. The frequencey of their notifications fluctuates from the magnitude of their operations and oil demand. The average number of notifications per company per year is 22. Apoproximate number of offshore lightering notifications per year	132
• Annual average spill occurrence from lightering operations, reported to the American Petroleum Institute and the Coast Guard's Pollution Incident Reporting System	12
• Causualty statistics for offshore lightering operations do not exist. An annual casualty occurrence rate equal to spills is assumed. Estimated annual casualties	12
• Total annual reporting burden	156

The Coast Guard assumed it takes a maximum of ten minutes for industry personnel to preprare the information for each notification and call the Coast Guard. Using an assumed general personnel cost of $28.00 per hour, ten minutes of labor equates to a cost of $4.67 per notification. In order to arrive at the yearly industry cost, the cost per notification was multiplied by the total number of notices of transfers, spills and casualties:

$4.67 × 156 notices = $728.52 (rounded to $730)

Estimation of Cost of Coast Guard Processing

Each notification received by the Coast Guard is processed in approximately fifteen minutes. The processing time by the Coast Guard involves recording the information in a log and, if necessary, a check of vessel history on the computerized Marine Safety Information System. Using a standard enlisted personnel cost of $28 per hour yields a cost of $7.00 per notification. Total yearly cost is obtained by multiplying this personnel cost by the total number of notifications of transfer, spills and casualties:

$7.00 × 156 notices = $1092 (rounded to $1100)

14. *Reasons for changes in burden.*

Changes in burden are not anticipated. Offshore lightering activity has decreased 60 percent from 1979 levels. Consultation with companies presently involved in offshore lightering indicated that lightering is not expected to increase.

15. *Plans for tabulation, statistical analysis, and publication.*

The results of this collection of information are not planned to be published for statistical use.

B. Collections of Information Employing Statistical Methods

The collection of information does not employ statistical methods and Section B is not applicable.

Supporting Material Contained in this Clearance Request

Form(s):

None.

Regulation(s):

Proposed 33 CFR 156 B.

Statutes:

Port and Tanker Safety Act, Section 5, Paragraph 17 (46 U.S.C. 391a).

Presidential Documents:

None.

Other Documents:

None.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-9-FRL 2430-3]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations in California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice or proposed rulemaking.

SUMMARY: On November 12, 1981, EPA invited comments on California's attainment status designations and proposed action on six California Air Resources Board (ARB) redesignation requests. This is the third in a series of actions that respond to the comments EPA received concerning the November 12 proposal.

In this notice, EPA is proposing to change certain designations based on the comments, state requests, and EPA's own analysis. The following actions are proposed: reduce the size of the carbon monoxide (CO) nonattainment areas in San Joaquin County, Butte County, the Bay Area Air Quality Management District (BAAQMD), and Stanislaus County; redesignate Santa Barbara County to attainment for CO; reduce the size of the ozone nonattainment area in Santa Barbara County; reduce the size of the particulate matter (PM) nonattainment areas in Santa Barbara and Ventura Counties; and redesignate San Luis Obispo County to attainment for PM. EPA is inviting public comments on these proposed redesignation actions.

DATE: Comments may be submitted up to October 24, 1983.

ADDRESSES:

Comments should be sent to: Regional Administrator, Environmental Protection Agency, Region 9, Attn.: Air Management Division, Air Programs Branch, State Implementation Plan Section, 215 Fremont Street, San Francisco, CA 94105.

Information pertinent to this notice is available for public inspection during normal business hours at the EPA Region 9 Office at the above address and at the following locations:

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812
Bay Area Air Quality Management District, 939 Ellis St., San Francisco, CA 94109
Butte County Air Pollution Control District, 316 Nelson Avenue, Oroville, CA 95965
San Joaquin County Air Pollution Control District, 1601 E. Hazelton Avenue, Stockton, CA 95201
San Luis Obispo County Air Pollution Control District, P.O. Box 637, County Airport, Edna Road, San Luis Obispo, CA 93406
Santa Barbara County Air Pollution Control District, 315 Camino del Remedio, Santa Barbara, CA 93110
Stanislaus County Air Pollution Control District, 1716 Morgan Road, Modesto, CA 95351
Ventura County Resource Management Agency, Air Pollution Control District, 800 South Victoria Avenue, Ventura, CA 93009

FOR FURTHER INFORMATION CONTACT:

Douglas Grano, Chief, State Implementation Plan Section, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105; (415) 974–7641.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, under Paragraph 107(d)(2) of the Clean Air Act, as amended, EPA promulgated attainment status designations for all states (43 FR 8962). The Western Oil and Gas Association (WOGA) and others challenged EPA's designations for California in the Ninth Circuit Court of Appeals. The suit alleged that EPA had violated the notice and comment requirements of the Administrative Procedure Act by failing to provide an opportunity to comment prior to taking final action on the designations. The Court ruled that the present designations would be allowed to stand temporarily but ordered EPA to reconsider its original designations for California, after first providing public notice and opportunity for comments.

On November 12, 1981, EPA published a notice or proposed rulemaking (46 FR 55722) inviting comments on all of California's designations and proposed action on six ARB redesignation requests. Because of the strong public interest, EPA extended the public comment period to March 17, 1982 (and further extended to May 17, 1982 for the Monterey Bay Unified District). During this time EPA received a total of 41 comments from industry, environmental groups, local air pollution districts, and the ARB. These comments included general policy issues, recommended boundary changes, and discussion of the six proposed redesignations.

To address the extensive comments received, EPA has elected to publish a series of rulemaking actions: (a) The first, a final notice published on June 29, 1982, addressed seven relatively noncontroversial redesignations and retained the designations for areas throughout California that received no comments; (b) the second, a final rulemaking found elsewhere in today's **Federal Register** disagrees with certain recommended boundary changes and retains several present designations; (c) the third, this notice proposes to change certain designations; and (d) the fourth will address the ozone designation in the Monterey Bay Unified Air Pollution Control District (APCD).

EPA believes it is appropriate to repropose action on the areas addressed in this notice since (1) no change was initially proposed on November 12, 1981, (2) several of the redesignations are based on air quality data not available during the comment period, and (3) there is strong public interest as demonstrated through the November 12 proposal.

Redesignation Criteria

EPA has established criteria for defining attainment status classifications. The general criteria for attainment apply to all National Ambient Air Quality Standard pollutants, except as noted below. EPA designation policy was further clarified in an April 21, 1983 memorandum from Sheldon Meyers, Director, Office of Air Quality Planning and Standards, to all regional offices.

Criteria for Redesignation to Attainment

In general, an attainment area cannot have measured or modeled violations or contain sources that contribute significantly to violations.

Evidence of a fully approved and implemented control strategy is required for all redesignations to attainment in addition to one of the following criteria:

(1) Two years of violation-free* data at all monitoring locations, including sites located at points of expected maximum concentration.

(2) One year of violation-free* data at all monitoring sites, provided it is shown that recent air quality improvements (over the previous year) are the result of enforceable emission reductions. As state of the act modeling analysis is required to show that the enforceable emission reductions are responsible for the air quality improvement.

3. Modeling showing no violations of the ambient standards where the initial designations were based only on modeling.

4. For ozone, 3 years of data showing an average expected exceedance of less than or equal to 1.0 at each monitoring site.

Areas where sources are employing unauthorized dispersion techniques in place of enforceable emission limitations are not eligible for redesignation to attainment.

Unclassifiable Designation

Since EPA and the states have had over five years to resolve discrepancies for nonattainment disignations, it is now inappropriate to redesignate any area from nonattainment to unclassifiable. Sufficient data should now exist to either make a redesignation to attainment or to keep the nonattainment designation.

Estimation of Ozone Expected Exceedances

On February 8, 1979 (44 FR 8202), EPA revised the oxidant standard of 0.08 parts per million (ppm) to an ozone standard of 0.12 ppm. In addition, EPA established a statistical method of determining whether the standard has been exceeded. The national standards for ozone are published as a revision to 40 CFR 50.9 and the statistical method as the new Appendix H, 40 CFR Part 50.

The demonstration of attainment/nonattainment for the ozone standard must be based upon the calculated number of expected exceedances of the NAAQS at each monitoring station. Three years of air quality data are needed to accurately determine the number of expected exceedances. The average number of expected exceedances per year at each monitoring station must not exceed 1.0, if the area is to be designated as attainment.

Specific provisions are also included in 40 CFR Part 50, Appendix H, for determining whether compliance with the NAAQS can be assumed for days with insufficient data.

Special Exemption for Particulate Matter-Fugitive Dust Policy

The EPA Fugitive Dust Policy of August 1, 1977 allows areas that have a low urbanized population (less than 50,000) and which lack industrial influence, to be designated attainment for particulate matter under certain conditions despite violations of the NAAQS. An area is considered influenced by industry if it has major industrial development or if industrial particulate emissions significantly impact the air quality.

Carbon-Monoxide—Modeling Requirement for Redesignation to Attainment

For large urban nonattainment areas (greater than 200,000 population, 1980 census) EPA Region 9 requires a modeling analysis to

* For ozone substitute the word "evidence" for violation."

supplement the monitoring data in order to show that places of expected maximum CO concentration are in attainment.

Evaluation and Proposed Actions

In this action EPA is addressing only those technical comments from the November 12, 1981 notice that relate directly to the 9 areas/designations listed in the "Summary" Section. As noted in the "Background" Section, the other comments are addressed in separate rulemaking actions/support documents (available at Region 9 EPA) which should be used as reference material.

The "urbanized areas" referred to below are defined in the *Number of Inhabitants Report for California*, 1980 U.S. Census. Urbanized areas in general consist of a central city or cities and surrounding closely settled territory (urban fringe). A more detailed discussion of EPA's evaluation is found in the Technical Support Document (TSD) associated with this notice (available at the Region 9 office).

Carbon Monoxide

1. Bay Area Air Quality Management District (BAAQMD). EPA received technical comments from WOGA, the Association of Bay Area Governments, the Metropolitan Transportation Commission, and the Bay Area Air Quality Management District concerning the CO designation in the Bay Area. WOGA recommended that the nonattainment area be reduced from the entire Bay Area District to small areas within the cities of Vallejo and San Jose, because the ARB data showed violations (8 hour Standard) in just these cities. The 3 regional agencies opposed WOGA's recommendation and submitted data, including a special study conducted in 1981–1982, to support retention of the nonattainment designation throughout the District. Including the special study data, there are measured violations of the 8 hour CO standard in six major Bay Area cities and potential for violations (hotspot screening) throughout the District's urbanized areas.

After a lengthy evaluation of the comments and all available information, EPA concludes that the nonattainment area boundary should be changed but not exactly as WOGA suggests. WOGA's recommendation does not satisfy EPA's criteria for a redesignation to attainment because their boundary does not encompass all six areas of violation and all sources that significantly impact those violations. In general, however, EPA agrees that the basinwide nonattainment designation is not appropriate for CO because of this pollutant's localized characteristics.

As noted above, in large urban nonattainment areas, EPA's policy for CO requires detailed modeling to show that places of expected maximum concentration are attaining the standards before a redesignation to attainment can be made.

Although this detailed modeling has not been completed, EPA is coordinating efforts by the State and BAAQMD to obtain the necessary modeling (see TSD for description). The modeling will be used by EPA to redesignate those areas shown to be in attainment.

EPA is therefore proposing to retain the nonattainment designation for CO in all urbanized portions of the BAAQMD until both monitoring and modeling support a redesignation to attainment.

2. Butte County. EPA received technical comments from WOGA and the Butte County Air Pollution Control District. WOGA suggested that the CO nonattainment area be reduced from the entire county to a small central business district area in the City of Chico. The District commented that an overview of the CO data should be done to determine the feasibility of a redesignation.

EPA finds that WOGA's suggested boundary is not appropriate because it does not encompass all places of expected violations and all sources of significant impact on those violations. As discussed above, however, CO is generally a localized problem and the Countywide designation is thus inappropriate. EPA therefore proposes that the nonattainment area be reduced to the Chico urbanized area. Violations of the 8 hour standard occurred at the Chico State monitor in 1979. The monitor was discontinued after 1980 before enough data was collected to support an attainment designation.

3. San Joaquin County. EPA received techincal comments from WOGA recommending that the CO nonattainment area in San Joaquin County be reduced from the entire county to a small central business district area in the City of Stockton.

EPA finds that WOGA's suggested boundary is not appropriate because it does not encompass all places of expected violations and all sources of significant impact on those violations. As discussed above, however, CO is generally a localized problem and the county-wide designation is thus inappropriate. EPA therefore proposes that the nonattainment area be reduced to the Stockton urbanized area.

4. Santa Barbara County. On April 27, 1983, the ARB requested that the entire County be redesignated to attainment for CO. WOGA earlier commented that the nonattainment area should be reduced to a small area in the central business district of Santa Barbara. The County earlier commented that the area should remain nonattainment.

The ARB request is based on 8 quarters of data from 1981 and 1982 showing no violations of the CO standards. EPA has also approved the 1979 nonattainment area plan (NAP) for CO in Santa Barbara County. The 1979 NAP plus the annual reasonable further progress (RFP) reports represent evidence of an implemented control strategy that EPA has fully approved. EPA evaluated the ARB request and agrees that the County should be redesignated to attainment.

5. Stanislaus County. On December 14, 1982, the ARB requested that the entire County be redesignated to attainment for CO. Although the ARB request included 2 years of violation free data (at a residential location), it also indicated that a special study recorded an exceedance of the 8 hour CO standard near two intersections in the City of Modesto. These exceedances, which were measured over only one winter month, indicate that violations could be expected if additional monitoring were obtained in an area of expected high concentration.

EPA is therefore proposing to retain the nonattainment designation in the Modesto urbanized area until detailed modeling shows the area is in attainment. For reasons described above, however, the remainder of the County is proposed to be redesignated to attainment. EPA is coordinating efforts with the State and District to complete the necessary modeling.

Ozone

6. Santa Barbara County. EPA received technical comments from WOGA, the Santa Barbara County Department of Regional Programs, Santa Barbara Chamber of Commerce and the Santa Barbara County Air Pollution Control District. WOGA recommended that the ozone nonattainment area be reduced from the entire County to a small segment extending roughly from Goleta to Carpenteria based on air quality monitoring data. The County's comments opposed WOGA's suggested boundary and favored retention of the nonattainment designation throughout the County due to potential transport of ozone and the impacts from future Outer Continental Shelf development. WOGA's suggested boundary does not encompass all sources that impact the measured violations. Alternatively, air quality monitoring and emission data

when considered with topography and meteorology do not support a nonattainment designation for the entire county. The data show violations of the ozone standard in only the southern portion of Santa Barbara County (AQMA portion). EPA believes that the emissions from the northern part of the county do not significantly impact the air quality in the southern portion during periods of O_3 violations. EPA is therefore proposing that the northern portion of the county be redesignated to attainment for O_3.

Total Suspended Particulate Matter (TSP)

7. San Luis Obispo County. The ARB submitted a request to EPA on December 17, 1982 asking that the Salinas Valley portion of San Luis Obispo County be redesignated from nonattainment (secondary) to attainment for TSP. The ARB request is consistent with WOGA's comment. EPA is proposing to redesignate the Salinas Valley portion of the County to attainment because there are more than 2 years of violation free data and there are no major sources of particulate in the area. The criterion for evidence of an implemented control strategy is satisfied because there are federally enforceable rules limiting TSP emissions in effect.

8. Santa Barbara County. EPA received technical comments from WOGA, the Santa Barbara County Department of Regional Programs, and the Santa Barbara County Air Pollution Control District. WOGA commented that the nonattainment area should be reduced from the entire AQMA coastal region to areas (5 mile radius circles) around the monitoring sites at Santa Maria and Lompoc. EPA, using more recent air quality data, concluded that only the Santa Maria area should be designated nonattainment.

The County, in a letter dated January 20, 1983, argues that future growth in the coastal area (specifically Lompoc) will eventually cause violations of the TSP standards and that the entire area should retain the nonattainment designation. After evaluating the County's arguments, EPA concluded that the emission growth and (future) violations analysis are not adequately documented. Air quality in this area has actually improved over the last 3 years and there are 8 quarters of violation free data in the Lompoc area.

On April 29, 1983, the ARB requested that the non-attainment area be reduced from the entire non-AQMA coastal region to an area enclosed by a 15 mile radius circle centered at the Broadway Library monitoring site in Santa Maria. EPA is deferring to the State's judgment and proposing that the nonattainment area be reduced to the 15 mile radius circle. There are violations of both the primary and secondary TSP standards in the Santa Maria area. EPA believes that the ARB request is reasonable and that there is no evidence to support a smaller non-attainment area. The 15 mile circle encompasses all areas of expected violation and all sources that impact those violations. The criterion for evidence of an implemented control strategy is satisfied because there are federally enforceable rules limiting TSP emissions in effect.

9. Ventura County. WOGA commented that the southern portion of Ventura County should be redesignated from nonattainment (primary) to areas of nonattainment primary, nonattainment secondary and attainment. The District, however, forwarded to EPA air quality data from 1971–81, which show that only the Ojai area is in attainment. The ARB indicated that the Piru area may be redesignated to attainment using the fugitive dust policy due to the lack of any major particulate sources. On April 29, 1983, the ARB requested that the Ojai and Piru areas be redesignated to attainment (an area north of the 34° 23' latitude line).

Using the District's additional air quality and emission data, EPA agrees with the ARB request and proposes to redesignate the area accordingly. The criterion for evidence of an implemented control strategy is satisfied because there are federally enforceable rules limiting TSP emissions in effect.

Regulatory Process

EPA is working with the ARB and local/regional agencies to complete modeling studies to properly support CO designations in the BAAQMD and Modesto. The modeling will use CALINE3 to analyze several worst case locations in each area. The results of the modeling should be available during the public comment period. EPA invites comments on whether to proceed directly to final rulemaking based on the studies, or whether to reopen the comment period following their completion.

If areas are redesignated to attainment or unclassifiable, the requirements of Title I, Part D of the Clean Air Act, as amended, would no longer apply to those areas for the pollutants for which they were designated nonattainment. However, these areas remain subject to the requirements of Part D for the particular pollutant until EPA approves the requested redesignations in a final rulemaking action.

The Administrator has certified (46 FR 87709) that this action will not have a significant economic impact on a substantial number of small entities. The Office of Management and Budget has exempted this action from the requirements of Section 3 of Executive Order 12291.

Authority: Secs. (107(d) and 301(a), Clean Air Act, as amended, 42 U.S.C. 7407(d) and 7601(a)).

List of Subjects in 40 CFR Part 81

Environmental Protection Agency, Air pollution control, National parks, Wilderness areas.

Dated: June 10, 1983

John Wise,

Acting Regional Administrator.

[FR Doc. 83-24618 Filed 9-8-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 431

Medicaid Program; Claims Processing Assessment System

Correction

In FR Doc. 83–21627 beginning on page 36151 in the issue of Tuesday, August 9, 1983, make the following corrections:

1. On page 36153, all three columns (9 places) any references to "MGC" should be "MQC".

2. On page 36156, in the table, under the column headed "Result of assessment", in the sixth and sixteenth lines, "not exceeding" should have read "above" in both places.

3. In the same table, under the column headed "CPAS requirement for review period", seven lines from the *bottom*, "(40 percent full sample)" should have read "(full sample)". Also, three lines from the bottom of the same column, "(full sample)" should have read "(40 percent full sample)".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Export of American Ginseng Harvested in 1983 Season

AGENCY: Fish and Wildlife Service; Interior.

ACTION: Proposed findings and rule.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates the international trade in certain animal and plant species. Export of animals and plants listed in Appendix II of CITES may occur only if a Scientific Authority (SA) has advised a permit-issuing Management Authority (MA) that such exports will not be detrimental to the survival of the species, and if an MA is satisfied that the animals or plants were not obtained in violation of laws for their protection.

This notice announces proposed findings by the United States MA and SA concerning the export of American ginseng from the United States. The Service requests comments on these findings and information on the species involved.

DATES: The Service will consider information and comments received by October 11, 1983 in making its final findings and rule.

ADDRESS: Please send correspondence concerning this notice to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, P.O. Box 3654, Arlington, Virginia 22203. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, at the Federal Wildlife Permit Office, room 620, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Scientific Authority: Dr. Richard L. Jachowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653–5948.

Management Authority: Mr. Thomas J. Parisot, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, P.O. Box 3654, Arlington, Virginia 22203, telephone (703) 235–1937.

Ginseng Export Program: Mr. S. Ronald Singer, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, P.O. Box 3654, Arlington, Virginia 22203, telephone (703) 235–2418.

SUPPLEMENTARY INFORMATION: This is the second in a series of a notices concerning the Service's findings on the export of American ginseng (*Panax quinquefolius*) harvested in the 1983 season. In this notice, the Service announces its decisions on the guidelines to be used in making MA findings for the export of American ginseng, an Appendix II species, and proposes findings based on those guidelines and on previously determined SA adivce (see 47 FR 43701: October 4, 1982).

In the previous notice on this subject (48 FR 26651; June 9, 1983), the Service invited comments on proposed MA guidelines and information on American ginseng. CITES regulates international trade in Appendix II species through a system of permits issued by designated MA's in each Party nation. Export permits are to be issued only if an MA receives advice from an SA that export will not be detrimental to the survival of the species. The only comment received in response to the previous notice was a letter of support from the State of North Carolina for the outlined criteria and guidelines.

Scientific Authority Findings

General criteria used by the SA in advising on whether export will not be detrimental to the survival of a species are as follows (see notice of July 10, 1980, 45 FR 46464):

(1) Whether similar export has occurred in the past and has not reduced the numbers or distribution of the species, nor caused signs of ecological or behavioral stress within the species, or in other species of the affected ecosystem;

(2) Whether such export is expected to increase, decrease, or remain constant; and

(3) Whether the life history of the species and the structure and function of its ecosystem indicate that present and proposed levels of export will not appreciably reduce the numbers or distribution of the species, nor cause signs of ecological or behavioral stress within the species or in other species of the affected ecosystem.

For wild-collected ginseng, the determination of non-detriment by the SA, in accordance with these general criteria, has been and will continue to be based on an evaluation of the following information concerning each affected State (see notice of April 5, 1982; 47 FR 14666):

(1) Historic, present, and potential distribution of ginseng on a county basis, using county outline maps, and indicating the source(s) and accuracy of this information. Include also the distribution of preferred habitat on a regional or Statewide basis, indicating recent trends in loss or protection of habitat;

(2) Approximate number or density of ginseng populations per county or region, and the approximate under of all known ginseng localities in the State, including also the source of this information;

(3) Average number of plants per population or patch, or local abundance, of wild ginseng on a county or regional basis in the State, indicating the source(s), general reliability, and accuracy of the information. Include also any changes from previous years or differences from historical population sizes;

(4) An assessment of population trends on a county or regional basis indicating whether populations of ginseng are believed to be increasing, decreasing, stable, extirpated or unknown. Included in this assessment should be source(s) and general reliability and accuracy of this information;

(5) An assessment of harvest intensity on a county or regional basis indicating if the relative collecting intensity is heavy, moderate, light, none or unknown, and any changes from previous years. The State to provide also the known or estimated number of ginseng collectors in the State;

(6) A county map showing those counties in which ginseng is reported to be commercially cultivated. Figures are to be included on the amount of cultivated ginseng reported to be harvested and certified for export Statewide;

(7) Average number of roots per pound harvested, preferably on a county or regional basis or, if these are not available, on a Statewide basis. An assessment of any trend in root sizes or number of roots per pound over previous years is also to be included;

(8) A description of the State's current research program on ginseng and its progress, including a summary of results so far obtained; and

(9) A description of the State's harvest practices and controls, including regulations on length of harvest season, any harvest restrictions such as size and age of collected plants, and any seed planting requirements.

In 1982, the Service reported that it had found that the status of wild ginseng does not vary greatly from year to year within any given State, and that information compiled to date was adequate to justify multi-year SA findings under CITES. The Service used information compiled since 1977 to make such findings (47 FR 43701; October 4, 1982). the SA determined in 1982 that the export of ginseng harvested in the following states during the 1982–84

seasons will not be detrimental to the survival of the species: Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin.

Even though SA findings were made for the export of ginseng harvested in certain States in the 1982–84 seasons, the Service indicated it would continue to monitor the status of ginseng each year, and would retain the option of revising the findings at any time if new information shows the need for change. Through the notice of June 9, 1983 (48 FR 26651), any new information of the types described above was requested in order to enable the Service to perform such monitoring. Information submitted in the past need not be resubmitted. In addition the Service will also consider any biological and harvest information submitted by those States seeking export approval for 1983 American ginseng that are not currently approved.

Management Authority Findings

In addition to the SA advice on a State-by-State basis that the wild-collected ginseng exports will not be detrimental to the survival of the species, the MA must be satisfied that the ginseng was not obtained in contravention of laws for its protection.

Criteria used by the MA in determining if a State program qualifies for export are that the State has adopted and is implementing the following regulatory measures (relisted from notice of July 10, 1980):

(1) State licensing or regulation of dealers purchasing or selling ginseng in the State;

(2) State requirements that these licensed or registered ginseng dealers maintain true records of their commerce in ginseng, and report such commerce to the State;

(3) Inspection and certification by State personnel of all ginseng shipments from the State. (This certification is necessary to authenticate that the ginseng was legally taken from wild or cultivated sources within the State. Experience has shown the value of a State official inspection and certification program which can document that the weight of the roots in question were legally taken from the wild or artificially propagated in that State).

In order to determine if these criteria are met, the Service reviews the following extant information or materials from each affected State:

(a) A copy of the State ginseng law and regulations;

(b) State dealer, grower, or digger license or registration rules;

(c) Cost of license or registration;

(d) Season of selling/buying operation;

(e) Dealer records, maintenance and reporting requirements;

(f) Samples of current year dealer certificates and reporting forms;

(g) Sample of current year State certificate of legal take and origin;

(h) Sample diggers license, if any, indicating cost of license and dates of harvest;

(i) Description of State certification system for wild and cultivated ginseng legally harvested within the State, including controls to minimize uncertified ginseng from moving into or from the State; and

(j) Name, address, and telephone number of the State person to contact concerning such information.

In the notice of December 4, 1982 (45 FR 80444), the Service announced that the MA would approve export of artificially propagated ginseng from those States approved by the SA for export of wild-collected ginseng that had the programs necessary to document the source of roots, and from other States if acceptable procedures have been implemented to minimize the risk of wild-collected plants being exported as cultivated.

The Service previously noted (47 FR 3869) that, beginning with the 1983 harvest season, export approval for wild or cultivated American ginseng would depend on the existence of a legally established State ginseng program requiring that a State official examine and certify all ginseng exported. This certification must verify State of origin, legal take, year of take, weight of shipment, whether wild or artifically propagated, date of certification, shipment number, dealer's State registration number, and signatures of both the dealer and State certifying official. The Service believes that a program of State inspection remains the proper method of insuring legal ginseng export. However, in an attempt to examine other possible methods, the Service will consider and decide on programs other than State examination of ginseng leaving the State. Such a proposed system must offer the same assurance as an actual examination of the shipment and dealers records, as to the origin, legal take and whether wild or cultivated roots are involved in the shipment. On October 4, 1982, the Service granted multi-year export approval for 1982–84 only to those States with a current ginseng program that provided for a State inspection and certification system and otherwise satisfied the criteria of both the SA and MA (47 FR 43701).

Proposed Findings

In its notice of October 4, 1982 (47 FR 43701), the Service approved export of ginseng lawfully taken during the 1982–84 harvest seasons from the following States, on the grounds that both SA and MA criteria had been met: Georgia, Kentucky, Minnesota, North Carolina, Vermont (artificially propagated only) and Virginia.

In the same notice, the Service approved export of American ginseng lawfully taken only during the 1982 season for the following States, although they did not meet all the MA criteria: Arkansas, Illinois, Indiana, Iowa, Maryland, Ohio, Missouri, Tennessee, West Virginia, and Wisconsin.

As announced in that notice, States given approval last year only for the export of ginseng harvested in 1982 would not be granted further export approval until they had developed an acceptable ginseng program. The Service did not grant general approval for exports of American ginseng taken from any State other than those named above during 1982–84 harvest seasons.

The Service proposes to continue approval of exports of American ginseng from the following States on the grounds that both the SA and MA guidelines are expected to be met (1982 to 1984 seasons): Georgia, Kentucky, Minnesota, North Carolina, Vermont (artificially propagated ginseng only), and Virginia. The Service also proposes to approve the export of 1983–85 season American ginseng from Maryland and West Virginia as these States have recently passed legislation and promulgated rules that satisfy the MA guidelines.

The Service proposes to approve an experimental ginseng export program for the 1983 and 1984 harvest of wild ginseng in Wisconsin. A decision will be made prior to the 1985 harvest season whether to continue approval of the Wisconsin wild ginseng export program. The Service proposes to approve the export of 1983 cultivated ginseng legally harvested in Wisconsin.

The Service does not propose at this time to grant export approval of wild collected or cultivated American ginseng taken from any other State for the 1983–85 seasons.

Other States now working to pass regulatory legislation and regulations acceptable to the MA are Arkansas, Iowa, Tennessee, Indiana, Illinois, Ohio, Vermont (wild), and Missouri. These State export programs will be approved as appropriate programs are developed and the supporting State laws are promulgated. In the case of cultivated ginseng, the Service will issue CITES

certificates of artificial propagation as soon as satisfactory State programs are in place.

Information on the biological status and management of American ginseng on a State-by-State basis has been compiled by the Service. This information and assembled records are available for public inspection at the Service's Office of Scientific Authority. An analysis of the States' CITES export programs for American ginseng is available for inspection at the Service's Federal Wildlife Permit Office (see address above).

Request for Information and Comments: The Service holds the view that every attempt should be made to provide the public with the greatest possible opportunity to comment on regulations being established. On June 9, 1983, the Service published a preliminary notice (48 FR 26651–26653) of its intent to propose findings on the export of American ginseng taken during the 1983 harvest season, providing the largest period possible for public comment.

The Service recognizes that a public comment period for this proposed notice is also important and looks forward to receiving all and every public comment possible concerning the Federal actions described in this notice. However, additional delays in publishing the final findings for the 1983 ginseng harvest season may adversely affect the harvest season already under way in all of the States. A further delay may also adversely impact State conservation programs for this species by reducing compliance with State certification, documentation, and reporting requirements.

The Service, therefore, finds that "good cause" exists, within the terms of 5 U.S.C. 553 (d)(3) of the Administrative Procedure Act, to grant a 15-day public comment period on these proposed findings.

The Service requests comments on the guidelines to be used in MA findings, and current information on the biology and management of American ginseng. The Service also requests information on environmental and economic impacts and effects on small entities (including small businesses, small organizations, and small governmental jurisdictions) that would result from findings for or against export. The Service determined that the findings for the 1981–82 harvest seasons were not a major rule near Executive Order 12291 and did not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act. For the 1983 harvest, the Service has analyzed the impacts and concluded that the determinations made for the 1981–82 seasons are unchanged.

List of Subjects in 50 CFR Part 23

Endangered and threatened wildlife, Exports, Fish, Imports, Plants (Agriculture), Treaties.

Accordingly, it is proposed to amend Part 23 of Title 50, Code of Federal Regulations, as set forth below:

PART 23—ENDANGERED SPECIES CONVENTION

Subpart F—Export of Certain Species

In § 23.51, revise paragraph (e) to read as follows:

§ 23.51 American ginseng (Panax quinquefolius).

* * * * *

(e) *1982 through 1984 harvests:* Georgia, Kentucky, Maryland, Minnesota, North Carolina, Vermont (artificially propagated ginseng only), Virginia, West Virginia, and Wisconsin (wild only);

1982 harvest only: Arkansas, Illinois, Indiana, Iowa, Ohio, Missouri, and Tennessee;

1982 and 1983 harvest only: Wisconsin (cultivated only).

Conditions on findings: Roots must be documented as to state of origin and season of collecting. Wild and artificially propagated roots must be certified by the State as legally collected and such certification must be presented upon export.

This notice of proposed findings is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.; 87 Stat. 884 as amended), and was prepared by S. Ronald Singer, Federal Wildlife Permit Office.

Dated: August 30, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-24681 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 662

Northern Anchovy Fishery Management Plan; Public Hearings

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

ACTION: Notice of public hearings.

SUMMARY: The Pacific fishery Management Council (Council) and the National Marine Fisheries Service (NMFS) will hold joint public hearings to receive public comments on Amendment 5 of the Northern Anchovy Fishery Management Plan, including the draft supplementary environmental impact statement and draft regulatory impact review/initial regulatory flexibility analysis.

DATES: Written comments are invited through September 28, 1983. Individuals or organizations desiring to comment in person may do so at the public hearings to be held on—

September 26, 1983—Monterey, California;
September 27, 1983—Long Beach, California; and
September 28, 1983—San Diego, California (see Addresses).

All public meetings will start at 7 p.m., and adjourn at or about 11 p.m., or when all public testimony has been received.

ADDRESSES: Hearings will be held at—

Casa Munras Hotel, 700 Munras Avenue, Monterey, California 93940
California State University Auditorium, 400 Golden Shore, Long Beach, California 90802
Bahia Hotel, Del Mar Room, 998 West Mission Bay Drive, San Diego, California 92109

Written comments should be sent to Mr. Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 SW Mill St., Portland, Oregon, 97201.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph C. Greenley, (Executive Director), 503–221–6352; or Floyd S. Anders (Acting Director, Southwest Region), 213–548–2572; or H. A. Larkins (Director, Northwest Region), 206–527–6150.

SUPPLEMENTARY INFORMATION: The hearings will deal with the proposed amendment for managing the fisheries for the northern anchovy central subpopulation off of California. The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary will be prepared on each hearing.

The amendment consists of a complete revision of the 1978 Northern Anchovy Fishery Management Plan (FMP) including biological, ecological, social, and economic aspects of the anchovy. The amendment establishes a revised optimum yield (OY) formula whereby U.S. OY is calculated each year based on an annual estimate of stock abundance. The revised formula estimates spawning biomass by the egg production method (EMP), or its equivalent, and results in lower

estimated productivity of the anchovy stock. The amendment provides several options for managing the anchovy resource including regulations governing harvest allocation, fishing areas and seasons, as well as foreign and joint venture fishery management. The Council has adopted some preferred management options. These range from regulations that are less restrictive to those that are more restrictive than regulations developed since implementation of the FMP in 1978.

Final management measures will be determined by the Council at its September 28–29 meeting in San Diego, after the close of the public comment period on September 28.

Amendment 5 to the Northern Anchovy FMP, including the draft supplemental impact statement and draft regulatory impact review/initial regulatory flexibility analysis, has been mailed to organizations and individuals who are currently on the Council's mailing list. A limited number of copies will be available at the public hearing.

(16 U.S.C. 1801 *et seq.*)

Dated: September 6, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-24673 Filed 9-8-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 176
Friday, September 9, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Select Committee on Uniform Federal Agency Rules of Procedure; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a meeting of the Select Committee on Uniform Federal Agency Rules of Procedure of the Administrative Conference of the United States, will meet on Thursday, September 15, 1983, at 11:00 a.m., in the library of the Administrative Conference, Suite 500, 2120 L Street, NW., Washington, D.C. 20037. This will be the first meeting of the Select Committee and it will be for the purpose of discussing the committee's future activities.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Jeffrey S. Lubbers, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202–254–7065.) Minutes of the meetings will be available on request.

Richard K. Berg,

General Counsel.

September 2, 1983.

[FR Doc. 83-24733 Filed 9-8-83; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Soybean Research Advisory Institute; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Agricultural Research Service announces the following meeting:

Name: Soybean Research Advisory Institute.

Date: September 26–28, 1983 (9:00 a.m. Daily).

Place: Room 3109, South Building, U.S. Department of Agriculture, 12th and Independence Avenue, SW, Washington, DC 20250.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: This is the third meeting of the Soybean Research Advisory Institute. The purpose of this Advisory Institute is to provide a temporary advisory body to assess soybean production and utilization research in the United States and to submit a comprehensive report to Congressional committees on its findings. The third meeting includes Production and Utilization and Marketing Task Force Reports work sessions, assessment of current U.S. soybean research programs, prioritization of problem areas within research areas, and reviews of drafts of the final report.

Contact Person: Dr. Robert C. Leffel, Executive Secretary, Soybean Research Advisory Institute, Bldg. 011, HH–19, BARC-West, Beltsville, MD 20705. Telephone: (301) 344–1722.

Done at Beltsville, Maryland, this 24th day of August 1983.

Robert C. Leffel,

Executive Secretary, Soybean Research Advisory Institute.

[FR Doc. 83-24697 Filed 9-8-83; 8:45 am]

BILLING CODE 3410-03-M

Forest Service

Southwest Region, North Kaibab Grazing Advisory Board Meeting

The North Kaibab Grazing Advisory Board will meet at 1:00 p.m., Tuesday, October 4, 1983, at the Coconino County Building, Fredonia, Arizona. The purpose of this meeting is development of allotment management plans and utilization of Range Betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Kaibab National Forest, 800 South 6th Street, Williams, Arizona, telephone (602) 635–2681. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Those attending may express their views when recognized by the chairman.

Dated: August 30, 1983.

Leonard A. Lindquist,

Forest Supervisor.

[FR Doc. 83-24682 Filed 9-8-83; 8:45 am]

BILLING CODE 3410-11-M

Extension of Certain Timber Sale Contracts; Clarification of Interim Policy

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: On Friday, August 26, at 48 FR 38862, the Forest Service published a notice of interim policy governing extension of certain National Forest timber sale contracts for up to 5 years. These extensions are necessary to prevent substantial numbers of timber purchasers from defaulting on contracts. This notice clarifies which contracts qualify for extension and the minimum standards the purchasers must meet in scheduling the harvest of National Forest timber sales before a Multi-Sale Extension Plan will be approved. In addition, this notice clarifies that Multi-Sale Extension Plans will not be approved until the public has had an opportunity to comment on the interim policy and the final policy is published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Wendall Jones, Timber Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (202) 447–4051.

SUPPLEMENTARY INFORMATION: The interim policy published by the Forest Service on Friday, August 26, at 48 FR 38862 described the criteria for implementing extensions of certain National Forest timber sale contracts for up to 5 years. In the summary of the interim policy document, the Forest Service characterized the policy as providing opportunity for "additional

extension." This has generated inquiries about which contracts are eligible for extension under the interim policy. The Forest Service hereby clarifies that extensions are available to qualifying contracts that have previously been extended by the Forest Service as well as to those qualifying contracts that are still in their original period. The term "qualifying contracts" refers to contracts which meet the minimum criteria and conditions set forth in the interim policy (See Policy, paragraph 4, 48 FR 38863).

One of the conditions for receiving an extension is that the purchaser must be in substantial compliance with the terms of the existing contract (See Policy, paragraph 7, item 5, 48 FR 38864). With respect to a previously extended contract that the purchaser wishes to extend under this program, the purchaser must pay any interest accumulated under the previous extension to be deemed in compliance. This payment is due in advance of execution of the contract modification. This may coincide with or follow execution of the Multi-Sale Extension Plan.

The notice of interim policy stated that the Forest Service will not approve a Multi-Sale Extension Plan which includes a harvest schedule that defers removal of disproportionate volumes of timber to the last years of the Multi-Sale Extension Plan. However, the notice failed to provide details on the minimum standards for scheduling the harvest of National Forest timber sale contracts to be extended under this policy. To be acceptable, the harvest schedule of the Multi-Sale Extension Plan must include timber harvest rates that meet the requirements of one of two alternatives. Under Alternative 1, the total timber volume to be extended under the 5 year extension policy is divided by the number of years between January 1, 1984, and the last planned termination date of the extended contracts. The quotient is the minimum volume which can be scheduled for annual harvest. Under alternative 2, the minimum acceptable harvest for each year is equivalent to 20 percent of the volume extended to date each year under the plan. A contract is removed from the minimum harvest calculation once the extension period under the policy is completed.

The two alternatives are illustrated in the following exhibits. In this example, the purchaser has seven timber sale contracts with 120 MMBF to be extended. Exhibit 1 shows the schedule of extensions. Exhibit 2 demonstrates how the minimum annual harvest requirements are calculated for the two alternatives, and Exhibits 3 and 4 are an example of how the purchaser might schedule timber harvest to meet the Multi-Sale Extension Plan requirements under each alternative.

EXHIBIT 1.—SCHEDULE OF EXTENSIONS

Sale	Volume extended (MMBF)	Five-year extension period under this policy							
		1984	1985	1986	1987	1988	1989	1990	1991
A	10								
B	15								
C	10								
D	30								
E	25								
F	20								
G	10								
Total	120								

EXHIBIT 2.—MINIMUM ANNUAL HARVEST CALCULATIONS

A. Alternative 1

Volume Extended = 120 MMBF
Length of Plan = 8 years
Minimum Harvest = 120 MMBF/8 years
Minimum Harvest = 15 MMBF/Year

Year	Included sales	Volume extended (MMBF)	20 percent extended volume (MMBF)

B. Alternative 2

1984	A,D,F	60	12
1985	A,B,C,D,F	85	17
1986	A,B,C,D,F,G	95	19
1987	A,B,C,D,E,F,G	120	24
1988	A,B,C,D,E,F,G	120	24
1989	B,C,E,G	60	12
1990	E,G	35	7
1991	E	25	5
Total			

EXHIBIT 3.—SAMPLE HARVEST SCHEDULE—ALTERNATIVE 1

Sale	Volume extended (MMBF)	1984	Annual harvest scheduled (MMBF)						
			1985	1986	1987	1988	1989	1990	1991
A	10	10							
B	15					15			
C	10						10		
D	30	5	15	10					
E	25							10	15
F	20			5	15				
G	10						5	5	
Annual harvest	120	15	15	15	15	15	15	15	15

EXHIBIT 4.—SAMPLE HARVEST SCHEDULE—ALTERNATIVE 2

Sale	Volume extended (MMBF)	1984	Annual harvest scheduled (MMBF)						
			1985	1986	1987	1988	1989	1990	1991
A	10	10							
B	15				2	13			
C	10				10				
D	30	2	17	11					
E	25					1	12	7	5
F	20			8	12				
G	10					10			
Annual harvest	120	12	17	19	24	24	12	7	5

NOTE.—These are only examples of how the purchaser could schedule harvest of the 7 sales. Other schedules which met the minimum annual harvest requirements and called for completion of the contracts before the planned termination dates would also be acceptable.

Public comments received on the interim policy for timber sale contract extensions will be an important part of the development of the final policy, and

the timber sale purchasers' Multi-Sale Extension Plans must confrom with the final policy in order to be approved by the Forest Service. Multi-Sale Extension Plans will only be approved after the final policy is developed and published in the **Federal Register.** However, as of August 26, purchasers meeting the conditions for interim modifications established in the interim policy may request and be granted interim modifications. Those purchasers who are facing imminent contract termination may receive a conditional extension. This type of extension will keep the contract in effect until a Multi-Sale Extension Plan can be approved and the contract modified to include the 5-year extension.

Please note that the notice of the interim policy contained a typographical error which set November 25 as the deadline for public comment. By notice of August 31 at 48 FR 39482, the Office of the Federal Register corrected the deadline to October 25. Public comments on the interim policy and this clarification will be considered and the policy revised, as necessary, in light of the public comments received. Comments on the policy should be sent by October 25 to: R. Max Peterson, Chief (2400), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

Dated: September 2, 1983.

R. Max Peterson,

Chief, Forest Service.

[FR Doc. 83-24608 Filed 9-8-83; 8:45 am]

BILLING CODE 3410-11-M

Land and Resource Management Plan; Stanislaus National Forest; Alpine, Calaveras, Mariposa and Tuolumne Counties, California; Intent To Reevaluate Roadless Areas

The Department of Agriculture, Forest Service issued a national environmental impact statement in January 1979. This environmental impact statement documented the results of a review of 62 million acres of roadless and undeveloped areas within the 190 million acre National Forest system. The purpose of the roadless area review and evaluation (RARE II) was to determine which areas were suitable for wilderness and which should be used for other purposes.

In the Pacific Southwest Region RARE II dealt with over 6 million acres located in California only. About 983,000 acres were recommended for wilderness; 2,643,000 acres were recommended for further planning; and 2,395,000 acres were recommended for nonwilderness.

In 1979 the State of California challenged the adequacy of the National RARE II Environmental Impact Statement as the basis for decisions to manage 46 areas in California for other uses than wilderness. In October 1982, the United States Court of Appeals for the Ninth Circuit affirmed a lower court decision that the RARE II Environmental Impact Statement was inadequate. Although the decision applied specifically to only the 46 roadless areas in California, it sets binding precedent in any Federal District Court in the Ninth Circuit.

Because of the October 1982 court decision, National Forest roadless areas studied for wilderness potential during RARE II will be reevaluated. This Notice is being issued because, contrary to earlier regulations (issued 9/30/82), a proposed revision to 36 CFR 219.17 (issued 4/18/83) will allow further evaluation of RARE II wilderness and nonwilderness areas during the Forest planning process.

The reevaluation of areas on the Stanislaus National Forest will be done as part of the Forest's land and resource management plan.

During the reevaluation process, current management and protection policies and activities in the roadless areas will be continued. Wilderness values will be protected in areas recommended in RARE II for wilderness, and management for other uses will continue in areas recommended for nonwilderness.

On the Stanislaus National Forest, two roadless areas containing 101,400 acres were recommended for wilderness and ten roadless areas of 77,000 acres were recommended for nonwilderness. These areas will now be reevaluated. They include:

Name	Gross acres	Net N.F. acres
Bell Meadow	8,200	8,200
Carson-Iceberg (A)	15,200	14,500
Carson-Iceberg (C)	95,600	95,600
Cherry Creek Exclusion	5,850	5,830
Cherry Lake	1,100	1,100
Dome	11,100	11,100
Eagle	16,000	16,000
Mt. Reba	4,100	3,900
Night	3,100	3,100
North Mountain	8,100	8,100
Trumbull Peak	6,300	6,300
Waterhouse	4,400	4,400

Detailed information on the roadless areas and the reevaluation process will be distributed to individuals on the Forest mailing list and to other individuals and organizations requesting a copy. In addition, there will be a public briefing held on October 13, 1983, from 7:00–10:00 p.m., at the Supervisor's Office, Stanislaus National Forest, 19777 Greenley Road, Sonora, California, to further explain, discuss, and gather information about the roadless areas and the reevaluation process.

For further information about the proposed reevaluation contact John E. Tonnesen, Forest Planning Officer, 19777 Greenley Road, Sonora, California, 209–532–3671.

Dated: September 1, 1983.

Blaine L. Cornell,

Forest Supervisor, Stanislaus National Forest.

[FR Doc. 83-24649 Filed 9-8-83; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Juniper Canyon Watershed, Oregon; Record of Decision, Availability

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Availability of a Record of Decision.

SUMMARY: Jack P. Kanalz, responsible federal official for projects administered under the provision of Pub. L. 83-566, 16 U.S.C. 1001–1008, in the State of Oregon, is hereby providing notification that a Record of Decision to proceed with the installation of the Juniper Canyon Watershed Project is available. Single copies of this Record of Decision may be obtained from Jack P. Kanalz at the address shown below.

FOR FURTHER INFORMATION CONTACT: Jack P. Kanalz, State Conservationist, Soil Conservation Service, 1220 S.W. Third Avenue, 16th Floor, Portland, Oregon 97204, telephone (503) 221–2751.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally-assisted programs and projects is applicable)

Dated: August 23, 1983.

Jack P. Kanalz,

State Conservationist.

[FR Doc. 83-24663 Filed 9-8-83; 8:45 am]

BILLING CODE 3410-16-M

West Creek Watershed, Indiana and Illinois; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of deauthorization of Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of

Federal funding for the West Creek Watershed project, Lake County, Indiana and Will County, Illinois, effective on June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Eddleman, State Conservationist, Soil Conservation Service, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone 317/248–4350.

(Catalog of Federal Domestic Assistance Program No. 10–904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 1, 1983.

Robert L. Eddleman,

State Conservationist.

[FR Doc. 83-24655 Filed 9-8-83; 8:45 am]

BILLING CODE 3410-16-M

Dewitt Creek Watershed, Indiana; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of deauthorization of Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice ot the deauthorization of Federal funding for the Dewitt Creek Watershed project, Lawrence County, Indiana, effective on June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Eddleman, State Conservationist, Soil Conservation Service, Suite 2200, 5610 Crawfordsville Road, Indianapolis, IN 46224, telephone 317/243–4350.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular No. A–95 regarding State and local clearing-house review of Federal and federally assisted programs and projects is applicable)

Dated: September 1, 1983.

Robert L. Eddleman,

State Conservationist.

[FR Doc. 83-24654 Filed 9-8-83; 8:45 am]

BILLING CODE 3410-16-M

East-West-Dry Maple Creeks Watershed, Nebraska; Environmental Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Sherman L. Lewis, State Conservationist, Soil Conservation Service, Federal Building, Room 345, 100 Centennial Mall No., P.O. Box 82502, Lincoln, Nebraska 68501, Telephone 402–471–5300.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (40 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the East-West-Dry Maple Creeks Watershed, Colfax, Cuming, Dodge, Platte, and Stanton Counties, Nebraska.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Sherman L. Lewis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This Watershed Protectio Plan describes a plan of accelerated land treatment including terraces, grassed waterways or outlets, underground outlets, diversions, grade stabilization structures, water and sediment control basins, critical area plantings, and range seedings. These conservation practices will reduce soil depletion by sheet and rill erosion, increase production, reduce voiding the depreciation of land by fully erosion, reduce flood plain deposition, improve water quality, and reduce sediment yields.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reveiwed by contacting Mr. Sherman L. Lewis. The FONSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse reveiw of Federal and Federally assisted programs and projects is applicable)

Date: August 9, 1983.

Clinton R. Johnson,

Assistant State Conservationist (WR).

[FR Doc. 83-24653 Filed 9-8-83; 8:45 am]

BILLING CODE 3410-16-M

Okfuskee Tributaries Watershed, Oklahoma; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); and the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Okfuskee Tributaries Watershed, Creek, Okfuskee, and Okmulgee Counties, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Roland R. Willis, State Conservationist, Soil Conservation Service, USDA Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone (405) 624–4360.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection, flood prevention, and both agricultural and nonagricultural water management. The planned works of improvement include removal of restricting debris, mostly logs, and the construction of a maintenance road along the channel.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Roland R. Willis.

No administrative action on implementation of the proposal will be

taken until 30 days after the date of this publication in the **Federal Register**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 1, 1983.

Donald R. Vandersypen,

Assistant State Conservationist (WR).

[FR Doc. 83-24656 Filed 9-8-83; 8:45 am]

BILLING CODE 3410-16-M

Thornton Academy Athletic Area, Land Drainage RC&D Measure, Maine; Environmental Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roger A. Hansen, Acting State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone 207-866-2132.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Thornton Academy Athletic Area Land Drainage RC&D Measure, York County, Maine.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional or national impacts on the environment. As a result of these findings, Mr. Roger A. Hansen, acting State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for surface and subsurface water control and disposal on an athletic area in the city of Saco, Maine. The planned works of improvement consists of installation of surface ditches and an underground conduit system to collect, convey, and dispose of surface and subsurface water, and seeding the area disturbed by construction.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roger A. Hansen. The FONSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 2, 1983.

Roger A. Hansen,

Acting State Conservationist.

[FR Doc. 83-24760 Filed 9-8-83; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Minority Business Development Agency (MBDA)
Title: MBDA Memoranda of Understanding—Private Sector Agreements
Form Numbers: Agency—N/A; OMB—N/A
Type of Request: Existing collection in use without an OMB control number
Burden: 1,500 respondents; 750 reporting hours
Needs and Uses: Memorandum of Understanding identifies private sector corporations that have agreed to volunteer business, market capital and management development opportunities to minority business firms
Affected Public: Business or other for-profit, small businesses or organizations
Frequency: Other
Respondent's Obligation: Voluntary
OMB Desk Officer: Tim Sprehe, 395-4814

Agency: National Oceanic and Atmospheric Administration
Title: Dealer Purchases and Trip Interviews
Form Numbers: Agency—N/A; OMB—0648-0013
Type of Request: Revision of a currently approved collection
Burden: 4,556 respondents; 8,512 reporting hours
Needs and Uses: Survey has been revised to include the Western Pacific Spiny Lobster. Data collected is used for fish stock assessment, monitoring fishery managment measure compliance, and measuring impact of regulations at the ex-vessel and processor level
Affected Public: Businesses or other for-profit, small businesses or organizations
Frequency: On occasion, Annually
Respondent's Obligation: Mandatory
OMB Desk Officer: Ken Allen, 395-3785

Agency: National Oceanic and Atmospheric Administration
Title: Federal Fisheries Permit
Form Numbers: Agency—88-155; OMB—0648-0097
Type of Request: Revision of a currently approved collection
Burden: 10,000 respondents; 5,005 reporting hours
Needs and Uses: Collection has been revised to include the Western Pacific Spiny Lobster. Information collected is used to issue a permit to domestic fishermen
Affected Public: Businesses or other for-profit, small businesses or organizations
Frequency: Annually
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Ken Allen, 395-3785

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Ed Michals,

Departmental Clearance Officer.

[FR Doc. 83-24598 Filed 9-8-83; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

[A-428-062]

Animal Glue and Inedible Gelatin From West Germany; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On May 24, 1983, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on animal glue and inedible gelatin from West Germany. The review covers the eight known manufacturers and/or exporters and one third-country reseller of this merchandise to the United States and generally the period December 1, 1980, through November 30, 1981.

We gave interested parties an opportunity to comment on the preliminary results. After an analysis of the comments received, we have determined that certain shipments are not covered by the finding. The final results of review are otherwise unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: September 9, 1983.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–5255.

SUPPLEMENTARY INFORMATION:

Background

On May 24, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 23287) the preliminary results of its last administrative review of the antidumping finding on animal glue and inedible gelatin from West Germany (42 FR 64116, December 22, 1977). The Department has not completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of animal glue and inedible gelatin, of which there are two principal types, hide glue and bone glue. Animal glue is an organic colloid of protein derivation. There is no significant differences between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods. They are also used as sizing agents and as colloids in emulsions and cleaning compounds. Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated.

The review covers the eight known manufacturers and/or exporters and one third-country reseller of West German animal glue and inedible gelatin to the United States and generally the period December 1, 1980 through November 30, 1981.

Analysis of Comments Received

We are invited interested parties to comment on our preliminary results. One importer, Gould, Inc., submitted comments.

Comment: Gould claims that the gelatin exported by Gould-Metall during the period of review is edible gelatin, and not inedible gelatin covered by the antidumping finding.

Department's Position: We agree that the gelatin exported by Gould-Metall during the period of review is edible gelatin, and therefore not within the scope of the finding.

Gould made various other claims and arguments regarding the preliminary results. Since we have determined that the material shipped by Gould-Metall during the period of review is not within the scope of the finding, Gould's other comments are moot.

Final Results of the Review

After analysis of the comments received, we determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Chemische Dungerfabriek Rendsburg	12/01/80–11/30/81	[1] 158.00
G. Conradt & Sohn	12/01/80–11/30/81	[1] 67.00
Johannes Martens	12/01/80–11/30/81	[1] 0
Ph. Carl Weiss	12/01/80–11/30/81	16.34
Nienburger Gelatin	01/01/78–11/30/81	158.00
Fritz Hacker	12/01/80–11/30/81	0
Deutsche Gelatin-Fabrieken Stoess & Co./Gould-Metall	12/01/80–11/30/81	[1] 158.00

[1] No shipments during the period.

Third-country reseller	Time period	Margin (percent)
Marcuse & Company (London)	12/01/80–11/30/81	16.34

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entires made with purchase dates during the time periods involved. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of West German animal glue and inedible gelatin from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. We will not require a cash deposit on future entries for any shipment from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after November 30, 1981 and who is unrelated to any reviewed firm. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: September 1, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–24706 Filed 9–8–83; 8:45 am]

BILLING CODE 3510–25–M

[A–588–035]

Cadmium From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On June 23, 1983, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on cadmium from Japan. The review covers the seven known manufacturers and/or exporters of this merchandise to the United States and the period August 1, 1981 through July 31, 1982.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: September 9, 1983.

FOR FURTHER INFORMATION CONTACT: Edward Haley or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department

of Commerce, Washington, D.C. 20230, telephone: (202) 377–3601.

SUPPLEMENTARY INFORMATION:

Background

On June 23, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 28692) the preliminary results of its last administrative review of the antidumping finding on cadmium from Japan (37 FR 15760, August 4, 1972). The Department has now completed that administrative review.

Scope of the Review

Imports covered by this reveiw are shipments of cadmium, currently classifiable under items 632.1420 and 632.1440 of the Tariff Schedules of the United States Annotated.

The review covers the seven known manufacturers and/or exporters of Japanese cadmium to the United States and the period August 1, 1981 through July 31, 1982. There were no known shipments to the United States during the period and there are no known unliquidated entries.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review.

Further, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on shipments of cadmium from Japan entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: August 31, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-24704 Filed 9-8-83; 8:45 am]

BILLING CODE 3510-25-M

[A-122-047-011]

Elemental Sulphur From Canada; Partial Revocation of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of partial revocation of antidumping finding.

SUMMARY: On May 3, 1983, the United States Court of International Trade concluded that the Department of Commerce erred in its determination not to revoke Chevron Standard Limited from the antidumping finding on elemental sulphur from Canada in the final results of its last administrative review. Accordingly, the court remanded the proceeding to the Department for reconsideration of the Chevron revocation question consistent with the opinion of the Court.

On June 1, 1983, the Department reported the results of its remand reconsideration to the Court. On June 10, 1983, the Court affirmed the remand findings of the Department.

As a result, the Department is revoking the antidumping finding on elemental sulphur from Canada with regard to merchandise produced and exported by Chevron.

EFFECTIVE DATE: September 9, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–0651/5255.

SUPPLEMENTARY INFORMATION:

Background

On December 17, 1973, the Treasury Department published in the **Federal Register** (38 FR 34655) a dumping finding with respect to elemental sulphur from Canada. On April 9, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 21214) the preliminary results of its first administrative review of and tentative determination to revoke the finding with respect to Chevron Standard Limited along with four other companies. On July 23, 1982, the Department published in the **Federal Register** (47 FR 31911) the final results of that review with regard to Chevron, but postponed action on its application for revocation. The Department stated that Chevron was a shareholder member of Cansulex, an organization from which the Department had been unable to obtain information on third-country sales required for theDepartment's review of shipments made by two other companies covered in the review. The Department further stated that no Cansulex member would be excluded from the finding until Cansulex complied with our repeated requests for information.

On August 20, 1982, the United States Court of International Trade received a complaint from Chevron, alleging that the Department's determination was unlawful because it was not supported by substantial evidence on the record, and was arbitrary and capricious. The Court subsequently concluded that the Department's determination in postponing action on Chevron's application or revocation was based on a ground neither reasonable nor related to the subject matter of plaintiff's application. The Court further directed that the proceedings be remanded to the Department for reconsideration with regard to Chevron and without regard to the behavior of Cansulex (*Chevron Standard, Limited and Chevron Chemical Company* v. *United States*, Slip Op. 83–39, May 3, 1983).

On June 1, 1983 the Department reported the results of its remand reconsideration to the Court. That report concluded that:

1. there have been no Chevron sales at less than fair value from the date of suspension of liquidation through the date of the last period of Departmental examination, February 8, 1979.

2. the appropriate representations have been filed with the Department as required by 19 CFR 353.54.

3. the Department is aware of no other circumstances with respect to Chevron which might prompt the Department not to invoke its discretion to revoke at this time; therefore, a partial revocation of the finding should be issued regarding Chevron.

On June 10, 1983, the Court affirmed the remand determination of the Department (*id.* Slip Op. 83–55).

For purposes of this notice, the Department would like to state that the administrative record of this proceeding clearly shows that the Department did not focus exclusively on Cansulex in its attempts to obtain the requested information, but rather attempted, prior to its contacts with Cansulex, to obtain the information directly from the companies affected. Only when those companies indicated that the requested information would be available only

from Cansulex did the Department approach Cansulex. Accordingly, the Department does not believe it has acted capriciously in this matter.

Partial Revocation of Finding

The Department of Commerce, in accordance with the Court's order of remand, revokes the antidumping finding on elemental sulphur from Canada with regard to merchandise produced and exported by Chevron. This partial revocation applies to all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after February 8, 1979. The Department will instruct Customs officers to proceed with liquidation of this merchandise without regard to antidumping duties.

This revocation is in accordance with the order of the United States Court of International Trade, *Chevron Standard Limited and Chevron Chemical Company* v. *United States*, Slip Op. 83–39, May 3, 1983, and § 353.54 of the Commerce Regulations (19 CFR 353.54).

Dated: August 31, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-24703 Filed 9-8-83; 8:45 am]

BILLING CODE 3510-25-M

[A-588-087]

Portable Electric Typewriters From Japan; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Duty Order.

SUMMARY: On October 5, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on portable electric typewriters from Japan. The review covers three of the five known exporters of this merchandise to the United States, Brother Industries Ltd., Silver Seiko Ltd. and Nakajima All Co., Ltd., and varying periods through 1980 and 1981.

We gave interested parties an opportunity to comment on the preliminary results. At the request of the petitioner and the exporters, we held a public hearing on November 15 and 16, 1982.

After an analysis of the comments received, and correction of certain mathematical errors, the Department has changed the margins for all three exporters.

EFFECTIVE DATE: September 9, 1983.

FOR FURTHER INFORMATION CONTACT: Barbara J. Victor or Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–1130.

SUPPLEMENTARY INFORMATION:

Background

On October 5, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 43992–93) the preliminary results of its administrative review of the antidumping duty order on portable electric typewriters from Japan (45 FR 30618–19, May 9, 1980). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of portable electric typewriters ("PETs") from Japan. The Department defines such merchandise as all typewriters currently classifiable under item 676.0510 of the Tariff Schedules of the United States Annotated ("TSUSA") and some typewriters currently classifiable under TSUSA item 676.0540, depending on the individual characteristics of the typewriters. The characteristics we consider include, but are not limited to, the dimensions, weight, presence of a carrying case, type of market, and method of distribution.

The review covers three of the five known exporters of Japanese portable electric typewriters to the United States and the following periods:

Brother Industries Ltd.: April 21, 1980 through May 20, 1981
Nakajima All Co., Ltd.: May 1, 1980 through April 30, 1981
Silver Seiko Ltd.: April 1, 1980 through March 31, 1981.

On February 24, 1983, the Department published in the **Federal Register** (48 FR 7768–71) the final results of its administrative review for the other two exporters, Tokyo Juki Industrial Co., Ltd. and Towa Sankiden Corporation.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. At the request of the petitioner, Smith-Corona Group, SCM Corporation ("SCM"), and the respondents, the Department held a public hearing on November 15 and 16, 1982. Comments 1 through 8 are general comments submitted by SCM that apply to two or more of the exporters. The remaining comments apply to individual exporters.

Comment 1: The Tariff Act of 1930 ("the Tariff Act") requires that the Department compare United States price and foreign market value on a transaction-by-transaction basis. SCM contends that the current section 751 review does not involve a great number of sales and, therefore, does not warrant the use of weighted-average home market prices, provided for in section 773(f) of the Tariff Act.

Department's Position: The Department used weighted-average home market prices for Brother Industries and Silver Seiko since each had over 2000 sales in the home market. For Silver Seiko we used weighted-average figures for each month of the review and, for Brother Industries, two weighted-average figures for each of the two distinct time periods in which price lists were in effect. Weighted-average home market price is the Department's preferred basis for foreign market value in any case, such as here, where significant numbers of sales exist.

Comment 2: The Department has no authority to use average United States prices or to use average adjustments to United States price. SCM claims that in many instances the respondents provided data on a transaction-by-transaction basis and, yet, the Department used averages. Further, the only authority for averaging is found in section 773(f) of the Tariff Act, permitting use of averaged data to calculate the adjustments to foreign market value but only in cases of "greatest need".

Department's Position: The Court of International Trade determined that, where averaging of deductions is necessary in order to compute a realistic per unit net price, averaging is permissable *(See Brother Industries Ltd.* v. *United States*, 540 F. Supp. 1348 (1982)). The Department used averages in adjusting United States price only in those instances where transaction-by-transaction information was not available. In no instance did we use averaged data in adjusting United States price when the respondents provided transaction-by-transaction data or when averaging would cause a distortion. Further, for both Brother International Corporation and Silver Reed America, the U.S. subsidiaries, we required that they submit additional information on either a customer-by-customer or sale-by-sale basis when we found that averaged data would permit a distortion. Finally, since we appropriately used weighted-average home market prices for the parent firms, Brother Industries and Silver Seiko, we have the authority

to adjust and appropriately adjusted those prices using weighted averages.

Comment 3: Assuming *arguendo* that the Department has the authority to average amounts to be deducted from United States price, it cannot average when the expenses vary considerably by sale, by model, and/or by customer.

Department's Position: We agree. As stated in Comment 2, where individual customer or transaction data were initially available the Department made its adjustments on a transaction-by-transaction or customer-by-customer basis. Where the use of averages would permit a distortion and we lacked customer or transaction data, we asked for and received supplemental submissions.

Comment 4: The Department should exercise its discretion to interpret section 773(a)(4) of the Tariff Act to require that respondents establish that claimed differences in circumstances of sale have a price effect. SCM argues that the terms of section 773(a)(4) require a two-step finding: (1) Is the difference in prices due in whole or part to the circumstance of sale; and (2) what is the "due allowance" for the price difference. For the second step, SCM argues that the Department should return to the interpretation in the pre-1976 Treasury Regulation which stated that "* * * the Secretary will be guided primarily by the effect of such differences upon the market value of the merchandise, but, where appropriate, may *also* consider the cost of such differences to the seller, as contributing to an *estimate of market value*". (Emphasis added.) SCM contends that it is unreasonable for the Department to assume that differences in cost result in differences in price since a seller considers factors in addition to costs when setting its prices.

Department's Position: The Department's allowances for circumstance-of-sale adjustments is in accordance with § 353.15(a) of the Commerce Regulations which states that reasonable allowance will be made for the costs to the seller for any differences in circumstance of sale. While our regulation differs from the cited pre-1976 Treasury Regulation, in 1976 Treasury brought its regulation in line with its own administrative practice. As the Court of International Trade recognized in *Brother Industries, supra,* to do as SCM recommends would be virtually impossible and would result in unfair comparisons of United States price and foreign market value. Therefore, we maintain that differences in cost are a *reasonable* indication of differences in price.

Comment 5: When comparing foreign market value with exporter's sales price ("ESP"), the Department should discontinue granting the offset to foreign market value for indirect selling expenses incurred in the home market. SCM argues that this offset is without statutory basis and that it distorts the purpose of the exporter's sales price provision because the offset effectively eliminates most or all of the statutorily mandated deductions from the resale price in the U.S.

Department's Position: The statute requires the deduction of all selling expenses incurred in the U.S. when exporter's sales price is used as United States price; therefore, an adjustment to foreign market value for indirect selling expenses actually incurred in the foreign market, up to the amount of any indirect selling expenses in the U.S., permits a fair comparison between United States price and foreign market value. Without such an offset, our analysis could create artificial dumping margins. (*See Brother Industries, supra*).

Comment 6: The Department did not adequately investigate factual information which SCM presented during the course of its review. When SCM's information conflicted with that of a respondent, SCM argues that the Department disregarded SCM's data and merely accepted the statements of the respondent.

Department's Position: The Department conducted a thorough review in this case. We examined each of SCM's points, and, where warranted, we required extensive additional information from the respondents. We conducted two detailed verifications at the U.S. and Japanese premises of each of the respondents. We accepted statements from the respondents in instances where the petitioner's information required us to disprove a negative or when we were satisfied that prior documentary verification upheld the respondent.

Comment 7: Section 773 of the Tariff Act in straighforward terms insists that, in purchase price transactions, "the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase." The Department therefore should not accept the date of export for purchase price transactions with respect to sales by Brother Industries and Silver Seiko. The Department should use the date of a long-term contract as the date of sale where one exists. SCM specifically cites Silver Seiko's response which gave the date of export and to a letter from Brother Industries which requests that we permit the continued reporting of sales on date of export.

Department's Position: The Department agrees with SCM. In the preliminary results for all purchase price transactions, we used the date of the U.S. sale to select the appropriate foreign market value sale date. If the seller and U.S. buyer agreed on the terms of sale in a long-term contract, as was the case with Silver Seiko and with two of Nakajima's three U.S. customers, we used the date of contract. For Nakajima's third customer and Brother Industires' U.S. customers, we used the date of the individual purchase orders. We rejected Silver Seiko's claim that the date of export was the appropriate date and obtained the dates of the long-term contracts during our on-site verification. Brother Industries correctly reported the dates of the purchase orders. The letter referred to by SCM concerned Brother Industries' reporting of total sales. We affirm that in no instance did we use date of export.

Comment 8: The Department failed to use evidence of offers for sale in the home market, contrary to the express language in section 773(a)(1)(A) of the Tariff Act and the substantial evidence in the record. SCM argues that the structure and language of section 773 requires the Department to use offers to sell ahead of third-country prices or constructed value in determining foreign market value. Further, with respect to Nakajima, SCM supplied advertisements which SCM argues demonstrate that Nakajima made offers for sale in the home market within the meaning of the statute.

Department's Position: Since Brother Industries and Silver Seiko had adequate actual home market sales, the issue does not apply to them for this review. SCM focuses on Nakajima, where the Department used third-country sales as the basis for foreign market value. It is our practice to use, in the absence of sufficient home market sales, actual third-country sales rather than offers for sale in the home market. We agree with SCM that the statute and Congress showed a propensity to use the exporter's home market as the basis for foreign market value, but we disagree with SCM's argument that offers for sale is the congressionally preferred basis in all cases. In the cases where the Department has used offers for sale (*see e.g.*, "Preliminary Results of Administrative Review of Antidumping Finding" concerning *Pig Iron from Canada*, 47 FR 21908–9) the affected firms had sufficient sales in the home market to justify the use of the home market under section 773(a)(1) of the

Tariff Act and § 353.4 of the Commerce Regulations. The firms sold from a price list and the Department was able to demonstrate that the firms adhered to the price list. Certain items on the price list were not sold in the home market and for those particular items the Department used the price list as a valid offer. Such is not the case with Nakajima. Nakajima had insufficient sales of the group of such or similar merchandise to justify any use of the home market. Nakajima also explained that the majority of the advertisements submitted as evidence by SCM were designed for third countries and that the remaining examples were also created and used by parties having no ties to Nakajima. Therefore, the Department maintains that, for Nakajima, its use of actual third-country sales is the preferable basis for foreign market value.

Silver Seiko Ltd. and Silver Reed America

SCM's Comments

Comment 9: The Department should allocate trade show expenses incurred by Silver Reed on a PET model-by-model basis, rather than using the ratio of PET sales to total sales, since trade shows are often limited to promoting certain products.

Department's Position: In calculating Silver Reed's indirect selling expenses, we verified its trade show expenses and found that it did not maintain its records on a model-by-model basis. Further, we conclude that trade shows promote not only particular products but also a company name. Therefore, the allocation of these expenses uniformly over all products is justified.

Comment 10: Department did not adequately investigate information presented by SCM that Silver Reed double invoiced certain sales. SCM argues that we should use best information for Silver Reed since we cannot be certain that a company engaged in keeping two sets of books, for whatever purpose, can be deemed capable of submitting reliable information. Further, the information used to allocate expenses might be based on the lower unreported prices which would seriously understate the ratio of PET sales of total sales.

Department's Position: Silver Reed presented an adequate explanation of the instances in which it double invoices shipments and stated that the practice does not pertain to its sales of PETs. The Department as part of its verification reconciled Silver Reed's reported sales values and selling expense information to its financial statements and found no discrepancies. We have been unable to determine the author of SCM's information. Therefore, we have been unable to explore further in this review the question of double invoicing of PETs. We found no justification for using best information.

Comment 11: The Department should allocate warranty expenses incurred by Silver Reed on a model-by-model basis. SCM presented several examples of warranty return shipments which were related to specific models of PETs.

Department's Position: The Department verified that, because the expenses are small, Silver Reed does not maintain records of its warranty expenses on a model-by-model basis. In this instance, the Department considers a uniform method of allocation reasonable.

Comment 12: The Department erroneously allocated Silver Reed's cost of interest equally across all PET sales rather than attributing the interest cost incurred on a particular transaction to that transaction. SCM argues that our methodology dilutes the effect of preferential payment terms on individual transactions; such terms are most commonly provided during three promotional seasons and on large orders, and our methodology reduces the dumping margins on those transactions. SCM alleges that confidential information it provided to us demonstrates that Silver Reed does maintain records on the age of receivables. Accordingly, the Department should apply Silver Reed's cost of money to the age of each receivable and apply the resultant figure to the individual transactions.

Even if the Ddepartment were to continue to apply its averaging methodology, SCM argues that the Department chose an erroneous basis for calculating the ratio of PETs to total products. Rather than calculate the ratio of PET procucts to total Silver Reed products based on inventory values, SCM contends that we should use the ratio of the age of receivables.

Department's Position: The Department verified in detail Silver Reed's interest expense. Silver Reed sells to over 90% of its customers at the same terms of sale, and the reported average terms of sale are significantly lower than the Department's calculated overall percentage deducted from U.S. price. We have examined SCM's evidence in light of our verification of Silver Reed's records and confirm that Silver Reed does not maintain its records on the age of receivables in a manner that allows application of the cost of interest to individual transactions or that permits the calculation of the ratio of the age of PET receivables to the age of total receivables.

The Department calculated the direct selling expense credit adjustment in two segments. We calculated an amount for the expense incurred during the period between resale of the merchandise by Silver Reed and receipt by Silver Seiko of Silver Reed's repayment. (see Comment 13). We added to that figure the expenses for financing the time from the time of repayment to Silver Seiko and the time of payment by Silver Reed's customers. Relying on inventory values to calculate the second number is the only reliable way available to the Department.

Comment 13: While SCM agrees with the Department's decision to deduct an amount from ESP to account for the extended payment terms between Silver Seiko and Silver Reed, SCM argues that the deduction should be on a transaction-by-transaction basis, and that the interest rate should be the short term interest rate faced by Silver Reed in the United States, not the rate facing Silver Seiko in Japan. Further, SCM agrees that the expense incurred during the period between resale of the merchandise by Silver Reed and Silver Seiko's receipt of payment from Silver Reed is a direct expense; however, SCM argues that the Department should relate the payment terms on the shipments to Silver Reed to particular Silver Reed sales and prorate the Silver Seiko interest expenses among those U.S. transactions.

Department's Position: Silver Seiko submitted the information on its shipments to Silver Reed on a shipment-by-shipment basis. We then allocated the expense to the affected Silver Reed sales to its unrelated U.S. customers. We maintain that use of the Japanese rate of interest is correct since Silver Seiko incurred the expense for its subsidiary.

Comment 14: Silver Reed did not allocate to PET sales all of its exchange loss expenses, explaining that Silver Seiko invoices PET shipments to Silver Reed in U.S. dollars. Silver Reed only allocated to PET sales exchange losses through loans from Silver Seiko. SCM claims that in accepting Silver Reed's explanation, the Department misconceives the system used by Silver Seiko to control exchange losses on sales to Silver Reed. Even though Silver Seiko invoices to Silver Reed in dollars, based on the prevailing exchange rates during the period of review, Silver Seiko must have sustained exchange losses on the sales to Silver Reed in 7 of the 12 months. Accordingly, SCM claims that

we should make an upward adjustment to foreign market value to account for Silver Seiko's expenses.

Department's Position: The Department agrees that one or the other of the Silver companies incurred this expense. Lacking any information on Silver Seiko's exchange losses, we based our adjustment on Silver Reed's exchange loss experience on products other than PETs. We deducted the resultant amount from U.S. price as an indirect selling expense.

Comment 15: The Department ignored SCM's confidential evidence that Silver Reed incurred training expenses in its sales of PETs, and instead, accepted Silver Reed's unsubstantiated statement that it incurred training expenses only on sales of single element typewriters, not covered by the order.

Department's Position: We are satisfied that Silver Reed recorded the expenses referred to in SCM's data in accounts other than training, and we allocated an appropriate amount to PETs. Therefore, we accept Silver Reed's claim that training expenses are attributable only to single element machines.

Comment 16: The Department failed to verify that Silver Reed provided extended payment terms to customers who pay "on account", which is another avenue of effectively granting discounts. Therefore, SCM claims that we should use best evidence for sales in the United States to customers "on account" absent verification of the payment cycle for such customers.

Department's Position: We recognize that Silver Reed has certain customers that do not pay for individual shipments. We examined Silver Reed's records and found that there is no way to calculate the payment cycle for such customers.

Comment 17: Silver Reed incorrectly disclosed that it incurred no advertising expenses during the period of review. SCM presented evidence that it did, including a spread-sheet tabulation of expenses during a portion of the period and examples of types of advertising. Further, SCM points out that Silver Reed inaugurated a co-op advertising program for all PETs on March 1, 1981. SCM contends that appropriate adjustments must be made for advertising.

Department's Position: The Department made appropriate adjustments for Silver Reed's advertising expenses. Silver Reed did report advertising in its original response; the Department verified the amount and deducted it from U.S. price. However, not all advertising expenses are accounted for in Silver Reed's advertising account. For instance, Silver Reed explained that it prints its own advertising materials and incurs a cost for that printing, which is included in other selling expenses deducted from U.S. price. Silver Reed also stated that it charges its customers for advertising according to a published price list. We made deductions for both. Concerning the co-op advertising, since such advertising did not begin until March 1981, we agree with Silver Reed that it is virtually impossible that the company could have incurred any advertising expense under this program by the end of the review period. In subsequent periods, we will deduct this allowance from the customer accounts that specifically receive it.

Comment 18: The Department incorrectly ignored SCM's evidence that Silver Seiko was likely manipulating the terms of sale and/or prices for non-PET products which it sold to Silver Reed. SCM argues that we are obligated to investigate the domestic industry's evidence concerning the unfair trade practices of its foreign competitors who have already been found guilty of violating the U.S. trade laws.

Department's Position: Subsequent to the hearing, we advised SCM that we found the cited practice also applied to the sale of PETs and that we accounted for it in our calculation of credit and interest expenses.

In its pre-hearing brief, SCM raised additional issues concerning commissions and certain other Silver Reed expenses. SCM argued that we did not obtain additional information on Silver Reed's "neon sign", and it alleged that Silver Reed was giving free PETs on purchases of a predetermined number of other PETs. At the hearing, we clarified that we had adjusted for the commissions and other expenses as SCM indicated we should. Also, we explained that although we did not cover it in our verification report, we did see the "neon sign" and we confirmed that it was only a sign above Silver Reed's office door, not an advertising sign. Subsequent to the hearing, SCM withdrew its allegation on the promotion.

Silver's Comments

Comment 19: The Department errroneously denied Silver Seiko's claim for an adjustment for differences in the quantities produced for sales in the U.S. and Japan. Since home market production runs are much smaller than U.S. production runs, Silver Seiko contends that the per-unit amount of fixed expenses, specifically labor expenses, is much higher on home market sales. Silver Seiko disagrees with the Department's reason for denying the claim, i.e. that the cost adjustments proposed by Silver Seiko were based on Silver Seiko's special time studies and were not substaintiated by Silver Seiko's customary labor cost accounting procedure, the Management Time Method. Silver Seiko argues that the Management Time Method is not applicable to the tasks involved in setting up the production runs because they are unlike the simple and repetitive tasks reliably measured by the Management Time Method. Further, in previous determinations in this case, the Department denied this claim not because its record keeping was inadequate, but because the expense related to overhead costs. Silver Seiko argues that this type of reversal of policy decisions applies the antidumping law as a trap for the unwary, rather than encourages an exporter to make fair pricing decisions.

Department's Position: The Department acknowledges that Silver Seiko sells in smaller quantities in its home market than it does to the United States. However, when we verified the expense, we found that Silver Seiko does not produce for specific orders in the home market but instead produces machines which are then placed in the warehouse. Therefore, we regard these increased per-unit expenses as general overhead costs, as we have done in the past. In denying the claim, we did not rely on inadequate record keeping.

Comment 20: The Department erroneously denied Silver Seiko's claim for an adjustment for differences in level of trade. In its home market, Silver Seiko sells only to retailers, using three market channels, while on certain sales to the U.S. it sells to Olivetti, a wholesaler. Section 353.19 of the Commerce Regulations, permits an adjustment for actual differences in level of trade, to the extent it can be established that the differences in level of trade produce differences in cost. Silver Seiko submits that it has established a reasonable basis for quantifying the differences in cost due to level of trade through its separation of corporate divisions, with one for large Japanese retailers, one for small Japanese retailers, and one for Olivetti.

Department's Position: The Department maintains that Silver Seiko did not adequately demonstrate that the difference in cost between the two markets is due to a difference in level of trade. Moreover, in the final affirmative determination in this case (45 FR 18416–18, March 21, 1980), we stated tht "[s]ince the price comparison was made in both markets using sales to customers who bought in large wholesale

quantities, no adjustment for differences in level of trade is warranted."

Comment 21: In its calculation of the ESP offset, the Department improperly "offset" direct selling expenses in the U.S. against direct selling expenses in the home market, and indirect selling expenses in the U.S. against indirect selling expenses in the home market. Such a calculation represents a change from the Department's prior policy of offsetting all home market expenses by the amount of all selling expenses incurred in the U.S. and contravenes the language in the Commerce Regulations.

Department's Position: We disagree. In accordance with § 353.15(a) of the Commerce Regulations, the Department in purchase price transactions adjusts foreign market value for differences in circumstances of sale that are directly related to the sales in question. In ESP transactions, instead of adjusting foreign market value for the difference between home market and U.S. direct selling expenses, we deduct direct selling expenses from both U.S. price and foreign market value. We then deduct indirect selling expenses on the home market side up to the amount of indirect selling expenses deducted on the U.S. side. If we were to accept Silver Reed's argument, we would in effect be offsetting the U.S. direct selling expenses under both § 353.15(a) *and* (c).

Comment 22: In calculating exporter's sales price, the Department improperly imputed an interest cost to Silver Seiko for the payment terms it grants to Silver Reed. The Department treated part of the imputed cost as an indirect selling expense and part as a direct selling expense. Silver Seiko argues that the imputation of such costs either as direct or indirect selling expenses runs contrary to the clear language (and logic) of the exporter's sales price provision of the Tariff Act, which states that selling expenses incurred in the United States should be deducted in calculating exporter's sales price; Silver Seiko further argues that the practice violates established Department policy against imputed costs. Silver Seiko incurs no actual interest expense in granting extended payment terms to Silver Reed. To be consistent with our positions in the preliminary affirmative determination concerning *Certain Stainless Steel Pipes and Tubes from Japan* (47 FR 37263) and the final affirmative determination concerning *Prestressed Concrete Strand from the United Kingdom* (47 FR 56692), we cannot impute an interest cost where there is no actual experience of cost.

If the Department does impute this cost it should only do so for the time beyond a normal 90 day payment cycle and then only as an indirect selling expense for Silver Reed. Silver Seiko argues that to take as a direct expense the portion of the expense between the time Silver Reed sells the merchandise and the time it pays Silver Seiko only compounds the Department's error and cannot be justified. Silver Seiko provides extended payment terms to permit Silver Reed to finance its inventory, and to a lesser extent, to facilitate general operations. Silver Reed does not pass the extended payment terms on to its U.S. customers and it cannot trace a resale to a shipment. Therefore, Silver Seiko maintains there is simply no direct relationship between payment terms from Silver Seiko and payment terms offered by Silver Reed to its resale customers.

Department's Position: The Department considers the calculated expense between the time Silver Seiko ships the merchandise to the United States and the time Silver Reed sells it to an unrelated U.S. customer as an indirect selling expense to be deducted from exporter's sales price. The Department considers the time between Silver Reed's sale and Silver Reed's repayment of Silver Seiko to be a direct selling expense. For both types of expense, the Department imputed values. These are expenses that would have been incurred in the U.S. but for Silver Seiko's action. It is therefore proper under the Tariff Act to impute such a cost and deduct it in calculating ESP. This case is different from those cited by Silver Seiko. In those cases, the Department was stating that it did not need to impute costs because actual cost data existed.

We maintain that, without the first adjustment for the indirect expenses, Silver Reed's selling expenses would improperly exclude any overhead costs for the time the merchandise is in inventory. As for the time prior to Silver Reed's repayment treated as imputed direct expense for Silver Reed, that credit cost is directly related to the sale to the unrelated party.

Brother Industries and Brother International Corporation

SCM's Comments

Comment 23: The Department did not adequately investigate whether Brother International's reported expenses include "key city" fund expenses. SCM argues that we should have examined Brother International's corporate records to ensure that the companies SCM identified as receiving these grants did in fact and that the amount was correctly deducted from U.S. price.

Department's Position: Brother International explained that key city funds are included in its co-op advertising expenses account. The funds are termed "key city" to designate that the money is provided by the corporate, rather than the regional office. Although we did not look at the specific amounts cited by SCM, we examined certain customer accounts in our verification of the co-op advertising account, including some mentioned by SCM, and we reconciled the total amount to Brother International's financial statements. The customer accounts cited by SCM received large amounts of advertising. We are, therefore, satisfied that we properly deducted the "key city" fund money.

Comment 24: The Department must verify the customer-by-customer advertising information submitted by Brother International. Further, SCM objects to our acceptance and use of the advertising information reported on a computer listing which SCM alleges also calculated the margin for us.

Department's Position: The Department requested this information after conducting two verifications at Brother International's premises. During those verifications, we found no discrepancies in any of Brother International's data, and we decided for this issue that it was unnecessary to undertake a third verification. The Department did not use Brother International's computer generated margin calculations.

Comment 25: SCM presented information that Brother International pays Brother Industries 60–70 days after receipt of the goods. Accordingly, the Department should increase foreign market value by the amount of credit expense absorbed by Brother Industries on its sales of PETs to Brother International.

Department's Position: In its home market, Brother Industries sells to a related Japanese trading company who resells the merchandise to unrelated parties. The Brother trading company also pays Brother Industries within 60–70 days of the receipt of the goods. Therefore, any adjustment for sales to the U.S. would be offset by the terms on the sales in the home market.

Comment 26: The Department should deduct from the individual customer account commissions paid by Brother International to independent representatives rather than allocating them uniformly over all PET sales according to the ratio of PET sales to total sales.

Department's Position: The Department verified that during this review period it is impossible to tie commission amounts to specific transactions or specific customers because Brother International paid its representatives flat fees based on past total sales in the representative's territory. The representatives were not paid on a percentage basis for current sales. Since Brother International has advised us that its current commission schedule is more refined and Brother International now has records tying commissions to individual customer accounts, we will do so in subsequent reviews.

Comment 27: The Department should apply cash discounts, freight overbilling expenses, and bad debt charges to individual sales rather than allocating uniformly over all PET sales according to the ratio of PET sales to total sales. In each instance, if the expenses cannot be linked to a particular sale, they should be tied to the individual customer accounts.

Department's Position: The Department verified that these categories of expenses are not tied to individual transactions or to individual accounts. They are general expense categories maintained to account for small discrepancies in billing and payment.

Comment 28: The Department should require Brother International to submit transaction- or customer account-specific overbilling expenses. If Brother International does not, the Department should use the best information available and attribute overbilling charges, in the amounts suggested by SCM, to all sales to Montgomery Ward, the only customer SCM claims receives the repayment.

Department's Position: Brother International stated that it did not offer the overbilling service only to Montgomery Ward, but also offered it to its East Coast customers. We have asked for and received account-by-account information and have recalculated accordingly.

Comment 29: The Department should investigate which expenses, if any, Brother International incurs for Brother Industries on purchase price transactions, and if any, should deduct them from U.S. price.

Department's Position: In purchase price transactions, Brother International acts as an agent for Brother Industries. We determined that Brother International's direct selling expenses also apply to purchase price transactions and we adjusted foreign market value for differences in circumstances of sale based cumulatively on Brother International's and Brother Industries' respective expenses, in accordance with § 353.15 of the Commerce Regulations. Neither the Tariff Act nor the Commerce Regulations provides for adjustment in purchase price transactions for indirect selling expenses.

Comment 30: Brother International's claimed warranty expense does not include warranty repairs performed by its repair department. SCM argues that the Department should reject Brother International's argument against inclusion because the revenues generated from non-warranty work make the department a "separate line of business." Instead, we should make the warranty deduction from U.S. price using the best information available, *i.e.* the highest percentage warranty costs incurred by other respondents or by SCM.

Department's Position: We agree that Brother International's warranty expense should include an amount from the repair department. For the preliminary results, we deducted an amount based on the repair department's total expenses. Based on clarifying information provided by Brother International after the preliminary results, we have adjusted the amount to reflect only the expenses incurred on machines repaired under warranty. (See Comment 36)

Comment 31: The Department should require Brother International to detail fully its pricing practices with respect to major customer accounts during seasonal promotions.

Department's Position: For this review, we are satisfied that Brother International's prices are net of seasonal promotions. We verified randomly selected individual sales and we reconciled the entire sales and expenses amounts to Brother International's financial statements. We found no discrepancies.

Comment 32: The Department should use U.S. commercial interest rates in computing the interest expense incurred by Brother International on its loans from Brother Industries, rather than the lower Japanese preferential rate.

Department's Position: We disagree. Since the Japanese rate is Brother International's cost of obtaining money, we assume that it is the expense built into the price and, therefore, the amount that should be deducted from U.S. price.

Comment 33: Accrual advertising expenses incurred by Brother International are direct selling expenses because they are related to particular customer accounts. Accordingly, such expenses should be deducted transaction-by-transaction and also should not be included in the ESP offset cap.

Department's Position: The Department properly categorized Brother International's accrual advertising as indirect selling expenses Brother International stated and we verified that it does not buy the ads to promote only typewriters. Rather, this advertising payment is granted to customers who in turn make the decisions as to the substantive nature of the ads, their timing and the media to be used. For Brother International this advertising is done indirectly and represents a general expense of benefit to all of Brother's merchandise. We deducted this expense on a customer-by-customer basis.

Brother's Comments

Comment 34: In its calculations for this review, the Department improperly took into account entries of Brother typewriters with sale dates during this review period but with entry dates which were within the period covered by a review completed in August 1980 under section 736(c) of the Tariff Act. Brother submits that the language in section 736(c) unequivocally defines the universe of entries to be covered in a determination under that provision, and that the Department's early determination notice (45 FR 53853–6, August 13, 1980) stated that it covered "all imports" during the period January 4, 1980 through May 7, 1980. Therefore, Brother argues that we are not only violating the statute but that we are re-examining in this review certain entries which were included in the prior review.

Department's Position: Brother International did not sell some of the entered merchandise until this review period. Brother's inventory system allows the Department to trace a resale to an individual shipment. Since the sales occurred in the current review period, we have properly included the merchandise in this section 751 review.

Comment 35: The Department arbitrarily and improperly changed the method of allocating Brother International's cooperative/accrual advertising. In three previous determinations, the Department allocated such expenses to all PET models; without confessing error, therefore, the Department cannot argue that allocation to all PET models is unreasonable. Section 751 reviews are compliance proceedings; Brother International complied with previously accepted methods. To change the allocation method to a customer-by-customer basis, as we did in this review, must be considered arbitrary and

capricious administration of the law. Brother International contends that any such change should be prospective, not retroactive.

Department's Position: Until we received information from SCM, we were not aware that only a small percentage of Brother International's customers actually received an advertising allowance. Since customer-by-customer information is available (and to do otherwise would distort U.S. price for individual customers), we maintain that the change in method of allocation from earlier determinations is justified and that our action is not arbitrary or capricious. We assert that in each review we must allocate expenses in the best manner possible.

Comment 36: The Department improperly deducted too much warranty expense from U.S. price because the amount deducted included both warranty and out-of-warranty repairs for Brother International's customers. After publication of the preliminary results, Brother International submitted clarifying data, segregating from total repair expenses an amount for PETs covered by warranty.

Department's Position: In calculating the preliminary results, we realized that the deducted warranty expense included an amount for out-of-warranty repairs. However, we believed that Brother International could not provide us with a further breakout of the repair department's expenses. Since we invited the supplemental submission and the information clarifies the warranty expense, we have accepted it and recalculated the results.

Nakajima All Co., Ltd.

SCM's Comments

Comment 37: The Department erroneously determined that Nakajima, in its sales to third countries during the review period, did not sell below its cost of production. Based on a market research study, SCM argues that Nakajima's reported cost of materials, labor and certain other cost items are understated. SCM suggests that Nakajima's cost of purchased parts might cover only the labor involved in assembly by Nakajima of the parts, or that the records examined by the Department at verification were not records of arms-length business transactions. Concerning labor, SCM points out that Nakajima's reported labor costs may include only the labor incurred in finishing the final assembly process, omitting labor at earlier stages of assembly and manufacture. Further, SCM disagrees with Nakajima's reported percentages of direct production workers.

If the Department uses the percentage provided in the market research report, the overall unit labor costs will be much closer to the amounts cited in the report and much higher than the Department's calculated amount. Finally, SCM speculates, based on its information, that related parties in the home market might be incurring research and development costs for Nakajima and that the rent reported for buildings and land might be understated because Nakajima rents from major stockholders.

Department's Position: SCM did not adequately comply with the Department's request for proper source and background information for the market research report. Therefore, we did not conduct a further investigation of Nakajima's cost of production. Moreover, we maintain that we conducted a thorough verification of all elements of Nakajima's cost of production and are satisfied that all appropriate costs are included. The verified cost of purchased parts included material and labor, and were arms-length transactions. We verified that the labor costs were for all steps of the Nakajima production process. We did not accept Nakajima's reported method of allocating indirect labor, thereby increasing the overall unit labor costs. Concerning SCM's allegation that related parties incurred certain expenses, we did not pursue this issue again because of difficulties with the market research report.

Comment 38: The Department, having found the Japanese market viable with respect to Brother Industries and Silver Seiko, and having evidence of sales to unrelated parties in Japan by Nakajima and of resale advertising in Japan of Nakajima PETs, cannot single out Nakajima's home market sales and inflexibly apply section 353.4 of the Commerce Regulations. SCM submits that the Department should use home market sales for Nakajima's PETs, where available, and otherwise, use offers for sale.

Department's Position: The Department's use of third-country sales for foreign market value is in accordance with section 353.4 of the Commerce Regulations. That section does not allow the Department to use other manufacturer's sales activity in determining viability. It requires the Department to compare the quantity "of such or similar merchandise sold for consumption in the country of exportation" with that sold for exportation to countries other than the U.S. Section 771(16) of the Tariff Act defines "such or similar merchandise" as that made by the same person. Nakajima's sales in the home market compared to its sales for exportation to countries other than the U.S. were well below the Department's benchmark of 5 percent. With regard to our use of offers, see Comment 8. We maintain that the correct basis for foreign market value for Nakajima is third-country sales.

Comment 39: To enable SCM to fully participate in the investigation of Nakajima's cost of production, the Department should provide the confidential exhibits to its verification report to counsel for SCM under the terms of the administrative protective order concerning release of the verification report itself.

Department's Position: We maintain that the information released to counsel for SCM under the administrative protective order allows full participation in the investigation of Nakajima's cost of production. Counsel for SCM received the cost of production calculations for each of the models, the Department's verification report, which detailed how Nakajima derived its cost figures and the Department's adjustments to Nakajima's calculations. We find no basis to deviate from our established administrative practice of not releasing under an administrative protective order confidential exhibits to verification reports.

Nakajima's Comments

Comment 40: In accordance with section 353.20 of the Commerce Regulations, for four of the five models sold to the U.S., the Department should use a weighted-average price in West Germany as the basis for foreign market value, rather than individual sales, since the prices varied. For the remaining model, instead of comparing U.S. sales to sales in a different third country, we should use the one sale to a purchaser in West Germany, since the sale to that purchaser constituted 86 percent of all sales of that model to third countries.

Department's Position: As stated in Comment 1, we use weighted-average prices for foreign market value when significant numbers of sales exist. Such is not the case with Nakajima's sales to West Germany. The number of sales of all five models totalled less than 100. Concerning the fifth model, the sale in West Germany suggested by Nakajima was not contemporaneous with the sale to the U.S.

Comment 41: The Department cannot lawfully assess antidumping duties on entries for which there is a *de minimis* margin.

Department's Position: As stated here under *Final Results of the Review* "the Department intends to instruct the Customs Service to assess antidumping duties on *all* appropriate entries." (Emphasis added). We do not believe that the *de minimis* benchmark for waiver of the cash deposit of estimated antidumping duties must also apply to the assessment of antidumping duties. We maintain that we are required to instruct Customs to collect all actual dumping duties regardless of the amount. Unlike the situation in countervailing duty cases, where the Department calculates one uniform assessment rate for all entries, the Tariff Act here directs us to calculate margins and assess duties for each entry separately.

Final Results of the Review

Based on our analysis of the comments received and the correction of certain mathematical errors, the margins for all three exporters have changed from those presented in our preliminary results of review. As a result of our review we determine that the following weighted-average margins exist:

Exporter	Time period	Margin (percent)
Brother Industries, Ltd	4/21/80-5/20/81	1.1
Nakajima All Co., Ltd	5/1/80-4/30/81	0.17
Silver Seiko, Ltd	4/1/80-3/31/81	3.8

The Department intends to instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above.

Further, as provided for by § 353.48(b) of the Commerce Regulations, the Department intends to instruct the Customs Service to collect a cash deposit of estimated antidumping duties, based on the above margins, on all shipments of Japanese portable electric typewriters from those firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Because the weighted-average for Nakajima All Co., Ltd. is less than 0.5 percent, and therefore *de minimus* for cash deposit purposes, the Department waives the deposit requirement for shipments from that firm. For any future shipment from a new exporter not covered in this or prior reviews, whose first shipments occurred on or after May 20, 1981 and who is unrelated to any reviewed firm, a cash deposit of 3.8 percent shall be required. These deposit requirements and waiver shall remain in effect until publication of the final results of the next administrative review. The Department intends to immediately begin the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: August 31, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-24702 Filed 9-8-83; 8:45 am]

BILLING CODE 3510-25-M

[A-122-040]

Steel Reinforcing Bars From Canada; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On May 17, 1983, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on steel reinforcing bars from Canada. The review covered the only manufacturer covered by the finding, Western Canada Steel Limited, and the two other known exporters to the United States of this merchandise manufactured by Western Canada Steel Limited. The review period is April 1, 1981 through March 31, 1982.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: September 9, 1983.

FOR FURTHER INFORMATION CONTACT: Cynthia C. Connell or David R. Chapman, Office of Compliance, International Trade Administration, Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION:

Background

On May 17, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 22178-9) the preliminary results of its last administrative review of the antidumping finding on steel reinforcing bars from Canada (29 FR 5341-2, April 21, 1964). The Department has now completed that review.

Scope of the Review

Imports covered by the review are shipments of steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited, currently classifiable under items 606.7900 and 606.8100 of the Tariff Schedules of the United States Annotated.

The review covers the only manufacturer covered by the finding, Western Canada Steel Limited, and the two other known exporters to the United States of Canadian steel reinforcing bars manufactured by Western Canada Steel Limited. The review period is April 1, 1981 through March 31, 1982.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no comments or requests for a hearing. Based on our analysis, the final results of the review are the same as those presented in the preliminary results and we determine that the following margins exist for the period April 1, 1981 through March 31, 1982:

Manufacturer/exporter	Margin (percent)
Western Canada Steel Limited	6.40
Western Canada Steel Limited/Rhodes Vaughan & Co., Ltd	[1]6.40
Western Canada Steel Limited/Russelsteel Limited	[1]6.40

[1] No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries with purchase dates during the time period involved. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 6.40 percent shall be required on all shipments of Canadian steel reinforcing bars manufactured by Western Canada Steel Limited 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 our next administrative review. The Department intends to begin immediately the next administrative

review. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: August 31, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-24706 Filed 9-8-83; 8:45 am]

BILLING CODE 3510-25-M

[A-401-601]

Animal Glue and Inedible Gelatin From Sweden; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of Administrative Review of Antidumping Finding.

SUMMARY: On August 17, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on animal glue and inedible gelatin from Sweden. The review covers the one known exporter of this merchandise to the United States, Extraco AB, and the period June 1, 1978 through November 30, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. At the request of three of the petitioners, we held a public hearing on October 16, 1981. After analysis of the comments received and Extraco's failure to provide additional information, we have changed the margin from that contained in our preliminary results of review.

EFFECTIVE DATE: September 9, 1983.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255/1130.

SUPPLEMENTARY INFORMATION:

Background

On December 22, 1977, a dumping finding with respect to animal glue and inedible gelatin from Sweden was published in the **Federal Register** as Treasury Decision 78-4 (42 FR 64116-7). On August 17, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 41540-1) the preliminary results of its first administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of animal glue and inedible gelatin, of which there are two principal types, hide glue and bone glue. Animal glue is an organic colloid of protein derivation. There is no significant difference between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods. They are also used as sizing agents and as colloids in emulsions and cleaning compounds. Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated. The review covers the one known exporter of this merchandise to the United States, Extraco AB, and the period from June 1, 1978 through November 30, 1980.

Analysis of Comments Received

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. At the request of three of the petitioners, Peter Cooper Corporation, Hudson Industries, and Eschem, Inc., the Department held a hearing on October 16, 1981.

(1) *Comment:* The petitioners argue that the letter and spirit of title VII of the Tariff Act of 1930 ("the Tariff Act") and its legislative history require the Department to verify all information used in section 751 reviews.

Department's Position: The Department maintains that it has discretion in section 751 administrative reviews to determine on a case-by-case basis what factual elements warrant verification. (See, e.g., "Final Results of Administrative Review of Antidumping Finding" with regard to animal glue from Yugoslavia (47 FR 42768)). The Department did in fact verify information for the latter part of the review period.

(2) *Comment:* The petitioners allege that home market sales of three grades (collexes 14, 18, and 22) were not made in the ordinary course of trade but were made to create a fictitious market, within the meaning of section 773(a) of the Tariff Act.

Department's Position: Based on Extraco's failure to provide home market sales data for similar merchandise, we cannot resolve the petitioners' allegation that home market sales of the three grades were not in the ordinary course of trade. As a result, we have used the best information available to determine the assessment and estimated duty cash deposit rate. The best information available is Extraco's fair value rate.

(3) *Comment:* The petitioners argue that, because of product interchangeability, our comparison of identical merchandise in the two markets is inappropriate. They also request the Department to investigate further Extraco's U.S. sales to determine if those sales were in fact of the grades Extraco reported.

Department's Position: The petitioners' comment with regard to interchangeability is mooted by the Department's use of the best information otherwise available. With regard to questions about the reported grades, the Department has no reason to suspect that the collexes as imported were other than the reported collexes 14, 18, and 22. The unrelated importer provided evidence that it has been importing some of these same collexes from other countries since before the original fair value investigation.

(4) *Comment:* The petitioners request that the Department make an adjustment for differences in credit terms.

Department's Position: The petitioners' request is mooted by the Department's use of the best information otherwise available.

(5) *Comment:* The petitioners argue that the Department erred in using, for comparison with U.S. sales, home market sales which were made on dates not contemporaneous in time to the U.S. sale dates. Instead, the Department should consider information on offers for sale in Sweden of the grades in question, sales to third countries, or the use of constructed value in determining foreign market value.

Department's Position: The petitioners' comment is mooted by the Department's use of the best information otherwise available.

Final Results of the Review

After analysis of the comments received, the margin for Extraco has changed from that presented in our preliminary results of review. We determine that the following margin exists:

Exporter	Time period	Margin (percent)
Extraco AB	6/01/78-11/30/80	92.72

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries made with purchase dates during the time period involved. The Department will issue assessment instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 92.72 percent shall be required on all shipments of Swedish animal glue and inedible gelatin 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 currently conducting 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 § 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

September 1, 1983.

[FR Doc. 83-24707 Filed 9-8-83; 8:45 am]

BILLING CODE 3510-25-M

[C-469-035]

Vitamin K From Spain; Preliminary Results of Administrative Review of Countervail Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on vitamin K from Spain. The review covers the period January 1, 1982 through December 31, 1982. As a result of the review, the Department has preliminarily determined the net subsidy to be 2.51 percent *ad valorem* for the period of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 9, 1983.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau 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 March 4, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 9327) the final results of its last administrative review of the countervailing duty order on vitamin K from Spain (41 FR 50419, November 16, 1976) and announced its intent to conduct the next administrative review by the end of November, 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of Spanish vitamin K, commercially known as menadione sodium bisulfite. Such merchandise is currently classifiable under item 412.6420 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1982 through December 31, 1982, and two programs: (1) A rebate of indirect taxes upon exportation, under the Desgravacion Fiscal a la Exportacion ("the DFE"), and (2) an operating capital loans program.

Analysis of Programs

(1) *Desgravacion Fiscal a la Exportacion.* Spain employs a cascading tax system. Under this system, the government levies a turnover tax ("IGTE") on each sale of a product through its various stages of production, up to (but not including) the final sale in Spain. Upon exportation of the product, the government, under the DFE, rebates both these accumulated IGTE indirect taxes and certain final stage taxes.

Although the Spanish government rebates upon exportation all indirect taxes paid under the cascading tax system, the Tariff Act and the Commerce Regulations allow the rebate of only the following: (1) Indirect taxes borne by inputs which are physically incorporated in the exported product (see Annex 1.1 of part 355 of the Commerce Regulations); and (2) indirect taxes levied at the final stage (see Annex 1.2 of part 355 of the Commerce Regulations). If the payment upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

The Spanish government provided no response to our questionnaire. We have therefore used, as the best information available, the physically incorporated inputs and the parafiscal tax on export licenses allowed by the Department in the last review to determine the incidence of rebatable indirect taxes borne by this product.

As of January 1, 1982, the Spanish government increased the IGTE rate from 3.80 percent to 4.60 percent, while maintaining the previous rate for the export rebate. We concluded in our last review that an earlier increase in the IGTE rate had eliminated the overrebate previously found countervailable. Based on our analysis of the indirect taxes on physically incorporated inputs and the parafiscal tax on vitamin K, we preliminarily find that the additional change in the IGTE rate for 1982 continues to eliminate that overrebate. Therefore, we preliminarily determine the net subsidy attributable to this program during the period of review to be zero percent.

(2) *Operating Capital Loans.* The Spanish government requires banks to set aside funds to provide short-term operating capital loans. These loans are granted for a period of less than one year. For 1982, the Spanish government fixed the interest rate for such loans at 10 percent. To determine the interest rate on comparable commercial loans, we took the average national prime interest rate for loans of comparable length, added the prevailing interest charge over prime facing borrowers of average creditworthiness and added the legally established fees and commissions. Comparing this benchmark with the 10 percent interest rate established for the operating capital loans program, we found a differential of 9.38 percent during the period of review.

The maximum loan principal available to a given exporter is determined as a percentage of the firm's previous year's exports. This amount may be increased by 10 percent if the firm has a government-issued Exporter's Card. We are assuming that exporters of vitamin K have such a card, so that the maximum eligibility until April 18, 1982 was 28 percent. On April 19, 1982, the Spanish government decreased the maximum eligibility (including Exporter's Card eligibility) to 26.25 percent. Because we have no information on actual utilization of this

program, we assumed that the maximum allowable amount was borrowed. After prorating for the interest rate differentials and eligibility levels prevailing in 1982, we preliminarily determine the net subsidy conferred under this program to be 2.51 percent *ad valorem* for 1982.

Effective January 1, 1983, the Spanish government further reduced the maximum percentage of eligibility for operating capital loans to 17.5 percent. As a result, using the same methodology and the interest rate differential for 1982 as the most recent information available, we preliminarily determine, for purposes of cash deposits of estimated countervailing duties, that the net subsidy currently attributable to this program is 1.64 percent *ad valorem*.

Preliminary Results of the Review

As a result of the review, we preliminarily determine that the aggregate net subsidy conferred by the two programs is 2.51 percent *ad valorem* during 1982. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 2.51 percent of the f.o.b. invoice price on all shipments of Spanish vitamin K exported on or after January 1, 1982 and entered, or withdrawn from warehouse, for consumption on or before June 20, 1982.

On June 21, 1982, the International Trade Commission ("the ITC") notified the Department that the Spanish government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. Should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties in the amount of the estimated duties required to be deposited on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 21, 1982, and through the date of the ITC's notification to the Department of its determination.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 1.64 percent of the f.o.b. invoice price on all shipments of Spanish vitamin K entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

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: September 3, 1983.

Alan F. Holmer,

Deputy Assistant Secretary Import Administration.

[FR Doc. 83-24708 Filed 9-8-83; 8:45 am]

BILLING CODE 3510-25-M

Postponement of Final Determination; Potassium Permanganate From the People's Republic of China

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of postponement of final antidumping determination: potassium permanganate from the People's Republic of China.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from the China National Chemicals Import and Export Corporation (SINOCHEM) that the final determination be postponed until not later than 105 days after the date of publication of the preliminary determination, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)); and, that the Department has determined to postpone its final determination as to whether sales of potassium permanganate from the People's Republic of China have occurred at less than fair value, until not later than November 22, 1983. SINOCHEM is qualified to make this request since it is the exporter who accounts for virtually all of the merchandise which is the subject of the investigation. The additional time is necessary to obtain information requested by the Department. We have considered the positions presented by all parties to the investigation regarding postponement of the final determination and have determined that the additional time is necessary.

EFFECTIVE DATE: September 9, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Jr., Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-4929.

SUPPLEMENTARY INFORMATION: On March 18, 1983, the Department of Commerce published a notice in the **Federal Register** (48 FR 11482) that it was initiating under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether potassium permanganate from the People's Republic of China is being, or is likely to be, sold at less than fair value. The Department published an affirmative preliminary determination on August 9, 1983 (48 FR 36175). The notice stated that if this investigation proceeded normally we would make a final determination by October 17, 1983. Section 735(a)(2) of the Act provides that the Department of Commerce may postpone its final determination concerning sales at less than fair value if exporters who account for a significant proportion of the merchandise which is the subject of the investigation request an extension after an affirmative preliminary determination.

Accordingly, the Department will issue a final determination in this case not later than November 22, 1983.

This notice is published pursuant to section 735(d) of the Act.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

August 31, 1983.

[FR Doc. 83-24509 Filed 9-8-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by Exxon Company U.S.A. From California Coastal Commission Objection

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal.

SUMMARY: On August 26, 1983, the Secretary of Commerce received an appeal by the Exxon Company, U.S.A.

(Exxon) from an objection by the California Coastal Commission to Exxon's certification that the proposed drilling of a maximum of three wells on the southwest one-quarter of lease OCS–P 0467 as stated in Exxon's Outer Continental Shelf Oil and Gas Exploration Plan for the Santa Rosa Unit in the Santa Barbara Channel is consistent with the California Coastal Management Program. This appeal has been filed pursuant to Section 307(c)(3)(A) and (B) of the Coastal Zone Management Act of 1972, as amended (CZMA), 16 U.S.C. 1456(c)(3)(A) and (B), and implementing regulations at 15 CFR Part 930 Subpart H.

Interested persons are advised that they may submit comments to the Secretary of Commerce (Secretary) on the issues raised in this appeal within 30 days from the date of publication of this notice. Comments should be sent to: Peter L. Tweedt, Director, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

Copies of comments should also be sent to the following persons:

1. James C. Dale, Exxon Company U.S.A., P.O. Box 4279, Houston, Texas 77001.

2. Tim Eichenberg, California Coastal Commission, 631 Howard St., San Francisco, CA 94105.

3. William Grant, Minerals Management Service, Pcific OCS Region, 1340 W. 6th St., Los Angeles, CA 90017.

Comments should address whether Exxon's proposed exploratory drilling complies with the regulatory criteria, as set forth in 15 CFR 930.121 and 930.122, to be considered by the Secretary in deciding whether to override the objection of the California Coastal Commission under Secton 307(c)(3)(A) and (B) of the CZMA.

It is NOAA's intention to hold a public hearing in Santa Barbara, at some future date, for the purpose of receiving additional comments from interested persons and organizations on the issues raised by this appeal. Notice of the date and location of the public hearing will be published pursuant to 15 CFR 930.129.

Access to Exxon's Notice of Appeal and accompanying public information, and to the public information contained in comments submitted by Federal and State agencies, will be available to the public at the following State and Federal offices during normal working hours:

1. California Coastal Commission, 631 Howard Street, 4th Floor, San Francisco, California 94105.

2. Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, Department of Commerce, Room 328A, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

A copy of Exxon's notice of appeal and supporting information is also available at the Santa Barbara Public Library, 40 E. Anapamu, Santa Barbara, California 93101; and the Minerals Management Service, Pacific OCS Region, Public Information Room, 1340 W. 6th St., Los Angeles, California 90017.

FOR FURTHER INFORMATION CONTACT: Bernard Cody, Attorney Advisor, Office of the General Counsel for Ocean Services (202–254–7512) or Nan Evans, Policy Coordination Division (202–634–4249).

SUPPLEMENTARY INFORMATION: Exxon is the operator for the exploration of crude oil and gas reserves in the southwest one-quarter of lease OCS–P 0467 in the Santa Rosa Unit on the Federal Outer Continental Shelf (OCS) in the Santa Barbara Channel. On February 4, 1983, Exxon submitted an Exploration Plan for the lease to the Minerals Management Service of the Department of the Interior which contained applications for the Department of the Interior's permits to drill, deepen or plug. Exxon estimates that recoverable gas reserves could be in the range of 272 billion cubic feet of natural gas and that there may be recoverable oil reserves of 35 million barrels of crude oil.

On July 27, 1983, the California Coastal Commission (CCC) objected to Exxon's consistency certification for the proposed drilling of a maximum of three wells on the southwest one-quarter of Lease OCS–P 0467. The CCC's objection was based on its assessment that the drilling of these wells fails to comply with Sections 30230, 30231, 30232, 30250(a) and 30260 of the California Coastal Act.

Exxon appealed to the Secretary of Commerce on August 26, 1983, to override the objections of the CCC to the proposed exploratory drilling operations. NOAA regulations, at 15 CFR 930 Subpart H, authorize the Secretary to find that a Federal license or permit activity described in detail in an OCS plan, which has been found by a State to be inconsistent with its federally approved coastal zone management program, may nevertheless be permitted if the activity meets one of two tests. To meet the first test, four criteria must be satisfied: (a) the activity furthers one or more of the competing national objectives or purposes contained in Sections 302 or 303 of the CZMA; (b) when performed separately or when its cumulative effects are considered, the activity will not cause adverse effects on the natural resources of the coastal zone substantial enough to outweigh its contribution to the national interest; (c) the activity will not violate any requirements of the Clean Air Act, as amended, or the Clean Water Act, as amended; and (d) there is no reasonable alternative available which would permit the activity to be conducted in a manner consistent with the State management program. To meet the second test, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity were not permitted to go forward as proposed.

If the Secretary does not find that the activity meets either of these two tests, the Federal agency shall not approve the activity.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: September 7, 1983.

K. E. Taggart,

Assistant Administrator, National Ocean Service.

[FR Doc. 83-24846 Filed 9-8-83; 9:32 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Supercomputer Applications: Advisory Committee Meeting

The Defense Science Board Task Force on Supercomputer Applications will meet in closed session on 28 October 1983 in DARPA Headquarters, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 28 October 1983, the Task Force will conduct a review of the Defense Department's program to apply emerging capacity of computers to contribute to military programs and issues. It will attempt to identify areas where the expected many orders of magnitude improvement in computing power can be of aid to the defense establishment.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C.

App. I. (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

September 6, 1983.

[FR Doc. 83-24690 Filed 9-8-83; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for a Proposed Maintenance Dredging of the Narrows of Lake Champlain Federal Navigation Channel

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a Draft Supplemental Revised Environmental Impact Statement.

SUMMARY: 1. Description of Proposed Action. Maintenance dredging of a 12 foot deep, 200 foot wide, 13.5 mile long federal navigation channel from Whitehall, N.Y. to Benson Landing, Vermont. Priority dredging reaches have been described in a Corps study entitled "Disposal Site screening for the Narrows of Lake Champlain", a copy of which may be obtained by contacting the EIS coordinator. The EIS will be generic in nature (discuss general impacts) and will be followed by site specific Environmental Assessments for each proposed action. A ten year management plan for proposed actions will also be developed.

2. Reasonable Alternatives: No action, upland disposal, in water disposal, wetland disposal, habitat creation, beneficial uses of dredging material.

3. Scoping Process.

a. Public Involvement. Environmental Assessments were prepared for specific jobs in 1974 and 1977. Federal, State and local agencies have been canvassed for environmental concerns and potential disposal site-selection process developed with their review and input. Preliminary scope of work for EIS will be sent to each agency and all individuals on local mailing lists. The scope will be modified to reflect comments of reviewers; a public scoping meeting will be held prior to finalization to facilitate this review. The draft EIS will be circulated to all interested individuals for review and comment.

b. Significant Issues Requiring In-depth Analysis:

Dredging and disposal impacts to water quality. Ten year management plan and site-specific Environmental Assessments;

Dredging and disposal impacts to fishery and/or wetlands;

Long-term disposal procedures and impacts;

Selection of disposal sites;

Cultural impacts to sites on or eligible for the National Register, and to submerged maritime resources (particularly shipwrecks).

c. Assignments: None anticipated at this time.

d. Environmental review and consultation: Environmental agencies/groups assisted in the development of a screening procedure to locate preferred potential upland disposal sites. Agencies and local groups and citizens have been and will again be canvassed for pertinent data and concerns related to dredging/disposal impacts.

4. Scoping Meeting will ☐* will not ☐ be held.

* Date September 29, 1983, time 7:00 p.m., location Whitehall, NY.

5. Estimate date of statement availability April 1984; Address: Skenesborough Fire Company, Skenesborough Drive.

Project Manager (US Army Corps)
Soon Lew

Attn: NANOP-N
Tel No. (212) 264-0176
EIS Coordinator (US Army Corps)
Robert Will

Attn: NANPL-E
Tel No. (212) 264-4662
US ARMY ENGINEER DISTRICT, NEW YORK
26 Federal Plaza,
New York, N.Y. 10007

Dated: August 29, 1983.

Stanley Fafinski, P.E.,

Acting Chief, Planning Division.

[FR Doc. 83-24679 Filed 9-8-83; 8:45 am]

BILLING CODE 3710-06-M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee, Task Force on the Pacific Basin; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Task Force on the Pacific Basin will meet on September 26-27, 1983, from 9 a.m. to 5 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions impacting on United States national security interests and naval strategies in the Pacific and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Commander R. Robinson Harris, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Phone (703) 756-1205.

Dated: September 7, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83-24781 Filed 9-8-83; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education, Department of Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the scheduled and proposed agenda of a forthcoming meeting of the Executive Committee. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the meeting.

DATES: Executive Committee Meeting: September 27, 1983, 9:00 a.m. to 5:00 p.m.; and, September 28, 1983, 9:00 a.m. to 5:00 p.m.

ADDRESS: Howard Johnson's Motor Lodge, 225 E. Apache Blvd. Tempe, Arizona 85281 (602/967-9431).

FOR FURTHER INFORMATION CONTACT: Lincoln C. White, Acting Executive Director, National Advisory Council on Indian Education, Pennsylvania Building, Suite 326, 425 13th Street, NW., Washington, D.C. 20004 (202/376-8882).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (20 U.S.C. 1221g). The Council is established to assist the Secretary in carrying out responsibilities under Section 441(a) of the Indian Education Act (Title IV of Pub. L. 92-318), through advising Congress, the Secretary of Education, the Under Secretary of Education and the Assistant Secretary for Elementary and Secondary Education with regard to programs benefiting Indian children and adults.

The meeting will be open to the public. This meeting will be held at the Howard Johnson's Motor Lodge, 225 E. Apache Blvd., Tempe, Arizona 85281 (602/967-9431).

The proposed agenda includes:

(1) Consultation with Center Four, Title IV, Research and Evaluation Center's Director and staff.

(2) Preparation for Fiscal Year 1984 NACIE budget and Council activities.

(3) Set procedures for preparation of list of nominees for IEP Director's position.

(4) Regular Council business.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located in the Pennsylvania Building, Suite 326, 425 13th Street, NW., Washington, D.C. 20004.

Dated: September 1, 1983. Signed at Washington, D.C.

Lincoln C. White,

Acting Executive Director—NACIE

[FR Doc. 83-24664 Filed 9-8-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF83-377-000]

Aquenergy Systems, Inc.—Coneross; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 6, 1983.

On August 1, 1983, Aquenergy Systems, Inc., of P.O. Box 8991, Greenville, South Carolina 29604, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations.

The 800 kilowatt hydroelectric project will be located on Coneross Creek near the town of Seneca, Oconee County, South Carolina.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24716 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-705-000]

Central Maine Power Co.; Filing

September 6, 1983.

Take notice that Central Maine Power Company (CMP), on August 25, 1983, tendered for filing as a rate schedule an executed agreement dated as of April 2, 1983 between Central Maine and Central Vermont Public Service Corporation. The proposed rate schedule provides for the sale of interruptible energy by Central Maine to Central Vermont Public Service Corporation.

Central Maine states that a copy of the filing was served on Central Vermont Public Service Corporation and the Maine Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24717 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-703-000]

Central Maine Power Co.; Filing

September 6, 1983.

Take notice that on August 25, 1983, Central Maine Power Company (CMP) tendered for filing, as a rate schedule, an executed agreement dated as of June 16, 1981 between Central Maine Power Company and the Public Service Company of New Hampshire. The proposed rate schedule provides for the sale of interruptible energy by Central Maine to Public Service.

CMP states that a copy of the filing was served on the Public Service Company of New Hampshire and the Maine Public Utilities Commission.

CMP requests an effective date of June 16, 1981, and therefore requests waiver of the Commission's notice requirements so that CMP and Public Service may fulfill their written agreement. CMP also states that waiver would not affect other utilities since the power and energy was scheduled on a daily basis.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24718 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-704-000]

Central Maine Power Co.; Filing

September 6, 1983.

Take notice that on August 25, 1983, Central Maine Power Company (CMP), tendered for filing, as a rate schedule, an

executed agreement dated as of June 11, 1983, between Central Maine and the Connecticut Municipal Electric Energy Cooperative. The proposed rate schedule provides for the sale of interruptible enegy by Central Maine to Connecticut Municipal Electric Energy Cooperative.

Central Maine states that a copy of the filing was served on the Connecticut Municipal Electric Energy Cooperative and the Maine Public Utilities Commission.

Central Maine requests that this rate schedule become effective June 11, 1983, and therefore requests waiver of the Commission's notice requirements as allowed by 18 CFR Section 35.11 so that Central Maine and the Connecticut Municipal Electric Energy Cooperative may fulfill their written agreement. Waiver would not affect other utilities since the power and energy was scheduled on a daily basis.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24719 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-519-001]

Cincinnati Gas & Electric Co.; Compliance

September 6, 1983.

Take Notice that on August 17, 1983, Cincinnati Gas & Electric Company (Cincinnati) in compliance with the Commission's Order of July 19, 1983, submitted for filing its revised tariff sheets and cost of service statements reflecting the exclusion of CWIP in rate base and the deduction of accumulated deferred income taxes related to property tax normalization.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 23, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24720 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-700-000]

Cleveland Electric Illuminating Co.; Filing

September 6, 1983.

Take notice that on August 25, 1983, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 20 MW of power from the 345 kV interconnection point on CEI's Juniper—Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirements in order to permit commencement of transmission service on August 1, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24721 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-701-000]

Cleveland Electric Illuminating Co.; Filing

September 6, 1983.

Take notice that on August 25, 1983, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 65 MW or power from the 345 kV interconnection point on CEI's Juniper—Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on August 1, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24722 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-697-000]

Cleveland Electric Illuminating Co.; Filing

September 6, 1983.

Take notice that on August 25, 1983, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 5 MW of power from the 345 kv interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the Commission's notice requirement, and therefore requests an effective date of June 22, 1983, concurrent with the commencement of service.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with Rules

211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available to public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24723 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-699-000]

Cleveland Electric Illuminating Co.; Filing

September 6, 1983.

Take notice that on August 25, 1983, the Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 20 MW of power from the 345 kv interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff. Also enclosed was an Agreement for the Wheeling and Purchase of Big Rivers Power, dated July 13, 1983.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on July 1, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24724 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-460-000]

Consolidated Gas Supply Corp. and Texas Eastern Transmission Corp., Application

September 6, 1983.

Take notice that on August 10, 1983, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26101, and Texas Eastern Transmission Corporation (Texas Eastern), One Houston Center, Houston, Texas 77010, filed in Docket No. CP83-460-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the drilling of one new well and the construction of certain pipeline facilities at Applicants' jointly-owned Oakford Storage Pool in Westmoreland County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that inventory data indicate that horizontal gas migration is occurring in the northern end of the Murrysville Sand, the more shallow of the two storage formations at the Oakford Storage Pool. Applicants propose to drill a new well outside the northern boundary of the Oakford Storage Pool and, if the well indicates the presence of storage gas in this area, Applicants propose to connect the well to the storage pipeline system for use as a withdrawal well to recycle any migrated gas. Applicants also propose to connect six existing storage observation wells located in the northern end of the pool (wells Nos. JW-214, -231, -250, -261, -262, and -263) to the sotrage pipeline system for use as withdrawal wells to recycle migrated storage gas.

It is indicated that the estimated cost of the proposals would be $765,000. Consolidated's part would be financed from funds to be obtained from Consolidated's parent, Consolidated Natural Gas Company, or from funds on hand. Texas Eastern's financing would be from funds on hand, borrowing under revolving credit arrangements, or short-term financing. Applicants state that no new sales or services are proposed.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 26, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24725 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-384-000]

Corn Products Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

September 6, 1983.

On August 5, 1983, Corn Products Corp., of 1021 Industrial Drive, Stockton, California 95206, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying facility pursuant to § 292.207 of the Commission's regulations.

The facility will be located at the existing plant. The power production capacity of the facility will be 2,760 kilowatts. The primary energy source will be natural gas.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24726 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. OF83-390-000]

Dutchess County Resource Recovery Agency; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

September 6, 1983.

On August 12, 1983, Dutchess County Resource Recovery Agency, of 22 Market Street, Poughkeepsie, New York 12601, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying facility pursuant to § 292.207 of the Commission's regulations.

The facility is located at Sand Dock Road, Poughkeepsie, New York 12601. The primary energy source of the facility is biomass in the form of municipal solid waste. The power production capacity of the facility is 5.6 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24727 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-461-000]

East Tennessee Natural Gas Co.; Request Under Blanket Authorization

September 6, 1983.

Take notice that on April 11, 1983, East Tennessee Natural Gas Company (East Tennessee), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP83-461-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that East Tennessee proposes to abandon four lateral lines by sale to the customers served by them under authorization issued in Docket No. CP83-412-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

East Tennessee proposes the abandonment of the following facilities:

(1) The Signal Mountain Lateral consisting of 9,010 feet of 4½-inch O.D. pipeline, 1,000 square feet of property, and related facilities downstream of its Signal Mountain delivery station in Hamilton County, Tennessee, by sale to Chattanooga Gas Company.

(2) The Cookeville Low Pressure Lateral consisting of 1,880 feet of 6⅝-inch O.D. pipeline and related facilities downstream of its Cookeville delivery station in Putnam County, Tennessee, by sale to Cookeville Natural Gas System.

(3) The Greeneville Stub Lateral consisting of 4.21 miles of 6⅝-inch O.D. pipeline and related facilities, along with the assignment of right-of-way agreements, downstream of its Greeneville delivery station in Greene County, Tennessee, by sale to Tennessee-Virginia Energy Corporation.

(4) The Knoxville Stub Lateral consisting of 10,948 feet of pipeline and related facilities in Knox County, Tennessee. One thousand three hundred seventy-eight feet of this lateral would be abandoned in place. The remaining 9,570 feet of 3½-inch O.D. pipeline would be abandoned by sale to Knoxville Utilities Board.

It is stated that each of these laterials serves only the customer of East Tennessee which is acquiring it and that each such customer has consented to the abandonment.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24728 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-394-000]

Heber Geothermal Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 6, 1983.

On August 16, 1983, Heber Geothermal Company (Applicant), of 210 Sixth Avenue, Pittsburgh, Pennsylvania 15222, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The small power production facility will be located near Heber, California. The primary energy source for the facility will be geothermal fluids from underground reservoirs. The spent geothermal fluid will be injected back into the ground. The facility will have a maximum net electric capacity of forty-seven megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24729 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-391-000]

Hydraco Power; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 6, 1983.

On August 15, 1983, Hydraco Power, of Rt. 2, Box 303 San Marcos, Hays County, Texas 78666, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations.

The 150 kilowatt hydroelectric project will be located on the San Marcos River in the town Martindale, Caldwell County, Texas.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24730 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER76-828-007]

Nantahala Power & Light Co.; Compliance

September 6, 1983.

Take notice that on August 15, 1983, Nantahala Power & Light Company (Nantahala), submitted for filing revised tariff sheets, pursuant to a Commission Letter Order dated July 12, 1983, supporting workpapers reflecting the requested revision to the allocation of the elimination of the restatement of wartime depreciation.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 23, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24710 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-393-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

September 6, 1983.

Take notice that on June 29, 1983, Nothern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-393-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and related facilities in the Matagorda Island Area, offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern proposes to construct and operate approximately 8.5 miles of 20-inch pipeline, 2.2 miles of 10-inch pipeline, and associated metering and appurtenances adjacent to and connecting with the Matagorda Offshore Pipeline System in the Matagorda Island Area, offshore Texas. Northern states that the proposed facilities would provide transportation for Matagorda Island Blocks 701, 703, 712, and 713 gas reserves estimated to commence production during 1984 and for production projected from Matagorda Island Blocks 709 and 711.

Northern estimates the cost of the facilities to be $12,900,000 which would be financed with funds on hand.

Northern states that it is willing to share the costs and ownership of the proposed facilities with other pipeline companies who purchase reserves in Matagorda Island Blocks 701, 703, 712, and 713. Applicant indicates that such participation would be based upon the projected volumes of throughput each pipeline company would transport through the proposed system.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 26, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24711 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-63-000]

Pacific Power & Light Co.; Application

September 6, 1983.

Take notice that on August 29, 1983, Pacific Power & Light Company (Applicant) filed its application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order (1) authorizing it to issue and sell not more than 1,000,000 additional shares of its common stock pursuant to its Employee Stock Ownership Plan and Trust, and (2) exempting the issuance from

competitive bidding pursuant to 18 CFR 34.2(b)(2).

Any person desiring to be heard or to make any protest with reference to the application should, on or before September 26, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with 18 CFR 385.211 or 385.214, respectively.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24712 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-140-001]

Perkins Power of Broken H Ranch; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

September 6, 1983.

On July 22, 1983, Rosemary Perkins Flanigin, Wapiti, Wyoming 82450, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located at the Acme Power Plant, formerly a Montana-Dakota Utilities steam electric plant, in Sheridan, Wyoming. Waste steam from the facility will be recovered for use in a greenhouse. The primary energy source to the facility will be lignite, a type of coal. The electric power production capacity of the facility will be 12 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24713 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-485-000]

Texas Gas Transmission Corp.; Application

September 6, 1983.

Take notice that on August 25, 1983, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP83-485-000 an application pursuant to Section 7(b) of the Natural Gas Act on behalf of Applicant's producer-suppliers for permission and approval to abandon in part for a limited term the sales of natural gas between Applicant and Applicant's producer-suppliers; pursuant to Section 7(c) of the Natural Gas Act on behalf of Applicant's producer-suppliers for a blanket limited-term certificate of public convenience and necessity authorizing the sale for resale in interstate commerce of such partially abandoned reserves by Applicant's producer-suppliers and/or any off-system producer to Memphis Light, Gas and Water Division (MLGW) for the account of W. R. Grace and Co. (Grace) for use by Grace at its Memphis, Tennessee, Ammonia Plant (Memphis Grace Plant) for a limited period; and pursuant to Section 7(c) of the Natural Gas Act on its own behalf for a blanket limited-term certificate of public convenience and necessity authorizing the transportation and delivery of such gas in interstate commerce by Applicant to MLGW for ultimate use at the Memphis Grace Plant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant has agreed to implement an experimental Texas Gas Ammonia Feedstock Marketing Program (AMFEED) whereunder Applicant would arrange, as agent for MLGW, Applicant's customer, gas supplies to be purchased by Grace for the purposes of keeping natural gas prices competitive with the prices of alternate fuels and of maintaining historical throughput levels on Applicant's system. Applicant states that the authorizations sought in this case are necessary to permit the inclusion in the AMFEED program, which is limited to the period November 1, 1983, through October 31, 1984, of gas supplies which presently are sold to Applicant under certificates of public convenience and necessity and which its producer-supplies voluntarily elect to direct temporarily for sale to Applicant's customers. The application also states that except to the extent that such gas supplies are utilized for the limited scope and term of the AMFEED program, Applicant's long-term gas supplies would remain the same.

In addition, Applicant seeks (1) to waive the provisions of Section 157.105(g) of the Commission's Regulations which would otherwise be applicable to the revenues realized on the transportation services performed hereunder by Applicant because the transportation services being performed under AMFEED by Applicant are in lieu of sales services which would otherwise be performed; (2) to waive the provisions of the Commission's Regulations pertaining to the acquisition of prior authorization or the expiration of any notice period before commencing the transportation services contemplated by this application; and (3) to waive Applicant's tariff relative to (a) MLGW's status as a General Service Buyer pursuant to the General Terms and Conditions of Applicant's FERC Gas Tariff, Third Revised Volume No. 1, and (b) MLGW's obligation to purchase all of its requirements from Applicant in accordance with the Service Agreement between Applicant and MLGW dated September 1, 1970.

Applicant submits that AMFEED essentially parallels the Transcontinental Gas Pipe Line Corporation, Incentive Sales Program, already approved by the Commission [1] and that AMFEED would result in the same or greater benefit to Applicant's non-AMFEED customers. Applicant states that approval and implementation of AMFEED would allow Grace to obtain supplies of natural gas for use at the Memphis Grace Plant at or below the competitive price defined in the application in order to continue economic ammonia production at the Memphis Grace Plant and asserts that unless this program is approved the Memphis Grace Plant would necessarily close resulting in a loss of load at the Memphis Grace Plant equalling at least 12,000,000 Mcf of gas per year. Applicant further states that authorization under this application would alleviate its take-or-pay liability as gas sold by its producer-suppliers to MLGW under AMFEED would be credited to Applicant's minimum take obligation and would allow Applicant to continue to transport natural gas through existing pipeline facilities. In addition, Applicant asserts, customers of Applicant would benefit because the shifting of fixed costs associated with the ultimate sale to Grace to other customers of Applicant and MLGW would be averted. Also,

[1] Order issued May 13, 1983, *Transcontinental Gas Pipe Line Corporation*, 23 FERC ¶ 61,221 (1983), Docket No. CP83-279-000.

Applicant expects its participating producer-suppliers to benefit by continued cash flow and consumers to benefit by the availability of natural gas at more reasonable prices.

Applicant would select the supply of gas necessary to meet MLGW's needs first from Applicant's producer-suppliers from which it has taken less than contract minimums; second, from Applicant's other producer-suppliers from the highest cost volumes to the lowest cost volumes in descending order; and last, from off-system producers. Price would be determined for each quarter during the term of AMFEED according to a formula set forth in the application. Applicant states that the gas would be transported through existing transmission facilities to established receipt points subject to such obligations as set out in Applicant's gas purchase contracts and to such other points as may be established from time to time. Applicant requests authority to use a reporting system detailed in its application as an alternative to the reporting requirements set forth by the Commission's regulations.

Applicant proposes to place MLGW in a position of priority over its other customers and asserts that the net benefits to Applicant's remaining customers exceed and outweigh any apparent discriminatory impact associated with the cost of gas to other purchasers on the Applicant's system.

Applicant wants no waiver, if any is granted in this proceeding, to serve as a precedent in any future proceeding before the Commission or to bind Applicant with respect to similar requests from other customers on its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 26, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, of if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24714 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-702-000]

Wisconsin Power and Light Co.; Filing

September 6, 1983.

Take notice that on August 25, 1983, Wisconsin Power and Light Company (WPL) tendered for filing Amendment No. 4 (dated August 1, 1983) to its Interconnection Agreement with Commonwealth Edison Company. WPL states that this filing provides terms for optional daily reservations in addition to the current weekly reservation provisions for Service Schedule D (Short Term Power).

WPL requests an effective date of September 1, 1983 and therefore requests waiver of the Commission's notice requirements. WPL states that a copy of the above Amendment No. 4 and the filing have been provided to Commonwealth Edison Company, the Illinois Commerce Commission, and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Interventions and protests are due on or before September 26, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24715 Filed 9-8-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2430-8]

Availability of Environmental Impact Statements Filed August 29 Through September 2, 1983 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, general information (202) 382-5075 or (202) 382-5076.

Corps of Engineers:
- EIS No. 830463, DSuppl, COE, VA, Virginia Beach, Erosion Control and Hurricane Protection, Due: Oct. 24, 1983

Department of Commerce:
- EIS No. 830478, Final, NOA, MXG, Reef Fish Resources of the Gulf of Mexico, Fishery Management Plan, Due: Oct. 25, 1983

Department of the Interior:
- EIS No. 830477, Draft, BLM, CA, California Desert Conservation Area Plan, 1983 Amendments, Due: Dec. 7, 1983
- EIS No. 830481, Draft, BLM, ID, Big Lost/Pahsimeroi WSAs, Wilderness Designation, Custer and Butte Counties, Due: Oct. 27, 1983
- EIS No. 830475, Final, IBR, CA, Tahoe City, 64 Acre Tract Land Transfer/Newland Project, Placer County, Due: Oct. 11, 1983
- EIS No. 830469, Final, IBR, PRO, WY, MT, Yellowtail (Bighorn) Boysen Reservoirs Industrial Water Supply, Due: Oct. 11, 1983

Department of Transportation:
- EIS No. 830470, Draft, FHW, HI, Huleja Bridge Replacement/Approaches, Kaumualii Highway, Lihue County, Due: Oct. 25, 1983
- EIS No. 830472, Draft, FHW, CA, Russian River Bridge No. 20-31 Replacement and US 101 Relocation, Due: Oct. 24, 1983
- EIS No. 830474, Draft, FHW, IL, FAP-406/IL-121 Freeway Construction, Lincoln to Morton, Logan/Tazewell Counties, Due: Oct. 24, 1983

Environmental Protection Agency:
- EIS No. 830476, Draft, EPA, REG, Steel Plants, Elec. Arc Furnaces/Argon-Oxygen Decarburization Vessels, Due: Nov. 3, 1983
- EIS No. 830473, Final, EPA, FL, MXG, Tampa Harbor Ocean Dredged Material Disposal Site, Designation, Due: Oct. 11, 1983
- EIS No. 830480, DSuppl, EPA, LA, Jefferson Parish/West Bank Wastewater Treatment Facilities, Grant, Due: Oct. 24, 1983

Department of Housing and Urban Development:
EIS No. 830471, Final, HUD, NM, The High Range Subdivision, Mortgage Insurance, Dona Ana County, Due: Oct. 11, 1983
Department of Agriculture:
EIS No. 830479, Draft, AFS, CO, Rio Grande National Forest Land and Resource Management Plan, Due: Dec. 16, 1983
Amended Notice:
EIS No. 731519, Final, FHW, IL, FAP-406 Freeway Construction, Lincoln to Morton, Logan and Tazewell Counties. Officially withdrawn—Superseded by draft EIS No. 830474
EIS No. 731690, Draft, FHW, IL, FAP-406 Freeway Construction, Lincoln to Morton, Logan and Tazewell Counties. Officially withdrawn—Superseded by draft EIS No. 830474
EIS No. 791111, DSuppl, FHW, IL, FAP-406 Freeway Construction, Lincoln to Morton, Logan and Tazewell Counties. Published FR 11/02/79—Officially withdrawn. Superseded by draft EIS No. 830474

Dated: September 6, 1983.

Pasquale A. Alberico,

Acting Director, Office of Federal Activities.

[FR Doc. 83-24732 Filed 9-8-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51471B; TSH—FRL 2430-5]

Certain Chemicals; Premanufacture Notices; Extension of Review Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending the review period for an additional 90 days for premanufacture notices (PMN's) PMN's 83-820, 83-821, and 83-822, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review period will now expire on December 4, 1983.

FOR FURTHER INFORMATION CONTACT: Paul Matthai, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460, (202-382-3746).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a PMN to EPA 90 days before manufacture or import begins. Under section 5(c) EPA may, for good cause, extend the notice period for additional periods, not to exceed a total of 180 days from the date of receipt.

On June 9, 1983, EPA received PMN 83-820 for a substance described generically as disubstituted heterocyclic azo disubstituted benzene, PMN 83-821 for substance described generically as trisubstituted phenyl azo disubstituted heterocycle, and PMN 83-822 for a substance described generically as trisubstituted aniline. The substances will be manufactured for use as dyes in textiles or as dye intermediates. The submitter claimed its identity, chemical identity, and volume to be confidential business information. Notice of receipt of the PMN's was published in the **Federal Register** of June 24, 1983 (48 FR 29048). The original 90-day review period is scheduled to expire on September 6, 1983.

EPA's detailed analysis of the substances described in the PMN's addressed the following: chemical analysis of the PMN substances, effects on human health, human exposure, environmental release, ecological effects, degree or risk relative to available commercial substitutes, potential marketability, and the identification of other information which may be required to resolve outstanding issues.

As a result of this analysis, EPA has reason to believe the following:

1. Exposure to the PMN substances may result in adverse health effects, among which may be carcinogenicity, mutagenicity, liver toxicity and sensitization.

2. During processing of the PMN substances the potential exists for significant worker exposure.

3. There may be an unreasonable risk to persons who drink water containing the PMN substances.

Based on the analysis, EPA finds that there is a possibility that the substances submitted for review in PMN's 83-820, 83-821, and 83-822 may be regulated under section 5(e) of TSCA. The Agency requires an extension of the review period to examine its regulatory options and to prepare the necessary documents, should regulatory action be required. An administrative order under section 5(e) must be issued no later than 45 days prior to expiration of the review period. Therefore EPA has determined that good cause exists to extend the review period for an additional 90 days, to December 4, 1983.

PMN's 83-820, 83-821, and 83-822 are available for public inspection in Rm. E-107, at the EPA Headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: September 2, 1983.

Marcia E. Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-24817 Filed 9-8-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59135; TSH FRL 2430-7]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test 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 Novemeber 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of three applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by September 26, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-59135]" 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: Margaret Stasikowski, 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 nonconfidential document is available in the Public Reading Room E-107.

TME 83-79

Close of Review Period. October 9, 1983.

Manufacturer. Confidential.

Chemical. (G) Mono and polycarbocyclic poly(ester-amide).

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by publicly owned treatment works (POTW).

TME 83-80

Close of Review Period. October 12, 1983.

Importer. Confidential.

Chemical. (G) Polyether acid phosphate.

Use/Import. (G) Additive for aqueous cutting fluids. Prod. range: 7,500 kg one year.

Toxicity Data. Acute oral: LD_{50} ca. 10,000 mg/kg; Irritation: Skin-Moderate, Eye-Moderate; Inhalation: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

TME 83-81

Importer. Confidential.

Chemical. (G) Amine salt of a substituted organic acid.

Use/Import. (G) Additive for aqueous cutting fluids. Import range: 4,000 kg one year.

Toxicity Data. No data on the PMN substance submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: September 2, 1983.

V. Paul Fuschini,

Acting Director, Management Support Division.

[FR Doc. 83-24615 Filed 9-8-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51483 BH-FRL 2430-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of eleven PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83-1086, 83-1087, 83-1088, 83-1089, and 83-1090—Nov. 23, 1983

PMN 83-1091—Nov. 26, 1983

PMN 83-1092 and 83-1093—Nov. 28, 1983

PMN 83-1094, 83-1095 and 83-1096—Nov. 29, 1983

Written comments by:

PMN 83-1086, 83-1087, 83-1088, 83-1089, and 83-1090—Oct. 24, 1983

PMN 83-1091—Oct. 27, 1983

PMN 83-1092 and 83-1093—Oct. 29, 1983

PMN 83-1094, 83-1095, and 83-1096—Oct. 30, 1983

ADDRESS: Written comments, identified by the document control number "[OPTS-51483]" and the specific PMN number should be sent to Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic and Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Margaret Stasikowski, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-1086

Manufacturer. Confidential.

Chemical. (G) Aliphatic unsaturated copolyester.

Use/Production. (G) Manufacture of electrical insulation which is an industrial application. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by biological treatment system.

PMN 83-1087

Manufacturer. Confidential.

Chemical. (G) Sodium poly[1-oxoalkyl-1-amino-2-(tert-butyl-2-sulfonate)-1-oxoalkyl-1-amino (N,N-dimethane)].

Use/Production. (G) Open, non-dispersive use. Prod. range: 14,000-230,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: inhalation, a total of 4 workers, up to 2 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. Less than 0.5 kg released to air. Disposal by approved landfill.

PMN 83-1088

Manufacturer. Confidential.

Chemical. (G) Polyester from an alkanediol, alkanoic acid and a carbomonocyclic anhydride.

Use/Production. (G) Highly dispersive use. Prod. range: 100,000-1,500,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal and ocular, a total of 70 workers, up to 4 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. 3-25 kg/batch released to land. Disposal by incineration and landfill.

PMN 83-1089

Manufacturer. Confidential.

Chemical. (G) Unsaturated polyester with halogenated polyol.

Use/Production. (G) Cured thermoset cross-linked plastic. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, 1 person/shift, 5 min/sample.

Environmental Release/Disposal. No data submitted. Disposal by incineration and approved landfill.

PMN 83-1090

Manufacturer. Confidential.

Chemical. (G) Mono and polycarbocyclic poly (ester-amide).

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by publicly owned treatment works (POTW).

PMN 83-1091

Manufacturer. Confidential.

Chemical. (G) Reaction product of: mixed aliphatic and amino aliphatic alcohols and dimer diisocyanate and 1,1'-methylenebis [4-isocyanate]-cyclohexane.

Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. Irritation: Skin—Mild. Eye—Minimal.

Exposure. Manufacture: dermal, a total of 8 workers, up to 4 times/yr, up to 8 hours each.

Environmental Release/Disposal. No release. Disposal by incineration and landfill.

PMN 83-1092

Manufacturer. Confidential.

Chemical. (G) Mixed castor amide with diethylene triamine.
Use/Production. (G) Open, non-dispersive and dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 1 worker, up to 1 hr/da, up to 11 da/yr.
Environmental Release/Disposal. 11 kg released to air with 45 kg to water. Disposal by POTW.

PMN 83-1093

Manufacturer. Confidential.
Chemical. (G) Mixed castor amide with amino ethyl ethanol amine.
Use/Production. (G) Open, non-dispersive and dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 1 worker, up to 1 hr/da, up to 11 da/yr.
Environmental Release/Disposal. 11 kg released to air with 45 kg to water. Disposal by POTW.

PMN 83-1094

Manufacturer. Confidential.
Chemical. (G) Modified phenol-formaldehyde alkyl amine.
Use/Production. (S) Industrial epoxy curing agent. Prod. range: 300,000-500,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

PMN 83-1095

Manufacturer. Petrochemicals Company, Inc.
Chemical. (G) Amine salt of alkylnaphthalene sulfonic acid.
Use/Production. (G) Destructive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-1096

Manufacturer. Chem-tronics, Inc.
Chemical. (G) Benzophenotetracarboxy imide amide copolymer.
Use/Production. (S) Thermal acoustical, cushioning, rigid, and semi-flexible foams for industrial and commercial use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 7 workers, up to 7 hrs/da, up to 180 da/yr.
Environmental Release/Disposal. No data submitted. Disposal by POTW.

Dated: September 2, 1983.

V. Paul Fuschini,

Acting Director, Management Support Division.

[FR Doc. 83-24616 Filed 9-8-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

Sale of Government Property Forms (Standard Form 114 series)

AGENCY: Office of Policy and Management Systems, GSA.

ACTION: Notice of Information Collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), GSA is required to consider comments received on information collection proposals that affect the public. This notice announces GSA's plan to request the Office of Management Budget to approve the extension of clearance of the above information collection requirement.

DATE: Comments must be received on or before: September 28, 1983.

ADDRESSES: Submit comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to John F. Gilmore, GSA Clearance Officer, GSA (ORAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Jim Flowers (202-566-0666).

SUPPLEMENTARY INFORMATION: The SF 114 series is voluntarily completed by the general public to submit bids for the sale of surplus personal property. Annual reporting or disclosure burden: Respondents—84,000; responses—84,000; hours—42,000.

A copy of the information collection proposal may be obtained from the Directives and Reports Management Branch (ORAI), Room 3015, GS Building, Washington, DC 20405, telephone: 202-566-0666.

Dated: August 31, 1983.

Clarence A. Lee, Jr.,

Deputy Associate Administrator for Policy and Management Systems.

[FR Doc. 83-24661 Filed 9-8-83; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on September 2.

Public Health Service

Health Resources and Services Administration

Subject: Health Maintenance Organizations National Data Reporting Requirements (NDRR) (0915-0063)—Revision.

Respondents: Federally qualified maintenance organizations in the United States.

Subject: Application for Participation in the National Health Service Corps Scholarship Program (0915-0039)—Reinstatement.

Respondents: Health professions students.

OMB Desk Officer: Fay S. Iudicello.

National Institutes of Health

Subject: The Cooperative Study of Sickle Cell Desease (CSSCD) Psychosocial Component (0925-0185)—Extension/No Change.

Respondents: Parents and patients enrolled in the Cooperative Study of Sickle Cell Disease.

OMB Desk Officer: Fay S. Iudicello.

Health Care Financing Administration

Subject: Municipal Health Services Cost Report Form (0938-0155)—Extension/No Change.

Respondents: Municipal health clinics participating in the demonstration.

OMB Desk Officer: Fay S. Iudicello.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington,

D.C. 20503, Attn: (name of OMB Desk Officer).

Dated: September 1, 1983.

Wallace O. Keene,

Director, Office of Computer and Information Systems.

[FR Doc. 83-24632 Filed 9-6-83; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 83N-0213]

Implementation of the Orphan Drug Act of 1983; Notice of Availability of Interim Procedures

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of interim procedures under which a manufacturer of a drug for a rare disease or condition may request recommendations on drug development and may obtain designation of the drug as a drug for a rare disease or condition so that the drug may qualify for the incentives provided by section 2(a) of the Orphan Drug Act (the Act) (Pub. L. 97-414). FDA announces its responsibility to implement those provisions of the Act that amend the Federal Food, Drug, and Cosmetic Act.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Requests for single copies of the interim procedures to Emery J. Sturniolo, Office of Orphan Products Development (HF-35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Roger C. Gregorio, Office of Orphan Products Development (HF-35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301-443-4903.

SUPPLEMENTARY INFORMATION: On January 4, 1983, President Reagan signed into law the Orphan Drug Act (Pub. L. 97-414). The legislation is based on a finding that adequate drugs for some rare diseases are not being developed and that some of these "orphan" drugs will not be developed unless changes are made in applicable Federal laws. The legislation, which amends the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.), the Internal Revenue Code, and other statutory provisions, establishes incentives for sponsors and manufacturers of drugs for rare diseases or conditions to develop such drugs and speedily make them available to affected individuals.

FDA's responsibility is to implement those sections of the Orphan Drug Act that amend the Federal Food, Drug, and Cosmetic Act. Reference in those sections of the Orphan Drug Act to the Secretary of the Department of Health and Human Services should, therefore, be understood to refer to the Commissioner of Food and Drugs. The Commissioner has delegated the responsibility to implement the Act to specific offices within FDA. This redelegation is published elsewhere in this issue of the **Federal Register.**

The Orphan Drug Act creates a comprehensive scheme to assist sponsors in developing drugs for rare diseases or conditions. The Orphan Drug Act adds four sections to the Federal Food, Drug, and Cosmetic Act—sections 525, 526, 527, and 528. The most significant elements of these statutory provisions are described as follows:

1. Section 525 requires FDA to provide written recommendations on clinical and nonclinical investigations to a sponsor or manufacturer of a drug if FDA finds that there is reason to believe that the drug is a drug for a disease or condition that is rare in the United States.

2. Section 526 establishes a designation procedure for drugs ("orphan drugs") intended for rare diseases or conditions and requires FDA to publicize the designation of drugs as orphan drugs. This designation is solely for the purpose of implementing those sections of the Orphan Drug Act that amend the Federal Food, Drug, and Cosmetic Act. Section 3 of the Orphan Drug Act establishes in the Department of Health and Human Services a board for the development of drugs for rare diseases or conditions to be known as the Orphan Products Board. FDA will designate a drug as an orphan drug in consultation with the Orphan Products Board. Under the designation procedure, a drug may be designated as an orphan drug if its sponsor demonstrates that the drug is intended for a disease or condition that occurs so infrequently that there is no reasonable expectation that the cost of its development and marketing will be recovered from sales in the United States. When a drug is designated under section 526, its sponsor may become eligible under other provisions of the Act for tax credits for expenses incurred in the clinical development of the drug.

3. Section 527 provides protection for unpatented drugs for rare diseases or conditions. Designation of a drug as an orphan drug may also provide its sponsor with exclusive marketing rights under section 527 of the Act. Under this section, a sponsor of an orphan drug for which a United States letter of patent may not issue may obtain an exclusive right to market the drug in the United States for the orphan disease or condition for 7 years after the date of its approval.

4. Section 528 of the Act requires FDA to encourage sponsors who are conducting clinical investigations of designated drugs to make the drugs available to patients under open (treatment) protocols.

The provisions of the Orphan Drug Act became effective on the date of their enactment, even though several of the provisions call for FDA to promulgate regulations to establish specific procedures for implementation. FDA will shortly propose regulations to implement those sections of the Orphan Drug Act for which it is responsible. Pending issuance of final regulations, FDA has established interim procedures for requests for written recommendations on drug development under section 525 and for requests for designation of a drug as an orphan drug under section 526. Copies of these interim procedures may be obtained from the Office of Orphan Products Development (HF-35) (address above (301-443-4718)). Questions about implementing the Orphan Drug Act should be directed to the Office of Orphan Products Development.

FDA invites interested persons to comment on the interim procedures for implementing sections 525 and 526. Please submit these comments in writing to the Dockets Management Branch (address above). Two copies of all comments shall be submitted, except that individuals may submit single copies of comments. Comments should be identified by the docket number found in brackets at the heading of this document. Comments received by the agency may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The information collection requirements contained in these interim guidelines have been submitted to the Office of Management and Budget (OMB) for review under section 3507 of the Paperwork Reduction Act of 1980. These guidelines are not effective until approved by OMB. Notice of OBM action will be published in a future **Federal Register** notice. Other organizations and individuals desiring to submit comments on these information collection requirements should direct them to FDA's Dockets Management Branch (address above) and to the Office of Information and Regulatory Affairs, Office of Management and Budget, New

Executive Office Bldg., Rm. 3208, Washington, DC 20503, Attn: Richard Eisinger.

Dated: September 2, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-24591 Filed 9-6-83; 11:21 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Hill-Burton Health Facilities; Review

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of review.

SUMMARY: This notice announces a review of institutions and organizations which have received grants under the Hill-Burton Program (Title VI of the Public Health Service Act, 42 U.S.C. 291 *et seq.*) for the construction or modernization of hospitals or other health facilities.

FOR FURTHER INFORMATION CONTACT: Donald Sylvain, Chief, Facilities Grants Branch, Office of Health Facilities, BHMORD, HRSA, Parklawn Building, Room 11A-25, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-5766.

SUPPLEMENTARY INFORMATION: Under Section 609 of the Public Health Service Act, (42 U.S.C. 291i), the United States is entitled to recover an amount of funds to be determined by a statutory formula if at any time within 20 years after the completion of Hill-Burton grant-assisted construction, the assisted facility undergoes certain changes in status. In general, those changes involve transfer of ownership or control of the facility to an entity that would have been ineligible to receive a Hill-Burton grant, or conversion of the facility to a use for which such a grant could not have been made.

Recent court decisions in *United States* v. *The City of Palm Beach Gardens, et al.* (635 F. 2d 337, 5th Cir. (1981)) and *United States* v. *First Georgia Bank and Beverly Enterprises, Inc.* (529 F. Supp. 384 (1982)), support the right of the Federal Government to secure financial recovery from Hill-Burton recipients and transferees.

During the coming months, the Public Health Service will be reviewing those institutions whose Hill-Burton construction was completed more than 20 years ago in order to identify those instances where a change of status occurred during the 20-year period of obligation. Based upon these findings, the Department will take appropriate administrative and legal actions where moneys are due the Federal Government.

Dated: September 3, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 83-24665 Filed 9-8-83; 8:45 am]

BILLING CODE 4160-16-M

National Institutes of Health

Board of Regents and the Extramural Programs Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on October 13-14, 1983, in the NMAC Classroom, Lister Hill Center Building of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland. In connection with this meeting, the Extramural Programs Subcommittee of the Board of Regents will meet on the preceding day, October 12, 1983, from 2:00 to 4:00 p.m., in the 5th-floor Conference Room of the Lister Hill Center Building. The meeting of the Board will be open to the public from 9:00 a.m. to approximately 5:00 p.m. on October 13 and from 9:00 a.m. to 10:15 a.m. and from 11:15 to adjournment on October 14 for administrative reports and program discussions. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4), 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92-463, the entire meeting of the Extramural Programs Subcommittee on October 12 will be closed to the public, and the regular Board meeting on October 14 will be closed from 10:15 to 11:15 a.m. for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material and personal information concerning individuals associated with the applications, the dislosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301-496-6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Dated: August 29, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-24630 Filed 9-8-83; 8:45 am]

BILLING CODE 4140-01-M

Neurological Disorders Program Project Review A Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program Project Review A Committee, National Institutes of Health, October 20, 21, and 22, 1983 at Wellington Hotel, 2505 Wisconsin Avenue, Washington, D.C. 20007.

The meeting will be open to the public from 8:00 p.m. until 9:00 p.m. on October 20, 1983 to discuss program planning and program accomplishments. Attendance by the pubic will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 8:00 a.m. on October 21 to adjournment on October 22, 1983 for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205 (Tel. No. 301/496-5751) will furnish summaries of the meeting and the roster of committee members.

Dr. Leon Jack Greenbaum, Jr., Executive Secretary, Federal Building, Room 9C14, Bethesda, MD 20205 (Tel. No. 301/496-9223) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.853, Clinical Basis Research; No. 13.854, Biological Basis Research)

Dated: August 29, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-24628 Filed 9-8-83; 8:45 am]

BILLING CODE 4140-01-M

National Advisory Dental Research Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental

Research, on October 17–18, 1983, in Conference Room 8, Building 31–C, National Institute of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to adjournment on October 18 for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on October 17 from 9:00 a.m. to recess for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Dixie Kanagy, Council Secretary for the National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 503, Bethesda, Maryland 20205 (phone 301 496–7723), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Programs Nos. 13.840—Caries Research, 13.841—Periodontal Diseases Research, 13.842—Craniofacial Anomalies Research, 13.843—Restorative Materials Research, 13.844—Pain Control and Behavioral Studies, 13.845—Dental Research Institutes, 13.878—Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

Dated: August 29, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-24627 Filed 9-8-83; 8:45 am]

BILLING CODE 4140-01-M

Safety and Occupational Health Study Section; Meeting

Pursuant to Pub. L. 92–463, a meeting of the Safety and Occupational Health Study Section, National Institute for Occupational Safety and Health, in conjunction with the Division of Research Grants, will be held on October 12–14, 1983, at the Colonial Manor Motel, 11410 Rockville Pike, Rockville, Maryland 20852.

This meeting will be open to the public on October 12 from approximately 1:00 p.m. to 2:00 p.m., to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Sections 522b(c)(4) and 552b(c)(6), Title 5, United States Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Study Section will be closed to the public from 2:00 p.m. October 12 until adjournment on October 14 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–7441, will furnish summaries of the meetings and rosters of committee members.

Dr. John Beisler, Executive Secretary of the Study Section, Westwood Building, Room 3A10, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–6723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.262, Occupational Safety and Health Research Grants, National Institutes of Health, HHS)

Dated: August 29, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-24629 Filed 9-8-83; 8:45 am]

BILLING CODE 4140-01-M

Meeting of the Subcommittee On Primate Research Centers of the Animal Resources Review Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Subcommittee On Primate Research Centers, Animal Resources Review Committee, Division of Research Resources, on October 26, 1983, in the Vista Room, Nendel's Motor Inn, 9900 S.W., Canyon Road, Portland, Oregon 97225.

The meeting will be open to the public from approximately 2:00 p.m. until 3:00 p.m. for a staff presentation on the current status of the Animal Resources Program, and the selection of future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from approximately 3:00 p.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Divion of Research Resources, Room 5B10, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the committee members. Dr. Carl E. Miller, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, Primate Research, National Institutes of Health)

Dated: August 29, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-24625 Filed 9-8-83; 8:45 am]

BILLING CODE 4140-01-M

Meeting of National Advisory Council on Aging

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, on October 13–14, 1983, in the Shannon Building, (Building 1), Wilson Hall, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on Thursday, October 13, from 9:00 a.m. until noon for a status report by the Director, National Institute on Aging, and a report from the Council ad hoc Program Committee. It will be open to the public on Friday, October 14, from 9:00 a.m. until adjournment for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on October 13 from 1:00 p.m. to recess for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Council Secretary for the National Institute on Aging, National Institutes of Health, Building 31, Room 2C05, Bethesda, Maryland 20205 (Area Code 301/496–5898), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: August 29, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-24628 Filed 9-8-83; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Toxicology Program Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, Conference Room, Building 13, National Center for Toxicological Research (NCTR), Jefferson, Arkansas, on September 27 and 28, 1983. The meeting will be open to the public from 8:30 a.m. to adjournment on September 27. The preliminary agenda with *approximate* times are as follows:

8:30 a.m.–8:50 a.m. Report of the Director, NTP
8:50 a.m.–9:30 a.m. Status Report on the Ad Hoc Panel on Chemical Carcinogenesis Testing and Evaluation
9:45 a.m.–11:15 a.m. NIH/NTP Concept Reviews:
a. Analytical Chemistry Support Services
b. Cooperative Agreements:
—Chemical Disposition and Metabolism
—Characterizing the Role of Vegetables Oils in Pancreatic Lesions
—Development of a System for Co-Culture of Isolated Cells From Kidney and Liver
11:15 a.m.–12:15 a.m. Peer Review and Priority Ranking of Chemicals Nominated for NTP Testing. (Chemicals to be reviewed are among those listed in the **Federal Register** of March 4, 1983 (48 FR 9379–9380)
1:00 p.m.–3:00 p.m. Tour of NCTR
3:15 p.m.–5:00 p.m. Toxicology Data Management Systems—A Progress Report

The meeting on September 28 will be open to the public from 8:30 a.m. to adjournment. The preliminary agenda with *approximate* times are as follows:

NCTR Programs

8:30 a.m.–9:15 a.m. Developmental Toxicology
9:15 a.m.–9:30 a.m. Genetic Toxicology
9:30 a.m.–10:15 a.m. Biochemical Toxicology
10:30 a.m.–10:45 a.m. Office of Scientific Intelligence
10:45 a.m.–11:30 a.m. Chemistry
11:30 a.m.–12:00 p.m. Biometry
12:45 p.m.–1:30 p.m. Chemical Toxicology/Microencapsulation
1:30 p.m.–2:15 p.m. Office of the Director, NCTR

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541–3971, FTS 629–3971, will furnish a roster of Board members and other program information prior to the meeting, and summary minutes subsequent to the meeting. For information on hotels and directions to the Center contact Mrs. Ruth Bryant, telephone (501) 541–4528, FTS 542–4528.

Dated: August 26, 1983.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 83-24606 Filed 9-8-83; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–83–1285]

Energy Conservation Advisory Committee and Solar Energy Advisory Committee; Charters

AGENCY: Solar Energy and Energy Conservation Bank, HUD.

ACTION: Notice of advisory committee charters.

SUMMARY: The Energy Conservation Advisory Committee and the Solar Energy Advisory Committee were established by the Solar Energy and Energy Conservation Bank Act, Title V of Pub. L. 96–294 (94 Stat. 719), to advise the Board of Directors of the Solar Energy and Energy Conservation Bank. In accordance with provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I section 1 *et seq.*, the Secretary published charters for the advisory committees, on November 25, 1980 at 45 FR 78235. The aforesaid charters have been amended and duly approved by the Secretary as Chairperson of the Board of Directors of the Bank.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Francis, Manager, Solar Energy and Energy Conservation Bank, Department of Housing and Urban Development, Room 2244, 451 Seventh Street, SW., Washington, D.C. 20410 (202–755–7166).

SUPPLEMENTARY INFORMATION: There is appended hereto the text of the charters, as approved by the Secretary as of the date of this notice.

Dated: September 2, 1983.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development and Chairperson of the Board of Directors, Solar Energy and Energy Conservation Bank.

Energy Conservation Advisory Committee Charter

1. *Purpose.* This establishes the charter for the Energy Conservation Advisory Committee as required under the provisions of the Federal Advisory Committee Act [FACA] of 1972, Pub. L. No. 92–463, 5 U.S.C. App. I section 1.

2. *Objectives, Scope and Duties.* The Energy Conservation Advisory Committee will advise the Board of Directors (the Board) of the Solar Energy and Energy Conservation Bank (the Bank) for the purpose of assisting the Bank in carrying out its activities relating to residential and commercial energy conserving measures pursuant to the Solar Energy and Energy Conservation Bank Act (12 U.S.C. 3601). The function of the advisory committee shall be advisory only and all the matters under its consideration shall be determined, in accordance with law, by the Board of Directors of the Bank.

3. *Authority.*

a. The Energy Conservation Advisory Committee is mandated by and established under the authority of Section 508(a) of the Solar Energy and Energy Conservation Bank Act, Pub. L. No. 96–294, 94 Stat. 719, 724.

b. The Energy Conservation Advisory Committee shall operate in conformance with the requirements outlined in the Solar Energy and Energy Conservation Bank Act, and all applicable laws, rules, regulations and guidelines, promulgated by the Congress, the President, the General Services Administration and the Secretary of Housing and Urban Development.

4. *Composition.* The Energy Conservation Advisory Committee shall be composed of five members who are not officers of, and whose principal employment is not by, a Federal, State or local governmental entity. Each of the following groups shall be represented by one member who is able, due to education, training and experience, to represent its views: consumers, financial institutions, builders, architectural or engineering interests, producers or installers of residential and commerical energy conserving improvement.

5. *Appointments.*

a. Members are appointed by the Board to serve two-year terms.

b. The terms of members are automatically extended until new members are appointed.

c. Any member who becomes an officer or employee of any governmental entity may continue as a member of the advisory committee for not longer than 90 days after becoming such an officer or employee.

d. The terms of all members shall automatically cease upon termination of the advisory committee.

e. Any member may be removed prior to the expiration of his or her term at the discretion of the Board.

6. *Chairperson.* The chairperson of the Energy Conservation Advisory Committee shall be selected by the members of the advisory committee.

7. *Designated Federal Employee.* In accordance with section 10(e) of FACA, the Secretary of Housing and Urban Development has designated the Chief Operating Officer of the Bank to attend every advisory committee meeting. The Chief Operating Officer is the highest official of the Bank, whether President, Executive Vice-President or Manager or in the case of absence or vacancy, the official designee of such official.

8. *Meetings.* The Energy Conservation Advisory Committee shall convene in full session as needed and under the following conditions:

a. The Designated Federal Employee may call, and will approve in advance the scheduling and agenda of, advisory committee meetings and subcommittee meetings after consultation with the advisory committee chairperson (unless the office of chairperson is vacant).

b. A notice of all advisory committee meetings will be published at least 15 days in advance in the **Federal Register.**

c. Three members of the Energy Conservation Advisory Committee shall constitute a quorum, but a lesser number of members may hold hearings.

d. All advisory committee meetings will be open to the general public, except meetings concerned with matters listed in the Freedom of Information Act, 5 U.S.C. 552(b)) covering such subjects as investigatory files, trade secrets, and internal Government memoranda which are not available to the public upon request.

e. Detailed minutes of each meeting of the advisory committee shall be kept and their accuracy shall be certified by the advisory committee chairperson. The minutes shall conform with Departmental regulations and shall include:

1. The time and place of the meetings;

2. A list of advisory committee members and staff, Board members or delegates and Departmental employees present at the meeting;

3. A summary of matters discussed and the conclusions reached;

4. Copies of all reports received, issued, or approved by the advisory committee;

5. A description of the extent to which the meeting was open to the public;

6. A description of public participation, including a list of members of the public who presented oral or written statements; and

7. Copies of reports or written statements received from members of the public; and

8. An estimate of the number of members of the public who attended the meeting.

f. In accordance with FACA, no meeting of the advisory committee will be held in the absence of the Designated Federal Employee or a delegate. The Designated Federal Employee is authorized to adjourn any advisory committee meeting whenever he or she determines adjournment to be in the public interest.

9. *Support Service.* The Bank's Chief Operating Officer may provide staff support services for the Energy Conservation Advisory Committee. General support services provided to the Bank by various organizational units of the Department of Housing and Urban Development will be available to the advisory committee upon approval of the Bank's Chief Operating Officer.

10. *Estimated Support and Costs.* It is estimated that the annual operating cost of the Energy Conservation Committee will not exceed $12,500. This includes travel compensation, transcripts, and miscellaneous meeting expenses but excludes staff support costs which are estimated to be 270 staff hours.

11. *Travel and Compensation.*

a. Members of the Energy Conservation Advisory Committee, while engaged in the performance of formal advisory committee duties away from their homes or regular places of business, are allowed travel expenses on an actual expenses basis for travel incurred for official advisory committee business as authorized by 5 U.S.C. 5703(b).

b. Subject to the availability of appropriations, the rate of compensation for members of the advisory committee is equal to the daily equivalent of the maximum annual rate in effect for grade GS–15 of the General Schedule (5 U.S.C. 5332(a)) for each day, including travel time, during which they are engaged in the actual performance of duties vested in the advisory committee. Members will be paid only in connection with called meetings unless the Bank's Chief Operating Officer authorizes otherwise.

12. *Expiration of Charter.* The Energy Conservation Advisory Committee shall not terminate until the Solar Energy and Energy Conservation Bank ceases to exist, which by statute is September 30, 1987.

13. Date Charter filed with the Secretary of Housing and Urban Development as Chairperson of the Board of Directors of the Solar Energy and Energy Conservation Bank: September 2, 1983.

Solar Energy Advisory Committee Charter

1. *Purpose.* This establishes the charter for the Solar Energy Advisory Committee as required under the provisions of the Federal Advisory Committee Act (FACA) of 1972, Pub. L. No. 92–463, 5 U.S.C. App. I section 1.

2. *Objectives, Scope and Duties.* The Solar Energy Advisory Committee will advise the Board of Directors (the Board) of the Solar Energy and Energy Conservation Bank (the Bank) for the purpose of assisting the Bank in carrying out its activities relating to solar energy systems pursuant to the Solar Energy and Energy Conservation Bank Act (12 U.S.C. 3601). The function of the advisory committee shall be advisory only and all matters under its consideration shall be determined, in accordance with law, by the Board of Directors of the Bank.

3. *Authority.*

a. The Solar Energy Advisory Committee is mandated by and established under the authority of Section 508(b) of the Solar Energy and Energy Conservation Bank Act, Pub. L. No. 96–294, 94 Stat. 719, 724.

b. The Solar Energy Advisory Committee shall operate in conformance with the requirements outlined in the Solar Energy and Energy Conservation Bank Act, and all applicable laws, rules, regulations and guidelines promulgated by the Congress, the President, the General Services Administration and the Secretary of Housing and Urban Development.

4. *Composition.* The Solar Energy Advisory Committee shall be composed of five members who are not officers of, and whose principal employment is not by, a Federal, State or local governmental entity. Each of the following groups shall be represented by one member who is able, due to education, training and experience, to represent its views: consumers, financial institutions, builders, architectural or engineering interests, solar energy industry.

5. *Appointments.*

a. Members are appointed by the Board to serve two-year terms.

b. The terms of members are automatically extended until new members are appointed.

c. Any member who becomes an officer or employee of any governmental entity may continue as a member of the advisory committee for not longer than 90 days after becoming such an officer or employee.

d. The terms of all members shall automatically cease upon termination of the advisory committee.

e. Any member may be removed prior to the expiration of his or her term at the discretion of the Board.

6. *Chairperson.* The chairperson of the Solar Energy Advisory Committee shall be selected by the members of the advisory committee.

7. *Designated Federal Employee.* In accordance with section 10(e) of FACA, the Secretary of Housing and Urban Development has designated the Chief Operating Official of the Bank to attend every advisory committee meeting. The Chief Operating Officer is the highest official of the Bank, whether President, Executive Vice-President or Manager or in the case of absence or vacancy, the official designee of such official.

8. *Meetings.* The Solar Energy Advisory Committee shall convene in full session as needed and under the following conditions:

a. The Designated Federal Employee may call, and will approve in advance the scheduling and agenda of, advisory committee meetings and subcommittee meetings after consultation with the advisory committee chairperson (unless the office of Chairperson is vacant).

b. A notice of all advisory committee meetings will be published at least 15 days in advance in the **Federal Register.**

c. Three members of the Solar Energy Advisory Committee shall constitute a quorum, but a lesser number of members may hold hearings.

d. All advisory committee meetings will be open to the general public, except meetings concerned with matters listed in the Freedom of Information Act, 5 U.S.C. 552(b), covering such subjects as investigatory files, trade secrets, and internal Government memoranda which are not available to the public upon request.

e. Detailed minutes of each meeting of the advisory committee shall be kept and their accuracy shall be certified by the advisory committee chairperson. The minutes shall conform with Departmental regulations and shall include:

1. The time and place of the meeting;

2. A list of advisory committee members and staff, Board members or delegates and Departmental employees present at the meeting;

3. A summary of matters discussed and the conclusions reached;

4. Copies of all reports received, issued, or approved by the advisory committee;

5. A description of the extent to which the meeting was open to the public;

6. A description of public participation, including a list of members of the public who presented oral or written statements; and

7. Copies of reports or written statements received from members of the public; and

8. An estimate of the number of members of the public who attended the meeting.

f. In accordance with FACA, no meeting of the advisory committee will be held in the absence of the Designated Federal Employee or a delegate. The Designated Federal Employee is authorized to adjourn any advisory committee meeting whenever he or she determines adjournment to be in the public interest.

9. *Support Services.* The Bank's Chief Operating Officer may provide staff support services for the Solar Energy Advisory Committee. General support services provided to the Bank by various organizational units of the Department of Housing and Urban Development will be available to the advisory committee upon approval of the Bank's Chief Operating Officer.

10. *Estimated Support and Cost.* It is estimated that the annual operating cost of the Solar Energy Committee will not exceed $12,500. This includes travel compensation, transcripts, and miscellaneous meeting expenses but excludes staff support costs which are estimated to be 270 staff hours.

11. *Travel and Compensation.*

a. Members of the Solar Energy Advisory Committee, while engaged in the performance of formal advisory committee duties away from their homes or regular places of business, are allowed travel expenses on an actual expenses basis for travel incurred for official advisory committee business as authorized by 5 U.S.C. 5703(b).

b. Subject to the availability of appropriations, the rate of compensation for members of the advisory committee is equal to the daily equivalent of the maximum annual rate in effect for grade GS–15 of the General Schedule (5 U.S.C. 5332(a)) for each day, including travel time, during which they are engaged in the actual performance of duties vested in the advisory committee. Members will be paid only in connection with called meetings unless the Bank's Chief Operating Officer authorizes otherwise.

12. *Expiration of Charter.* The Solar Energy Advisory Committee shall not terminate until the Solar Energy and Energy Conservation Bank ceases to exist, which by statute is September 30, 1987.

13. Date Charter filed with the Secretary of Housing and Urban Development as Chairperson of the Board of Directors of the Solar Energy and Energy Conservation Bank: September 2, 1983.

[FR Doc. 83-24667 Filed 9-8-83; 8:45 am]
BILLING CODE 4210-01-M

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. D-83-703]

Amendment of Redelegation of Authority With Respect to Housing Management

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

ACTION: Notice of redelegation of authority.

SUMMARY: The Assistant Secretary for Housing—Federal Housing Commissioner is redelegating the authority to determine that a substantial breach or default under the Annual Contributions Contract (ACC) exists for the purpose of terminating the ACC with respect to a low-income public housing project assisted under the U.S. Housing Act of 1937 (42 U.S.C. 1437, et seq.), as amended, (the Act). This amendment is necessary to enable Regional Administrators, and other authorized officials (Field Offices) to terminate ACCs with respect to a low-income public housing project when a local housing authority has failed to develop and complete a project in accordance with HUD requirements.

EFFECTIVE DATE: May 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mildred E. Moore, Management Analysis and Services Division, Office of Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–8694. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Housing-Federal Housing Commissioner is amending the Redelegation of Authority published on October 14, 1970 (35 FR 16104), as amended August 29, 1975 (40 FR 39921) to include authority to determine that a substantial breach or default under the

ACC exists for the purpose of terminating the ACC with respect to a project assisted under the Act when a Field Office determines that a local housing authority has failed to develop and complete a project in accordance with HUD requirements.

The Redelegation of Authority currently excepts from authority delegated under Section A the authority to declare a substantial breach or default or to terminate an ACC when the decision to terminate is made by the Federal Government.

Accordingly, the subparagraphs under Section A, paragraph 8 of the Delegation of Authority published October 14, 1970 (35 FR 16104) as amended August 29, 1975 (40 FR 39921) are amended as follows:

Regional Administrators et al.

Redelegation of Authority With Respect to Housing Management.

* * * * *

8 * * *

a. Determine that there is a substantial breach or default and invoke any remedy on behalf of the Federal Government upon default or breach by a local housing authority with respect to the terms, covenants or conditions of an annual contributions contract, except that any Field Office is authorized to determine that a substantial breach or default exists for the purpose of terminating the ACC when a local housing authority has failed to develop and complete a project in accordance with HUD requirements.

b. Revoked.

c. Redesignated as b.

d. Redesignated as c.

Authority: Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d); U.S. Housing Act of 1937, 42 U.S.C. 1437.

Dated: September 1, 1983

Philip Abrams,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 83-24671 Filed 9-8-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Isbella Indian Reservation, Michigan; Addition of Land

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

On August 12, 1983, pursuant to authority contained in Section 7 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 467), the following described land, located in Isabella and Arenac Counties, Michigan, was hereby added to and made a part of the Isabella Indian Reservation.

Michigan Meridian

Isabella Site

T. 14 N., R. 3 W.,
Sec. 20, NW¼NW¼, S½NW¼ and N½SW¼.

Pinconning-Saganing Site

T. 18 N., R. 5 E.,
Sec. 29, E½NE¼SW¼, and also a piece commencing at the Southeast corner of SE¼NW¼ of Sec. 29, T. 18 N., R. 5 E., hence West 2 rods, hence North 2 rods, hence East 2 rods, hence South 2 rods to place of beginning. Containing 20.025 acres, more or less.
Parcel of land commencing at the Southwest corner of the NE¼SW¼, hence North 60 rods, East 40 rods, South 20 rods, West 8 rods, South 40 rods, West 32 rods to beginning. Containing 13 acres, more or less.
Parcel of land beginning 50 rods North of Southeast corner of NW¼SW¼, hence North 10 rods, West 16 rods, South 10 rods, East 16 rods to place of beginning. Containing 1.00 acre, more or less.
Parcel of land beginning at Northwest corner of NE¼SW¼, hence East 20 rods, South 10 rods, West 8 rods, South 10 rods, West 12 rods, North 20 rods to place of beginning. Containing 2.00 acres, more or less.
Parcel of land beginning 22⅓ rods South of Northwest corner of Government Lot 1, hence East 20 rods, North 8 rods, East 20 rods, South 20 rods, West 15.037 rods, South 6⅓ rods, West 24.963 rods North 18⅓ rods to place of beginning. Containing 5.06 acres, more or less.
Parcel of land beginning at Southeast corner of SE¼NW¼, hence North 8 rods, West 40 rods, South 8 rods, East 40 rods to beginning, except 2 square rods in Southeast corner. Containing 1.97 acres, more or less.
Sec. 30, All that portion of SW¼SE¼, lying East of the right-of-way East Michigan Power Co., excepting 1 acre in square form in the Northeast corner of said SW¼SE¼ of said section, and a further exception of 2 acres (Church lot) on East line of said SW¼SE¼ of said section, described as follows: Beginning at a point 20 rods and 8 links, North of Southeast corner of said SW¼SE¼ of said section, extending hence West 12 rods and 13 links, thence South 25 rods and 13 links, to place of beginning. Containing 22.91 acres of land more or less.
Parcel of land, beginning 32 rods South of Northwest corner SE¼SE¼ hence East 23 rods 22½ links West, 3 rods 2 links South, 28 rods West, 19 rods 22 links North to point of beginning. Containing 4.10 acres, more or less.

Subject to all valid existing easements, reservations, and rights-of-way of record containing approximately 270.065 acres.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-24845 Filed 9-8-83; 9:24 am]

BILLING CODE 4310-02-M

Shoshone-Bannock Tribes of Fort Hall Reservation; Plan for the Use and Distribution of Shoshone-Bannock Tribes of Fort Hall Reservation Judgment Funds in Docket 326-C-1 Before the United States Court of Claims

August 24, 1983.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on October 28, 1982, in satisfaction of the award granted to the Shoshone-Bannock Tribes of Fort Hall Reservation in United States Court of Claims Docket 326-C-1. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated April 12, 1983, and was received (as recorded in the Congressional Record) by the House of Representatives on April 18, 1983, and by the Senate on April 26, 1983. The plan became effective on July 16, 1983, as provided by Section 5 of the amended 1973 Act, since a joint resolution disapproving it was not enacted.

The plan reads as follows:

"The funds appropriated October 28, 1982, in satisfaction of the judgment granted in Docket 326-C-1 to the Shoshone-Bannock Tribes before the United States Claims Court, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

"Per Capita Aspect

"Eighty (80) percent of the funds shall be distributed in the form of per capita payments, in sums as equal as possible, to all tribal members born on or prior to and living on the effective date of this plan.

"Programing Aspect

"Twenty (20) percent of the funds, and any amounts remaining from the per capita payment provided above, shall be

invested by the Secretary of the Interior, and the principal and interest and investment income accrued shall be utilized by the tribal governing body, on an annual budgetary basis with the approval of the Secretary, for tribal economic programing purposes. Such economic programs and projects may include, but are not limited to, the construction of a restaurant; the establishment of a museum, campgrounds and related facilities; the establishment of new sewer and water systems; the expansion of the tribal grocery store; and the installation of diesel pumps.

"General Provisions

"The per capita shares of living, competent adults shall be paid directly to them. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D. Per capita shares of legal incompetents and minors shall be handled as provided in the Act of October 19, 1973, 87 Stat. 466, as amended January 12, 1983, by Public Law 97–458.

"None of the funds distributed per capita or made available under this plan for programing shall be subject to Federal or State income taxes or be considered as income or resources in determining either eligibility for or the amount of assistance under the Social Security Act or, except for per capita shares in excess of $2,000, any Federal or federally assisted programs."

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 83-24647 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Arizona; Filing of Supplemental Plats of Survey

September 1, 1983.

1. Plats of survey of lands described below, accepted on August 12, 1983, were officially filed in the Arizona State Office, Phoenix, Arizona, on August 26, 1983:

Gila and Salt River Meridian, Arizona

T. 1 N., R. 22 W.,
Supplemental plat of sections 4, 5, 6, 7, 8, 18 and 19.
T. 2 N., R. 23 W.,
Supplemental plat of sections 13, 24 and 25.
T. 3 N., R. 22 W.,
Supplemental plat of sections 20, 21, 28 and 29.

2. These supplemental plats were prepared to relot areas in accordance with the Amended Judgments of the United States District Court, Central District of California, dated December 14, 1982, and of record under serial number A–18614 of the Arizona State Office, Bureau of Land Management.

3. These plats will immediately become the basic record for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

4. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-24643 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Filing of Supplemental Plat of Survey

September 1, 1983.

1. Plat of survey of land described below, accepted on August 23, 1983, was officially filed in the Arizona State Office, Phoenix, Arizona, on August 26, 1983:

Gila and Salt River Meridian, Arizona

T. 14 N., R. 1 W.,
Supplemental Plat of section 29.

2. This supplemental plat was prepared for the State of Arizona Indemnity Lieu Selection Program. (A–17000(B))

3. This plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-24644 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

[A–1700–B]

Arizona; Opening of Public Lands

August 31, 1983.

1. In **Federal Register** Volume 46, Number 136, Pages 36949–36950 dated July 16, 1981, approximately 23,650 acreas were proposed as suitable classification for transfer to the State of Arizona under the State Indemnity Selection Program. All of the lands have been transferred to the State of Arizona with the exception of 3991.42 acres, which have been deleted from the State's application and are described as follows:

T. 8 N., R. 19W., G&SRM,
Sec. 2, Lots 1, 2, S½NE¼, NW¼SE¼;
Sec. 11, E½, E½W½;
Sec. 14, E½, E½W½, SW¼SW¼;
Sec. 15, SE¼SE¼;
Sec. 21, Lot 1, SW¼NW¼, W½SW¼, E½W½, E½;
Sec. 22, N½NE¼, N½N½ NW¼, SW¼SW¼, SE¼SE¼;
Sec. 23, All;
Sec. 26, All;
Sec. 27, NW¼NW¼, E½SE¼;
Sec. 28, NE¼NE¼;
Sec. 34, N½S½SW¼NE¼, SW¼SE¼N E¼, W½SE¼SE¼NE¼.
Sec. 35, NE¼, SE¼SE¼NW¼, S½.

The areas described aggregate about 3991.42 acres in La Paz County.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 were opened to the operation of the public land laws including the mining laws (Ch. 2, Title 30, U.S.C.) on August 27, 1983.

Appropriation of lands under the general mining laws between August 27, 1981 and August 26, 1983 was unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Section 38, vested no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

3. The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

4. Inquires concerning the lands should be address to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602–261–4774).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-24641 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

[A–17000–E]

Arizona; Opening of Public Lands

August 23, 1983.

1. In **Federal Register** Volume 46, Number 200, Pages 51052–51053 dated October 16, 1981, and **Federal Register**

Volume 47, Number 195, Pages 44434–44435, dated October 7, 1982, approximately 8470.77 acres were proposed as suitable for classification for transfer to the State of Arizona under the State Indemnity Selection Program. All of the lands have been transferred to the State of Arizona with the exception of 1101.88 acres, which have been deleted from the State's application and are described as follows:

T. 1N., R. 4W., G&SRM,
Sec. 11: N½ SE¼;
Sec. 12: SW¼NW¼NW¼NE¼, NW¼SW¼NW¼NE¼, S½SW¼ NW¼NE¼, N½NW¼SW¼NE¼, N½NW¼, N½N½S½NW¼, NW¼SW¼.
T.1N., R.5W., G&SRM,
Sec. 2: E½E½SW¼, W½SE¼.
T. 2N., R. 5W., G&SRM,
Sec. 1: SW¼, W½SE¼;
Sec. 11: SE¼SE¼;
Sec. 12: NW¼, W½SW¼, W½E½SW¼;
Sec. 13: W½SW¼;
Sec. 14: E½E½;
Sec. 26: S½S½SW¼SW¼NE¼, SE¼SE¼SE¼SE¼NW¼, E½NE¼ NE¼SW¼, SE¼SW¼NE¼SW¼.
T. 5S., R.8W., G&SRM,
Sec. 4: N½SW¼NE¼, N½S½SW¼NE¼, N½SE¼NW¼, N½S½SE¼NW¼.

The areas described aggregate about 1101.88 acres in Maricopa County.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 were opened to the operation of the public land laws including the mining laws (Ch. 2, Title 30 U.S.C.) on August 27, 1983.

Appropriation of lands under the general mining laws between August 27, 1981 and August 26, 1983 was unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Section 38, vested no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

3. The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602–261–4774).

Mario L. Lopez,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-24642 Filed 9-8-83; 8:45 am]
BILLING CODE 4310-84-M

[UT-910-4310-84]

Negro Bill Canyon Intensive Wilderness Inventory Decision in Effect

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: This notice announces that the State Director's final wilderness intensive inventory decision to identify 7,620 acres of the Negro Bill Canyon inventory unit (UT–060–138) is now in effect. The decision was originally published in the September 14, 1982, **Federal Register** but did not become effective due to an appeal filed with the Interior Board of Land Appeals (IBLA). IBLA in a decision dated August 17, 1983, affirmed the decision by the State Director, therefore the decision is now final.

The final decision is that: Approximately 7,620 acres are identified as a wilderness study area (WSA). Approximately 1,840 acres are being dropped from further consideration as wilderness and will no longer be subject to the management restrictions imposed by Section 603 of Pub. L. 94–579. The area identified as a WSA will be studied and reported to Congress with a recommendation as to the suitability or non-suitability of the area for wilderness.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah BLM Wilderness Coordinator, (801) 524–4257.

Dated: September 1, 1983.

Dean Stepanek,
Acting State Director.

[FR Doc. 83-24651 Filed 9-8-83; 8:45 am]
BILLING CODE 4310-84-M

[M58023]

Competitive Sale of Public Land in Mountrail County, North Dakota

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Amended Realty Action (M58023).

SUMMARY: On June 10, 1983, and June 17, 1983, notices appeared in the **Federal Register** regarding sale of two tracts of public land in North Dakota. One of these tracts was sold. No bids were received on the other tract, which is now being reoffered for sale. It is described as follows:

5th Principal Meridian

T.155N., R.91W.,
Sec. 5, Lot 3.

Containing 39.83 acres.

This tract is offered for sale by sealed bids and oral auction. Bids must be made by the prospective buyer or his qualified representative by either: (1) sealed bids mailed or delivered to the Dickinson District Office, or (2) oral bids at the auction. Each bid must be accompanied by a certified check, postal money order, bank draft, or cashier's check, and made payable to the Bureau of Land Management for not less than 20 percent (20%) of the amount bid. No bid will be accepted for less than the appraised fair market value of $5,175.00.

Following the auction, if an acceptable bid has not been received, the tract will remain for sale at the Dickinson District Office on a continuing basis until the parcel is sold or withdrawn. Except as stated in this notice, all reservations and conditions of the sale contained in the earlier **Federal Register** notices (pertaining to the sale of this tract) apply to this reoffering.

DATES: To be considered, sealed bids must be received at the Dickinson District Office no later than 10:00 a.m. Mountain Time, October 14, 1983. The oral auction will be held on that date at 11:00 a.m. in the Conference Room of the Dickinson District Office.

ADDRESSES: The BLM Dickinson District Office is located on the Second Floor of the Gate City Building, 204 Sims Street, Dickinson, ND (mailing address: P.O. Box 1229, Dickinson, ND 58602).

FOR FURTHER INFORMATION CONTACT: Kenneth Burke or Leonard Koerth at the BLM Dickinson District Office, (701)225–9148.

Charles W. Pettee,
Acting District Manager.

[FR Doc. 83-24675 Filed 9-8-83; 8:45 am]
BILLING CODE 4310-84-M

[M56401]

Montana; Conveyance of Public Land

August 30, 1983.

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Conveyance of Public Land in McCone County, Montana.

SUMMARY: Notice is hereby given that pursuant to Section 203 of the Act of October 21, 1976 (43 U.S.C. 1713 (1976)), the following described land was

conveyed to Delbert M. Vine and Dannette Vine:

Principal Meridian, Montana

T. 25 N., R. 47 E.,
Sec. 4, NE¼SW¼, NE¼SE¼.
Containing 80 acres.

The purpose of this notice is to inform State and local governmental officials and other interested parties of the conveyance of the land to Delbert and Dannette Vine.

Edgar D. Stark,
Chief, Lands Adjudication Section.

[FR Doc. 83-24676 Filed 9-8-83; 8:45 am]
BILLING CODE 4310-84-M

[M-58712]

Montana; Realty Action; Modified Competitive Sale of Public Land in Valley County, Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action—M-58712, modified competitive sale of public land in Valley County, Montana.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Secs. 203 and 209(b) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than the fair market value:

Principal Meridian

T. 27 N., R. 40 E.,
Sec. 2, Lot 4, SW¼NW¼, N½W¼;
Sec. 3, S½NE¼, NE¼SE¼.

The area described contains 283.5 acres, more or less.

The land, locally known as Tiger Butte, shall be offered for sale (surface and mineral estate excluding oil and gas) by modified competitive bidding procedures by sealed bid. The grazing permittee of the tract, Mr. Ross Dorr, is the designated bidder and will be offered the right to meet the high bid. The high bidder, if not the grazing permittee, must compensate the grazing permittee for his interest in authorized permanent range improvements. Refusal or failure to meet the highest bid shall constitute a waiver of such bidding provisions.

The subject land is located five miles southeast of Glasgow, Montana, about one mile from a county road. It is an isolated parcel and has no unique public values, no known mineral values other than oil and gas, and has historically been used for livestock grazing. The parcel has been determined, through evaluation and through the Land Report for the case, to be surplus to the needs of the BLM and is considered uneconomical and difficult to manage. Its disposal will not significantly affect other public land users.

The terms and conditions applicable to the sale are as follows:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with 43 U.S.C. 945, for lands being transferred out of Federal ownership.

2. The reservation to the United States of oil and gas in the lands being transferred out of Federal ownership.

3. All valid existing rights (e.g. rights-of-way, easements, and leases of record).

4. Value equalization by cash payment or acreage adjustment.

5. The exchange must meet the requirements of 43 CFR 4110.4-2(b).

DATES: For a period of 45 days from the date of this notice (October 24, 1983), interested parties may submit comments to the Lewistown District Manager, Bureau of Land Management, Lewistown District Office, at the address shown below. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

The modified competitive sale of the above described land in Valley County will be held at the Montana State Office, 222 North 32nd Street, Billings, Montana on October 12, 1983, at 2:00 p.m.

FOR FURTHER INFORMATION CONTACT: Information concerning the sale, including the planning documents, environmental assessment and the record of public discussions, is available for review at the Lewistown District Office, Airport Road, Lewistown Montana 59547 and the Valley Resource Area Office, Highway 2 West, Route 1-775, Glasgow, Montana 59230.

Bidder Qualifications: The bidder must be a U.S. citizen or, in the case of a corporation, subject to the laws of any state or the U.S. A state, state instrumentality, or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of Montana. Bids must be made by the principal or his agent.

Bid Standards: No bid will be accepted for less than the appraised value and bids must include all of the land identified in this notice.

Method of Bidding: The land will be sold by sealed bid. Each bid must be in a sealed envelope accompanied by a certified check, postal money order, bank draft, or cashiers check made payable to the Department of the Interior, BLM for not less than one-fifth of the amount bid along with a $50 nonreturnable filing fee for conveyance of the mineral interests. Sealed bids delivered or sent by mail will be considered only if received by the Bureau of Land Management, 222 North 32d Street, P.O. Box 36800, Billings, Montana 59107 prior to October 11, 1983.

The sealed bid envelope must be marked in the lower corner as follows:

Public Land Sale M-57737
October 12, 1983

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered, the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest qualifying sealed bid shall then be publicly declared.

Modified Bidding: For a period of 30 days following the date of the sale, Ross Dorr, the designated bidder, will be offered the right to meet the highest qualifying bid. The designated bidder must submit a bid of at least the fair market value and the $50 minerals application fee prior to the sale date in order to be considered under the modified bidding provisions. If he meets the highest bid, the land will be sold to him, and the other bid will be returned. His refusal to meet the highest bid or to submit any bid at all prior to the sale date shall constitute a waiver of such bidding provisions.

Final Details: Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within the time period designated by the authorized officer. Failure to submit the required amount within the allotted time will result in cancellation of the sale and the deposit will be forfeited. All bids will be either returned, accepted, or rejected within 30 days of the sale date.

Dated: August 31, 1983.

William J. Cutler,
Acting District Manager.

[FR Doc. 83-24674 Filed 9-8-83; 8:45 am]
BILLING CODE 4310-84-M

[Designation Order NV-020-8301]

Nevada Off-Road Vehicle Designation

Notice is hereby given relating to the use of off-road vehicles on public lands

in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands under administration of the Bureau of Land Management are designated as open, limited or closed to off-road motorized vehicle use.

The 3,728,614 acres affected by the designations is known as the Paradise-Denio Resource Area, which includes public lands in parts of Humboldt and Pershing Counties, Nevada. These designations are a result of resource management decisions made in the 1982 Paradise-Denio Management Framework Plan. Comments received from three public meetings and numerous written responses influenced the designation decisions. These designations are published as final today. Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals.

A. *Open Designation.* Areas which are designated open comprise 3,711,776 acres. Open designation was determined to be appropriate for these public lands since off-road vehicle use is an important recreational activity and is essential for the conduct of other authorized resource uses.

B. *Closed Designation.* The 17,838 acre Pine Forest Area is located twenty-five miles southwest of Denio, Nevada. All motorized vehicle use is prohibited in this area to protect the pristine quality of the natural features present.

These designations become effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer. An environmental assessment describing the impact of these designations is available for inspection at the office listed below.

For further information about these designations, contact the following: Bureau of Land Management official: District Manager, Winnemucca District Office, 705 East Fourth Street, Winnemucca, NV 89445, (702) 623-3676.

Dated: August 30, 1983.

Frank C. Shields,

District Manager.

[FR Doc. 83-24678 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

[Designation Order NV-020-8302]

Nevada Off-Road Vehicle Designation

Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirement of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands under administration of the Bureau of Land Management are designated as open, limited or closed to off-road motorized vehicle use.

The 4,424,396 acre area affected by the designations is known as the Sonoma-Gerlach Resource Area, which includes all public lands in Pershing County and parts of Humboldt, Washoe, Churchill and Lyon Counties. These designations are made as a result of resource management decisions made in the 1982 Sonoma-Gerlach Management Framework Plan. Comments received from three public meetings, four open houses and several written comments influenced the designation decisions. These designations are published as final today. Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals.

A. *Open Designation.* Areas which are designated open comprise 4,313,872 acres. Open designation was determined to be appropriate for these public lands since off-road vehicle use in an important recreational activity and is essential for the conduct of other authorized resource uses.

B. *Limited Designation.*

1. Limited Season of Use—4,544 acres.

The Granite Range Bighorn Sheep Lambing Area is located four miles northwest of Gerlach, Nevada. This area is open to motorized vehicle use from June 1 through January 31 and closed to use from February 1 through May 31, to protect the bighorn sheep from being disturbed during their lambing season, a critical time.

2. Limited Type of Use—105,820 acres.

The playa of the Black Rock Desert begins at Gerlach, Nevada and extends northeast for 25 miles. This area is limited to allow no organized or competitive off-road vehicular use that would permanently detract from its natural character.

C. *Closed Designation.* One hundred and sixty acres of the George W. Lund Petrified Forest is closed to motorized vehicles. Located approximately forty miles north of Gerlach, Nevada, this area is closed to protect large fossilized stumps.

These designations become effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer. An environmental assessment describing the impact of these designations is available for inspection at the office listed below.

For further information about these designations, contact the following: Bureau of Land Management official: District Manager, Winnemucca District Office, 705 East Fourth Street, Winnemucca, NV 89445, (702) 623-3676.

Dated: August 30, 1983.

Frank C. Shields,

District Manager.

[FR Doc. 83-24677 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

1983 Amendments to the California Desert Conservation Area Plan, Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: Pursuant to Section 102(2)(c), of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a Draft Environmental Impact Statement (DEIS) concerning the 1983 Amendment review of the California Desert Plan.

DATE: Comments on the DEIS are being accepted for 90 days from the date of this notice

ADDRESS: For further information contact Gerald E. Hillier, district Manager, California Desert District 1695 Spruce Street, Riverside, California 92507.

SUPPLEMENTARY INFORMATION: Fourteen amendments were accepted for consideration. The amendments propose changes in both general plan guidelines and in site-specific measure. The latter include changes in vehicle access restrictions, Areas of Critical Environmental Concern (ACECs), grazing allotments, wildness suitability recommendations, and multiple-use class designations. Under the preferred alternative, 11 amendments would either be accepted or accepted with modification, and 3 would be rejected.

Comment on the DEIS should be submitted to the following address; use of any other address may result in comments not being processed: 1983 Plan Amendments, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, CA 92507.

A limited number of copies of the Draft Environmental Impact Statement are available upon request at the address listed above for comments. Copies are also available for review at two other locations:

USDI—Bureau of Land Management, 2800 Cottage Way, Rm. E-2841, Sacramento, CA 95825

USDI—Bureau of Land Management, 1725 Eye Street NW., Suite 906, Washington, D.C. 20240.

Dated: September 2, 1983.

Ed Hastey,

State Director.

[FR Doc. 83-24685 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Rio Puerco Resource Area; Call for Coal Resource Information

AGENCY: Bureau of Land Management, Interior.

ACTION: Call for coal resource information.

SUMMARY: The Bureau of Land Management (BLM), Rio Puerco Resource Area, New Mexico is currently engaged in the preparation of a Resource Management Plan (RMP) which will include an environmental impact statement (EIS). The major land use decision concerning the coal resource shall be the identification of areas acceptable for further consideration for leasing. The data received from this call will, in part, be used to delineate tracts which will be considered for third round competitive leasing for the San Juan River Coal Production Region.

The purpose of this notice is to solicit coal resource information and indications of interest and needs, pursuant to 43 CFR 3420.1-2 for incorporation into the RMP. Coal companies, state and local governments, and the general public are encouraged to submit information to the BLM to assist in the determination of coal development potential. Where such information is determined to indicate development potential for an area, the area may be included in the land use planning for evaluation of acceptability for further consideration for leasing.

DATE: Comments relating to this notice will be accepted until November 8, 1983.

ADDRESS: Send comments to: BLM, Albuquerque District Office, Branch of Solid Minerals, P.O. Box 6770, 3550 Pan American Fwy. NE, Albuquerque, New Mexico 87101. Proprietary data should be identified to ensure confidentiality.

FOR FURTHER INFORMATION CONTACT: Herrick E. Hanks, Area Manager; or Jim Turner, Geologist, Rio Puerco Resource Area, (505) 766-3114.

SUPPLEMENTARY INFORMATION: The area undergoing evaluation includes all of Bernalillo and Torrance Counties. It also includes most of Sandoval County and 3,200 acres of southwestern Santa Fe County.

Significant resources issues will be identified during the first phase of the planning process. The development of the coal resource may be one of the issues addressed in the Resource Management Plan. The purpose of this notice is to solicit coal resource information for planning issue identification and definition and to help delineate tracts for third round competitive coal leasing in the San Juan River Coal Production Region. Industry and other interested parties are asked to provide any information that will be useful in tract delineation, ranking, selection, and the analysis processes of the Federal Coal Management Program defined in 43 CFR Subpart 3420.

A major objective is to integrate potential lessees' and other public data and needs with the process of delineating the logical mining units. The BLM hopes to gain sufficient information from this call, as well as from its own site-specific analyses, to ultimately make fair market value determinations on specific tracts. It is important to note that availability of information from this call will be a major factor in applying the unsuitability criteria and delineating tracts likely to receive consideration for coal leasing.

The type of information needed includes, but is not limited to, the following:

1. Location:

a. Tracts desired by mining companies (narrative description with delineation of surface/minerals management quad map or other such map).

b. Public and private industry user facilities in the general region.

2. Quantity needs (tonnage, average tons per year, and year during which production should commence) for both coal producers and users.

3. Quality needs (types and grades of coal) for both producers and users.

4. Coal reserve or drilling data of company or the public may have pertaining to the Rio Puerco Resource Area.

5. Proposed Users of Coal:

a. By mining companies.

b. By public and private industries.

6. Information Relating to Mineral Ownership:

a. Information of surface owner consents previously granted; e.g., description of the location of the property, whether consents are transferable, etc.

b. Commitments from fee coal owners or from associated non-Federal coal.

For those wishing to identify areas for non-development, the following information should in included:

1. Location—delineations should be made on suitable map with a scale not less than ½ inch to the mile accompanied with a narrative description.

2. Reasons for non-development.

3. Other pertinent information.

Any individual, business entity, governmental entity, or public body may participate and submit coal resource information under this call. The public is also asked to comment on the applicability of the coal unsuitability criteria to the public lands in the Rio Puerco Resource Area. Public participation activities will be conducted in accordance with 43 CFR Part 1601. Dates, times and locations will be announced through local media and mailings to interested parties. All persons, groups, and other government agencies with an interest in the Rio Puerco Resource Area and its management are asked to make their comments or recommendations on this planning effort on or before November 8, 1983.

Dated: August 31, 1983.

L. Paul Applegate,

BLM, Alburquerque District Manager.

[FR Doc. 83-24680 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

[A-17000-A]

Arizona; Notice of Opening of Public Lands

1. In **Federal Register** Volume 46, Number 131, Page 35561 dated July 9, 1981, approximately 21,869 acres were proposed as suitable for classification for transfer to the State of Arizona under the State Indemnity Selection Program. All of the lands have been transferred to the State of Arizona with the exception of 6080.21 acres, which have been deleted from the State's application and are described as follows:

T. 2 S., R. 1 W., G&SRM
Sec. 25; N½; SW¼;
Sec. 26; N½; SE¼;
Sec. 27; E½;
Sec. 34; NE¼;
Sec. 35; all.
T. 3 S., R.1 W., G&SRM.
Sec. 1; Lots 3, 4, S½ NW¼, SE¼;
Sec. 3; SE¼;
Sec. 11; NW¼, S½;
Sec. 12; all;
Sec. 13; all;
Sec. 14; NE¼, SW¼;
Sec. 24; all.
T. 3 S., R.1 E., G&SRM.
Sec. 5; SE¼
Sec. 8; all.

The areas described aggregate about 6080.21 acres in Maricopa County.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 were opened to the operation of the public

land laws including the Mining laws (Ch. 2, Title 30 U.S.C.) on August 27, 1983.

Appropriation of lands under the general mining laws between August 27, 1981 and August 26, 1983 was unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, vested no rights against the United States. Acts required to establish a location and to initate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

3. The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073; (602–261–4774).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-24640 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

Susanville District; Additions to Glass Mountain Known Geothermal Resources Area, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Additions to the Glass Mountain Known Geothermal Resources Area.

SUMMARY: Pursuant to the authority vested in the Secretary of the Interior by Section 21(a) of the Geothermal Steam Act of 1970 (84 State. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, and Secretarial Orders 3071 and 3087, the following described lands are hereby defined as additions to the Glass Mountain Known Geothermal Resources Area, effective August 3, 1983:

(5) California

Glass Mountain Known Geothermal Resources Area

Mount Diablo Meridian, California

T. 43 N., R. 3 E.,
Secs. 1 to 14, inclusive.
T. 42 N., R. 4 E.,
Secs. 1 to 9 inclusive, and 16 to 18 inclusive.
T. 43 N., R. 2 E.,
Secs. 1 to 5, inclusive, 8 to 17, inclusive, and 22 to 26, inclusive.
T 43 N., R. 3 E.,
Secs. 5 and 6, 16 to 18, inclusive, 20 to 27, inclusive, 29 to 34, inclusive, and 36.
T. 43 N., R. 4 E.,
Secs. 1, 11, 12, 19, 21 to 33, inclusive, and 35.
T. 44 N., R. 2 E.,
Sec. 36.
T. 44 N., R. 3 E.,
Secs. 1 to 3, inclusive, 10 to 16, inclusive, and 20 to 35, inclusive.
T. 44 N., R. 4 E.,
Secs. 3, 4, 6, 7, 9, 10, 14 to 16, inclusive, 18, 19, 25, and 36.
T. 45 N., R. 3 E.,
Secs. 1, 2, 11 to 14, inclusive, 23 to 26, inclusive, and 34 to 36, inclusive.
T. 45 N., R. 4 E.,
Secs. 5 to 9, inclusive, 16 to 21, inclusive, and 27 to 34, inclusive.
T. 46 N., R. 4 E.,
Secs. 31 and 32.

The defined area described contains 100,918.26 acres, more or less.

FOR FURTHER INFORMATION CONTACT:

Bureau of Land Management, California State Office, Division of Mineral Resources, 2800 Cottage Way, Sacramento, California 95825; (916) 484–4515

Bureau of Land Management, Susanville District Office, P.O. Box 1090, Susanville, California 96130; (916) 257–5381

Dated: August 30, 1983.

C. Rex Cleary,

District Manager.

[FR Doc. 83-24637 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

Preparation of Susanville District, Eagle Lake/Cedarville Wilderness Environmental Impact Statement and Subsequent Management Framework Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to 43 CFR 1601.3 and 40 CFR 1501.7, notice is hereby given that the Susanville District, BLM, California, will prepare an amendment to the Tuledad-Home Camp, Cowhead-Massacre, Cal-Neva, and Willow Creek Management Framework Plans (MFPs). This plan will facilitate the identification of issues for preparation of (1) a Wilderness Study Report and (2) an Environmental Impact Statement (EIS) for 15 Wilderness Study Areas (WSAs) numbers CA–020–311, 609, 612, 615, 619, 619A, 805, 913, 913A, 913B, 914, 1012, 1013, and NV–020–006A, 008. A Memorandum of Understanding between the Susanville and Winnemucca BLM District Managers established that the two Nevada WSAs would be studied by the Susanville District in conjunction with California WSAs 914 and 913, respectively.

DATE: Land and Resource Management Alternatives for EIS and Plan Amendment will be developed by August, 1984. Public input and analysis by an inter-disciplinary team are scheduled for completion in July, 1985.

For further information or to be placed on the mailing list for this planning effort, contact: Larry Teeter, Wilderness Coordinator, Susanville District Office, Bureau of Land Management, P.O. Box 1090, Susanville, California 96130, (916) 257–5381.

SUPPLEMENTARY INFORMATION: The Wilderness Study Areas are located in Lassen County in northeastern California and Washoe and Humboldt Counties in Northwestern Nevada. Anticipated issues include: (1) Potential developments for range management, energy and minerals, forestry, and wildlife; (2) use of motorized vehicles for management and maintenance of the above activities plus wild horse management and recreation; (3) manageability of WSAs for long term preservation of wilderness values. Interdisciplinary team members will represent the following disciplines: wildlife, range, lands, minerals, watershed, forestry, recreation, archaeology, botany, and wild horses. Opportunities for public input and comments will be announced through the media mail, and personal contact. Public hearings will be scheduled in November-December of 1984. Times, dates, and locations of any public meeting and the hearing will be announced through the media, mail, and Federal Register.

C. Rex Cleary,

District Manager.

[FR Doc. 83-24640 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

Disposal of Public Lands; Bernalillo County, New Mexico

Dated: August 19, 1983.

AGENCY: Bureau of Land Management, Albuquerque District Office, Interior.

ACTION: Notice of realty action on proposed land disposal.

SUMMARY: This notice is to advise the public that the Bureau of Land Management (BLM) is proposing to dispose of approximately 5.232 acres of public land in the town of Los Padillas, Bernalillo County, New Mexico.

SUPPLEMENTARY INFORMATION: The BLM has determined that the 5.232 acres of public land described below are suitable

for disposal under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716, at $2.50/acre.

New Mexico Principal Meridian

Parcel #1—(New Mexico State Highway Department)

T. 8N., R. 2E.,
Sec. 2—Lot 84—1.54 ac.
Sec. 3—Lot 20—0.37 ac.
T. 9N., R. 2E.,
Sec. 35—Lot 3—0.001 ac.

Parcel #2—(Bernalillo County Road Department)

T. 8N., R. 2E.,
Sec. 1—Lot 29—1.96 ac.; Lot 60—0.001 ac.; Lot 62—0.01 ac.
Sec. 2—Lot 36—0.58 ac.; Lot 50—0.31 ac.; Lot 71—0.29 ac.; Lot 88—0.17 ac.

The land described aggregates 5.232 acres.

Parcel #1 is being offered to New Mexico State Highway Department; Parcel #2 is being offered to the Bernalillo County Road Department. Both parcels are being offered to the above mentioned government entities at $2.50/acre.

The parcels of land are totally encumbered by long standing county roads and state highways. These prevailing uses are considered as the highest and best uses; therefore, disposal by direct sale will authorize the occupancy of the land, assure continued use of the roadways and eliminate United States ownership of a small completely isolated parcel of public land. Encumbrances of these types have no recognizable value in the marketplace, therefore, a direct sale at the nominal fee of $2.50/acre will be assessed. The Bureau of Land Management Rio Grande's Management Framework Plan approved June 11, 1979 (Decision L-7.1 and L-7.2) identified the subject public land as suitable for disposal.

The subject public land tract is not required for any other Federal purpose and meets the disposal criteria of the regulations contained in 43 CFR 2710.0-3(a)(3).

A Notice of Realty Action, describing the tract and conditions of the disposal shall be published once in the **Federal Register** and once a week for three consecutive weeks in a newspaper of general circulation.

The BLM has not effectively managed this land in the past and will not be capable of such management in the future. The location as well as the physical characteristics and the private ownership of adjoining lands, make it difficult and uneconomical to manage as public land.

The land will not be offered for sale for at least 60 days after the date of this notice

The terms and conditions applicable to the sale are:

1. The patent will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. The sale of these lands will be subject to all prior existing rights.

3. Mineral rights will be reserved to the United States.

4. Geothermal resources will be reserved to the United States.

Detailed information concerning the sale, including the combined Environmental Assessment and Land Report, is available for review at the Rio Puerco Resource Area Office, Albuquerque, New Mexico and the Albuquerque District Office, 3350 Pan American Freeway, Albuquerque, New Mexico.

For a period of 45 days from the date of this notice interested parties may submit comments to the District Manager at 350 Pan American Freeway, Albuquerque, New Mexico 87107. Any adverse comments 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 the final determination of the Department of the Interior.

L. Paul Applegate,
District Manager.

[FR Doc. 83-24045 Filed 9-8-83; 8:45 am]
BILLING CODE 4310-84-M

[NM 55217/NM 57003]

New Mexico; Legal Notice

August 29, 1983.

Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87501. Pursuant to an amended coal exploration license application NM 55217 filed by Dorado Energy Group, Inc., and coal exploration license application NM 57003 filed by Salt River Project, members of the public are hereby invited to participate on a pro rata cost sharing basis, in either program for the exploration of coal deposits owned by the United States of America. The lands for both applications are located in Catron and Cibola Counties, New Mexico and are described as follows:

NM 55217—Dorado Energy Group, Inc.

T 3 N., R. 15 W., NMPM, Catron County
Sec. 18: Lots 1, 2, 3, 4, E½, E½W½.
T 4 N., R 15 W , NMPM, Catron County
Sec. 31 Lots 1, 2, 3, 4, E½, E½W½.
T 3 N., R 16 W., NMPM, Catron County
Sec. 1 SW¼SW¼,
Sec. 4: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 5: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7: Lots 1, 2, 3, 4, E½, E½W½;
Sec. 8: All;
Sec. 9: All;
Sec. 13: All;
Sec. 17: All;
Sec. 18: Lots 3, 4, NE¼, E½SW¼, SE¼;
Sec. 19: Lots 1, 2, 3, 4, E½, E½W½;
Sec. 20: All;
Sec. 29: N½;
Sec. 30: Lots 1, 2, NE¼, E½NW¼.
T. 4 N., R. 16 W., NMPM, Cibola/Catron County
Cibola
Sec. 4: Lots 1, 2, 7, 8, 9, 10, 11, 12, S½;
Sec. 9: W½NW¼, SW¼, S½SE¼;
Sec. 11: All.
Catron
Sec. 13: All;
Sec. 15: All;
Sec. 21: E½;
Sec. 22: All;
Sec. 24: All;
Sec. 25: All;
Sec. 26: N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 27: N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 31: Lots 1, 2, 3, 4, E½, E½W½;
Sec. 35: All.
T. 3 N., R. 17 W., NMPM, Catron County
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3: Lots 1, 2, S½NE¼, S½;
Sec. 8: NE¼, W½NW¼, S½;
Sec. 12: All;
Sec. 14: N½, SW¼, W½SE¼;
Sec. 15: N½N½;
Sec. 17: All;
Sec. 20: All;
Sec. 24: All.
T. 4 N., R. 17 W., NMPM, Cibola/ Catron County
Cibola
Sec. 9: N½, SW¼, W½SE¼, SE¼SE¼
Catron
Sec. 20: All;
Sec. 22: All;
Sec. 30: Lots 1, 2, 3, 4, E½, E½W½;
Sec. 33: N½, SW¼.
T. 3 N., R. 18 W., NMPM, Catron County
Sec. 23: SE¼SW¼, S½SE¼;
Sec. 26: NE¼, E½NW¼, NE¼SW¼, N½SE¼.

Containing 24,707.5, acres

NM 57003—Salt River Project

T. 3 N., R. 16 W., NMPM, Catron County,
Sec. 4: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 5: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼ SE¼NW¼, E½SW¼, SE¼;
Sec. 7: Lots 1, 2, 3, 4, E½, E½W½;
Sec. 8: All;
Sec. 9: All;
Sec. 18: Lots 3, 4, E½ E½SW¼.
T 4 N., R. 16 W., NMPM, Cibola/Catron County
Sec. 18: Lots 2, 3, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 19: SE¼NW¼;
Sec. 31: Lots 1, 2, 3, 4, E½, E½W½.
T 3 N., R. 17 W., NMPM, Catron County
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3: Lots 1, 2, S½NE¼, S½;

Sec. 12: All;
Sec. 14: N½, SW¼, W½SE¼;
Sec. 15: All.
T. 4 N., R. 17 W., NMPM, Cibola/Catron County
Sec. 13: E½E½ N½NW¼;
Sec. 14: All;
Sec. 15: All;
Sec. 21: All;
Sec. 22: All;
Sec. 23: All;
Sec. 28: E½, SW¼NW¼, SW¼;
Sec. 33: N½, SW¼.

Containing 12,764.71 acres.

The reader may determine the specific areas which are included in both applications by comparing the lands described above.

Consideration is being given by the Bureau of Land Management as to whether separate licenses for the same area are warranted, or whether only one license should be issued, with appropriate modifications incorporated in the exploration plan to accommodate the needs of the parties involved.

Any party electing to participate in either exploration program shall notify in writing, both the State Director, Bureau of Land Management, P. O. Box 1449, Santa Fe, Mew Mexico 87501, and either Dorado Energy Group, Inc., 8757 East Monterosa Street, Scottsdale, Arizona 85251 or Salt River Project, P. O. Box 1980, Phoenix, Arizona 85001. Such written notice must include a justification for wanting to participate and any recommended changes in the particular exploration plan with specific reasons for such changes. The notice must be received no later than 30 calendar days after the publication of this notice in the **Federal Register.**

Certain parties have already expressed an interest to participate in the exploration program in response to the first notice of invitation published in February 1983, pursuant to Dorado's original application. They will continue to be considered as prospective participants under the amended application NM 55217 if they are still interested and willing to participate on the basis of the amended exploration plan.

Both proposed exploration programs are for the purpose of determining the quality and quantity of the coal in each application area and are fully described and will be conducted pursuant to one or more exploration plans to be approved by the Bureau of Land Management. A copy of the exploration plans as submitted by Dorado Energy Group, Inc., and Salt River Project, may be examined at the Bureau of Land Management State Office, Room 3031, Joseph M. Montoya Federal Building and U.S. Post Office, South Federal Place, Santa Fe, New Mexico, and the Bureau of Land Management, 317 North Main, Santa Teresa Building, Las Cruces, New Mexico.

Charles W. Luscher,

State Director.

[FR Doc. 83-24635 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

Dickinson District Advisory Council; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting.

SUMMARY: The BLM Dickinson District Advisory Council will meet to review and discuss public comments received on the McKenzie-Williams and Southwest North Dakota management framework plans and to consider how the BLM should respond to the comments. The Council will also have the opportunity to discuss and make recommendations on any other aspect of the two land use plans. If enough interest is shown, the Council may go on a field trip to western Bowman County to see examples of BLM scattered tracts as well as the Big Gumbo Management Area, which contains the largest acreage of consolidated BLM lands in North Dakota.

LOCATION, DATE, AND TIME: The meeting will be held from 8:30 a.m. to 4:00 p.m. Mountain Time, October 12, 1983, in the Community Room of the Gate City Building, 204 Sims Street, Dickinson, North Dakota. If the proposed field trip does occur, it would start at Dickinson on the morning of September 26, 1983. Specific time and itinerary has not yet been set.

FOR FURTHER INFORMATION CONTACT: Mel Ingeroi, Public Affairs Specialist, BLM Dickinson District, 204 Sims Street, P.O. Box 1229, Dickinson, ND 58602; telephone (701) 225-9148. Anyone interested in participating in the field trip should contact him in advance. The final decision on whether or not to go on a field trip will be made by September 19.

SUPPLEMENTARY INFORMATION: The meeting and field trip are open to the public. Anybody may attend and ask questions or make statements. Written statements for the Council can be mailed to the Dickinson District at the above address. Minutes of the meeting will be prepared and made available to the public.

Kenneth Burke,

Acting District Manager.

[FR Doc. 83-24638 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

Salem District Advisory Council; Meeting

Notice is hereby given in accordance with section 309 of the Federal Land Policy and Management Act of 1976 that a meeting of the Salem District Advisory Council will be held on Oct. 24, 1983, at 1:30 p.m. at the BLM Salem District Office, 1717 Fabry Road S.E., Salem, Oregon.

Agenda for the meeting will include:

1. Discussion of the proposed management plan for Yaquina Head Outstanding Natural Area.
2. Oral statements from the public.

The meeting is open to the public. Any organization, associations or individual may file a statement or appear before the council regarding topics on the meeting agenda. Anyone wishing to make an oral statement must notify the Salem District Manager, P.O. Box 3227, Salem, OR 97302, by Oct. 20, 1983. Summary minutes will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: August 29, 1983.

John D. Evans,

Acting District Manager.

[FR Doc. 83-24636 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Rawlins District Advisory Council Meeting

AGENCY: Bureau of Land Management, Rawlins District Office, Rawlins, Wyoming, Interior.

ACTION: Notice of meeting of the Rawlins District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 that a meeting of the Rawlins District Advisory Council will be held.

DATE: October 13, 1983.

ADDRESS: Rawlins District Office, 1300 N. 3rd Street, P.O. Box 670, Rawlins, Wyoming 82301.

FOR FURTHER INFORMATION CONTACT: David J. Walter, District Manager, Rawlings District, Bureau of Land Management, P.O. Box 670, Rawlins Wyoming 82301 (307) 324-7171.

SUPPLEMENTARY INFORMATION: The meeting will be begin at 9:30 a.m. in the conference room and the Rawlins District Office. The agenda for this meeting will include:

(1) Cooperative Range Management Agreements

(2) Programs planned for the next two years

(3) Lander Resource Management Plan

(4) Adobe Town/Ferris Mountains Environmental Impact Statement and wilderness study

(5) Wild Horse Management issues

(6) Public comment period.

The meeting is open to the public. Interested persons may make oral statement to the council at 3 p.m. or file written statements for the council's consideration. Anyone wishing to make an oral statment must nofiy the District Manager on or before October 6, 1983. Depending on the number of persons wanting to make statements, a time limit may be established.

David J. Walter,

District Manager.

[FR Doc. 83-24639 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

Richfield District, Richfield, Utah, Realty Action; Modified Competitive Sale of Public Land in Sanpete County, Utah (UT-51878)

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value:

Salt Lake Meridian, Utah

T. 14 S., R. 2 E.,

Sec. 25, SE¼NW¼.

Containing 40 acres.

This is an isolated tract of public land. The surrounding private lands, the lack of public access, and the relatively small size of the tract make it difficult and uneconomical to manage as part of the public lands, and it is not suitable for management by another federal agency. Disposal would best serve the public interest. The sale is consistent with the Bureau's planning system for the land involved as well as local land-use plans and zoning regulations.

The land will be offered for sale by modified competitive bidding. Bidding will be limited to the adjoining landowners because of the lack of access to the general public and because the anticipated future use of the sale tract would be less likely to jeopardize the existing use of the adjacent lands.

The sale of this land will be held at 2 p.m. on November 22, 1983, at the Richfield District Office, 150 East 900 North, Richfield, Utah 84701. The land will be sold by a combination of sealed and oral bids. Sealed bids may be submitted by mail or in person and/or oral bids may be made at the sale. Sealed bids will be considered only if received at the above address prior to 1 p.m. on November 22, 1983. Sealed bids must contain a certified check, post office money order, bank draft, or cashier's check made payable to the Bureau of Land Management for at least twenty percent (20%) of the amount of the total bid for the parcel. Sealed bid envelopes must be marked in lower left-hand corner as:

"Bid for Public Land Sale U-51878, Sanpete County."

The sealed bids shall be opened and publicly declared at the beginning of the sale. Oral bids will then be entertained. The oral bids must be made in increments of $100 or more. A maximum of three minutes will be allowed between oral bids for the submission of a higher bid. After oral bids are entertained, the apparent high bidder will be declared. The person declared to have entered the apparent high qualifying oral bid shall submit payment by cash, personal check, bank draft, money order or any combination thereof, for any additional amount necessary to bring the amount tendered with their sealed bids up to one-fifth of the amount of the oral bid, immediately following the close of the sale. All bids may be made by a principal or a duly qualified agent. All bidders must qualify pursuant to 43 CFR Subpart 2711.2.

The terms and conditions applicable to the sale are:

1. The apparent high bidder shall submit the remainder of the full bid price within 30 days from date of sale. Failure to submit the full bid price prior to, but not including the 30th day following the sale, shall result in cancellation of the sale of the above described lands and the deposit shall be forfeited.

2. The authorized officer may reject the highest qualified bid and release the bidder from his obligation and withdraw the tract for sale, if he determines that consummation of the sale would be inconsistent with the provisions of any existing law or collusive or other activities have hindered or restrained free and open bidding or consummation of the sale would encourage or promote speculation in public lands.

3. All deposits accompanying unsuccessful sealed bids will be returned within 30 days from the sale date.

4. The patent will contain a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945. The patent will also reserve all minerals to the United States.

5. The patent will be subject to all valid existing rights.

Detailed information concerning the sale, including the planning documents, environmental assessment, and the decision document is available for review at the Richfield District Office.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Richfield District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701. Any adverse comments 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 the final determination of the Department of the Interior.

Dated: September 2, 1983.

Donald L. Pendleton,

District Manager.

[FR Doc. 83-24684 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Gulf of Mexico Lease Offerings (May, August, and November 1985); Call for Information

Purpose of Call

The purpose of the Call is to assist the Secretary of the Interior in carryng out his responsibilities under the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and regulations appearing at 30 CFR 256.23. Potential bidders are requested to outline areas where they believe hydrocarbon potential is sufficient to warrant offering these areas in the Gulf of Mexico. The Secretary is also requesting comments from all interested parties—Federal, State, and local governments, environmental groups, the general public, and potential bidders—on possible environmental effects and use conflicts in the Call area.

Use of Information from Call

Information submitted in response to this Call will be considered in the area identification which is a procedure used to select the areas of hydrocarbon potential to be proposed for leasing and analyzed in the environmental impact

statement as the proposed Federal action. This information will also be used to identify alternatives to the proposed action. Comments received on possible environmental effects and use conflicts may be used in the analysis of local environmental conditions within the Call area so that the potential effects of oil and gas exploration and development, other than the benefits accruing to the Nation as a result of inventorying and producing oil and gas, can be assessed. The comments may also be useful in developing special lease terms and conditions designed to ensure safe offshore operations.

Description of Areas

The general area of this Call covers the entire Gulf of Mexico which lies between approximately 82° W. longitude on the east and approximately 97° W. longitude on the west and extends from the Federal/State boundary seaward to about the 3,000-meter isobath. The entire Call area is offshore Texas, Louisiana, Mississippi, Alabama, and Florida.

Although indications of interest and comments are requested throughout the entire Gulf of Mexico Call area, that area is divided into three planning areas for individual lease offerings: Central Gulf of Mexico (May 1985); Western Gulf of Mexico (August 1985); and Eastern Gulf of Mexico (November 1985).

The Central Gulf of Mexico planning area is bounded on the east by approximatly 88° W. longitude. Its western boundary begins at the offshore boundary between Texas and Louisiana and proceeds southeast to approximately 28° N. latitude, thence east to approximately 92° W. longitude, and thence south to approximately 26° N. latitude. The northern part of the area is bounded by the Federal/State boundary offshore Louisiana, Mississippi, and Alabama. The southern part of the area is bounded by approximately 26° N. latitude.

The Western Gulf of Mexico planning area is bounded on the west and north by the State/Federal boundary and on the east by the Central Gulf of Mexico planning area. Approximately 26° N. latitude borders on the south.

The Eastern Gulf of Mexico planning area is bounded along the north and east by a line proceeding along the State/Federal boundary to approximately 82° W. longitude, thence south to approximately 25° N. latitude, thence west to approximately 86° W. longitude, thence north to approximately 27° N. latitude, thence west to approximately 88° W. longitude. Its western boundary is the Central Gulf of Mexico planning area.

Indications of interest and comments are requested for all Federal acreage within the boundaries of the Call area. Boundaries of the Call area are shown, in general, on the map at the end of this Call and are shown in detail on the standard Call for Information Map available free either by mail from the Regional Manager, Gulf of Mexico OCS Region, P.O. Box 7944, Metairie, Louisiana 70010, or from the office located at 3301 North Causeway Boulevard, Metairie, Louisiana.

The following list comprises the Leasing Maps and the OCS Official Protraction Diagrams used in identifying this Call area. These maps and diagrams may be purchased from the Regional Manager, Gulf of Mexico OCS Region.

1. Central Gulf of Mexico

Leasing Maps

Outer Continental Shelf Leasing Maps—Louisiana Nos. 1 through 12.

Outer Continental Shelf Official Protraction Diagrams

These diagrams sell for $2.00 each.

NH 15–12 Ewing Bank, 12/2/76
NG 15–3 Green Canyon, 12/2/76
NH 15–6 Walker Ridge, 12/2/76
NH 16–4 Mobile, 4/19/83
NH 16–7 Viosca Knoll, 12/2/76
NH 16–10 Mississippi Canyon, 12/2/76
NG 16–1 Mississippi Canyon, 12/2/76
NG 16–4 Mississippi Canyon, 12/2/76

2. Western Gulf of Mexico

Leasing Maps

Outer Continental Shelf Leasing Maps—South Texas Nos. 1 through 4. This set of seven maps sells for $5.00.

Outer Continental Shelf Leasing Maps—East Texas Nos. 5 through 8. This set of nine maps sells for $7.00.

Outer Continental Shelf Official Protraction Diagrams

These diagrams sell for $2.00 each.

NG 14–3 Corpus Christi, 1/27/76
NG 14–6 Port Isabel, 1/27/76
NG 15–1 East Breaks, 1/27/76
NG 15–4 Alaminos Canyon, 3/26/76
NG 15–2 Garden Banks, 12/2/76
NG 15–5 Keathley Canyon, 12/2/76

3. Eastern Gulf of Mexico

Outer Continental Shelf Official Protraction Diagrams

These diagrams sell for $2.00 each.

NH 16–5 Pensacola, 6/2/83
NH 16–8 Destin Dome, 12/2/76
NH 16–11 Desoto Canyon, 12/2/76
NG 16–2 Desoto Canyon, 12/2/76
NH 16–9 Apalachicola, 6/2/83
NH 16–12 Florida Middle Ground, 12/2/76
NG 16–3 The Elbow, 12/2/76
NG 16–6 The Elbow, 12/2/76
NG 16–9 Howell Hook, 4/18/79
NH 17–7 Gainesville, 6/2/83
NH 17–10 Tarpon Springs, 6/2/83
NG 17–1 St. Petersburg, 6/2/83
NG 17–4 Charlotte Harbor, 6/2/83
NG 17–7 Pulley Ridge, 10/24/78

Instructions on Call

The standard Call map delineates the Call area and represents the entire area, as identified by the Minerals Management Service (MMS), as having potential for the discovery of deposits of oil and gas. Although individual indications of interest are considered to be privileged and confidential information, the names of persons or entities indicating interest or submitting comments will be of public record.

Indications of interest from potential bidders are requested on any or all Federal acreage included in the Call area described above. Respondents are requested to indicate areas within the Call area that they have interest in having included in the lease offerings. Those indicating such interest are required to do so on the standard Call for Information Map, available free from the Regional Manager, Gulf of Mexico OCS Region, at the address stated under "Description of Areas." Interest should be shown by outlining the area(s) of interest along block lines.

In addition to indictions of interest, we are seeking comments from all interested parties about particular geological, environmental, biological, archeological, or socioeconomic conditions or problems, or other information which might bear upon potential leasing and development of particular areas. Comments should preferably address broad areas but may be restricted to particular blocks of concern. Those submitting comments are requested to outline the subject area on the standard Call map.

Indications of interest and comments must be submitted no later than 30 days following publication of this document in the **Federal Register** in envelopes labeled "Indications of Interest for Leasing Offshore the Gulf of Mexico" or "Comments on Leasing Offshore the Gulf of Mexico," as appropriate. The original standard Call map and indications of interest and/or comments must be submitted to the Regional Supervisor for Offshore Leasing and Environment, Gulf of Mexico OCS Region, at the address stated under "Description of Areas." Send two copies of the standard Call map showing interest and any comments to the Chief, Offshore Resource Evaluation Division.

Minerals Management Service, Mail Stop 643, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

Final delineation of the areas for competitive bidding will be made at a later date only after compliance with established departmental procedures, all requirements of the National Environmental Policy Act of 1969, and the OCS Lands Act, as amended. A final Notice of Lease Offering will be published for each offering in the **Federal Register**, detailing areas to be offered for competitive bidding, stating the terms and conditions for leasing, and announcing the location, date, and time bids will be received and opened.

Dated: September 1, 1983.

David C. Russell,

Acting Director, Minerals Management Service.

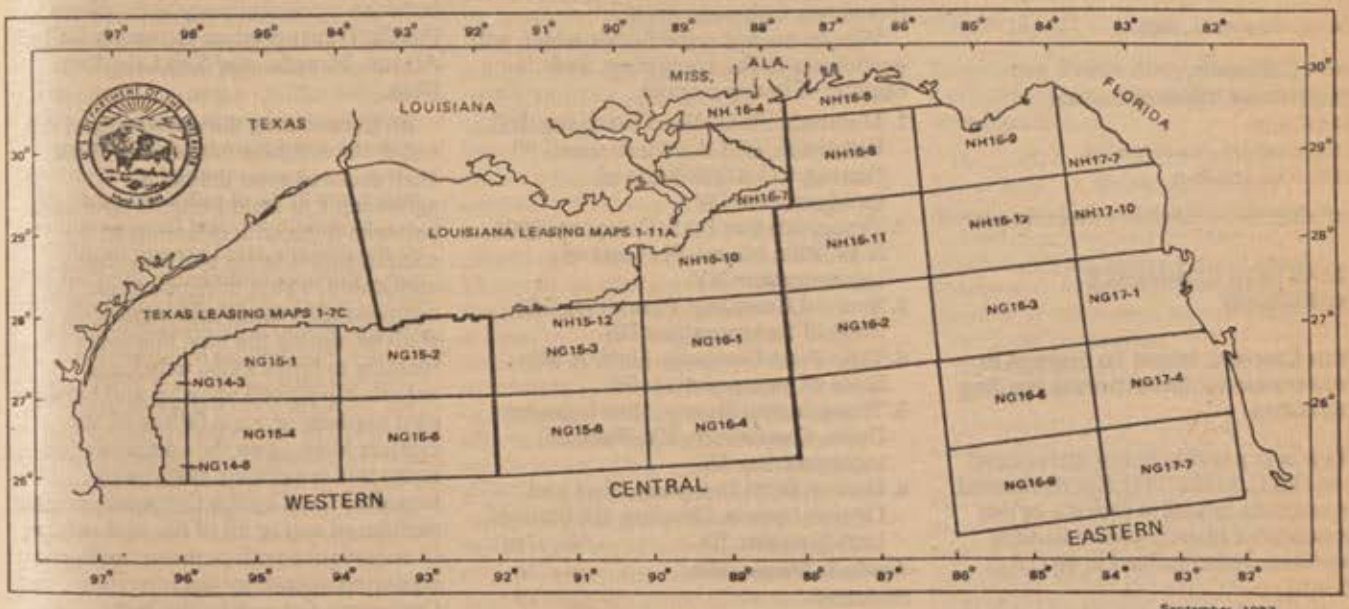
Approved

William P. Pendley,

Deputy Assistant Secretary of the Interior.

UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

GULF OF MEXICO LEASE OFFERING - 1985 CALL FOR INFORMATION



[FR Doc. 83-24681 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-MR

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Huffco Petroleum Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Huffco Petroleum Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4523, Block 235, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 2, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-24681 Filed 9-8-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.121, Amendment No.1]

Mission Directors and A.I.D. Principal Officers, Africa; Redelegation of Authority Regarding Grant Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management under Redelegation of

Authority No. 99.1 (38 FR 12,836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.121 (47 FR 873) to add Botswana, Lesotho and Zimbabwe to the list of countries in the first paragraph. Redelegation of Authority No. 99.1.121 is otherwise unchanged.

This Amendment to the Redelegation of Authority is effective on the date of signature.

Dated: August 31, 1983.

Francis J. Moncada,

Acting Director, Office of Contract Management.

[FR Doc. 83-24650 Filed 9-8-83; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: The Coca-Cola Company, 310 North Avenue NW., Atlanta, Georgia 30313.

2. Wholly owned subsidiaries which will participate in the operations, and states of incorporation:

Subsidiary	State of Incorporation
(a) Coca-Cola Bottling Company of New England.	Massachusetts.
(b) Coca-Cola Bottling Company of California.	Delaware.
(c) Pacific Coca-Cola Bottling Company	Washington.
(d) Coca-Cola Bottling Company of Michigan.	Michigan.
(e) General Bottling Company	Georgia.
(f) The Atlanta Coca-Cola Bottling Company.	do.
(g) General Beverage Company	Delaware.
(h) Gonzales & Co., Inc. d/b/a/ The Monterey Vineyard.	California.
(i) Sterling Vineyards	do.
(j) The Taylor Wine Company, Inc.	New York.
(k) Presto Products, Incorporated	Wisconsin.
(l) Caribbean Refrescos, Inc.	Delaware.
(m) Coca-Cola Interamerican Corporation	do.
(n) Coca-Cola Export Corporation	do.
(o) Coca-Cola Ltd.	Ontario, Canada.
(p) Coca-Cola Bottling Company of Puerto Rico, Inc.	Delaware.
(q) The Coca-Cola Trading Company	do.
(r) Belmont Springs Water Co., Inc.	Massachusetts.
(s) Winkler/Flexible Products, Inc.	California.
(t) (Ronco Enterprises, Inc.	Delaware.
(u) Columbia Pictures Industries, Inc.	do.
(v) Laureate Imports Company	Florida.

1. Parent corporation and address of principal office: Euclid Chemical Company, 19218 Redwood Road, Cleveland, OH 44110.

2. Wholly owned subsidiaries which will participate in the operations, and states of incorporation:

Redwood Transport Company—an Ohio Corporation

1. Parent corporation and address of principal office: Southwestern General Corporation, 2942 State Highway 74, Evergreen, Colorado 80439.

Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

1. Mountain States Bean Company, P.O. Box 16488, 4401 E. 46th Avenue, Denver, CO 80216. State of incorporation: DE
2. Transportation Parts Company, 8901 N.W. 20th, Miami, FL; State of incorporation: NY
3. Sanford Company, Peachtree, GA; State of incorporation: DE
4. Twin Pane Company, Detroit, MI; State of incorporation: DE
5. Transelectric Supply, 1300 Industry Drive, Owensboro, KY; State of incorporation: DE
6. Beakon Bean Company, First and Oregon Streets, Gooding, ID; State of incorporation: ID.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-24613 Filed 9-8-83; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-62]

Passenger Train Operation; Union Pacific Railroad Co.

To: Union Pacific Railroad Company

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Oakland, California, and Chicago, Illinois. The operation of these trains requires the use of the tracks and other facilities of Southern Pacific Transportation Company (SP). A portion of the SP tracks in Utah over the Great Salt Lake are temporarily out of service because of flooding. An alternate route is available via Union Pacific Railroad Company (UP) between Alazon, Nevada, and Salt Lake City, Utah.

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 exits 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 decided April 29, 1981, 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)), Union Pacific Railroad Company (UP) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Southern Pacific Transportation Company (SP) at Alazon, Nevada, and Salt Lake City, Utah.

(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 conditions 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 intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:45 a.m. (EDT), August 29, 1983.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m. (PDT), August 29, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Union Pacific Railroad 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., August 29, 1983.

Interstate Commerce Commission.

John H. O'Brien,

Agent.

[FR Doc. 83-24614 Filed 9-8-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Consent Judgment in Clean Water Act Enforcement Action

In accordance with Departmental policy, 28 CFR 50.7, 38 FR. 19029, notice is hereby given that a proposed consent decree in *United States* v. *Watts Regulator Co.*, Civil Action No. 83–150–D, has been lodged with the United States District Court for the District of New Hampshire. The consent decree requires Watts Regulator Co. to comply with all terms and conditions of its NPDES permit, to pay a civil penalty of $78,000, and to pay stipulated penalties in the event of future violations of the permit requirements.

The consent decree may be examined at (1) the office of the United States Attorney, District of New Hampshire, Federal Building, 55 Pleasant Street, Concord, New Hampshire, (2) the Office of the Environmental Protection Agency, Region I, Office of Regional Counsel, John F. Kennedy Federal Bldg., Boston, Massachusetts 02203, and (3) the Environmental Enforcement Section, Land and Natural Resources Division, of the Department of Justice, Room 1521, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, of the Department of Justice.

The Department of Justice will receive comments relating to the consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer to *United States* v. *Watts Regulator Co.*, DOJ Reference No. 90–5–1–1–1918.

F. Henry Habicht, II.

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83–24648 Filed 9–8–83; 8:45 am]

BILLING CODE 44–10–01–M

Antitrust Division

United States v. H. S. Crocker Co., Inc., et al.

Notice is hereby given that Sequoia Pacific Holdings, Inc. ("Sequoia") and Smurfit Diamond Packaging Corporation ("Smurfit") have asked the United States District Court for the Northern District of California to modify the Final Judgment in *United States v. H. S. Crocker Co., Inc., et al.*, Civil No. C–74–0560 RHS, and that this application will be heard before the Honorable Robert H. Schnacke on September 30, 1983. The United States has consented to the proposed modification. The Final Judgment prohibits the defendant corporations, among other things, from agreeing with any other seller of paper labels: (1) To allocate or divide customers territories or markets for the sale of any paper label or (2) to raise, fix, stabilize or maintain the price, discount, markup or any other term or condition for the sale of any paper label to any third person. Smurfit International B.V., an affiliate of Smurfit, proposes to transfer all the stock of Exeter Graphics, Inc. ("Exeter"), a labels subsidiary to Sequoia. Smurfit, which also operates a labels business proposes to form a joint venture with Exeter for marketing their labels. Under the proposal, if the joint venture terminates before December 31, 1986, Smurfit would not compete with Exeter for certain existing customers of Exeter until December 1986; would use best efforts to refer to Exeter orders for labels to the extent provided to Exeter during the 18-month period before termination of the venture; and would not participate in any price discussions or price negotiations with Exeter and all negotiations and price determinations on referred business would be conducted directly by Exeter. The joint venture would be allowed to continue beyond five years only with the further permission of the Department. Smurfit and Exeter will be bound by the provisions of the final Judgment, as modified by the pending application. Copies of the Complaint, the final Judgment, the motion to modify the Judgment, the joint venture agreement and all correspondence between the Department and the parties have been filed with the Court, and are available for inspection in the Legal Procedure Unit of the Antitrust Division, Room 7416, Department of Justice, 10th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530 (telephone 202–633–2481) and at the office of the Clerk of the United States District Court, 450 Golden Gate Avenue, San Francisco, California 94102. Interested persons may submit comments regarding the proposed Judgment modification to the Department. Such comments must be received by September 29, 1983, and will be filed with the Court. Comments should be addressed to Anthony E. Desmond, Chief, Antitrust Division, P.O. Box 36046, 450 Golden Gate Avenue, San Francisco, California 94102 (telephone 415–556–6300).

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 83–24633 Filed 9–8–83; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–14,522]

Tennessee Texas Alloy Chemical Corp., Houston, Texas; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 28, 1983, in response to a petition received on March 8, 1983, which was filed by the United Steel Workers of America on behalf of workers at Tennessee Texas Alloy Chemical Corporation.

No public hearing was requested and none was held.

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 31, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83–24731 Filed 9–8–83; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL SCIENCE FOUNDATION

Oversight Panel for Economics; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–46, the National Science Foundation announces the following meeting:

Name: Oversight Panel for Economics.

Date and Time: September 23, 1983; 9:00 a.m. to 5:00 p.m.

Place: Room 642, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Closed—9:00 a.m. to 2:00 p.m., open—2:00 p.m. to 5:00 p.m.

Contact Person and Summary Minutes: James H. Blackman, Acting Division Director, Social and Economic Sciences, Room 316,

National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–7966.

Purpose of Panel: To provide advice and recommendations concerning NSF support of economics research.

Agenda: Closed 9:00 a.m.–2:00 p.m. Review and comparison of declined proposals (and supporting documentation) with the successful awards under the Economics Program, including review of peer review materials and other privileged material.

Open 2:00 p.m.–5:00 p.m. Discussion of program priorities and general management of program.

Reason for Closing: The Panel will be reviewing grants and declinations jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Reason for Late Notice: Administrative Oversight.

M. Rebecca Winkler,

Committee Management Coordinator.

September 6, 1983.

[FR Doc. 83-24634 Filed 9-8-83; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Accident Reports, Safety Recommendations, and Responses; Availability

Reports Issued

Safety Report—General Aviation Crashworthiness Project, Phase One (NTSB/SR–83/01) (NTIS Order No. PB83–917004).

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports, call 703–487–4650, and to order subscriptions to reports, call 703–487–4630.

Recommendations to

Aviation—*Federal Aviation Administration: Aug. 24: A–83–56:* Conduct a special certification review of Mitsubishi MU–2 airplanes relative to the engines, fuel system, autopilot, and flight control systems; flight in known icing conditions; engine inoperative characteristics; and handling characteristics during IMC landing approaches; and take the appropriate action to correct any deficiencies identified. *Aug. 31: A–83–59:* Issue an Emergency Airworthiness Directive to operators of Swearingen SA 226–TC Metro airplanes to require an immediate inspection of hydraulic tubing and oxygen lines in the vicinity of the electrical circuit breaker panel on the copilot's side console and behind the instrument panel. The inspection should be conducted according to a procedure adequate to detect leakage or stress cracks which could cause future leakage when the system are pressurized. Require immediate replacement of hydraulic or oxygen lines exhibits defects. Further, require operators to comply with Fairchild Aircraft Corporation Service Bulletin 32–018 to use fire-resistant hydraulic fluid. *A–83–60:* Determine the applicability of this problem and corrective action to other models of Swearingen airplanes, and if necessary, include these airplane models in the Airworthiness Directive. *A–83–61:* In conjunction with the manufacturer, determine the susceptability of the hydraulic tubing in Swearingen SA 226–TC Metro airplanes to stress or fatigue cracking, particularly where such tubing is routed in the vicinity of electrical circuitry, and take appropriate action to establish life limits, to replace tubing with assemblies not susceptible to stress or fatigue failure, and if necessary, to reroute tubing to assure that leakage will not present a fire hazard.

Marine—*U.S. Coast Guard: Aug. 16: M–83–56:* Promulgate regulations similar to the regulations contained in 33 CFR 128.801 to be applicable to barge fleets moored in all portions of the inland waters of the United States. *M–83–57:* Once barge fleeting regulations have been promulgated, institute an enforcement program including periodic fleet inspections to insure that the regulations are followed.

U.S. Army: Aug. 16: M–83–58: Institute a monitoring program for District Engineers to verify that the terms and conditions of construction permits issued for barge fleeting areas by the Corps of Engineers are met. *M–83–59:* Develop a means to protect dams of the McClellan-Kerr Arkansas River Navigation System from the danger presented during periods of high water by breakway barges.

Railroad—*Illinois Central Gulf Railroad: Aug. 12: R–83–83:* Provide intensive supervision of night train operators and include in its prescribed supervisory efficiency checks, periodic unannounced checks of train crewmembers' fitness for duty at reporting points and on trains en route. *R–83–84:* Improve locomotive inspection procedures at the Baton Rouge diesel facility. *R–83–85:* Provide all employees who are involved in the makeup, handling, and operation of hazardous materials trains thorough training in emergency response to hazardous materials incidents and train dynamics. *R–83–86:* Include in its hazardous materials and operating rules training curricula thorough reviews and explanations of the timetable special instructions pertaining to the handling of hazardous materials incidents and providing local emergency forces with accurate response information. *R–83–87:* Provide the conductors and engineers of all trains which include hazardous materials cars with current and complete emergency response information for each hazardous material carried in their train. *R–83–88:* Before reopening the Hammond District to the through operation of trains containing hazardous materials, improve roadbed conditions to provide adequate vertical support at track joints and replace all track joint bars which give evidence of fatigue cracking. *R–83–89:* Require that the rehiring of train service employees who are discharged for serious infractions of the operating rules and restoring them to train service be approved by management above the division level. *Aug. 24: R–83–93:* Expedite the program for the replacement of rails in curves and all rails that fall within the criteria established by the Chief Engineer Maintenance of Way Department set out in Special Instruction T–10–82. *R–83–94:* Reestablish the practice of superelevating main track curves where it has been discontinued. *R–83–95:* Upgrade the maintenance level of the track in the Louisville District to met fully the Federal Railroad Administration's Track Safety Standards for Class 3 track.

Research and Special Programs Administration: Aug. 12: R–83–90: Require the Materials Transportation Bureau to identify commodities such as perchloroethylene which may pose a serious long-term threat to local environments, and to take timely action to regulate their transportation.

State of Louisiana: Aug. 12: R–83–91: Expand the Louisiana State Police "Hazardous Materials Awareness Program" to focus on rural communities, which have schools, business districts, residential areas, highways in close proximity to railroad lines used to transport hazardous materials.

Chemical Manufacturers Association: Aug. 12: R–83–92: Extend the use of color coding of tank cars or adopt some other effective means of identifying high-risk commodity tank cars in switching operations and in wreck clearing operations.

Note.—Single copies of these recommendation letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include recommendation number in your request. Copies of recent recommendations are free of charge while supplies last. Recommendations that must be photocopied will be billed at a cost of 20 cents per page ($2 minimum charge).

Recommendation Responses From

Aviation—*Federal Aviation Administration: Jun. 2: A–81–166:* Has revised Advisory Circular 90–48C, Pilot's Role in Collision Avoidance to include detailed information regarding the psychophysiological factors affecting pilots' ability to see and avoid other aircraft. *A–81–168:* Does not concur in recommendation to amend 14 CFR 105 to require that the pilot of a jump aircraft contact all control facilities having jurisdiction of the airspace in which the aircraft will transit during the operation for the purpose of receiving traffic advisories while proceeding to and departing from the location where jumpers are released. While in transit, the jump aircraft is another en route aircraft. It is not engaged in jump operations and therefore, while en route, the operation is not unique. The pilot of a VFR jump aircraft, as with any other en route aircraft, may ask for traffic advisories but is

not required to do so. Such a requirement would mandate traffic advisories for an operation which is not in progress but only planned. *Jun. 2: A–81–27:* Does not believe that information provided by the Board with its recommendation to amend 14 CFR 23.807(a)(1) concerning emergency exits or by the FAA's Small Airplane Certification Directorate warrants a revision to the present rule and its associated economic impact. *A–81–28:* The proposal to require external doors and emergency exits of aircraft to be conspicuously marked on the outside with directions for opening the door is an item in the forthcoming 14 CFR Part 23 airworthiness review announced in the **Federal Register** of Jan. 31, 1983. *Jun. 2: A–82–35:* A team of experts in nondestructive inspection technology concluded from a review that the fluorescent penetrant inspection method established in General Electric Service Bulletin A72–709 is adequate for use by engine maintenance and overhaul facilities to detect initial stage cracks in CF6–50 stage 1 high-pressure turbine disks. *Jun. 2: A–82–59:* The routes depicted in Teterboro Letter to Airmen 83–3 are efficient and safe when flown as depicted. *A–82–60:* An Apr. 21, 1982, memorandum sent to all regional directors stresses the importance of facility managers ascertaining that their personnel, as appropriate, receive the required training on the BRITE radar display. *Jun. 8: A–83–12:* The FAA's Small Airplane Certification Directorate in the Central Region is continuing its investigation and review of the recommendation regarding the design criteria for the aluminum hydraulic lines in Cessna Model 404 airplanes. *Jun. 8: A–82–64 through –66:* Has prepared an evaluation report titled "Cockpit Voice and Flight Data Recorder Evaluation" which served as the basis upon which the decision relating to the cockpit voice recorder/flight data recorder retrofit and/or new installation requirements for aircraft operating under 14 CFR Parts 121 and 135 was made. *Jun. 15: A–74–125:* Does not agree with the recommendation to incorporate information and techniques concerning hydroplaning phenomena in Airplane Flight Manuals. Information on the subject has been given wide dissemination in Advisory Circular 91–24, "Aircraft Hydroplaning or Aquaplaning on Wet Runways," dated Sep. 4, 1969. Air Carrier Operations Bulletin Nos. 7–76–32 and –33 pertain. FAA plans to issue a General Aviation Operations Bulletin on this subject. *Jun. 15: A–81–53:* FAA's Small Airplane Certification Directorate in the Central Region is continuing to monitor Beech Aircraft Corporation's stall research program, and the company will also communicate directly with the Board on this subject. *Jun. 16: A–82–42,* which recommended amending 14 CFR 135 by incorporating a 90-day recency of experience requirement of three takeoffs and landings for all pilots conducting operations in aircraft which are required by their certificate to have more than one pilot: Recency of experience would not necessarily equate to proficiency. It is common practice for two-pilot flightcrews to alternate flying responsibilities on each leg during the day's flying. The improved safety record in Part 135 operations over the past few years demonstrates that there would be no substantiated degree of tangible benefit accruing from the action recommended. *Jun. 27: A–83–31:* Is evaluating the issuance of an Airworthiness Directive to require inspection and, if necessary, replacement of the heat exchanger/tailpipe on all 1972 through 1974 Piper Model PA–34–200 aircraft.

Highway—*Federal Highway Administration: Jun. 17: H–80–8:* Does not agree that it is appropriate to extend the emergency final rule revising 23 CFR, Part 630, Subpart J (FHPM 6–4–2–12) to apply to all construction and maintenance zones on divided Federal-aid roads. The two-lane, two-way traffic son one roadway of a normally divided highway provision is a specific operational situation which uses the principles of the Manual on Uniform Traffic Control Devices. Because the provision is operations oriented, its application is within the prerogative of the responsible highway agency. *H–82–8:* The final rule revising 23 CFR, Part 630, Subpart J (FHPM 6–4–2–12) was published in the **Federal Register** on May 20, 1982. The FHWA believes the two-lane, two-way traffic on one roadway provision to be more applicable to the Traffic Control Devices Handbook rather than the Manual on Uniform Traffic Control Devices, and has included a detailed discussion of the provision in the revised Handbook, pages 6–57 through 6–61.

American Council on Education: Jun. 2: H–83–5 and –6: Will advise other presidential associations to advise their members of the circumstances of the accident on Oct. 6, 1982, in Lynchburg, Virginia, involving University of Virginia students, and urge the institutions to review their policies related to transportation of student groups, based on the uniqueness of their own campus environment, to minimize the risk in automotive travel.

State of Wisconsin: Jun. 6: H–82–31: The State's Transportation Safety Office has been directed to respond to the recommendation concerning "Operation Lifesaver."

National Tank Truck Carriers, Inc.: Jun. 1: H–82–21: Notified its members of the circumstances of the accident involving a gasoline tank truck in Canon City, Colorado, on Nov. 14, 1981. Member carriers have driver selection procedures. The National Driver Register is not responsive to carrier needs. There is no satisfactory method of cross-checking for multistate licensing. States are reluctant to advise carriers of citations for moving violations. Many States cannot or will not respond to pre-employment inquiries in a timely fashion. Labor agreements will both complicate and frustrate carrier hiring and discipline programs.

California Highway Patrol: Jun. 20: H–80–70: Amended its tire tread depth regulations on July 28, 1982, to be consistent with Federal Motor Carrier Safety Regulations. *H–80–71:* Copies of the Safety Board's Highway Accident Report—"B & J Trucking Company Truck Tractor/Coachella Valley Unified School District Schoolbus Collision, State Route 86, Coachella, California, April 23, 1980" (NTSB–HAR–80–6) were distributed to commercial vehicle enforcement personnel.

State of Utah: Jun. 21: H–80–38: Legislature has not yet made changes in Utah statutes for upgrading marking and lighting of farm vehicles. The effort by the farm industry in the past has been to relax both Federal and State requirements covering this equipment. *H–80–39:* State Highway Patrol was instructed to concentrate selective enforcement on nondaylight-hour movements of farm implements. *H–80–40:* Utah DOT continues to utilize the roadside obstacle elimination portion of the High Hazard Program.

State of North Carolina: Jun. 21 and Jun. 23: H–78–14: To identify problem drinkers, the State uses the point system and suspends licenses of drivers when convictions exceed certain limits. State operates driver improvement clinics and alcohol and drug schools. State supports early implementation of the National Driver Register.

State of Texas: Jun. 20: H–81–40 and –41: As of March 18, 1982, inspection requirements of tread depth apply to both tires on a dual set of wheels. The required tread depth remains at 2/32 of an inch. *H–81–42 and –43:* Improvements were made to accident curve on U.S. 183.

New York City Department of Transportation: Jun. 2: H–79–49: Graded (cut down) the soil buildup in the center median of the Grand Central Parkway between approximately 168th and 193rd Streets.

State of Alabama: Jun. 8: H–82–1: The Operation Lifesaver Program continues to exist and is supported by the Governor's Highway Safety Committee as well as the Highway Department. *H–82–2:* Believes it is in the best interest to receive information on designating routes for hazardous materials vehicles from the American Association of State Highway and Transportation Officials, which has not formulated a guide for the States. *H–82–3:* A project that includes an examination of the Jordan Lane crossing is underway and nearing completion.

Marine—*Federal Communications Commission: Jun. 2: M–82–10:* Upon completion of a special high priority VHF Marine education/monitoring/enforcement program, FCC will determine whether to propose a power-limiting device on bridge-to-bride radiotelephone transmitters. *M–82–11:* Recently signed a memorandum of understanding with the Coast Guard concerning the enforcement of bridge-to-bridge radiotelephone regulations.

Federal Emergency Management Agency: Jun. 8: M–80–117: Has contacted the Coast Guard regarding improvements in the firefighting services to vessels calling at the Virgin Islands ports.

U.S. Coast Guard: Jun. 21: M–83–1: There are no casualty statistics which would warrant requiring more selfcontained breathing apparatus on merchant vessels at this time. *M–83–2:* The responsibility for conducting meaningful shipboard fire drills belongs with the ship's master, who is responsible for the safety of the vessel. *M–83–3:* Regulation 4 of the International Convention for the Safety of Life at Sea, 1974 requires that fire control plans be in the national language and in English or French. *M–83–4:* New guidelines for firefighting contingency plans are being developed that address the requirement for Coast Guard

Captains of the Port to recognize the responsibility of local governments and private operators for providing principal firefighting capability. *M-83-5:* The Captain of the Port of Portland, Oregon has organized a multi-jurisdictional Marine Fire Protection Committee to deal specifically with "burning ship contingency planning" on the Columbia River. The Coast Guard Captain of the Port can encourage local jurisdictions to provide firefighting capability in remote areas through proper planning; however, it is inconsistent with Coast Guard policy to develop first line response capability for remote areas. *M-83-6:* Guidance to Captains of the Ports for developing firefighting contingency plans specifies that an annex covering geographical boundaries, areas of jurisdiction, and responsibility be included. The Coast Guard attempts to coordinate multi-jurisdictional agreements of authority and responsibility, but we cannot guarantee that local jurisdictions will participate. *M-83-7:* Private firefighting and marine salvage firms are already included in our contingency planning process. The Coast Guard can alert these private firms and put them in contact with owners and operators of burning ships, but cannot require them to contract for services.

State of Florida: Jun. 17: M-81-23: Has recommended to the Federal Highway Administration a pier protection system of islands around the first three piers either side of the main shipping channel for the new bridge to replace the Sunshine Skyway Bridge in Tampa.

Pipeline—*Land Improvement Contractors of America: Jun. 15 and Jun. 30: P-83-15:* Will notify members of the circumstances of the accident in Hudson, Iowa, on Nov. 4, 1982, and relay to them the Safety Board's recommendation that they cooperate and communicate with pipeline operators before beginning excavation work, to explain their excavation plans, and any changes in plans.

Washington Gas Light Company: Jun. 8: P-83-8: Reviewed its policies, training programs, and safety procedures on working with live gas. Held special training meetings for employees and formal training sessions with all Transmission and Distribution Department field personnel. *P-83-9:* Formal meetings have been held with all Transmission and Distribution Department personnel on the policy of strict adherence to procedures relating to employee and public safety.

The Cincinnati Gas & Electric Company: Jun. 9: P-81-6: No unrestrained compression couplings have been found upstream of the customers' meters.

Interstate Natural as Association of America: Jun. 22: P-83-14: Notified its members of the circumstances of the accident in Hudson, Iowa, on November 4, 1982, and urged them to emphasize to their employees the importance of communicating fully with excavators about the extent of the proposed work and about the importance of remaining on the job site until all excavation activities are clear of the pipelines.

American Public Works Association: Jun. 23: P-83-15: A copy of the recommendation to notify its members of the circumstances of the accident in Hudson, Iowa, on Nov. 4, 1982, and urge them to cooperate and communicate with pipeline operators before beginning excavation work and to explain fully their excavation plans and any changes in plans has been sent to each member of the Utility Location and Coordination Council's Executive Committee for review and comment.

American Petroleum Institute: Jun. 30: P-83-14: Transmitted to its Central Committee on Pipeline Transporation for consideration and action by each individual company the recommendation to notify its members of the circumstances of the accident in Hudson, Iowa, on Nov. 4, 1982, and urge them to emphasize to their employees the importance of communicating fully with excavators about the extent of the proposed work and about the importance of remaining on the job site until all excavation activities are clear of the pipelines.

American Gas Association: Jun. 29: P-83-4: Which recommended notifying its members of the circumstances of the accident in Portales, New Mexico, on June 28, 1982, and urging them to include accurate information on their system maps sufficient to identify the existence and location of all their pipeline facilities, and to emphasize to their employees the importance of checking for unseen damage where their facilities have been damaged by excavation operations: AGA agrees with the safety improvement goal of the recommendation, but feels that it can be achieved through records and/or maps, as appropriate. It is neither practical nor cost effective to require maps of all pipeline facilities where records or standard procedures can achieve the same or better results at lower cost.

Research and Special Programs Administration: Jun. 1: P-81-13: Conducted a study in cooperation with the American Petroleum Institute and the American Gas Association to determine the extent of pipe failures in existing pipeline systems with a diameter-to-thickness ratio of 70 or greater due to fatigue cracks initiated during rail shipment of the pipe. *P-81-14:* The results of the study indicate that failure of pipelines caused by fatigue cracking resulting from rail transportation is a limited problem that does not warrant regulatory action at this time.

Note.—Single copies of these response letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C 20594. Please include respondent's name, date of letter, and recommendation number(s) in your request. The photocopies will be billed at a cost of 20 cents per page ($2 minimum charge).

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

September 6, 1983.

[FR Doc. 83-24739-Filed 9-8-83; 8:45 am]

BILLING CODE 4910-58-M

POSTAL RATE COMMISSION

[Docket No. A83-28; Order No. 523]

Uler, West Virginia 25282 (Lionel L. Smith, Petitioner); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued: September 2, 1983.

Docket No.: A83-28.

Name of Affected Post Office: Uler, West Virginia 25282.

Name(s) of Petitioner(s): Lionel L. Smith.

Type of Determination: Closing.

Date of Filing of Appeal Papers: August 8, 1983.

Categories of Issues Apparently Raised:

Effect on community served by office [39 U.S.C. 404(b)(2)(A)].

Whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities and small towns where post offices are not selfsustaining. [39 U.S.C. 404(b)(2)(C)].

The economic savings to the Postal Service resulting from such closing or consolidation [39 U.S.C. 404(b)(2)(D)].

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one more of these issues.

In the interest of expedition within the 120-day decision schedule [39 U.S.C. 404(b)(5)] the Commission reserves the right to requests of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the Petitioner(s). In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memorandum previously filed.

The Commission orders:

The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register.**

By the Commission.

Cyril J. Pittack,

Acting Secretary.

Appendix

Aug. 8, 1983	Filing of petition.
Sept. , 1983	Notice and order of filing of appeal.
Sept. 2, 1983	Last day for filing of petitions to intervene (*see* CFR 3001.111(b)).
Sept. 12, 1983	Petitioners' Initial Brief (*see* 39 CFR 3001.115(b)).

Appendix—Continued

Oct. 3, 1983	Postal Service Answering Brief (*see* CFR 3001.115(c)).
Oct. 18, 1983	(1) Petitioner's Reply Brief should Petitioner choose to file one (*see* 39 CFR 3001.115(d)).
Oct. 25, 1983	(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument. (*see* 39 CFR 3001.116).
Dec. 6, 1983	Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 83-24734 Filed 9-8-83; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[70-6897; Rel. No. 23048]

Indiana & Michigan Electric Co.; Proposed Sale of Electric Utility Assets

September 2, 1983.

Indiana & Michigan Electric Company ("I&MECo"), One Summit Square, P.O. Box 60, Fort Wayne, Indiana 46801, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed a declaration with this Commission pursuant to Section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder.

I&MECo proposes to sell to Magnavox Government & Industrial Electronics Co. ("Magnavox"), an electronics manufacturer based in Fort Wayne, Indiana, certain primary distribution facilities now used by I&MECo to service the Magnavox plant in Fort Wayne, for a total price of $113,496.64, which includes taxes and other expenses expected to be incurred by I&MECo in the sale. The proposed sale of equipment is priced at the reproduction cost, less observed depreciation, for the equipment. The facilities involved in the proposed sale are installed at the purchaser's plant site; are not now employed by I&MECo for providing service to any other customer other than the proposed purchaser; and are not adaptable, at that location, for use in serving any customer other than the purchaser. Magnavox will realize a savings in the cost of electric service by converting to service at a primary voltage, and I&MECo will benefit from recovering its investment in the transformation equipment and, more importantly, by shifting the costs of maintaining and servicing that equipment to the new owner.

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 27, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24737 Filed 9-8-83; 8:45 am]
BILLING CODE 8010-01-M

[File No. 22-12601]

PHM Credit Corp.; Notice of Application and Opportunity for Hearing

September 2, 1983.

Notice is hearby given that PHM Credit Corporation (the "Company") has filed an application under Clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the trusteeship of National Bank of Detroit ("NBD") under an Indenture, dated as of April 1, 1981, between NBD and the Company which is qualified under the Act (the "1981 Indenture") and an Indenture (the "New Indenture") proposed to be entered into between NBD and the Company, pertaining to issuance of a new format of the Company's mortgage-backed bonds, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify NBD from acting as Trustee under either of such indentures.

The Company alleges that:

1. The Company has issued the following four series of Mortgage-Backed Bonds under the 1981 Indenture which remain outstanding as of July 6, 1983:

(a) $37,709,243.24 principal amount of its 15.75% Mortgage-Backed Bonds, Series A, due April 1, 2009, issued in a registered public offering under the 1981 Indenture as supplemented by the Series A Supplement to Indenture dated as of April 1, 1981, between the Applicant and NBD, as Trustee, which Supplement was filed as an Exhibit to Registration Statement No. 2-75538 under the Securities Act of 1933 ("the 1933 Act");

(b) $13,830,137.02 principal amount of its 16.375% Mortgage-Backed Bonds, Series B, due October 1, 2009, issued in a private placement under the 1981 Indenture as supplemented by the Series B Supplement to Indenture dated as of October 1, 1981, between the Applicant and NBD, as Trustee, which Supplement was filed as an Exhibit to Registration Statement No. 2-75538 under the 1933 Act as a material contract of the applicant (Series B was not registered under the 1933 Act);

(c) $6,398,000.00 principal amount of its 16.25% Mortgage-Backed Bonds, Series C, due February 28, 2012, issued in a registered public offering under the 1981 Indenture as supplemented by the Series C supplement to Indenture dated as of February 1, 1982, between the Applicant and NBD, as Trustee, which Supplement was filed as an Exhibit to the Applicant's Annual Report on Form 10-K for 1981;

(d) $27,491,000.00 principal amount of its 11% Mortgage-Backed Bonds, Series D, due May 28, 2015, under the 1981 Indenture as supplemented by the Series D Supplement to Indenture dated as of May 1, 1983, between the Applicant and NBD, as Trustee, which Supplement was filed as an Exhibit to the Applicant's current report on Form 8-K, dated May 26, 1983.

2. The 1981 Indenture referred to in paragraph 1 above contains the provisions required by Section 310(b) of the Trust Indenture Act of 1939.

3. The Company and NBD intend to enter into a New Indenture pursuant to which the Company will issue its new format of mortgage-backed bonds.

4. Since each series of Bonds issued under the 1981 Indenture and each series to be issued under the New Indenture is, and will be, secured by a separate pool of mortgage loans, should NBD have occasion to proceed against the collateral securing the Bonds issued under the 1981 Indenture, such action would not affect the collateral, or use of any collateral, held pursuant to the New Indenture. Thus, the existence of the New Indenture should not inhibit or discourage action by NBD or involve it in a conflict of interest. Moreover, a default by the Company under one Indenture is not a default under the other, and would have no effect upon collateral held pursuant to the other.

5. The Company is not in default under the 1981 Indenture, nor will the execution of the New Indenture cause a default.

Such differences as exist between the 1981 Indenture and the New Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify NBD from acting as Trustee under each such Indenture.

The Company has waived (a) notice of hearing, (b) hearing on the issues raised by the application, and (c) all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, NW., Washington, D.C.

Notice is further given that any interested person may, not later than September 22, 1983, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law on fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24738 Filed 9-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 13483; 812-5610]

Presidential Associates I Limited Partnership Winthrop Financial Co., Inc.; Filing of Application

September 2, 1983.

Notice is hereby given that Presidential Associates I Limited Partnership (the "Partnership"), 225 Franklin Street, Boston, Massachusetts 02110, a Maryland limited partnership formed to invest in Presidential Towers, Ltd., an Illinois limited partnership which will own and operate a residential project for moderate income persons in accordance with the purposes and criteria set forth in Investment Company Act Release No. 8456 (August 9, 1974), together with the Partnership's general partner (the "General Partner"), Winthrop Financial Co., Inc. ("Applicants"), filed an application on July 22, 1983, and an amendment thereto on August 12, 1983, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), to exempt the Partnership 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 relevant provisions thereof.

Applicants represent that any subscriptions for units of limited partnership interests of the Partnership ("Units") must be approved by the General Partner, which approval shall be conditioned upon representations as to the suitability of the investment for each subscriber. According to the application, the Units are being offered only to "Accredited Investors" as defined in Regulation D under the Securities Act of 1933 ("Regulation D") and not to more than 30 other "Non-Accredited Investor" who meet certain suitability requirements. An Accredited Investor under Regulation D is an investor who (a) has a net worth (i.e., total assets in excess of total liabilities) of at least $1,000,000 or (b) has an annual income in excess of $200,000 in each of the last two years and reasonably expects an income in excess of $200,000 in the current year. For the purpose of this offering a Non-Accredited Investor is an investor who has a net worth (exclusive of homes, home furnishings and automobiles) of at least five times the purchase price of the Units purchased.

Applicants state that each prospective investor will be required to represent in his subscription agreement that: (a) he is either an Accredited Investor or a Non-Accredited Investor; (b) some portion of his income is subject to a marginal federal income tax rate of 48% for 1984; (c) his overall commitment to investments that are not readily marketable is reasonable in relation to his net worth; (d) he is willing and able to bear the economic risk of his investment in the Units, has no need for liquidity in his investment in the Units and is able to sustain a complete loss of his investment in the Units; (e) he has read the relevant partnership agreements and the Confidential Memorandum (the "Memorandum") relating to the offering of the Units for the purpose of evaluating the risks of investing in the Units; (f) he has substantial experience in making investment decisions of this type or is relying on his own tax counsel or other qualified adviser in making this investment decision; and (g) he is purchasing Units for his own account, for investment, and not with a view to resale. Furthermore, because the Units will be offered without registration pursuant to Section 4(2) of the Securities Act of 1933 and Regulation D thereunder, transfer of the Units will be restricted.

Applicants state that the limited partnership agreement of the Partnership and the Memorandum contain numerous provisions designed to insure fair dealing by the General Partners with the limited partners. Applicants state further that the compensation to be paid to the General Partner and its affiliates will be fair and on terms no less favorable to the Partnership than would be the case if such arrangements had been made with independent third parties. Moreover, Applicants believe that such compensation meets all applicable guidelines necessary to permit the Units to be offered and sold in the various states that prescribe such guidelines, including the statement of policy adopted by the North American Securities Administration Association, Inc. in respect of real estate programs.

Applicants represent that the contemplated arrangement of the Patnership is not susceptible to the abuses the Act was designed to remedy. Applicants further represent that the suitability standards described above, the requirements for fair dealing provided by the Partnership's governing instruments, and the fact that the project in which the limited partners will invest has been fully described in the Memorandum, provide protection to investors in Units comparable to that provided by the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 26, 1983, at 5:30 pm., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. 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.

Shirley E. Hollis,

Assistant Secretry.

[FR Doc. 83-24602 Filed 9-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 20152; File No. SR-NSCC-83-11]

Filing of Proposed Rule Change by the National Securities Clearing Corporation

September 2, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 22, 1983, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission a proposed rule change to amend NSCC's Rule 4, Section 2, relating to the use and investment of members' cash contributions to NSCC's clearing fund. Currently, the Rule provides that any cash in the clearing fund may be partially or wholly invested by NSCC in securities issued, or guaranteed as to principal and interest, by the United States or its agencies. The proposed rule change would give NSCC, in addition to its current authority to invest in such U.S. government securities, the discretion to invest all or part of the cash portion of the clearing fund in certificates of deposit or similar deposits (collectively "CD's") of banks approved by the Federal Deposit Insurance Corporation ("FDIC") and selected by NSCC. The CD's can also be used as collateral for loans to NSCC, a use currently authorized for other clearing fund assets. NSCC expects such investments to generate a higher yield than securities issued or guaranteed by the United States or its agencies. Furthermore, to ensure that the funds invested in CD's are safe, the FDIC has assured NSCC that each member's cash contributions invested in CD's of an approved bank would be insured up to $100,000. To stay within FDIC insurance parameters, NSCC represents that it will not invest more than $100,000 of a member's contributions in CD's of a single FDIC-approved bank.

NSCC states that the proposed rule change is consistent with the Securities Exchange Act of 1934, as amended, because it provides adequate protection for funds in NSCC's possession and control by enabling NSCC to invest clearing fund cash in FDIC-insured CD's of approved institutions.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to file No. NSCC-83-11.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24600 Filed 9-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 20151; File No. SR-OCC-83-19]

Filing and Immediate Effectiveness of Proposed Rule Change by the Options Clearing Corporation

September 2, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on August 22, 1983, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change consists of a letter from OCC to the four options exchanges ("Participating Exchanges") that clarifies Section 28(f) of OCC's Restated Participant Exchange Agreement (the "Agreement"). The purpose of the proposal is to ensure that the indemnification authority in Section 28(f) extends to all parties intended under the Agreement. Thus, OCC and the Participating Exchanges would acknowledge in the proposed rule change that the terms "Participating Exchange" and "Clearing Corporation" in Section 28(f) would be interpreted consistently with broader language in Section 2(g) of the Agreement. In that Section, "Participating Exchange" includes the "Participating Exchange, its governors, directors and officers and each person, if any, who controls such Exchange within the meaning of Section 15 of the Securities Act [of 1933] or Section 20 of the Exchange Act [of 1934], and "Clearing Corporation" includes "the Clearing Corporation, its directors and officers." OCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act in that it fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**.

Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. Reference should be made to File No. SR-OCC-83-19.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C.

Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24601 Filed 9-8-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 12; Revision 2, Amendment 2]

Associate Administrator for Finance and Investment; Delegation of Authority

Associate Administrator for Finance and Investment Delegation of Authority No. 12 (47 FR 14995) as amended (48 FR 9979) is hereby amended to provide authority to declare disaster loan areas in cases of Presidential declarations. Paragraph I.C is amended to read as follows:

* * * * *

C. Disaster Activities

1. To declare a disaster loan area in instances where the President has determined that a "major disaster" has occurred pursuant to Pub. L. 93–288 as amended, or to declare a disaster loan area for Economic Injury disaster loans upon notification that the Secretary of Agriculture has declared a natural disaster for that area.

2. To amend declarations made under authority of Paragraph C.1 above.

* * * * *

Effective date: Upon publication in the **Federal Register.**

Dated: June 1, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-24603 Filed 9-8-83; 8:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No. 12-C; Amendment 1]

Deputy Associate Administrator for Disaster Assistance; Delegation of Authority

Delegation of Authority No. 12–C (48 FR 9980) is hereby amended to delegate authority to the Deputy Associate Administrator for Disaster Assistance to declare disaster loan areas in cases of Presidential declarations.

Delegation of Authority No. 12–C is amended to read as follows:

* * * * *

1. To declare a disaster loan area in instances where the President has determined that a "major disaster" has occurred pursuant to Pub. L. 93–288 as amended, or to declare a disaster loan area for Economic Injury disaster loans upon notification that the Secretary of Agriculture has declared a natural disaster for that area.

2. To amend declaration made under authority of Paragraph 1 above.

* * * * *

Effective Date: September 9, 1983.

Dated: June 1, 1983

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-24604 Filed 9-8-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-0221]

Mighty Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On Federal 18, 1983, a notice was published in the **Federal Register** (48 FR 7345), stating that an application had been filed by Mighty Capital Corporation, 50 Technology Park/Atlanta, Suite 100, Norcross, Georgia 30092, with the Small Business Administration (SBA) for a license to operate as a small business investment company (SBIC), pursuant to Section 107.102 of the Regulations governing SBICs (13 CFR 107.102(1983)).

Interested parties were given until the close of business March 5, 1983, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 04/04–0221, on May 3, 1983, to Mighty Capital Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 3, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-24605 Filed 9-8-83; 8:45 am]

BILLING CODE 8026-01-M

Region I Advisory Council; Public Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Montpelier, Vermont, will hold a public meeting at 10:00 A.M., Wednesday, October 5, 1983, at the Cortina Inn, Route 4, Mendon, Vermont, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call David C. Emery, District Director, U.S., Small Business Administration, Federal Building, 87 State Street, P.O. Box 605, Montpelier, Vermont 05602. (802) 229–0538.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 2, 1983.

[FR Doc. 83-24735 Filed 9-8-83; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Sioux Falls, South Dakota, will hold a public meeting on Tuesday, October 4, 1983, from 9:00 a.m. to 3:00 p.m., at the Community Room, First National Bank in Sioux Falls, 100 South Phillips, Sioux Falls, South Dakota 57102, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Chester B. Leedom, District Director, U.S. Small Business Administration, Suite 101 Security Building, 101 South Main, Sioux Falls, South Dakota 57102—605/336–2980, Ext. 231.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 2, 1983.

[FR Doc. 83-24736 Filed 9-8-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular on Self-Locking Nuts on Bolts Subject to Rotation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft advisory circular (AC) availability and request for comments.

SUMMARY: This AC provides information and guidance concerning the use of self-locking nuts on bolts subject to rotation during operation. This guidance material is applicable for new, amended and supplemental type certificates and alterations that use self-locking nuts on

bolts subject to rotation for small airplanes.

DATE: Commenters must identify File AC 23.607–XX: Subject: Self-Locking Nuts on Bolts Subject to Rotation, and comments must be received on or before October 24, 1983.

ADDRESS: Send all comments on the draft AC to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph W. Burress, Aerospace Engineer, Regulations and Policy Office (ACE–110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Commercial Telephone (816) 374–6941, or FTS 758–6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this draft AC by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

Comments Invited: Interested parties are invited to submit comments on the draft AC. The draft AC and comments received may be inspected at the offices of the Regulations and Policy Office (ACE–110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4:00 p.m. on weekdays, except Federal holidays.

Issued in Kansas City, Missouri, August 30, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-24590 Filed 9-8-83; 8:45 am]

BILLING CODE 4910-13-M

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Federal Aviation Administration (FAA) Air Traffic Procedures Advisory Committee to be held from October 3, at 1 p.m., through October 7, at 1 p.m., at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify, not later than the day before the meeting, Mr. Wayne C. Newcomb, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT–301, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426–3725. Information may be obtained from the same source.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on August 31, 1983.

Wayne C. Newcomb,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 83-24595 Filed 9-8-83; 8:45 am]

BILLING CODE 4910-13-M

Rotorcraft Regulatory Analysis Seminar.

AGENCY: Federal Aviation Administration.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a seminar to be conducted by the Office of Aviation Policy and Plans of the Federal Aviation Administration. The agenda for this seminar is as follows: A review of the conduct of regulatory analysis and the role of the analysis in the rotorcraft rulemaking process.

DATE: October 13, 1983, from 8:15 a.m. to 4:45 p.m.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 6A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Regulatory Analysis Branch, Office of Aviation Policy and Plans, room 938A, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; (202) 426–3070. Attendance is open to the interested public, but limited to the space available.

Issued in Washington, D.C., on August 31, 1983.

Kenneth W. Harris,

Manager, Regulatory Analysis Branch, Office of Aviation Policy and Plans.

[FR Doc. 83-24594 Filed 9-8-83; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: City and County of Honolulu, Hawaii

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the City and County of Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Mr. H. Kusumoto, Division Administrator, Federal Highway Administration, U.S. Department of Transportation, P.O. Box 50206, Honolulu, Hawaii 96850, Telephone: (808) 546–5150.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the City and County of Honolulu Department of Public Works and the State of Hawaii Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve Moanalua Road between Pali Momi Street and the Aiea Interchange in Kalauao, Aiea, on the island of Oahu, in the State of Hawaii. The total length of the proposed improvement is approximately 4,200 feet.

The proposed project would consist of widening and improving the existing Moanalua Road. Along both sides of the roadway, grade adjustment walls will be constructed as required. Driveway ramps will be reconstructed where necessary to provide access to existing driveways and garages. Existing street intersections will be modified, as necessary, to provide for safer traffic movement and smooth riding connections.

Moanalua Road, between Pali Momi Street and the Aiea Interchange, is currently substandard and is inadequate in accommodating the increased traffic volume generated by adjacent residential and commercial developments.

Alternatives under consideration include: (1) Taking no action; (2) providing intersection improvements as a transportation systems management (TSM) action; (3) widening the existing two- and four-lane roadway to between four and six lanes; (4) constructing a divided four-lane roadway; and (5) implementing turning movement restrictions. Various combinations of the above alernatives will be studied.

No formal scoping meetings will be scheduled. However, FHWA will be meeting with several agencies to

identify crucial issues and to ensure that matters of importance are not overlooked in the early stages of review. To further ensure that the full range of issues related to this proposed action is addressed and all significant issues are identified, comments will be received from all interested agencies and parties, pursuant to Chapter 343, Hawaii Revised Statutes.

A public information meeting and a public hearing will be held; public notice will be given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment.

Comments or questions concerning the proposed project and the EIS should be directed to the FHWA at the address provided above.

Issued on August 30, 1983.

M. L. Arthur,

Acting Division Administrator, Honolulu, Hawaii.

[FR Doc. 83-24689 Filed 9-8-83; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[Waiver Petition Docket Nos. RSGM-83-26, 27, 30 to 38 and 40 to 45]

Petitions for Waiver of Safety Glazing Standards; Ontario Eastern Railroad et al.

Notice is hereby given that 17 petitioners have submitted requests for temporary or permanent waivers of compliance with Safety Glazing Standards [49 CFR Part 223]. The Federal Railroad Administration (FRA) published a final rule on December 31, 1979, that requires that all newly built and most existing railroad equipment have improved safety glazing materials installed in order to reduce the risk of death or serious injury resulting from flying objects, including bullets. The regulations provide for the affected locomotives, passenger cars, and cabooses to be equipped with certified glazing in all windows after December 31, 1983.

The individual petitions for a waiver of compliance with this regulation are described below. The description indicates the nature and extent of the relief requested as well as any information that has been submitted in support of the request for the waiver of compliance.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments FRA does not anticipate scheduling an opportunity for oral comment since the facts do not appear to warrant it. All communications concerning these petitions must identify the appropriate Docket Number (e.g., FRA Waiver Petition Docket Number RSGM-83-26) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communication received before October 11, 1983 will be considered by the Federal Railroad Administration before action is taken. All comments will be available for examination both before and after the closing date for comments, during regular business hours (9:00 a.m.–5:00 p.m.) in room 5101 Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Ontario Eastern Railroad

[FRA Waiver Petition Docket No. RSGM-83-26]

The Ontario Eastern Railroad seeks a Waiver for their single locomotive which operates between Ogdensburg and Dekalk Junction, New York, a distance of about 20 miles. They operate through a rural area and have had no problems with vandalism.

Allegheny Southern Railway

[FRA Waiver Petition Docket No. RSGM-83-27]

The Allegheny Southern Railway seeks waiver for their single locomotive which operates between Roaring Spring and Martinsburg, Pennsylvania, a distance of about 6 miles. They operate through a rural area and have had no problems with vandalism.

Maryland and Delaware Railroad

[FRA Waiver Petition Docket No. RSGM-83-30]

The Maryland and Delaware Railroad seeks a waiver for their four locomotives, Nos. 18, 20, 21 and 22, which operate over three light density branch lines: Frankford, Delaware to Snow Hill, Maryland 26.7 miles; Seaford, Delaware to Cambridge, Maryland, with a stub line to Preston, Maryland 36 miles; and Townsend, Delaware to Chestertown and Centreville, Maryland, 55 miles. They have experienced no incidents of locomotives window damage other than an occasional cracked window caused by vibration.

Pioneer Valley Railroad

[FRA Waiver Petition Docket No. RSGM-83-31]

The Pioneer Valley Railroad seeks a waiver for their four locomotives which operate over about 25 miles of track between Westfield and Holyoke, Massachusetts and between Westfied and Easthampton, Massachusetts. They have had no reportable incidents or injuries since they started operation.

Cadiz Railroad Company

[FRA Waiver Petition Docket No. RSGM-83-32]

The Cadiz Railroad Company seeks a waiver for their two locomotives which operate over 10 miles of track through rural area between Cadiz and Gracey, Kentucky. They have not had any incidents of vandalism.

Southern Pacific Transportation Company

[FRA Waiver Petition Docket No. RSGM-83-33]

The Southern Pacific Transportation Company is currently operating, under contract, for the California Department of Transportation (Caltrain), 73 passenger cars in commuter service between San Francisco and San Jose, California. Over 80 percent of the glazing in these cars consist of ¼ inch Lexan polycarbonate glazing which meet the test requirement in § 223.15 (a) and (b). They seek a temporary waiver to equip the remaining cars with the aforementioned Lexan material since this equipment is scheduled to be replaced with new cars within three years. To date none of the existing Lexan glazing has required replacement due to breakage. They said that equipping subject cars with certified glazing would seriously hamper their ability to provide the necessary transportation services for the daily commuter.

Illinois Central Gulf

[FRA Waiver Petition Docket No. RSGM-83-34]

The Illinois Central Gulf seeks an extension of the compliance date to March 31, 1984 to complete 120 of 165 passenger cars with certified glazing. Subject cars are used in their commuter operations in the vicinity of Chicago, Illinois. The Illinois Central Gulf operation is subsidized by the Regional Transportation Authority who in turn receive some funding from the Urban Mass Transportation Administration. Delays in funding have hindered the retrofit program and additional time is needed to complete the project.

Middletown and New Jersey Railway Company

[FRA Waiver Petition Docket No. RSGM-83-35]

The Middletown and New Jersey Railway Company seeks a permanent waiver of compliance for two locomotives and one caboose. They operate through sparsely populated rural

farm country at a speed not over 10 mph. They have not experienced any incidents of vandalism.

Brillion and Forest Junction Railroad Company

[FRA Waiver Petition Docket No. RSGM–83–36]

The Brillion and Forest Junction Railroad seeks a waiver of compliance for one locomotive. Their financial situation is poor and there is a possibility of lease termination on their locomotive.

Norfolk and Portsmouth Belt Line Railroad Company

[FRA Waiver Petition Docket No. RSGM–83–37]

The Norfolk and Portsmouth Belt Line Railroad Company seeks a waiver of compliance until June 30, 1984 for five locomotives. They have equipped ten of their fifteen locomotives but need additional time to complete the required installation of this glazing in the remaining locomotives.

Northeast Illinois Regional Commuter Railroad Corporation

[FRA Waiver Petition Docket No. RSGM–83–38]

Northeast Illinois Regional Commuter Railroad Corporation seeks a waiver of compliance until June 30, 1984 for completion of emergency sashes and side door loading sashes on 103 bi-level coaches. Their effort to obtain the necessary material was delayed due to reasons beyond their control. This equipment is used in commuter passenger service in the Chicago, Illinois Metropolitan area over two lines owned by the Milwaukee Railroad.

In addition, the Northeast Illinois Regional Commuter Railroad seeks a waiver of compliance until June 30, 1984 for completion of 20 bi-level passenger coaches, two cabooses and two locomotives operating over the former Chicago, Rock Island and Pacific Railroad in Chicago, Illinois area. The passenger cars will undergo a complete rehabilitation next year. The two locomotives and cabooses were recently purchased and more time is needed to complete the retrofit project.

Kankakee, Beaverville and Southern Railroad

[FRA Waiver Petition Docket No. RSGM–83–40]

The Kankakee, Beaverville and Southern Railroad seeks a waiver for three locomotives. They operate from Kankakee to Sheldon, Illinois, a distance of 26 miles. They also operate over about 48 miles of former Milwaukee Road trackage to Danville, Illinois. Their operation is through four small towns and they feel the expense to retrofit the locomotives would be burdensome.

Mississippi Export Railroad Company

[FRA Waiver Petition Docket No. RSGM–83–41]

The Mississippi Export Railroad Company seeks a waiver for four locomotives and two cabooses. They own and operate 42 miles of railroad from Pascogoula, Mississippi, where they connect with the Seaboard System and to Evanston, Mississippi where they connect with the Illinois Central Gulf Railroad. They operate in the hot, humid Gulf Coast region and the crews often leave the windows open. In addition their limited funds are needed for other projects.

Spencerville and Elgin Railroad Company

[FRA Waiver Petition Docket No. RSGM–83–42]

The Spencerville and Elgin Railroad Company seeks a waiver for one locomotive. They operate in a rural area between Lima and Glenmore, Ohio a distance of about 30 miles. They have no record of any injuries due to thrown objects.

Detroit and Mackinac Railway Company

[FRA Waiver Petition Docket No. RSGM–83–43]

The Detroit and Mackinac Railway Company seeks a waiver for six locomotives and two cabooses. The six locomotives have custom cabs thus negating any possibility of buying off-the-shelf windows. The railroad operates in rural northeastern Michigan and traverses no major metropolitan area. They said there have not been any accidents/incidents for the last ten years.

North Louisiana and Gulf Railroad Company

[FRA Waiver Petition No. RSGM–83–44]

The North Louisiana and Gulf Railroad Company seeks a waiver for six locomotives and one caboose. They operate between Hodge and Gibsland, Louisiana a distance of 40 miles six days a week. In addition, three trips a week are made from Hodge to Alexandria, Louisiana. The operation is through sparsely populated and wooded areas. There is no record of objects striking windows.

East Tennessee Railway Corporation

[FRA Waiver Petition Docket No. RSGM–83–45]

The East Tennessee Railway Corporation seeks a waiver for two locomotives. They operate over eleven miles of track between Johnson City and Elizabethtown, Tennessee. Their operation is in a sparsely populated area and they said it would be a financial hardship to replace all the windows with their limited budget.

This notice is issued under the authority of Section 202 of the Federal Railroad Safety Act of 1970, 84 Stat. 97 (45 U.S.C. 43) and § 1.49(m) of the regulations of the Office of the Secretary of Transportation 49 CFR 1.49(m).

Issued in Washington, D.C. on September 2, 1983.

J. W. Walsh,

Associate Administrator for Safety.

[FR Doc. 83–24593 Filed 9–8–83; 8:45 am]

BILLING CODE 4910–06–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

On September 2, 1983 the Department of the Treasury submitted the following public information Collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction act of 1980., Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, N.W., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0173
Form Number: 4563
Type of Review: Revision
Title: Exclusion of Income from Sources in United States Possessions

OMB Number: 1545–0575
Form Number: 5330
Type of Review: Revision
Title: Return of Initial Excise Taxes Related to Pension and Profit-Sharing Plan

OMB Number: 1545–0712
Form Number: 6198
Type of Review: Revision
Title: Computation of Deductible Loss for an Activity Described in Section 465 (c)

OMB Number: 1545–0110
Form Number: 1099–DIV
Type of Review: Existing Regulations
Title: Statement for Recipients of Dividends and Distributions

OMB Number: 1545–0118
Form Number: 1099–PATR
Type of Review: Existing Regulations
Title: Statement for Recipients (Patrons) of Taxable Distributions from Cooperatives

OMB Number: N/A
Form Number: 8082
Type of Review: New
Title: Notice of Inconsistent Treatment or Amended Return

OMB Number: 1545–0415
Form Number: W–4P
Type of Review: Existing Regulations
Title: Withholding Certificate for Pension or Annuity Payments

OMB Number: 1545–0099
Form Number: 1065 and Schedules
Type of Review: Revision
Title: U.S. Partnership Return of Income, Capital Gains and Losses, Partners' Shares of Income, Credits, Deductions, etc., Partner's Share of Income, Credits, Duductions, etc.

OMB Number: 1545–0128
Form Number: 1120–L
Type of Review: Revision
Title: U.S. Life Insurance Income Tax Return

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0195
Form Number: ATF F 5110.25
Type of Review: Revision
Title: Application for Operating Permit under 26 U.S.C. 5171(d)

OMB Number: 1512–0166
Form Number: ATF F 3071
Type of Review: Extension
Title: Tax Return—Manufacturer of Tobacco Products

OMB Number: 1512–0028
Form Number: ATF F 5 (7560.5)
Type of Review: Revision
Title: Application for Tax-Exempt Transfer and Registration of Firearms

OMB Number: 1512–0027
Form Number: ATF F 4 (7560.4)
Type of Review: Revision
Title: Application for Tax-Paid Transfer and Registration of Firearms

OMB Number: 1512–0220
Form Number: ATF F 5170.4
Type of Review: Reinstatement
Title: Application for Importer's and/or Wholesaler's Basic Permit Under Federal Alcohol Administration Act

OMB Number: 1512–0024
Form Number: ATF F 1 (7560.1)
Type of Review: Extension
Title: Application to Make and Register a Firearm

OMB Number: 1512–0163
Form Number: ATF F 3068
Type of Review: Extension
Title: Manufacturer of Tobacco Products—Monthly Reports

OMB Number: 1512–0180
Form Number: ATF F 4640
Type of Review: Extension
Title: Remittance Transmittal (Alcohol, Tobacco and Firearms)

OMB Number: 1512–0022
Form Number: ATF F 7560
Type of Review: Revision
Title: Application to Transport Interstate or to Temporarily Export Certain National Firearms Act (NFA) Firearms

OMB Number: 1512–0191
Form Number: ATF F 5100.16
Type of Review: Extension
Title: Application for Transfer of Spirits and/or Denatured Spirits in Bond

OMB Number: 1512–0203
Form Number: ATF F 5110.35
Type of Review: Extension
Title: Distilled Spirits Tax Return—Deferred Payment

OMB Number: 1512–0087
Form Number: ATF F 1627
Type of Review: Extension
Title: Report of Use or Other Disposition of Red Strip Stamps

OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Office of the Secretary

OMB Number: 1505–0021
Form Number: TD F 90–22.1
Type of Review: Revision
Title: Report of Foreign Bank and Financial Accounts

OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Rita A. DeNagy,
Departmental Reports, Management Office.
September 2, 1983.
[FR Doc. 83–24631 Filed 9–8–83; 8:45 am]
BILLING CODE 4810–25–M

Internal Revenue Service

Cost Comparison Review

The Internal Revenue Service will begin a cost comparison review of the Health Unit in its Philadelphia Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania, October 11, 1983, as required by OMB Circular No. A–76 *Performance of Commercial Activities.*

Dated: September 6, 1983.

Edwin Murphy,
A–76 Program Manager, Internal Revenue Service.
[FR Doc. 83–24680 Filed 9–8–83; 8:45 am]
BILLING CODE 4830–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 176
Friday, September 9, 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).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Equal Employment Opportunity Commission	2
Federal Deposit Insurance Corporation	3
Federal Maritime Commission	4
Merit Systems Protection Board	5
Postal Rate Commission	6

1

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 170, Wednesday, August 31, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, September 13, 1983.

CHANGES IN THE MEETING: Addition to Meeting:

Consideration of Joint New Orleans-MidAmerica Rule Submissions

[S-1274-83 Filed 9-7-83; 3:12 pm]

BILLING CODE 6351-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, September 13, 1983.

PLACE: Commission Conference Room No. 200, second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Vote.
2. Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83-6-FOIA-110-PA, concerning a request for materials from a Title VII charge file.
4. Proposed Amendment of Fee Schedule for FOIA Requests.
5. Criteria and Procedures for Issuance of Opinion Letters by Legal Counsel.
6. Voluntary Assistance Program Phase I.
7. Recommended TERO Contracts for FY 1984.
8. Recommended State and Local Agency Program Contracts for FY 1984.

*Closed:

1. Litigation Authorization; General Counsel Recommendations.
2. Discussion of Subpoena (062-82-0048).

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treve McCall, Executive Secretary to the Commission at (202) 634-6748.

Issued: September 6, 1983.

[S-1272-83 Filed 9-7-83; 11:18 am]

BILLING CODE 6570-06-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 7:05 p.m. on Saturday, September 3, 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 Douglass State Bank, Kansas City, Kansas, which was closed by the Bank Commissioner for the State of Kansas on Saturday, September 3, 1983; (2) accept the bid for the transaction submitted by The Douglass Bank, Kansas City, Kansas, a newly-chartered State nonmember bank subsidiary of Douglass Bancorp Inc., Kansas City, Kansas, a newly-formed bank holding company; (3) approve the applications of The Douglass Bank, Kansas City, Kansas, for Federal deposit insurance and for consent to purchase certain assets of and assume the liability to pay deposits made in The Douglass State Bank, Kansas City, Kansas; 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 matters 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: September 6, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1273-83 Filed 9-7-83; 11:52 am]

BILLING CODE 6714-01-M

4

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., September 14, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Docket No. 83-20; AABCO, INC.—Petition for Declaratory Order—Further Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1271-83 Filed 9-6-83; 03:4:46 pm]

BILLING CODE 6730-01-M

5

MERIT SYSTEMS PROTECTION BOARD

TIME AND DATE: 10 a.m., Thursday, September 22, 1983.

PLACE: 1120 Vermont Avenue NW., Room 801, Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Oral argument in the case of *Social Security Administration, Department of Health and Human Services* v. *Robert W. Goodman, Administrative Law Judge*, MSPB Docket No. HQ75218210015.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Pat Paige, Office of the

Secretary, 1120 Vermont Avenue NW., Washington, D.C. 20419; (202) 653-7200.

Dated: August 22, 1983.

For the Board.

Herbert E. Ellingwood,

Chairman.

[S-1275-83 Filed 9-7-83; 3:40 pm]

BILLING CODE 7400-01-M

6

POSTAL RATE COMMISSION

TIME AND DATE: 10 a.m., Thursday, September 8, 1983.

PLACE: Conference Room, Room 500, 2000 L Street NW., Washington, DC 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Closed pursuant to 5 U.S.C. 552b(c)(2)(6).

Personnel Matters

CONTACT PERSON FOR MORE INFORMATION: Cyril J. Pittack, Acting Secretary, Postal Rate Commission Room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone (202) 254-3880.

[S-1270-83 Filed 9-6-83; 4:35 pm]

BILLING CODE 7715-01-M

federal register

Friday
September 9, 1983

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Connecticut: CT83-3021	June 3, 1983.
Florida:	
FL83-1017	Apr. 1, 1983.
FL83-1018	Apr. 8, 1983.
FL83-1029	Apr. 22, 1983.
FL83-1060	Apr. 29, 1983.
Kentucky:	
KY82-1060	Oct. 8, 1982.
KY82-1062, KY82-1064, KY82-1065, KY82-1066, KY82-1067.	Oct. 15, 1982.
KY82-1071	Oct. 22, 1982.
Minnesota:	
MN83-2001	Jan. 14, 1983.
MN83-2057	July 29, 1983.
Missouri: MO83-4047	June 24, 1983.
New Jersey:	
NJ83-3015, NJ83-3016	June 17, 1983.
NJ83-3026	July 29, 1983.
New Mexico: NM83-4032	Apr. 15, 1983.
Rhode Island: RI83-3042	Aug. 19, 1983.

Supersedeas Decision 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.

Indiana:	
IN82-2029(IN83-2071)	Apr. 8, 1982.
IN82-2031(IN83-2073)	Apr. 22, 1982.
Kansas: KS83-4015(KS83-4066)	Feb. 4, 1983.
Pennsylvania: PA81-3041(PA83-3002)	July 8, 1981.

Signed at Washington, D.C., this 2nd day of September 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION NO. FL83-1017 - MOD. # 1

(April 1, 1983 in 48 FR 14307)
Escambia & Santa Rosa Counties in Florida

	Basic Hourly Rates	Fringe Benefits
DELETE:		
Asbestos Workers	$14.15	2.43
Insulation Installers (Batt or Blown)	6.29	
ADD:		
Mechanical Insulators (Heat & Frost)	9.32	

DECISION NO. FL83-1018 - MOD. # 1

(April 8, 1983 in 48 FR 15409)
Okaloosa & Walton Counties in Florida

	Basic Hourly Rates	Fringe Benefits
DELETE:		
INSULATION INSTALLERS (Batt or Blown)	$ 6.00	

DECISION NO. CT83-3021 - MOD. #5
(48 FR 25090 - June 3, 1983)
STATEWIDE, CONN.

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
IRONWORKERS	18.00	4.93+j

DECISION NO. FL83-1029 - MOD. # 4

(April 22, 1983 in 48 FR 17500)
VOLUSIA (except Cape Kennedy Space Center & Cape Canaveral Air Force Station) COUNTY, FLORIDA
BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Plumbers, Pipefitters, & Steamfitters:		
a. Commercial-Commercial, Schools, Hospitals, Shopping Centers, & work not listed as Industrial.	$13.62	1.70
b. Industrial-Bulk Plants, Powerhouses, Chemical Plants, Missile Sites, Oil Refineries, Etc., and such other work which is related to & considered a part of the above type projects.	17.15	2.27

DECISION NO. FL83-1060 - MOD. # 1

(August 26, 1983 in 48 FR 38958)
Cape Canaveral AFS, Patrick AFB, Kennedy Space Flight Center, & Malabar Radar Site in BREVARD & VOLUSIA COUNTIES in FLORIDA

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Plumbers, Pipefitters, & Steamfitters:		
1.Industrial	$17.15	2.27
2.Commercial	13.62	1.70

DECISION NO. KY82-1060
Mod # 3
(47 FR 44668 - October 8, 1982)
FORT CAMPBELL (Christian County, Kentucky & Montgomery County, Tennessee)

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS	$16.15	2.81
ELECTRICIANS:		
Wiremen:		
Tennessee Portion	14.10	1.05 + 3%%
Cable Splicers:		
Tennessee Portion	14.35	1.05 + 3%%
ELEVATOR CONSTRUCTORS:		
Mechanics	12.44	2.69+a
Helpers	8.71	2.69+a
Probationary Helpers	6.22	
IRONWORKERS	12.85	2.17
LABORERS:		
Group 1	10.75	2.00
Group 2	10.90	2.00
Group 3	11.25	2.00
PAINTERS:		
Brush & Roller	11.60	1.30
Spray Work & Drywall Finishing	11.85	1.30
Structural Steel, Swing Stage & Chair, Motor Stage	11.95	1.30
Paperhangers	12.10	1.30
Sandblasting	12.35	1.30
PLUMBERS & PIPEFITTERS	14.14	1.89
ROOFERS	10.60	1.46
SHEET METAL WORKERS	16.03	1.14
SPRINKLER FITTERS:		
Kentucky Portion	16.47	3.23
Tennessee Portion	14.57	3.23

DECISION #MN83-2001 - Mod. #1
(48 FR 1910 - January 14, 1983)
Anoka, Benton, Blue Earth, Carlton, Carver, Chisago, Cook, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Lake, LeSueur, Mower, Nicollet, Olmsted, Ramsey, Rice, St. Louis, Scott, Sherburne, Sibley, Stearns, Steele, Wabasha, Waseca, Washington, Winona, & Wright Counties, Minnesota

	Basic Hourly Rates	Fringe Benefits
OMIT:		
The Following Counties: Blue Earth, Carver, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, LeSueur, Mower, Nicollet, Olmsted, Rice, Sibley, Steele, Wabasha, & Waseca		

DECISION NO. MN83-2057
Mod # 1
(48 FR 34614 - July 29, 1983)
ANOKA, CARVER, DAKOTA, HENNEPIN, RAMSEY, SCOTT, WASHINGTON COUNTIES, MINNESOTA

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
Anoka (Anoka & Fridley Twps. & the cities of Andover, Anoka, Columbia Heights, Coon Rapids, Fridley, Hilltop, Ramsey & Spring Lake Park), Carver, Hennepin, & Scott Counties:		
Commercial Building:		
Electricians	17.76	28%%
Cable Splicers	18.26	28%%

DECISION NO. KY82-1062	Basic Hourly Rates	Fringe Benefits
Mod # 3		
(47 FR 46225 - October 15, 1982)		
WARREN COUNTY, KENTUCKY		
CHANGE:		
ASBESTOS WORKERS	$16.15	2.81
IRONWORKERS	12.85	2.17
LABORERS:		
Group 1	10.75	2.00
Group 2	10.90	2.00
Group 3	11.25	2.00
MILLWRIGHTS	14.85	2.90
PAINTERS:		
Brush & Roller	11.60	1.30
Spray Work, Drywall Finishers	11.85	1.30
Structural Steel, Swing Stage & Chair, & Motor Stage	11.95	1.30
Paperhangers	12.10	1.30
Sandblasting	12.35	1.30
PIPEFITTERS	16.25	3.22
ROOFERS	10.60	1.46
SHEET METAL WORKERS	17.22	3.75
SPRINKLER FITTERS	16.47	3.23

DECISION NO. KY82-1064	Basic Hourly Rates	Fringe Benefits
Mod # 3		
(47 FR 46230 - October 15, 1982)		
McCRACKEN COUNTY, KENTUCKY		
CHANGE:		
CEMENT MASONS	13.65	2.05
GLAZIERS	14.735	2.41
IRONWORKERS	15.05	2.45
LABORERS:		
Group 1	10.75	2.00
Group 2	10.95	2.00
Group 3	11.25	2.00
SHEET METAL WORKERS	17.22	3.75
SPRINKLER FITTERS	16.47	3.23

DECISION NO. KY82-1065	Basic Hourly Rates	Fringe Benefits
Mod # 4		
(47 FR 46229 - October 15, 1982)		
BOYD COUNTY, KENTUCKY		
CHANGE:		
BRICKLAYERS & STONE MASONS	$15.36	2.54
CEMENT MASONS & PLASTERERS	17.06	1.05
IRONWORKERS	17.23	3.61
LABORERS:		
Group 1	12.57	2.00
Group 2	12.72	2.00
Group 3	12.74	2.00
Group 4	12.77	2.00
Group 5	12.82	2.00
Group 6	13.07	2.00
Group 7	13.27	2.00
Group 8	13.77	2.00
LINE CONSTRUCTION:		
Linemen	18.46	2.35 + 3%%
Cable Splicer	20.31	2.35 + 3%%
Mechanical Equipment Operator	14.77	2.35 + 3%%
Groundman	12.00	2.35 + 3%%
PAINTERS:		
Brush, Roller, Drywall Finishers, Tapers, Mittens or Rags, Paperhangers, Sandblast, Steamcleaning, & Drywall Machine Operators	12.76	3.26
PLUMBERS & PIPEFITTERS:		
Area 1	15.71	4.60
Area 2	15.91	4.60
Area 3	16.11	4.60
SPRINKLER FITTERS	16.47	3.23

DECISION NO. KY82-1066	Basic Hourly Rates	Fringe Benefits
Mod # 3		
(47 FR 46226 - October 15, 1982)		
FAYETTE & FRANKLIN COUNTIES KENTUCKY		
CHANGE:		
ASBESTOS WORKERS	$16.57	3.07
LINE CONSTRUCTION:		
Linemen & Equipment Ops.	17.23	.85+8%%
Cable Splicers	17.48	.85+8%%
Groundmen - Truck Driver	13.78	.85+8%%
Groundmen	12.92	.85+8%%
PLUMBERS & PIPEFITTERS:		
Franklin County (West 3/4 of Co., including the City of Frankfurt):		
Pipefitters	17.10	3.22
SHEET METAL WORKERS	17.22	3.75
SPRINKLER FITTERS	16.47	3.23

DECISION NO. KY82-1067	Basic Hourly Rates	Fringe Benefits
Mod # 3		
(47 FR 46227 - October 15, 1982)		
HARDIN, JEFFERSON, & MEADE COUNTIES, KENTUCKY		
CHANGE:		
ASBESTOS WORKERS	$16.57	3.07
CEMENT MASONS	13.14	3.32
LINE CONSTRUCTION:		
Linemen, Line Truck Ops., & Mechanized Equip. Ops.	16.44	1.25 + 13%%
Backhoe Operator	13.16	1.25 + 13%%
Trencher Operator	12.34	1.25 + 13%%
Truck Driver	11.52	1.25 + 13%%
Groundmen	10.21	1.25 + 13%%
MILLWRIGHTS	14.85	2.90
PIPEFITTERS:		
Area 1	16.25	3.22
Area 2	16.85	3.22
Area 3	17.10	3.22

DECISION NO. KY82-1067 Mod # 3 (Cont'd)	Basic Hourly Rates	Fringe Benefits
CHANGE: (Cont'd)		
SHEET METAL WORKERS	$17.22	3.75
SPRINKLER FITTERS	16.47	3.23

DECISION NO. KY82-1071	Basic Hourly Rates	Fringe Benefits
Mod # 2		
(47 FR 47153 - October 22, 1982)		
BOONE, CAMPBELL, KENTON, & PENDLETON COUNTIES, KENTUCKY		
CHANGE:		
BRICKLAYERS & STONE MASONS	17.225	1.99
ELEVATOR CONSTRUCTORS:		
Mechanics	15.65	2.33 + a
Helpers	10.955	2.33 + a
Probationary Helpers	7.825	
LATHERS (Except Pendleton County)	16.62	2.625
SHEET METAL WORKERS:		
Pendleton County	17.22	3.75
SPRINKLER FITTERS	16.47	3.23
LABORERS - Boone, Campbell, & Kenton Cos.:		
Group A	14.75	2.60
Group B	14.85	2.60
Group C	14.90	2.60
Group D	14.95	2.60
Group E	15.10	2.60
Group F	15.25	2.60
Group G	15.50	2.60

DECISION #MO83-4047,MOD#3
48FR 29428-June 24, 1983
Statewide, Missouri

	Basic Hourly Rates	Fringe Benefits
OMIT		
Cement Masons:		
Zone 8:		
(a) Heavy Construction	$14.30	$1.95
(b) Highway Construction	14.97	1.95
Areas Covered by Cement Masons Zones:		
Zone 8 (a & b)		
Areas Covered by Carpenters & Piledrivermen Zones:		
Zone 4 - Buchanan, Clinton & Johnson Counties		
ADD:		
Cement Masons:		
Zone 8	14.30	1.95
Areas Covered by Cement Masons Zones:		
Zone 8-Andrew,Atchison,Buchanan,Caldwell Clinton,Daviess, DeKolb,Gentry,Grundy, Harrison,Holt, Livingston,Mercer, Nodaway & Worth Cos.		
Areas Covered by Carpenters & Piledriver:		
Zone 3 - Buchanan, Clinton & Johnson Counties		
CHANGE:		
Laborers:		
Zone 6:		
General Laborer	14.425	2.55
Dynamiter or Powderman	14.925	2.55
Carpenters & Piledrivermen:		
Zone 3	15.40	2.23
Zone 4	14.80	2.23

DECISION NO. NJ83-3015 - Mod. #6
(48 FR 27991 - June 17, 1983)
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits
Change:		
Air Conditioning and Refrigeration Mechanic:		
Group 1	$13.85	$1.15+a
Bricklayers, Cement Masons, Plasterers and Stonemasons:		
Zone 1	15.21	3.30
Zone 2	15.62	4.48
Carpenters, Insulators, and Millwrights:		
Zone 2	16.40	3.60
Zone 5:		
Carpenters and Insulators	16.63	20.5%
Millwrights	17.13	20.5%
Zone 6:		
Carpenters and Insulators	16.70	20.5%
Millwrights	17.20	20.5%
Divers and Diver Tenders:		
Zone 1:		
Divers	20.87	6.68
Diver Tenders	16.27	6.68
Ironworkers:		
Reinforcing, Ornamental, and Structural:		
Zone 1	18.70	3.45
Zone 2	17.15	6.11
Pipefitters:		
Zone 2	16.62	5.81
Zone 3	17.67	3.76
Add:		
Carpenters:		
Zone 3:		
Warren County (all Townships)		
Pipefitters:		
Zone 2:		
Warren County (Phillipsburg Township)		
Plumbers:		
Zone 2:		
Warren County (Phillipsburg Township)		

DECISION NO. NJ83-3026 - Mod. #1
(48 FR 34624 - July 29, 1983)
Bergen, Essex, Hudson, and Passaic Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits
Change:		
Air Conditioning and Refrigeration Mechanics:		
Group 1	$13.85	$1.15+a
Bricklayers, Cement Masons, Plasterers, and Stonemasons:		
Zone 1	15.21	3.30
Zone 2	16.99	2.82
Zone 3	15.62	4.40
Carpenters, Insulators, and Millwrights:		
Zone 2:		
Carpenters and Insulators	16.70	20.5%
Zone 4:		
Carpenters and Insulators	16.63	20.5%
Millwrights	17.13	20.5%
Divers and Diver Tenders:		
Divers	20.27	6.68
Diver Tenders	16.27	6.68
Ironworkers:		
Ironworkers, Reinforcing:		
Ornamental and Structural	17.15	6.11
Power Equipment Operators:		
Construction, repairs and alterations of dwellings such as a home, duplex, town house or walk-up apartment, 3 stories 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 Residential Construction (up to and including 4 stories):		
Group 1	$21.67	$4.80+a
Group 2	20.88	4.80+a
Group 3	18.17	4.80+a
Group 4	16.54	4.80+a
Group 5	14.83	4.80+a
Group 6	23.49	4.80+a

DECISION NO. NJ83-3026 (Cont'd)

CLASSIFICATION DESCRIPTIONS

POWER EQUIPMENT OPERATORS
Other Residential Construction (up to and including 4 stories)

Group 1: Autograde, combination Sub-grader; Base Metal Spreader and 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 Hoe Ram; 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

Group 2: "A" Frame; Backhoe (combination); Boom Attachment on Loaders (rate based on size of bucket)(not applicable to Pipe-hook); Boring and Drilling Machines; Brush Chopper; Shredder and Tree Shredder; Tree Shearer; Cableways; Carryalls; Concrete Pumps; Concrete Pumping System; Pumpcrete and 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 types 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; Hydro-axle; Jacks, Screw Air Hydraulic, power operated unit or console type (not hand Jack or Pile Load Test type); Log Skidder; Pans; Pavers (all) Concrete; Pumpcrete Machines; Squeezecrete and Concrete Pumping (regardless of size); Scrapers; Sidebooms; Straddle Carrier; Ross and similar types and Winch Trucks (hoisting)

DECISION NO. NJ83-3026 (Cont'd)

Group 3: Asphalt Curbing Machine; Asphalt Plant Engineer; Asphalt Spreader; Autograde Tube Finisher and Texturing Machine (CMI and similar types); Autograde Curecrete Machine (CMI and similar types); Autograde Curb Trimmer and Sidewalk, Shoulder; Slipform (CMI and similar types); Bar Bending Machines (power); Batchers; Batching Plant and 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 Purpose 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 and Cutters (ride on type); Concrete Spreaders, Hetzel; 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); Dumpster; Elevator; Fireman; Fork Lifts (Economobile, Lull and similar types of equipment); Front End Loaders (1 yd. and over but less than 2 yds); Generators (2 or 3) in battery; Giraffe Grinders; Graders and 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 (excepting Paving Mixers); Motor Patrols and 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 Digger (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 and maintaining; Tractors; Tug Captain; Vibrating Plants (used in conjunction with unloading) and Welder and Repair Mechanics

Group 4: Brooms and Sweepers; Chippers; Compressor (single); Concrete Spreaders (small type); Conveyor Loaders (not including Elevator Graders); Engines, large diesel (1620 HP) 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 Mixers, concrete, small; Mulching Equipment (operation and maintenance); Pumps (2 or less, than 4 inch suction); Pumps (4 in. suction and over including submersible pumps); Pumps (diesel engine and hydraulic) immaterial of power; 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 Spreader; 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 converters or any type, single, two or three in a battery); Welding System, multiple (rectifier Transformer type); Trucks and Wellpoint Systems

DECISION NO. NJ83-3026 (Cont'd)

Group 5: Oiler

Group 6: 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 preceeding the holiday and the first work day after the holiday.

DECISION NO. NJ83-3016 - MOD. #7
(48 FR 28003 - June 17, 1983)

	Basic Hourly Rates	Fringe Benefits
Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties, New Jersey		
CHANGE:		
AIR CONDITION AND REFRIGERATION MECHANIC:		
Group 1	$13.85	1.15+a
BRICKLAYERS, STONE MASONS, MARBLE MASONS, CEMENT MASONS, PLASTERERS, TILE LAYERS & TERRAZZO WORKERS:		
Zone 4	16.40	2.13
CARPENTERS, MILLWRIGHTS, & INSULATORS:		
Zone 4		
Carpenters		
Insulators & Millwrights	16.40	3.60
Zone 5		
Carpenters & Insulators	16.63	20.5%
Millwrights	17.13	20.5%
DIVERS & DIVERS TENDENS:		
Zone 1		
Divers	20.87	6.68
Diver Tenders	16.27	6.68
DOCK BUILDERS & PILEDRIVERMEN:		
Zone 1	14.82	6.16
Zone 2	17.36	6.60
IRONWORKERS:		
REINFORCING, ORNAMENTAL, STRUCUTURE:		
Zone 3	18.40	3.75

	Basic Hourly Rates	Fringe Benefits
DECISION #NM83-4032-Mod.#10		
46FR16413-April 15, 1983		
STATEWIDE, NEW MEXICO		
CHANGE:		
Sprinkler fitters IN DESCRIPTION OF WORK WHERE COUNTIES ARE SPECIFIED FOR RESIDENTIAL CONSTRUCTION, INCLUDE "Cibola County".	$16.17	3.15
PAINTERS (RESIDENTIAL CONSTRUCTION) Area Definition published in Federal Register dated July 1, 1983 on modification #6 to read "Bernalillo, Cibola, Rio Arriba, Sandoval, Taos, Santa Fe, and Valencia Counties".		

DECISION NO. NJ83-3042		
MOD. NO. 1		
(48 FR 37809 - August 19, 1983)		
Statewide, Rhode Island		
CHANGE:		
HEAVY & HIGHWAY CONSTRUCTION:		
ELECTRICIANS:		
Tiverton & Little Compton	$14.90	16⅔%
Westerly Township	16.80	4.65+ 3.5%
Remainder of State	16.85	29%+ .04

STATE: Indiana COUNTIES: *See Below
DECISION NUMBER: IN83-2071 DATE: Date of Publication
Supersedes Decision No. IN83-2029, dated April 8, 1983 in 48 FR 15417
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories)

*Adams, Allen, Bartholomew, Benton, Blackford, Boone, Carroll, Cass, Clinton, DeKalb, Delaware, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Monroe, Montgomery, Morgan, Noble, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White, & Whitley

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Area 1	17.20	2.32
Area 2	17.46	2.88
Area 3	17.75	2.70
BOILERMAKERS	18.655	3.58
BRICKLAYERS; CAULKERS; POINTERS; CLEANERS & STONEMASONS:		
Area 1:		
Regular Commercial	15.36	1.92
Reduced Commercial: (applies to single story office bldg. up to 10,000 sq. ft., warehouses & metal bldgs. up to 30,000 sq. ft.) 80% OF REGULAR RATE		
Area 2	14.80	1.77
Area 3	15.47	1.62
Area 4	14.85	2.56
Area 5	16.74	1.68
Area 6	15.47	3.61
Area 7	15.06	2.22
Area 8	14.88	2.80
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN & SOFT FLOOR LAYERS:		
Area 1		
Carpenters & Soft Floor Layers	14.68	2.02
Millwrights	15.43	2.09
Piledrivermen	14.88	2.02
Area 2:		
Regular Commercial:		
Carpenters & Soft Floor Layers	13.40	2.52
Millwrights & Piledrivermen	17.80	2.52
Reduced Commercial: (applies to Small office bldgs. under 10,000 sq. ft. & metal bldgs. (Pre-Engineered) 30,000 sq. ft. or less) 75% OF REGULAR RATE		
Area 3:		
Carpenters & Millwrights	15.78	3.25

	Basic Hourly Rates	Fringe Benefits
Area 4:		
Carpenters & Soft Floor Layers	13.84	2.00
Millwrights	14.61	2.00
Piledrivermen	14.36	2.00
Area 5:		
Carpenters & Soft Floor Layers	15.36	2.17
Millwrights & Piledrivermen	15.71	2.17
Area 6:		
Carpenters & Soft Floor Layers	13.63	2.35
Millwrights	13.93	2.35
Piledrivermen	13.83	2.35
Area 7:		
Carpenters & Soft Floor Layers	15.75	2.34
Millwrights	16.50	2.34
Piledrivermen	16.00	2.34
CEMENT MASONS:		
Area 1	12.85	1.57
Area 2	14.70	
Area 3	14.33	2.60
Area 4	13.70	1.85
Area 5	14.10	1.85
Area 6	14.73	3.54
Area 7	14.16	2.38
Area 8	13.50	
Area 9	16.35	1.00
ELECTRICIANS:		
Area 1	17.70	1.83+ 3%
Area 2	17.50	1.83+ 3%
Area 3	17.50	1.83+ 3%
Area 4	16.30	2.27 +3.2%
Area 5	18.15	1.35 +3.2%
Area 6	17.37	1.35 +3%%
Area 7	17.30	1.88+ 3%

DECISION NO. IN83-2071

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
Linemen, Groundman Equipment Operators	17.25	.65+ 8.5%
Groundman - Truck Driver W/Winch	14.21	.65+ 8.5%
Groundman - Truck Driver W/O Winch	13.38	.65+ 8.5%
Groundman	12.78	.65+ 8.5%
ELEVATOR CONSTRUCTORS:		
Area 1:		
Elevator Constructor	16.95	2.69 +a&b
Helper	70%JR	2.69 +a&b
Helpers (Prob.)	50%JR	
Area 2:		
Elevator Constructors	16.32	2.69 +a&b
Helpers	70%JR	2.69 +a&b
Helpers (Prob.)	50%JR	
Area 3:		
Elevator Constructors	17.265	2.69 +a&b
Helpers	70%JR	2.69 +a&b
Helpers (Prob.)	50%JR	
GLAZIERS:		
Area 1	15.44	1.14c
Area 2	13.97	.01+ 16%
Area 3	16.55	1.65
Area 4	19.45	
IRONWORKERS:		
Area 1	15.00	6.11
Area 2	17.05	3.60 + 1%
Area 3	14.79	4.22
Area 4	14.90	5.06
Area 5	16.90	3.60 + 1%
Area 6	15.25	4.60
MARBLE SETTERS; TILE SETTERS & TERRAZO WORKERS:		
Area 1:		
Marble Setter	15.36	1.92
Area 2	14.80	2.02
Area 3	15.47	1.62
Area 4:		
Tile Setter	14.85	2.56
Area 5:		
Marble & Tile Setters	17.71	1.39
Terrazzo & Mosaic Workers	17.46	1.63
Area 6	13.00	3.57
Area 7	15.06	2.22
MARBLE & TILE SETTERS		
FINISHERS:		
Area 1	14.05	c4g
Area 2	11.00	
Area 3	14.86	
TERRAZO WORKERS		
FINISHERS:		
Area 1	14.18	c4g
Area 2	11.00	
Area 3	12.60	
PAINTERS:		
Area 1:		
Brush, Roller, Taping and Paperhangers	12.75	2.17
Spray & Sandblasting	13.75	2.17
Area 2:		
Brush, Paperhangers, & Tapers	11.65	1.75
Spray & Sandblasting	12.65	1.75
Area 3:		
Brush, Roller, Drywall Tapers & Finishers, & Paperhangers	14.65	1.70
Spray	17.92	1.70
Structural Steel	14.90	1.70
Sandblasting	15.65	1.70
Area 4:		
Brush, Roller, Drywall Tapers & Finishers, & Paperhangers	15.30	1.40
Spray & Sandblasting	16.30	1.40
Area 5:		
Brush, Drywall, Roller & Paperhanger	11.67	
Structural Steel	12.42	
Spray & Sandblasting	12.67	
Area 6:		
Brush, Roller, Drywall Taping and Finishing, & Paperhanging	15.80	
Spray & Sandblasting	16.80	
Area 7:		
Brush	14.70	2.40
Spray & Sandblasting	15.45	2.40
Drywall Taping	15.75	2.40
Area 8:		
Painters, Drywall Tapers and Finishers	12.56	2.03

DECISION NO. IN83-2071

	Basic Hourly Rates	Fringe Benefits
PLASTERERS:		
Area 1	13.48	1.40
Area 2	14.70	
Area 3	14.35	1.55
Area 4	13.40	.86
Area 5	15.73	1.52
Area 6	13.20	1.22
Area 7	13.48	2.50
Area 8	16.35	1.00
Area 9	14.59	3.54
PLUMBERS & STEAMFITTERS:		
Area 1	17.68	2.87
Area 2	18.11	2.05
Area 3	17.85	2.51
Area 4	18.40	2.60
Area 5	16.18	2.45
Area 6	17.95	2.65
Area 7	19.92	2.20
ROOFERS:		
Area 1	15.00	.50
Area 2:		
Composition	15.32	2.00
Slate and Tile	15.57	2.00
Area 3:		
Composition	15.45	1.78
Slate and Tile	15.70	1.78
Area 4	13.10	1.35
Area 5:		
Composition	14.60	2.55
Slate & Tile	15.10	2.55
SHEET METAL WORKERS:		
Area 1	17.66	2.46 +3%
Area 2	17.61	2.62 +3%
Area 3	17.68	2.16 +3%
Area 4	16.46	2.16
SPRINKLER FITTERS	16.67	3.23
LABORERS:		
Area 1:		
Group 1	10.70	1.94
Group 2	10.90	1.94
Group 3	11.00	1.94
Group 4	11.70	1.94
Area 2:		
Group 1	11.23	1.94
Group 2	11.43	1.94
Group 3	11.53	1.94
Group 4	12.23	1.94
Area 3:		
Group 1	11.48	1.94
Group 2	11.68	1.94
Group 3	11.78	1.94
Group 4	12.48	1.94
Area 4:		
Group 1	12.25	1.94
Group 2	12.45	1.94
Group 3	12.55	1.94
Group 4	13.25	1.94
Area 5:		
Group 1	11.63	1.94
Group 2	11.83	1.94
Group 3	11.93	1.94
Group 4	12.63	1.94
Area 6:		
Group 1	11.58	1.94
Group 2	11.78	1.94
Group 3	11.88	1.94
Group 4	12.58	1.94
POWER EQUIPMENT OPERATORS:		
Area 1:		
Group 1	16.20	4.15
Group 2	15.30	4.15
Group 3	14.85	4.15
Group 4	14.05	4.15
Group 5	13.25	4.15
Area 2:		
Group 1	13.60	1.58
Group 2	13.40	1.58
Group 3	8.55	1.58
Area 3:		
Group 1	15.68	2.20
Group 2	14.38	2.20
Group 3	13.55	2.20
Area 4:		
Group 1	16.75	2.20
Group 2	15.80	2.20
Group 3	12.80	2.20
Group 4	11.30	2.20
TRUCK DRIVERS:		
Area 1:		
Group 1	12.62	$91.00 +e
Group 2	12.69	$91.00 +e
Group 3	12.77	$91.00 +e

DECISION NO. IN83-2071

TRUCK DRIVERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits
Area 2:		
Group 1	11.16	$81.00 +e
Group 2	11.26	$81.00 +e
Group 3	11.46	$81.00 +e
Group 4	11.31	$81.00 +e
Group 5	11.01	$81.00 +e
Group 6	11.11	$81.00 +e
Group 7	11.46	$81.00 +e
Area 3:		
Group 1	11.505	$65.00 +f
Group 2	11.715	$65.50 +f
Group 3	11.825	$65.50 +f
Group 4	11.875	$65.50 +f
Group 5	11.925	$65.50 +f
Area 4:		
Group 1	12.95	$76.50 +e
Group 2	13.00	$76.50 +e
Group 3	13.10	$76.50 +e
Group 4	13.15	$76.50 +e
Group 5	13.20	$76.50 +e
Group 6	13.30	$76.50 +e
Group 7	13.40	$76.50 +e
Group 8	13.45	$76.50 +e
Group 9	13.60	$76.50 +e
Group 10	13.65	$76.50 +e

Basic Hourly Rates	Fringe Benefits

DECISION NO. IN83-2071

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 7 Paid Holidays: A through F, & Day after Thanksgiving Day
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 6% for employee who has worked in business less than 5 years
c. 6 Paid Holidays: A through F, provided such employees work the last scheduled day prior to and the next scheduled work day after the holiday unless permission for not working on such day is granted by the employer
d. Per week per employee
e. One week's paid vacation after one year's employment; two weeks' paid vacation after three years employment; three weeks' paid vacation after ten years employment (1000 hours from May 1 up to and including April 30 to qualify in area 1, 1000 hours during previous 12 mos. in Area 2)
f. Paid Vacation - 1 year service - 1 week; 10 years - 2 weeks, 15 years - 3 weeks (1350 hours per calander year to qualify)
g. Health Insurance: Single Plan - $.92, Family Plan - $1.12

AREA DESCRIPTIONS

ASBESTOS WORKERS

Area 1: Adams, Allen, Blackford, DeKalb, Grant, Huntington, Jay, Miami, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2: Cass, Fulton & White Counties
Area 3: Remaining Counties

BRICKLAYERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, and Whitley Counties
Area 2: Bartholomew and Monroe Counties
Area 3: Benton, Carroll, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass & Fulton Counties
Area 7: Grant & Wabash Counties
Area 8: Howard & Miami Counties

DECISION NO. IN83-2071

AREA DESCRIPTIONS (CONT'D)

CARPENTERS

Area 1: Adams, Cass, Fulton, Grant, Howard, Huntington, Miami, Tipton, Wabash, and Wells Counties
Area 2: Allen, DeKalb, Noble, Steuben, & Whitley Counties
Area 3: Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (excl. Edinburgh), Marion, Montgomery, Morgan (Excl. Twps. of Washington & Baker), Shelby (Camp Atterbury area, Moral & Van Buren Twps), and Warren Counties
Area 4: Remainders of Bartholomew, Johnson and Shelby Counties
Area 5: Benton, Carroll, Clinton, Tippecanoe & White Counties
Area 6: Blackford, Delaware, Jay, and Madison Counties
Area 7: Monroe County and Remainder of Morgan County

CEMENT MASONS

Area 1: Adams, Allen, DeKalb, Noble, Steuben, and Whitley Counties
Area 2: Bartholomew and Shelby (except parts ending at Pleasant View)
Area 3: Benton (E 2/3), Carroll, Cass, Clinton, Fountain (E½), Howard, Miami, Montgomery, Tippecanoe, Warren (NE ¼) and White Counties
Area 4: Blackford, Delaware, Grant, Huntington, Jay, Wabash & Wells Counties
Area 5: Boone, Hamilton (S½ of County N. to New Rte Ind. 32 including Noblesville), Hancock County (S. W. Corner N. to but not including Wilkinson & E. to but not including Fortville), Hendricks, Johnson, Marion, Morgan (N½), Shelby (parts of County ending at Pleasant View)
Area 6: Fulton County
Area 7: Madison, Tipton and the Remainders of Hamilton and Hancock Counties
Area 8: Monroe County and Remainder of Morgan County
Area 9: Remainders of Benton, Fountain & Warren Cos.

ELECTRICIANS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells and Whitley Counties
Area 2: Bartholomew, Boone, Hamilton, Hancock, Hendrickr, Johnson, Madison, Marion, Montogmery, Morgan and Shelby Counties
Area 3: Benton, Carroll, Cass, Fulton, Tippecanoe, and White Counties
Area 4: Blackford, Delaware and Jay Counties
Area 5: Clinton, Grant, Howard, Miami, Tipton & Wabash Counties
Area 6: Fountain and Warren Counties
Area 7: Monroe County

DECISION NO. IN83-2071

AREA DESCRIPTIONS (CONT'D)

ELEVATOR CONSTRUCTORS

Area 1: Adams, Allen, Blackford, DeKalb, Huntington, Jay, Miami, Noble, Steuben, Wabash, Wells, & Whitley Counties
Area 2: Cass, Fulton & White Counties
Area 3: Remainder of Counties

GLAZIERS

Area 1: Adams, Allen, Blackford, Cass (NE Corner), DeKalb, Fulton (E Tip), Grant, Huntington, Jay, Miami (N 2/3 exclu. NW Tip) Noble (exclu. N. W. Tip), Steuben, Wabash, Wells and Whitley Counties
Area 2: Cass (NW 2/3), Fulton (Rem. of Co.), White (NE Corner) Counties
Area 3: Benton (NE 1/3), White (NW 1/3)
Area 4: Remainder of Cos.

IRONWORKERS

Area 1: Adams, Allen, Blackford, DeKalb, Delaware (North-eastern 1/3 of Co.), Fulton (E Part), Grant (excl. South-western portion) Huntington, Jay, Miami (NE ¼), Noble (Ex. NE Tip), Steuben, Wabash, Wells, & Whitley Cos.
Area 2: Bartholomew, Boone (excluding NW¼), Clinton (E½), Delaware (S 2/3 of Co.), Grant (SW Portion), Hamilton, Hancock, Hendricks, Howard (SE 1/3), Johnson, Madison, Monroe (NE 2/3), Montgomery (SE Tip), Morgan, Shelby, & Tipton (excl. NW Tip) Counties
Area 3: Benton, Boone (NW¼), Cass, Carroll, Clinton (Rem. of Co.), Fountain, Fulton (SW ¼), Howard (Rem. of Co.), Miami (SW ¼), Montgomery (Remainder of Co.), Tippecanoe, Tipton (NW¼), Warren & White Counties
Area 4: Fulton (Rem. of Co.), Noble (NE Tip)
Area 5: Marion County
Area 6: Monroe (Rem. of Co.)

MARBLE, TILE & TERRAZZO WORKERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, & Whitley Counties
Area 2: Bartholomew & Monroe Counties
Area 3: Benton, Carroll, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

DECISION NO. IN83-2071

AREA DESCRIPTIONS (CONT'D)

MARBLE & TILE SETTERS' FINISHERS

Area 1: Fulton County
Area 2: Allen, DeKalb, Noble, Steuben & Whitley Cos.
Area 3: Adams, Bartholomew, Blackford, Boone, Clinton, Delaware, Fountain, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Monroe, Montgomery, Morgan, Marion, Shelby, Tippecanoe, Tipton, Wabash & Wells Counties

TERRAZZO WORKERS' FINISHERS

Area 1: Fulton County
Area 2: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wabash, Wells, & Whitley Cos.
Area 3: Remainder of Counties (excl. Miami County)

PAINTERS

Area 1: Adams, Allen, DeKalb, Grant, Huntington, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2: Blackford, Delaware, Howard, Jay, Madison, Miami, & Tipton Counties
Area 3: Benton, Carroll, Cass, Clinton, Fountain, Montgomery, Tippecanoe, & Warren Counties
Area 4: Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan & Shelby Counties
Area 5: Monroe County
Area 6: Bartholomew County
Area 7: White County
Area 8: Fulton County

PLASTERERS

Area 1: Adams, Allen, DeKalb, Noble, Steuben, & Whitley Counties
Area 2: Bartholomew & Shelby (ex. parts ending at Pleasant View) Counties
Area 3: Benton (E. 2/3 W. to & incl. Boswell, Earl, Parke & Raub), Carroll, Cass, Clinton, Fountain (W. to & incl. Attica, in the N. & W. to but Excl. Veedersburg in the South), Howard, Miami, Montgomery, Tippecanoe, Warren (NE. ¼ of Judyville, & S. to & Incl. Kramer) & White Counties
Area 4: Blackford, Delaware, Grant, Jay, & Wabash Counties
Area 5: Boone, Hamilton (S. of Ind. Rte 32), Hancock (S. of State Rte. 234 & W. of County Rd 300-W), Hendricks, Johnson, Marion, Morgan (N½), and Shelby (Parts of Co. ending of Pleasant View) Counties
Area 6: Monroe County and Remainder of Morgan County
Area 7: Remainder of Hamilton and Hancock Counties, Madison & Tipton Counties
Area 8: Remainder of Benton, Fountain & Warren Counties
Area 9: Fulton County

DECISION NO. IN83-2071

AREA DECSRIPTIONS (CONT'D)

PLUMBERS & STEAMFITTERS

Area 1: Adams, Allen, Blackford, DeKalb, Grant, Huntington, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2: Bartholomew (excluding Camp Atterbury)
Area 3: Bartholomew (Camp Atterbury), Boone, Hamilton, Hancock, Hendricks, Howard, Johnson, Marion, Miami (S. of a straight line where Rt. 218 enters W. boundary), Morgan, Shelby & Tipton Counties
Area 4: Benton, Carroll, Clinton, Fountain, Montgomery, Tippecanoe, Warren & White Counties
Area 5: Cass, Fulton & the Remainder of Miami Counties
Area 6: Delaware, Jay & Madison Counties
Area 7: Monroe County

ROOFERS

Area 1: Adams, Allen, DeKalb, Noble, Steuben, Wells, & Whitley Counties
Area 2: Bartholomew, Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Monroe, Morgan, & Shelby Counties
Area 3: Benton, Carroll, Cass, Clinton, Fountain, Montgomery, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Grant, Howard, Huntington, Jay, Madison, Miami, Tipton & Wabash Counties
Area 5: Fulton County

SHEET METAL WORKERS

Area 1: Adams, Allen, Blackford, Cass, DeKalb, Grant, Howard, Huntington, Jay, Miami, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2: Bartholomew, Boone, Delaware, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Monroe, Morgan, Shelby, & Tipton Counties
Area 3: Benton, Carroll, Clinton, Fountain, Montgomery, Tippecanoe, Warren & White Counties
Area 4: Fulton County

LABORERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2: Blackford, Delaware, Grant, Hancock, Hamilton, Jay, & Madison Counties
Area 3: Benton, Boone, Carroll, Cass, Clinton, Fulton, Howard, Maimi, Montgomery, Tippecanoe, Tipton & White Counties
Area 4: Marion & Shelby Counties
Area 5: Fountain, Hendricks & Warren Counties
Area 6: Bartholomew, Johnson, Monroe & Morgan Counties

DECISION NO. IN83-2071

AREA DESCRIPTIONS (CONT'D)

POWER EQUIPMENT OPERATORS

Area 1: Fulton & Noble Counties
Area 2: Boone, Fountain, Hendricks, Monroe, Montgomery, Morgan, & Warren Counties
Area 3: Bartholomew County
Area 4: Remainder of Counties

TRUCK DRIVERS

Area 1: Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, & Shelby Counties
Area 2: Benton, Carroll, Cass, Clinton, Fountain, Howard, Miami, Montgomery, Tippecanoe, Tipton, Wabash, Warren & White Counties
Area 3: Fulton County
Area 4: Bartholomew, Blackford, Delaware, Grant, Jay, Madison, & Monroe Counties

CLASSIFICATION DEFINITIONS

LABORERS AREA 1

Group 1 - Building & Construction Laborers; Scaffold Builders other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Window Washers & Cleaners; Roofer's Tenders; Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Tenders; Carpenter Tenders; Mason Tenders; All Portable Water Pumps with Discharge Up to 3 inches
Group 2 - Waterproofing; Handling of Creosote Lumber of Like Treated Material (excluding railroad material); Asphalt Rakers & Lutemen; Kettlemen; Air Tool Operators; Air & Electric Vibrators; Chipping Hammer Operators and All Pneumatic Tool Operators; Jackmen & Sheet Men Working Ditches deeper than 6 ft. in depth; Laborers Working Ditches 6 ft. in depth or Deeper; Assembly of Unicrete Pump, Chain Saw & Demolition Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layer (metallic or non-metallic); Motor Driven Wheebarrows & Concrete Buggies; Hyster Operators; Pump Crete Assemblers; Concrete Conveyor Assemblers; Core Drill Operator, Cement, Lime or Silia Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Maine & Cable Ducking (metallic non-metallic; Screed Man or Screw Op. on Asphalt Paver; Earth Compactor
Group 3 - Plasterers' Tenders; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when working for Plasterers
Group 4 - Dynamite Men; Drillers - Air Track or Wagon Drilling for Explosives

DECISION NO. IN83-2071

CLASSIFICATION DEFINITIONS (CONT'D)

LABORERS AREAS 2-3-4-5-6

Group 1 - Building and Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Window Washers and Cleaners; Water Boys and Tool Housemen; Roofers Tenders; Railroad Workers; Masonry Wall Washers; Cement Finishers Tenders; Carpenter Tenders; Portable Water Pumps with Discharge up to 3 inches
Group 2 - Waterproofing; Hauling of Creosote Lumber or like treated material (exclu. railroad material); Asphalt Rakers and Lutemen; Kettlemen; Air Tool Oper.; Pneumatic Tool Op.; Air & Electric Vibrators and Chipping Hammer Op.; Earth compactors; Jackman & Sheetmen in Ditches more than 6 feet Deep; Laborers in ditches 6' deep or deeper; Assemply of Unicrete Pump; Tile Layers (sewer or field); Sewer Pipe Layers; Motor Driven Wheelbarrows and Concrete Buggies; Hyster Op.; Pump Crete Assemblers; Core Drill Op.; Cement, Lime or Silica Clay Handlers; Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Op.; Water Main & Cable Ducking; Screed Man or Screw Op. On Asphalt Paver; Chain Saw & Demolition Saw Op.; Concrete Conveyor Assembler
Group 3 - Plaster Tenders; Mason Tender; Mortar Mixers; Welders; Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders for Plasterers; Scaffold Builders for Masons; Water Blast Mach. Op.
Group 4 - Dynamite Men, Drillers - Air Track or Wagon Drilling for Explosives

POWER EQUIPMENT OPERATORS AREA 1

Group 1 - Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Benoto (requires two Engineers), Boiler and Throttle Valve Boring Machine (road); Caisson Rigs; Central Redi-Mix Plant; Concrete Conveyor Systems; Concrete Power over 27E cu. ft.; Concrete Paver 27E cu. ft. and under; Concrete Placer; Concrete Pumps (truck mounted); Concrete Tower, Cranes & Backhoe, all attachments; Cranes, Hammerhead; Creter Cranes; Derricks, All; Forklift capable of Hoisting and mechanically moving Forks horizontally; Grader, Elevating; Highlift Shovels or Front Endloader; Hoists, Two or more Drums; Locomotives, All; Motor Patrol; Pile Drivers and Skid Rig; Pre-stress Machine; Rock Drill (self-propelled); Rock Drill (truck mounted); Scoops - Tractor Drawn; Slip - Form Paver; Tournapull; Tractor with Boom, and Side Boom; Trenching Machines 12 or more inches in width

Group 2 - Combination Backhoe Front End Loader Machine with backhoe bucket or with attachments

CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS AREA 1 (CONT'D)

Group 3 - Air Compressor 600 cu. ft. and over; Bobcat (over 3/4 cu. yd.); Boilers; Broom, All Power Propelled; Bull Dozers; Compressor and Throttle Valve; Concrete Breaker (Truck mounted); Concrete Mixer of more than 21 cu. ft. capacity; Forklift with a fixed or tilt mast; Greaser Engineer; Hoists, One Drum; Hydraulic Boom Trucks; Post Hole Digger (vehicle mounted); Pump Cretes; Squeeze Crete Screw Type Pumps, Gypsum Bulker and Pump; Roller, All; Steam Generators; Stone Crushers; Straddle Buggies; Tractors; Winch Trucks with "A" Frame

Group 4 - Buck Hoist; Combination - Small Equipment Operator, Conveyor, Portable; Grouting Machines; Hoist Elevators Matl. & personnel; Hydraulic Power Units Grouting and Pile Driving; Stud Driving; Trenching Machines less than 12 inches in width, Welding Machines 8 through 15

Group 5 - Bobcat (up to and including 3/4 cu. yds.); Compressor over 210 cu. ft. and less than 600 cu. ft.; Generators - over 50KW; Heaters, Mechanical; Hoists, All Elevators (perm. installation); Hoist, Automatic; Hoist, Tugger Single Drum; Oilers; Pumps, Well Points and Electric Submersibles; Small Rubber Tired End Loaders ¼ cu. yd. and under; Tractors, Farm Type; Welding Machines (2 through 8)

AREA 2

Group 1 - Utility Operator

Group 2 - Power Cranes, Draglines, Derrick, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and maintenance of All Equipment, Tractor Highlift, Fork Lifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor Boom or Winch Truck, Truck Cranes, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Ross Carrier or Similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressor, Hetherington Paver Operator, Farm Tractor with half Yard Bucket and or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipmrnt, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machines, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machines, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractors without Winch, Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System, Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mower Helicopter Crew (3), Pile Driver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, All one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loader, Hydra Crane, Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled Winch Hydraulic Boom Truck

CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS - AREA 2 (CONTd)

Group 3 - Mixers 14S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine, Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tugger, Truck Crane Drivers, House Elevator when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Fireman, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Diggers, Self-Propelled Concrete Saw, Striping Machine (Motor driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operators to do winter Repair Work in Shop between November 1st and March 1st, Concrete Buggies Motor Driven, Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine Concrete & Blacktop Curb Machine, Deck Hands

POWER EQUIPMENT OPERATORS AREA 3

Group 1 - A-Frame Winch Truck, Air Compressors over 600 cu. ft., Air Tugger, Autograde (CMI), Auto Patrol, Backhoe, Ballast Regulator (RR), Batcher Plant (electrical control concrete), Bending Machine (pipe), Bituminous Plant (engineer), Bituminous Plant, Bituminous Mixer Travel Plant, Bituminous Paver, Bituminous Roller, Buck Hoist, Bull Dozer, Cable Way, Chicago Boom, Clamshell, Concrete Mixer (21 cu. ft. or over), Concrete Paver, Concrete Pump (crete), Crane, Craneman, Crusher Plant, Derrick, Derrick Boat, Dinkey, Dope Pots (pipeline), Dragline, Dredge Operator, Dredge Engineer, Drill Operator, Elevating Grader, Elevator, Ford Boe

POWER EQUIPMENT OPERATORS - AREA 3 (CONT'D)

(or similar type equipment), Forklift, Formless Paver, Gantry Crane, Gradall, Grademan, Grout Pump, Helicopter Crew, Hetherington Paver, High-Lift, Hoist, Hopto, Hough Loader (or similar type), Hydro Crane, Hydro Hammer, Locomotive Crane, Locomotive, Mechanic, Mobile Mixer, Motor Crane, Mucking Machine, Multiple Tamping Machine (RR), Overhead Crane, Pile Driver, Pulls, Push Dozer, Push Boats, Roller (sheep foot), Ross Carrier, Scoop, Shovel, Side Boom, Swing Crane, Tail Boom, Tar Machine (pipeline), Throttle Valve, Tower Crane, Trench Machine, Welder (heavy duty), Truck Mounted Concrete Pump, Truck-Mounted Drill, Well Point, Whirleys

Group 2 - Air Compressor (up to 600 cu. ft.), Brakeman, Bull Float, Concrete Mixer (over 10S and under 21S), Concrete Spreader or Puddler, Deck Engine, Drill Helper, Electric Vibrator Kompactor (earth or rock), Finishing Machine, Fireman, Greaser (on grease facilities servicing heavy equipment), Material Pump, Motor Boats, Motor Crane Oiler, Portable Loader, Post Hole Digger, Power Broom, Rock Roller, Roller-Wobble Wheel (earth and rock), Spike Machine (RR) Seaman Tiller, Spreader Rock, Sub Grader, Tamping Machine, Truck Mounted Drill Oiler, Welding Machine, Widener (Apsco or similar type)

Group 3 - Air Compressor (under 200 cu. ft. per min), Bituminous Distributor, Cement Gun, Concrete Saw, Conveyor, Deck Hand Oiler, Earth Roller, Form Grader, Generator, Guardrail Driver, Heater, Oiler, Paving Joint Machine, Power Traffic Signals, Steam Jenny, Vibrator, Water Pump, "JLG" Lifts and "Scissor" Lift or similar machine

POWER EQUIPMENT OPERATORS-AREA 4

Group 1 - Air Compressor (Pressurizing shafts, tunnels & drivers) Air Tugger, Auto Patrol, Back Filler, Backhoe, Boom Cat, Boring Machine, Bull Dozer, Caisson Drilling Machine, Cherry Picker, Compactor (with dozer blade), Concrete Mixer (dual drum) Concrete Plant, Concrete Pump, Crane with all attachments; Crane-Electric Overhead, Derrick, Ditching Machine (18" and over) Dredge, Elevators (when hoisting material or tools), Fork Lift (Machinery), Formless Paver; Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, High Lift - Front End Loader, Hoist - Material and/or personnel over 3 floors, Locomotive, Mechanic on Job Site, Mucking Machine, Panel Board Concrete Plant, Pile Driver, Push Cat, Scoops & Tractor, Scraper - Rubber Tired, Spreader - Tractor Mounted, Straddle Carrier - Ross Type, Sub Base Finish Machine (C.M.I or similar), Tower Crane, Tractor with Backhoe (over ½ yd.), Welder (craft)

POWER EQUIPMENT OPERATORS AREA 4 (CONT'D)

Group 2 - A Frame Truck, Batcher Plant (automatic dry batch), Bending Machine - Power Driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bull Float, Compactor or Tamper - Self Propelled, Concrete Mixer (21 cu. ft. or over), Concrete Spreader - Power Driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine & Bull Float, Finishing Machine, Fireman - Pile Driving and Boilers, Fork Lift - Masonry & Material, Gunite Machine, Head Greaser, Hoist - Material and/or personnel 3 floors and under, Mechanic in Shop, Mesh Depresser - Mesh Placer, P.C.C. Concrete Belt Placer, Roller - Asphalt Stone & Sub Base, Sheepsfoot Roller - Self Propelled, Shop Mule, Spreader or Based Paver - Self Propelled, Sub Grader, Throttle Valve with Air Compressor or Boiler, Tractor with Backhoe (½ yd. & under), Tractor-High Lift - Farm Type, Tractor - Industrial Type, Tractor with Winch, Well Points, Winch Truck

Group 3 - Air Compressor (210 cu. ft. & over), Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope Pot - Power Agitated, Flex Plane, Form Grader, Hydrohammer, Jack-Hydraulic-Power Driven, Minor Equipment Operator 3,4, or 5, Paving Joint Machine, Post Hole Digger, Roller - Earth, Throttle Valve, Track Jack - Power Driven Tractor - Farm Type, Truck Crane Driver

Group 4 - Air Compressor (less than 210 cu. ft.), Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Operator - 2 pieces of minor equipment, Power Broom, Pump, Welding Machine

TRUCK DRIVERS AREA 1

Group 1 - Trucks not to exceed 3 tons

Group 2 - Truck Mechanics

Group 3 - Trucks over 3 tons; Semi Trailers, Tandems (double bottom); Winch truck when used with winch

AREA 2

Group 1 - Single Axle Straight Trucks

Group 2 - Tandem Axle and Dogleg Straight Trucks

Group 3 - Tri-Axle & Semi Trucks

Group 4 - Bituminous Distributors

Group 5 - Pick-up Trucks

Group 6 - Greasers and Tiremen

Group 7 - Mechanics

DECISION NO. IN83-2071

CLASSIFICATION DEFINITIONS (CONT'D)

TRUCK TRIVERS (CONT'D)

AREA 3

Group 1 - Pick-up Trucks

Group 2 - Single Axle Trucks

Group 3 - Tandem or Fuel Trucks

Group 4 - Tri-Axle Trucks

Group 5 - Semi - Trailer

AREA 4

Group 1 - Single Axle Trucks, Low Boy Tenders, Air Compressor & Welding Machines including those pulled by cars, Pick-up Trucks, Tractors, Forklifts, Hi-Lo's Multi-Purpose Fork Lifts, Dumpsters & Val Truck when used for the specific purpose of transporting materials on the jobsite, All Pick-up Trucks (except used to transport superintendent, foremen or mechanics' transportation or to haul mechanics' tools or repair parts),

Group 2 - Mixer Trucks-2 yards

Group 3 - Batch Trucks, Wet or Dry-3 Batches or under

Group 4 - Tandem Axle Trucks (including Dog Legs), Oil Distributors, Mixers Trucks-3 yards, Winch Trucks (used for Transportation of Materials)

Group 5 - Single Axle Semi - Trucks, Batch Trucks, Wet or Dry-over 3 Batches, Pavement Breakers

Group 6 - Tandem Axle Semi Trucks, Trac-o-Trucks, Euclids, Tourn-a-Pull when pulling other than self-loading equip. up to & incl. 10 yards, Mixer Trucks-4 yds., Mechanics

Group 7 - Lowboy, Tandem-Tandem Axle Semi-Trucks

Group 8 - Trac-o-Trucks, Euclids, Tourn-a-Pull when Pulling other than self-loading equip. 11 yds. to and inclu. 16 yds., Mixer Trucks above 4 yds.

Group 9 - Trac-o-Trucks, Euclids, Tourn-a-Pull when pulling other than self-loading equip. over 16 yds., Working Foreman

Group 10 - Mechanics Tenders & Greasers

"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

COUNTIES: Statewide, except Lake, LaPorte, Porter and St. Joseph

DECISION NUMBER: IN83-2073

DATE: Date of Publication

Supersedes Decision No. IN83-2031 dated April 22, 1983, in 48 FR 17503

DESCRIPTION OF WORK: Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits
CARPENTERS; PILEDRIVERMEN:		
Area 1	$17.10	$3.77
Area 2	14.11	2.35
Area 3	14.61	3.40
Area 4	14.46	2.25
Area 5	13.76	2.55
CEMENT MASONS:		
Area 1	12.85	1.57
Area 2	15.12	1.58
Area 3	13.70	1.85
Area 4	12.45	1.80
Area 5	14.70	
Area 6	13.14	3.32
Area 7	14.85	2.10
Area 8	11.95	1.60
Area 9	15.93	2.55
Area 10	13.05	1.05
Area 11	13.50	
Area 12	14.10	1.95
Area 13	14.16	2.58
Area 14	14.33	2.60
Area 15	16.35	1.00
Area 16	14.21	3.54
Area 17	17.06	2.56
Area 18	17.00	2.93
IRONWORKERS:		
Area 1	15.00	6.11
Area 2	14.90	5.06
Area 3	17.80	3.67
Area 4:		
Heavy Construction	14.25	4.72
Airport, Bridge, and Highway Construction	13.50	4.72
Area 5	16.90	3.60+ 1%
Area 6	17.05	3.60+ 1%
Area 7	14.79	4.22
Area 8	17.01	2.95
Area 9	15.25	4.60
Area 10:		
Structural and Ornamental Reinforcing	16.28	3.18
	16.58	3.62
Area 11	17.85	2.21

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
Area 1:		
Brush and Roller	$12.75	$2.17
Spray and Sandblasting	13.75	2.17
Area 2:		
Brush	11.65	1.75
Spray and Sandblasting	12.65	1.75
Area 3	12.56	2.03
Area 4:		
Brush	14.85	2.37
Spray and Sandblasting	15.80	2.37
Area 5:		
Brush	14.70	2.49
Spray and Sandblasting	15.45	2.49
Area 6:		
Brush and Roller	14.65	1.70
Structrual Steel	14.90	1.70
Spray	17.92	1.70
Sandblasting	15.65	1.70
Area 7:		
Brush	13.75	2.02
Spray	14.75	2.02
Sandblasting	15.75	2.02
Area 8:		
Brush and Roller	15.30	1.40
Spray and Sandblasting	16.30	1.40
Area 9:		
Brush	8.90	.30
Structural Steel	9.65	.30
Spray	9.90	.30
Area 10:		
Brush and Roller	15.80	
Spray and Sandblasting	16.80	
Area 11:		
Commercial:		
Brush and Roller	16.00	
Spray	17.00	
Sandblasting	16.50	
Tanks, Elevators, Steeples and Structural Steel:		
Brush	16.85	
Spray	18.35	

DECISION NO. IN83-2073	Basic Hourly Rates	Fringe Benefits
PAINTERS: (Cont'd)		
Area 12:		
New Construction:		
Brush	$11.07	
	+a	$1.18
Sandblasting	11.42	
	+a	1.18
Spray	11.52	
	+a	1.18
Repaint:		
Brush	10.32	
	+a	1.18
Sandblasting	10.67	
	+a	1.18
Spray	10.77	
	+a	1.18
Area 13:		
Brush and Roller	14.30	1.90
Spray and Sandblasting	15.30	1.90
LINE CONSTRUCTION:		
Area 1:		
Lineman, Line Truck Operator Mechanical Equipment Operator	17.61	8%+.65
Groundman	10.92	8%+.65
Area 2:		
Linemen, Heavy Equipment Operators; Tool Handling Splicer	18.76	8%+.65
Truck Driver	17.63	8%+.65
Groundman	17.30	8%+.65
Area 3:		
Lineman, Groundman Equipment Operator; Crawler type Equipment larger than D-4	18.74	8%%+.65
Groundman Truck Driver w/Winch, Crawler type equipment D-4 and smaller	15.73	8%%+.65
Groundman Truck driver without Winch	14.93	8%%+.65
Groundman	14.33	8%%+.65
Area 4:		
Lineman, Groundman Equipment Operator, Crawler type equipment larger than D-4	17.25	8%%+.65
Groundman Truck Driver w/Winch, Crawler type equipment D-4 and smaller	14.21	8%%+.65

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION: (Cont'd)		
Area 4: (Cont'd)		
Groundman Truck Driver without Winch	$13.38	$0.65+ 8%%
Groundmen	12.78	0.65+ 8%%
LABORERS:		
Group 1	10.98	1.94
Group 2	11.13	1.94
Group 3	11.18	1.94
Group 4	11.28	1.94
Group 5	11.83	1.94
Utility Construction:		
Area 1:		
Group 1	11.18	1.94
Group 2	11.33	1.94
Group 3	11.38	1.94
Group 4	11.58	1.94
Group 5	12.03	1.94
Area 2:		
Group 1	10.98	1.94
Group 2	11.13	1.94
Group 3	11.18	1.94
Group 4	11.28	1.94
Group 5	11.83	1.94
Area 3:		
Group 1	11.48	1.94
Group 2	11.63	1.94
Group 3	11.68	1.94
Group 4	11.78	1.94
Group 5	12.33	1.94
POWER EQUIPMENT OPERATORS:		
Area 1:		
Group 1	15.16	4.28
Group 2	13.55	4.28
Group 3	12.28	4.28
Group 4	10.86	4.28
Area 2:		
Group 1	15.50	2.50
Group 2	13.78	2.50
Group 3	12.86	2.50
Group 4	11.36	2.50
Area 3:		
Group 1	16.65	2.60
Group 2	10.50	2.60
Area 4:		
Group 1	15.45	2.20
Group 2	13.55	2.20
Group 3	11.87	2.20

DECISION NO. IN83-2073	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS: (Cont'd)		
Underground and Utility Construction:		
Area 1:		
Group 1	$17.65	$3.85
Group 2	17.15	3.85
Group 3	15.20	3.85
Group 4	14.00	3.85
Area 2:		
Group 1	16.55	2.20
Group 2	15.55	2.20
Group 3	12.75	2.20
Group 4	11.25	2.20
Area 3:		
Group 1	14.78	2.20
Group 2	13.28	2.20
Group 3	11.75	2.20

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Group 1	$12.81	$96.50+ b
Group 2	12.76	96.50+ b
Group 3	12.71	96.50+ b
Group 4	12.66	96.50+ b
Group 5	12.61	96.50+ b
Group 6	12.56	96.50+ b
Group 7	12.51	96.50+ b
Group 8	12.46	96.50+ b
Group 9	12.41	96.50+ b
Group 10	12.36	96.50+ b
Group 11	12.31	96.50+ b
Group 12	12.21	96.50+ b

FOOTNOTES:

a. All work outside a 25 mile radius of Jefferson County, Kentucky Courthouse - add $0.35 per hour to Basic Hourly Rate for all classifications

b. Per week, per employee

AREA DESCRIPTIONS

CARPENTERS:

Area 1: Jasper, Newton, and Starke Counties

Area 2: Adams, Benton, Carroll, Cass, Clinton, Elkhart, Fulton, Grant, Howard, Huntington, Kosciusko, Marshall, Miami, Pulaski, Tippecanoe, Tipton, Wabash, Wells, and White Counties

Area 3: Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan, Parke, Putnam, Vermillion (North of Clinton) and Warren Counties

Area 4: Brown (Western half consisting of Jackson, Washington and Van Buren Townships), Clay, Daviess, DuBois (Columbia, Harbison, and Boone Townships), Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Pike (Jefferson and Washington Townships), Sullivan, Vermillion (Remainder of County), and Vigo Counties

Area 5: Remainder of Counties

AREA DESCRIPTIONS (Cont'd)

CEMENT MASONS:
Area 1: Adams, Allen, DeKalb, Noble, Steuben and Whitley Counties
Area 2: Elkhart, Lagrange and Kosciusko Counties
Area 3: Blackford, Delaware, Grant, Huntington, Jay, Randolph, Wabash and Wells Counties
Area 4: Decatur, Fayette, Franklin, Rush, Union, and Wayne Counties
Area 5: Bartholomew, Brown, Dearborn, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Shelby (except parts ending at Pleasant View), Switzerland and Washington Counties
Area 6: Clark, Floyd and Harrison Counties
Area 7: Crawford, DuBois, Perry, Posey, Spencer, Vanderburgh, and Warrick Counties
Area 8: Daviess, Gibson, Knox, Martin, and Pike Counties
Area 9: Greene and Sullivan Counties
Area 10: Clay, Owen (Southwestern Pan Handle only), Parke, Putnam, Vermillion, and Vigo Counties
Area 11: Monroe, Morgan (Southern half) and Owen (Remainder of County) Counties
Area 12: Boone, Hamilton (Southern half North to Route Indiana 32 including Noblesville), Hancock (Southwestern corner North to but not including Wilkinson and East to but not including Portville), Hendricks, Johnson, Marion, and Morgan (Northern half), Shelby (parts ending at Pleasant View) Counties
Area 13: Hamilton (Remainder of County), Hancock (Remainder of County), Henry, Madison, and Tipton Counties
Area 14: Benton (Eastern 2/3), Carroll, Cass, Clinton, Fountain (Eastern half), Howard, Miami, Montgomery, Tippecanoe, Warren (Northeastern 1/3) and White Counties
Area 15: Remainders of Benton, Fountain, and Warren Counties
Area 16: Fulton, Marshall, and Pulaski (Southern 1/3) Counties
Area 17: Jasper (Northeastern portion West to but not including Westfield), Pulaski (Northern 2/3), and Starke Counties
Area 18: Jasper (Remainder of County) and Newton Counties

IRONWORKERS:
Area 1: Adams, Allen, Blackford, DeKalb, Delaware (Northeastern 1/3 of County), Fulton (Western Pan Handle), Grant (Excluding Southwestern portion), Huntington, Jay, Kosciusko (Southwestern half including Warsaw), Lagrange (Eastern half of County), Miami (Northeastern half), Noble (excluding Northwestern tip), Randolph (Northern part of County excluding Union City but including Winchester), Steuben, Wabash, Wells, and Whitley Counties
Area 2: Elkhart, Fulton (Northern half), Kosciusko (Remainder of County), Lagrange (Western half of County), Marshall, Noble (Northwestern tip), Pulaski (Northeastern portion), and Starke (excluding Western tip) Counties
Area 3: Jasper (Northern half of County), and Newton (Northern half of County), Pulaski (Northwestern tip), Starke (Remainder of County)
Area 4: Clark, Crawford, DuBois (Northeastern tip), Floyd, Harrison, Jackson (Southern 3/4 of County), Jefferson (excluding Northeastern tip), Jennings (Southern 3/4 of County), Lawrence (Southern 2/3 of County), Martin (Southeastern tip) Orange, Perry (Eastern half), Ripley (Southwestern tip), Scott, Switzerland (Southwestern tip), and Washington counties
Area 5: Marion County

AREA DESCRIPTIONS (Cont'd)

IRONWORKERS: (Cont'd)
Area 6: Bartholomew, Boone (Southeastern 2/3 of County), Brown, Clinton (Eastern 1/4 of County), Decatur (Western 2/3 of County), Delaware (Southern 2/3 of County), Fayette (Western half of County), Franklin (Northwestern tip of County), Grant (Southwestern portion), Hamilton, Hancock, Hendricks, Henry, Howard (Southeastern portion), Jackson (Northern 1/4 of County), Jennings (Northeastern tip), Johnson, Lawrence (Northeastern corner), Madison, Monroe, Montgomery (Southwestern corner), Morgan, Owen (Northeastern corner), Putnam (Eastern half of County, excluding Greencastle), Rush, Shelby, and Tipton (excluding Northwestern tip) Counties
Area 7: Benton, Boone (Northwestern 1/3 of County), Carroll, Cass, Clinton (Western 3/4 of County), Fountain, Fulton (Remainder of County), Howard (Remainder of County), Jasper (Southern half of County), Miami (Remainder of County), Montgomery (Remainder of County), Newton (Southern half), Parke (Northeastern tip), Pulaski Remainder of County), Tippecanoe, Tipton (Northwestern tip), Warren, and White Counties
Area 8: Fayette (Eastern half of County), Franklin (Northeastern tip), Randolph (Remainder of County), Union, and Wayne Counties
Area 9: Clay, Daviess (Northern half), Greene, Knox (Northern half), Lawrence (Northwestern corner of County), Martin (Northern half), Monroe (Remainder of County), Owen (Remainder of County), Parke (Remainder of County), Putnam (Western half of County, including Greencastle), Sullivan, Vermillion, and Vigo Counties
Area 10: Dearborn, Decatur (Eastern 1/3 of County), Franklin (Remainder of County), Jefferson (Northeastern tip), Jennings (Northeastern corner), Ohio, Ripley (Remainder of County), Switzerland Counties
Area 11: Daviess (Southern half), DuBois (Remainder of County), Gibson, Knox (Southern half), Martin (Remainder of County), Perry (Western half), Pike, Posey, Spencer, Warrick and Vanderburgh Counties

PAINTERS:
Area 1: Adams, Allen, DeKalb, Grant, Huntington, Lagrange, Noble, Steuben, Wabash, Wells, and Whitley Counties
Area 2: Blackford, Delaware, Fayette, Franklin, Henry, Howard, Jay, Madison, Miami, Randolph, Rush, Tipton, Union and Wayne Counties
Area 3: Elkhart, Fulton, Koscuisko, and Marhall Counties
Area 4: Pulaski and Starke Counties
Area 5: Jasper, Newton, and White Counties
Area 6: Benton, Carroll, Cass, Clinton, Fountain, Montgomery, Tippecance, and Warren Counties
Area 7: Greene, Parke, Sullivan, Vermillion, and Vigo Counties
Area 8: Boone, Clay, Hamilton, Hancock, Hendricks, Johnson, Lawrence, Marion, Martin, Morgan, Orange, Putnam, and Shelby Counties
Area 9: Brown, Monroe, and Owen Counties
Area 10: Bartholomew, Decatur, Jackson, and Jennings Counties
Area 11: Dearborn, Ohio, Ripley, and Switzerland Counties
Area 12: Clark, Crawford, Floyd, Harrison, Jefferson, Scott, and Washington Counties
Area 13: Daviess, DuBois, Gibson, Knox, Perry, Pike, Posey, Spencer, Vanderburgh and Warrick Counties

AREA DESCRIPTIONS (Cont'd)

LINE CONSTRUCTION:
Area 1: Clark, Floyd, Harrison, Jackson, Jefferson, Scott, and Washington Counties
Area 2: Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick Counties
Area 3: Newton County
Area 4: Remainder of Counties

LABORERS:
Utility Construction
Area 1: Bartholomew, Brown, Clark, Clay, Crawford, Dearborn, Decatur, Elkhart, Floyd, Fountain, Franklin, Greene, Harrison, Hendricks, Jackson, Jefferson, Jennings, Johnson, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Owen, Parke, Perry, Putnam, Ripley, Scott, Sullivan, Switzerland, Vermillion, Vigo, Warren, and Washington Counties
Area 2: Adams, Allen, Benton, Blackford, Boone, Carroll, Cass, Clinton, DeKalb, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Kosciusko, Lagrange, Madison, Marion, Marshall, Miami, Montgomery, Noble, Pulsaki, Randolph, Rush, Shelby, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, and Whitley Counties
Area 3: Daviess, DuBois, Gibson, Knox, Pike, Posey, Spencer, Vanderburgh, and Warrick Counties

POWER EQUIPMENT OPERATORS:
Heavy and Highway Construction:
Area 1: Elkhart, Fulton, Jasper, Kosciusko, Lagrange, Marshall, Newton, Noble, Pulaski, and Starke Counties
Area 2: Adams, Allen, Benton, Blackford, Carroll, Cass, Clinton, DeKalb, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, and Whitley Counties
Area 3: Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, and Warren Counties
Area 4: Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, DuBois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick, and Washington Counties
Underground and Utility Construction:
Area 1: Jasper, Newton, Pulaski, and Starke Counties
Area 2: Benton, Carroll, Cass, Clinton, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Howard, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Tippecanoe, Tipton, Union, Wabash, Wayne, and White Counties
Area 3: Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, DuBois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick, and Washington Counties

LABORERS

Group 1: Construction Laborer; Carpenter Tender; Fence Erector; Grade Checker; Guard Rail Erector; Continuous Steel Rod or Mat Installer; Wire Mesh Layer; Joint Man (Mortar, Mastic, and all other types); Lighting Installer (permanent or temporary); Lineman for Automatic Grade Maker on Paving Machines; Mortar Man; Multi-Plate Erector; Rip-rap Installer (all products and materials); Road Marking and Delineation Laborer; Setting and Placing of all Precast Concrete Products; Sign Installation including supporting structure; Spraying of all Epoxy, Curing Compound, or like material

Group 2: Air Tool, Power Tool, and Power Equipment Operator; Asphalt Lute Man; Asphalt Raker Man; Batch Truck Dumper; Bridge Hand Rail Erector; Handler (bulk or bag cement); Chain Saw Man; Concrete Puddler; Concrete Rubber; Concrete Saw Operator; Core Drill Operator, eye level; Hand Blade Operator; Hydro Seeder Man; Motor driven Georgia Buggy Operator; Power driven Compactor or Tamper Operator; Power Saw Operator; Pumpcrete Assembly Man; Screed Man or Screw Man on Asphalt Paver; Rebar Installer; Sand Blaster Man; Sealer Applicator for asphalt (toxic); Setting and Placing Prestressed on Precast Concrete Structural Members; Side Rail Setter (for Sidewalks, Side Ditches, Radii, and Pavements); Spreader Box Tender (manual or power driven); Straw Blower Man; Subsurface Drain and Culvert Pipe Layer; Transverse and Longitudinal Hand Bull Float Man; Concrete Conveyor Assembly Man

Group 3: Horizontal Boring and Jacking Man; Jackman and Sheetman; Pipe Grade Man; Winch and Windlass Operator

Group 4: Conduit Installer; Cutting Torch Burner; Laser Beam Aligner; Manhole Erector; Sewer Pipe Layer; Water Line Installer, temporary or permanent; Welders (electric or Oxy-acetylene)

Group 5: Air Track and Wagon Drillman; Concrete Finisher; Dynamite and Powder Man; General Laborer Leadman

POWER EQUIPMENT OPERATORS
HEAVY and HIGHWAY CONSTRUCTION

AREAS 1 and 2

Group 1: Air Compressors in Manifold with Throttle Valve; Asphalt Plant Engineer; Auto Grade or similar type Machine; Auto Patrol; Backhoe or Farm type Tractor, 45 HP and over; Ballast Regulator (RR); Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Bull Dozer; Caisson Drilling Machine; Cherry Picker, 15 ton or over; Chip Spreader; Concrete Mixer, 21 cu. ft. or over; Core Drilling Machine; Crane or Derrick with any attachment (including Clamshell, Dragline, Shovel, Backhoe, etc.); Dredge Engineer; Dredge Operator; Drilling Machine on which the drill is an integral part; Earth Mover-rubber tired (Paddle Wheel, 619, 631, TS-24 or similar type); Earth Mover, rubber tired, Tandem ($0.50 per hour additonal for each Bowl); Elevating Grader; Fork Lift, 10 ton or over; P.C.C. Formless Paver; Gradall; Gravel Processing Plant, portable; Operator of Guard Rail Post Driver; Highlift Shovel, 1½ cu. yd. or over; Hoist, 2 drums and over; Helicopter, crew; Hydraulic Boom Truck; Keystone, Skimmer Scoop; Loader, self-propelled (Belt, Chain, Wheel); Locomotive Operator; Mechanic; Mucking Machine; Panel Board Concrete Plant, Central Mix type; Paver, Hetherington; Pile Driver, Skid or Crawler; Road Paving Mixer; Rock Breaking Plant; Rock Crushing Plant, portable; Roller (Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface); Roller with Dozer Blade; Root Rake, tractor mounted; Self-propelled Widener; Stump Remover, tractor mounted; Surface Heater and Planer; Tandem Push Tractor ($0.50 per hour additional); Tractor, Boom; Winch or Hoe Head; Tractor, Push; Tractor with Scoop; Tractor mounted Spreader; Tree Mover; Trench machine, over 24; Tug Boat Operator; Well Drilling Machine; Winch Truck with A-Frame

Group 2: Air Compressor with Throttle Valve or Clever Brooks type Combination; Backfiller; Backhoe on Farm type Tractor, under 45 HP; Bull Float; Cherry Picker under 15 ton; Chip Spreader, self-propelled; Concrete Pump; Concrete Mesh Depressor, independently operated; Concrete Spreader, power driven; End Loader under 1½ cu. yd.; Excavating Loader, portable; Finishing Machine and Bull Float; Gunite Machine; Head Greaser; Mesh or Steel Placer; Multiple Tamping Machine (RR); P.C.C. Concrete Belt Placer; Pull Grader, power control; Refrigerating Machine, freezing operation; Ross Carrier; Sheepfoot Roller (self-propelled); Tamper (Multiple Vibrating, Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface); Trench Machine, 24" and under; Tube Float; Welder

Group 3: Assistant Plant Engineer; Base Paver (Jersey or similar type machine); Concrete Finishing Machine; Concrete Mixer, less than 21 cu. ft.; Curb Machine; Farm Tractor, including Farm Tractor with all attachments except Backhoe and including High Lift End Loaders of 1 cu. yd. capacity or less; Fireman, on Boiler; Hoist, 1 drum; Operator, 5 pieces of minor equipment; Paving Breaker; Power Broom, self-propelled; Roller, earth and sub-base material; Slurry Seal Machine; Spike Machine (RR); Tamper (Multiple Vibrating, earth and sub-base material); Throttle Valve; Throttle Valve and Fireman Combination on Horizontal or Upright Boiler; Tractaire with Drill; Tractor, 50 H.P. or over; Well Point System; Widener, Apsco or similar type

POWER EQUIPMENT OPERATORS (Cont'd)
HEAVY and HIGHWAY CONSTRUCTION (Cont'd)

AREAS 1 and 2 (Cont'd)

Group 4: Air Compressor; Assistant to Engineer, Oiler; Automatic Dry Batch Plant; Bituminous Distributor; Bituminous Patching Tamper; Belt Spreader; Broom and Belt Machine; Chair Cart, self-propelled; Coleman type Screen; Conveyor, portable; Deck Hand; Digger Post Hole, power-driven; Fork Lift, under 10 ton; Form Grader; Form Tamper, motor-driven; Generator; Greaser Helper; Hetherington Driver; Hetherington Helper; Hydra Seeder; Mechanics Helpers; Mechanical Heater; Operator, 1 thru 4 pieces of minor equipment; Outboard or Inboard Motor Boat; Power Curing Spraying Machine; Power Saw, Concrete, power-driven; Pug Mill; Pull Broom, power type; Seaman Tiller; Straw Blower or Brush Mulcher; Striping Machine, paint, motor-driven; Sub Grader; Tractaire; Tractor, below 50 H.P.; Truck Crane Oiler, Driver; Spreader; Water Pump; Welding Machine, 2 of 300 amps or over

AREA 3

Group 1: Air Compressors (2); Compressors hooked in Manifold; Asphalt Plant Engineer; Auto Grade and/or C.M.I. or similar type Machine; Auto Patrol; Motor Patrol; Power Blade; Apsco Paver; Asphalt Planer; Asphalt Rollers; Asphalt Paver Operator; Milling Machine; Self-propelled Widener; Backhoe and/or Pavement Breaker attachment; Self-propelled Pavement Breaker; Ballast Regulator (RR); Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Bulldozer; One Drum Hoist with Tower or Boom; Cableways; Tower Machines; Backfiller; Boom Tractor; Boom or Winch Truck; Winch or Hydraulic Boom Truck; Boring Machine; Boiler Operator; Brush Mulcher; Bull Float; Finishing Machine; Power Cranes; Overhead Cranes; Truck Cranes; Pile-driver, Skid or Crawler; Guard Rail Post Driver; Tower Cranes; Hydro Crane; Cherry Picker; Draglines; Derricks; Shovels; Clam; Gradalls; Two Drum Machine; Concrete Mixers with Skip; Tournamixer; Concrete Pump (truck or skid mounted); Concrete Plant Engineer; Soil Cement Machine; Formless Paver; Concrete Spreader; Resco Concrete Saw; Chip Spreader; Mesh Placer; Dredging Equipment or Dredge Engineer or Dredge Operator; Tug Boat Operator; Marine Scoops; Ditching Machine with dual attachment; Standard or Dinkey Locomotives; Drilling Machine including Well Testing; Caissons; Shaft or any similar type Drilling Machines, Well Point Systems; Mud Cat; Mucking Machine; Sull-air; Mechanics; Welder; Head Equipment Greaser; Tournapull; Tractor Operating Scoops; Push Tractors; Large Rollers on Earth; Loaders, track or rubber mounted, or similar type Machine; Lull; Tournadozer; Scoopmobiles; Elevating Machines; Power Sub Grader; Hydra Ax; Farm Tractor with attachments; Seaman Tiller; Tree Mover; Stump Remover; Root Rake; Hydra Seeder; Straw Blower; Refrigerating Machine; Freezing Operator; Chair Cart, self-propelled; Helicopter Crew (3); Ross Carrier or Straddle Buggy or similar Machine; Rock Crusher Plant; Gravel Processing Machine; Pipe Cleaning Machine; Pipe Wrapping Machine; Pipe Bending Machine; Pug Mill; Concrete Bump Grinder Machine; Power Curing Spray Machine

POWER EQUIPMENT OPERATOR (Cont'd)
HEAVY And HIGHWAY CONSTRUCTION (Cont'd)

AREA 3 (Cont'd)

Group 2: Air Compressor, 600 cu. ft. and under; Air Tugger; Air Valves or Steam Valves; Assistant Concrete Plant Engineer; Assistant Plant Engineer; Asphalt Plant Fireman; Bulk Cement Plant Equipment Greaser; Concrete Mixers without Skips; Curbing Machine; Concrete Saw, self-propelled; Concrete and Blacktop Curb Machine; Conveyors; Cement Blimps; Ditching Machine, under 6"; Distributor Operator on Trucks; Deck Hands; Elevators when used for hoisting material; Engine Tenders; Fork Lift; Farm Tractor; Fireman; Fireman on Paint or Dope Pots; Form Tamper; Form Grader; Flex Plane; Generators (two or four), or Welding Machines or Water Pumps, within 400 ft.; Gunite Machine; Greaser Helper; Machine mounted Post Hole Digger; Mud Jack; One drum Machines without Tower or Boom; One Water Pump; Oilers; One Welding Machine; Outboard or Inboard Motor Boat; Power Broom, self-propelled; Pull Broom, power type; Siphons and Pulsometer; Switchman; Striping and or Painting Machine, motor driven; Slurry Seal Machine; Track Jack; Temporary Heat; Throttle Valve; Tube Float; Tractaire; Wagon Drill; Multiple Tamping Machine (RR); Spike Machine (RR); Mechanical Heaters; Brush Burner

AREA 4

Group 1: Air Compressor in Manifold with Throttle Valve; Asphalt Plant Engineer; Auto Grade or similar type Machine; Auto Patrol; Backhoe, all; Ballast Regulator (RR); Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Bulldozer; Caisson Drilling Machine; Cherry Picker, all; Chip Spreader, self-propelled; Cold Grinder or similar type equipment; Concrete Mixer, 21 cu. ft. or over; Concrete Pump, truck mounted; Core Drilling Machine; Crane or Derrick with any attachment (including Clamshell, Dragline, Shovel, Backhoe, etc.); Dredge Operator; Drilling Machine on which the Drill is an integral part; Earth Mover, rubber tires, Paddle Wheel 619, 631, TS-24, or similar type; Earth Mover, rubber tired, tandem $0.50 per hour additional; Elevating Grader; Endloader, Hi-lift Shovel; P.C.C. Formless Paver; Gradall; Gravel Processing Plant, portable; Guardrail Post Driver Operator; Head Greaser; Hi-lift Shovel, Endloader; Hoist (2 drums and over); Helicopter, crew; Hydraulic Boom Truck; Keystone, Skimmer Scoop; Loader, self-propelled (belt, chain wheel); Locomotive Operator; Mechanic; Mucking Machine; Multi-bank Drill Operator; Panel Board Concrete Plant, Central Mix type; Paver, Hetherington; Pile Driver, Skid or Crawler; Road Paving Mixer; Rock Breaking Plant; Rock Crushing Plant, portable; Roller (Asphalt, Waterbound, Macadam, Bituminous Macadam, Brick Surface); Roller, with Dozer Blade; Root Rake, tractor mounted; Stump Remover, tractor mounted; Surface Heater and Planer; Tandem Push Tractor, $0.50 per hour additional; Tractor, Boom Winch or Hoe Head; Tractor, Push; Tractor with Scoop; Tractor mounted Spreader; Tree Mover; Trench Machine, over 24"; Tug Boat Operator; Welder; Well Drilling Machine; Self-propelled Widener

POWER EQUIPMENT OPERATORS (Cont'd)
HEAVY and HIGHWAY CONSTRUCTION (Cont'd)

AREA 4 (Cont'd)

Group 2: Air Compressor with Throttle Valve or Clever Brooks type combination; Backfiller; Base Paver, Jersey or similar type machine; Bull Float; Concrete Finishing Machine; Concrete Mesh Depressor, independently operated; Concrete Spreader, power-driven; Dredge Engineer; Excavator Loader, portable; Fireman, on Boiler; Forklift, regardless of ton; Hoists, 1 drum; Mesh or Steel Placer; Minor Equipment Operator, 5 pieces; Multiple Tamping Machine (RR); P.C.C. Concrete Placer; Paving Breaker; Power Broom, self-propelled; Pull Grader, power controlled; Refrigerating Machine, freezing operation; Roller, earth and sub-base material; Ross Carrier (Straddle Buggy); Sheepfoot Roller, self-propelled without blade; Tamper, Multiple Vibrating (Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface); Tamper, Multiple Vibrating (earth and sub-base material); Trench Machine, 24" and under; Tube Float; Well Point System; Widener, Apsco or similar type; Winch Truck with A-Frame

Group 3: Air Compressor; Assistant to Engineer, Oiler; Assistant Plant Engineer; Automatic Dry Batch Plant; Bituminous Distributor; Bituminous Patching Tamper; Belt Spreader; Broom and Belt Machine; Brush Burner; Chair Cart, self-propelled; Coleman type Screen; Cold Grinder Oiler; Concrete Mixer, less than 21 cu. ft.; Conveyor, portable; Curb Machine; Deckhand; Digger (Post Hole, power-driven); Farm Tractor, including farm tractor with all attachments (except Backhoe, Hi-lift Endloaders); Form Grader; Form Tamper, motor-driven; Generator; Gunite Machine; Hetherington Driver; Hetherington Helper; Hydra Seeder; Mechanic's Helper; Mechanical Heater; Minor Equipment Operator, 1 thru 4 pieces; Outboard or Inboard Motor Boat; Power Curing Spraying Machine; Power Saw, Concrete (power-driven); Pug Mill Pull Broom, power type; Seaman Tiller; Slurry Seal Machine; Spike Machine; Straw Blower or Brush Mulcher; Striping Machine (Paint, motor-driven); Sub Grader; Throttle Valve; Tractaire with Drill; Truck Crane and Multi-Drill Oiler, Driver; Spreader; Water Pump

UNDERGROUND and UTILITY CONSTRUCTION

AREA 1

Group 1: Mechanic; Asphalt Plant; Autograde; Batch Plant; Benoto (requires 2 Engineers); Boiler and Throttle Valve; Boring Machine (Mining Machine); Caisson Rigs; Central Redi-mix Plant; Combination Backhoe-Endloader with Backhoe Bucket over 1/2 cu. yd.; Combination Tugger Hoist and Air Compressor; Compressor and Throttle; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Paver 27E cu. ft. and under; Concrete Pump with Boom (truck mounted); Concrete Tower; Cranes and Backhoes, all attachments; Cranes, Hammerhead Tower; Creter Cranes; Derricks, all; Derricks, traveling; Forklift, Lull type; Forklift, 10 ton and over; Hoists, 1, 2, and 3 drum; Hoist, 2 Tugger-one floor; Hydraulic Boom Truck; Locomotives, all; Motor Patrol; Mucking Machine; Pile Driving and Skid Rig; Pit Machines; Pre-stress Machines; Pump Cretes and similar types; Rock Drill, self-propelled; Rock Drill, truck mounted; Slip Form Paver; Straddle Buggies; Tractor with Boom and Side Boom; Trenching Machine; Winch Tractors

POWER EQUIPMENT OPERATORS (Cont'd)
UNDERGROUND and UTILITY CONSTRUCTION (Cont'd)

AREA 1 (Cont'd)

Group 2: Asphalt Spreader; Boilers; Bulldozers; Combination Backhoe-Endloader with Backhoe Bucket 1/2 cu. yd. and under; Engineer acting as Conductor in charge of Crew; Grader, Elevating; Greaser Engineer; Grouting Machines; Highlift Shovels or Front Endloader; Hoists, automatic; Corboy Drillings Machines; Hoists, all Elevators; Hoists, Tugger, single drum; Post Hole Digger; Roller, all; Scoops, tractor drawn; Stone Crushers; Tournapull; Winch Trucks

Group 3: Concrete Mixer (2 bag and over); Conveyor, portable; Steam Generators; Tractor, farm and similar type; Air Compressor, small 150 and under, 1 to 5 not to exceed a total of 300 ft.; Air Compressor, large over 150; Combination, small equipment Operator; Forklift, under 10 ton; Generator; Pumps, 1 to 3 not to exceed a total of 325 ft.; Pumps, Well Points; Welding Machines (2 thru 5); Winches, 4 Electric Drill Winches

Group 4: Heaters, Mechanical (1 to 5); Oilers; Switchmen

AREA 2

Group 1: Air Compressor (pressurizing Shafts, Tunnels and Divers); Air Tugger; Auto Patrol; Back Filler; Backhoe; Boom Cat; Boring Machine; Bull Dozer; Caisson Drilling Machine; Cherry Picker; Compactor (with Dozer Blade); Concrete Mixer, dual drum; Concrete Plant; Concrete Pump; Crane with all attachments; Crane, Electric Overhead; Derrick; Dual purpose truck (Pitman type); Ditching Machine, 18" and over; Dredge; Elevators, when hoisting materials or tools; Fork Lift; Formless Paver; Generator, power for Welders or Compressors; Gradall; Helicopter; Helicopter Winch Operator; High Lift-Front End Loader; Hoist Backhoe; Locomotive and/or Dinky Engine; Mechanic on Job site; Mucking Machine; Panel Board Concrete Plant; Pile Driver; Push Cat; Scoop and Tractor; Scraper, rubber tired; Spreader, tractor mounted; Straddle Carrier, Ross type; Sub Base Finish Machine (C.M.I. or similar); Tower Crane; Tractor with Backhoe, 1/2 yd. and over; Trench Box, power-driven; Tunnel Shield; Welder (craft)

Group 2: A-Frame Truck; Batcher Plant, Automatic Dry Batch; Bending Machine, power-driven; Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Boatman; Bull Float; Compactor or Tamper, self-propelled; Concrete Mixer, 21 cu. yd. or over; Concrete Spreader, power driven; Ditching Machines, less than 18"; Drilling Machine; Finish Machine and Bull Float; Finishing Machine; Firemen, Pile Driving and Boilers; Gunite Machine; Head Greaser; Mechanic; Mesh Depressor; Mesh Placer; P.C.C. Concrete Belt Placer; Roller (Asphalt, Stone and Sub Base); Rotary Drill; Sheepsfoot Roller, self-propelled; Sub Grader; Throttle Valve with Air Compressor or Boiler; Tractor with Backhoe, under 1/2 yd.; Tractor, Highlift, farm type, Tractor, industrial type; Tractor with Winch; Well Points; Winch Truck

POWER EQUIPMENT OPERATORS (Cont'd)
UNDERGROUND and UTILITY CONSTRUCTION (Cont'd)

AREA 2 (Cont'd)

Group 3: Air Compressor, 210 cu. ft. and over; Bituminous Distributor; Chair Cart; Concrete Curing Machine; Concrete Saw; Dope Pot, power agitated; Flex Plane; Form Grader; Hydro-hammer; Jack, Hydraulic, power-driven; Minor Equipment Operator, 2, 3, 4, or 5; Paving Joint Machine; Post Hole Digger; Roller, earth; Throttle Valve; Track Jack, power-driven; Tractor, farm type; Truck Crane Driver

Group 4: Air Compressor, less than 210 cu. ft.; Concrete Mixer, under 21 cu. ft.; Conveyor; Generator; Mechanical Heater; Oiler; Power Broom; Pump; Welding Machine

AREA 3

Group 1: A-Frame Winch Truck; Air Compressor 900 cu. ft. and over; Air Tugger; Autograde (CMI); Auto Patrol; Backhoe; Ballast Regulator (RR); Batcher Plant (electrical control concrete); Bending Machine (pipe); Bituminous Plant (Engineer); Bituminous Plant; Bituminous Mixer Travel Plant; Bituminous Paver; Bituminous Roller; Buck Hoist; Bull Dozer; Cable Way; Chicago Boom; Clamshell; Concrete Mixer, 21 cu. ft. or over; Concrete Paver; Concrete Pump, Crete; Crane; Craneman; Crusher Plant; Derrick; Derrick Boat; Dinkey; Dope Pots (pipeline); Dragline; Dredge Operator; Dredge Engineer; Drill Operator; Elevator Grader; Elevator; Ford Hoe, or similar type equipment; Forklift; Formless Paver; Gantry Crane; Gradall; Grademan; Grout Pump; Helicopter Crew; Hetherington Paver; Highlift; Hoist; Hopto; Hough Loader, or similar type; Hydro Crane; Hydro Hammer; Locomotive Crane; Locomotive; Mechanic; Mobile Mixer; Motor Crane; Mucking Machine; Multiple Tamping Machine (RR); Overhead Crane; Pile Driver; Pulls; Push Dozer; Push Boats; Roller (Sheep Foot); Ross Carrier; Scoop; Shovel; Side Boom; Swing Crane; Tail Boom; Tar Machine (pipeline); Throttle Valve; Tower Crane; Trench Machine; Welder (heavy duty); Truck mounted Concrete Pump; Truck mounted Drill; Well Point; Whirleys

Group 2: Air Compressor, up to 900 cu. ft.; Brakeman; Bull Float; Concrete Mixer, over 10S and under 21S; Concrete Spreader or Puddler; Deck Engine; Electric Vibrator Kompactor (earth or rock); Finishing Machine; Fireman; Greaser, on grease facilities servicing heavy equipment; Material Pump; Motor Boats; Portable Loader; Post Hole Digger; Power Broom; Rock Roller; Roller, Wobble Wheel (earth and rock); Spike Machine (RR); Seaman Tiller; Spreader Rock; Sub Grader; Tamping Machine; Welding Machine; Widener, Apsco or similar type

Group 3: Assistant Engineer; Bituminous Distributor; Cement Gun; Concrete Saw; Conveyor; Deckhand Oiler; Drill Helper; Earth Roller; Form Grader; Generator; Guard Rail Drive; Heater; JLG Lifts; Oiler; Paving Joint Machine; Power Traffic Signal; Scissor Lift; Steam Jenny; Truck Crane Oiler; Vibrator; Water Pump

TRUCK DRIVERS

Group 1: Acetylene Wagons over 3 Buckets

Group 2: Acetylene Wagons to and including 3 Buckets

Group 3: Tandem, Tandem Semi Trucks; Trucks Mechanics and Welders; Heavy Equipment type Water Wagon over 5,000 gallons; Tri-axle Trucks pulling Tilt-top Trailers; Low Boys; Tandem, Tandem axle

Group 4: Tri-Axle Trucks; Tandem Axle Trucks; Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster; Track Truck; Euclid Bottom Dump and Hug Bottom Dump; Tournatrailers; Tournarockers; Athey Wagons or similar equipment over 12 cu. yds.; Tandem Axle Trucks pulling Tilt-top Trailers; Low Boys; Tandem Axle; Tri-Axle Batch

Group 5: Tandem "Dog-Legs"; Semi-Water Trucks; Sprinkler Trucks; Heavy Equipment type Water Wagons, 5,000 gallons and under

Group 6: Truck mounted Pavement Breakers; Tandem Trucks, over 15 ton payload; Single Axle Semi Trucks; Farm Tractors hauling material; Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster; Track Truck; Euclid Bottom Dump and Hug Bottom Dump; Tournatrailers; Tournarockers; Athey Wagons or similar equipment, 12 cu. yds. and under; Mixer Trucks, all types; Single Axle Trucks pulling Tilt-up Trailer; Lowboys, single axle

Group 7: Tandem Axle Fuel Trucks; Tandem Axle Water Trucks; Bituminous Distributor (one man)

Group 8: Single Axle Dog-legs; Tandem Trucks or Dog Legs; Winch Trucks or A-Frames used for transportation; Batch Trucks, wet or dry over 3(34E) Batches; Grease and Maintenance Truck Servicing Tandem Axle Trucks

Group 9: Single Axle Fuel Trucks; Single Axle Water Trucks; Bituminous Distributors (two Men)

Group 10: Single Axle Straight Trucks; Wet or Dry 3(34E) Batches or less; Grease and Maintenance Trucks Servicing Single Axle Trucks

Group 11: Tenders; Greasers; Tire Men; Batch Board Tenders

Group 12: Pick-up Trucks

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: KANSAS

COUNTIES: Douglas, Jefferson, Leavenworth, Miami and Shawnee

DECISION NO.: KS83-4066

DATE: Date of Publication

Supersedes Decision No. KS83-4015 dated February 4, 1983 in 48 FR 5483.

DESCRIPTION OF WORK: Highway Construction.

	Basic Hourly Rates	Fringe Benefits
CARPENTERS & PILEDRIVERMEN:		
Zone 1	$11.20	1.80
Zone 2	16.65	2.67
Zone 3	15.04	1.80
CEMENT MASONS:		
Zone 1	14.97	1.95
Zone 2	12.50	1.05
Zone 3	12.20	1.05
ELECTRICIANS:		
Zone 1	16.18	10%+ 2.51
Zone 2	15.55	3%+ 2.13
IRONWORKERS	16.25	4.25
LINE CONSTRUCTION:		
Zone 1:		
Lineman	18.28	3-1/2% +1.06
Lineman Operator	17.02	3-1/2% +1.06
Groundman Powderman	12.68	3-1/2% +1.06
Groundman	12.05	3-1/2% +1.06
Zone 2:		
Lineman	15.97	3-1/2% +.65
Cable Splicers	16.77	3-1/2% +.65
Groundman	9.67	3-1/2% +.65
Powderman	13.19	3-1/2% +.65
Line Truck & Equipment Operator	13.19	3-1/2% +.65
LABORERS:		
Zone 1		
Group 1	7.65	2.30
Group 2	7.80	2.30
Group 3	7.90	2.30
Group 4	8.05	2.30
LABORERS (Cont'd):		
Zone 2		
Group 1	$ 8.45	2.30
Group 2	8.60	2.30
Group 3	8.70	2.30
Group 4	8.85	2.30
Zone 3		
Group 1	9.05	2.05
Group 2	9.20	2.05
Group 3	9.30	2.05
Group 4	9.45	2.05
Zone 4		
Group 1	8.00	2.30
Group 2	8.15	2.30
Group 3	8.25	2.30
Group 4	8.40	2.30
POWER EQUIPMENT OPERATORS		
Zone 1: Leavenworth County		
Group 1	14.00	3.77
Group 2	13.75	3.77
Group 3	13.05	3.77
Group 4		
a	9.03	3.77
b	12.05	3.77
Zone 2: Jefferson, Miami, Douglas & Shawnee Cos.:		
Group 1	12.87	2.70
Group 2	12.62	2.70
Group 3	12.37	2.70
Group 4	12.02	2.70
Group 4A	12.12	2.70

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS		
Zone 1: Leavenworth & Miami Counties:		
Group 1	$12.66	3.50
Group 2	12.86	3.50
Group 3	13.17	3.50
Group 4	13.32	3.50
Group 5	12.44	3.50
Zone 2: Douglas, Shawnee and Jefferson Counties		
Group 1	9.40	1.75
Group 2	9.50	1.75
Group 3	9.65	1.75

ZONE DESCRIPTIONS

CARPENTERS AND PILEDRIVERMEN:
Zone 1:Douglas, Shawnee and Jefferson Counties
Zone 2:Leavenworth County
Zone 3:Miami County

CEMENT MASONS:
Zone 1: Leavenworth and Miami Counties
Zone 2: Douglas and Shawnee Counties
Zone 3: Jefferson County

ELECTRICIANS:
Zone 1: Leavenworth County (Delaware, High Prairie & Kickapoo Townships) City of Leavenworth & Fort Leavenworth Military Reservation
Zone 2: Douglas, Jefferson, Miami, Shawnee and the remainder of Leavenworth County

LINE CONSTRUCTION:
Zone 1: Leavenworth County, north of Fairmont Stralnger, and Tangasoxie Townships
Zone 2: Douglas, Jefferson, Miami, Shawnee Counties, and remainder of Leavenworth County

LABORERS:
Zone 1: Jefferson County
Zone 2: Douglas and Shawnee Counties
Zone 3: Leavenworth County
Zone 4: Miami County

ZONE DESCRIPTIONS - (Cont'd)

TRUCK DRIVERS
Zone 1:

Group 1 - One Team; Station Wagons; Pickup Trucks; Material trucks, single axle; Tank Wagon Drivers, single axle
Group 2 - Material Trucks; Tandem; Two Teams; Semi-trailers; Winch Trucks-Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix Tank Wagon Drivers, single axle; Tank Wagon Drivers; Tandem or Semi-trailer; Insley Wagons; Dump Trucks; Excavator, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedace; Euclids and other similar excavating equipment
Group 3 - A-frame; Lowboy; Boom Truck Drivers
Group 4 - Mechanics and Welders
Group 5 - Oilers and Greasers

Zone 2:

Group 1 - Pickups; Panel Trucks; Station Wagons; Flat Beds; Dump and Batch Trucks, single axle
Group 2 - Tandem Trucks; Warehousemen or Partsmen; Mechanic Helpers and Servicemen
Group 3 - Lowboys; Semi-trailers; all Transit Mixer Trucks (single or tandem axle); A-frame and Winch Trucks when used as such; Euclid, End and Bottom Dump Tournarockers, Athey, Dumpsters and similar off-road equipment and mechanics on such equipment

CLASSIFICATION DEFINITIONS

LABORERS
Group 1: Board Mat Weavers and Cable Tiers; Georgia Buggy (manually operated); Mixerman-on skip lift; Salamander Tenders; Track Men; Tractor Sweeper; Truck Dumper; Wire Mesh Setter; Water Pump, up to 4 inches and all other General Laborers
Group 2: Air Tool Operators; Cement Handlers (bulk); Chain Saw; Georgia Buggy (mechanically operated); Grademen; Hot Mastic Kettlemen; Crusher Feeder; Joint Man; Jute Man; Mason Tender; Material Batch Hopper and Scale Man; Mixer Man; Pier Hole Man working 10 feet deep; Pipelayer-drainage (concrete and/or corrugated metal); Signal Man (crane); Truck Dumper-Dry Batch; Vibrator Operator; Wagon and Churn Drill Operator
Group 3 - Asphalt Raker; Barco Tamper; Concrete Saw; Creosote Material, handling and applying; Nozzle Burner (cutting torch and burning bar)
Group 4 - Conduit Pipe; Water and Gas Distribution Lines; Tile and Duct Line Setter; Form Setter and Liner on concrete paving; Powderman; Sandblasting and Gunite Nozzleman; Sanitary Sewer pipe Layer; Steel Plate Structure Erectors

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS
Zone 1: Leavenworth County:

Group 1 - Asphalt Paver and Spreader; Asphalt Plant Console Operator; Auto Grader; Back Hoe; Blade Operator, all types; Boiler, 2; Booster Pump on Dredge; Boring Machine (truck or crane mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator, 2; Concrete Plant Operator, Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with compressor mounted on cat; Drilling or Boring Machine; Rotary, self-propelled; High Loader-Fork Lift; Locomotive Operator, standard guage; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump, 2; Quad-trac; Scoop Operator, all types; Scoops in Tandem; Self-propelled Rotary Drill (Leroy or equal-not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Slip-form Paver (CMI, REX, or equal); Throttle Man; Truck Crane; Welding Machine Maintenance Operator, 2; Hoisting Engine, 2; Active Drums

Group 2: "A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, drum or boiler; Asphalt Plant Mixer Operator; Asphalt Plant Man; Asphalt Roller Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry power operated; Concrete Mixer Operator; Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser, hoisting engine, 1 drum; Latourneau Rooter; Multiple Compactor; Pavement Breaker, self-propelled of the Hydra-hammer or similar type; Power Shield; Pug Mill Operator; Stump Cutting Machine; Towboat Operator; Tractor Operator, over 50 H.P.

Group 3: Boilers, 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator, 1; Concrete Saws, self-propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than high type asphalt; Screening and Washing Plant Operator; Self-propelled Street Broom or Sweeper; Siphons and Jets; Sub-grading Machine Operator; Tank Car Heater Operator, combination boiler and booster; Tractor, 50 H.P. or less without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator, 1

Group 4:
a - Oilers
b - Oiler driver, all types

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS
Zone 2: Jefferson & Miami Counties:

Group 1 - Asphalt Paver & Spreader; Backhoe; Boring Machine; Blades, all types; Clamshell; Concrete Mixer Paver Operator; Concrete Plant Operator (automatic); Crane; Truck Crane; Pitman Crane; Hydro Crane or any machine with power swing; Derrick or Derrick Trucks; Dragline Operator; Dredge Operator; Dozer; Ditching Machine; Euclid Loader; Hoist, 2 active drums; Loader, all types; Mechanic or Welder; Mixermobile; Multi-unit Scraper; Piledriver Operator; Power Shovel Operator; Quad Track; Scoop Operator, all types; Sideboom Cat, Cherry Picker; Skimmer Scoop Operator; Pushcat Operators

Group 2 - Asphalt Plant Operator; Elevating Grader Operator

Group 3 - A-frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Backfiller Operator; Barber Green Loader; Boiler, other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator, Skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator, concrete; Fireman, other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist, 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than Dredge Screening and Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator, over 50 H.P.; Self-propelled Roller Operator, other than Asphalt Siphons and Jets; Subgrading Machine Operator; Tank Car Heater Operator; Combination Booster and Boilers; Towboat Operator; Vibrating Machine Operator, not hand

Group 4 - Concrete Gang Saw, Self-propelled (con-cut); Conveyor Operator; Harrow, disc. Seeder; Oiler; Tractor Operator, 50 H.P. or less without attachments

Group 4A - Oiler; Motor Crane

POWER EQUIPMENT OPERATORS
Zone 3: Douglas & Shawnee Counties:

Group 1 - Asphalt Paver and Spreader; Backhoe, Boring Machine; Blades, all types; Clamshell; Concrete Mixer Paver Operator; Concrete Plant Operator (automatic); Crane; Truck Crane; Pitman Crane; Hydro Crane or any machine with power swing; Derrick or Derrick Trucks; Dragline Operator; Dredge Operator; Dozer; Ditching Machine; Euclid Loader; Hoist, 2 active drums; Loaders, all types; Mechanic or Welder; Mixer-Mobile; Multi-unit Scraper; Piledriver Operator; Power Shovel Operator; Quad Track; Scoop Operators, all types; Sideboom Cat, Cherry Picker; Skimmer Scoop Operator; Pushcat Operators

Group 2 - Asphalt Plant Operator; Elevating Grader Operator

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS
Zone 3: Douglas & Shawnee Counties (Cont'd):

Group 3 - A-frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Backfiller Operator; Barber Green Loader; Boiler, other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator, skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator, concrete; Fireman, other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist, 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than Dredge Screening and Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator over 50 H.P.; Self-propelled Operator, other than asphalt siphons and jets; Subgrading Machine Operator; Tank Car Heater Operator; Combination Booster and Boilers; Towboat Operator; Vibrating Machine Operator, not hand

Group 4 - Concrete Gang Saw, self-propelled (con-cut); Conveyor Operator; Harrow; Disc, Seeder; Oiler; Tractor Operator, 50 H.P. or less without attachments

Group 4A - Oiler; Motor Crane

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: Pennsylvania COUNTIES: Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, Westmoreland
DECISION NUMBER: PA83-3002 DATE: Date of Publication
Supersedes Decision No. PA81-3041 dated July 6, 1981 in 46 FR 34934.
DESCRIPTION OF WORK: Heavy and Highway Construction, excluding Sewage and Water Treatment Plant Projects

HEAVY & HIGHWAY	Basic Hourly Rates	Fringe Benefits
CARPENTERS		
ZONE I	14.14	28%
ZONE II	13.94	28%
CARPENTER _ WELDER		
ZONE I	14.53	28%
ZONE II	14.33	28%
CARPENTER - BURNER		
ZONE I	14.33	28%
ZONE II	14.14	28%
CEMENT MASONS	14.73	23%
PILEDRIVERMEN	15.12	27%
PILEDRIVERMEN - WELDER	15.35	27%
IRONWORKERS:		
Reinforcing		
ZONE 1	12.81	2.40
Structural, Ornamental & Reinforcing		
ZONE 2	17.265	3.745
ZONE 3	16.37	4.95
LABORERS		
CLASS I		
ZONE I	12.02	20%
ZONE II	11.90	20%
CLASS II		
ZONE I	12.17	20%
ZONE II	12.07	20%
CLASS III		
ZONE I	12.60	20%
ZONE II	12.60	20%
CLASS IV		
ZONE I	13.55	20%
ZONE II	13.55	20%
LANDSCAPING		
ZONE 1		
CLASS 1		
Landscape laborer to include general landscaping work and the driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job	10.30	22%
CLASS 2		
Landscape tractor operator to operate small industrial rubber tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway work	10.72	22%
ZONE 2		
CLASS 1		
Landscape laborer to include general landscaping work and the driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job	12.00	20%
LINE CONSTRUCTION:		
ZONE 1		
Lineman	18.24	.60+ 3 3/8%
Winch Truck Op.	12.77	.60+ 3 3/8%
Truck Driver	11.86	.60+ 3 3/8%
Groundman	10.94	.60+ 3 3/8%
ZONE 2		
Lineman	14.74	.60+ 3 3/8%
Winch Truck Op.	10.26	.60+ 3 3/8%
Truck Driver	9.52	.60+ 3 3/8%
Groundman	8.77	.60+ 3 3/8%

DECISION NO. PA83-3002

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION: (CONT'D)		
ZONE 3		
Lineman, Dynamite Man, Heavy Equipment Operator	15.64	.65+ 3 3/8%
Winch Truck Op.	10.94	.65+ 3 3/8%
Truck Driver	10.72	.65+ 3 3/8%
Groundman	10.46	.65+ 3 3/8%
LINE CONSTRUCTION (RAILROAD ONLY) Armstrong, Bedford, Blair, Cambria, Centre, Clarion, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Somerset, Washington, Westmoreland Counties:		
Linemen	12.34	.60+ 6%+a
"A" Equipment Operator	12.34	.60+ 6%+a
"B" Equipment Operator	10.78	.60+ 6%+a
PLUMBERS (Bridge - drain Pipe) Allegheny, Washington, Greene, Armstrong Counties	15.80	3.59
POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION		
CLASS I		
ZONE I	15.85	20½%
ZONE II	15.61	20½%
CLASS II		
ZONE I	15.63	20½%
ZONE II	15.38	20½%
CLASS III		
ZONE I	12.59	20½%
ZONE II	12.35	20½%
CLASS IV		
ZONE I	12.21	20½%
ZONE II	11.94	20½%
CLASS V		
ZONE I	12.01	20½%
ZONE II	11.77	20½%
TRUCK DRIVERS: HEAVY & HIGHWAY CONSTRUCTION		
CLASS 1		
ZONE 1	12.88	18%
ZONE 2	12.65	18%
CLASS 2		
ZONE 1	13.02	18%
ZONE 2	12.83	18%
CLASS 3		
ZONE 1	13.09	18%
ZONE 2	12.93	18%
CLASS 4		
ZONE 1	13.09	18%
ZONE 2	12.93	18%
CLASS 5		
ZONE 1	13.19	18%
ZONE 2	13.01	18%
CLASS 6		
ZONE 1	13.19	18%
ZONE 2	13.01	18%
CLASS 7		
ZONE 1	13.17	18%
ZONE 2	12.98	18%
CLASS 8		
ZONE 1	12.92	18%
ZONE 2	12.68	18%
CLASS 9		
ZONE 1	13.02	18%
ZONE 2	12.79	18%
ZONE 10		
ZONE 1	13.09	18%
ZONE 2	12.93	18%
CLASS 11		
ZONE 1	13.01	18%
ZONE 2	12.83	18%
CLASS 12		
ZONE 1	12.97	18%
ZONE 2	12.79	18%

DECISION NO. PA83-3002

AREA COVERED BY CARPENTERS ZONES

ZONE I - Allegheny, Armstrong, Beaver, Butler, Erie, Fayette, Greene, Lawrence, Mercer, Washington and Westmoreland

ZONE II - Bedford, Blair, Cambria, Cameron, Centre, Clarion, Clinton, Clearfield, Crawford, Elk, Forest, Franklin, Fulton, Huntingdon, Indiana, Jefferson, McKean, Mifflin, Potter, Seomerset, Venango and Warren

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Fulton and Potter Counties

ZONE 2 - Franklin, Huntingdon and Mifflin Counties

ZONE 3 - Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Fayette, Indiana, Washington & Westmoreland Counties

AREA COVERED BY LABORERS ZONES

ZONE I - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Clearfield, Elk, Erie, Fayette, Greene, Indiana, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland

ZONE II - Bedford, Cameron, Centre, Clinton, Crawford, Forest, Franklin, Fulton, Huntingdon, Jefferson, Mifflin, Potter

LABORERS CLASSIFICATION DEFINITIONS

CLASS I - Heavy & Highway Construction Laborers (Including Craft Tenders, handling Salamanders L. P. Gas Heaters or similar etc.); Asphalt Curb Sealer; Asphalt Tamper; Batchman (weigh); Blaster's Helper; Boatman; Brakeman; Change House Attendant; Coffer Dam; Concrete Curing Pitman; Puddler; Drill Runner's Helper, (Including Drill Mounted on Truck, Track, or similar and Davey Drill - Spots-clean-up & Helps to maintain); Electric Brush and or Grinder; Fence Construction (including Fence Machine Operator); Form Stripper and Mover; Gabion (Erectors and Placers); Hydro Jet Claster Nozzlemen; Manually moved Emulsion Sprayer; Radio Actuated Traffic Control Operator; Rip Rap Work, Scaffolds and Runways; Sheeters and Shorers; Structural Concrete Top Surfacer; Walk Behind Street Sweeper; Welder's Helper (pipeline); Wood Chipper

DECISION NO. PA83-3002

LABORERS (CONT'D)

CLASS II - Air Tool Operator (all types); ASphalt, Batch & Concrete Plant Operator (manually operated) asphalt Rakers; Burner; Caisson Men (open air); Carryable Pumps; Chain Saw Operator (Including attachments); Cribbing (Concrete or steel); Curb Machine Operator (asphalt or concrete - walk behind); Diamond Head Core Driller; Drill Runner's Helper (Tunnel); Fork Lift (walk behind); Form Setter (Road Forms Line Man); Highway Slab Reinforcement Placers (Including Joint and Basket Setters); Hydraulic Pipe Pusher; Liner Plates (Tile or Vitrified Clay); Mechanical Compacting Equipment Operators; Mechanical Joint Sealer, Dope Pot and Tar Kettle; Mortar Mixer (hand or machine); Muckers, Brakemen & All Other Labor (Includes installation of Utility Lines); Pipe Layers (Regardless of material); Portable Single Unit Conveyor; Post Hole Auger (2 or 4 cycle-hand operated); Power Wheelbarrows and Buggies; Rail Porter or Similar; Sand Blaster; Vibrator Operator, All Rail Road Track Work to Include The Following: Adzing Machine, Ballast Router; Bolting Machine; Power Jacks; Rail Drill; Railroad Brakeman; Rail Saw; Spike Drivers (Manually or handheld tool); Spike Pullers; Tamping Machine; Thermitweld

CLASS III - Blacksmith, blaster, brick stone and block pavers and block cutters (wood, belgian and asphalt), cement mortar lining car pusher, cement mortar mixer (pipe relining), cement mortar pipe reliners, concrete saw operator (walk behind), curb cutters and setters, elevated roadway drainage construction, form setter (road forms-lead man), grout machine operator, gunite or dry pack gun (nozzle and machine man), manhole or catch basin (brick, block, concrete or any prefabrication), Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment and jumbos), multi-plate pipe (aligning and securing), placing wire mesh on gunite projects reinforcing steel placers (bending, aligning and securing and cad weld), wagon drill operators (air track or similar), walk behind ditching machine (trencher or similar), welder

CLASS IV - Welder (pipeline); High Burner (any burning not done from deck)

DECISION NO. PA83-3002

AREA COVERED BY LANDSCAPE
LABORERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Venango, Washington, Westmoreland, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Erie, Franklin, Fulton, Huntingdon, Mifflin, Somerset

ZONE 2 - Cameron, Elk, Forest, McKean, Potter, Warren

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Bedford, Blair, Cambria, Centre, Clarion, Clearfield, Fayette, Fulton, Greene, Huntingdon, Indiana, Jefferson, Somerset, Washington & Westmoreland Counties

ZONE 2 - Franklin & Mifflin Counties

ZONE 3 - Butler, Cameron, Clinton, Crawford, Elk, Erie, Forest, Lawrence, McKean, Mercer, Venango, Warren & Potter Counties

FOOTNOTE:
a. Paid Holidays: New Year's Day; Declaration Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Good Friday.

CLASSIFICATION DEFINITIONS FOR LINE CONSTRUCTION (RAILROAD ONLY)

"A" Equipment Operators:
1. Hoisting equipment - when erecting complete towers, erecting framed structures, erecting steel transmission poles, erecting railroad pole extensions and crossbeams and when operating personnel lift baskets.

2. Tension pulling equipment under energized conditions - paralled with other energized circuits or above energized circuits on the same structure, not to include crossovers. Bunled consuctor stringing, including static conductors on bundled conductor lines.

3. Excavating augures 36" inches in diameter or larger, 5/8 cubic yard backhoe and larger, trencher over four feet in depth, bulldozer D-6 (caterpillar) or larger, and blade on finish grade work

"B" Equipment Operators:
Operators of all other equipment

DECISION NO. PA83-3002

AREA COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE I - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Centre, Clearfield, Crawford, Erie, Elk, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington & Westmoreland Counties

ZONE II - Bedford, Cameron, Clinton, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

CLASS I - Autograde (C.M.I. & similar); Backfiller; Backhoe - 360° Swing; Cableway; Caisson Drill (similar to Hugh Williams); Central Mix Plant; Cooling Plant; Concrete Paving Mixer; Concrete Pump (self-propelled); Cranes; Cranes (Boom or mast 101 ft. or over up to & including 150 ft. inclusive of job + $.25; Boom or mast over 150 ft. up to & including 200 ft. inclusive of jib + $.50; Boom or mast over 200 ft. inclusive of jib + $.75; Tower-Stationary-Climbing Tower Crane); Derrick; Derrick Boat; Dozer (D-6 & over); Dragline; Dredge; Dredge Hydraulic; Elevating Grader; Franki Pile Machine; Gradall (Remote control or other-wise); Grader (Power-Fine Grade); Helicopter; Hilift (4 cy. and over); Hoist 2 Drums or more (in one unit); Hydraulic Boom TRuck (with pivotal cab) (single motor-Pitman or similar); Kocal; Locomotive (std. Gauge); Metro-chip Harvester or similar; Milling Machine (Roto Mill or Similar); Mix Mobile; Mucking Machine (Tunnel); Pile Driver Machine; Pipe Extrusion Machine; Prespliter Drill (Self contained); Refrigeration Plant (Soil Stabilization) Rough Terrain Crane; Scrapers; Shovel-Power; SliP Form Paver (C.M.I. and similar); Trenching Machine; Tunnel Machine (Mark XXI Jarva or similar) 1 Whirley

CLASS II - Asphalt paving machines (spreader), asphalt plant operator, auger (tractor mtd.), auger (truck mtd.), backhoe (rear pivotal swing) (180 swing), belt loader (euclid or similar), boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized), concrete belt placer (C.M.I. and similar), concrete finishing machine and spreader concrete mixer (over 1 cy.), concrete pump (stationary), core drill (truck or skid mtd. - similar to Pen drill), dozer (under D-6), force feedloader, fork lift (lull or similar), grader - power, grease unit operator (head), guard rail post driver (truck mounted), guard rail post driver (skid type), hi-lift (under 4 cy.) hydraulic boom truck (Non-Pivotal cab), job work boat (powered) when assistance is required it shall be a deckhand), jumbo operator, locomotive (narrow guage), mechanic, minor equipment operator (accumulative four units), mucking machine, multi-head saw (groover), overhead crane, roller - power-asphalt, ross carrier, side boom or tractor mounted boom, stone cursher, (screening-washing plants), stone spreader (self-propelled) truck mounted drill (davey or similar), welder and repairman, well point pump operator

DECISION NO. PA83-3002

CLASSIFICATION DEFINITIONS
FOR ALL ZONES CONT'D

CLASS III - Broom Finisher (C.M.I. or similar); Compactors/Rollers (Static or Vibratory (Self-propelled); Curb Builder; Minor Equipment Operator (two to three units); Multi-head Tie Tamper, Pavement Breaker (Self-Propelled or ridden); Soil Stabilizer Machine; Tire Repairman; Tractor (Snaking and hauling); Well Driller and Horizontal; Winch or "A" Frame Truck (when hoisting and lowering)

CLASS IV - Ballast Regulator, Compressor, Concrete Mixer (1 cy. & under with skip), Concrete Saw (Ridden or self-propelled), Conveyor, Elevator (Material hauling only), Fork-lift (Ridden or self-propelled), Form Line Machine, Generator, Groute Pump, Heater (Mechanical), Hoist (Single Drum), Ladavator Light Plant, Mulching Machine, Spray Cure Machine (powered Driven), Subgrader, Tie Puller, Tugger and welding Machine (Gas or Diesel)

CLASS V - Deck Hand, Farm Tractor; Fireman on Boiler; Mechanic's Helper; Oiler, Power Broom, Side Delivery Shoulder Spreader

DECISION NO. PA83-3002

TRUCK DRIVER CLASSIFICATION DEFINITIONS

CLASS 1 - Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman)

CLASS 2 - Truck over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat, botton, scissors and combination fuel and foel and grease)

CLASS 3 - Tri-axle Trucks

CLASS 4 - Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet, width (such as euclids, Athey Wagon, Payloader, Tournawagons and similar equipment when not self-loaded rated under forty-five tons

CLASS 5 - Heavy off-the-road equipment (rated at forty-five tons or over)

CLASS 6 - Bottom or Belly-dump Trucks

CLASS 7 - Heavy Duty Trailer, such as Low Boy, Hi-Boy, Dump Trailer, Pole Trailer A-Frames (when used for transporting materials), Dumpseters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Truck, Bucket Selfloading Trucks, Farm Tractor (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributint Trucks, Tar and Asphalt Trailer Trucks, mobile mixer and slurry seal truck

CLASS 8 - Single-axle Ready Mixed Concrete Trucks (such as agitators barrel, redimix concrete trucks, etc.

CLASS 9 - Tandem-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.

CLASS 10 - Tri-Axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.

[FR Doc. 83-24572 Filed 9-8-83; 8:45 am]

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DECISION NO. PA83-3002

TRUCK DRIVER CLASSIFICATION DEFINITIONS CONT'D

CLASS 11 - Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.)

CLASS 12 - Trucks with Dolly or Trailer

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre, Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland

ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

Welders - Rate for craft

"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))."

federal register

Friday
September 9, 1983

Part III

Information Security Oversight Office

National Security Information; Standard Forms; Final Rule

INFORMATION SECURITY OVERSIGHT OFFICE

32 CFR Part 2003

National Security Information; Standard Forms

AGENCY: Information Security Oversight Office (ISOO).

ACTION: Final rule.

SUMMARY: This rule provides for the use within the executive branch of standard forms that pertain to national security information. These forms are issued in accordance with the provisions of Section 5.2(b)(7) of Executive Order 12356.

EFFECTIVE DATE: September 9, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Garfinkel, Director, ISOO. Telephone: 202-535-7251.

SUPPLEMENTARY INFORMATION: Section 5.2(b)(7) of Executive Order 12356 authorizes the Director of ISOO to prescribe the use of standard forms that will promote the implementation of the government-wide information security program. ISOO has developed these forms in coordination with those agencies that will be primarily affected by them.

List of Subjects in 32 CFR Part 2003

Classified information, Executive orders, Information, National security information, Security information.

Title 32 of the Code of Federal Regulations, Chapter XX, is amended by adding a new Part 2003 to read as follows:

PART 2003—NATIONAL SECURITY INFORMATION—STANDARD FORMS

Subpart A—General Provisions

Sec.

2003.1 Purpose.
2003.2 Scope.
2003.3 Waivers.
2003.4 Availability.

Subpart B—Prescribed Forms

2003.20 Classified Information Nondisclosure Agreement: SF 189.

Authority: Sec. 5.2(b)(7) of E.O. 12356.

Subpart A—General Provisions

§ 2003.1 Purpose.

The purpose of the standard forms prescribed in Subpart B is to promote the implementation of the government-wide information security program. Standard forms are prescribed when their use will enhance the protection of national security information and/or will reduce the costs associated with its protection.

§ 2003.2 Scope.

The use of the standard forms prescribed in Subpart B is mandatory for all departments, and independent agencies or offices of the executive branch that create and/or handle national security information. As appropriate, these departments, and independent agencies or offices may mandate the use of these forms by their contractors, licensees or grantees who are authorized access to national security information.

§ 2003.3 Waivers.

Except as specifically provided, waivers from the mandatory use of the standard forms prescribed in Subpart B may be granted only by the Director of ISOO. The Director of ISOO will be responsible for ensuring that all waivers that necessitate changes to a standard form are cleared with the General Services Administration's Office of Information Resources Management (KLSO) as an exception to the standard form (41 CFR 101-11.8).

§ 2003.4 Availability.

Agencies may obtain copies of the standard forms prescribed in Subpart B by ordering through FEDSTRIP/MILSTRIP or by including the required quantities on a Standard Form 3146 signed by an agency approving official for self-service store purchases. The national stock number of each form is cited with its description in Subpart B.

Subpart B—Prescribed Forms

§ 2003.20 Classified Information Nondisclosure Agreement: SF 189.

(a) SF 189 is a nondisclosure agreement between the United States and an individual that is to be executed as a condition prior to the United States Government authorizing that individual access to classified information.

(b) All employees of executive branch departments, and independent agencies or offices, and the employees of their contractors, grantees and licensees must sign SF 189 as a condition prior to being authorized access to classified information. This requirement may be implemented prospectively by an agency for which the administrative burden of compliance would be excessive. Only the National Security Council may grant an agency's application for prospective implementation. To request prospective implementation, an agency must submit its justification to the Director of ISOO, who will forward it with a recommendation to the National Security Council.

(c) Agencies may require other persons, who are not included under paragraph (b), above, to execute SF 189 as a condition prior to receiving access to classified information.

(d) Only the National Security Council may grant an agency's application for a waiver from the use of SF 189. To apply for a waiver, an agency must submit its proposed alternative nondisclosure agreement to the Director of ISOO, along with its justification. The Director of ISOO will request a determination about the alternative agreement's enforceability from the Department of Justice prior to making a recommendation to the National Security Council.

(e) Each agency must retain its executed copies of the SF 189 in file systems from which the agreements can be expeditiously retrieved in the event that the United States must seek their enforcement.

(f) The national stock number for the SF 189 is 7540-01-161-1869.

Dated: September 6, 1983.

Steven Garfinkel,

Director, Information Security Oversight Office.

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Part IV

Department of the Interior

Fish and Wildlife Service

Final Frameworks for Late Season Migratory Bird Hunting Regulations

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Final Frameworks for Late Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final late season frameworks from which States may select season dates, limits, and other options for 1983–84 migratory bird hunting season. The earliest of these seasons generally commences on or about October 1, 1983, and include most of those for waterfowl.

Except as noted, the frameworks are similar to those in effect last hunting season. The Service continues its program of stabilized duck hunting regulations into the 1983–84 hunting season as the fourth year of a 5-year cooperative study with Canada. Special restrictions to reduce the black duck harvest will be initiated this year. Management strategies for canvasbacks will be altered in the 3 eastern flyways.

The Service annually prescribes hunting regulations frameworks to the States. The effects of this final rule are to facilitate the selection of hunting seasons by the States and to further the establishment of the late season migratory bird hunting regulations for the 1983–84 season. State selections will be published in the **Federal Register** as amendments to § 20.104 through 20.107 and § 20.109 of Title 50 CFR Part 20.

EFFECTIVE DATE: This rule takes effect on September 9, 1983. Tentative State selections of seasons and other options based on the proposed frameworks are due by September 9, 1983.

ADDRESSES: Send State season selections to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received on the proposed late season frameworks are available for public inspection during normal business hours in Room 536, Matomic Building, 1717 H Street, NW., Washington, D.C. Copies of the environmental assessments on black ducks and canvasbacks are available from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202) 254–3207.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

On April 5, 1983, the U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment in the **Federal Register** (48 FR 14700) proposals to amend 50 CFR Part 20, with comment periods ending June 22, July 15, and August 19 (later extended to August 24), 1983, respectively, for the 1983–84 Alaska, Puerto Rico, and Virgin Islands hunting seasons; other early hunting seasons; and the late hunting seasons frameworks. That document dealt with the establishment of hunting seasons, shooting hours, areas, and limits for migratory game birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. A supplemental proposed rulemaking for both the early and late season frameworks appeared in the **Federal Register** dated June 17, 1983 (48 FR 27799).

On July 7, 1983, the Service published for public comment in the **Federal Register** (48 FR 31266) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early season migratory bird hunting regulations. On July 22, 1983, the Service published in the **Federal Register** (48 FR 33488) a fourth document containing final frameworks for Alaska, Puerto Rico, and the Virgin Islands, and on August 3, 1983 (48 FR 35100), a fifth document containing final frameworks for other early seasons for migratory bird hunting regulations from which State wildlife conservation agency officials selected early season hunting dates, hours, areas, and limits for the 1983–84 season. A sixth document (48 FR 35152) also dated August 3, 1983, supplements **Federal Register** documents 48 FR 14700 and 48 FR 27799 as these concern black ducks. On August 15, 1983, the Service published in the **Federal Register** (48 FR 36853), a seventh document containing proposed frameworks for late season migratory bird hunting regulations. On August 26, 1983, the Service published in the **Federal Register** (48 FR 39023) an eighth document consisting of a final rule amending Subpart K of Title 50 CFR Part 20 to set hunting seasons, hours, areas, and limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Florida, Iowa, Kentucky, and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and special falconry seasons. This document is the ninth in the series and establishes final frameworks for late season migratory bird hunting regulations for the 1983–84 season.

These final regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Review of Public Comments and the Service's Response—Written Comments Received

In the **Federal Register** dated June 17, 1983 (at 48 FR 27799), the Service responded to comments received up to that time on proposed late season frameworks. Eight statements made at the public hearing on proposed late hunting season frameworks and 18 additional written comments were summarized and responded to in the **Federal Register** dated August 15, 1983 (at 48 FR 36853). Since then 33 written comments have been received. In several cases, more than one comment was received from the same respondent and in some others views were offered on more than one regulatory subject. The new comments originated from 17 states, 5 national conservation organizations, 1 regional organization and a number of individuals. They are summarized and responded to as follows according to the regulatory topics identified in the **Federal Register** dated April 5, 1983 (48 FR 14700).

Framework dates for ducks and geese in the continental United States. Seven comments were received regarding frameworks for ducks and geese. Delaware and Washington endorsed the proposed late season regulations. Washington reaffirmed support for stabilized season frameworks but opposed extending framework dates. The Wildlife Legislative Fund of America supported the season lengths, bag limits and shooting hours proposed and offered other comments treated in following sections. Missouri

recommended the daily bag limit of Canada geese in the Swan Lake Zone remain at one through November 13. South Carolina announced a closed season on mottled ducks Statewide. Defenders of Wildlife questioned what they view as liberal regulations and cautioned that Anderson and Burnham's compensatory mortality conclusions are tenuous and should not be applied to justify liberal regulations frameworks. One Michigan hunter recommended establishment of a special "black and white" duck season in the State.

Response. The support of Delaware, Washington and the Wildlife Legislative Fund of America for the proposed frameworks is acknowledged as is Washington's support for present framework dates. The Service has incorporated in this document Missouri's recommendation concerning Canada goose season dates in the Swan Lake Zone. Also included is South Carolina's closure of the mottled duck season.

In response to comments by Defenders of Wildlife, the Service does not rely solely on compensatory mortality theories when establishing regulation frameworks. Annual breeding population and harvest surveys, which provide direct means to monitor the status of many waterfowl species, are also considered. The Service believes such surveys in conjunction with banding and other studies provide sufficient information to develop informed management decisions, and do not indicate that current frameworks are too liberal.

The proposal for a "black and white" duck season in Michigan was considered but not endorsed by the Mississippi Flyway Council. The Service believes additional information and justification is needed before such a season proposal can be evaluated.

Black ducks. Ten comments pertaining to the proposed regulations on black duck hunting received. Of these, six indicated support for the proposed regulations with or without some modification; one comment with 139 individually signed form letters attached opposed the regulations for upstate New York as being too restrictive; and three comments indicated that, in general, the regulations were not restrictive enough and recommended that no hunting of black ducks should be permitted. Following are the comments and Service responses.

The Delaware Division of Fish and Wildlife endorsed the proposed black duck harvest restrictions for Delaware published in the **Federal Register** on August 3, 1983 (48 FR 35132).

The New York Department of Environmental Conservation (NYDEC) by telephone expressed support for the proposed black duck regulations but noted an error in the proposed regulation for the Southeastern Zone of New York. In the August 15, 1983 **Federal Register** (48 FR 27860), it was stated that hunting of black ducks would be prohibited throughout the second part of a split season in the Southeastern Zone of New York. NYDEC pointed out that the prohibition should apply to the last 25 days of the second part of a split season in the Southeastern Zone.

Response. The Service concurs that the proposal in the August 15, 1983 **Federal Register**, is misstated and that the correct wording is as indicated by NYDEC. The wording is corrected in this final rule. The restriction in the Southeastern Zone of New York will continue to have the effect of prohibiting black duck hunting during 25 of the 50 days of duck hunting permitted in this Zone as was originally intended.

The Connecticut Department of Environmental Protection (CDEP) requested an amendment to the proposed black duck regulations for Connecticut for 1983. In the August 15, 1983 **Federal Register** (48 FR 36360), it was proposed that one black duck per day be permitted in the North (Inland) Zone of Connecticut throughout both portions of a split season. The amendment provides that black duck hunting will be prohibited during the first part of a split season in the North (Inland) Zone and one black duck will be permitted per day during the second part of a split season in that zone. This change makes the black duck regulation of the North (Inland) Zone similar to that for the South (Coastal) Zone of Connecticut.

Response. The amendment is adopted in this final rule. The change will further reduce the harvest of black ducks in Connecticut and is consistent with Service and Atlantic Flyway Council objectives in this regard.

Mr. Frederick G. Faerber III and 139 other correspondents objected to the black duck hunting restriction proposed for the Southeastern Zone of New York on the ground that it was too severe. They requested that one black duck per day be permitted throughout the entire duck hunting season and that a prohibition on black duck hunting during the second part of a split season as proposed in the August 15, 1983 **Federal Register** (48 FR 36860), be eliminated. They stated that a prohibition closure would increase the risk of unintentional violations of the regulations because hunters will mistake black ducks for mallards.

Response. The restriction on black duck hunting in the Southeastern Zone of New York is discussed above in response to comments from the New York Department of Environmental Conservation. It was noted that a misstatement in the proposal described in the August 15, 1983 **Federal Register** (48 FR 27860) is corrected in this final rule. This has the effect of permitting one black duck per day during a portion of the second part of a split season in the Southeastern Zone of New York. It does not, however, permit one black duck per day throughout the entire season in the Southeastern Zone as requested by these correspondents. The purpose of restrictions of black duck hunting is to reduce the rate of harvest of black ducks to a level lower than that of previous years. The Service and the Atlantic Flyway Council are seeking ways to halt a downward trend in numbers of black ducks evident during the past 25 years and these restrictions are an important part of that effort. A combination of reduction in bag limit and in number of days of black duck hunting has been determined by the Service and the State to be an appropriate and effective way to reduce harvest in New York. It is recognized that hunters may encounter some difficulties in distinguishing black ducks from mallards in the field under some circumstances. To help hunters with this problem, the Service and the State cooperatively are providing identification aids that illustrate the differences between black ducks and mallards. It is important that hunters assume a share of responsibility in this effort by taking advantage of these aids to learn to distinguish black ducks from other species, and refrain from shooting when in doubt.

South Carolina Wildlife and Marine Resources Department recommended that in addition to restrictions described in the August 14, 1983 **Federal Register** (48 FR 36860), there be no open season on black ducks in Georgetown, Charleston, Colleton, and Beaufort Counties.

Response. This proposed change in the regulation for South Carolina is included in the black duck regulations listed below. This change should reduce the number of black ducks harvested in South Carolina and is consistent with objectives of the Service and the Atlantic Flyway Council in this regard.

The Wildlife Legislative Fund of America (WLFA) commented in support of the Service proposal to reduce black duck harvest by 25 percent in the Atlantic Flyway but questioned the idea that hunting is the cause of the decline

of the black duck and that hunting restrictions will lead to an increase. They pointed out that the combined population of mallards and black ducks within the Atlantic Flyway does not reflect a decrease in numbers of ducks. They support hunting restrictions on black ducks primarily as an information gathering device that may help in determining the precise cause of the black duck problem and thus benefit the species. In further comments they question the classification of the black duck as a species, and suggest that it might more properly be considered a subspecies of the mallard. They suggest that hybridization between mallards and black ducks may be a natural process and in this case hunting regulations to combat it would be difficult to justify.

Response. the Service concurs that the cause or causes of the decline in black duck numbers is not clear. The views expressed by WLFA are consistent in general terms with the course of action being followed by the Service. Hybridization of black ducks and mallards is a complex subject and is being further investigated in the United States and Canada.

Mr. M. W. Coulter of East Holden, Maine requested that the Service propose an experimental closure on black duck hunting because of a continuing, alarming decline of black ducks in the Atlantic Flyway.

Response. A complete ban on the hunting of black ducks is one of the alternatives considered in the Environmental Assessment, *Proposed Hunting Regulations on Black Ducks, 1983.* As pointed out in that assessment, a complete ban on the hunting of black ducks would be more effective than other alternatives in improving the status of black ducks if hunting was the principal limiting factor. However, the relationship between hunting and the status of the black duck population in the Atlantic Flyway is not clear. The Service believes that the restrictions proposed in the **Federal Register** on June 17, 1983 (48 FR 27799) and August 15, 1983 (48 FR 36853 represent a reasonable and appropriate first step toward determining the relationship, if any, between black duck harvests and populations and will, at the same time, reduce harvest pressure on black ducks. Hunting provides a major source of information in evaluating the relationship between harvests and populations. This source of information would be lost under a complete closure. The Service has stated previously (47 FR 41253) and continues to believe that the current status of the black duck population does not require such drastic management action as a complete closure of black duck hunting in the Atlantic Flyway. This question is further discussed below in response to comments from Maine.

The Maine Department of Inland Fisheries and Wildlife stated that individual State restrictions on black duck hunting do not constitute a sufficient effort to attempt to reverse the population decline of this species, and recommended a complete closure on black duck hunting throughout the Atlantic Flyway.

Response. This question is discussed above under the response to comments by M. W. Coulter. It is recognized that Maine has different views on this matter than other States in the Atlantic Flyway, and that these views are influenced by special consideration for the black duck situation in Maine. As compared to other States in the Flyway, Maine is an important production area for black ducks as well as an important migration and wintering area. A large proportion of the black ducks produced in Maine are also harvested there. A sharp decline in the black duck breeding population in recent years, observed by waterfowl biologists in Maine, has led to concern about the status of the species in that State. The restrictions on harvest of black ducks proposed in the **Federal Register** on June 17, 1983 (48 FR 27799) and August 15, 1983 (48 FR 36853) for the Atlantic Flyway were developed in cooperation with the States of that Flyway and, after thorough review and discussion at meetings in March and July, 1983, were supported by the Atlantic Flyway Council. Even though Maine spoke in favor of a closed season at these meetings, the Council determined that this was not necessary or appropriate for the entire Flyway. The Service, also, is of the view that the particular situation in Maine does not extend to most of the remainder of the Flyway.

The Humane Society of the United States (HSUS), through its legal counsel submitted a 15 page statement of views on the proposed 1983–84 black duck hunting regulations. In this statement HSUS asserts that (1) the "Service has reneged on its commitment to the federal courts and to the public", interpreting this commitment to be "a program of attempting to restore the black duck population by reducing hunting pressure, particularly that on immatures"; (2) the Service has provided "no analysis of the appropriate amount of kill reduction" referring here to "what reduction would fulfill its [the Service] duty to achieve prompt and demonstrable restoration of the species"; and (3) "the means chosen to reduce kill are inadequate to the task", referring here to alleged inadequacies of the proposed bag limit and season length reductions to achieve a 25% reduction in harvest in the Atlantic Flyway.

Response. The HSUS assertions are in response to statements and views expressed by the Service in the Federal Register of August 15, 1983 (48 FR 36856) and earlier rulemakings. The Service has responded in the **Federal Register** of August 15, 1983 (48 FR 36856), June 17, 1983 (48 FR 27802), and earlier to many of the points of concern identified by HSUS. Also, many of the same points relating to the biology and management of the black ducks were the subject of detailed testimony by the Service before the U.S. District Court for the District of Columbia in October, 1982 to which HSUS has not responded. The court hearings were in connection with a lawsuit filed by HSUS against the Department of the Interior and the Fish and Wildlife Service challenging the regulations for hunting black ducks in the 1982–83 hunting season specifically, and the Service approach to regulating the harvest of black ducks generally. The District Court subsequently ruled in favor of the government and the U.S. Court of Appeals upheld the ruling.

Although the Service has responded previously in court hearings and in the **Federal Register** to HSUS points of concern, the main points in the most recent HSUS statement (described above) are addressed here in the interest of providing the public with additional information concerning views about black duck management actions that are contrary to those of the Service, and the Service response to those views, which follow:

The Service commitment in regard to black ducks is to undertake a program of harvest restrictions beginning in the 1983–84 hunting season, and to develop that program in cooperation with State, Provincial and Federal wildlife agencies in the United States and Canada (47 FR 41254; 48 FR 14707). The Service has not backed away from this commitment; on the contrary it has proceeded exactly along lines that were described and discussed in the **Federal Register** on April 5, 1983 (48 FR 14707), June 17, 1983, (48 FR 27801), August 3, 1983 (48 FR 35152), and August 15, 1983 (48 FR 36855). Statements in these documents clearly describe the general approach to harvest restrictions that the Service intended to take, the harvest restrictions proposed by the Service for the 1983–84 hunting season, and their development

in cooperation with the agencies mentioned above.

The immediate objective of the harvest restrictions is to seek to halt the downward trend in black duck numbers. This is in accordance with a black duck management plan cooperatively developed by Canadian and U.S. waterfowl biologists representing Provincial, State and Federal wildlife agencies. In seeking to move toward this objective the Service has determined that the restrictions should be aimed, first, at obtaining a reduction in harvest rates and, second, determining whether such reduction is associated with any change in population status of the black duck.

It is recognized that the above approach differs from objectives for black ducks previously stated by the Service in 1980 and earlier. However, based on its most recent observation and investigations and its understanding of the complexities of the black duck situation the Service is of the view that this is the most realistic approach to take at this time.

A related point of concern of HSUS is how great the black duck harvest restrictions should be. Underlying this is a continuing insistence by HSUS that the hunting of black ducks must be completely prohibited by the Service, regardless of any cooperative effort with other responsible agencies, and anything less than a complete prohibition is unacceptable (e.g. a 25% reduction in the Atlantic Flyway harvest). The Service has previously stated its belief that a complete closure of black duck hunting in the Atlantic Flyway is not necessary, and has discussed its reasons for believing that the restrictions proposed for the 1983–84 hunting season are reasonable and appropriate (e.g. 48 FR 36856).

The objective of a management program for the black duck is, as stated previously, to seek to halt a downward trend in numbers of black ducks. In the September **Federal Register** notice the Service referred to the Black Duck Management Plan developed by the Atlantic Flyway Council with participation by the Service, the Canadian Wildlife Service, and State and Provincial Wildlife Agencies, stating that the several regulatory options identified in that plan should be evaluated to determine which are the most appropriate for the Atlantic Flyway (eastern United States). The Management Plan identifies as the primary short term goal the need to stop the downward trend of the black duck population. This information was entered in the record at court hearings before the U.S. District Court in October 1982 and is noted in the Court's Memorandum Opinion in which it found in favor of the government on November 29, 1982. The reduction in harvest rates discussed by the Service (48 FR 36856), which HSUS views as a change in the objective, is considered to be an appropriate and reasonable first step in this direction. It is an essential step in an effort to more clearly define the relationship, if any, between black duck harvests and population levels, and the degree to which the population will respond to harvest restrictions.

The Service has previously responded (48 FR 36856) to HSUS statements that restrictions on bag limits and season length "are inadequate to the task" [of reducing kill]. The Service is of the view that their is no reason to doubt the effectiveness of these measures in reducing harvest. They are standard measures that have been employed for many years in waterfowl management and are widely recognized to be effective.

HSUS states that its analysis of the restrictions proposed for certain States in the Atlantic Flyway shows, contrary to Service estimates, that the restrictions will not achieve a 25% reduction in harvest in these States. The HSUS analysis is based on assumptions about the effectiveness of bag limit and season restrictions that are considerably different than those used by the Service. The Service believes that its assumptions are reasonable. However, it cannot be guaranteed that a 25% reduction in harvest will occur, or will occur in each individual State. These matters cannot be predicted with certainty because there are other factors that may intervene to effect the level of harvest in any one particular year. Nevertheless, the Service believes that under normal circumstances with production, migration, distribution, and fall flight characteristics similar to those of recent years the specific restrictions proposed will be effective in achieving the harvest reductions estimated for the Atlantic Flyway.

In regard to immature black ducks the proposed restrictions do not neglect them, as HSUS believes. In a normal production year immatures are a major component of the black duck population in the United States throughout the fall hunting period not just in early fall. While delayed season openings on black ducks in northern areas may reasonably be expected to provide protection to immatures, and several northern States will utilize such delays, this measure is not the only way to relieve hunting pressure on immatures as HSUS suggests. The Service believes the proposed restrictions for the various States will protect immatures as well as adults even though not all will include delayed openings.

HSUS states that recent indirect population estimates made by the Service "dramatically" change the black duck population picture from what the Service previously contended it was by providing evidence that the population has declined in recent years. The recent indirect estimates are for the period 1977–80—a period for which indirect estimates only recently became available. The indirect estimates made by the Service for the periods, 1967–70, 1971–76, and 1977–80 indicate fall black duck populations of 4.4 million, 4.8 million, and 3.9 million respectively. The Service has used these estimates to obtain indications of the approximate size of the black duck population. They provide evidence that the black duck is not in a crisis situation that would require an immediate closure to hunting. Indirect population estimates have not been used as primary sources of information on population trends. For population trends the Service has used the winter population survey, which shows a decline in the population over the past 25 years. The Service has utilized information from both winter survey data and indirect population estimates as well as other information in developing harvest restrictions for the 1983–84 hunting season.

The Maryland Wildlife Administration on August 24, 1983, notified the Service that the dates to be selected for the Maryland duck hunting season would differ from those used in planning the proposed black duck hunting regulations for Maryland (48 FR 36860) because the State will establish inland and coastal zones for harvest management. Maryland recommended the following changes:

Inland Zone. The season on black ducks will be closed during the first part of a split season. It is understood that this closure will incorporate no less than 3 hunting days. During the remainder of the duck hunting season, the black duck will have a point value of 100.

Coastal Zone. The season on black ducks will be closed during the first 6 days of the duck hunting season. During the remainder of the duck hunting season the black duck will have a point value of 100.

The Service has evaluated this change and finds it to be consistent with the guidelines for harvest restrictions established by the Service and the Atlantic Flyway Council. These black duck hunting regulations for Maryland are included in this final rule.

Canvasback and redhead ducks. Two States commented on the proposed canvasback regulations: Alabama agreed with the management concepts expressed for canvasbacks, and Virginia requested an adjustment of the area wherein canvasbacks may be taken during the proposed experimental late season. In other comments the Wildlife Legislative Fund of America urged that proposals offered for canvasbacks be implemented, and Mr. M. F. Tattenbaum of New York requested the upper Niagara River be opened to hunting of canvasback and suggested the limit be 1 or 2.

Response. The support of Alabama and the Wildlife Legislative Fund concerning proposals relating to canvasbacks is noted. The Service has reviewed information relating to Virginia's request and has concluded that it would not cause any significant change in the harvest of canvasbacks as compared to the proposal published in the August 15, 1983 **Federal Register.** The area proposed for an experimental canvasback season in Virginia is amended in this final rule.

In regard to the upper Niagara River the Service notes that it is one of the areas in New York that may be opened to the taking of canvasbacks during the proposed experimental late season.

Zoning. Four States and three individuals commented on zoning matters within their boundaries: Pennsylvania requested Service approval of a boundary change for the area where a 90-day Canada goose season is offered; West Virginia requested a minor boundary change in their upland zone for ducks; Maine noted their zoning experiment was completed and asked whether they could alter existing zone boundaries and select the point system instead of convention regulations in relation to earlier zoning studies; The Iowa Conservation Commission and three individuals from Iowa objected to the proposed frameworks because they did not incorporate a provision that would allow the State to implement zones for the regulation of duck hunting in 1983.

Response. The Service concurs in a limited expansion of the 90-day goose season area proposed by Pennsylvania. That change and the boundary adjustment requested by West Virginia are incorporated in this final rule.

The Service notes that Maine has completed their zoning experiment in which the State is divided into two zones. With Council and Service approval the State tested two different zone boundaries. Either of the tested boundaries appear to be acceptable but Council and Service review and concurrence should be obtained prior to a change of existing boundaries. At this time Service is aware of no reason why Maine could not either select point system or conventional regulations options statewide.

The Service has examined the proposal for zoning submitted by Iowa and finds that it meets the criteria established in 42 FR 26671 dated May 25, 1977. The proposal was approved in principle by the Upper Region Regulations Committee of the Mississippi Flyway Council. The Service therefore believes it appropriate for Iowa to initiate a three year experimental zoning study beginning in 1983 and provision for this is incorporated in this final rule.

Goose and brant seasons. Four individuals and one organization commented in support of an extended Canada goose season in southwest Michigan. In addition, South Carolina notified the Service that it intends to close selected counties to the taking of Canada geese.

Response. The Service notes that a proposal to extend the Canada goose season in southwest Michigan to increase the harvest of resident Canada geese was considered by the Mississippi Flyway Council. It is understood that the Council withheld its endorsement pending additional information from Michigan about the impact of an extended season on migrant geese. The Service believes it desirable to provide Michigan and the Council opportunity to evaluate this aspect of the extended season before taking action.

The Service notes South Carolina's intent to close the Canada goose season in certain counties and the closure is incorporated into this final rule.

Nontoxic Shot Regulations

On August 13, 1981, the Service published in the **Federal Register** (46 FR 40879) final rules describing nontoxic shot zones for waterfowl hunting. When eaten by waterfowl, spent lead pellets can have a toxic effect. Nontoxic shot zones reduce availability of lead pellets in selected waterfowl areas.

Amendments to these regulations were published in the **Federal Register** (47 FR 32546; July 28, 1982 and 48 FR 26457; June 8, 1983). These amendments relate to changes in Indiana, Maine, Massachusetts, Nebraska, Michigan, Illinois, Florida, and Texas. Some States have State regulations requiring steel shot for waterfowl hunting in areas not included in the Federal regulations published in the **Federal Register** on August 13, 1981 (46 FR 40879). Zones in other States will remain as they were described on August 13, 1981 (46 FR 40879).

Some national wildlife refuges require use of steel shot on hunting areas within their boundaries, and these rules are published with other regulations regarding public use of the refuges (Title 50 CFR Part 32—Hunting).

Waterfowl hunters are advised to consult State and local regulations regarding the use of nontoxic shot for waterfowl hunting.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council of Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" [and] " * * * by taking such action necessary to insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical." The Service therefore initiated Section 7 consultation under the Endangered Species Act for the proposed hunting season frameworks.

On June 28, 1983, the Chief, Office of Endangered Species, concluded that the proposed actions were not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitats.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinion resulting from its consultation under Section 7 is considered a public document and is available for public inspection in or available from the Office of Endangered Species and the

Office of Migratory Bird Management, Department of the Interior, Washington, D.C.

Regulatory Flexibility Act and Executive Order 12291

In the **Federal Register** dated April 5, 1983 (at 48 FR 14700), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Memorandum of Law

The Service published its Memorandum of Law, required by Section 4 of Executive Order 12291, in the **Federal Register** dated July 22, 1983 (at 48 FR 33488).

Authorship

The primary author of this final rule is Morton M. Smith, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed late hunting season rulemakings were published on April 5, June 17, and August 15, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the close of each period time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the States would have insufficient time to select season dates, shooting hours, and limits; to communicate those selections to the Service; and to establish and publicize the necessary regulations and procedures that implement their decisions.

Therefore, the Service under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended, (40 Stat. 755; 16 U.S.C. 701–711), prescribes final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and hunting areas, from which State conservation agency officials may select hunting season dates and other options. Upon receipt of season and option selections from State officials, the Service will publish in the **Federal Register** final rulemaking amending 50 CFR Part 20 (§§ 20.104 through 20.107 and § 20.109) to reflect seasons, limits, and shooting hours for the contiguous United States for the 1983–84 season.

The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

Dated: September 1, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

BILLING CODE 4310-55-M

Final Regulations Frameworks for 1983-84 Late Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved final frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl, coots, and gallinules; sandhill cranes in Arizona; and common snipe in the Pacific Flyway. Frameworks are summarized below. States may be more restrictive in selecting season regulations, but may not exceed the framework provisions.

GENERAL

Split Season: States in all Flyways may split their season for ducks, geese, or brant into two segments. States in the Atlantic and Central Flyways may, in lieu of zoning, split their season for ducks or geese into three segments. Exceptions are noted in appropriate sections.

Shooting Hours: From one-half hour before sunrise to sunset daily, for all species and seasons, including falconry seasons.

Extra Blue-winged Teal: States in the Mississippi and Central Flyways selecting neither a teal or early duck season in September nor the point system may select an extra daily bag and possession limit of 2 and 4 blue-winged teal, respectively, for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

Extra teal: States in the Atlantic Flyway (except Florida) not selecting the point system may select an extra teal limit of no more than 2 blue-winged teal or 2 green-winged teal or 1 of each daily and no more than 4 singly or in the aggregate in possession for 9 consecutive days during the regular duck season.

Special Scaup-only Season: States in the Atlantic, Mississippi, and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with daily bag and possession limits of 5 and 10 scaup, respectively, subject to the following conditions:

1. The season must fall between October 1, 1983, and January 31, 1984, all dates inclusive.

2. The season must fall outside the open season for any other ducks except sea ducks.

3. The season must be limited to areas mutually agreed upon by the State and the Service prior to September 2, 1983.

4. These areas must be described and delineated in State hunting regulations.

OR

Extra Scaup: As an alternative, States in the Atlantic, Mississippi, and Central Flyways, except those selecting the point system, may select an extra daily bag and possession limit of 2 and 4 scaup, respectively, during the regular duck hunting season, subject to conditions 3 and 4 listed above. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

Point System: Selection of the point system for any State entirely within a flyway must be on a statewide basis, except if New York selects the point system, conventional regulations may be retained for the Long Island Area. New York may not select the point system within the Upstate zoning option, and New Hampshire, Massachusetts, Connecticut and Pennsylvania may not select the point system pending completion of zoning studies.

Deferred Season Selections: States that did not select rail, woodcock, snipe, sandhill crane, gallinule, and sea duck seasons in July should do so at the time they make their waterfowl selections.

Frameworks for open seasons and season lengths, bag and possession limit options, and other special provisions are listed below by Flyway.

ATLANTIC FLYWAY

The Atlantic Flyway includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and West Virginia.

Ducks, Coots, and Mergansers

Outside Dates: Between October 1, 1983, and January 20, 1984.

Hunting Season: 50 days.

Daily Bag and Possession Limits (including restrictions on black ducks): (a) basic daily bag and possession limits of 4 and 8 ducks, respectively, of which no more than 2 in the daily bag and 4 in possession may be black ducks; or (b) basic daily bag and possession limits of 5 and 10 ducks, respectively, of which no more than 1 in the daily bag and 2 in possession may be black ducks. In addition, the following restrictions of black duck harvest are listed by State.

Connecticut: During the first segment of the split season in both the coastal and inland zones, no black ducks are permitted; during the second segment of the season, 1 black duck is permitted per day and 2 in possession.

Delaware: No hunting of black ducks is permitted on the following dates of the duck hunting season: October 1-3 and October 31-November 5. On other days of the duck hunting season 1 black duck in the daily bag and 2 in possession is permitted.

Maine: North Zone: 1 black duck is permitted per day and 2 in possession. South Zone: during the first segment of a split season, no black ducks are permitted; during the second segment, 2 black ducks are permitted per day and 4 in possession.

Maryland: Inland Zone: The season is closed on black ducks during the first segment of a split season (no less than 3 hunting days); during the remainder of the season the black duck will have a point value of 100. Coastal Zone: The season is closed on black ducks during the first 6 days of the duck season; during the remainder of the season the black duck will have a point value of 100.

Massachusetts: Western Zone: 1 black duck is permitted per day and 2 in possession, and the season will open no earlier than October 14. Central Zone: 1 black duck is permitted per day and 2 in possession, and the season opening will coincide with the Coastal Zone opening and the pheasant hunting season. Coastal Zone: The season opening will coincide with the pheasant hunting season. During periods when black ducks may be hunted, 2 black ducks are permitted per day and 4 in possession. No hunting of black ducks is permitted during a 10-day period in the second segment of a split season, and no hunting of black ducks is permitted after January 1 in this zone.

New Hampshire: Inland Zone: 1 black duck is permitted per day and 2 in possession. Coastal Zone: during the first part of a split season no hunting of black ducks is permitted; during the second part of the split season 2 black ducks are permitted per day and 4 in possession.

New Jersey: For black duck restrictions see point system option for Atlantic Flyway.

New York: Long Island Zone: 1 black duck is permitted per day and 2 in possession throughout the season. Western Zone: during the first part of a split season, 1 black duck is permitted per day and 2 in possession; during the second part of the split season no hunting of black ducks is permitted. Northeastern Zone: during the first part of a split season, 1 black duck is permitted per day and 2 in possession; during the second part of the split season no hunting of black ducks is permitted. Southeastern Zone: during the first 25 days of the duck hunting season 1 black duck is permitted per day and 2 in possession and during the last 25 days of the duck hunting season no hunting of black ducks is permitted.

North Carolina: The season for black ducks is closed during that part of the duck season prior to December 17; thereafter 1 black duck per day and 2 in possession is permitted.

Pennsylvania: Lake Erie Zone: 1 black duck is permitted per day and 2 in possession during the October 22 to December 3 portion of the duck season; on all other duck hunting days no black ducks are permitted. Northwest Zone: 1 black duck is permitted in the daily bag and 2 in possession during the October 24 to December 3 portion of the duck season; on all other duck hunting days no black ducks are permitted. North Zone: 1 black duck will be permitted per day and 2 in possession during the October 20 to November 19 portion of the duck season; on all other duck hunting days no black ducks are permitted. South Zone: 1 black duck will be permitted per day and 2 in possession during the November 7 to December 3 portion of the duck season; on all other duck hunting days no black ducks are permitted.

Rhode Island: The daily bag limit of black ducks is 1 and the possession limit is 2.

South Carolina: During the November 23 to November 26 portion of the duck season no black ducks are permitted in the daily bag. On all other duck hunting days the daily bag limit of black ducks is 1 and the possession limit is 2; however, there will be no open season on black ducks in Georgetown, Charleston, Colleton, and Beaufort Counties.

Vermont: No black ducks are permitted in the daily bag during the first 5-7 days of the hunting season; 1 black duck per day and 2 in possession is permitted during the remainder of the duck hunting season.

Virginia: During the period November 23-December 4 (including no less than 10 duck hunting days), no black ducks are permitted in the daily bag.

West Virginia: The daily bag limit of black ducks is 1 and the possession limit is 2.

Canvasbacks and Redheads: Except in closed areas, the limit of canvasbacks is 1 daily and 1 in possession. The limit of redheads throughout the flyway is 2 daily, except that in areas open to canvasback harvest the daily bag limit is 2 redheads, or 1 redhead and 1 canvasback. The possession limit of redheads is twice the daily bag limit under conventional regulations. The possession limit of canvasbacks is equal to the daily bag limit. Under the point system, canvasbacks (except in closed areas) count 100 points each and redheads flywaywide count 70 points each.

Areas closed to canvasback hunting are:

New York - Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

New Jersey - Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

Maryland, Virginia and North Carolina - Those portions of each State lying east of U.S. Highway 1.

In addition, areas or portions of areas as specified below, otherwise closed to taking of canvasbacks, may be opened to hunting of canvasbacks during an experimental season. The experimental season must occur during the last 11 days or last 6 days of the regular duck season, the daily bag under conventional regulations may include no more than 4 canvasbacks, not more than 1 of which may be a female. Under the point system male canvasbacks are 25 points and females 100 points. Possession limits are twice daily bag limits. The areas eligible for this experimental season are:

New York - Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls, and all waters of Lake Cayuga.

New Jersey - (1) east of the Garden State Parkway from Route 440, south to Route 36 (Raritan and Sandy Hook Bays, Navesink and Shrewsbury Rivers); (2) east of the Garden State Parkway from Route 88 south to Route 72 (Barnegat, Silver and Manahawkin Bays, Metedeconk and Toms Rivers).

Maryland - Chesapeake Bay and tributaries to first upstream bridge; including Potomac River and its tributaries upstream to U.S. Route 301 bridge.

Virginia - Starting at the Virginia-Maryland line (301 birdge) those lands and waters enclosed in the area bounded by: U.S. Highway 301 south to Route 207 and continuing to the junction of U.S. Route 1, south on Route 1 to Route 460, then southeast on 460 to Route 13, then east and north on Route 13 to the Maryland line, then westward on the Maryland-Virginia line to Route 301.

North Carolina - that portion of Pamlico Sound designated as commercial fishing waters within two miles of the mainland, extending from Long Shoal Point on north side of Long Shoal River to Maw Point on southside of Bay River and upstream in Pamlico River to the Aurora-Belhaven ferry crossing.

The remaining portions of areas in each of the five participating States presently closed to the taking of canvasback will remain closed.

Early Wood Duck Season Option: Virginia, North Carolina, South Carolina, and Georgia may split their regular hunting season so that a hunting season not to exceed 9 consecutive days occurs between October 1 and October 15. During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the flyway shall apply to wood ducks. Under the point system, wood ducks shall be 25 points. For other ducks, daily bag and possession limits shall be the same as established for the flyway under conventional or point system regulations. For those States using conventional regulations, the extra teal option may be selected concurrent with the early wood duck season option. This exception to the daily bag and possession limits of wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

Restrictions on Wood Ducks: Under conventional and point system options, the daily bag and possession limits may not include more than 2 and 4 wood ducks, respectively.

Restriction on Mottled Ducks: The season is closed to taking of mottled ducks in South Carolina.

Merganser Limits: The daily bag limit of mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag and possession limits of coots are 15 and 30, respectively.

Lake Champlain Area, New York Follows Vermont: The Lake Champlain Area of New York must follow the waterfowl seasons, daily bag and possession limits, and shooting hours selected by Vermont. This area includes that part of New York lying east and north of a boundary running south from the Canadian border along U.S. Highway 9 to New

York Route 22 south of Keeseville, along New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22, along New York Route 22 to U.S. Highway 4 at Whitehall, and along U.S. Highway 4 to the Vermont border.

Special Scaup and Goldeneye Season: In lieu of a special scaup season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate, and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to the special scaup season elsewhere.

Zoning:

Long Island: New York may, for Long Island, select season dates and daily bag and possession limits which differ from those in the remainder of the State.

Upstate New York: Upstate New York (excluding the Lake Champlain area) may be divided into three zones (West, North, South) for the purpose of setting separate duck, coot and merganser seasons. Option (a) or (b) for seasons and bag limits (see Daily Bag and Possession Limits) is applicable to the zones in the Upstate area within the Flyway framework; only conventional regulations may be selected. Each zone will be permitted the number of days offered under options (a) or (b). In addition, a 2-segment split season may be selected in each zone. The basic daily bag limit on ducks in each zone and the restrictions applicable to options (a) and (b) of the regular season for the Flyway also apply. Teal and scaup bonus options shall be applicable to the Upstate zones, but the 16-day special scaup season will not be allowed.

New York Zone Definitions: The zones are defined as follows:

The West Zone is that portion of Upstate New York lying west of a line commencing at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border.

The North and South Zones are bordered on the west by the boundary described above and are separated from each other as follows: starting at the intersection of Interstate Highway 81 and State Route 49 and extending easterly along State Route 49 to its junction with State Route 365 at Rome, then easterly along State Route 365 to its junction with State Route 28 at Trenton, then easterly along State Route 28 to its junction with State Route 29 at Middleville, then easterly along State Route 29 to its intersection with Interstate Highway 87 at Saratoga Springs, then northerly along Interstate Highway 87 to its junction with State Route 9, then northerly along State Route 9 to its junction with State Route 149, then easterly along State Route 149 to its junction with State Route 4 at Fort Ann, then northerly along State Route 4 to its intersection with the New York/Vermont boundary.

Connecticut may be divided into two zones as follows:

a. North Zone - That portion of State north of Interstate 95.

b. South Zone - That portion of State south of Interstate 85.

Maine may be divided into two zones as follows:

a. North Zone - Game Management Zones 1 through 5.

b. South Zone - Game Management Zones 6 through 8.

West Virginia may be divided into two zones as follows:

a. Allegheny Mountain Upland Zone to include the north boundary is the State line adjacent to Pennsylvania and Maryland. The eastern boundary extends south along U.S. Route 220 through Keyser, West Virginia, to the intersection of U.S. Route 50, and follows U.S. Route 50 to the intersection with State Route 93. The boundary follows State Route 93 south to the intersection with State Route 42 and continues south on State Route 42 to Petersburg. At Petersburg, the boundary follows State Route 28 south to Minnehaha Springs, and then follows State Route 39 west to U.S. Route 219 and follows 219 south to the intersection of Interstate 64. The southern boundary follows I-64 west to the intersection with U.S. Route 60, and follows Route 60 west to the intersection of U.S. Route 19. The western boundary follows Route 19 north to the intersection of I-79, and follows I-79 north to the intersection of U.S. Route 48. The northern boundary follows U.S. Route 48 east to the Maryland State line.

b. Remainder of the State - That portion outside the above boundaries.

Maryland, Massachusetts, New Hampshire, New Jersey, and Pennsylvania, may continue zoning experiments now in progress or implement zoning proposals as shown in the sections that follow. Maryland and New Hampshire each may be divided into two zones, Massachusetts and New Jersey may be divided into three zones, and Pennsylvania into four zones all on an experimental basis for the purpose of setting separate duck, coot and merganser seasons. Option (a) or (b) for seasons and bag limits (see Daily Bag and Possession Limits) is applicable to the zones within the Flyway framework. Only conventional regulations may be selected in New Hampshire, Massachusetts, Connecticut, West Virginia, and Pennsylvania. New Jersey and Maryland must select the point system. Each zone will be permitted the full number of days offered under options (a) or (b). In addition, a two-segment split season without penalty may be selected. The basic daily bag limit of ducks in each zone and the restrictions applicable to options (a) and (b) of the regular season for the Flyway also apply. Teal and scaup bonus bird options, and the 16-day special scaup season shall be allowed.

Zone Definitions:

Maryland

Inland Zone - that portion of the State north and west of U.S. Route 1 from its junction with the Maryland-Pennsylvania border south to its junction with I-95 north of Washington, D.C. and east and south along I-95 to the Maryland-Virginia border.

Coastal Zone - that portion of State south and east of the above described highway boundaries.

Massachusetts

Western Zone - That portion of the State west of a line extending from the Vermont line at Interstate 91, south to Route 9, west on Route 9 to Route 10, south on Route 10 to Route 202, south on Route 202 to the Connecticut line.

Central Zone - That portion of the State east of the Western Zone and west of a line extending from the New Hampshire line at Interstate 95 south to Route 1, south on Route 1 to I-93, south on I-93 to Route 3, south on Route 3 to Route 6, west on Route 6 to Route 28, west on Route 28 to I-195, west on I-195 to the Rhode Island line. EXCEPT the waters, and the lands 150 yards along the high water mark, of the Assonit River to the Route 24 bridge, and the Taunton River to the Center St.-Elm St. bridge shall be in the coastal zone.

Coastal Zone - That portion of the State east and south of the Central Zone.

New Hampshire

Coastal Zone — That portion of the State east of a boundary formed by State Highway 4 beginning at the Maine-New Hampshire line in Rollinsford west to the city of Dover, south to the intersection of State Highway 108, south along State Highway 108 through Madbury, Durham, and Newmarket to the junction of State Highway 85 in Newfields, south to State Highway 101 in Exeter, east to State Highway 51 (Exeter-Hampton Expressway), east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south along Interstate 95 to the Massachusetts line.

Inland Zone — That portion of the State north and west of the above boundary.

New Jersey

Coastal Zone — That portion of New Jersey seaward of a continuous line beginning at the New York State boundary line in Raritan Bay; then west along the New York boundary line to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with the Garden State Parkway; then south on the Garden State Parkway to the shoreline at Cape May City and continuing to the Delaware boundary in Delaware Bay.

North Zone - That portion of New Jersey west of the Coastal Zone and north of a boundary formed by Route 70 beginning at the Garden State Parkway west to the New Jersey Turnpike, north on the turnpike to Route 206, north on Route 206 to Route 1, Trenton, west on Route 1 to the Pennsylvania State boundary in the Delaware River.

South Zone - That portion of New Jersey not within the North Zone or the Coastal Zone.

Pennsylvania

Lake Erie Zone - The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

North Zone - That portion of the State north of I-80 from the New Jersey State line west to the junction of State Route 147, then north on State Route 147 to the junction of Route 220, then west and/or south on Route 220 to the junction of I-80, then west on I-80 to its junction with the Allegheny River, and then north along but not including the Allegheny River to the New York border.

Northwest Zone - That portion of the State bounded on the north by the Lake Erie Zone and the New York line, on the east by and including the Allegheny River, on the south by Interstate Highway I-80, and on the west by the Ohio line.

South Zone - The remaining portion of the State.

Point System Option for all States in the Atlantic Flyway: As an alternative to conventional bag limits for ducks, a 50-day season with a point-system bag limit may be selected by States in the Atlantic Flyway during the framework dates prescribed. Point values for species and sexes taken are as follows: in Florida only, the fulvous tree duck counts 100 points each; in all States the canvasback counts 100 points each (except in closed areas or during the special experimental season); the female mallard, black duck (except as noted below), mottled duck (except South Carolina), wood duck (except in Virginia, North Carolina, South Carolina, and Georgia during the early wood duck season option), redhead, and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, pintail, gadwall, wigeon, shoveler, scaup, sea ducks, and mergansers (except hooded) count 10 points each; the male mallard, the wood duck during the early wood duck season option in Virginia, North Carolina, South Carolina, and Georgia, and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Special point system restrictions will be in effect for taking black ducks in Maryland and New Jersey. Black ducks will have a point value of 100 in the Southern and Coastal Zones of New Jersey. In Maryland, during the period when black ducks are permitted in the daily bag, the black duck will have a point value of 100.

Sea Ducks: In any State in the Atlantic Flyway selecting both point-system regulations and a special sea duck season, sea ducks count 10 points each during the point-system season, but during any part of the sea duck season falling outside the point-system season, sea duck daily bag and possession limits of 7 and 14, respectively, apply.

Coot Limits: The daily bag and possession limits of coots are 15 and 30, respectively.

Canada Geese

Outside Dates, Season Lengths, and Limits: Between October 1, 1983, and January 20, 1984, Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, West Virginia, Maryland, and Virginia (excluding those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons for Canada geese; the daily bag and possession limits are 3 and 6 geese, respectively. In New York (including Long Island), Rhode Island, Connecticut, New Jersey, Delaware, the

Delmarva Peninsula portions of Maryland and Virginia, and that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on I-81 to Route 443, east on 443 to Leighton, then east via 209 to Stroudsburg, then east on I-80 to the New Jersey line, the Canada goose season length may be 90 days with the closing framework date extended to January 31, 1984. In addition, that portion of the Susquehanna River from Harrisburg north to the confluence of the west and north branches at Northumberland, including a 25-yard zone of land adjacent to the waters of the river, is included in the 90-day zone. The daily bag limit within this area (except New York, Rhode Island, and Connecticut) will be 4 birds with a possession limit of 8 birds. The daily bag and possession limits in New York, Rhode Island, and Connecticut will be 3 and 6, respectively. Those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select a 50-day season for Canada geese within the October 1, 1983, to January 20, 1984, framework; the daily bag and possession limits are 2 and 4 Canada geese, respectively. North Carolina and South Carolina may select a 43-day season for Canada geese within a December 20, 1983, to January 31, 1984, framework; the daily bag and possession limits are 1 and 2 Canada geese, respectively. In South Carolina the season on Canada geese is closed in the counties of Abbeville, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Cherokee, Chester, Colleton, Edgefield, Fairfield, Greenwood, Hampton, Kershaw, Lancaster, Laurens, Lee, McCormick, Newberry, Oconee, Pickens, Richland, Saluda, Spartenburg, Sumter, Union and York.

Closures on Canada Geese: The season for Canada geese is closed in Florida and Georgia.

Snow Geese

Outside Dates, Season Lengths, and Limits: Between October 1, 1983, and January 31, 1984, States in the Atlantic Flyway may select a 90-day season for snow geese (including blue geese); the daily bag and possession limits are 4 and 8 geese, respectively.

Atlantic Brant

Outside Dates, Season Lengths, and Limits: Between October 1, 1983, and January 20, 1984, States in the Atlantic Flyway may select a 50-day season for Atlantic brant; the daily bag and possession limits are 2 and 4 brant, respectively.

MISSISSIPPI FLYWAY

The Mississippi Flyway includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee and Wisconsin.

Ducks, Coots, and Mergansers

Outside Dates: Between October 1, 1983, and January 20, 1984, in all States, except that the framework opening date is September 17 in Iowa, and the framework closing date is January 31 in Mississippi.

Hunting Season: Not more than 50 days.

Limits: The daily bag limit of ducks is 5, and may include no more than 3 mallards (no more than 2 of which may be females), 1 black duck, and 2 wood ducks (except as noted below). The possession limit is 10, including no more than 6 mallards (no more than 4 of which may be females), 2 black ducks, and 4 wood ducks (except as noted below). Except in closed areas, the limits of canvasbacks and redheads are 1 daily and 2 in possession for each species.

Closed Areas for Canvasback Hunting:

Mississippi River - (1) Entire river, both sides, from Lock and Dam 9 upstream to the confluence of the Chippewa River. (2) Pool 19 bordering Iowa and Illinois.

Michigan - Macomb and St. Clair Counties, including the adjacent Great Lakes waters and interconnecting waterways under the jurisdiction of the State of Michigan.

Wisconsin - In the Mississippi River Zone, all that part of Wisconsin west of the Burlington-Northern Railroad from Lock and Dam 9 north to the center-line of the Chippewa River.

Merganser Limits: The daily bag limit of mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag and possession limits of coots are 15 and 30, respectively.

Point System Option: As an alternative to conventional bag limits for ducks, a 50-day season with point-system bag and possession limits may be selected within the framework dates prescribed. Point value for species and sexes taken are as follows: except in closed areas, the canvasback and black duck count 100 points each; the redhead, female mallard, wood duck (except as noted below), and hooded merganser count 70 points each; the pintail, blue-winged teal, cinnamon teal, wigeon, gadwall, shoveler, scaup, green-winged teal, and mergansers (except hooded merganser) count 10 points each; the male mallard and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point value of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds that legally could have been taken in 2 days.

Coot Limits--Point System: Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Early Wood Duck Season Option: Arkansas, Louisiana, Mississippi, and Alabama may split their regular duck hunting seasons in such a way that a hunting season not to exceed 9 consecutive days may occur between October 1 and October 15. During this period, under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway shall apply to wood ducks, and under the point system, the point value of wood ducks shall be 25 points. For other species of

ducks, daily bag and possession limits shall be the same as established for the Flyway under conventional or point system regulations. In addition, the extra blue-winged teal option available to States in this Flyway that select conventional regulations and do not have a September teal season may be selected during this period. This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

Western Louisiana: In that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Bossier City; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass--the season for ducks, coots and mergansers may extend 5 additional days. If the 5-day extension is selected, and if point-system regulations are selected for the State, point values will be the same as for the rest of the State.

Pymatuning Reservoir Area, Ohio: The waterfowl seasons, limits, and shooting hours in the Pymatuning Reservoir area of Ohio will be the same as those selected by Pennsylvania. The area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

Zoning: Alabama, Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Tennessee, and Wisconsin may select hunting seasons for ducks, coots, and mergansers by zones described as follows:

Alabama: South Zone - Mobile and Baldwin Counties. North Zone - The remainder of Alabama. The season in the South Zone may be split.

Illinois: North Zone - That portion of the State north of a line running east from the Iowa border along Illinois Highway 17 to I-74, north along I-74 to I-80, then east along I-80 to the Indiana border. Central Zone - That portion of the State between the North and South Zone boundaries. South Zone - That portion of the State south of a line running east from the Missouri border along Illinois Highway 150 to Illinois Highway 4, north along Illinois Highway 4 to Illinois Highway 15, east along Illinois Highway 15 to I-57, north along I-57 to I-70, then east along I-70 to the Indiana border.

Indiana: North Zone - That portion of Indiana north of State Highway 18. South Zone - The remainder of Indiana. Seasons may be split into two segments in each zone.

Iowa: North Zone - all portions of Iowa north of U.S. Interstate 80. South Zone - all portions south of U.S. Interstate 80.

Michigan: North Zone - That portion of the State north of a line extending east from the mouth of the Manistee River along the south bank to the U.S. 31 bridge, south on old U.S. 31 to East Preuss Road, east on East Preuss Road to Huer Road, north on Huer Road to County 591 in Stronach, east on County 591 to M-55, east on M-55 to M-37, south on M-37 to M-82, east on M-82 to U.S. 131, north on U.S. 131 to M-46, then east on M-46 to Port Sanilac. South Zone - The remainder of Michigan.

Missouri: North Zone - That portion of Missouri north of a line running east from the Kansas border along U.S. Highway 54 to U.S. Highway 65, south along U.S.

Highway 65 to State Highway 32, east along State Highway 32 to State Highway 72, east along State Highway 72 to State Highway 34, then east along State Highway 34 to the Illinois border. South Zone - The remainder of Missouri. Missouri may split its season in each zone into two segments.

Ohio: North Zone - The counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, Harrison, and Jefferson and all counties north thereof. In addition, the North Zone also includes that portion of the Buckeye Lake area in Fairfield and Perry Counties bounded on the west by State Highway 37, on the south by State Highway 204, and on the east by State Highway 13. South Zone - The remainder of Ohio. Ohio may split its season in each zone into two segments.

Tennessee: Reelfoot Zone - Lake and Obion Counties, or a designated portion of that area. State Zone - The remainder of Tennessee. Seasons may be split into two segments in each zone.

Wisconsin: North Zone - That portion of the State north of a line extending northerly from the Minnesota border along the center line of the Chippewa River to State Highway 35, east along State Highway 35 to State Highway 25, north along State Highway 25 to U.S. Highway 10, east along U.S. Highway 10 to its junction with the Manitowoc Harbor in the city of Manitowoc, then easterly to the eastern State boundary in Lake Michigan. South Zone - The remainder of Wisconsin. The season in the South Zone may be split into two segments.

Within each State: (1) the same bag limit option must be selected for all zones; and (2) if a special scaup season is selected for a zone, it shall not begin until after the regular season closing date in that zone.

Geese

Definition: For the purpose of hunting regulations listed below, the term "geese" also includes brant.

Outside Dates, Season Lengths, and Limits: Between October 1, 1983, and January 20, 1984, States may select 70-day seasons for geese, with a daily bag limit of 5 geese, to include no more than 2 white-fronted geese. The possession limit is 10 geese, to include no more than 4 white-fronted geese. Regulations for Canada geese and exceptions to the above general provisions are shown below by State.

Outside Dates and Limits on Snow and White-fronted Geese in Louisiana: Between October 1, 1983, and February 14, 1984, Louisiana may select 70-day seasons on snow (including blue) and white-fronted geese by zones established for duck hunting seasons, with daily bag and possession limits as described above.

Minnesota. In the:

(a) Lac Qui Parle Zone (described in State Regulations)—the season for Canada geese closes after 50 days or when 4,500 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose and the possession limit is 2.

(b) Southeastern Zone (described in State regulations)—the season for Canada geese may extend for 70 consecutive days. The daily bag limit is 2 Canada geese and the possession limit is 4.

(c) Remainder of the State—the season for Canada geese will be concurrent with the duck season. The daily bag limit is 1 Canada goose and the possession limit is 2.

Iowa: The season may extend for 70 consecutive days. The daily bag limit is 2 Canada geese and the possession limit is 4.

Missouri. In the:

(a) Swan Lake Zone (described in State regulations)—the season for Canada geese closes after 70 days or when 16,000 birds have been harvested, whichever occurs first. Through November 13, the daily bag limit is 1 Canada goose and the possession limit is 4. After November 13, the daily bag limit is 2 Canada geese and the possession limit is 4.

(b) Southeastern Area (east of U.S. Highway 67 and south of Crystal City)— A 50-day season on Canada geese may be selected between December 1, 1983, and January 20, 1984, with a daily bag limit of 1 Canada goose and a possession limit of 2.

(c) Remainder of the State—the season for Canada geese will be concurrent with the duck season in the respective duck hunting zones. The daily bag limit is 1 Canada goose, and the possession limit is 2.

Wisconsin: In the:

(a) Horicon and Central Zones (Columbia, Dodge, Fond Du Lac, Green Lake, Marquette, and Winnebago Counties, and the northwest portion of Washington County north of State Highway 33 and west of U.S. Highway 45) - the harvest of Canada geese is limited to 15,000 birds. The season may not exceed 40 days, and the seasonal bag limit may not exceed 2 birds.

(b) Mississippi River Zone (that portion of the State west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties)—the season for Canada geese may not exceed 70 days. Through November 25, the daily bag limit is 1 Canada goose and the possession limit is 2. After November 25, the daily bag limit is 2 Canada geese and the possession limit is 4.

(c) Northeast Zone (that portion of the North Hunting Zone which includes the Counties of Vilas, Oneida, Lincoln, Marathon, a portion of Wood County, and all counties or portions of counties eastward). The season for Canada geese may not exceed 20 days. The daily bag limit is 1 Canada goose and the possession limit is 2. In Brown County, a special late season to control local populations of giant Canada geese may be held during December 1-31. The daily bag and possession limits during this special season are 2 and 4 birds, respectively.

(d) Southeast Zone (that portion of the South Hunting Zone which includes part of Wood County, Juneau, Sauk, Dane, and Green Counties and all counties or portions of

counties eastward) - in that portion of the Southeast Zone outside the Horicon and Central tag zones and the Rock Prairie Zone, the season may not open before October 15 and may not exceed 25 days. The daily bag limit is 1 Canada goose and the possession limit is 2.

(e) Rock Prairie Zone (described in State regulations) - the season for Canada geese may extend for 30 days. The daily bag limit is 1 Canada goose and the possession limit is 2.

(f) Remainder of the State - the season for Canada geese may not exceed 50 days. The daily bag limit is 1 Canada goose and the possession limit is 2.

Illinois: Seasons for geese up to 40 days may be selected by zones established for duck hunting seasons, except that in the South Zone the season will close no later than December 31. The harvest of Canada geese in the Southern Illinois Quota Zone (described in State regulations) is limited to 17,500 birds. In the Southern Illinois Quota Zone, the daily bag limit is 2 Canada geese and the possession limit is 4. Elsewhere in Illinois, the daily bag limit is 1 Canada goose and the possession limit is 4.

In the Tri-County Area (all of Knox County; the townships of Buckhart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. 24 in Fulton County; the townships of Alba, Annawan, Atkinson, and Cornwall in Henry County), the season for Canada geese may extend for 20 days or until a quota of 800 birds is reached, whichever occurs first. The daily bag limit is 1 Canada goose and the possession limit is 4.

Michigan. In the:

(a) Counties of Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonegon—the season for Canada geese may extend for 40 days, with a framework opening date of September 25. The daily bag limit is 2 Canada geese and the possession limit is 4.

(b) Southeastern Canada Goose Management Area (described in State regulations)—the season for Canada geese may not exceed 107 days between October 1, 1983, and February 15, 1984. During that portion of the season which coincides with the duck hunting season in the South Zone, the daily bag limit is 2 Canada geese and the possession limit is 4. During that portion of the season which occurs after the close of the duck season in the South Zone, the daily bag limit is 3 Canada geese and the possession limit is 6.

(c) Remainder of the State—the daily bag limit is 2 Canada geese and the possession limit is 4.

Ohio: The daily bag limit is 2 Canada geese and the possession limit is 4, except that in the counties of Ashtabula, Trumbull, Marion, Wyandot, Lucas, Ottawa, Erie, Sandusky, Mercer, and Auglaize, the daily bag limit is 1 Canada goose and the possession limit is 2.

Indiana: The season for Canada geese may extend for 70 days, except in Posey County where the season may not exceed 40 days. The daily bag limit is 2 Canada geese and the possession limit is 4. The goose season may be set by zones established for duck hunting.

Kentucky: The season for Canada geese may extend for 70 days, except in the area west of the following boundary where the season may not exceed 40 days: Starting at the Kentucky-Tennessee border at Fulton, Kentucky, extending northerly along the Purchase Parkway to I-24, east on I-24 to U.S. 641; northerly on U.S. 641 to U.S. 60; northeasterly on U.S. 60 to U.S. 41; and then northerly on U.S. 41 to the Kentucky-Indiana border.

In the Ballard County Zone (described in State regulations), the season for geese may extend through January 31, 1984. If the selected season closes January 20 or earlier, the season length may be up to 40 days; however, if the selected season ends after January 20, the season for all geese will close after 40 days or when 6,000 Canada geese have been harvested, whichever occurs first.

The daily bag limit Statewide is 2 Canada geese and the possession limit is 4.

Tennessee: The season for Canada geese may extend for 70 days, except in Lake, Obion, Weakley, and Carroll Counties, and those portions of Gibson and Dyer Counties north of State Highways 20 and 104 and east of U.S. Highway 45W, where the season may not exceed 40 days. The daily bag limit is 1 Canada goose and the possession limit is 2, except in that portion of the State west of State Highway 13 where the daily bag limit is 2 Canada geese and the possession limit is 4. In that portion of Tennessee bounded on the north by State Highways 20 and 104, and on the east by U.S. Highways 45W and 45, the season for Canada geese may extend for 15 days with a daily bag and possession limit of 2 birds. In those areas where seasons of 15 and 40 days are prescribed, the season may extend through January 31.

Arkansas and **Louisiana:** The season for Canada geese may extend for 40 days with beg and possession limits of 2 and 4 birds, respectively.

Mississippi: In the Sardis Zone (described in State regulations), the season for Canada geese may extend for 40 days with daily beg and possession limits of 2 and 4 birds, respectively. Elsewhere in Mississippi, the season may not exceed 15 days with a daily beg and possession limit of 2 birds.

Alabama: The season is closed for all geese in the counties of Henry, Russell, and Barbour. Elsewhere in Alabama, the daily bag limit is 2 Canada geese and the possession limit is 4.

Missouri, Illinois, and Kentucky Quota Zone Closures: When it has been determined that the quota of Canada geese allotted to the Southern Illinois Zone, the Tri-County Area in Illinois, the Swan Lake Zone in Missouri, and, if applicable, the Ballard County Zone in Kentucky will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing.

Shipping Restrictions: In Illinois and Missouri and in the Kentucky counties of Ballard, Hickman, Fulton, and Carlisle, geese may not be transported, shipped or delivered for transportation or shipment by common carrier, the Postal Service, or by any person

except as the personal baggage of licensed waterfowl hunters, provided that no hunter shall possess or transport more than the legally-prescribed possession limit of geese. Geese possessed or transported by persons other than the taker must be labeled with the name and address of the taker and the date taken.

CENTRAL FLYWAY

The Central Flyway includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the entire Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Ducks (including mergansers) and Coots

Outside Dates: October 1, 1983, through January 22, 1984.

Hunting Season: The season in the Low Plains Unit may include no more than 60 days. The season in the High Plains Mallard Management Unit may include no more than 83 days provided that the last 23 days of such season must begin on or after December 10, 1983. The High Plains Unit, roughly defined as that portion of the Central Flyway which lies west of the 100th meridian, shall be described in State regulations.

States may split their seasons into 2 or, in lieu of zoning, 3 segments.

Daily Bag and Possession Limits: Conventional limits for ducks are 5 daily, including no more than 1 canvasback, 1 redhead, 1 female mallard, 1 hooded merganser, and 2 wood ducks; and 10 in possession, including no more than 1 canvasback, 2 redheads, 2 female mallards, 2 hooded mergansers, and 4 wood ducks.

As an alternative to conventional bag and possession limits for ducks, States may select point system regulations. Under this system, the daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of other birds already taken during that day, reaches or exceeds 100 points. The point values are: canvasbacks, 100 points each; female mallards, Mexican-like ducks, mottled ducks (Texas only), wood ducks, redheads, and hooded mergansers, 70 points each; blue-winged teal, green-winged teal, cinnamon teal, scaup, pintails, gadwalls, wigeon, shovelers, and mergansers (except the hooded merganser), 10 points each; all other species and sexes of ducks, 20 points each. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

The daily bag and possession limits of coots are 15 and 30, respectively.

Zoning: Montana, Nebraska, New Mexico, South Dakota, Oklahoma, and Wyoming may select hunting seasons for ducks (including mergansers) and coots by zones described as follows:

Montana: Two zones in the Central Flyway portion as follows:

Zone 1. The counties of Bighorn, Blaine, Carbon, Daniels, Fergus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Richland, Roosevelt, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, and Yellowstone.

Zone 2. The counties of Carter, Custer, Dawson, Fallon, Powder River, Prairie, Rosebud, Treasure, and Wibeux.

Nebraska: Four zones within the Low Plains portion as follows:

Zone 1. Keya Paha County east of U.S. Highway 183 and all of Boyd, Knox, Cedar, and Dixon Counties, including the adjacent waters of the Niobrara River.

Zone 2. The Low Plains portions of Dawson, Gosper, Frontier, and Furnas Counties and all of Boone, Buffalo, Phelps, Harlan, Hall, Kearney, Franklin, Merrick, Nance, Hamilton, Platte, Polk, Colfax, Butler, Dodge, Saunders, Douglas, Washington, and Wheeler Counties, including the adjacent waters of the Platte River.

Zone 3. The Low Plains portions of Brown, Blaine, and Custer Counties and all of Rock, Holt, Loup, Garfield, Valley, Greeley, Sherman, Howard, Antelope, Pierce, Madison, Wayne, Stanton, Cuming, Dakota, Thurston, and Burt Counties.

Zone 4. Adams, Webster, Clay, Nuckolls, York, Fillmore, Thayer, Seward, Saline, Jefferson, Lancaster, Gage, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

New Mexico: Two zones as follows:

Zone 1. The Central Flyway portion of New Mexico north of Interstate Highway 40 and U.S. Highway 54.

Zone 2. The remainder of the Central Flyway portion of New Mexico.

Oklahoma: Two zones in the Low Plains portion as follows:

Zone 1. That portion of northwestern Oklahoma, except the Panhandle, bounded by the following highways: starting at the Texas-Oklahoma border, OK 33 to OK 47, OK 47 to U.S. 183, U.S. 183 to I-40, I-40 to U.S. 177, U.S. 177 to OK 51, OK 51 to I-35, I-35 to U.S. 60, U.S. 60 to U.S. 64, U.S. 64 to OK 132, and OK 132 to the Oklahoma-Kansas state line.

Zone 2. The remainder of the Low Plains portion.

South Dakota: Two zones within the Low Plains portion as follows:

South Zone. Bon Homme, Charles Mix, Clay, Gregory, Union, and Yankton Counties.

North Zone. The remainder of the Low Plains portion.

Wyoming: Four zones in the Central Flyway portion as follows:

Zone 1. Sheridan, Johnson, Natrona, Campbell, Crook, Weston, Converse, and Niobrara Counties.

Zone 2. Platte, Goshen, and Laramie Counties.

Zone 3. Carbon and Albany Counties.

Zone 4. Park, Big Horn, Hot Springs, Washakie, and Fremont Counties.

Geese

Definitions: In the Central Flyway, "geese" includes all species of geese and brant, "dark geese" includes Canada and white-fronted geese and black brant, and "light geese" include all other species.

Outside Dates: October 1, 1983, through January 22, 1984, except as noted for New Mexico.

Possession Limits: Goose possession limits are twice the daily bag limits.

West Tier States. States in this tier may select seasons either statewide or in designated management units as follows:

Montana: No more than 93 days; daily bag limits are 2 geese in Sheridan County and 3 geese in the remainder of the Central Flyway portion.

Wyoming: No more than 93 days with daily bag limits of 2 geese for each of four Goose Management Units which coincide with management zones for ducks.

Colorado: No more than 93 days with a daily bag limit of 2 geese.

New Mexico: For dark geese, no more than 93 days with a daily bag limit of 2 during the period October 1, 1983, through January 22, 1984; and for light geese, no more than 93 days with a daily bag limit of 5 during the period October 1, 1983, through February 12, 1984.

Texas (west of U.S. 81): No more than 93 days with a daily bag limit of 5 geese which may include no more than 2 dark geese.

East Tier States - Light geese. North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and that portion of Texas east of U.S. Highway 81 may select a season for light geese of no more than 86 days with a daily bag limits of 5 geese.

East Tier States - Dark geese. States may select seasons statewide or in designated management units for dark geese of no more than 72 days, except in Nebraska and South Dakota as noted, with a daily bag limit of 2 geese except as follows:

North Dakota: The daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose or 2 white-fronted geese through October 30 and no more than 2 Canada geese or 2 white-fronted geese or 1 of each during the remainder of the season.

South Dakota: In Bon Homme, Brule, Buffalo, Campbell, Charles Mix, Corson (east of SD Highway 65), Dewey, Gregory, Haakon (north of Kirley Road and east of Plum Creek), Hughes, Hyde, Lyman, Potter, Stanley, Sully, Tripp (east of U.S. Highway 183), Walworth, and Yankton (west of U.S. Highway 81) Counties, the season length may not exceed 79 days and the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose through November 11, and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season. In the remainder of the State, the season length may be no more than 72 days and the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose.

Nebraska: In Goose Management Unit 1 comprised of Boyd, Cedar (west of U.S. Highway 81), Keya Paha (east of U.S. Highway 183), and Knox Counties, the season length may be no more than 79 days and the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose through November 11 and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season.

In Goose Management Unit 2, the remainder of Nebraska east of the following highways starting at the South Dakota line; U.S. 183 to NE 2, NE 2 to U.S. 281, and U.S. 281 to the Kansas line; and in Goose Management Unit 3, that portion of Nebraska west of these highways, the daily bag limit may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 20 and no more than 1 Canada goose and 1 white-fronted goose for the remainder of the season.

Kansas: The daily bag limit may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 27 and no more than 1 Canada goose and 1 white-fronted goose during the remainder of the season.

Oklahoma: In Goose Management Unit 1 (that portion of western and southern Oklahoma bounded by the following highways: starting at the Kansas-Oklahoma line, U.S. 77 to U.S. 177, U.S. 177 to OK 33, OK 33 to U.S. 75, U.S. 75 to Indian Nation Turnpike, Indian Nation Turnpike to U.S. 271, and U.S. 271 to the Oklahoma-Texas line) and in Goose Management Unit 2 (the remainder of Oklahoma), the daily bag limit may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose.

Texas: In that portion east of U.S. Highway 81, the bag limit may include no more than 1 Canada goose and 1 white-fronted goose daily.

Whistling (Tundra) Swans

The following States may issue permits authorizing each permittee to take no more than one whistling (tundra) swan, subject to guidelines in a current, approved management plan and general conditions that each State determine hunter participation and harvests, and specified conditions as follows:

Montana (Central Flyway portion): no more than 500 permits with the season dates concurrent with the season for taking geese.

North Dakota: no more than 1,000 permits with the season dates concurrent with the season for taking ducks.

South Dakota: no more than 500 permits with the season dates concurrent with the season for taking ducks.

PACIFIC FLYWAY

The Pacific Flyway includes Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

Ducks (including Mergansers), Coots, Gallinules, and Common Snipe

Outside Dates: Between October 1, 1983, and January 22, 1984.

Hunting Seasons: Concurrent 93-day seasons on ducks, coots, gallinules, and common snipe may be selected except as subsequently noted.

Duck Limits: Basic daily bag and possession limits for ducks are 7 and 14, respectively. No more than 2 redheads or 2 canvasbacks or 1 of each may be taken daily and no more than 4 singly or in the aggregate may be possessed.

Coot and Gallinule Limits: The daily bag and possession limit of coots and gallinules is 25 singly or in the aggregate.

Common Snipe Limits: The daily bag and possession limit of common snipe is 8 and 16, respectively.

California—Waterfowl Zones: Season dates for the Colorado River Zone of California must coincide with season dates selected by Arizona. Season dates for the Northeastern and Southern Zones of California may differ from those in the remainder of the State.

Nevada—Clark County Waterfowl Zone: Season dates for Clark County may differ from those in the remainder of Nevada.

"Columbia Basin" Portions of Washington, Oregon, and Idaho: In the Idaho counties of Ada, Bannock, Benewah, Blaine, Bonner, Boundary, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Power, Shoshone, Twin Falls, Washington, and that portion of Bingham County lying outside the Blackfoot Reservoir drainage; the Oregon counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco; and in Washington all areas lying east of the summit of the Cascade Mountains and east of the Big White

Salmon River in Klickitat County, the seasons may be 100 days and must run concurrently.

Colorado, Montana, New Mexico, and Wyoming — Common Snipe: For States partially within the Flyway a 93-day season for common snipe may be selected to occur between September 1, 1983, and February 28, 1984, and need not be concurrent with the duck season.

Geese (including Brant)

Outside dates, season lengths, and limits on geese (including brant): Between October 1, 1983, and January 22, 1984, a 93-day season on geese (except brant in Washington, Oregon and California) may be selected, except as subsequently noted. The basic daily bag and possession limit is 6, provided that the daily bag limit includes no more than 3 white geese (snow, including blue, and Ross' geese) and 3 dark geese (all other species of geese). The basic daily bag and possession limits are proportionately reduced in those areas where special restrictions apply to Canada geese. In Washington and Idaho, the daily bag and possession limits are 3 and 6 geese, respectively. Between October 22, 1983, and February 19, 1984, Washington, Oregon, and California may select an open season for brant of 93 days with daily bag and possession limits of 4 and 8 brant, respectively.

Aleutian Canada goose closure: The season is closed on the Aleutian Canada goose. Emergency closures may be invoked for all Canada geese should Aleutian Canada goose distribution patterns or other circumstances justify such actions.

Canada goose closures in California: Three areas in California, described as follows, are restricted in the hunting of Canada geese:

(1) In the counties of Del Norte and Humboldt there will be no open season for Canada geese.

(2) In the Sacramento Valley in that area bounded by a line beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes on the Sacramento River; then southerly on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45-162 to Glenn; then westerly on State Highway 162 to the point of beginning in Willows, the hunting season for Canada geese will not open before December 15 and may continue to the end of the waterfowl hunting season.

(3) In the San Joaquin Valley in that area bounded by a line beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate Highway 5; then southerly on Interstate Highway 5 to the junction of State Highway 152

in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at Merced; then northerly and westerly on State Highway 99 to the point of beginning; the hunting season for Canada geese will close no later than November 23.

Canada goose closures in Oregon: Those portions of Coos and Curry Counties lying west of U.S. Highway 101 and that portion of Tillamook County lying south of an east-west line passing through the most westerly point of Cape Lookout shall be closed to the hunting of Canada geese.

"Columbia Basin" Portions of Washington and Oregon—geese: In the Washington counties of Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, and Yakima, and in the Oregon counties of Gilliam, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco, the goose season may be of 100 days duration and must run concurrently with the duck season.

Oregon (Lake and Klamath Counties) — geese: In the Oregon counties of Lake and Klamath the daily bag and possession limits through October 28 are 2 and 4 geese, respectively, with no more than 1 and 2, respectively, being dark geese. Thereafter, the limits may be increased to those which are allowed for the Flyway.

California (Northeastern Zone) — geese: In the Northeastern Zone of California through October 28, the limits are 1 dark goose or 1 white goose in the daily bag and 2 geese in possession. Thereafter, the limits may be increased to 4 geese in bag and possession with not more than 2 dark geese or 3 white geese being in either the daily bag or possession.

California (Balance of the State Zone) — geese: In the Balance of the State Zone the season shall not exceed 79 days. The daily bag and possession limits are 5, with not more than 2 dark geese or 3 white geese in either the daily bag or possession.

Pacific Population of Canada geese—Idaho, Oregon, and Montana: In that portion of Idaho lying west of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis, thence northerly on U.S. Highway 93 to the Montana border (except Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater and Idaho Counties); in the Oregon counties of Baker and Malheur; and in Montana (Pacific Flyway portion west of the Continental Divide), the daily bag and possession limits are 2 Canada geese and the season for Canada geese may not extend beyond January 1, 1984.

Rocky Mountain Population of Canada Geese—Montana and Wyoming: In Montana (Pacific Flyway portion east of the Continental Divide) and Wyoming the season may not extend beyond January 1, 1984. In Lincoln County, Wyoming, the combined special sandhill crane-Canada goose season and the regular goose season shall not exceed 93 days.

Idaho, Colorado, and Utah: In that portion of Idaho lying east of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis, thence northerly on U.S. Highway 93 to the Montana border; in Colorado; and in Utah, except Washington County, the daily bag and possession limits are 2 and 4 Canada geese, respectively, and the season for Canada geese may be no more than 86 days and may not extend beyond January 1, 1984.

Nevada: Nevada may designate season dates on geese in Clark County and in Elko County and that portion of White Pine County within Ruby Lake National Wildlife Refuge differing from those in the remainder of the State. In Clark County the season on Canada geese may be no more than 86 days. The daily bag and possession limit is 2 Canada geese throughout the State.

Arizona, California, Utah, and New Mexico: In California, the Colorado River Zone where the season must be the same as that selected by Arizona and the Southern Zone; in Arizona; in New Mexico; and in Washington County, Utah; the season for Canada geese may be no more than 86 days. The daily bag and possession limit is 2 Canada geese except in that portion of California Department of Fish and Game District 22 within the Southern Zone (i.e. Imperial Valley) where the daily bag and possession limits for Canada geese are 1 and 2, respectively.

Washington—snow geese: In the Washington counties of Island, Skagit, Snohomish, and Whatcom, the season for snow geese may not extend beyond January 1, 1984.

Whistling Swans

In Utah, Nevada and Montana, an open season for whistling swans may be selected subject to the following conditions: (a) the season must run concurrently with the duck season; (b) the appropriate State agency must issue permits and obtain harvest and hunter participation data; (c) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 whistling swan; (d) in Nevada, no more than 650 permits may be issued, authorizing each permittee to take 1 whistling swan in either Churchill, Lyon, or Pershing Counties; (e) in Montana, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in either Teton or Cascade Counties.

Sandhill Cranes

Arizona may select an experimental sandhill crane season subject to the conditions specified in the frameworks for early seasons.

SPECIAL FALCONRY FRAMEWORKS

Extended Seasons: Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Framework Dates: Seasons must fall within the regular and any special season framework dates.

Daily Bag and Possession Limits: Daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

Regulations Publication: Each State selecting the special season must inform the Service of the season dates and publish said regulations.

Regular Seasons: General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

NOTE: In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or falconry season) exceed 107 days for a species in one geographical area.

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PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

39595–39910.....1
39911–40186.....2
40187–40364.....6
40365–40496.....7
40497–40694.....8
40695–40870.....9

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:
Memorandums:
September 7, 1983.....40695
Executive Orders:
6143 (Revoked by PLO 6459).....40724
6276 (Revoked by PLO 6459).....40724
6583 (Revoked by PLO 6459).....40724
8854 (Amended by PLO 6458).....40232
Proclamations:
5085.....39595
5086.....40187
5087.....40497
5088.....40499
5089.....40501
5090.....40503
5091.....40505
5092.....40507

4 CFR

Proposed Rules:
83.....39632

5 CFR

2422.....40189
2426.....40189
2429.....40189
Proposed Rules:
731.....40731
754.....40731
870.....40732
871.....40732
872.....40732
873.....40732

7 CFR

29.....40365
51.....40509
210.....40194
220.....40194
226.....40197
301.....39597, 40198
421.....39911
725.....40638
726.....40644
760.....40366
908.....39602, 40510
910.....39912, 40697
981.....40367
1076.....39603
1079.....40511
1865.....40202
1944.....40202, 40697
1945.....40202
1951.....40202
Proposed Rules:
52.....40734
278.....40263
279.....40263
631.....40522
660.....40389
658.....39944
1126.....39643

8 CFR

109.....40209
231.....40209
238.....40210

9 CFR

75.....40512

10 CFR

61.....40512
Proposed Rules:
1017.....40265

12 CFR

7.....40698
29.....40702
34.....40698
217.....39604, 40702
525.....39912
531.....39912
Proposed Rules:
5.....40735
563.....39944

13 CFR

101.....40513

14 CFR

39.....40210–40212
71.....39913, 40213
75.....40214
97.....39913
Proposed Rules:
39.....40266
71.....40267, 40270, 40525
221.....40389

15 CFR

369.....40368

16 CFR

Proposed Rules:
13.....39950

17 CFR

240.....39604
249.....39604

18 CFR

Proposed Rules:
271.....40736

19 CFR

Proposed Rules:
6.....40737

10 40738
101 40526
114 40738
159 40527
162 40740

20 CFR

655 40168
404 40514

Proposed Rules:

225 40390
226 40390
227 40390

21 CFR

5 40703
145 39916
175 40515
436 40704
442 40516
510 40704
520 ..... 40516, 40704
522 40704
524 39607
558 40704
561 40369

Proposed Rules:

Subch. H 40272
882 40273

23 CFR

Proposed Rules:

Ch. I 39953

24 CFR

25 40705
203 39608
207 40710
213 39608
234 39608
235 40711
570 40517

26 CFR

1 ..... 40214, 40370, 40371
25 40371
31 40518
48 40217
301 ..... 40371, 40376

Proposed Rules:

1 ..... 39953, 40528
5f 39953

27 CFR

9 40377

29 CFR

553 40518

30 CFR

251 40380
700 40622
701 ..... 39892, 40140, 40622
772 40622
776 40622
785 39892
815 40622
816 ..... 39892, 40140
817 ..... 39892, 40140
824 39892
938 40223

Proposed Rules:

75 40165
935 ..... 39645, 40396
938 39645

32 CFR

286g 39917
634 39919
730 40224
2003 40849

33 CFR

100 ..... 39609, 40714, 40715
165 ..... 39609, 39610, 40380
181 40716
401 39934

Proposed Rules:

1 40741
117 39646
156 40741

34 CFR

668 40380

Proposed Rules:

366 39647

36 CFR

219 40381
331 40719

38 CFR

21 40224
36 40226

Proposed Rules:

36 40402

39 CFR

10 39610
601 40232

Proposed Rules:

111 ..... 39647, 39648

40 CFR

17 39934
81 40722
122 39611
123 39611
124 39611
144 39611
145 39611
180 40384
233 39611
270 39611
271 ..... 39611, 39623
300 40658
410 39624

Proposed Rules:

52 39653
65 40278
81 ..... 39655, 40746
124 40098
144 40098
146 40098
147 40098
300 40674
721 40282
799 39656

41 CFR

Ch. 1 40385
Ch. 7 40385

42 CFR

405 ..... 39740, 39752
409 39752
435 39624
436 39624
489 39752

Proposed Rules:

431 40749
435 39959
436 39959

43 CFR

1820 40724

Public Land Orders:

1707 (Amended by PLO 6458) 40232
6457 39939
6458 40232
6459 40724

46 CFR

153 39629
154 39629

47 CFR

2 40519
25 ..... 40233, 40256

Proposed Rules:

68 39656

49 CFR

1 40519
179 39630
571 ..... 39908, 39939, 40260
1042 39630
1160 ..... 39630, 40387
1161 39630
1162 ..... 39630, 40520
1165 39630
1168 ..... 39630, 40387
1181 39630
1307 40520

Proposed Rules:

27 40684
213 39965
571 ..... 40282, 40286
821 39657
1157 40287

50 CFR

17 ..... 39941, 40178
20 40852
661 40521
671 40725

Proposed Rules:

17 ..... 40288, 40404, 40407
23 40750
26 39661
32 40411
33 40411
655 39967
662 40752
681 39665

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing August 31, 1983



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