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Wednesday
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Environmental Protection Agency

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Presidential Documents

Title 3—

The President

Proclamation 5139 of December 19, 1983

National Care and Share Day

By the President of the United States of America

A Proclamation

Voluntarism is a uniquely American tradition. The concept is as old as our Nation itself. It was individuals working towards dreams, visions, and hopes that created this country. Today, that vitality still exists, as manifested in the large number of private initiative and volunteer efforts in which Americans strive to improve the lives of their fellow citizens. People from all walks of life; of all ages, races, and income levels; members of business and labor; and community organizations of all types are contributing their share in partnerships with neighbors and friends to help others.

In this holiday season and time of giving, I call upon all Americans to reflect this spirit of generosity and private initiative by providing additional food to those in need. I enlist the aid of each American who is able to donate an item of food for the needy. In addition, I strongly urge those in the food industry to donate and distribute extra food to food banks, so that this effort may complement the government programs which are providing unprecedented levels of total food assistance to low-income Americans.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim December 19, 1983, as National Care and Share Day and call upon the people of the United States to pay tribute to acts of charitable voluntarism and to promote community involvement in caring for the needs of our neighbors.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of December, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

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Rules and Regulations

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 7

[Docket No. 83-56]

Interpretive Rulings; National Banks; Definition of Capital

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

ACTION: Final rule.

SUMMARY: In August 1981, the Office of the Comptroller of the Currency ("Office") proposed a uniform definition of capital to be used by the Office for: (1) Supervisory or analytical purposes, i.e., in evaluating bank capital adequacy; and (2) statutory purposes, when calculating various statutory limitations on national bank activities. This rulemaking adopts, with minor changes, that proposed definition. Adoption of this definition, which realistically recognizes the varying protections provided by the different components of a bank's capital base, will assist national banks in evaluation and managing their capital positions, and improve the Office's supervisory procedures. Using a common definition for both analytical and statutory purposes facilitates clarity for the benefit of both banks and bank regulators.

EFFECTIVE DATE: This amendment is effective January 20, 1984.

FOR FURTHER INFORMATION CONTACT: Robert B. Norris, National Bank Examiner, Regional Bank Division (202) 447-1780, or Nancy E. Chase, Attorney, Legal Advisory Services Division (202) 447-1880, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

Background Information

On July 24, 1980, the Office published for comment in the **Federal Register** (45 FR 49276) a proposed rulemaking concerning the need to reexamine the components of banks' capital base which, through several statutes, limit concentrations of risk and exposure to loss by national banks. That notice proposed to redefine the terms capital [1] and surplus [2] as used in calculating statutory limits imposed on certain activities of national banks. Approximately 800 comments were received in response to that proposal. Those comments clearly indicated that the supervisory issue of bank capital adequacy was foremost in the minds of respondents and should not be segregated from the definition of capital and surplus used when calculating statutory limitations.

Consequently, on August 10, 1981, the Office published for comment in the **Federal Register** (46 FR 40520) a second proposal. This contained both a notice of proposed rulemaking and a proposed statement of policy. The policy statement detailed the analytical framework which the Office would employ in making capital adequacy determinations. By publicizing this framework the Office intended to promote clarity and uniformity, both within the Office and for national banks. The definition of capital used in the statement of policy was identical to that contained in the proposed rulemaking dealing with the computation of capital for statutory purposes. This was done in order to provide consistency and clarity for the benefit of national banks.

In the August, 1981, proposal, the OCC stated that it views bank capital as fulfilling at least the following purposes for capital adequacy analysis:

- Maintaining public confidence in individual banks and the commercial banking systems;
- Serving as a cushion against losses, thereby, enabling a bank to function during periods of loss or negligible earnings;
- Assuring that the risks in commercial banking are appropriately distributed between the private and public sectors;
- Providing protection to uninsured depositors, unsecured creditors and public sector interests in cases of insolvency;
- Providing a foundation to support and discipline growth; and
- Providing funds for the acquisition of property necessary for banking operations.

The OCC believes that it is inappropriate to require that banks maintain capital in such amounts as may be necessary to either absorb the strain of widespread economic collapse or accommodate a wholesale loss of the bank's deposits. Such a requirement would severely impair a bank's ability to compete, grow and carry on the intermediary function basic to our economic system. Rather, the OCC believes that capital adequacy must be assessed within the context of each bank as an ongoing entity. Examiners are instructed to weigh carefully the numerous factors influencing capital adequacy, such as management caliber, asset quality, liquidity, funding mechanisms, earnings history and prospects, and internal controls. A bank's capital base can be considered adequate when it enables the bank to intermediate funds responsibly and provide related services while protecting against future uncertainties.

The statement of policy segregated the components of a bank's capital base into two general categories, Primary and Secondary. Primary capital was proposed to consist of common stock, preferred stock,[3] capital surplus, undivided profits, reserves for contingencies and other capital reserves (excluding accrued dividends on preferred stock and limited life preferred stock), mandatory convertible instruments and 100 percent of the allowance for possible loan losses. It

[1] Certain statutes limiting national bank activities use the word "capital" while others use the words "capital stock." In the following discussion of the ruling, the word "capital" is generally used. Both terms, however, are defined in the Interpretive Ruling. The word "capital" and the words "capital stock" are considered interchangeable for purpose of the ruling.

[2] Certain statutes limiting national bank activities use the word "surplus" while others use the words "unimpaired surplus fund." In the following discussion of the ruling, the word "surplus" is generally used although both terms are defined in the Interpretive Ruling. For purposes of the Interpretive Ruling, the word "surplus" and the words "unimpaired surplus fund" are considered interchangeable.

[3] As used in that proposal and in this rulemaking, preferred stock means only preferred stock that does not have a maturity or redemption date.

was proposed that limited life preferred stock and subordinated notes and debentures constitute secondary capital. Although they satisfy several of the purposes of capital, these two items were considered secondary capital due to their lack of permanence.

At all times during their existence, all of the primary components, except mandatory convertible instruments, clearly meet all of the above listed purposes of capital. They offer permanent protection against future uncertainties. Mandatory convertible instruments typically allow the holder to convert the instrument into common or preferred stock during certain time periods. At a specified date all instruments not so converted will automatically be replaced by common or preferred stock. Thus, the OCC considers mandatory convertible instruments as part of the primary components of a bank's capital base.

Unlike the primary components of capital, the secondary components, limited life preferred stock and subordinated notes and debentures, have a defined maturity. Yet during their life they meet a significant number of the purposes of capital listed above. They can provide the public with added confidence in both individual banks and the commercial banking system. These securities help to assure that the risks involved in commercial banking are appropriately distributed between the private and public sectors. They also provide loss protection for uninsured depositors, unsecured creditors and public sector interests in instances of insolvency. The proceeds of such securities also provide a base, albeit of limited duration, to support growth.

Because secondary components do not possess all of the capital characteristics found in the primary components, it was proposed that several restrictions be imposed on their use as capital. These were:

(1) They have a final maturity of at least ten years;

(2) They have a weighted average maturity of at least seven years;

(3) The amount considered to be capital would be reduced, through use of a memorandum account (this does not refer to reductions in the amount outstanding of such issues), over the five years immediately preceding maturity; and

(4) The total of these components which could be considered as capital be limited to an amount not greater than 50 percent of aggregate primary capital.

For statutory purposes all of the primary and secondary capital components were proposed to comprise capital and surplus. Capital was proposed to consist of common and preferred stock while surplus was proposed to consist of the remaining primary capital components plus the secondary capital components.

The Office also requested comments regarding the statutory definition of "surplus" for purposes of 12 U.S.C. 82. This statute limited the amount of indebtedness that national banks can incur. Specifically, comments were requested on whether, for the statutory purposes of 12 U.S.C. 82, subordinated notes and debentures and limited life preferred stock, subject to the proposed amortization requirement, should be included in a bank's capital or surplus. Alternatively, should they be considered as bank liabilities, subject to the provisions of 12 U.S.C. 82? Commenters also were requested to provide their opinions and supportive reasoning as to whether the Office should seek legislation designed to either alter or repeal 12 U.S.C. 82.

The Office has integrated the proposed statement of policy and Interpretive Ruling to make it easier to locate the Office rulings pertaining to capital and surplus and to emphasize that the definitions apply both for statutory and supervisory purposes.

General Summary of Comments

In response to its August 10, 1981, proposal, the Office received written comments from 38 parties. Respondents represented banks, bank holding companies, and bank trade associations. Overall, they expressed general agreement with both aspects of the August, 1981, proposal. Only one commenter advocated no change in the definition of capital for statutory purposes and opined that a uniform, dual purpose definition was not plausible. Typically, commenters supporting the proposal saw it as a more realistic definition of capital in light of conditions prevalent in today's banking and securities markets. While generally favoring the Office's proposal, however, several commenters suggested changes to specific provisions and aspects of the proposal. Following is a summation of the comments as they relate to the proposal.

Primary Capital Components: Twenty-four responses favored the Office's definition of primary capital. The inclusion of mandatory convertible instruments, i.e., capital instruments with covenants mandating conversion into common or preferred stock, and 100 percent of the allowance for possible loan losses were viewed as positive and warranted additions.

Prior to adoption of this ruling, fifty percent (50%) of the allowance for possible loan losses was considered as part of the capital base of national banks for statutory purposes. The allowance for possible loan losses is included as capital as it is not necessarily solely or even primarily determined by the estimated amount of loss in the loan portfolio. For those banks subject to intense market scrutiny, a minimum permanent allowance for possible loan losses is necessitated by the marketplace. For other banks, the present tax policy of allowing, within designated limits, transfers to the allowance to be deducted from gross income can motivate them to maintain the allowance at a level higher than otherwise dictated by loan loss expectation. Thus, a bank has a greater ability to absorb unforeseen loan losses. The result of these factors is that the allowance has a high degree of permanence.

As a first line reserve available to absorb loan losses, the allowance for possible loan losses serves an important purpose of capital. Also, the allowance for possible loan losses is perceived by the public and the investment community as protection against the risks of an uncertain future. Therefore, the OCC believes economic realities justify including one hundred percent (100%) of the allowance for possible loan losses as a primary component of capital for capital adequacy analysis.

Secondary Capital Components: Commenters expressing basic agreement with the Office's proposal concerning secondary capital elements also numbered 24; they were not identical to those supporting the primary capital definition. In general, these commenters welcomed formal recognition by the Office that nonequity instruments, specifically subordinated issues, do, under certain circumstances, fulfill many capital functions. These commenters also generally supported the classification of limited life preferred stock as secondary capital in light of its impermanence.

Four commenters stated that limited life preferred stock possesses characteristics justifying a primary capital designation. They based their position principally on two points: (1) The absence of contractual payments that might force acceleration of the maturity date; and (2) a status in liquidation junior to that of all other claimants, except common shareholders. While supporting classification as a component of primary capital, however, three of the four also acknowledged that the intrinsic impermanent nature of limited life preferred stock also

warrants that it be discounted from a bank's capital position.

After considering these views, the Office believes that limited life preferred stock is properly classified as secondary capital, notwithstanding some similarities with the characteristics of primary capital. As more fully explained in the August, 1981, proposal, the Office still believes that the finite nature of these issues must be appropriately recognized and reliance on their use be subject to prudential supervisory constraints. Consequently, limited life preferred stock is designated as a component of secondary capital. This position coincides with the November 9, 1981, recommendation of the Federal Financial Institutions Examination Council (FFIEC) concerning the definition of capital to be used in capital adequacy determinations.

Nonmandatory convertible issues: Eleven commenters specifically addressed the classification of nonmandatory convertible issues as secondary capital, with ten supporting the proposed designation. However, five of these stressed the need for the Office, when assessing a bank's capital adequacy, to exercise flexibility when conditions are such as to make the likelihood of conversion highly probable. The Office is cognizant of the economic benefits available through the utilization of convertible instruments. And the use of such instruments is a management decision which the Office does not intend to arrogate. Because of these facts, the August, 1981, proposal stated that the Office will consider the probability of conversion when analyzing a bank's capital adequacy. Nonmandatory convertibles will be counted as secondary capital, subject to all pertinent limitations. The required reduction in the amount considered capital will be based on the final maturity date, not any optional conversion or call date, of these issues. But the Office will consider the probability of conversion when assessing a bank's capital adequacy with adjustments being made as circumstances require. This position comports with that recommended by the FFIEC.

Minimum maturities: The Office's proposal stated that, in order to satisfy many of the inherent roles of capital, secondary components must be of a sufficient duration before maturity. Although the specific characteristics of each bank determine precisely the length of time necessary to satisfy the minimum life period, the Office stated that it cannot formulate policy on the basis of approximately 4,400 disparate and everchanging situations. In its August, 1981, notice the Office acknowledged that establishing minimum maturity standards was a matter of judgment. The decision as to what constitutes proper maturity standards must take into consideration the need to maintain a safe and sound banking system. The issue of prudence must be addressed in establishing industry-wide standards. These factors were considered by both the FFIEC when developing its recommendation and by this Office in reaching its decision on the proposed definition of capital. In order, therefore, to establish prudent maturity standards, the Office proposed that limited life preferred stock and subordinated notes and debentures be included as secondary capital if they have an original final maturity of at least ten years and a weighted average original maturity of at least seven years.

Four commenters expressed disagreement with either one or both of the proposed maturity requirements. While they generally conceded that establishing a standard for a minimum maturity was a fundamentally sound principle, they were dissatisfied with imposition of what they viewed as three distinctly separate time-related restrictions on the issuance of secondary capital. They noted that the seven year average life minimum already exists as one condition imposed under Federal Reserve Board Regulation D (12 CFR Part 204) to free subordinated debt instruments from reserve requirements. Respondents also typically recognized the appropriateness of subjecting secondary capital to an amortization framework, reflecting the declining capital characteristics and contributions of secondary capital components. As a result of these comments, and to maintain uniformity with the FFIEC's recommended definition of capital, the Office has eliminated the minimum ten year final maturity stricture.

Amortization: Eleven comments were received regarding the proposed reduction or amortization framework. Two respondents opposed its implementation. One opponent believed it to be an extreme measure. The other stated that requiring such a write-down unnecessarily penalizes banking institutions which are effectively managed and poised for continued access to the capital markets. This commenter suggested that a preferable alternative would be to include subordinated notes and debentures in the capital base following analysis of each bank's unique characteristics.

In its August 10, 1981, proposed statement of policy and rulemaking, the Office explicitly recognized the role of secondary capital elements in augmenting the primary capital base. But the Office also believes that the temporary nature of secondary issues must be formally recognized by bankers and bank supervisors alike. Various respondents to the Office's proposal stated that they have developed and implemented internal systems similar to that proposed by the Office. These systems record the declining contribution secondary issues make to a bank's capital base and serve as a reminder of the need to prepare for eventual repayment of such issues. Consequently, the Office believes that the five year write-down is a prudential requirement, constituting a safe and sound banking practice.

The general tone of several comments indicated that a modicum of confusion existed over how banks are to accomplish the writedown of secondary capital issues over the last five years of their life. Actual repayment or transfers of cash to allocated sinking funds is *not* contemplated. The Office is not mandating that banks diminish the book value of their outstanding secondary capital through either cash outflows or segregation of cash on hand. Instead, it is contemplated that banks maintain records sufficient to readily calculate that portion of these securities which may be included as secondary capital. The Office notes that several commenters suggested that maintenance of a simple memorandum account showing the calculations and the resulting includable balance is a useful management tool.

Restriction on aggregate secondary capital components: Seven responses contained comments regarding the proposal to limit total secondary capital to no more than 50 percent of aggregate primary capital. Their opposition was grounded in the belief that any limitation on the use of these instruments should result from the private capital markets, not from regulatory action. Moreover, those opposing the 50 percent ceiling said that amortizing such issues, in concert with the disciplines exerted by the capital markets, sufficiently controls the employment of secondary capital. They view the Office's policy as an infringement on what is considered a matter more properly addressed by management. Some commenters also feared that the existence of a limit on secondary capital might, over time, be perceived by rating agencies and the

marketplace as the maximum limit on a bank's total debt.

The Office concurs that the issuance of such instruments largely is a managerial function. Furthermore, the Office does not wish to needlessly impose constraints on bankers' efforts to acquire funds in the most economically prudent manner. Escalating competition from traditional and nontraditional sources, recent high levels of inflation, and other developments in financial markets underscore the propriety of banks securing funds at reasonable costs in order to enhance liquidity and improve earnings. Notwithstanding the Office's belief that use of these instruments can be beneficial and that they exhibit many capital characteristics, it must be stressed again that they lack permanence. The Office believes that for *captial* purposes unrestrained use of limited life preferred stock and subordinated notes and debentures is unsafe and unsound, both for individual banks and the domestic banking system. In order to satisfy these prudential concerns for capital, the Office will restrict the total amount of secondary captial that may be included as capital for both supervisory and statutory purposes to an amount no greater than 50 percent of total primary capital.

This restriction for capital purposes, however, does not prohibit national banks from issuing what otherwise would be considered secondary capital instruments in amounts exceeding the 50 percent limitation. For the Office also believes that national banks should have the means to maintain the maximum permissible level of secondary capital as long as it is not detrimental to the basic soundness of the institution. In order to provide this flexibility, the Office will consider applications for secondary capital-type issues which at inception exceed the 50 percent ceiling. The Office's approval policy concerning issuances which exceed the 50 percent limit will be identical to that in effect for secondary capital issuances.[4] Approval or denial of applications to issue subordinate notes and debentures or limited life preferred stock will continue to be based on analysis of the specific condition and prospects of the applicant. The Office believes this policy will afford national banks greater latitude to procure funding sources, will assist them to readily maintain an adequate level of capitalization, and will facilitate meeting the demands of their customers.

Existing limited life preferred stock and subordinated notes and debentures: Two respondents stated that the Office should exempt, or grandfather, all existing life preferred stock and subordinated notes and debentures from the amortization framework. The Office's August, 1981, proposal acknowledged that the amortization program could adversely affect certain national banks. In particular, bank lending and investment activities might be affected with individual borrowers suffering disruption in their access to credit. In light of these possibilities, the Office proposed that, for statutory purposes, it would not cite any bank for violations of the law for exceeding a statutory limitations where the excess resulted from a reduction in the amount of a bank's surplus caused by imposition of the amortization schedule on secondary captial instruments issued prior to the date of publication of that proposal. The proposal deferred was to expire on December 31, 1982.

Since the proposal was published, the Garn-St Germain Depository Institutions Act of 1982 ("Act") changed the legal lending limit. Specifically, the basic legal lending limit was raised, effectiveApril 14, 1983, from 10 percent to 15 percent of a bank's capital. On a systemic basis, therefore, the amortization of secondary capital should not adversely affect lending activities, nor decrease credit available to credit users. As far as individual national banks are concerned, the Office determined from internally available data that due to the increased lending limit, national banks generally should not face appreciable reductions in their lending relationships because of the amortization of secondary capital.

Consequently, amortization of secondary capital for statutory computations is effective immediately. Amortization for analytical purposes is already in effect.

Other Matters

Mandatory Convertible Issues: At the time that the proposed definition of capital was issued, mandatory convertible issues were not commonly used. Since that time various banking organizations have issued mandatory convertible issues. Other banking organizations have asked the Office about supervisory requirements concerning these securities. In order to assure that the funds raised by mandatory convertible securities are truly permanent and to provide the banking community with guidance on the use of mandatory convertibles, the Office promulgated Banking Circular 173, dated October 1, 1982, and entitled Mandatory Convertible Securities. The circular also provides criteria for the issuance of such instruments in order to ensure their prudent, safe and sound use. The circular is in accord with criteria and guidelines implemented by the Federal Reserve. This banking circular was provided to each national bank. The principles established therein for capital adequacy purposes will apply equally to the statutory definition and are herein incorporated by reference.

Net Worth Certificates: The Act authorized issuance of "net worth certificates." Net worth certificates are to be used by the Federal Deposit Insurance Corporation ("FDIC") to "increase or maintain the capital of a qualified institution," including national banks. The Act also stipulates that net worth certificates "shall be deemed to be net worth for statutory and regulatory purposes." Consequently, the Office will include net worth certificates purchased by the FDIC under Section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823) as part of a bank's primary capital.

Allowance for possible lease losses: On several occasions since the Office's August, 1981 proposal, questions arose concerning the treatment of an allowance for possible lease losses when evaluating capital adequacy. Many national banks are involved in lease financing. Moreover, the number of banks engaging in, and the overall volume of, lease financing operations is growing. As with lending transactions, some losses are incurred. Because of this many banks which have leasing activities establish a separate allowance for possible lease losses. Other national banks aggregate these allocated lease related funds with the allowance for possible loan losses.

The Office believes that the allowance for possible lease losses should be considered as part of capital, in the same manner as the allowance for possible loan losses, because it is: (1) A first reserve against which losses may be charged; (2) created by charges against bank earnings which would otherwise be added to the equity accounts; and (3) reinforces public

[4] The OCC has the legal responsibility to review applications by national banks to issue limited life preferred stock and subordinated notes and debentures. Applications to issue such instruments will be reviewed in accordance with 12 CFR 5.46 and 5.47. Pursuant to these provisions, the OCC may condition approvals to issue such instruments in any manner it deems prudent. Although 12 CFR 5.47 is entitled "Subordinated debt," the policies and procedures expressed therein will be applied to applications to issue limited life preferred stock as well. Also, subordinated notes and debentures must meet the requirements of Regulations D and Q (12 CFR Parts 204 and 217, respectively) of the Federal Reserve Board.

confidence in the banking system by protecting against future uncertainty. The Office and the Board of Governors of the Federal Reserve System include lease loss allowances as capital when determining bank capital adequacy. In order to eliminate any uncertainty in this regard, the final ruling specifically includes the allowance for possible lease losses as a primary component of bank capital.

Indebtedness of National Banks: The Office's August, 1981, proposal included a request for comments on several specific questions concerning 12 U.S.C. 82, the statute limiting national banks' indebtedness. The Act repealed this statute. As no limitation now exists, the definition of capital proposed for purposes of calculating indebtedness limits has been eliminated from the final rulemaking. If the Office in the future decides that limits on bank indebtedness are needed, it can at that time address the issue of the proper base on which to base the computations.

Special Studies

No Regulatory Flexibility Analysis has been prepared because interpretive rulings are not covered by the provisions of the Regulatory Flexibility Act. A Regulatory Impact Analysis is not required because the Office determined that the rulemaking is not a "major rule" as defined by Executive Order 12291.

In making this determination the Office conducted an analysis of the probable economic effects of this action. That analysis indicated that adoption of the proposal would result in a one time increase in the book value of aggregate national bank capital, as herein defined, of less than five percent. Furthermore, this increase represents only a reclassification of already existing categories of funds. It is not expected, therefore, to have significant economic consequences.

On an individual basis a substantial majority of national banks will realize modest improvement in their capital-related ratios as a result of this action. These changes will enable national banks to compete more aggressively for funds, both deposits and other liabilities. Concomitantly, the increase in capital will allow most national banks to accommodate larger requests for credit from a single borrower. Since the overall supply and demand for credit is determined largely by general economic conditions, the increased ability to compete more aggressively for source funds and to expand credit and investment activities can be expected to affect other credit market participants.

Thus, the macroeconomic effects of the ruling should be minimal while the microeconomic impact on the money and credit markets will be procompetitive.

List of Subjects in Part 7

National banks, Asset and liability powers, Management and ownership duties, Affiliates, Other powers.

PART 7—INTERPRETIVE RULINGS

Accordingly, Part 7 of Title 12 of the Code of Federal Regulations is amended as follows:

1. The authority citation of Part 7 is as follows:

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

2. By revising 7.1100 to read as follows:

§ 7.1100 Capital and surplus.

(a) *Capital.* The term "capital" as used in provisions of law relating to the capital of national banking associations shall include the amount of common stock outstanding and unimpaired plus the amount of preferred stock outstanding and unimpaired.

(b) *Capital Stock.* The term "capital stock" as used in provisions of law relating to the capital stock of national banking associations, other than 12 U.S.C. 101, 177 and 178, shall have the same meaning as the term "capital" set forth in paragraph (a) of this section.

(c) *Surplus.* The term "surplus" as used in provisions of law relating to the surplus of national banking associations shall include:

(1) Capital surplus;

(2) Undivided profits;

(3) Reserves for contingencies and other capital reserves (excluding accrued dividends on preferred stock and limited life preferred stock);

(4) Net worth certificates;

(5) Mandatory convertible instruments;

(6) Allowance for possible loan losses;

(7) Allowance for possible lease losses;

(8) Limited life preferred stock to the extent set forth in paragraphs (f)(2) and (f)(3) of this section; and

(9) Subordinated notes and debentures to the extent set forth in paragraphs (f)(2) and (f)(3) of this section.

(d) The term "unimpaired surplus fund" as used in provisions of law relating to the unimpaired surplus fund of national banking associations shall have the same meaning as the term "surplus" set forth in paragraph (c) of this section.

(e) *Definitions*—(1) *Capital surplus.* The term "capital surplus" means the total of those accounts reflecting (i) amounts paid in in excess of the par or stated value of capital stock; (ii) amounts contributed to the bank other than for capital stock; (iii) amounts transferred from undivided profits pursuant to 12 U.S.C. 60; and (iv) other amounts transferred from undivided profits.

(2) *Mandatory convertible instruments.* The term "mandatory convertible instruments" means those instruments which require the issuer to convert such offerings into either common or preferred stock by a stated date. (See Banking Circular 173—*Mandatory Convertible Securities* for details).

(3) *Preferred stock.* The term "preferred stock" means preferred stock that does not have a redemption requirement.

(4) *Limited life preferred stock.* The term "limited life preferred stock" means preferred stock which has a maturity.

(5) *Allowance for possible loan losses.* The term "allowance for possible loan losses" means the loan loss balance on December 31, 1968, plus additions to the loan loss reserve charged to operations since that date, less loan losses charged against the allowance for loan losses net of recoveries.

(f)(1) Issues of limited life preferred stock and subordinated notes and debentures must have original weighted average maturities of at least seven (7) years to be included in the definition of "surplus."

(2) Limited life preferred stock and subordinated notes and debentures shall be included in the definition of "surplus" to the extent set forth in the following schedule:

Years to maturity	Percent of issue considered as surplus
Greater than or equal to 5	100
Less than 5 but greater than or equal to 4	80
Less than 4 but greater than or equal to 3	60
Less than 3 but greater than or equal to 2	40
Less than 2 but greater than or equal to 1	20
Less than 1	0

(3) The total amount of limited life preferred stock and subordinated notes and debentures considered as surplus is limited to 50 percent of the aggregate amount of capital, as defined in paragraph (a) of this section, and items (1) through (7) of surplus as defined in paragraph (c) of this section.

(g) *Capital analysis.* (1) For purposes of analyzing bank capital adequacy, the items comprising "capital" and "surplus," as herein defined in

paragraphs (a) and (c) of this section, will be used.

(2) The term "primary capital" includes: common stock, preferred stock, capital surplus, undivided profits, reserves for contingencies and other capital reserves (excluding accured dividends on preferred stock and limited life preferred stock), net worth certificates issued by the Federal Deposit Insurance Corporation, mandatory convertible instrument, and allowances for possible loan and lease losses.

(3) The term "secondary capital" includes both limited life preferred stock and subordinated notes and debentures to the extent set forth in paragraphs (f)(2) and (f)(3) of this section.

(4) The OCC expressly reserves the authority, in exigent circumstances, to waive the minimum maturity and amortization requirements and the restriction of Secondary Components to an amount no greater than fifty percent (50%) of the total of the Primary Components set forth above for the inclusion of limited life preferred stock and subordinated notes and debentures in the capital base of any national bank for capital adequacy purposes. The OCC further expressly reserves the authority, in exigent circumstances, to impose more stringent conditions than those set forth in this Interpretive Ruling in order for limited life preferred stock and subordinated notes or debentures to be included, in whole or in part, as part of a national banking association's capital bases for capital adequacy purposes.

§ 7.7545 [Removed]

3. By removing 7.7545.

Dated: November 22, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-33808 Filed 12-20-83; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 369

Restrictive Trade Practices or Boycotts

AGENCY: International Trade Administration, Commerce.

ACTION: Interpretation.

SUMMARY: The Department is clarifying the application of its antiboycott regulations (15 CFR Part 369) to situations involving the reportability of the receipt of an unsolicited invitation to bid or similar proposal that contains a reportable boycott term or condition if the person receiving the invitation does not respond.

EFFECTIVE DATE: December 20, 1983.

FOR FURTHER INFORMATION CONTACT: Paulette J. Moore, Compliance Policy Division, Office of Antiboycott Compliance, U.S. Department of Commerce (202/377-4550).

SUPPLEMENTARY INFORMATION: Section 369.6(a)(4) of the Regulations provides that receipt of an unsolicited invitation to bid or similar proposal that contains a reportable boycott term or condition need not be reported if the person receiving the invitation does not respond. During the past five years, the Office of Antiboycott Compliance has received numerous inquiries about the precise definition of "unsolicited" and whether any kind of "response," including a simple acknowledgment, will cause the invitation to be reportable. The Department has determined that it is appropriate at this time to provide to the general public its views on these questions in the form of an interpretation.

List of Subjects in 15 CFR Part 369

Boycotts, Foreign trade, Reporting requirements, Restrictive trade practices, Trade practices.

Interpretation

The principal author of this interpretation is Howard N. Fenton, Director Compliance Policy Division, Office of Antiboycott Compliance.

PART 369—[AMENDED]

The following Supplement 11 is added to Part 369 as follows:

Supplement 11—Interpretation

Definition of unsolicited invitation to bid.

Section 369.6(a)(4) states in part:

In addition, a United States person who receives an unsolicited invitation to bid, a similar proposal, containing a boycott request has not received a reportable request for purposes of this section where he does not respond to the invitation to bid or other proposal.

The regulations do not define "unsolicited" in this context. Based on review of numerous situations, the Department has developed certain criteria that it applies in determining if an invitation to bid or other proposal received by a U.S. person is in fact unsolicited.

1. The invitation is not unsolicited if, during a commercially reasonable period of time preceding the issuance of the invitation, a representative of the U.S. person contacted the company or agency involved for the purpose of promoting business on behalf of the company.

2. The invitation is not unsolicited if the U.S. person has advertised the product or line of products that are the subject of the invitation in periodicals or publications that ordinarily circulate to the country issuing the invitation during a commercially reasonable period of time preceding the issuance of the invitation.

3. The invitation is not unsolicited if the U.S. person has sold the same or similar products to the company or agency issuing the invitation within a commercially reasonable period of time before the issuance of the current invitation.

4. The invitation is not unsolicited if the U.S. person has participated in a trade mission to or trade fair in the country issuing the invitation within a commercially reasonable period of time before the issuance of the invitation.

Under § 369.6(a)(4), the invitation is regarded as not reportable if the U.S. person receiving it does not respond. The Department has determined that a simple acknowledgment of the invitation does not constitute a response for purposes of this rule. However, an acknowledgment that requests inclusion for future invitations will be considered a response, and a report is required.

Where the person in receipt of an invitation containing a boycott term or condition is undecided about a response by the time a report would be required to be filed under the regulations, it is the Department's view that the person must file a report as called for in the regulations. The person filing the report may indicate at the time of filing that he has not made a decision on the boycott request but must file a supplemental report as called for in the regulations at the time a decision is made [369.6(a)(6)].

Dated: December 16, 1983.

William B. Skidmore,

Director, Office of Antiboycott Compliance.

[FR Doc. 83-33780 Filed 12-16-83; 1:13 pm]

BILLING CODE 3510-DS-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 300

[Docket No. RM82-6-000]

Confirmation and Approval of the Rates of the Bonneville Power Administration

Issued December 15, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order on reconsideration and response to comments on final rule.

SUMMARY: The Federal Energy Regulatory Commission is issuing an order granting in part and denying in part a petition for reconsideration and responding to comments filed on the final rule establishing procedures for the interim and final approval of rates submitted by the Bonneville Power Administration under section 7 of the Pacific Northwest Electric Power Planning and Conservation Act.

DATE: The amendments in this rule are effective January 20, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Malloy, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) is granting in part and denying in part a petition for reconsideration of a final rule which established procedures for the interim and final approval of rates submitted by the Bonneville Power Administration (BPA) under section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act or Act), 16 U.S.C. 839-839h (1982). In addition to denying a petition for reconsideration, the Commission is also responding to comments filed after the promulgation of its final rule.

I. Background

The Northwest Power Act establishes a rate scheme in which responsibility for determining the rates that BPA will charge for power is shared by the BPA Administrator and the Commission. The Administrator establishes rates for sales to various customers both within and outside the Pacific Northwest region after extensive procedures detailed in the Act. 16 U.S.C. 839e(i)(1)-(5) (1982). The Administrator files these rates with the Commission which must confirm and approve them before they become effective. The Act authorizes the Commission to approve the rates submitted by the Administrator on an interim basis.

On December 4, 1981, the Commission issued an interim rule governing interim approval of BPA rates. 46 FR 60813 (1981). The rule detailed the procedures for filing an interim rate, the information that must be filed, which included support for the proposed revenue level, six schedules, and standards to be used by the Commission in reviewing the request for interim rate approval.

On August 9, 1983, the Commission issued a final rule (18 CFR Part 300) governing both interim and final approval of the rates filed by BPA. 48 FR 37006 (August 16, 1983). The Commission's final rule substantially reflects the interim rule. Subpart A of the new regulation establishes the applicability of the part and various definitions in both the Northwest Power Act and the regulations. Subpart B contains the filing requirements. These filing requirements included the contents of the Administrator's Record of Decision, the Administrative Record, various statements, and analyses of the filed data. Subpart C establishes the procedures that the Commission adopted for both interim and final confirmation and approval, including public participation requirements, the standards of review, and the range of action open to the Commission when reviewing the rates.

The interim rule provides the filing requirements and the Commission's procedures for granting approval of rates on an interim basis. However, in addition to dealing with interim rate approval, the new § 300.21 also sets forth the procedures that will be used by the Commission to approve BPA's rates on a final basis. These new regulations establish the procedures and timing for final Commission action, although the requirements and standards for filing and reviewing the various rates of participants were already contained in the interim rule.

The Commission provided an opportunity for interested persons to comment on those aspects of the final rule that were being included for the first time. The Commission received a petition for reconsideration of the final rule by Southern California Edison Company (SoCal). In addition, the Commission received comments from the Bonneville Power Administration (BPA), Direct Service Industrials (DSI's), San Diego Gas & Electric (San Diego), Columbia River Inter-Tribal Fish Commission (CRITFC).

II. Discussion of Issues Raised by Commenters

A. Interim Approval Issues

The final rule required that BPA file its revised rates and its request for interim and final approval with the Commission sixty days prior to the proposed effective date. After BPA files its request for interim approval, the final rule requires that the Commission give interested persons an opportunity to comment on the request for interim approval. The Commission then decides whether to grant interim approval to the application prior to the proposed effective date of BPA's rates, subject to final confirmation and approval.

The DSI's requested that the Commission limit its interim approval of BPA's rate to a reasonable period of no more than one year. The DSI's noted that under the present practice, interim rates can be in place indefinitely. Because of the prohibition against retroactive increases in rates, if Commission review is not completed early in the rate period, the DSI's believe it is impossible to give relief to aggrieved ratepayers and at the same time redevelop rates that will cover sufficient revenues to repay the treasury. The DSI's believe, therefore, that it is imperative that Commission review take place as quickly as possible so that parties can, if still dissatisfied, obtain rapid judicial review of those rates.

In a similar vein, the CRITFC requests that final approval of BPA's rates take place no more than 90 days after interim approval is granted. One of the main concerns of the CRITFC is a prompt implementation of fish and wildlife program measures, many of which are required to be funded by BPA under the Northwest Power Act, 16 U.S.C. 839b(H)(11)(a)(i)(1982). Unlike the protection afforded to regional utilities, the CRITFC believes that fish and wildlife interests are not protected by the refund provisions of the regulations. It advocates revenue levels high enough to fund protection, mitigation, and enhancement of fish and wildlife. This position is inherently different from the predominant position of BPA's customers, who argue that their rates should be kept lower. To rectify this problem, the CRITFC recommends that the Commission take final action on BPA's rates within 90 days of the grant of interim approval.

Although the Commission recognizes that prolonged use of interim rates could result in inappropriate revenue collections, it declines to implement either of these recommendations. The

Commission believes that it should retain flexibility when reviewing rates. In some instances, it may not be reasonably possible to complete the review of BPA's rates within a 90-day or even a one year period. The Commission acknowledges that, in the past, there have been lengthy delays in the review of BPA's rates for final confirmation and approval. The Commission is cognizant of this fact and sensitive to the need to review these rates on a more expeditious basis. The Commission does not believe, however, that it should adopt restrictive measures since it may not be possible to provide reasonable or adequate review of rates within such constraints.

Commenters raise a second interim rate issue. Under the interim rule, the Director of the Commission's Office of Electric Power Regulation was authorized to notify BPA of any non-compliance in its filing and request for interim approval. BPA was allowed 30 days to cure this deficiency prior to Commission action on the request for interim approval. To allow BPA more flexibility in filing its rates, the Commission's final rule reduced from 90 to 60 days the time BPA's filing must precede a proposed effective date. Because of this change, the Commission acknowledged that there is not sufficient time both for staff to ascertain whether there are any defects in the filing and for BPA to cure these defects within the interim review period. Accordingly, under the final rule, BPA's filing must either be rejected because it was patently deficient or accepted subject to the condition that BPA cure any non-compliance after the rate becomes effective on an interim basis. Despite the CRITFC's comments that the Commission should require that BPA cure defects in its filing prior to the grant of interim approval, the Commission still believes its approach is both efficient and protective of the interests affected. If BPA's filing contains any major and potentially significant defects, the Commission would consider rejecting the filing outright and requiring that BPA file a new rate application.

B. Section 7(k) and Other "Hearing" Issues

The Northwest Power Act differentiates between procedures and standards of review under section 7(k) for reviewing rates for non-firm power sold outside the region, but within the United States (nonregional rates) and rates for all other power sold by BPA (regional rates) under section 7(a).

Some commenters believe that the Commission should review a section 7(k) rate *de novo*, that is, as if it were an initial rate filing than had not been reviewed by another decisional authority. Others believe the Commission's role to be more limited and appellate in nature. Still other commenters request that the Commission amend its final rule to limit its section 7(k) review to only the consideration of matters not litigated in BPA's proceedings.

While the Commission has made clear that its role is appellate in nature when reviewing regional rates,[1] its function relative to non-regional rates is less clear. Thus far, the Commission has not delineated the exact scope of its role under that section. Accordingly, the final rule is silent on this issue, as is the statute, neither has the Commission taken a position on whether under section 7(k) should be limited to consideration of new matter.

The Commission does not believe that it is necessary to resolve these issues in the context of this particular rulemaking. It will either resolve those issues on a case-by-case basis, as particular facts under section 7(k) are presented to the Commission, or in the context of a new rulemaking, if experience demonstrates that generic resolution of the problem will more efficiently promote the Commission's consideration of these difficult and complex problems.

Section 7(k) of the Act states that any hearing held under that section shall be held "in accordance with the procedures established for ratemaking by the Commission pursuant to the Federal Power Act." SoCal filed a petition for reconsideration claiming that the Commission's final rule ignored this requirement of section 7(k). SoCal's petition acknowledges that, for the most part, the Commission's regulations relating to section 7(k) do not address the issue of whether the Federal Power Act hearing procedures would be used. SoCal argues, for example, that, under the Federal Power Act, a utility is required to file its data in a form consistent with the Commission's Uniform System of Accounts (18 CFR Part 101 (1983)) and that a filing utility is required to submit its case-in-chief with its initial filing. (18 CFR 35.13(e)(2) (1983)). SoCal states that the Commission's rule under section 7(k) does not contain a requirement that these regulations be followed.

Finally, SoCal focuses on the statement in the final rule in which the Commmission adopted its general Rules of Practice and Procedure, except as they related to ex parte communications. (18 CFR 300.1(a) (1983)). SoCal claims that, under section 7(k), the Commission cannot exempt BPA proceedings from the ex parte requirements because they are procedures under the Federal Power Act.

The Commission did not, in its final rule, address precisely how Federal Power Act procedures would be applied to section 7(k) hearings. In the final rule, the Commission intended only to establish the procedures that it would follow for confirming and approving BPA's rates on an interim and final basis, particularly the filing requirements. The Commission stated that interested persons would be given an opportunity to comment on whether it is necessary to hold a hearing on nonregional rates under section 7(k) of the Northwest Power Act. If the Commission determines that a hearing was necessary under section 7(k) of the Northwest Power Act, it will publish a separate order delineating the issues to be resolved at such hearing. The Commission's final rule also included, in § 300.21, a paragraph which set forth the substantive statutes under which the Commission would review BPA's nonregional rates.

By not referring to Federal Power Act procedures in the rule, the Commission did not intend to imply that there is any question about the applicability of those requirements to section 7(k) hearings. The Commission does not believe that any of the procedures adopted in the final rule are inconsistent with this provision of section 7(k). However, while the Commission is amending its final rule to reflect the statutory language that any section 7(k) hearing will be in accordance "with the procedures established for ratemaking by the Commission pursuant to the Federal Power Act," it does not here set forth what it believes the intended scope of that provision to be.

The Commission nevertheless believes that the provision in section 7(k) does not require the Commission to adopt every filing requirement and administrative procedure that the Commission would follow in a Federal Power Act proceeding.[2] Accordingly, the

[1] Bonneville Power Adminstration, Order Remanding Rates Without Prejudice, 13 FERC ¶ 61,157 at page 61,338 (1980).

[2] The Commission has in only one case interpreted this provision of section 7(k) to require that a hearing procedure required under the Federal Power Act be followed in a section 7(k) hearing. BPA recently argued that the burden of proof should rest with the parties challenging BPA's rates. In holding that BPA had the burden of proof, the Commission stated that the hearing before this Commission shall be held "in accordance with the procedures established for ratemaking by the Commission pursuant to the Federal Power Act. Under the Federal Power Act, the filing utility or proponent of a rate bears the ultimate burden of persuasion. We therefore conclude that BPA bears the same burden in this proceeding.

Continued

provision does not necessarily obligate the Commission to require the BPA file its rates in accordance with the Uniform System of Accounts,[3] nor does it require that BPA necessarily file its case-in-chief as part of its rate filing.

The Commission also does not believe that its treatment of the ex parte rule violates the provisions of section 7(k). The Commission has not yet taken a position on the extent to which the ex parte rule should apply to power marketing proceedings. In the final rule, the Commission did not include the ex parte rule as one of the rules of practice and procedure to be followed under section 7(k) because of "the difficulty of applying the ex parte restrictions used in public utility rate cases to the rate cases of a fellow federal agency." The Commission stated, however, that it will "ensure the fairness of its on-the-record proceedings consistent with the case law and applicable statutes dealing with ex parte communications." This approach, the Commission stated, "reflects only a preference for fashioning appropriate procedural requirements in each case if there exist uncertainties about which restrictions are appropriate generically." 48 FR at 37,009.

The Commission must balance the countervailing considerations of intergovernmental relations and adjudicatory fairness. This issue is presented in all PMA rate proceedings. Consequently, in a companion rulemaking, the Commission has requested comments on the "extent to which prohibitions against ex parte communications ought to be applied in general to [Power Marketing Agency] rate proceedings."[4] The results of that inquiry may affect the Commission's view of BPA-related procedures under the special requirements of section 7(k). The Commission makes clearer its intent to defer resolution of the ex parte issue and to follow applicable legal requirements by amending its final rule to state that the ex parte rule "will apply only as the Commission determines is appropriate under the law."

In conclusion, SoCal's petition is granted insofar as the Commission is making clear that it will follow Federal Power Act procedures when section 7(k) hearings are involved. The Commission denies the petition in all other respects.

With regard to other hearing-related issues, one commenter suggested that the Commission's final rule should be amended to allow for a prehearing conference within thirty (30) days of the grant of interim approval. Again, the Commission acknowledges the need for expeditious review of BPA's rate cases. It cannot, however, require that a prehearing conference be held within thirty days of the grant of interim approval. The Commission has not yet determined whether a section 7(k) hearing will be held in every BPA nonregional rate case, but allows an opportunity to comment on whether a hearing should be held and the issues to be resolved at such a hearing. Because of this comment opportunity, it would be impossible to hold a prehearing conference within thirty days of the grant of interim approval.

In its final rule, the Commission stated that one of the actions it might take upon a request of final confirmation and approval of BPA's rate is to order an evidentiary hearing, if there are questions of fact which cannot be resolved through examination of the record and other available data or staff evaluation. Two commenters argue that the Commission does not have the authority to order a hearing on regional rates submitted by BPA. They claim that the Commission must remand the rate to BPA if there are any questions of fact that were not resolved by the Administrator's record or decision.

While the Northwest Power Act clearly authorizes the Commission to hold a hearing with regard to non-regional rates, it is silent on the Commission's authority to hold a hearing on regional rates. In the absence of any clear statutory limitation, the Commission believes it has, and should retain, the authority to hold a hearing on regional rates. The Commission believes, that it would rarely be necessary to hold a hearing on BPA's regional rates. As the Congress appears to have recognized, the need arises mostly with respect to non-regional sales. Generally speaking, the Commission would prefer to remand to BPA any filing that contained significant omissions of fact. The Commission nevertheless believes that it should retain the flexibility to order a hearing should circumstances warrant it.

C. Filing Requirements

The Bonneville Power Administration requests that the Commission make three clarifications to the filing the requirements established in the final rule. Section 300.11(b)(3)(ii)(C) requires a listing of "replacements made during the historic period." BPA argues that its accounting system does not separately identify individual replacements on a historic basis. Instead, replacements are added to the cost of the original project. BPA believes it will be unduly burdensome for it to separately identify past individuals replacements which have already been added to the cost of the original project.

The Commission acknowledges that the final rule requires that BPA make certain adjustments in the way it handles "replacements." The Commission believes that these adjustments are necessary, however, because the Commission must review separately the interest rates being imputed for replacements from those imputed for initial investments to determine the adequacy of the rates filed by BPA. In addition, the Commission does not understand from BPA's arguments how these adjustments might unduly burden BPA, although it recognizes that some accounting changes are necessary as a result of the rule. In any case, it believes the importance of this separate accounting of interest rates warrants those changes in practice.

In § 300.11(b)(3)(v), Statement C requires that "[f]or each year, the sum of unpaid individual investments or the unpaid portion of interest groups shown above must equal the unamortized investment shown in the power repayment study for that year." BPA requests clarification on what is meant by the phrase "for each year." BPA suggests that this phrase could mean the historic period, the cost evaluation period, or the entire period covered by the replacement study, or some other period of time. BPA believes that the requirement could be unduly burdensome, depending upon the period of time it is determined to cover. In addition, BPA finds unclear the distinction intended in that section between the phrases "sum of unpaid individual investments" and "unamortized investments." BPA believes that the concepts embodied in these two terms are identical.

BPA is essentially correct on both accounts. In fact, the purpose of this section was to emphasize that after all the calculations are made, these numbers *should* be the same, and to

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Bonneville Power Administration, Order Denying Rehearing, 23 FERC ¶ 61,469 at page 62,024 (1983) (footnote omitted).

[3] While the Commission does not believe section 7(k) requires BPA to keep its books in accordance with the Uniform System of Accounts, the Federal Power Act independently requires that "all agencies of the United States * * * shall be subject * * * to the provisions of section 301 and 302 the provisions requiring that public utilities shall follow the system of accounts established by the Commission . . . 16 U.S.C. 825b (1982) Thus, BPA must keep its books consistent with the Uniform System of Accounts, but not because of the operation of section 7(k) of the Northwest Power Act.

[4] Procedures and Filing Requirements for Rates of Power Marketing Agencies, 48 FR 49,301, 49,303 (October 25, 1983) (Notice of Proposed Rulemaking).

caution that, at *any point in time*, the aggregate of unpaid investments in Statement C must equal the total unamortized investment shown in the power repayment study.

BPA raises special concerns about the power repayment study in relation to WPPSSS and the Commission agrees with its assumptions. These bear repeating here. Section 300.12(b) states: "Unless otherwise required by statute, a [power repayment study] must contain only those investments in plant which will be in commercial operation during the proposed rate approval period, except replacements." BPA believes that this requirement does not present a problem with respect to BPA's contractual obligation to amortize the net billed portion of Washington Public Power Supply System Projects 1, 2, and 3, before those plants are placed in commercial operation.

BPA assumes this obligation through the new billing agreements for Projects 1, 2, and 3. This was recognized by Congress in the Public Works Appropriations Acts of 1970 and 71, Pub. L. 91.144, 83 Stat. 333 (1969) and Pub. L. 91–439, 84 Stat. 899 (1970), respectively. BPA believes that the two appropriations acts provide sufficient statutory authorization to permit pre-completion amortization of investments in those three generating units under the Commission's rule. The Commission agrees with BPA's observations.

D. Notice and Comment Issue

One commenter believed that the Commission was required to offer the opportunity for comment prior to the adoption of the final rule under section 553 of the Administrative Procedure Act, for certain provisions established for the first time in the final rule. In the final rule the Commission noted:

> the final rule differs from the interim rule in * * * respects that require further explanation pursuant to section 553(b) of the Administrative Procedure Act. [T]he final rule adds a section (section 300.21) that establishes procedures for final confirmation and approval. The Commission believes the Administrative Procedure Act does not require that the Commission provide additional opportunity for comment prior to making this part of the rule final. The final rate approval procedures do not impose new proceedural burdens, such as filing requirements, on BPA or interested parties. They are designed only to standardize BPA proceedings before the Commission in terms of notice, opportunities for hearings, and to state the range of actions available to the Commission. The new provisions do not affect the substance of the rate case. As such, these procedural requirements for final confirmation and approval (section 300.21) are clearly matters of "agency organization, procedure, or practice" that do not require notice and comment. 5 U.S.C. 553(b)(A) (1976).
>
> [48 FR at 37011]

The Commission accordingly believes that the final rule sufficiently explains the Commission's legal reasoning, so that additional notice and comment was not required prior to promulgation of the final rule.

III. Effective Date

The amendment made by this final rule will be effective January 20, 1984.

List of subjects in 18 CFR Part 300

Electric power rates.

PART 300—[AMENDED]

In consideration of the foregoing, the Commission amends Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. The authority citation for Part 300 reads as follows:

Authority: The Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. 839–839h; Federal Power Act, as amended 16 U.S.C. 792–828c; Bonneville Power Project Act; 16 U.S.C. 832–8321; Flood Control Act of 1944, 16 U.S.C. 825s; Federal Columbia River Transmission System Act, 16 U.S.C. 838–838k; Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR Part 42 (1978).

2. Section 300.1(a) is revised to read as follows:

§ 300.1 Applicability and definitions.

(a) *Applicability.* This part sets forth procedures governing the filing, review, and disposition of the rate schedules for the sale or transmission of power and energy established by the Administrator of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act). Except as otherwise provided by rule or order, the Commission's General Rules of Practice and Procedure (Part 385 of this Chapter) will apply to any filings, hearings, or other procedures under this part, as applicable. Rule 2201 of Part 385 will apply only as the Commission determines is appropriate under law.

* * * * *

3. Section 300.21(b) is revised to read as follows:

§ 300.21 Final confirmation and approval.

* * * * *

(b) *Proceedings under section 7(k).* The Commission will publish a separate order if it determines that a hearing is necessary under section 7(k) of the Northwest Power Act. This order will, if appropriate, delineate the issues to be resolved at such hearing. Such hearing will be held in accordance with the procedures established for ratemaking by the Commission pursuant to the Federal Power Act.

* * * * *

[FR Doc. 83-33828 Filed 12-20-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 83C-0113]

Chlorophyllin-Copper Complex, Oil Soluble; Listing as a Color Additive for Use in Polymethylmethacrylate Bone Cement

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of chlorophyllin-copper complex, oil soluble, for coloring polymethylmethacrylate (PMMA) bone cement in conjunction with orthopedic surgical procedures. FDA is taking this action in response to a petition filed by E.M. Industries, Inc.

DATES: Effective January 23, 1984; objections by January 20, 1984.

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

FOR FURTHER INFORMATION CONTACT: Carl A. Larson, National Center for Devices and Radiological Health (HFK-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7156.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of April 22, 1983 (48 FR 17389), FDA announced that a color additive petition (CAP 3C0175) had been filed by E.M. Industries, Inc., 5 Skyline Drive, Hawthorne, NY 10532, proposing that FDA's color additive regulations be amended to provide for the safe use of chlorophyllin-copper complex, oil soluble, for coloring PMMA bone cement. This device is indicated for achieving a rigid fit between the bony walls of a surgical cavity and an orthopedic prosthesis. The petition was filed under section 706 of the Federal

Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

With the passage of the Medical Device Amendments of 1976 (Pub. L. 94–295), Congress mandated the listing of color additives for use in or on medical devices where the color additive comes in direct contact with the body for a significant period of time (21 U.S.C. 376(a)). The use of the chlorophyllin-copper complex, oil soluble, presented in the color additive petition now before the agency is subject to this listing requirement. This color additive is added to the PMMA bone cement in such a way that at least some of this color additive will come in direct contact with the body after implantation and will remain in such contact over a long period, depending on the medical situation. Thus, the color additive is subject to regulation under section 706 of the act.

The color additive is chlorophyllin-copper complex, oil soluble. This color additive, which is extracted from a mixture of fescue and rye grasses, is an intensely dark green oil solution, diluted to a 5-percent pigment concentration. The color additive is obtained by acid treatment of native chlorophyll to remove the chelated magnesium which is replaced with hydrogen. The hydrogen is in turn replaced with copper. The resultant pigment concentration is further diluted to a 5-percent concentration with a mixture of palm oil, peanut oil, and hydrogenated peanut oil.

The intended technical effect of the color additive is to impart a green tint to the PMMA bone cement, so that the bone cement can be readily distinguished from physiologic bone or bony fragments within the surgical field, either at the primary implantation or during revision surgery. The petitioner's PMMA bone cement with the color additive chlorophyllin-copper complex, oil soluble, present at a level of 0.003 percent by weight has been used clinically in Europe in an estimated 11,000 patients (Introduction to premarket approval application, P810020, Volume 3). On recent evaluation at revision surgery of total hip replacements (3 or more years post implantation), European surgeons reported that the green coloration of the petitioner's PMMA bone cement with chlorophyllin-copper complex, oil soluble, facilitated removal of all acrylic debris.

Only a small amount of the color additive is required to tint the PMMA bone cement. For example, in a typical application for a total hip replacement, 1.414 milligrams of chlorophyllin-copper complex, oil soluble, is used per 56.5 grams of the PMMA bone cement, i.e., 0.0024 percent by weight. The petitioner has petitioned for the use of the chlorophyllin-copper complex, oil soluble, in PMMA bone cement at a level of 0.003 percent by weight.

The agency has evaluated data from sources other than the petition on the safety of chlorophyllin-copper complex, oil soluble, and finds that this substance is safe for use in coloring PMMA bone cement at the level specified in the petition. The agency notes that the normal diet includes large quantities of chlorophyll from such sources as green leafy vegetables. The World Health Organization has stated that the acceptable daily intake for humans of chlorophyllin-copper complex is 15 milligrams per kilogram of body weight (Ref. 1), an amount that far exceeds the possible exposure to this color additive from its use in bone cement. Sodium potassium chlorophyllin-copper complex has been fed to rats at dietary levels of up to 3 percent for up to 2 years (Ref. 2). The results of this study showed no toxic effects except for slight pigmentation (greenish color) of the liver of the high-dose group. (See 21 CFR 73.1125 and supporting administrative record.)

The agency's conclusion about the safety of the petitioned use of the color additive is buttressed by the results of several studies submitted by the petitioner. Some of these studies were done under an investigational exemption for a new drug (IND 12469) and included evaluations of intraperitoneal injection, intravenous injection, intraperitoneal implantation, and intramedullary femoral implantation of PMMA bone cement containing chlorophyllin-copper complex, oil soluble, in both rats and dogs. One lifetime study evaluating oncogenic effects in rats of femoral implantations also was done (Ref. 3). No adverse effects attributable to the color additive were observed in any of these studies. In fact, in the oncogenic study, no differences were found between a control group that was treated with uncolored bone cement and the test group that was treated with bone cement that contained the color additive.

Having reviewed the data in the petition, the premarket approval application, and other relevant material, and based upon the composition of the color additive, available toxicity data, the small quantity of color additive added to the PMMA bone cement, and the process by which the color additive is manufactured, FDA finds that the color additive chlorophyllin-copper complex, oil soluble, is suitable and safe for use in coloring PMMA bone cement at a level not to exceed 0.003 percent. In addition, to further assure the safety of this color additive, FDA is establishing specifications in the listing regulation. However, on the basis of the factors listed in § 71.20(b) (21 CFR 71.20(b)), the agency concludes that certification of the color additive is not necessary for the protection of the public health.

In accordance with § 71.15 (21 CFR 71.15), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the National Center for Devices and Radiological Health by appointment with the information contact person listed above. As provided in § 71.15(b), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

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

References

The following information has been placed on display in the Dockets Management Branch (address above) and may be reviewed by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Joint FAO/WHO Expert Committee on Food Additives, "Toxicological Evaluation of Some Food Colors, Emulsifiers, Stabilizers, Anti-Caking Agents, and Certain Other Substances," *WHO/Food Additives*, 46A(13):14–17, 1969.

2. Harrisson, J. W. E., J. E. Levin, and B. Trabin, "The Safety and Fate of Potassium Sodium Copper Chlorophyllin and Other Copper Compounds," *Journal of the American Pharmaceutical Association*, 43:722–737, 1954.

3. Hwang, S. W. and D. P. Sinha, "Bone Implant Oncogenicity in Rats," Report P4357 (Unpublished), November 18, 1977.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics; Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371(e), 376)) and under authority delegated to the Commissioner of Food and Drugs (21

CFR 5.10), Part 73 is amended by adding new § 73.3110 in Subpart D, to read as follows:

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

§ 73.3110 Chlorophyllin-copper complex, oil soluble.

(a) *Identity.* The color additve is chlorophyllin-copper complex, oil soluble. The chlorophyllin is obtained by extraction from a mixture of fescue and rye grasses. The chlorophyll is acid-treated to remove chelated magnesium which is replaced with hydrogen, which is turn is replaced with copper. This mixture is diluted to a 5 percent concentration with a mixture of palm oil, peanut oil, and hydrogenated peanut oil.

(b) *Specifications.* The color additive chlorophyllin-copper complex, oil soluble (5 percent in palm oil, peanut oil, and hydrogenated peanut oil), shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by current good manufacturing practice:

Moisture, not more than 0.5 percent.
Nitrogen, not less than 0.2 percent and not more than 0.3 percent.
Total copper, not less than 0.2 percent and not more than 0.4 percent.
Free copper, not more than 200 parts per million.
Lead, not more than 20 parts per million.
Arsenic, not more than 5 parts per million.
Sulfated ash, not more than 2.5 percent.
Total color, not less than 4.5 percent and not more than 5.5 percent.

(c) *Uses and restrictions.* (1) The color additive chlorophyllin-copper complex, oil soluble (5 percent in palm oil, peanut oil, and hydrogenated peanut oil), may be safely used to color polymethylmethacrylate bone cement. Chlorophyllin-copper complex may be used at levels that do not exceed 0.003 percent by weight of the bone cement.

(2) Authorization for this use shall not be construed as waiving any of the requirements of sections 510(k), 515, and 520(g) of the Federal Food, Drug, and Cosmetic Act with respect to the polymethylmethacrylate bone cement in which chlorophyllin-copper complex, oil soluble, is used.

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

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

Any person who will be adversely affected by the foregoing regulation may at any time on or before January 20, 1984 filed with the Dockets Management Branch (address above) written objections thereto. Objections shall show how the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issue for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective January 23, 1984, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be anounced by publication in the **Federal Register.**

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

Dated: December 15, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-33751 Filed 12-20-83; 8:45 am]
BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[FAP 3H5391/R621; FAP 3H5391/R622; PH-FRL 2493-7]

Tolerances for Pesticides in Food and Animal Feeds Administered by the Environmental Protection Agency; 5-(Chlorophenyl)-2,3-Diphenylthiophene

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: These rules establish food and feed additive regulations to permit residues of the insecticide 5-(4-chlorophenyl)-2,3-diphenylthiophene in or on certain food and feed commodities in accordance with an experimental program. These regulations to establish maximum permissible levels for the pesticide in or on the commodities were requested in a petition by Uniroyal Chemical.

EFFECTIVE DATE: Effective on December 21, 1983.

ADDRESS: Written objections may be submitted to the Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
By mail:
Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.
Office location and telephone number: Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued notices, published in the **Federal Register** of April 27, 1983 (48 FR 19078), which announced that Uniroyal Chemical, 74 Amity Rd., Bethany, CT 06525, had submitted a food/feed additive petition (FAP) proposing to amend 21 CFR Parts 193 and 561 by establishing regulations permitting residues of the insecticide 5-(4-chlorophenyl)-2,3-diphenylthiophene in or on certain food and feed commodities as follows:

1. *FAP 3H5391.* Proposed amending 21 CFR Part 193 by establishing a regulation permitting residues of the insecticide 5-(chlorophenyl)-2,3-diphenylthiophene in the food commodity citrus oil at 40.0 parts per million (ppm) resulting from applications of this chemical to oranges and grapefruit in connection with an experimental program. The petition was later amended by increasing the tolerance proposal for citrus oil from 40.0 ppm to 100.0 ppm.

2. *FAP 3H5391.* Proposed amending 21 CFR Part 561 by establishing a regulation permitting residues of 5-(4-chlorophenyl)-2,3-diphenylthiophene in the feed commodity dried citrus pulp at 2.0 ppm resulting from application of this chemical to oranges and grapefruit in connection with an experimental program.

The petition was later amended by increasing the tolerance proposal for dried citrus pulp from 2.0 ppm to 3.0 ppm.

There were no comments received in response to the notices of filing.

The pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 751, 7

U.S.C. 135(a)) et seq.). It has further been determined that since residues of the pesticide may result in citrus oil and dried citrus pulp from the agricultural use provided for in the experimental use permit, the food and feed additive regulation should be established and should include a tolerance limitation.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data submitted in support of the tolerances include a 90-day rat-feeding study with a no-observed-effect level of 100 ppm (5.0 mg/kg); a 6-month dog-feeding study with a NOEL of 100 ppm; and a rat teratology study that was negative at up to 2,000 mg/kg. Studies on mutagenicity demonstrated negative potential.

Based on the 6-month dog-feeding study with a 100-ppm (2.5 mg/kg) NOEL, and using a safety factor of 100, the acceptable daily intake (ADI) for man is 0.025 mg/kg of body weight (bw)/day.

The pesticide is considered useful for the purpose for which the regulations are sought. Therefore, the regulations are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted these rules from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food or feed additive levels or conditions for safe use of additives, or raising such food or feed additive levels, do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1))

List of Subjects in 21 CFR Parts 193 and 561

Food additives, Animal feeds, Pesticides and pests.

Dated: December 8, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 193—[AMENDED]

Therefore, Chapter I of 21 CFR is amended as follows:

1. In Part 193, new § 193.469 is added, to read as follows:

§ 193.469 5-(4-Chlorophenyl)-2,3-diphenylthiophene.

(a) [Reserved].

(b) An interim tolerance of 100.0 parts per million is established for residues of the insecticide 5-(4-chlorophenyl)-2,3-diphenylthiophene in the food commodity citrus oil resulting from applications of this chemical to oranges and grapefruit in connection with an experimental program. The expiration date for this tolerance is December 9, 1984.

PART 561—[AMENDED]

2. In Part 561, new § 561.433 is added, to read as follows:

§ 561.433 5-(4-Chlorophenyl)-2,3-diphenylthiophente.

(a) [Reserved]

(b) An interim tolerance of 3.0 parts per million is established for residues of the insecticide 5-(4-chlorophenyl)-2,3-diphenylthiophene in the feed commodity dried citrus pulp resulting from application of this chemical to oranges and grapefruit in connection with an experimental program. The expiration date for this tolerance is December 9, 1984.

[FR Doc 83-33770 Filed 12-20-83; 8:45 a.m.]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 558

Animal Drugs, Feeds, and Related Products; Change of Sponsor; Central Soya Co. Inc.

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) providing for a change of sponsor from Good-Life, Inc., to Central Soya Co., Inc.

EFFECTIVE DATE: December 21, 1983.

FOR FURTHER INFORMATION CONTACT: John W. Borders, Bureau of Veterinary Medicine (HFV–238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6243.

SUPPLEMENTARY INFORMATION: Central Soya Co., Inc., 1300 Fort Wayne Bank Bldg., Fort Wayne, IN 46802, has informed the FDA that it has purchased the assets, including NADA's for medicated premix approvals, and trademark name, of Good-Life, Inc. Good-Life, Inc., has confirmed the change of ownership by letter. The NADA's affected are 110–045, tylosin premixes; 128–411, tylosin/sulfamethazine premix; and 134–286, pyrantel tartrate premix. The supplements are approved and Parts 510 and 558 are amended to reflect the change of sponsor.

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

List of Subjects

21 CFR Part 510

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

21 CFR Part 558

Animal drugs, and 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 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

1. 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* in paragraph (c)(1) by removing the entry "Good-Life, Inc." and in paragraph (c)(2) by removing the entry "021810."

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. Part 558 is amended:

a. In § 558.485 by revising paragraph (a)(14) to read as follows:

§ 558.485 Pyrantel tartrate.

(a) * * *

(14) To 012286: 9.6 grams per pound, paragraph (e)(1) through (3) of this section.

* * * * *

b. In § 558.625 by revising paragraph (b)(10) to read as follows and by removing paragraph (b)(52):

§ 558.625 Tylosin.

* * * * *

(b) * * *

(10) To 012286: 0.4, 0.8, and 1.6 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 10 and 40 grams per pound, paragraph (f)(1)(i) through (vi) of this section.

* * * * *

c. In § 558.630 by revising paragraph (b)(9) to read as follows:

§ 558.630 Tylosin and sulfamethazine.

* * * * *

(b) * * *

(9) To 012286, 017255, 017473, 017790, 018083, 020275, 022422, 026948, 043727, 043733, 050568, 050639, and 050782: 5 grams per pound each, paragraph (f)(2)(ii) of this section.

* * * * *

Effective date. December 21, 1983.

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

Dated: December 15, 1983.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-33752 Filed 12-20-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 6

Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal and Federally Assisted Construction Contracts and Federal Service Contracts

AGENCY: Labor.

ACTION: Final rule.

SUMMARY: This document revises Subpart A of 29 CFR Part 6, concerning hearings under the Service Contract Act, to include under those procedures determinations of violations of the Contract Work Hours and Safety Standards Act occurring under contracts subject to the Service Contract Act. This action is necessary because by inadvertence such procedures currently do not exist.

EFFECTIVE DATE: This final rulemaking becomes effective December 21, 1983.

FOR FURTHER INFORMATION CONTACT: Gail V. Coleman, Counsel for Trial Litigation, Fair Labor Standards Division, Office of the Solicitor, U.S. Department of Labor, Room N2716, 200 Constitution Avenue NW., Washington, D.C. 20210, Phone 202-523-7626.

SUPPLEMENTARY INFORMATION: On July 1, 1983, Part 6 was revised to include as a new Subpart B, Proceedings Under the Davis-Bacon Act and Related Prevailing Wage Statutes, the Copeland Act, and the Contract Work Hours and Safety Standards Act (Except Under Contracts Subject to the Service Contract Act). This revision was issued after publication of a proposed rule to amend Part 6 in its entirety, published in the **Federal Register** on August 14, 1981 (46 FR 41428), including a proposed revision that the procedures for hearings on violations of the Service Contract Act would also apply to violations of the Contract Work Hours and Safety Standards Act under contracts subject to the Service Contract Act. No comments were received regarding that proposed revision. However, because the final substantive regulations under the Service Contract Act were still under consideration, no revisions were made to the procedural regulations under the Service Contract Act at that time. As a result, since Subpart A concerns only proceedings under the Service Contract Act, the regulations currently contain no procedure for hearings concerning violations of the Contract Work Hours and Safety Standards Act occurring under contracts subject to the Service Contract Act.

Accordingly, the Department has determined that pending implementation of the final revisions to the procedural regulations under the Service Contract Act, § 6.1 of Part 6 should be revised to provide that the rules apply to proceedings relating to enforcement of labor standards under the Contract Work Hours and Safety Standards Act under contracts which are subject to the Service Contract Act.

Findings

Final rules for proceedings under the Davis-Bacon and Related Acts and the Contract Work Hours and Safety Standards Act (except under contracts subject to the Service Contract Act) were published in the **Federal Register** on July 1, 1983, effective on June 28, 1983, without concurrent revisions to the proceedings under the Service Contract Act. As a result, there are currently no procedures to determine violations of the Contract Work Hours and Safety Standards Act under contracts subject to the Service Contract Act. In order to provide such hearings, it is essential that the revision to Part 6 herein be effective immediately upon publication in the **Federal Register.** Accordingly, the Secretary has determined that good cause exists for waiving the customary requirement of delaying the effective date of a final rule for at least 30 days after its publication.

Classification

This rule is procedural in character. Therefore, this rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

The Department believes that the rule will have no "significant economic impact on a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. 96-354, 91 Stat. 1164 (5 U.S.C. 605(b)). The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because the rule is procedural in character. Accordingly, no regulatory flexibility analysis is required.

The rule is not subject to section 3504(h) of the Paperwork Reduction Act, 44 U.S.C. 3504(h), since it does not require the collection or retention of information.

List of Subjects in 29 CFR Part 6

Administrative practice and procedures, Government contracts, Labor, Minimum wages, Wages.

Accordingly, 29 CFR Part 6 is amended as set forth below.

Signed at Washington, D.C. on this 16th day of December 1983.

Raymond J. Donovan,

Secretary of Labor.

PART 6—[AMENDED]

29 CFR Part 6 is amended as follows:

1. The authority citation for Part 6 reads as follows:

Authority: Secs. 4 and 5, 79 Stat. 1034, 1035 as amended by 86 Stat. 789, 790, 41 U.S.C. 353 and 354; 5 U.S.C. 301; Reorg. Plan No. 14 of 1950, 64 Stat. 1267, 5 U.S.C. Appendix; 46 Stat. 1494, as amended by 49 Stat. 1011, 78 Stat. 238, 40 U.S.C. 276a-276a-7; 76 Stat. 357-359.

40 U.S.C. 327–332; 48 Stat. 948, as amended by 63 Stat. 108, 72 Stat. 967, 40 U.S.C. 276c.

2. Section 6.1 is revised to read as follows:

§ 6.1 Applicability of rules.

This subpart provides the rules of practice for administrative proceedings relating to the enforcement of labor standards in the Service Contract Act of 1965, 41 U.S.C. 351 *et seq.* (see Part 4 of this title), and relating to the enforcement of labor standards in the Contract Work Hours and Safety Standards Act, 40 U.S.C. 327 *et seq.* (see Part 5 of this title) under contracts which are subject to the Service Contract Act.

[FR Doc. 83-33750 Filed 12-20-83; 8:45 am]

BILLING CODE 4510-23-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

33 CFR Part 203

[ER 500-1-1]

Emergency Employment of Army and Other Resources, Natural Disaster Procedures

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This regulation supersedes the regulation dated January 9, 1978 and provides revised procedures for the Corps of Engineers in conducting emergency operations pursuant to Pub. L. 84–99. This action is required to publish policy and procedure for providing drought assistance pursuant to Pub. L. 95–51 amendment of Pub. L. 84–99 which would impact the public and was not in the previous regulations. Also the action was needed to streamline the regulation by removing administrative procedures of the agency. As a result of this action, a much clearer presentation of policy and procedure affecting the public, state and local entities and other Federal agencies provided which will minimize confusion and clarify responsibilities.

EFFECTIVE DATE: December 19, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Fletcher, (202) 272–0251.

SUPPLEMENTARY INFORMATION: The revised regulation is streamlined to more clearly identify the policies and procedures for Corps of Engineers response to floods and other natural disasters. Administrative procedures of the agency for establishing and maintaining the emergency program have been deleted from this document to insure clear presentation of policy and procedure affecting the public, State and local entities and other Federal agencies. No significant change in policies and procedures published in the previous document has been made. Policies and procedures which have been established and used in implementing the authority for providing drought assistance set forth in Pub. L. 95–51 are presented herein as part of Corps of Engineers disaster response activities. Definitions of terms used in the guidance for providing drought assistance are set forth in the law.

Note: The U.S. Army Corps of Engineers has determined that this proposed regulation is not a major rule under Executive Order 12291. It has been determined under the criteria of the Regulatory Flexibility Act that this final rule will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 203

Disaster assistance, Flood assistance and Drought assistance.

Accordingly, 33 CFR Part 203 is revised to read as follow:

Part 203 Emergency Employment of Army and Other Resources, Natural Disaster Procedures.

Subpart A—Introduction

Sec.
203.11 Purpose.
203.12 Authority.
203.13 Non-Federal Interest Responsibilities.

Subpart B—Disaster Preparedness

203.21 Inspection of Non-Federal Flood Control Works.

Subpart C—Emergency Operations

203.31 Policy.
203.32 Authorities.

Subpart D—Rehabilitation

203.41 General.
203.42 Restrictions.
203.43 Project Development.
203.44 Non-Federal Flood Control Projects.

Subpart E—Emergency Water Supplies and Drought Assistance

203.51 Clean Drinking Water.
203.52 Drought Assistance.

Subpart F—Advance Measures

203.61 Policy.
203.62 Eligibility Criteria.

Subpart G—Local Interests Cooperation and Participation

203.81 General.
203.82 Requirements of Local Cooperation.
203.83 Additional Requirements.
203.84 Forms of Local Participation.
203.85 Transfer of Completed Work to Local Interests.

Authority: Pub. L. 84–99, 69 Stat. 186; 33 U.S.C. 701n.

SUBPART A—INTRODUCTION

§ 203.11 Purpose.

This regulation prescribes administrative policies, guidance, and operating procedures for natural disaster activities of the Corps of Engineers.

§ 203.12 Authority.

Flood and coastal storm emergencies (33 U.S.C. 701n) (69 Stat. 186) (Pub. L. 84–99). An emergency fund is authorized to be expended at the discretion of the Chief of Engineers for: Flood emergency preparation; flood fighting and rescue operations; repair or restoration of flood control works threatened, damaged, or destroyed by flood; emergency protection of Federally authorized hurricane or shore protection projects being threatened; and the repair and restoration of any Federally authorized hurricane or shore protective structures damaged or destroyed by wind, wave, or water of other than an ordinary nature. The law as amended includes provision of emergency supplies of clean drinking water.

§ 203.13 Non-Federal interests responsibilities.

Non-Federal interests, which include State, County and local governments, are required to make full use of their own resources before Federal assistance is furnished. The National Guard, as part of the State's resources, must be fully utilized as part of the non-Federal response when it is under State control. Non-Federal responsibilities include the following:

(a) *Disaster preparedness.* Normal maintenance of flood control projects in preparation for possible disasters is a non-Federal responsibility. Local maintenance includes procurement and stockpiling of sandbags and/or other materials or equipment which might be needed during flood situations. Preparedness includes training personnel to operate and maintain projects during crisis situations.

(b) *Emergency operations.* During flood fight operations, non-Federal interests must fully commit all physical resources available including the following: Electrical power for emergency activities; manual labor as required; surveillance and reconnaissance support; use of available community owned equipment with operators. Following a flood fight, it is a non-Federal responsibility to remove expedient flood control structures

installed by the Corps under Pub. L. 84–99.

(c) *Rehabilitation.* Prior to Corps rehabilitation of non-Federal projects, non-Federal interests must furnish formal written assurances of local cooperation. The local cooperation requirements are detailed in Subpart G of this regulation. Sponsorship by a political entity is preferred to individual sponsorship. Additional requirements of local participation, including cost-sharing will be required with respect to any project improvements or costs attributable to deficient or deferred maintenance.

(d) *Emergency water supplies and drought assistance.* Non-Federal interests must seek emergency drinking water assistance through the Governor of the affected State. The Bureau of Indian Affairs may request aid for Indian tribal lands. Corps assistance can be provided to drought-distressed areas, to construct wells and to transport water, at the request of the Governor. Requests for assistance for either program must include information concerning the criteria prescribed by Subpart E of this regulation.

(e) *Advance measures.* Advance measures to protect against predicted flooding are designed to complement the maximum non-Federal capability, must be justified from an engineering and economic standpoint and be capable of completion in a timely manner. Non-Federal participation can include either financial contribution or commitment of non-Federal physical resources. The assurance of local cooperation and participation (Subpart H) must be furnished to the Corps prior to construction. Requests for assistance must be made by the Governor of the affected State. (Bureau of Indian Affairs for Indian tribal lands.)

Subpart B—Disaster Preparedness

§ 203.21 Inspection of non-Federal flood control works.

(a) *Required inspections.* Regular inspections will be conducted at non-Federally constructed flood control works that have received Corps assistance under Pub. L. 84–99. These are conducted to establish whether the flood control works will continue to provide the intended degree of flood protection and to determine if the maintenance program is adequate.

(b) *Local requests.* If requested by non-Federal interests, inspection of flood control works may be performed even though there has been no previous Corps assistance provided under Pub. L. 84–99.

(c) *Advice and reporting.* Information on the results of inspection will be furnished to non-Federal interests and will be maintained in Corps district offices. Non-Federal interests will be informed that a record of continued maintenance deficiencies may negatively impact on eligibility of future rehabilitiation work and the degree of local cost-sharing participation in any proposed work. Follow-up inspections will be made by the Corps to monitor progress in correcting deficiencies. Liaison with local interests will include suggestions on required remedial maintenance and other measures to prepare for flood and coastal emergencies.

Subpart C—Emergency Operations

§ 203.31 Policy.

In time of flood or coastal storm, emergency operations will be undertaken by the Corps of Engineers, when requested, to supplement local emergency efforts. Protective construction will generally be of a temporary nature. A declaration of a State of Emergency by the Governor of a State is not a prerequisite to furnishing emergency assistance under Pub. L. 84–99. However, it is Corps policy that assurances of non-Federal cooperation and indemnification of the U.S., will be obtained. These assurances apply only to work performed under Pub. L. 84–99 and will not prevent local governments from receiving other Federal assistance. Participation by the Corps of Engineers in emergency operations may extend to operational control of emergency forces if requested by State and local authorities. This action will be subordinate to the State and local responsibilities and authorities, and exercised only when the situation exceeds the non-Federal capability to control.

§ 203.32 Authorities.

The authority applies to emergency flood fighting and rescue, and protection of Corps constructed shore or hurricane projects. Flood fighting measures are applicable to any flood control structure—Federal, public or private. Post-flood activities such as debris clearance or cleanup are not authorized. Corps work under Pub. L. 84–99 is not appropriate to protect flood control structures constructed and/or maintained by other Federal agencies where those agencies have emergency authority.

(a) *Flood emergency operations.* This authority allows Corps divisions/districts to furnish support to other agencies and local interests as appropriate. Corps assistance may include the following: technical advice and assistance; flood fighting materials, e.g., sandbags, polyethylene sheeting, lumber; loan of Corps owned equipment; hiring of equipment and operators for flood fighting operations. Flood fighting activities will normally terminate when the flood threat has passed or when flood waters are receding.

(b) *Ice jam removal.* The Corps policy is that ice jam removal is a local responsibility. Corps technical advice and assistance can be provided. When the ice jam poses an immediate flood threat to improved property, Corps efforts to supplement State, county, and local efforts are authorized under Flood Emergency Operations. The assistance must be limited to flood fighting and terminate as the flood flows recede. The Corps will normally not perform ice jam blasting operations.

(c) *Snagging and clearing.* Removal of log jams or obstructions causing flooding beyond the local, county, and State capability may be accomplished to relieve the immediate threat or flood. When flood waters recede within channel boundaries, the flood fight will terminate and additional stream debris clearance will not normally be performed under Pub. L. 84–99.

(d) *Extent of emergency assistance.* Emergency measures by the Corps will be of an expedient nature designed to meet the identified threat and to preserve existing protective works. Pub. L. 84–99 authority does not extend to permanent construction or the removal of temporary protective works.

(e) *Prohibition on diversion of emergency (Pub. L. 84–99) funds to local interests.* No authority exists under Pub. L. 84–99 to reimburse local interests for costs of emergency operations accomplished on their own account or to provide loans, funds or grants for these activities. Emergency funds will be expended directly by the Corps of Engineers for authorized purposes.

(f) *Loan or issue of supplies and equipment.* Issuance of Government owned equipment or materials to non-Federal interests is authorized only in actual emergencies. Providing Government supplies is authorized only after local resources have been fully committed. Equipment which is loaned should be returned to the Corps immediately after the flood operation ceases in a fully maintained condition. Expendable supplies such as sandbags will be replaced in kind or paid for by local interests to the extent considered feasible and practicable by the division or district commander. All unused expendable supplies will be returned to

the Corps when the operation is terminated.

Subpart D—Rehabilitation

§ 203.41 General.

(a) *Scope of rehabilitation.* (1) Pub. L. 84–99 authorizes repair and restoration of the following projects to ensure their continued function:

(i) All flood control projects.

(ii) Federally authorized and constructed hurricane flood protection projects.

(iii) Federally authorized and constructed beach erosion control projects.

(2) Modification of works to increase the degree of protection, or to provide protection to a larger area, is beyond the scope of Pub. L. 84–99. Such major modifications are normally accomplished under Congressional authorization and appropriation, or under special continuing authorities of the Corps. Modifications to increase the reliability of the existing protection must meet the criteria established in this subpart to be eligible for funding under Pub. L. 84–99.

§203.42 Restrictions.

(a) *Restrictions to flood control works.* Projects must be designed and constructed to have appreciable and dependable protection in preventing damage from irregular and unusual rises in water levels to be considered flood control works. Structures built primarily for the purpose of channel alignment, navigation, recreation, fish and wildlife enhancement, land reclamation, drainage, or erosion protection are ineligible for Pub. L. 84–99 rehabilitation.

(b) *Non-flood related rehabilitation.* Rehabilitation of flood control structures damaged by occurrences other than floods, hurricanes, or coastal storms is not authorized under Pub. L. 84–99.

(c) *Maintenance and deterioration deficiencies.* Rehabilitation under Pub. L. 84–99 will not be applied to works which, as a result of poor maintenance or deterioriation require substantial reconstruction. All deficient or deferred maintenance outstanding when damage occurs will be accomplished by or at the expense of the responsible non-Federal interests, either prior to or concurrently with authorized rehabilitation work. When work accomplished by the Corps corrects accumulated deferred maintenance, the estimated deferred maintenance cost will be included as contributed non-Federal funds.

(d) *Economic justification.* No project will be repaired unless the work satisfies the Corps criteria for a favorable benefit-to-cost ratio.

§ 203.43 Project development.

At the earliest opportunity, the project sponsor will be informed of any work which must be accomplished at non-Federal cost. This includes costs to correct maintenance deficiencies and/or any modifications which are necessary to preserve the integrity of the project but are beyond those authorized under Pub. L. 84–99.

§ 203.44 Non-Federal flood control projects.

(a) *Scope of work.* The Corps will provide assistance in the rehabilitation of non-Federal projects only when repairs are clearly beyond the normal physical and financial capabilities of the project sponsor. The urgency of the work is considered when determining non-Federal capability.

(b) *Definition.* Non-Federal projects are defined as projects constructed with non-Federal funds, or a component of such a project. A project constructed under Federal emergency disaster authorities, such as Pub. L. 84–99 or Pub. L. 93–288, is not considered to be a Federal project unless it repairs or replaces for a damaged Federal project. A flood control project is defined as a project designed and constructed to have appreciable and dependable effects in preventing damage from irregular and unusual rises in water level. For a multi-purpose project, only those components that are necessary for the flood control function are considered eligible for repair.

(c) *Eligibility.* Any flood control project is eligible for rehabilitation provided the work can be economically justified and is not otherwise prohibited by this regulation.

(d) *Modifications.* (1) Modifications designed to preserve the integrity of existing non-Federal structures may be constructed at additional Federal expense in conjunction with post flood rehabilitation. The additional Federal-cost will be limited to not more than one-third of the estimated Federal cost of rehabilitation to preflood condition, or $100,000, whichever is less. Non-Federal interests are required to contribute any additional funds necessary to support the remaining cost of the modification.

(2) Modifications designed to provide an increased degree of flood protection or to provide protection to additional area, are not authorized.

(e) *Nonconforming works.* Any non-Federal project constructed without the appropriate local, State or Federal permits or waivers thereof will not be rehabilitated under Pub. L. 84–99.

Subpart E—Emergency Water Supplies and Drought Assistance

§ 203.51 Clean drinking water.

(a) *Authority.* The Chief of Engineers is authorized to provide emergency supplies of clean drinking water to any locality which is confronted with a source of contaminated drinking water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality.

(b) *Policies.* (1) Any locality faced with a threat to public health and welfare from a contaminated source of drinking water is eligible for assistance.

(2) Eligibility for assistance will be based on one or more of the following factors:

(i) The maximum contaminant levels established under the Safe Drinking Water Act are exceeded.

(ii) The water supply has been identified as a source of illness by a State or Federal public health official (the specific contaminant does not have to be identified).

(3) The assistance will be directed toward provision of drinking only water. The quantity of water and the means of distribution will be at the discretion of the responsible Corps official, who will consider both the needs of the individual situation and the cost effectiveness of providing various quantities of water.

(4) If a locality has multiple sources of water, assistance will be furnished only to the extent that the remaining sources, plus reasonable conservation measures, cannot provide adequate drinking water.

(5) Loss of water supply is not a basis for assistance under this authority.

(6) Water will not be furnished for commercial processes, except as incidental to the use of existing distribution systems. This does not prohibit the furnishing of water for drinking by employees and on-site customers. Also, water for preparing retail meals and similar personal needs may be provided to the extent it would be furnished to individuals.

(7) The permanent restoration of safe drinking water supplies is the responsibility of local interests.

(8) Corps assistance is limited to 30 days. Extension of this period requires a formal agreement between the State and the Corps, covering specified services and providing a firm schedule for local interests to provide normal supplies.

(9) State and local governments must make full use of their own resources, including National Guard capabilities.

(10) Requests for assistance must be signed by the Governor of the State. For

Indian tribal lands, the Bureau of Indian Affairs will normally request assistance.

(c) *Non-Federal responsibilities.* Non-Federal interests are responsible for restoration of the routine supply of clean drinking water, including correcting any situations which cause contamination. If assistance is furnished, local interests must furnish the basic requirements of local cooperation. In all cases reasonable water conservation measures must be implemented. Local interest may be required to operate and maintain temporary supply equipment and to remove and return it to Federal interest after the problem is corrected.

§ 203.52 Drought assistance.

(a) *Authority.* The Chief of Engineers, acting for the Secretary of the Army, has the authority under certain statutory conditions to construct wells and to transport water to farmers, ranchers and political subdivisions within areas he determines to be drought-distressed. This authority was added to Pub. L. 84–99 by Pub. L. 95–51.

(b) *General policy.* (1) It is a non-Federal responsibility for providing an adequate supply of water to its inhabitants. Corps assistance to provide emergency water supplies will only be considered when non-Federal interests have exhausted reasonable means for securing necessary water supplies, including assistance and support from other Federal agencies.

(2) Before Corps assistance is considered under Pub. L. 95–51, the applicability of other Federal assistance authorities should be evaluated. If these programs cannot provide the needed assistance, then maximum coordination should be made with appropriate agencies in implementing Corps assistance.

(3) An analysis will be made of costs of the proposed work and of any reasonable alternatives.

(c) *Definitions*—(1) *Construction.* This term includes initial construction, reconstruction or repair.

(2) *Drought-distressed area.* An area which the Secretary of the Army determines, due to drought conditions, has an inadequate water supply which is causing, or is likely to cause, a substantial threat to the health and welfare of the inhabitants of the area including threat of damage or loss of property.

(3) *Eligible applicant.* Any rancher, farmer or political subdivision within a designated drought-distressed area that is experiencing an inadequate supply of water due to drought.

(4) *Farmer or rancher.* An individual who realizes at least ⅓ of his/her gross annual income from agricultural sources and is recognized in the community as a farmer or rancher. A farming partnership or corporation engaged in farming or ranching which receives its majority income from such activity may be considered as an eligible applicant.

(5) *Political subdivision.* A city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law, having jurisdiction over the water supply of such public body.

(6) *Reasonable cost.* In connection with the Corps construction of a well, means the lesser of:

(i) The cost of the Chief of Engineers to construct a well in accordance with these regulations exclusive of:

(A) The cost of transporting equipment used in the construction of wells,

(B) The cost of investigation and report preparation to determine the suitability to construct a well, or

(ii) The cost to a private business of constructing such a well.

(7) *State.* Any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(d) *Guidance-construction of wells.* (1) Assistance to an eligible applicant by the construction of a well may be provided on a cost-reimbursable basis if:

(i) It is in response to a written request by a farmer, rancher or political subdivision for construction of a well under Pub. L. 95–51.

(ii) The applicant is located within an area which has been determined by the Secretary of the Army to be drought-distressed.

(iii) The Secretary of the Army has made a determination that:

(A) The applicant, as a result of the drought, has an inadequate supply of water.

(B) An adequate supply of water can be made available to the applicant through the construction of a well.

(C) As a result of the drought, the well could not be constructed by a private business within a reasonable time.

(iv) The applicant has secured the necessary funding for well construction from commercial or other sources, or has entered into a contract to pay to the United States the reasonable cost of such construction with interest over a period of years, not to exceed 30, as the Secretary of the Army deems appropriate.

(v) The applicant has obtained all necessary Federal, State and local permits.

(2) The financing of the cost of construction of a well by the Corps under this authority should be secured by the project applicant.

(3) The project applicant will provide the necessary assurances of local cooperation prior to the start of Corps work under this authority.

(4) Equipment owned by the United States will be utilized to the maximum extent possible in exercising the authority to drill wells. Federally-owned well drilling equipment can only be used when commercial firms cannot provide comparable service within the time needed to prevent the applicant from suffering increased hardships from the effects of an inadequate water supply. Use of equipment owned by non-Federal interests would only be appropriate in the unusual circumstance when both of the above conditions can be met.

(e) *Guidance—transport of water.* (1) Assistance to an applicant in the transportation of water may be provided only if:

(i) It is in response to a written request by a farmer, rancher or political subdivision for transportation of water under Pub. L. 95–51.

(ii) The applicant is located within an area which has been determined by the Secretary of the Army to be drought-distressed.

(iii) The Secretary of the Army has made a determination that, as a result of the drought, the applicant has an inadequate supply of water for human and livestock consumption and water cannot be obtained by the applicant.

(2) Transportation of water by vehicles, small diameter pipe line, or other means will be at 100 percent Federal cost.

(3) Corps assistance in the transportation of emergency water supplies will be provided only in connection with water needed for human and livestock consumption. It will not be provided in connection with water needed for irrigation, recreation or other non-life supporting purposes.

(4) Corps assistance will not include the purchase of water nor the cost of loading or discharging the water into or from Government conveyance.

(5) Equipment owned by the United States will be utilized to the maximum extent possible in exercising the authority to transport water.

(f) *Request for assistance.* Written request must be made to the district commander or division commander with Civil Works responsibility for the affected area. Upon receipt of a written request, the appropriate State and Federal agencies will be notified and coordination in accordance with § 203.52(b) above will continue as appropriate throughout the assistance.

Subpart F—Advance Measures

§ 203.61 Policy.

"Advance Measures" consists of those activities performed prior to flooding or flood fight to protect against loss of life and damages to improved property from flooding. Emergency work under this authority will be considered when requested by the Governor of a State confronted with an immediate threat of unusual flooding. Corps assistance will be to complement the maximum efforts of State and local authorities. Projects will be designed for the specific threat, will normally be expedient type construction and temporary in nature.

§ 203.62 Eligibility criteria.

(a) *Threat of flooding.* There must be an immediate threat of *unusual* flooding before advance measures can be considered. The threat may be established by National Weather Service predictions or by Corps of Engineers determinations of unusual flooding from adverse conditions. The threat must be defined to the extent that it is clearly apparent that damages will be incurred if preventive action is not taken immediately.

(b) *Governor's request.* A letter signed by the Governor, requesting Corps assistance and addressing the State's commitments and capabilities with respect to the emergency situation is required. The Bureau of Indian Affairs may request assistance for Indian tribal lands. All requests should identify the following information.

(1) Describe the local and State efforts undertaken. Verify that all available resources have been committed.

(2) Identify the specific needs of the State and the required Corps assistance.

(3) Identify additional commitments to be accomplished by the State.

(4) Identify the project sponsor.

(c) *Feasibility.* The proposed work should be temporary in nature, technically feasible, designed to deal effectively with the specific threat, and capable of construction in time to prevent damages.

(d) *Economic justification.* All work undertaken under this category must have a favorable benefit-to-cost ratio, under Corps of Engineers economic guidelines.

(e) *Local cooperation/responsibilities.* In addition to requirements of subpart H, temporary works constructed by the Corps must be removed by the project sponsor when the operation is over, at no cost to the Corps.

Subpart G—Local Interests Cooperation and Participation

§ 203.81 General.

(a) *Requirement for cooperation and participation.* In order to obtain a firm understanding between the Corps and non-Federal interests concerning the responsibilities of each party in responding to a natural disaster, division or district commanders should negotiate a local cooperation agreement with local interests whenever assistance is furnished. Non-Federal interests or local interests, may be public entities, organizations, group or individuals in some instances.

(b) *Request for assistance.* For urgent situations, district/division commanders may respond to oral request from responsible representives of local interests. However, all oral requests must be confirmed in writing. Before furnishing assistance under Advance Measures, or under Clean Drinking Water the district/division commander must obtain a statement, signed by the Governor, stating that the State is aware of the request, identifying the problem verifying that all available State and local resources have been committed and requesting Federal assistance. For Emergency Operations, the statement may be signed by an authorized State official and assistance can be furnished before the statement is received. On Indian tribal lands the Bureau of Indian Affairs may make requests in lieu of the Governor or other State official.

§ 203.82 Requirements of local cooperation.

It is the Corp's policy that authorization of a project will, insofar as feasible, require local interests to furnish items of local cooperation similar to those set forth for flood control project construction in Section 3 of the 1936 Flood Control Act Pub. L. 74–738 (33 U.S.C. 701c). These requirements are that local interests (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the authorized work; (b) hold and save the United States free from damages due to the authorized work, exclusive of damages due to the fault or negligence of the United States or its contractor; (c) maintain and operate, in a manner satisfactory to the Chief of Engineers, all the works after completion. When assistance includes the construction of temporary protective works, the maintain and operate clause is modified by adding (or substituting, as applicable) the requirement for local interests to remove any temporary works constructed by the Corps under Pub. L. 84–99.

(a) *Furnishing of lands, easements, and rights-of-way.* This item provides for sites of structures, for borrow and disposal areas, and for access; also, for all other rights in, upon, through or over private property as needed by the United States in connection with the authorized work. Performance by the local interests under their assurance to furnish lands, easements, and rights-of-way will normally not be considered a contribution. If more advantageous to the Federal Government, borrow and disposal areas may be assumed as a Federal responsibility. Easements must be provided for future Federal inspection of maintenance or removal. If a public agency sponsors a project for a non-public applicant, the applicant must provide an easement to the sponsor for future maintenance or removal, as well as for Federal inspection. Easement should extend to the life of the project.

(b) *Hold and save clause.* Where the property concerned is under tenancy, both the property owner and the tenant should sign the local cooperation agreement.

(c) *Maintain and operate clause.* This clause must include: "It is understood that the foregoing maintenance and operation requirement extends to interrelated features of all protective work under the control of (insert name of owner or sponsor)."

(d) *Removal of temporary works.* Local interests are responsible for the removal of all temporary works constructed by the Corps, which are unsuitable for upgrade to permanent structures. Structures may be deemed unsuitable due to inherent health, access, or safety problems which could result from their location. The wording of this clause must not preclude the use of other Federal assistance programs to fund removal.

(e) *Request for retention of temporary works.* Local interests may ask to retain a temporary structure for protection from future floods. This *cannot* be authorized unless the works are upgraded to meet all Corps criteria for permanent projects. Pub. L. 84–99 funds cannot be used to upgrade the structure. An upgraded project would have to fully comply with permits, environmental, and other regulatory and legal requirements. Unless upgraded, such projects are not eligible for rehabilitation, and must be removed in accordance with paragraph (d) of this section. Local interests must initiate action to upgrade or remove the temporary works within 30 days after the flood threat has passed.

§ 203.83 Additional requirements.

(a) *Maintenance deficiencies.* Rehabilitation and Advance Measures authorities may not be used to correct deferred or deficient maintenance. Such correction must be accomplished by, or at the expense of, local interests. This may include restoring normal levee or dune height after subsidence, replacement of deteriorated components such as outlet structures and pipes, removal of debris and other obstructions in adjacent channels, and new construction such as protection against erosion. This does not preclude furnishing flood fight assistance during an emergency.

(b) *Areas of minor damage.* Separable areas with minor damage should be included in the maintenance program of local interests.

(c) Minor completion items. Local interests should be responsible for minor completion items, such as dressing fills, placing sod, or seeding completed work.

(d) *Adequacy of requirements of local cooperation.* In determining the adequacy of the pledge of local cooperation, district/division commanders must give proper consideration to the local sponsor's performance capability, taking into account any shortcomings in meeting prior commitments. Where a responsible local sponsor entity has not been formed, agreement by the local interests to later form such an entity may be considered for inclusion in the local cooperation agreement. If feasible, provisions should be made by local interests to establish a "Contingency Fund" to meet future maintenance requirements if apparent inadequacies of protective works indicate maintenance costs will be unusually high.

(e) *Privately owned projects.* In certain cases, Pub. L. 84–99 activities may involve flood control or water supply facilities owned by individuals, organization or other non-public entities. In such cases whenever practicable the local cooperation agreement furnished by each property owner should be sponsored collectively by a public entity or other organization fully responsible for maintenance of the structure. This organization in turn is to furnish its own overall local cooperation agreement for acceptance by the district commander.

(f) *Eligibility under other programs.* The local cooperation agreement must be worded to allow local interests to accept funding from other Federal programs for meeting the local responsibility. For example removal of temporary works will be without cost under Corps Pub. L. 84–99 assistance, but will not be "at no cost to the United States."

§ 203.84 Forms of local participation.

In addition to the standard requirements of local cooperation and according to the circumstances, local participation in project work may be in the form of: Contributed funds; the furnishing of materials, equipment, or services; and/or accomplishment of work either concurrently or within a specified reasonable period of time. The final terms agreed upon will be set forth in writing and made a part of the assurance agreement before commencement of work.

(a) *Contributed funds.* Contributed funds may be accepted, or refunded, without further reference or approval by the Chief of Engineers. The required certificate of the district commander will cite as the pertinent authority "Pub. L. 99, 84th Congress, approved 28 June 1955 as amended."

(b) *Obligation of contributed funds.* Per OMB Circular A–34, all contributed funds must be received in cash and deposited with the Treasury before any obligations can be made against such funds. Well construction is exempted from this requirement because financing is specifically authorized in Pub. L. 84–99 as amended. However, the assurance agreement must be signed in advance of any obligations. To reduce administrative problems, the agreement should be for no longer than will provide payments within the means of the applicant. The term is limited by Pub. L. 84–99 to a maximum of 30 years.

(c) *Provision of work or services in kind.* To the extent practicable, local interest should be allowed to minimize the amount of contributed funds by providing equivalent work or services in kind. Such services do not include lands, easements or right-of-way.

§ 203.85 Transfer of completed work to local interest.

Responsibility for operation and maintenance of completed emergency repair work under Pub. L. 84–99 will be transferred to the responsible local interests in accordance with the applicable procedures for transfer of completed local protection projects (ER 1150–2–301). Detailed instructions and suggestions relative to proper maintenance and operation usually will be furnished as a standard inclosure to a letter notifying the local interests that the work authorized under Pub. L. 84–99 has been completed. The letter must remind the local interests that they are responsible for satisfactory maintenance of the flood control works in accordance with the terms of the local cooperation agreement. In appropriate cases, use the "Flood Control Regulation for Maintenance and Operation of Flood Control Works: (33 CFR Part 208). If warranted, a full-scale operation and maintenance manual may be furnished. Reporting requirements placed on the local interests will vary according to organization and other circumstances. Regular inspections will be scheduled to verify local maintenance.

Dated: December 12, 1983.

Paul F. Kavanaugh,

Colonel, Corps of Engineers, Chief of Staff.

[FR Doc. 83-33308 Filed 12-20-83; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL-2493-3]

Approval and Promulgation of State Implementation Plans; Utah Carbon Monoxide Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action approves a revision to the Utah State Implementation Plan (SIP) which provides for attainment of the national ambient air quality standards for carbon monoxide in Ogden and Provo, Utah. The strategy was included in a proposed revision submitted to EPA on September 20, 1982, and provides for attainment of the carbon monoxide standard by December 31, 1983, as required by Part D of the Clean Air Act. Action on the remaining portions of the 1982 Utah SIP, Salt Lake and Davis Counties, will be taken at a later date.

EFFECTIVE DATE: This action will be effective on January 20, 1984.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

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

The Office of the Federal Register, 110 L Street NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief, Air Programs

Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837–3471.

SUPPLEMENTARY INFORMATION:

Background

On September 20, 1982, the State of Utah submitted the 1982 revisions to its carbon monoxide/ozone SIP for the following nonattainment areas:

Carbon Monoxide	*Ozone*
Salt Lake City	Salt Lake County
Ogden	Davis County
Provo	

On February 3, 1983 (48 FR 5128), EPA proposed to approve certain portions of that submittal and to disapprove other portions. The specific proposals were:

(1) Disapproval of the Salt Lake City carbon monoxide plan because the I/M program requirements had not been met and because several other transportation requirements had not been adequately addressed.

(2) Disapproval of the Salt Lake County and Davis County ozone plans for the same reasons stated above.

(3) Approval of the Ogden and Provo carbon monoxide plans. However, EPA proposed to approve the plan on the assumption that the transportation requirements, including a monitoring plan, contingency plan, conformity determination procedures, and basic transportation needs would be adequately addressed during the comment period.

On July 22, 1983, the Utah legislature adopted legislation that should correct the deficiencies related to the inspection/maintenance requirements for Salt Lake City (CO), Salt Lake County (ozone) and Davis county (ozone). The legislation requires that the two county governments implement I/M programs and includes an enforcement mechanism through vehicle registration. The legislation and the recently received implementation schedules are currently being reviewed and will be the subject of a future **Federal Register** action.

Because action on those areas where I/M is required has been delayed pending completion of EPA's review of the I/M program, today's action is limited to the Ogden and Provo carbon monoxide plans.

Public Comments

There were several comments received that addressed the proposals for Ogden and Provo and the issues related to those areas. These are discussed below:

(1) On March 14, 1983, EPA received comments from the Governor of Utah which discussed all of the proposed actions including the deficiencies in the Ogden and Provo CO plans. The Governor pointed out that the Utah SIP incorporates by reference a document entitled "Traffic Control Measures for the Wasatch Front Region" prepared by the Wasatch Front Regional Council (WFRC) which discusses basic transportation needs, transportation monitoring plans and contingency plans. The Governor also pointed out that the Utah DOT is required by regulation to submit highway project plans to the State Bureau of Air Quality to determine conformity with the SIP.

(2) On March 11, 1983, Mr. Wilbur Jefferies, Executive Director of the WFRC, submitted comments relating to the basic transportation issues which were essentially the same as those made by the Governor described above and included a copy of "Traffic Control Measures for the Wasatch Front Region".

(3) On April 22, 1983, Brent Bradford, Director of the Bureau of Air Quality, submitted supplemental information which addressed each of the transportation requirements cited in the proposed rulemaking.

EPA Response

EPA has reviewed the comments and has concluded that the SIP, with the clarifications provided, satisfies the basic requirement that the SIP contain documentation that the basic transportation needs, conformity, transportation monitoring plans, and contingency plans be addressed.

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

Under Executive Order 12291, this action is not Major. It has been submitted to the Office of Management and Budget for review. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Public Information Reference Unit.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons, Incorporation by reference.

This rulemaking is issued under the authority of Section 110, 172 and 176 of the Clean Air Act (42 USC 7410, 7502 and 7506).

Dated: December 15, 1983.

William D. Ruckelshaus,

Administrator.

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

PART 52—[AMENDED]

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

Subpart TT—Utah

In § 52.2320, Paragraph (c) is amended by adding paragraph (15) to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(15) Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, for carbon monoxide in Provo and Ogden, Utah were submitted on September 20, 1982.

[FR Doc. 83-33706 Filed 12-20-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 3E2860/R614; PH-FRL 2479-8]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Oxamyl

Correction

In FR Doc. 83-31944 appearing on page 54009 in the issue of Wednesday, November 30, 1983, make the following corrections in the first paragraph of the **"SUPPLEMENTARY INFORMATION:"**

1. In the fifteenth line, remove the parenthesis immediately following the word "methyl".

2. The Symbol "=" should read "—" wherever it occurs.

BILLING CODE 1505-01-M

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40 CFR Part 180

[PP 2E2676/R629; PH-FRL 2493-8]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Maleic Hydrazide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide and plant regulator maleic hydrazide in or on the raw agricultural commodity

cranberries. The regulation to establish a maximum permissible level for residues of the pesticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: Effective on December 21, 1983.

ADDRESS: Written comments may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Donald Stubbs, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.
Office location and telephone number: Emergency Response and Minor Use Section, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of October 12, 1983 (48 FR 46395), which announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 2E2676 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Massachusetts proposing the establishment of a tolerance for residues of maleic hydrazide (1,2-dihydro-3,6-pyridazinedione) in or on the raw agricultural commodity cranberries at 15 parts per million (ppm).

There were no comments or requests for referral to an advisory committee received in respose to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

(Sec. 408(e), 68 Stat. 512 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: December 12, 1983.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.175 is revised to read as follows:

§ 180.175 Maleic hydrazide; tolerances for residues.

Tolerances for residues of the herbicide and plant regulator maleic hydrazide (1,2-dihydro-3,6-pyridazinedione) are established in or on the following raw agricultural commodities:

Commodities	Parts per million
Cranberries	15.0
Onions, dry bulb	15.0
Potatoes	50.0

[FR Doc. 83-33771 Filed 12-20-83; 8:45 am]
BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 1-15

[FPR Amdt. 236]

Revisions to Contract Cost Principles for Commercial Organizations

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: This amendment revises the compensation, insurance and indemnification, and manufacturing and production engineering cost principles. The basis for the revisions are changes recently introduced in the Defense Acquisition Regulation (DAR). The intended effect of the revisions is Government-wide uniformity in the treatment of contract costs.

EFFECTIVE DATE: January 23, 1984.

FOR FURTHER INFORMATION CONTACT:
Mr. Frank T. Van Lierde, Office of Federal Acquisition and Regulatory Policy, Office of Acquisition Policy (202–523–4768).

SUPPLEMENTARY INFORMATION:
Highlights of significant cost principle revisions made in this amendment are as follows:

(1) *Compensation for personal services.* (a) The cost principle has been completely realigned and new coverage has been added to address the allowability of specific types of compensation.

(b) Five general criteria for allowability are set forth in the cost principle.

(c) The overall reasonableness test applied to total compensation does not preclude the Government from challenging the reasonableness of an individual element of compensation when the costs of that element are excessive in comparison with compensation paid by other firms of the same size, same industry, or in the same geographic area for similar services. In questionable cases, the contractor has the responsibility to support the reasonableness of the compensation in relation to the effort performed.

(d) Responsibility is placed on contractors for supporting awards of bonuses and incentive compensation to employees.

(e) Severance payments or similar payments made in the event of employment with a replacement contractor are made unallowable where continuity of employment with credit for prior length of service is preserved under substantially equal conditions of employment, or where there is continued employment by the contractor at another facility, subsidiary, affiliate, or parent company of the contractor.

(f) Severance payments, when paid to employees in addition to early or normal retirement payments, are made unallowable.

(g) New coverage is incorporated for stock options, stock appreciation rights, phantom stock plans, pay-as-you-go methods for pension plans, and employee stock ownership plans that restrict the allowability of costs associated with them.

(h) The total allowable costs of early retirement incentive plans may not exceed an employee's annual salary for the previous year and these plans must be accounted for as pension costs.

(2) *Insurance and indemnification.* The cost of insurance to protect the contractor against the costs of correcting its own defects in materials or workmanship is made unallowable.

(3) *Manufacturing and production engineering costs.* The cost principle is revised to expand the list of activities

included in the definition of manufacturing and production engineering. Specificically, the allowability of development efforts for manufacturing or production systems, equipment, processes, methods, and tools that are not intended for sale, will be covered by the revised cost principle.

List of Subjects in 41 CFR Part 1–15

Cost principles and Government procurement.

PART 1–15—CONTRACT COST PRINCIPLES AND PROCEDURES

1. The authority citation for Part 1–15 reads as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

2. Section 1–15.205–6 is revised to read as follows:

§ 1–15.205–6 Compensation for personal services.

(a) *General.* Compensation for personal services includes all remuneration paid currently or accrued, in whatever form and whether paid immediately or deferred, for services rendered by employees to the contractor during the period of contract performance (except as otherwise provided for severance pay costs in paragraph (g) of this section and for pension costs in paragraph (j) of this section. It includes, but is not limited to, salaries; wages; directors' and executive committee members' fees; bonuses (including stock bonuses); incentive awards; employee stock options, stock appreciation rights, and stock ownership plans; employee insurance; fringe benefits; contributions to pension, annuity, and management employee incentive compensation plans; and allowances for off-site pay, incentive pay, location allowances, hardship pay, severance pay, and cost of living differential. Compensation for personal services is allowable subject to the following general criteria and additional requirements contained in other parts of this cost principle:

(1) Compensation for personal services must be for work performed by the employee in the current year and must not represent a retroactive adjustment of prior years' salaries or wages (but see § 1–15.205–6 (g), (h), (j), (k), and (m)).

(2) The compensation in total must be reasonable for the work performed; however, specific restrictions on individual compensation elements must be observed where they are prescribed.

(3) The compensation must be based upon and conform to the terms and conditions of the contractor's established compensation plan or practice followed so consistently as to imply, in effect, an agreement to make the payment.

(4) No presumption of allowability will exist where major revisions of existing compensation plans or new plans are introduced by the contractor, and (i) the contractor has not notified the contracting officer of the changes either prior to their implementation or within a reasonable period after their implementation; and (ii) the contractor has not provided the Government, either before implementation or within a reasonable period thereafter, an opportunity to review the allowability of the changes.

(5) Costs which are unallowable under other sections of this Subpart shall not be allowable under this § 1–15.205–6 solely on the basis that they constitute compensation for personal services.

(b) *Reasonableness.* Compensation for personal services will be considered reasonable if the total compensation conforms generally to compensation paid by other firms of the same size, in the same industry, or in the same geographic area for similar services or work performed. This does not preclude the Government from challenging the reasonableness of an individual element of compensation where costs are excessive in comparison with compensation paid by other firms of the same size, same industry, or in the same geographic area for similar services. In the administration of this principle, it is recognized that not every compensation case need be subjected to detail to the above tests. The tests need be applied only when a general review reveals amounts or types of compensation which appear unreasonable or unjustified. In questionable cases, the contractor has the responsibility to support the reasonableness of the compensation in relation to the effort performed. Compensation costs under certain conditions give rise to the need for special consideration. Among such conditions are the following:

(1) Compensation to owners of closely held corporations, partners, sole proprietors, or members of their immediate families, or to persons who are contractually committed to acquire a substantial financial interest in the contractor's enterprise. Determination should be made that salaries are reasonable for the personal services rendered rather than being a distribution of profits. Compensation in lieu of salary for services rendered by partners and sole proprietors will be allowed to the extent that it is reasonable and does not constitute a distribution of profits. For closely held corporations, compensation costs covered by this subparagraph shall not be recognized in amounts exceeding those costs which are deductible as compensation pursuant to the Internal Revenue Code and regulations thereunder.

(2) Any change in a contractor's compensation policy resulting in a substantial increase in the contractor's level of compensation, particularly when it was concurrent with an increase in the ratio of Government contracts to other business, or any change in the treatment of allowability of specific types of compensation due to changes in Government policy. No presumption of reasonableness will exist where major revisions of existing compensation plans or new plans are introduced by the contractor; and (i) the contractor has not notified the contracting officer of the changes either prior to their implementation or within a reasonable period after their implementation; and (ii) the contractor has not provided the Government, either before implementation or within a reasonable period thereafter, an opportunity to review the reasonableness of the changes.

(3) The contractor's business is such that its compensation levels are not subject to the restraints normally occurring in the conduct of competitive business.

(4) The contractor incurs costs for compensation in excess of the amounts which are deductible under the Internal Revenue Code and regulations issued thereunder.

(c) *Labor-management agreements.* Notwithstanding any other provisions of this § 1–15.205–6, costs of compensation are not allowable to the extent that they result from provisions of labor-management agreements that, as applied to work in the performance of Government contracts, are determined to be unreasonable either because they are unwarranted by the character and circumstances of the work or because they are discriminatory against the Government. The application of the provisions of a labor-management agreement designed to apply to a given set of circumstances and conditions of employment (for example, work involving extremely hazardous activities or work not requiring recurrent use of overtime) is unwarranted when applied to a Government contract involving significantly different circumstances and conditions of employment (for example, work involving less hazardous activities

or work continually requiring use of overtime). It is discriminatory against the Government if it results in employee compensation (in whatever form or name) in excess of that being paid for similar non-Government work under comparable circumstances. Disallowance of costs will not be made under this paragraph (c) unless:

(1) The contractor has been permitted an opportunity to justify the costs, and

(2) Due consideration has been given to whether unusual conditions pertain to the Government contract work, imposing burdens, hardships, or hazards on the contractor's employees, for which compensation that might otherwise appear unreasonable is required to attract and hold necessary personnel.

(d) *Salaries and wages.* Salaries and wages for current services include gross compensation paid to employees in the form of cash, stock, (see paragraph (f)(2) of this section regarding valuation), products, or services, and are allowable.

(e) *Domestic and foreign differential pay.* (1) When personal services are performed in a foreign country, compensation may also include a differential which may properly consider all expenses associated with foreign employment such as housing, cost of living adjustments, transportation, bonuses, additional Federal, state, local or foreign income taxes resulting from foreign assignment, and other related expenses.

(2) Although the aforementioned additional taxes may be considered in establishing foreign overseas differential, any increased compensation calculated directly or the basis of an employee's specific increase in income taxes is unallowable. Differential allowances for additional Federal, state, or local income taxes resulting from domestic assignments are unallowable.

(f) *Bonuses and incentive compensation.* (1) Incentive compensation for management employees, cash bonuses, suggestion awards, safety awards, and incentive compensation based on production, cost reduction, or efficient performance, are allowable: *Provided,* the awards are paid or accrued under an agreement entered into in good faith between the contractor and the employees before the services are rendered, or under an established plan or policy followed by the contractor so consistently as to imply, in effect, an agreement to make such payment, and the basis for the award is supported.

(2) When the costs of bonuses and incentive compensation are paid in the stock of the contractor or of an affiliate, the following additional restrictions are applicable:

(i) Valuation placed on the stock shall be the fair market value on the measurement date (i.e., the first date the number of shares awarded is known) determined upon the most objective basis available; and

(ii) Accruals for the cost of stock prior to the issuance of such stock to the employees shall be subject to adjustment according to the possibilities that the employees will not receive the stock, and their interest in the accurals will be forfeited.

(3) When the bonus and incentive compensation payments are deferred, the costs are subject to the provisions of paragraphs (f)(1) and (k) of this section.

(g) *Severance pay.* (1) Severance pay, also commonly referred to as dismissal wages, is a payment in addition to regular salaries and wages by contractors to workers whose employment is being involuntarily terminated. Payments for early retirement incentive plans are covered in paragraph (j)(6) of this section.

(2) Severance pay to be allowable must meet the general allowability criteria set forth in paragraph (g)(2)(i) of this section, and, depending upon whether the severance is normal or abnormal, the criteria in paragraph (g)(2)(ii) for normal severance pay, or paragraph (g)(2)(iii) for abnormal severance pay, also apply.

(i) Severance pay is allowable only to the extent that in each case it is required by (A) law; (B) employer-employee agreement; (C) established policy that constitutes, in effect, an implied agreement on the contractor's part; or (D) circumstances of the particular employment. Payments made in the event of employment with a replacement contractor where continuity of employment with credit for prior length of service is preserved under substantially equal conditions of employment, or continued employment by the contractor at another facility, subsidiary, affiliate, or parent company of the contractor, are not severance pay and are unallowable. Severance payments, or amounts paid in lieu thereof, are not unallowable when paid to employees in addition to early or normal retirement payments.

(ii) Actual normal turnover severance payments shall be allocated to all work performed in the contractor's plant; or where the contractor provides for accrual or pay for normal severances, such method will be acceptable if the amount of the accrual is reasonable in light of payments actually made for normal severances over a representative past period, and if amounts accrued are allocated to all work performed in the contractor's plant.

(iii) Abnormal or mass severance pay is of such a conjectural nature that measurement of costs by means of an accrual will not achieve equity to both parties. Thus, accruals for this purpose are not allowable. However, the Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment. Thus, allowability will be considered on a case-by-case basis.

(h) *Backpay*—(1) *Backpay resulting from violation of Federal labor laws or the Civil Rights Act of 1964.* Backpay may result from a negotiated settlement, order, or court decree which resolves a violation of Federal labor laws or the Civil Rights Act of 1964. Such back pay falls into two categories: one requiring the contractor to pay employees additional compensation for work performed for which they were underpaid, and the other resulting from other violations, such as when the employee was improperly discharged, discriminated against, or other circumstances for which the backpay was not additional compensation for work performed. Backpay resulting from underpaid work is compensation for the work performed and is allowable. All other backpay resulting from violation of Federal labor laws or the Civil Rights Act of 1964 is unallowable.

(2) *Other backpay.* Backpay may also result from payments to employees (union and nonunion) for the difference in their past and current wage rates for working without a contract or labor agreement during labor management negotiations. Such backpay is allowable. Backpay to nonunion employees, based upon the results of union agreement negotiations, is allowable only if (i) a formal agreement or understanding exists between management and the employees concerning these payments, or (ii) an established policy or practice exists and is followed by the contractor so consistently as to imply, in effect, an agreement to make such payment.

(i) *Stock options, stock appreciation rights, and phantom stock plans.* (1) The Cost of stock options awarded to employees to purchase stock of the contractor or of an affiliate will be treated as deferred compensation and must comply with the provisions of paragraph (k) of this section and the allowability criteria contained in paragraph (i)(2) of this section. The allowable cost of stock appreciation rights, whether offered separately or combined with stock options, will be determined in the same manner as stock options.

(2) The allowable cost of stock options and stock appreciation rights

will be limited to the difference between the option price or stock appreciation right price and the market price of the stock on the measurement date (i.e., the first date on which both the number of shares and the option or stock appreciation right price are known). Accordingly, when the option or stock appreciation right price is equal to or greater than the market price on the measurement date, then no costs are allowed for contract costing purposes.

(3) In phantom stock type plans, contractors assign or attribute contingent shares of stock to employees as if the employees own the stock, even though the employees neither purchase the stock nor receive title thereto. Under these plans, an employee's account may be increased by the equivalent of dividends issued and any appreciation in the market price of the stock over the price of the stock on the measurement date (i.e., the first date the number of shares awarded is known). Such increases in employee accounts for dividend equivalents and market price appreciation are unallowable.

(j) *Pension costs*—(1) *General.* A pension plan is a deferred compensation plan established and maintained by one or more employers to provide systematically for the payment of benefits to plan participants after their retirement: *Provided,* That the benefits are paid for life or are payable for life at the option of the employee. Additional benefits such as permanent and total disability and death payments, and survivorship payments to beneficiaries of deceased employees may be treated as pension costs; *Provided,* The benefits are an integral part of the pension plan and meet all the criteria pertaining to pension costs.

(2) *Basic standards.* Pension plans normally are segregated into two types of plans—defined benefit or defined contribution pension plans. The cost of all defined benefit pension plans shall be measured, allocated, and accounted for in compliance with the provisions of CAS 412, Composition and Measurement of Pension Costs, and CAS 413, Adjustment and Allocation of Pension Cost. The cost of all defined contribution pension plans shall be measured, allocated, and accounted for in compliance with the provisions of CAS 412. Pension costs are allowable subject to the referenced standards and the cost limitations and exclusions set forth below in this paragraph and in paragraphs (j) (3), (4), (5), (6) and (7) of this section.

(i) To be allowable in the current year, pension costs must be funded by the time set for filing of the Federal tax return for that year, or any extension thereof. Pension costs assigned to the current year, but not funded by the tax return time, shall not be allowable in any subsequent year.

(ii) Pension payments must be reasonable in amount and be paid (A) pursuant to an agreement entered into in good faith between the contractor and employees before the work or services are performed, and (B) pursuant to the terms and conditions of an established plan. The cost of changes in pension plans which are discriminatory to the Government, or are not intended to be applied consistently for all employees under similar circumstances in the future, are not allowable.

(iii) Except as provided for early retirement benefits in paragraph (j)(6), one-time-only pension supplements not available to all participants of the basic plan are not allowable as pension costs, unless the supplemental benefits represent a separate pension plan and the benefits are payable for life at the option to the employee.

(iv) Increases in payments to previously retired plan participants covering cost of living adjustments are allowable if paid in accordance with a policy or practice consistently followed.

(3) *Defined benefit pension plans.* This paragraph covers pension plans in which the benefits to be paid or the basis for determining such benefits are established in advance and the contributions are intended to provide the stated benefits. The cost limitations and exclusions pertaining to defined benefit plans are contained in paragraphs (j)(3)(i) through (iv) of this section.

(i) Normal costs of pension plans not funded in the year incurred and all other components of pension costs (see CAS 412.40(a)(1)) assignable to the current accounting period, but not funded in such period, shall not be allowable in subsequent years (except that a payment made to a fund by the time set for filing of the Federal income tax return or any extension thereof for any taxable year shall be deemed to have been made during such taxable year). However, any portion of pension cost computed for a cost accounting period that is deferred pursuant to a waiver granted under the provisions of the Employee Retirement Income Security Act of 1974 (ERISA) as set forth in CAS 412.50(c)(3) will be allowable in future accounting period(s) in which the funding takes place. The allowability of such deferred contributions will be limited to the amounts that would have been allowed, had the funding been made in the year the costs would have been assigned except for the waiver.

(ii) Any amount paid or funded prior to the time it becomes assignable and allowable shall be applied to future years, in order to of time, as if actually paid and deductible in such years. The interest earned on such premature funding, based on the valuation rate of return, may be excluded from future years' computations of pension costs in accordance with CAS 412.50(a)(7).

(iii) Increased pension costs caused by a delay in funding beyond 30 days after each quarter of the year to which such costs are assignable, are unallowable. If a composite rate is used to allocate pension costs between the segments of a company and if, because of differences in the timing of the funding by the segments, an inequity exists, allowable pension costs for each segment will be limited to that particular segment's calculation of pension costs as provided in CAS 413.50(c)(5). Determination of unallowable costs shall be made in accordance with the actuarial method used in calculating pension costs.

(iv) The allowability of the cost of indemnification of the Pension Benefit Guaranty Corporation (PBGC), under Section 4062 or 4064 of the Employee Retirement Income Security Act of 1974 (ERISA), because of the termination of an employee deferred compensation plan, will be considered on a case-by-case basis: *Provided,* That if insurance was required by the PBGC under Section 4023 of ERISA, it was so obtained, and the indemnification payment is not recoverable thereunder. Consideration under the foregoing circumstances will be primarily for the purpose of appraising the extent to which the indemnification payment is allocable to Government work. If a beneficial or other equitable relationship exists, the Government will participate (provisions of § § 1-15.205-16(a)(3) and 1-15.205-16(b) notwithstanding) in the indemnification payment to the extent of its fair share.

(4) *Defined contribution pension plans.* This paragraph covers those pension plans in which the contributions to be made are established in advance and the level of benefits is determined by the contributions made. It also covers profit sharing, savings plans, and other such plans: *Provided,* That the plans fall within the definition of a pension plan as contained in paragraph (j)(1) of this section.

(i) The pension cost assignable to a cost accounting period is the net contribution required to be made for that period, after taking into account dividends and other credits where applicable. However, any portion of

pension cost computed for a cost accounting period that is deferred pursuant to a waiver granted under the provisions of ERISA as set forth in CAS 412.50(c)(3) will be allowable in the future accounting period(s) in which the funding takes place. The allowability of deferred contributions will be limited to the amounts that would have been allowed had the funding been made in the year the costs would have been assigned except for the waiver.

(ii) Any amount paid or funded to the trust prior to the time it becomes assignable and allowable shall be applied to future years, in order of time, as if actually paid and deductible in such years.

(iii) The provisions of paragraph (j)(3)(iv) of this section concerning payments to the Pension Benefit Guaranty Corporation are applicable to defined contribution plans.

(5) *Pension plans using a pay-as-you-go method.* A pension plan using a pay-as-you-go method is a plan in which the contractor recognizes pension cost only when benefits are paid to retired employees or their beneficiaries. Regardless of whether the payment of pension benefit contributions can or cannot be compelled, allowable costs for these types of plans shall not exceed an amount computed as follows:

(i) Compute, by use of an actuarial cost method, the plan's actuarial liability for benefits earned by plan participants. This entire liability is always unfunded for a pay-as-you-go plan.

(ii) Compute a level amount which, including an interest equivalent, would amortize the unfunded actuarial liability over a period of no less than 10 or more than 40 years from the inception of the liability.

(iii) Compute by the use of an actuarial cost method a normal cost for the period.

(iv) The sum of paragraphs (j)(5) (ii) and (iii) of this section, represents the amount of pension costs assignable to the current period. This amount, however, is limited to the amount paid in the year.

(v) Where a pay-as-you-go plan is initiated as either a supplemental plan or an additional but separate plan to a basic funded plan, for purposes of determining contract costs, the plans will be treated as one plan (i.e., the actuarial cost method, past service amortization period, etc., of the basic plan will be used on the supplemental or additional pay-as-you-go plan in determining the proper costs assignable to the current period). Any costs in excess of those determined by using the actuarial cost method and assumptions of the basic plan are unallowable. However, where assumptions for salary progressions, mortality rates of the participants, etc., are significantly different, the assumptions used for the basic and supplemental plans may be different.

(vi) The provisions of paragraphs (j)(3)(i) through (iv) of this section concerning defined benefit pension plans are also applicable to pay-as-you-go plans.

(6) *Early retirement incentive plans.* An early retirement incentive plan is a plan under which employees receive a bonus or incentive, over and above the requirement of the basic pension plan, to retire early. These plans normally are not applicable to all participants of the basic plan and do not represent life income settlements, and as such would not qualify as pension costs. However, for contract costing purposes, early retirement incentive payments are allowable subject to the pension cost criteria contained in paragraphs (j)(3) (i) through (iv); *Provided:*

(i) The costs are accounted for and allocated in accordance with the contractor's system of accounting for pension costs (see paragraph (j)(5)(v) of this section for supplemental pension benefits).

(ii) The payments are made in accordance with the terms and conditions of the contractor's plan.

(iii) The plan is applied only to active employees. The cost of extending the plan to employees who retired or were terminated prior to the adoption of the plan is unallowable.

(iv) The total of the incentive payments to any employee may not exceed the amount of the employee's annual salary for the previous fiscal year prior to the employee's retirement.

(7) *Employee stock ownership plans (ESOP).* (i) An ESOP is an individual stock bonus plan designed specifically to invest in the stock of the employer corporation. The contractor's contributions to an Employee Stock Ownership Trust (ESOT) may be in the form of cash, stock, or property. Costs of an ESOP are allowable subject to the following conditions:

(A) Contributions (by the contractor) in any one year may not exceed 15 percent (25 percent when a money purchase plan is included) of salaries and wages of employees participating in the plan in any particular year.

(B) The contribution rate (ratio of contribution to salaries and wages of participating employees) may not exceed the last approved contribution rate except when approved by the contracting officer based upon justification provided by the contractor. When no contribution was made in the previous year for an existing ESOP or when a new ESOP is first established, and the contractor proposes to make a contribution in the current year, the contribution shall be subject to the approval of the contracting officer.

(C) When a plan or agreement exists wherein the liability for the contribution can be compelled for a specific year, the expense associated with such liability is assignable only to that period. Any portion of the contribution not funded by the time set for filing of the Federal income tax return for that year or any extension thereof shall not be allowable in subsequent years.

(D) When a plan or agreement exists wherein the liability for the contribution cannot be compelled, the amount contributed for any year is assignable to that year; *Provided,* The amount is funded by the time set for filing of the Federal income tax return for that year.

(E) When the contribution is in the form of stock, the value of the stock contribution shall be limited to the fair market value of the stock on the date that title is effectively transferred to the trust. Cash contributions shall be allowable only when the contractor furnishes evidence satisfactory to the contracting officer demonstrating that stock purchases by the ESOT are or will be at a fair market price; e.g., makes arrangements with the trust permitting the contracting officer to examine purchases of stock by the trust so he or she may determine that prices paid are at fair market value. When excessive prices are paid, the amount of the excess will be credited to the same indirect cost pools that were charged for the ESOP contributions in the year in which the stock purchase occurs. However, when the trust purchases the stock with borrowed funds which will be repaid over a period of years by cash contributions from the contractor to the trust, the excess price over fair market value shall be credited to the indirect cost pools prorata over the period of years during which the contractor contributes the cash used by the trust to repay the loan. When the fair market value of unissued stock or stock of a closely held corporation is not readily determinable, the valuation will be made on a case-by-case basis taking into consideration the guidelines for valuation used by the IRS.

(ii) Amounts contributed to an ESOP arising from either (A) an additional investment tax credit (see 1975 Tax Reduction Act—TRASOPs); or (B) a payroll based tax credit (see Economic Recovery Act of 1981—PAYSOPs) are unallowable.

(iii) The provisions of paragraph (j)(3)(ii) are applicable to employee stock ownership plans.

(k) *Deferred compensation.* (1) Deferred compensation is an award given by an employer to compensate an employee in a future cost accounting period or periods for services rendered in one or more cost accounting periods prior to the date of receipt of compensation by the employee. Deferred compensation does not include the amount of year-end accruals for salaries, wages, or bonuses that are paid within a reasonable period of time after the end of a cost accounting period. Subject to paragraph (a) of this cost principle, deferred awards are allowable when they are based on current or future services. Awards made in periods subsequent to the period when the work being remunerated was performed are not allowable.

(2) The costs of deferred awards shall be measured, allocated, and accounted for in compliance with the provisions of CAS 415, Accounting for the Cost of Deferred Compensation.

(3) Deferred compensation payments to employees under awards made prior to the effective date of CAS 415 are allowable to the extent they would have been allowable under the provisions of § 1-15.205-6 effective prior to February 19, 1980.

(l) [Reserved]

(m) *Fringe benefits.* Fringe benfits are allowances and services provided by the contractor to its employees as compensation in addition to regular wages and salaries. The cost of fringe benefits including, but not limited to, the cost of vacations, sick leave, holidays, military leave, employee insurance, and supplemental unemployment benefit plans, is allowable if reasonable. The costs of fringe benefits are allowable to the extent that they are required by law, employer-employee agreement, or established policy of the contractor.

3. Section 1-15.205-7 is amended by revising paragraph (c)(2) to read as follows:

§ 1-15.205-7 Contingencies.

* * * * *

(c) * * *

(2) Those which may arise from presently known or unknown conditions, the effect of which cannot be measured so precisely as to provide equitable results to the contractor and to the Government; e.g., results of pending litigation, and other general business risks. Contingencies of this category are to be excluded from cost estimates under the several items of cost, but should be disclosed separately (including the basis upon which the contingency is computed) in order to facilitate the negotiation of appropriate contractual coverage. (See, for example, §§ 1-15.205-16, 1-15.205-20, and 1-15.205-6(g).)

4. Section 1-15.205-15 is revised to read as follows:

§ 1-15.205-15 Fringe benefits.

(See § 1-15.205-6(m).)

5. Section 1-15.205-16 is amended by adding new paragraph (a)(3) and redesignating and revising existing paragraphs (a)(3) and (a)(4) as (a)(4) and (a)(5), respectively, and revising paragraph (g) to read as follows:

§ 1-15.205-16 Insurance and indemnification.

(a) * * *

(3) The cost of insurance to protect the contractor against the costs of correcting its own defects in materials or workmanship is unallowable. However, insurance costs to cover fortuitous or casualty losses resulting from defects in materials or workmanship are allowable as a normal business expense.

(4) Actual losses are unallowable unless provided for in the contract, except:

(i) Minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools, which occur in the ordinary course of doing business are allowable; and

(ii) Losses incurred under the nominal deductible provisions of purchased insurance, in keeping with sound business practices, are allowable for contracts not subject to CAS 416 when the contractor elected not to establish a self-insurance program. Such contracts are not subject to the self-insurance provisions of CAS 416. Also, for contracts subject to CAS 416, and those made subject to the self-insurance provisions of the Standard as a result of the contractor's having established a self-insurance program (see paragraph (a) of this section), actual losses may be used as a basis for charges under a self-insurance program when the actual losses will not differ significantly from the projected average losses for the accounting period. (See 4 CFR 416.50(a)(2)(ii).)

(5) Contractors operating under a program of self-insurance must obtain approval of the program when required by § 1-10.503.

* * * * *

(g) Indemnification includes securing the contractor against liabilities to third persons and any other loss or damage not compensated by insurance or otherwise. The Government is obligated to indemnify the contractor only to the extent authorized by law, which authorization is implemented in a provision of the contract, except as provided in paragraphs (a)(4) (i) and (ii) of this section.

6. Section 1-15.205-21 is revised to read as follows:

§ 1-15.205-21 Manufacturing and production engineering costs.

(a) The costs of manufacturing and production engineering effort as described below are allowable:

(1) Development and deployment of new or improved materials, systems, processes, methods, equipment, tools and techniques that are or are expected to be used in the production of products or services;

(2) Development and deployment of pilot production lines;

(3) Improvement of current production functions, such as plant layout, production scheduling and control, methods and job analysis, equipment capabilities and capacities, inspection techniques, and tooling analysis (including tooling design and application improvements); and

(4) Material and manufacturing producibility analysis for production suitability and to optimize manufacturing processes, methods, and techniques.

(b) The costs of the following activites are not manufacturing and production engineering costs and shall be treated as indicated:

(1) Basic and applied research efforts (as defined in § 1-15.205-35(a), related to new technology, materials, systems, processes, methods, equipment, tools and techniques, are governed by § 1-15.205-35, Research and development costs.

(2) Development effort for manufacturing or production materials, systems, processes, methods, equipment, tools and techniques that are intended for sale is also governed by § 1-15.205-35.

(c) When manufacturing or production development costs as described in paragraph (a) of this section are capitalized or required to be capitalized under the contractor's capitalization policies, allowable cost will be determined in accordance with the provisions of § 1-15.205-9, Depreciation.

7. Section 1-15.205-27 is revised to read as follows:

§ 1-15.205-27 Pension plans.

(See § 1-15.205-6(j).

8. Section 1-15.205-39 is revised to read as follows:

§ 1-15.205-39 Severance pay.

(See § 1-15.205-6(g).)

9. Section 1-15.205-44 is amended by revising paragraph (h)(1) to read as follows:

§ 1-15.205-44 Training and educational costs.

* * * * *

(h) * * *

(1) Such costs incurred for educating employee dependents (primary and secondary level students) when the employee is working in a foreign country where public education is not available and where suitable private education is inordinately expensive may be included in the foreign overseas differential provided for in § 1-15.205-6(e); or

* * * * *

Dated: December 9, 1983

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-33781 Filed 12-20-83; 8:45 am]

BILLING CODE 6820-61-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, 2, and 73

[Docket No. 21502; RM-2737; FCC 83-485]

Subscription Television Service; Amendment

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission resolved the only remaining issue raised in the Further Notice of Proposed Rule Making in Docket No. 21502. It ruled that subscription television stations may operate at variance with those television signal quality standards applicable to conventional broadcast facilities. This action will reduce the paperwork burden on those entities seeking to operate subscription facilities and will lessen the administrative burden on the Commission. It will also enable subscription service to commence with greater alacrity and less cost. On its own motion, the Commission eliminated its existing application requirements for subscription television operation and substituted a simple notification procedure. Since this matter concerned administrative procedure and practice, prior notice of proposed rulemaking was not necessary. Note: The permissible operating power limits for TV audio transmitters is being considered in BC Docket No. 83-117.

DATE: Effective December 23, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Mass Media Bureau, (202) 632-7792 and John Reiser, Mass Media Bureau, (202) 632-9660.

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 2

Communications equipment.

47 CFR Part 73

Television broadcast.

Fourth Report and Order (Proceeding Terminated)

In the Matter of Amendment of Part 73 of the Commission's Rules and Regulations In Regard to § 73.642(a)(3) and Other Aspects of the Subscription Television Service; Docket No. 21502 Rm-2737, FCC 83-485.

Adopted: October 19, 1983.

Released: November 16, 1983.

By the Commission: Commissioner Quello absent; Commissioner Dawson concurring in the result.

Introduction

1. This document generally concludes the comprehensive review, begun in 1977, of our rules, requirements and policies governing subscription television ("STV") operations.[1] To date, this review has resulted in elimination of the bulk of our former regulations relating to STV, including: (1) the restriction that only one station in a community could engage in STV operations (the "one to a community" rule),[2] (2) the limitation of STV operations to communities within the Grade A signal contour of at least five commercial television stations, including that of the STV operator (the "complement of four" rule), (3) the requirement that STV stations broadcast at least 28 hours of conventional programming per week, (4) the prohibition on the sale of STV decoders, and (5) the obligation that STV applicants ascertain the needs and interests of their communities specifically with regard to subscription programming.[3] Now before us for consideration are two final issues concerning the STV service. The first issue, whether STV stations should be required to comply with those television technical standards, largely in the audio performance area, not currently met by STV facilities, is the last of five issues raised in the *Further Notice of Proposed Rule Making* in this proceeding which remains to be resolved. The second issue, whether the present application requirements for STV authorization should be eliminated, we raise on our own motion. We do so in order to consider the continuing appropriateness of our application requirements for STV in view of the fundamental changes in our substantive regulation of this service implemented by this and previous actions in this proceeding.[4]

STV Technical Requirements

2. *Introduction.* In the *Fifth Report and Order* in Docket No. 11279, the Commission adopted rules governing STV equipment and system performance capability. These technical rules include standards addressing both the interference potential and signal quality of STV systems. Commission advance approval for STV technical systems heretofore has examined compliance only with the interference criteria. At the time an STV authorization is to be granted, compliance with the signal quality standards is examined. None of the present operating STV systems granted advance approval to date complies with all of these standards. The specific areas of noncompliance are largely in the audio performance area while the system is operating in a scrambled mode. STV signals exhibit either more noise than conventional signals or reduced frequency response or have both of these difficulties.

3. Because of the failure of STV technical systems to comply with all present television technical standards, no STV station has been issued an authorization. As a result, all stations now operate pursuant to program test authority ("PTA").[5] Because this

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[1] Two notices have been released in this proceeding: *Notice of Inquiry and Proposed Rule Making* in Docket No. 21502, 67 F.C.C. 2d 202 (1977); and *Further Notice of Proposed Rule Making* in Docket No. 21502, 88 F.C.C. 2d 213 (1981).

[2] *See First Report and Order* in Docket No. 21502, FCC 79-535, 44 FR 60091 (1979).

[3] These last four regulatory restraints were removed by Commission action in the *Third Report and Order* in Docket No. 21502, 90 F.C.C. 2d 341 (1982), 47 FR 30069 (1982). Additionally, in the *Second Report and Order* in Docket 21502, 85 F.C.C. 2d 631 (1981), 46 FR 19937 (1981), the Commission held that mutually exclusive applications for a new television station where one or more applicant contemplates STV operation should be compared by traditional comparative criteria and not on the basis of the applicants' STV program proposals.

[4] Because this issue concerns Commission practice and procedure, prior notice and comment proceedings are not required. *See* 5 U.S.C. 553(a)(3)(A), and § 1.412(b)(5) of the Commission's Rules.

[5] *See* § 73.1620 of the Commission's Rules.

procedure is neither administratively efficient nor certain, in the *Further Notice* in this proceeding we proposed three alternative solutions to remedy the situation: (1) Allowing all STV stations to be at variance with the receiver signal quality standards; or (2) establishing goals and timetables for compliance with all technical standards; or (3) grandfathering existing STV stations but requiring all STV stations entering new markets to meet present technical standards.

4. *Comments.* None of the commenters suggest that STV operators be required to comply with all television technical standards. All but one of the parties favor requiring STV stations to comply with standards governing the degree to which stations may interfere with each other. They believe that the present procedure for advance approval for STV technical systems should continue to satisfy this requirement. Most commenters further submit that all STV stations should be permitted to operate with signal quality standards no more stringent than the technical systems already granted advance approval by the Commission.

5. There was some question among the parties as to whether STV equipment is technically capable of complying with the television reception standards. Oak Industries believes that it is unlikely that the operation of an STV decoder can result in signal characteristics identical to those of a broadcast transmitter. In any event, the commenters agree that even if STV decoder hardware can be redesigned to correct the audio response problem, such a correction is not economically desirable. The Subscription Television Association asserts that such a correction would add 15 percent to the cost of decoders and that the STV operator would have to recover this cost through higher subscription fees or installation charges to consumers.[6] It further contends that strict compliance with reception standards would have the effect of upsetting the economic balance of many existing STV operations and thus would undermine the competitiveness of future STV service.

6. The parties further allege that the financial burden that would result from modifying the STV decoder to meet reception standards is not necessary. First, they are unaware of any complaints by consumers who have experienced interference or poor reception capability as a result of an operator's deviation from the Commission's strict technical requirements. Second, and they assert of greater consequence, any transmission or reception problem at the subscriber's end quickly could undermine the public's favorable perception of STV and lead to its rapid demise.[7] Therefore, the commenters maintain that strict compliance with reception standards currently is not necessary and, if it becomes so, the marketplace will effectively demand such compliance without necessitating any government action. Accordingly, these parties favor an indefinite waiver of the rules concerning broadcast reception requirements for STV.

7. Only Telease, Inc., recommends that the Commission continue the practice of examining each system to determine whether it can be authorized for operation either under a special temporary authorization or under program test authority. According to this commenter, there is no critical or pressing need for the Commission to decide now on the extent to which it will enforce its technical standards. Thus, it submits there is no reason not to continue the current case-by-case, temporary authorization approach.

8. *Discussion.* We disagree with Telease that there is no critical need to resolve the issue of which technical standards are to govern scrambled broadcasts. Until technical requirements are clarified, the Commission must continue to use temporary or interim mechanisms to authorize STV operations. This is not only a time-consuming and inefficient procedure, it also continues a scheme of regulatory uncertainty that may well adversely affect the development of STV. In this latter regard, it is important to recognize that our concern is not with prescribing particular signal quality standards themselves. Rather, our concern is focused on the ambivalence of our existing regulatory approach, where STV operations are held by rule to specific signal quality criteria, but uniformly are permitted by waiver to deviate from those criteria. It is this administrative "double standard" that prompts our action, not any inclination to dictate particular signal quality requirements.[8]

9. Unlike technical standards governing the interference potential of STV operations, which we will continue to prescribe, we do not believe STV signal quality criteria should be mandated by the Commission. Accordingly, we will permit all STV licensees to operate their stations at variance with conventional television signal quality standards. Several considerations motivate our decision. First, based on the data available to us we are unable to determine whether STV systems can be modified to comply with all television reception standards or, for that matter, whether such compliance can possibly occur in the near future. Second, even if compliance can be achieved, we believe it inadvisable. Meeting all present television reception criteria could cause an increase in subscriber costs which in turn could cause a decrease in the number of subscriptions. In the alternative, an increase in costs could result in subscribers paying for an undesired service. In other words, the subscriber might prefer to receive a less than perfect signal rather than face an increase in the cost of his subscription service. If a subscriber is dissatisfied with his television reception, he probably will discontinue his subscription. This is especially so in view of the many present and future competitive pay television services available to the consumer.[9] In short, we believe the marketplace can more effectively govern this STV reception matter. We also note that relaxing the reception criteria for STV broadcasts reduces compliance costs for potential entrants which in turn stimulates entry into the STV industry. This benefits not only businessmen but consumers who desire a pay broadcast product.

10. Finally, because we do not believe that compliance with all TV reception criteria is advisable, the option of establishing goals or a timetable for such compliance is rejected. Further, since the reasons for relaxing reception standards with regard to scrambled broadcasts are as valid for new as existing STV facilities, we find no reason to draw a distinction based on the date of initiation of service. Therefore, we will permit all STV stations, new and old, to operate with signal quality standards no more stringent than the technical systems given advance approval by the Commission to date.

[6] Because decoders cost between $100 and $200, it is estimated that redesigning STV decoder hardware to correct the audio response problem would cost between $15 and $30.

[7] American Broadcasting Companies, Inc., notes that the typical STV household, unlike the conventional television home, has a custom antenna installation. It asserts that this customization of reception may compensate for the variations from television standards.

[8] Indeed, as the discussion which follows demonstrates, we do not believe it appropriate to mandate signal quality critera in the STV area.

[9] STV, Cable Television and Multipoint Distribution Services, videocassettes and videodiscs currently offer consumers a pay television product. Further, Direct Broadcast Satellite will be offering pay television later in the decade.

Applications for STV Authorization

11. *Background.* In 1968, the Commission provided that an STV authorization might be issued only to an entity that already is either the licensee of a commercial television broadcast station or the holder of a construction permit for a new commercial television broadcast station.[10] A year later, in the *Fifth Report and Order* in Docket No. 11279, the Commission prescribed the manner in which applications for STV authorization should be filed, as well as their content.[11] However, no STV application form as such was adopted. Instead, applicants must ascertain the appropriate elements of an STV application from a number of paragraphs in the 1969 *Report.* Generally, applicants must submit a detailed description of the proposed STV operation, as well as extensive programming and financial information.

12. However, notwithstanding the above initial requirements, essentially all programming limitations and obligations unique to STV have been eliminated in recent years. In view of this substantial deregulation, it appears that the Commission's application requirements for STV authorization no longer may be necessary or appropriate. Accordingly, we will outline each such requirement below and evaluate our current need for the information solicited.

13. *Operational Information.* An STV applicant is required to describe in detail how its proposed STV operation will be conducted. The narrative must include: (a) the methods for disseminating any decoding information needed by subscribers, and for billing and collecting charges, including installation charges, monthly charges, and per-program charges; (b) the terms and conditions under which contracts will be entered into with subscribers; and (c) the approximate number of subscribers it is estimated will be served during the period of authorization.

14. STV applicants also are obligated to state whether a franchise holder, which is a separate business entity from the applicant, is to be involved in the proposed operation and, if so, whether and to what extent the franchise holder and applicant are commonly owned. If a separate entity is a franchise holder, the application must indicate exactly the responsibilities and functions of each party. Additionally, an executed copy of any agreement between franchisor and franchisee must be submitted with the application. Any other arrangements that the applicant has with other parties concerning programming which have been reduced to writing also must be furnished.[12]

15. The Commission has never intervened directly in the financial or contractual relationship between the STV operator and its subscribers, nor do we believe such intervention to be appropriate. Rather, we believe that this is an area clearly best governed by the marketplace. A businessman, in his own interests, will establish subscriber fees and conditions so as to encourage consumers to purchase his service. Regulatory intervention, on the other hand, could harm the public by artifically controlling subscription terms. This could prevent a reduction in subscriber costs by an expanding STV operation seeking a wider subscriber base or cause the failure of new STV ventures by removing the flexibility such enterprises need to achieve financial viability. Given these considerations, we continue to believe that the charges and terms of subscription are matters that should remain unregulated. Therefore, we see no valid regulatory basis for continuing to require STV applicants to submit information concerning the financial or other terms of service to their subscribers.

16. Our rules do require, of course, that subscription charges and terms, whatever their nature, be applied uniformly.[13] The information now required of STV operators, however, is simply not suited to ensuring compliance with this requirement because a description of the various terms of service to subscribers would reveal nothing about whether they are consistently applied. Rather, subscriber complaints would appear to be a much more efficient and workable machanism by which to monitor compliance in this area.

17. Further, we see no reason for requesting data on the estimated number of subscribers to be served. Beyond a purely informational function during the early development of the STV service, this data's only potential use is as a means of comparing competing applications for STV authorization. However, because we have eliminated our former "one to a community" and "complement of four" requirements,[14] such comparative situations no longer arise. Accordingly, estimated subscribership information serves no current purpose and will therefore no longer be required.[15]

18. We also conclude that STV applicants should no longer be required to furnish information concerning the existence and nature of franchise agreements with other parties or to supply copies of such agreements to the Commission in the first instance. At the time these application requirements were imposed, the Commission extensively regulated STV. Information concerning franchise arrangements, which often played an important role in providing STV service, was thought necessary to monitor the success of and compliance with the then existing regulatory scheme. This is no longer true in light of our comprehensive deregulation of STV. Indeed, under our existing regulatory approach, the only potential use for this information relates to our continuing concern that licensees not enter arrangements which might abrogate their fundamental duty to retain ultimate control over their facilities and programming. Yet, the broad-ranging franchise information currently filed by STV applicants does not efficiently address this focused concern. In order to determine whether a licensee has impermissibly alienated control of its station, the Commission would be required to review large amounts of material unrelated to this question. Moreover, once the relevant terms of any franchise agreement had been identified, the Commission would likely face the burden of seeking clarification from the parties of ambiguous or unclear provisions before it could ultimately evaluate the effect of the agreement on licensee control.

19. In view of the foregoing difficulties, we believe a more practical approach to this issue is to simply require licensees proposing STV operations to certify compliance with Section 73.642(e)(1)–(3) of the rules. These provisions explicitly preclude licensees from entering into agreements which will hinder their ultimate

[10] *See Fourth Report and Order,* 15 F.C.C. 2d 466 (1968), and Sections 73.642(a) (1), (2) and (3) of the Commission's Rules. In authorizing a low power television service in 1982, the Commission specifically allowed low power licensees to conduct subscription operations as well. However, unlike conventional commercial television licensees or permittees, low power licensees may engage in subscription broadcasting without obtaining a separate authorization to do so. *See Report and Order* in BC Docket No. 78–253, 47 FR 21468, published May 18, 1982.

[11] 19 F.C.C. 2d 559 (1969).

[12] *Fifth Report and Order,* 19 F.C.C. 2d 559, 564–65 (1969).

[13] *See* § 73.642(f)(2) of the Commission's Rules which by amendment herein will be renumbered § 73.642(e)(4)(ii). However, subscribers may be divided into reasonable classifications and different terms and conditions may be applied to subscribers in different classifications.

[14] *See* nn.2 and 3, *supra.*

[15] The Commission's general informational needs concerning STV can be met, at a much reduced cost to the Commission and its licensees, by commercial sources or, if necessary, by specific requests for relevant data from STV operators.

discretion in selecting and scheduling programming or determining the maximum charges to be made for receipt of such programming. Certification will be given in the notification letter which we elsewhere herein are requiring licensees to file upon commencing STV operations. *See* paragraph 28, *infra*. This approach should satisfy our concern with licensee control. It also should relieve the appreciable burden of review now imposed upon the Commission in connection with franchise agreements and substantially reduce the filing burden on licensees. We note, moreover, that we retain the right to obtain copies of franchises or other agreements should questions of control arise concerning a particular licensee and that the compliant process remains available to bring control issues to our attention.

20. *Programming Information.* As part of the STV application, applicants also must provide the Commission with a variety of programming information. First, in cases where applications for STV authorization are filed by existing stations, but not in connection with a renewal, assignment or transfer, applications must provide data or the type and quantity of conventional programming proposed for broadcast.[16] Because we have eliminated the requirement that STV licensees air a minimum schedule of conventional programming each week, our original concern for the type and quantity of such programming has been vitiated. Moreover, because we previously have determined that program proposals of STV applicants should not be compared with one another or with conventional programming proposals in mutually exclusive application proceedings, information regarding the airing of non-scrambled programming is of no value in the comparative setting. Therefore, in connection with the commencement of STV operations, we will no longer require licensees to provide information on conventional programming.

21. The second category of required programming data provided by STV applicants concerns the time devoted to airing programs in particular subscription classifications. Specifically, STV applicants are required to indicate what percentage of STV broadcast time per year they propose to devote to each type of STV programming (*e.g.* feature films, sports, opera, ballet, theatre, and instructional). STV applicants also must indicate, by type of programming, the amount of time between 8 a.m. and 6 p.m., between 6 p.m. and 11 p.m., and in all other hours, that they plan to devote to STV programming in a typical week.[17] Because, STV proposals are not to be compared with one another in mutually exclusive application proceedings and there are no specific Commission requirements or restrictions as to the type or duration of subscription programming, this detailed information serves no regulatory purpose. It is an unnecessary burden on broadcasters and the Commission. Consequently, programming data on scrambled broadcasts will no longer be required.

22. *Financial Information.* Under the mandate of the *Fifth Report*, both the applicant and the franchise holder, whether or not commonly owned, must make extensive financial showings, including balance sheets dated not more than 90 days prior to the date of application, demonstrating that the STV facility can be constructed and operations continued for a period of one year after contruction.[18] This is the application of the *Ultravision* test to STV operations.[19] Specifically, this case required a broadcast station applicant to demonstrate its financial ability to meet construction costs and expenses for *one year* without reliance upon advertising or other revenue. This test has been relaxed for conventional facilities, however, with a broadcast applicant now being required only to certify that it has sufficient net liquid assets on hand or committed sources of funds to construct the proposed facility and to operate for *three months* without revenue.[20] Documentation supporting the certification of financial qualifications need not be submitted to the Commission but must be available to the Commission upon request.[21]

23. Although the *Ultravision* test has been relaxed for conventional broadcast applicants, it has not been for STV applicants. All those seeking to conduct STV operations must furnish the Commission with detailed financial information. Specifically, STV applicants must provide an estimate of the costs of making the installation of STV transmitting facilities. This estimate must include costs of labor, supervision, materials, supplies, freight and miscellaneous items. It also must contain a separate estimate of costs, incurred up to the time that STV transmitting facilities are ready for service, with respect to items not pertaining to transmission facilities, such as the cost of installing unscrambling devices in subscribers' homes, advertising and promotion, soliciting and any miscellaneous items. This latter estimate must be broken down on a month-by-month basis and must include an opinion on the number of decorder installations to be made per month.

24. The STV application must also contain an estimated cost of operation on a month-by-month basis during the first year after completion of construction of the STV transmission facility. It must include costs of programming, installation of unscrambling devices, advertising and promotion, soliciting, equipment maintenance, utilities, administration, and miscellaneous items. Wages estimated to be paid in each category must be specified as must be any necessary fees, such as contract costs.

25. As can be seen from the above description, the financial data required of STV applicants and franchise holders is extremely detailed. However, requiring this information no longer appears to be necessary or desirable. It has been our experience that station failure rates have not been affected substantially by the *Ultravision* standard, but rather have depended more upon such factors as competition with other pay services, the general state of the economy, or the quality of station management. We also note that the *Ultravision* standard may conflict with Commission policies favoring minority ownership and diversity of ownership because its stringency may inhibit potential minority applicants from seeking broadcast licenses.[22] Furthermore, we believe that the original certification of financial ability necessary for a construction permit for a commercial broadcast television station is more than adequate to financially qualify broadcasters to operate in the scrambled mode. No additional finanical statement is needed. If an applicant for a construction permit plans a subscription operation initially, it will take subscription costs and revenues into consideration upon certifying as to its financial capabilities. If a broadcaster operating a conventional station converts to a pay facility which

[16] If an STV applicant is simultaneously applying for an STV authorization and a construction permit for a new station or license renewal, conventional programming information must be included in the application for construction permit or the renewal application audit form.

[17] *Fifth Report and Order*, 19 F.C.C. 2d 559, 566 (1969).

[18] *Fifth Report and Order*, 19 F.C.C. 2d 559, 567–69 (1969).

[19] *Ultravision Broadcasting Co. et al.*, 1 F.C.C. 2d 544 (1965). *Aff'd sub nom., WEBR, Inc.* v. *F.C.C.*, 420 F. 2d 158 (1969).

[20] *See Financial Qualifications Standards*, 72 F.C.C. 2d 784 (1979), and *Financial Qualifications Standards for Aural Broadcast Applicants*, 89 F.C.C. 407 (1978).

[21] *See* News Release, Report No. 18032, June 17, 1981.

[22] This was the basis for relaxing the *Ultravision* test as it applied to conventional broadcasters.

later fails, the station will likely revert to the conventional mode. However, this latter fact does not particularly concern us because the success or failure of an STV operation depends on public acceptance, and the public is well served whether the station operates in a conventional or scrambled mode.

26. For the above reasons, we conclude that the *Ultravision* standard should no longer be applied to STV operations. Therefore, the requirement that STV applicants and franchise holders submit a detailed financial profile of the proposed STV operation will be deleted.

27. *Conclusion.* We conclude that the time-consuming application process for STV authorization serves no useful purpose. Rather, it imposes a burden on the applicant and the Commission, as well as delays service to the public. Therefore, those television broadcasters wishing to operate subscription facilities no longer need to furnish the Commission with the detailed operating, programming and financial information required by the *Fifth Report and Order* in Docket No. 11279.

New Procedure For Commencing STV Operations

28. In view of the foregoing, all that remains of the application requirements imposed on STV licensees is the identification of the STV system to be used and an indication that the system has been approved by the Commission. If the system has not been previously approved by the Commission, information necessary for such approval must be submitted. Specification of STV equipment (encoders and decoders) by both manufacturers and type number is required.[23] Rather than requiring a specific application for STV authorization to provide us with this minimal information, we are devising a simpler procedure. Any licensee of a commercial broadcast station or the holder of a construction permit for a new commercial television broadcast station which desires to commence subscription operations may do so. We only require that a letter entitled "Notice of Commencement of STV Operations" be sent to the Commission within 10 days indicating the date when subscription operations commenced and the fact that the permittee or licensee complies with §§ 73.642(e)(1)–(3) and 73.644(c) of the Commission's Rules.[24] Identification of the make and type of encoding system used must also be included in this Notice.

29. Section 73.644(c), as it appears in Appendix A of this document, specifies the technical requirements broadcasters are to meet upon commencing STV operations. We note that § 73.644(b) of the Commission's rules will continue to indicate those technical specifications required of STV systems for advance approval by the Commission. In drafting these rules, we have made every effort not to interfere with technical innovation in and development of the STV service.

30. We believe this newly devised procedure will enable STV service to commence with greater alacrity and with less of an administrative burden to the Commission and its licensees. This clearly serves the public interest.[25]

Ultimate Conclusions

31. We believe our actions herein eliminating the STV application process and adopting less stringent technical standards for STV transmissions offer substantial benefits to the public. Significant paperwork burdens and processing delays inherent in the application process have been removed. This should make the provision of STV service less costly, which should, in turn, increase the likelihood of improved and less expensive service to the public. Similarly, permitting STV facilities to operate under less demanding technical standards recognizes the importance of market forces as a means of controlling quality where there is both competition among communications services and a direct economic relationship between the viewer-subscriber and the broadcaster (or his franchisee). This approach avoids unnecessary financial burdens on STV operators which otherwise might increase the cost to subscribers of STV service or even preclude the availability of service by discouraging new STV entrants.

32. Although this document concludes the proceeding initiated six years ago to reevaluate the rules, requirements and policies governing the STV service, it does not resolve all questions pertaining to STV operation. In the near future, we expect to begin a new proceeding for the purpose of reexamining the regulatory classification of such pay video services as DBS, MDS, low power television, and teletext as well as STV. We believe a new proceeding will provide a more appropriate means of reviewing this issue because STV will be just one of the many competing pay services to be considered.

Regulatory Flexibility Analysis

I. Need for and Purpose of Rule

33. The Commission has concluded that the application requirements imposed on those entities seeking to operate STV facilities burden both broadcasters and the Commission while serving no present purpose. The proposed elimination of the application requirements will enable STV service to commence with greater alacrity.

34. We also have concluded that STV licensees should be permitted to operate their stations at variance with television technical reception standards since the marketplace can satisfactorily govern this matter. This action may also stimulate entry into the STV industry by reducing compliance costs for potential entrants.

II. Summary of Issues Raised by Public Comment in Response to the Intial Regulatory Flexibility Analysis, Commission Assessment, and Changes Made as a Result

A. *Issues raised:*

35. Since the matter regarding application requirements for STV authorization concerns Commission procedure and practice, prior notice of proposed rule making was not necessary.

36. In regard to the technical issue, all those commenting argued that signal quality standards for STV facilities should be no more stringent than those criteria applied to systems already given advance approval by the Commission. This constitutes compliance with present television interference criteria but allows for less stringent compliance with television reception standards.

B. *Assessment:*

37. The Commission concludes that the arguments supporting a relaxation of the stringent television technical standards pertaining to reception of the STV signal are persuasive.

38. We conclude that the marketplace can govern this matter in a satisfactory fashion. If the subscriber is dissatisfied with his reception, he will likely discontinue his subscription. In addition, this action may stimulate entry into the STV industry by reducing compliance costs for potential entrants.

C. *Changes made as a result of such comment:*

39. Responding to comments, we will now apply less stringent reception criteria to STV systems.

[23] *Fifth Report and Order*, 19 F.C.C. 2d 559, 570 (1969).

[24] If subscription service is discontinued, the permittee or licensee must so inform the Commission by letter within 10 days of the cessation of STV service.

[25] Because an application for STV authorization is no longer necessary, no STV renewal application is required.

III. Significant Alternatives Considered and Rejected.

40. In addition to allowing all STV stations to be at variance with receiver standards, the *Further Notice* proposed establishing goals and timetables for compliance with all technical standards or grandfathering existing STV stations but requiring all STV stations entering new markets to meet present television technical standards. These alternatives were rejected because the Commission concluded that it was best to let the marketplace govern the matter of reception criteria and any form of compliance with all television technical standards by STV stations would be contrary to that finding.

41. Authority for the action taken herein is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.[26]

42. Accordingly, it is ordered, that the Commission's Rules ARE AMENDED, effective December 23, 1983, as described above and set forth in the attached Appendix A.

43. It is further ordered, that the Secretary of the Commission will publish this *Fourth Report and Order* in the FCC Reports.

44. It is further ordered, that this proceeding is terminated.

45. For further information concerning this proceeding contact Freda Lippert Thyden, Mass Media Bureau (202) 632-7792 and John Reiser, Mass Media Bureau (202) 632-9660.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachments: Appendices A and B

Appendix A

PART 0—[AMENDED]

1. Section 0.4 is revised to read as follows:

§ 0.4 Standing committee of Commissioners.

There is one standing committee of Commissioners, the Telecommunications Committee. This committee has delegated authority to act or study and report on certain common carrier matters.

2. Section 0.601 is amended by revising paragraph (a) to read as follows:

[26] The rule amendments being adopted include several conforming editorial revisions, including deletion of reference to the Commission's standing Subscription Television Committee, and filing fees for applications requesting authority to conduct STV operations. Part 2, Subpart J is amended to recognize the procedures for obtaining advance approval of STV technical systems.

§ 0.601 Definitions.

* * * * *

(a) The term "agency" means:

(1) The Commission,

(2) A board of Commissioners (see § 0.212),

(3) The Telecommunications Committee (see § 0.215), and

(4) Any other group of Commissioners hereafter established by the Commission on a continuing or *ad hoc* basis and authorized to act on behalf of the Commission.

* * * * *

PART 1—[AMENDED]

3. Section 1.1111 is amended by removing subparagraph (a)(3) and marking it [Reserved.]

§ 1.1111 Schedule of Fees for Radio Broadcast Services.

(a) * * *

(3) [Reserved.]

* * * * *

PART 2—[AMENDED]

4. Section 2.1001 is amended by adding new paragraph (k) to read as follows:

§ 2.1001 Changes in type accepted equipment.

* * * * *

(k) The addition of subscription TV encoding equipment for which the FCC has granted advance approval under the provisions of § 2.1400 in Subpart M and § 73.644(c) of Part 73 to a type accepted transmitter is considered a Class I permissive change described in paragraph (b)(1) of this Section.

5. New Subpart M is added to Title 47, Part 2 of the Code of Federal Regulations to read as follows:

Subpart M—Advance Approval of Subscription TV Transmission Systems

Advance Approval Procedure

§ 2.1400 Application for Advance Approval under Part 73.

(a) An original application for advance approval of a subscription TV (STV) system and one copy thereof must be filed by the party who will be responsible for the conformance of the system with the subscription TV standards specified in Part 73 of the Rules. The application must include information to show that the system conforms to the requirements of § 73.644(b).

(b) Advance approval may be applied for and granted in accordance with and subject to the following conditions and limitations:

(1) A separate request for each different technical system must be made by the applicant in writing.

(2) The applicant must certify that the application was prepared by or under the direction of the applicant and that the facts set forth are true and correct to the best of the applicant's knowledge and belief.

(3) The applicant must identify the technical system by a name or type number and define the system in terms of its technical characteristics; a functional block diagram must be included. In addition, a complete description of the encoded aural and visual baseband and transmitted signals and of the encoding equipment used by the applicant must be supplied. These descriptions must include equipment circuit diagrams and photographs, and diagrams or oscillographs of both baseband and transmitted aural and visual signal waveforms and of the signal basebands and occupied bandwidths. If aural subcarriers are to be used for transmitting aural portion of the subscription program, for decoder control, or for other purposes, a full description and specifications of the multiplex subcarrier signals and all modulation levels must be included.

(4) Preliminary test data must be submitted to show system capability with regard to compliance with the criteria set forth in § 73.644(b).

(5) The applicant must identify the specific requirements of §§ 73.682, 73.687 and 73.699 (Figures 6 and 7) from which the transmitted signal will normally deviate.

(6) The applicant must specify the method to be used in determining and maintaining the operating power of the transmitter if the procedures given in § 73.663 cannot be used due to suppression of the synchronizing pulses or for other reasons. If the operating power of the station must be reduced to accommodate the encoded aural or video signal, the operating power limitations must be specified.

(7) The applicant must supply any additional information and test data requested by the FCC, to show to its satisfaction that the criteria given in § 73.644(b) are met.

(8) The information submitted by the applicant may be subject to check by field tests conducted without expense to the FCC or, if deemed necessary, at the laboratory or in the field by FCC personnel. This may include the actual submission of equipment for system testing under the provisions of § 2.945 of Part 2 of the Rules.

(9) No technical system will be deemed approved unless and until the

FCC has notified the applicant in writing of the approval. Such notification of approval will be by letter to the applicant.

(10) Approval by the FCC is limited to a determination that the particular technical system (the scheme for encoding and decoding the subscription TV signal) is capable of meeting the criteria given in § 73.644(b).

(11) The FCC will maintain a listing of approved technical systems.

(c) Multichannel sound may be transmitted for stereophonic or bilingual service with encoded subscription programs provided the technical operating specifications for this service are included in the application for advance system approval.

(d) Subscriber decoder devices must comply with any applicable provisions of Subpart H, Part 15 of the FCC Rules for TV interface devices.

(e) No modifications may be made by either the applicant or the user of a system having advance FCC approval that would change any of the operating conditions as submitted in the application for advance approval. Should system modifications be necessary, a new application must be submitted in accordance with the requirements of this Section.

6. Section 73.642 is revised in its entirety to read as follows:

§ 73.642 Subscription TV service.

(a) Subscription TV service may be provided by:

(1) Licensees and permittees of commercial TV broadcast stations, and

(2) Licensees and permittees of low power TV stations.

(b) A licensee or permittee of a commercial TV broadcast or of a low power TV station may begin subscription TV service upon installation of encoding equipment having advance FCC approval. However, the licensee or permittee of a TV broadcast station (not applicable to low power TV stations) must send a letter to the FCC in Washington, D.C., that subscription TV service has commenced within 10 days following commencement of such service. In that letter, to be entitled "Notice of Commencement of STV Operations," the licensee or permittee is to state that it complies with the provisions of paragraphs (e)(1)–(3) and 73.644(c) of this chapter and identify the make and type of encoding system being used. A similar notice must be submitted if the licensee or permittee commences using another type of encoding system. (See § 73.644(h).) A notice must also be submitted to the FCC in Washington, D.C., if encoded subscription TV service is discontinued.

(c) The station proof of system compliance measurement data (see § 73.644(c)) need not be submitted to the FCC, however, the measurement data must be available to the FCC upon request.

(d) The use of the visual vertical blanking interval or an aural subcarrier for transmitting subscriber decoder control code signals during periods of normal non-encoded programming may be used only upon specific FCC authorization. Letter requests to use either the video blanking intervals or aural subcarriers during periods of non-subscription programming are to be sent to the FCC in Washington, D.C.

(e) A licensee or permittee of a commercial TV broadcast or low power TV station may not transmit a subscription service if it has a contract, arrangement, or understanding, expressed or implied, that:

(1) Prevents or hinders it from rejecting or refusing any subscription TV broadcast program that it reasonably believes to be unsatisfactory or unsuitable or contrary to the public interests; or substituting a subscription or conventional program that, in its opinion, is of greater local or national importance; or

(2) Delegates to any other person the right to schedule the hours of transmission of subscription programs. However, this rule does not prevent a licensee or permittee from entering into an agreement or arrangement whereby it agrees to schedule a specific subscription TV broadcast program at a specific time or to schedule a specific number of hours of subscription programs during the broadcast day (or segments thereof) or weeks; or

(3) Deprives it of the right of ultimate decision concerning the maximum amount of any subscription program charge or fee.

(4) Has provisions that do not comply with the following policies of the FCC:

(i) Unless a satifactory signal is unavailable at the location where service is desired, subscription TV service must be provided to all persons desiring it within the Grade A contour of the station broadcasting subscription programs. Geographic or other reasonable patterns of installation for new subscription services is permitted and, for good cause, service may be terminated.

(ii) Charges, terms and conditions of service to subscribers must be applied uniformly. However, subscribers may be divided into reasonable classifications approved by the FCC, and the impositions of different sets of terms and conditions may be applied to subscribers in different classifications. Further, for good cause, within such classification, deposits may be required from some subscribers and not of others; and, also for good cause, if a subscription system generally uses a credit-type decoder, cash operated decoders may be installed for some subscribers.

7. Section 73.643 is revised to read as follows:

§ 73.643 Subscription TV operating requirements.

The non-technical rules and policies applicable to regular TV broadcast stations are applicable to subscription TV operations, except where specifically exempted in the provisions of those rules and policies.

8. Section 73.644 is revised in its entirety to read as follows:

§ 73.644 Subscription TV transmission systems.

(a) Licensees and permittees of commercial TV broadcast and low power TV stations may conduct subscription operations only by using an encoding system that has been approved in advance by the FCC. Such advance approval may be applied for and granted in accordance with the procedures given in Subpart M Part 2 of the Rules.

(b) The criteria for advance approval of subscription TV transmitting systems by the FCC are as follows:

(1) Spectral energy in the transmitted signal must not exceed the limitations given in § 73.687(i).

(2) No increase in width of the television broadcast channel (6 MHz.) is permitted.

(3) The technical system must enable stations to transmit encoded subscription TV programs without increasing the RMS output power from either the video or audio transmitters over that required to transmit the same program material using normal transmission standards.

(4) Modification of a type accepted TV broadcast or low power TV transmitter for encoded transmissions must not render transmitter incapable of operating in accordance with the operating specifications upon which type acceptance was granted. (See § 2.1001 (b), (k))

(5) Interference to reception of conventional television either of co-channel or adjacent channel stations must not increase over that resulting from the transmission of programming with normal transmission standards.

(6) Subscriber decoder devices must meet the provisions, where required, of Subpart H of Part 15 of the FCC Rules for TV Interface Devices.

(c) Prior to commencing the transmission of encoded subscription programming, the licensee or permittee of a TV broadcast or low power TV station must perform such tests and measurements to determine that the transmitted encoded signal conforms to the radiated radio frequency and demodulated baseband and waveforms, transmitter operating power determination, and the occupied bandwidth limitations specified in the application for advance FCC approval of the system being used. A copy of the measurement data is to be maintained in the station files and made available to the FCC upon request.

(d) The licensee of a station transmitting an encoded subscription service must have at the transmitter control point the technical specifications for the system being used of both the aural and visual baseband signals and the transmitted radiofrequency signals, and have the necessary measuring and monitoring equipment, including transmitter output power measuring equipment, to determine that the transmissions conform to the advance approval specifications on file with the FCC. Full operating specifications for the system must be available to representatives of the FCC upon request.

(e) The operating power of the transmitters during encoded operations must be determined and maintained according to the procedures given in the application for advance approval.

(f) A station using an encoding system in accordance with the specifications filed with the application for advance approval is deemed to be exempted from those technical regulations of this Subpart and Subpart H to the extent they are specifically detailed in the application.

(g) No protection from interference of any kind will be afforded to reception of encoded subscription programming over that afforded reception of non-encoded signals.

(h) A licensee or permittee may make no modifications on a subscription encoding system that would alter the characteristics of the transmitted aural or visual signal from those specified in the application for advance approval. A licensee or permittee of a station replacing its encoding system must perform the measurements required by paragraph (c) of this Section. A TV broadcast station licensee or permittee must also send a letter advising the FCC of the new system being used as required by § 73.642(b) of this chapter.

(i) The station licensee is fully responsible for all technical operations of the station during transmissions of encoded subscription programming, regardless of the supplier of the encoding equipment or subscription program service.

Note.—Stations transmitting encoded subscription programming prior to October 1, 1983, must comply with all technical and operating requirements of this Section no later than April 1, 1984. Stations not having the information to comply with this Section must obtain such information from the manufacturer of the encoding system being used, and if necessary, by measurements of the station's transmission system.

(j) Upon request by an authorized representative of the FCC, the licensee of a TV station transmitting encoded programming must make available a receiving decoder to the Commission to carry out its regulatory responsibilities.

9. Section 73.682 is amended by revising the section heading and paragraph (c) to read as follows:

§ 73.682 TV transmission standards.

* * * * *

(c) *Subscription TV technical systems.* The FCC may specify, as part of the advance approval of the technical system for transmitting encoded subscription programming, deviations from the power determination procedures, operating power levels, aural or video baseband signals, modulation levels or other characteristics of the transmitted signal as otherwise specified in this Subpart. Any decision to approve such operating deviations shall be solely at the discretion of the FCC.

§ 73.687 [Amended]

10. Section 73.687 is amended by removing paragraph (k).

11. Section 73.1560 is amended by revising paragraph (c) to read as follows:

§ 73.1560 Operating power tolerance.

* * * * *

(c) *TV stations.* Except as provided in paragraph (d) of this Section, the aural and visual transmitter output power of a TV station, as determined by the procedures specified in § 73.663 must be maintained as near as practicable to the authorized transmitter output power and may not be less than 80% nor more than 110% of the authorized power. If a station is engaged in transmitting encoded subscription programming under the provisions of §§73.641–73.644, the operating power must be maintained in accordance with the procedures and within such range as may be specifically given in the application for system advance approval.

* * * * *

12. Section 73.1570 is amended by revising subparagraph (b)(3) to read as follows:

§ 73.1570 Modulation levels: AM, FM, and TV aural.

* * * * *

(b) * * *

(3) *TV stations.* Except as provided in (i) and (ii) below the total modulation of the aural carrier must not exceed 100% on peaks of frequent recurrence.

(i) Stations transmitting multiplex subcarrier signals on the aural carrier for telemetry of other authorized services (see § 73.682(a)(23)) must limit the modulation of the main carrier by the subcarrier(s) to not more than 10%. The total modulation may not exceed 100% unless specifically authorized by the FCC.

(ii) Stations transmitting aural subcarriers as part of encoded subscription programs under the provisions of §§ 73.641–73.644 may modulate the aural carrier in accordance with the specifications stated in the application for advance FCC approval.

* * * * *

13. Section 73.1690 is amended by revising subparagraph (e)(8) to read as follows:

§ 73.1690 Modification of transmission systems.

* * * * *

(e) * * *

* * * * *

(8) Installation of subscription TV program encoding equipment having advance FCC approval. See §§ 2.1001(k) in Part 2 and 73.644(c) in this Part of the Rules.

Appendix B

*Parties Filing Comments to the Further Notice of Proposed Rule Making**

American Broadcasting Companies, Inc.
American Television and Communications Corporation
Channel 57 Corporation
Choice Channel of Kansas City, Inc.
Consumer Electronics Group of the Electronic Industries Association
Cox Broadcasting Corporation
Department of Justice

*The date for filing comments and reply comments were orginally December 21, 1981, and January 5, 1982, respectively. They were extended to January 15, and 29, 1982, by an *Order* adopted December 15, 1981. Because of severe weather conditions the date for any submissions due to be filed on January 15, 1982, was extended to January 18, 1982, by the Commission. Thus, all comments were timely filed.

Liberty Communications, Inc.
Marnel Associates, Ltd.
National Association of Broadcasters
National Business Network, Inc.
Oak Industries, Inc.
Subscription Television Association
Subscription Television of America, Inc.
Telease, Inc.
Wometco Home Theatre, Inc.
Zenith Radio Corporation

Parties Filing Reply Comments to the Further Notice of Proposed Rule Making

American Broadcasting Companies, Inc.
National Cable Television Association
Satellite Syndicated Systems, Inc.
Subscription Television Association
Subscription Television of America, Inc.

[FR Doc. 83-32960 Filed 12-20-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 654 and 658

[Docket No. 31216-239]

Stone Crab Fishery and Shrimp Fishery of the Gulf of Mexico

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

ACTION: Emergency rule; extension of effective date.

SUMMARY: Emergency regulations amending the Fishery Management Plans (FMPs) for the Shrimp and Stone Crab Fisheries of the Gulf of Mexico are in effect through January 2, 1984. The Secretary of Commerce (Secretary) extends these regulations for an additional 90 days. The extension maintains the restricted areas established in the initial emergency rule and provides alternating closure periods for two of these areas (as modified on December 2, 1983 (48 FR 54821, December 7, 1983)). The intent of these regulations is to prevent conflicts between stone crab and shrimp fishermen until the FMPs can be amended to address this problem.

EFFECTIVE DATE: January 3, 1984 through April 1, 1984.

ADDRESS: Copies of an environmental assessment may be obtained from and comments on this action may be sent to Donald W. Geagan, Southeast Regional Office, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, 813-893-3722.

SUPPLEMENTARY INFORMATION: Under § 305(e)(2) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) the Secretary issued emergency regulations amending the FMPs on October 5, 1983 (48 FR 46057, October 11, 1983) as modified December 2, 1983 (48 FR 54821, December 7, 1983). These regulations were implemented to prevent conflicts between stone crab and shrimp fishermen in the fishery conservation zone (FCZ) off Crystal River, Florida during the 1983-1984 stone crab fishing season. The emergency regulations (1) periodically close areas of the FCZ to stone crab and shrimp fishing, (2) prohibit the intentional placement of any article in the FCZ that may interfere with fishing gear or fishing vessels, (3) authorize the removal and disposal of stone crab traps from closed areas by authorized officers, and (4) authorize the Secretary to establish additional area closures of limited duration and geographic scope in the event similar conflicts occur in other areas. A detailed discussion of the background, issues and regulations and the classification of the rulemaking, is set forth in the preamble to the emergency rules. The emergency rules were to be effective until January 2, 1984.

The text of the emergency rule, including the extension made by this amendment, is reprinted in order to bring together the October 5, 1983, emergency rulemaking and the December 2, 1983, amendment of emergency rule, combining all changes in text, tables and figures for ease of reference and review.

This action extends the emergency regulations for an additional 90 days by agreement of the Secretary, and the Council as provided by section 305(e)(3)(b) of the Magnuson Act.

This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided for in section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

List of Subjects in 50 CFR Parts 654 and 658

Fish, Fisheries, Fishing.

Dated: December 16, 1983.

Carmen J. Blondin,

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

For reasons set forth in the preamble, 50 CFR Parts 654 and 658 are amended as follows:

1. The authority citation for Parts 654 and 658 reads as follows:

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

PART 654—STONE CRAB FISHERY

2. Section 654.23 is amended by revising paragraph (b) to read as follows:

§ 654.23 Area restrictions.

* * * * *

(b)(1)(i) No person may place stone crab traps in that part of the FCZ identified as Zone IV (Figure 3) during the period 0001 hours January 3, 1984, through 2400 hours March 15, 1984. Zone IV is bounded by a continuous line connecting points expressed by latitude and longitude (LORAN notations are unofficial and are included only for the convenience of fishermen):

Point	Latitude	Longitude	Loran chain 7980	
			X	Y
V	28°41'39" N	82°54'08" W	31303.0	45183.5
E	28°41'39" N	82°55'18" W	31300.7	45180.1
T	28°27'44" N	82°55'06" W	31226.2	45080.0
O	28°30'04" N	82°52'51" W	31243.3	45080.0
Z	28°37'44" N	82°53'02" W	31284.3	45143.0

Thence northerly along the State boundary to point V.

(ii) No person may place stone crab traps in that portion of the FCZ identified as Zone V (Figure 3) during the period 0001 hours March 16, 1984 through 2400 hours April 1, 1984. Zone V is bounded by a continuous line connecting points expressed by latitude and longitude (LORAN notations are unofficial and are included only for the convenience of the fishermen):

Point	Latitude	Longitude	Loran chain 7980	
			X	Y
W	28° 49' 25" N.	82° 55' 49" W.	31341.2	45260.0
G	28° 48' 55" N.	82° 56' 19" W.	31337.6	45260.0
F	28° 41' 39" N.	82° 56' 06" W.	31299.2	45199.1
V	28° 41' 39" N.	82° 54' 08" W.	31303.0	45183.5

Thence northerly along the State boundary to point W.

(2) No person may place into the management area any article, including fishing gear, with the intent to interfere with fishing or obstruct or damage fishing gear or fishing vessels of others; or to utilize willfully fishing gear in such a fashion that it obstructs or damages the fishing gear or fishing vessel of another.

(3) Stone crab traps found in the areas described in paragraph (b)(1) of this section during their respective closed periods will be considered unclaimed or

abandoned property and may be disposed of in any manner considered appropriate by the Secretary or an authorized officer. Lines and buoys are considered part of the trap. Owners of these stone crab traps are subject to civil penalties. All stone crab traps fished in the FCZ will be presumed to be the property of the most recently documented owner.

(4) In the event that conflicts between stone crab and shrimp fishermen occur in other portions of the FCZ during the period of effectiveness of this emergency rule, the Secretary may establish additional area closures by publication of a notice of such closures in the **Federal Register.** Any such additional area closures may be established only in response to gear conflicts similar in nature and degree of severity to those giving rise to this emergency rulemaking and may only be of such duration and geographic scope as is necessary to resolve such conflict. Such additional area closures may be established only if they would otherwise be authorized under section 305(e) of the Magnuson Act and if the notice published in the **Federal Register** sets forth the reason for the additional area closures.

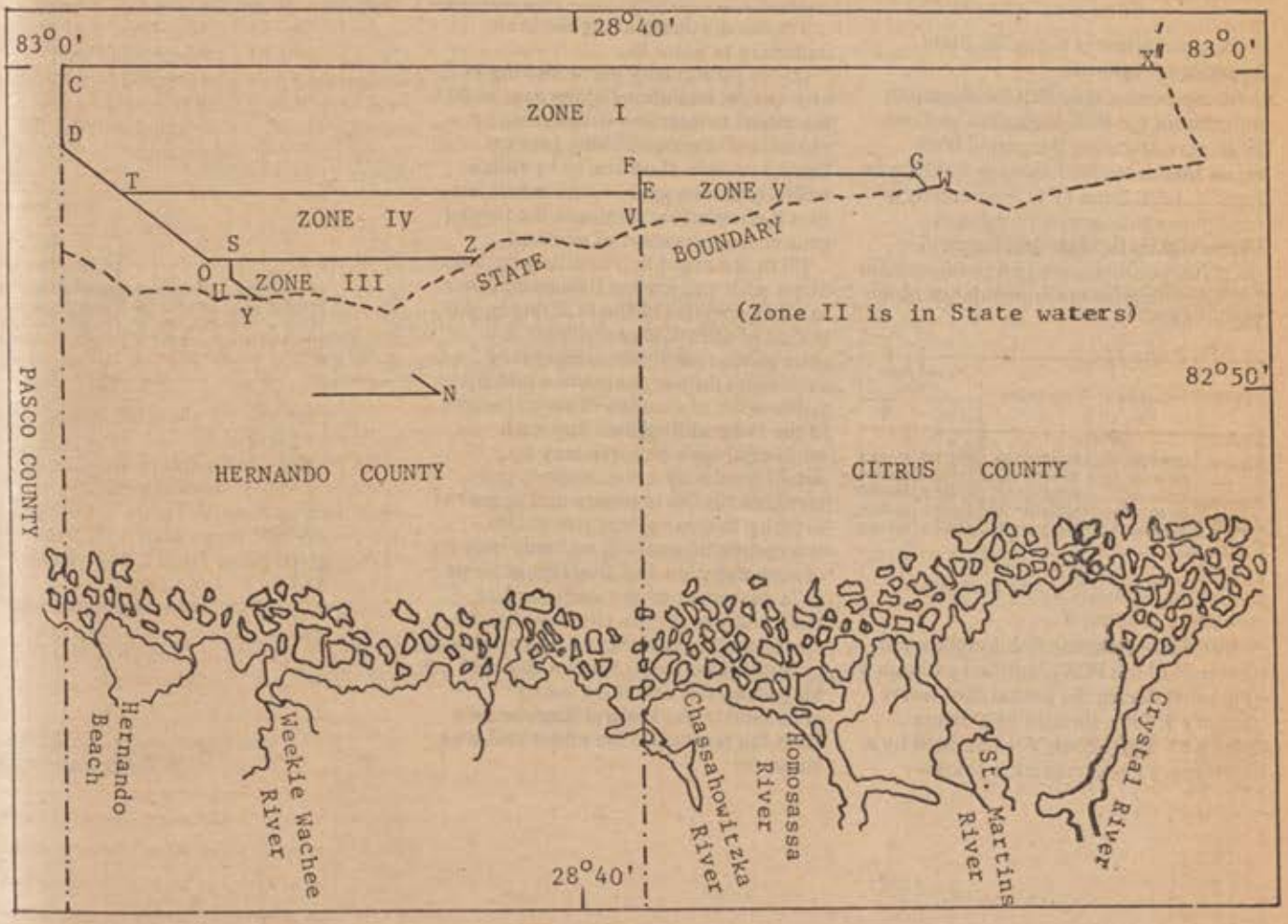

Figure 3 Chart delineating areas closed to fishing for shrimp or stone crabs (not to scale, for illustrative proposes only).

PART 658—SHRIMP FISHERY OF THE GULF OF MEXICO

3. Section 658.23 is amended by revising paragraph (b) to read as follows:

§ 658.23 Stone crab area closures.

* * * * *

(b)(1)(i) No person may fish for shrimp in those parts of the FCZ identified as Zones I and III (Figure 4) during the period 0001 hours January 3, 1984, through 2400 hours April 1, 1984. These respective zones are bounded by continuous lines connecting points expressed by latitude and longitude (LORAN notations are unofficial and are included only for the convenience of the fishermen):

ZONE I

Point	Latitude	Longitude	Loran chain 7980	
			X	Y
X	26°55'20" N	83°00'06" W	31365.0	45342.8
C	26°26'01" N	82°59'44" W	31206.7	45103.6
D	26°26'01" N	82°56'50" W	31213.0	45080.0
T	28°27'44" N	82°55'06" W	31226.2	45080.0
E	28°41'39" N	82°55'18" W	31300.7	45193.1
F	28°41'39" N	82°56'06" W	31299.2	45199.1
G	28°48'55" N	82°56'19" W	31337.6	45260.0
W	28°49'25" N	82°55'49" W	31341.2	45260.0

Thence northerly along the State boundary to point X.

ZONE III

Point	Latitude	Longitude	Loran chain 7980	
			X	Y
Z	28°37'44" N	82°53'02" W	31284.3	45143.0
S	28°30'51" N	82°52'54" W	31247.8	45086.5
U	28°30'51" N	82°52'02" W	31249.3	45080.0
Y	28°31'28" N	82°51'26" W	31253.9	45080.0

Thence northerly along the State boundary to point Z.

(ii) No person may fish for shrimp in that part of the FCZ identified as Zone IV (Figure 4) during the period 0001 hours March 16, 1984 through 2400 hours April 1, 1984. Zone IV is bounded by a continuous line connecting points expressed by latitude and longitude (LORAN notations are unofficial and are included only for the convenience of the fishermen):

Point	Latitude	Longitude	Loran chain 7980	
			X	Y
V	28°41'39" N	82°54'08" W	31303.0	45183.5
E	28°41'39" N	82°55'18" W	31300.7	45193.1
T	28°27'44" N	82°55'06" W	31226.2	45080.0
O	28°30'04" N	82°52'51" W	31243.3	45080.0
Z	28°37'44" N	82°53'02" W	31284.3	45143.0

Thence northerly along the State boundary to point V.

(iii) No person may fish for shrimp in that part of the FCZ identified as Zone V (Figure 4) during the period 0001 hours January 3, 1984, through 2400 hours March 15, 1984. Zone V is bounded by a continuous line connecting points expressed by latitude and longitude (LORAN notations are unofficial and are included only for the convenience of fishermen):

Point	Latitude	Longitude	Loran chain 7980	
			X	Y
W	28°49'25" N	82°55'49" W	31341.2	45260.0
G	28°48'55" N	82°56'19" W	31337.6	45260.0
F	28°41'39" N	82°56'06" W	31290.2	45199.1
V	28°41'39" N	82°54'06" W	31303.0	45183.5

Thence northerly along the State boundary to point W.

(2) No person may place into the FCZ any article, including fishing gear with the intent to interfere with fishing or obstruct or damage fishing gear or fishing vessels of others; or to utilize willfully fishing gear in such a fashion that it obstructs or damages the fishing gear or fishing vessel of another.

(3) In the event that conflicts between stone crab and shrimp fishermen occur in other portions of the FCZ during the period of effectiveness of this emergency rule, the Secretary may establish additional area closures by publication of a notice of such closures in the **Federal Register.** Any such additional area closures may be established only in response to gear conflicts similar in nature and degree of severity to those giving rise to this emergency rulemaking and may only be of such duration and geographic scope as is necessary to end such conflict. Such additional area closures may be established only if they would otherwise be authorized under section 305(e) of the Magnuson Act and if the notice published in the **Federal Register** sets forth the reason for the additional area closures.

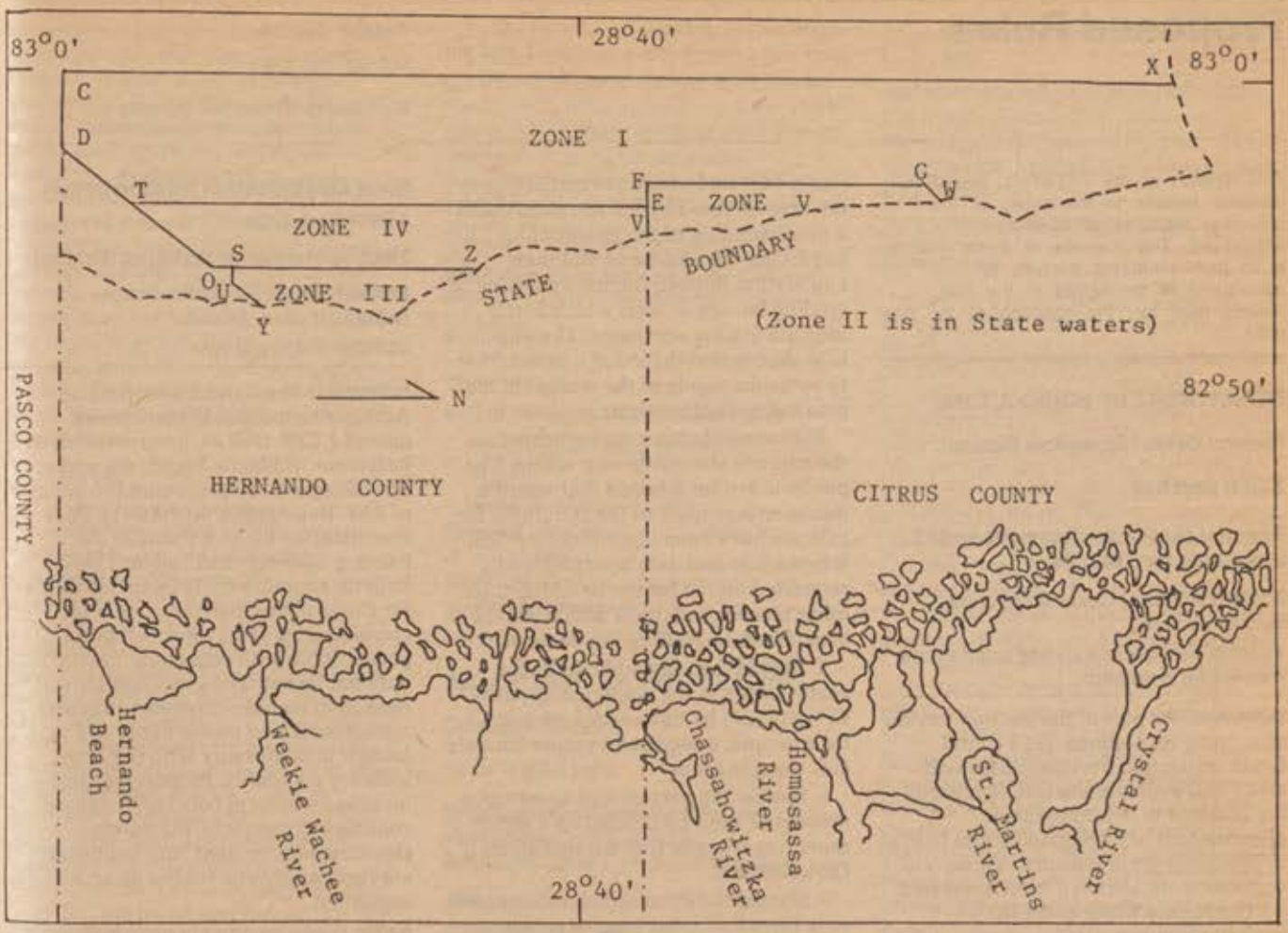

Figure 4 Chart delineating areas closed to fishing for shrimp or stone crabs (not to scale, for illustrative proposes only).

[FR Doc. 83-33849 Filed 12-20-83; 8:45 am]
BILLING CODE 3510-08-M

Proposed Rules

Federal Register
Vol. 48, No. 246
Wednesday, December 21, 1983

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

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 810

Request for Public Comment on U.S. Standards for Triticale

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Review of existing regulations; request for comment.

SUMMARY: As part of the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) will study and evaluate the U.S. Standards for Triticale to determine their effectiveness and responsiveness to the needs of the grain industry. Views and comments are solicited from interested parties to help study and evaluate present grading practices relating to the standards for triticale and to develop recommendations for change.

DATE: Comments must be submitted on or before February 21, 1984.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Information Resources Management Branch, USDA, FGIS, Room 0667 South Building, 1400 Independence Avenue SW., Washington, D.C. 20250, telephone (202) 382–1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., address as above, telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: Study and evaluation of the triticale standards (7 CFR 810.651 *et seq.*) are part of the periodic review of existing regulations. The review will include a determination of the continued need for the standards; the potential for clarifying or simplifying the language of the standards; changes in marketing practices and functions affecting the standards; changes in technology and economic conditions in the area affected by the standards; and a determination of the potential for improving the standards and their application through the incorporation of grading factors or tests which better indicate quality attributes. The objective is to assure that the standards continue to serve the needs of the market to the greatest possible extent.

Recommendations are requested on the triticale standards as a whole. The public is further advised that specific issues with respect to the standards for triticale have been identified by FGIS. Information and data are specifically requested on the issues, in addition to other recommendations which should be considered by FGIS in this review:

1. Should the allowable limits for castor beans in the numerical grades (7 CFR 810.657) be tightened from 2 to 1, for example, 2 seeds will render triticale U.S. Sample grade?

2. Should the presence of an extreme amount of smut be deleted as a factor rendering triticale U.S. Sample grade (7 CFR 810.657)?

3. Should the standards be eliminated or is there sufficient need to retain them?

This request for public comment does not constitute notification that changes to the standards are or will be proposed. Any action with respect to the existing standards will be published in the **Federal Register** at a later date. The actions which may be proposed at that time can include continuation of the standards without change; revision in whole or in part; or elimination of the standards.

The U.S. Department of Agriculture encourages public participation and solicits the public's views on any changes which may improve the official grading standards for triticale.

List of Subjects in 7 CFR Part 810

Export and Grain.

(Secs. 5 and 18, Pub. L. 94–582, 90 Stat. 2869 and 1884 (7 U.S.C. 76 and 87(e))

Dated: December 15, 1983.

K. A. Gilles,

Administrator.

[FR Doc. 83-33703 Filed 12-20-83; 8:45 am]

BILLING CODE 3410-EN-M

Rural Electrification Administration

7 CFR Part 1736

Electric Standards and Specifications

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend 7 CFR 1736.97, Incorporation by Reference of Electic Standards and Specifications, by proposing the revision of REA Bulletin No. 50–70(U–1), REA Specification for 15 kV and 25 kV Primary Underground Cable. This bulletin contains the REA specification for single phase, polyethylene and crosslinked polyethylene insulated power cable with concentric neutral and optional jacket. The specification will be revised to include ethylene propylene rubber inuslated power cable and to bring it in conformity with the latest industry standards. Proposed changes include revision of concentric neutral coating requirements, insulation shielding requirement, and inclusion of ethylene propylene rubber as accepted insulation.

DATE: Public comments must be received by REA no later than February 21, 1984.

ADDRESS: Submit written comments to the Director, Engineering Standards Division, Room 1256–S, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Vikramaditya Railan, Electrical Engineer, Engineering Standards Division, Rural Electrification Administration, Room 1256–S, Washington, D.C. 20250, telephone (202) 382–0095. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Mr. Railan at the above address.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act of 1936 (Act), as amended (7 U.S.C. 901 et seq.), the Rural Electrification Administration (REA) proposes to amend 7 CFR 1736.97, Incorporation by Reference of Electric Standards and Specifications, by revising REA Bulletin No. 50–70(U–1), REA Specification for 15 kV and 25 kV Primary Underground Power Cable. This proposed action has been reviewed in

accordance with Exeutive Order 12291, Federal Regulation. The Action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies; or (3) result in significant adverse effects on competition, employment, investment or productivity and, therefore, has been determined to be "not major." This action does not fall within the scope of the Regulatory Flexibility Act. This program is listed in the Catalog of Federal Domestic Assistance as 10.850, Rural Electrification Loans and Loan Guarantees.

Background

The Rural Electrification Administration (REA) maintains a system of bulletins that contain construction standards and specifications for materials and equipment which are applicable to electric system facilities constructed by REA electric borrowers in accordance with the REA loan contract. These standards and specifications contain REA's requirements for construction units and material and equipment items commonly used in REA electric borrowers' systems. These bulletins, which have been approved for incorporation by reference by the Director of the Office of the Federal Register, are listed and indentified in 7 CFR 1736.97. When revisions are proposed to these bulletins, notice is published in the **Federal Register**.

REA Bulletin No. 50–70(U–1), ERA Specification for 15 kV and 25 kV Primary Underground Power Cable, contains the REA specifications for single phase polyethylene and crosslinked polyethylene insulated power cable with concentric neutral and optional jacket. REA proposed to revise this specification by making changes which include acceptance of ethylene proylene rubber as insulation, revisions of concentric neutral coating requirements and insulation shielding requirements. Ethylene propylene rubber is an established cable insulation and its addition to polyethylene and crosslinked polyethylene may give REA electric borrowers a wider choice in diverse application of power cables. In addition to this, voids and protrusion limits have been established for the insulation shield, and concentric neutral wires have been allowed to be clad with a galvanized, metallurgically bonded layer of low carbon steel. This aciton may encourage manaufacture of a better quality product for REA electic borrowers and may decrease the cost of manufacture. In view of the above, REA proposes to amend § 1736.97(b) of 7 CFR Chapter XVII by revising REA Bulletin 50–70(U–1), REA Specification for 15 kV and 25 kV Primary Underground Power Cable. A copy of the proposed publication is available upon request from Mr. Railan at the address indicated above. All written comments made pertinent to this action will be made available for public inspection during regular business hours at the above address.

Authority: 7 U.S.C. 901 et seq. and 7 U.S.C. 1921 et seq.

List of Subjects in 7 CFR Part 1736

Electric utilities, Engineering standards.

Dated: December 16, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83–33857 Filed 12–20–83; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR PART 24

Proposed Customs Regulations Amendments Relating to Administrative Overhead Charges

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to provide for the inclusion of an administrative overhead charge of 15 percent of the identified costs of providing for reimbursable and overtime services, and various other services, performed by Customs officers. This charge would be collected from parties-in-interest who are required to reimburse Customs for compensation and/or expenses of Customs officers performing the reimbursable and overtime services, and other services for the benefit of such parties, unless the imposition of such charge is precluded by law.

The purpose of this proposal is to enable Customs to recover an important cost element that is not currently factored into the assessment of these charges.

DATE: Comments must be received on or before February 21, 1984.

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: Jim Kenny, Accounting Division (202–566–2021); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Various statutes provide Customs with the administrative authority to charge fees to recover the costs of a particular service rendered. For example, 19 U.S.C. 58a provides that the Secretary of the Treasury may charge such fees as may be necessary to recover the costs of providing certain vessel services. The fees are to be consistent with the User Charges Statute (31 U.S.C. 9701). Section 4.98(a), Customs Regulations (19 CFR 4.98(a)), sets forth the specific services and bases for calculating each flat fee. Similarly, Customs charges and bills parties-in-interest for reimbursement in connection with services rendered by Customs officers or employees during regular hours (see section 24.17, Customs Regulations (19 CFR 24.17)), or on Customs overtime assignments under 19 U.S.C. 267 or 1451 (see section 24.16, Customs Regulations (19 CFR 24.16)). The bill covers full compensation and/or travel and subsistence of the Customs officer performing the service. However, except for a 10 percent administrative overhead charge applicable to the annual fee required of each warehouse proprietor granted the right to operate a warehouse facility under § 19.5, Customs Regulations (19 CFR 19.5), and preclearance of air travelers and their baggage under section 24.18, Customs Regulations (19 CFR 24.18), there is no administrative overhead charge factored into the cost of providing a particular service.

The "User Charges Statute" provides that each service or thing of value provided by an agency to a person is to be self-sustaining to the extent possible. The head of an agency may prescribe regulations establishing the charge for a service or thing of value provided by the agency. Regulations so prescribed are subject to policies prescribed by the President and shall be as uniform as practicable. Each charge shall be fair and based on the costs to the Government, the value of the service or thing to the recipient, public policy or interest served, and other relevant facts. The statute does not affect a law prohibiting the determination and collection of charges and the disposition of those charges, and prescribing bases

for determining charges, but a charge may be redetermined under the statute consistent with the prescribed bases.

In a report dated March 10, 1975, "Services For Special Beneficiaries: Costs Not Being Recovered," the General Accounting Office stated that the User Charges Statute authorizes Customs to include administrative overhead in the billings of parties-in-interest for all reimbursable services performed during normal, and outside normal, working hours. The Office of Management and Budget has stated that in the absence of a formal accounting system for determining administrative overhead, no new accounting system should be established solely to determine this cost. The cost should be determined or estimated from the best available records of the agency. In the absence of a formal accounting system for determining the cost of the charge for administrative overhead, it was recommended that Department of the Treasury bureaus use the figure of 15 percent of the identified costs of providing the service.

Customs has no formal accounting system for determining the cost of the charge for administrative overhead for reimbursable and overtime service. Therefore, the figure of 15 percent of the identified costs of providing the service is applicable.

In a decision of the Comptroller General on the matter of user charges for administrative costs of special and overtime Customs services (55 Comp. Gen. 456, November 13, 1975), the Comptroller held that Customs generally has authority to impose user charges under the User Charges Statute for administrative overhead from parties-in-interest for reimbursable and overtime services provided by Customs in addition to amounts payable for compensation and expenses of Customs officers. The proviso in the User Chargers Statute that nothing contained therein was to be deemed to repeal or modify existing statutes fixing the amount of any such fee, charge or price (language of statute prior to recodification of Title 31 by Pub. L. 97-258, September 13, 1982), was deemed by the Comptroller General to preclude the imposition of additional user charges under the User Charges Statute only to the extent that another statute expressly or by clear design constituted the only source of assessments for a service.

Accordingly, Customs proposes to amend Part 24, Customs Regulations, (19 CFR Part 24), "Customs Financial and Accounting Procedure," by adding a new § 24.21 entitled "Administrative overhead charges" to provide for inclusion of an administrative overhead charge of 15 percent of the identified costs of providing for reimbursable and overtime services performed by Customs officers under §§ 24.17 and 24.16, Customs Regulations, respectively. This charge would be collected from parties-in-interest who are required to reimburse Customs for compensation and/or expenses of Customs officers performing the reimbursable and overtime services for the benefit of such parties, unless the imposition of such charge is precluded by law.

New § 24.21 also would provide for the inclusion of an administrative overhead charge of 15 percent of the identified costs of providing for various user-type services performed by Customs officers to parties-in-interest, unless the imposition of such charge is precluded by law such as administrative overhead costs associated with any inspection service required at airports of entry as a result of the operation of aircraft pursuant to Pub. L. 94-353, the Airport and Airway Development Act Amendments of 1976 (49 U.S.C. 1741(e)). These fees, whether billed or not, include, but are not limited to:

1. Section 4.98—Navigation fees for vessel services;

2. Section 19.5—Annual fee to operate, and fees to establish, alter, or relocate a warehouse facility; (An administrative overhead charge of 10 percent is currently assessed for the annual fee to operate a warehouse facility. Therefore, there would be only a 5 percent increase to that charge);

3. Section 19.40—Fee to establish container stations.

4. Section 24.12(a)(3)—Fees for furnishing the names and addresses of importers of merchandise appearing to infringe a registered patent;

5. Section 24.12(c)—Charge for storing merchandise in a Government-owned or rented building;

6. Section 24.13(f)—Charge for the sale of in-bond and in-transit seals;

7. Section 24.14(b)—Charge for the sale of Customs forms;

8. Section 24.18—Charge for preclearing aircraft in a foreign country; (An administrative overhead charge of 10 percent is currently assessed. Therefore, there would be only a 5 percent increase to that charge);

9. Section 111.12(a)(2)—Fee for issuing a customhouse broker's license;

10. Section 112.12(a)—Fee for designating a carrier or freight forwarder as a carrier of Customs bonded merchandise;

11. Section 112.22(a)(2)—Fee for issuing a Customs bonded cartman's license;

12. Section 133.3—Fee for recording of trademarks;

13. Sections 133.5(d), 133.6(b), 133.7(a)(3)—Fee for renewing, or recording a change in name of owner, or of ownership of, a trademark;

14. Section 133.13(b)—Fee for recording of trade name;

15. Section 133.33(b)—Fee for recording a copyright; and

16. Sections 133.35(b)(2), 133.36(b), 133.37(a)(3)—Fee for renewing, or recording a change in name of owner, or of ownership of, a copyright.

Customs would not assess an administrative overhead charge of 15 percent for (1) traveling in a Government-owned vehicle on official travel at the request of a private party, or (2) carting merchandise in a Government-owned vehicle because fees relating to these areas are regulated by the Federal Property Management Regulations (see 41 CFR Part 101-7, Federal Travel Regulaitons).

The administrative overhead charge of 15 percent will result in the recovery of costs associated with the operation and depreciation of buildings and equipment, rent, postage, maintenance, and expenses associated with Customs management and supervision.

Authority

R.S. 251, as amended (19 U.S.C. 66); sec. 1, 34 Stat. 260 (15 U.S.C. 294); sec. 5, 36 Stat. 901, as amended (19 U.S.C. 267); sec. 1, 37 Stat. 434 (19 U.S.C. 1); sec. 304, 46 Stat. 687, as amended (19 U.S.C. 1304); sec. 447, 46 Stat. 714, as amended (19 U.S.C. 1447); sec. 451, 46 Stat. 715, as amended (19 U.S.C. 1451); sec. 456, 46 Stat. 716 (19 U.S.C. 1456); sec. 457, 46 Stat. 716, as amended (19 U.S.C. 1457); sec. 458, 46 Stat. 717 (19 U.S.C. 1458); sec. 499, 46 Stat. 728, as amended (19 U.S.C. 1499); sec. 506, 46 Stat. 732, as amended (19 U.S.C. 1506); sec. 551, 46 Stat. 742, as amended (19 U.S.C. 1551); sec. 553, 46 Stat. 742, as amended (19 U.S.C. 1553); sec. 555, 46 Stat. 743, as amended (19 U.S.C. 1555); sec. 557, 46 Stat. 744, as amended (19 U.S.C. 1557(c)); sec. 562, 46 Stat. 745, as amended (19 U.S.C. 1562); sec. 565, 46 Stat. 747, as amended (19 U.S.C. 1565); sec. 624, 46 Stat. 759 (19 U.S.C. 1624); sec. 641, 46 Stat. 759, as amended (19 U.S.C. 1641); sec. 2, 54 Stat. 1128 (15 U.S.C. 68); sec. 42, 60 Stat. 440, (15 U.S.C. 1124); sec. 1, 62 Stat. 652, as amended (17 U.S.C. 101); sec. 4, 65 Stat. 177 (15 U.S.C. 69b); sec. 2, 72 Stat. 1717 (15 U.S.C. 70); 80 Stat. 379 (5 U.S.C. 301); sec. 214, 92 Stat. 904 (19 U.S.C. 58a); Stat. 1051 (31 U.S.C. 9701).

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 Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Executive Order 12291

This document 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, Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), it is hereby certified that the proposed regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. The economic impact is concentrated on large operators, and the costs to small businesses are spread over many transactions. Thus, the impact is likely to be slight. Accordingly, the proposed regulations are 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 Charles D. Ressin, 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 24

Customs duties and inspection, Imports, Accounting.

Proposed Amendment

It is proposed to amend Part 24, Customs Regulations (19 CFR Part 24), by adding a new § 24.21 entitled "Administrative overhead charges" in the table of contents, and the regulations to read as follows:

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

§ 24.21 Administrative overhead charges.

(a) *Reimbursable and overtime services.* An additional charge for administrative overhead costs shall be collected from parties-in-interest who are required to reimburse Customs for compensation and/or expenses of Customs officers performing reimbursable and overtime services for the benefit of such parties under §§ 24.17 and 24.16, respectively, of this part. The cost of the charge for administrative overhead shall be 15 percent of the compensation and/or expenses of the Customs officers performing the service.

(b) *Other services.* An additional charge for administrative overhead costs shall be collected from parties-in-interest who are required to reimburse Customs for compensation and/or expenses of Customs officers performing various services for the benefit of such parties. The cost of the charge for administrative overhead shall be 15 percent of the compensation and/or expenses of the Customs officers performing the service. The fees, whether billed or not, include, but are not limited to:

(1) Navigation fees for vessel services in section 4.98;

(2) Annual fee to operate, and fees to establish, alter, or relocate a warehouse facility in § 19.5;

(3) Fee to establish container stations in section 19.40;

(4) Fee for furnishing the names and addresses of importers of merchandise appearing to infringe a registered patent in § 24.12(a)(3);

(5) Charge for storing merchandise in a Government-owned or rented building in § 24.12(c);

(6) Charge for the sale of in-bond and in-transit seals in § 24.13(f);

(7) Charge for the sale of Customs forms in § 24.14(b);

(8) Charge for preclearing aircraft in a foreign country in § 24.18;

(9) Fee for issuing a customhouse broker's license in § 111.12(a)(2);

(10) Fee for designating a carrier or freight forwarder as a carrier of Customs bonded merchandise in § 112.12(a);

(11) Fee for issuing a Customs bonded cartman's license in § 112.22(a)(2);

(12) Fee for recording of trademarks in § 133.3;

(13) Fee for renewing, or recording a change in name of owner, or of ownership of, a trademark in §§ 133.5(d), 133.6(b), 133.7(a)(3);

(14) Fee for recording of trade name in § 133.13(b);

(15) Fee for recording a copyright in § 133.33(b); and

(16) Fee for renewing, or recording a change in name of owner, or of ownership of, a copyright in §§ 133.35(b)(2), 133.36(b), 133.37(a)(3);

(c) *No administrative overhead charge.* No additional charge for administrative overhead costs discussed in paragraphs (a) and (b) of this section shall be collected if (1) imposition of such charge is precluded by law; (2) there is a formal accounting system for determining administrative overhead for a service, in which case that system shall be used for determining the cost of the charge for administrative overhead; or (3) the charge for administrative overhead for a service is specifically provided for elsewhere in this chapter.

Alfred R. DeAngelus,

Acting Commissioner of Customs.

Approved: November 30, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-33856 Filed 12-20-83; 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Part 142

Proposed Customs Regulations Amendments Relating to Acceptance of Formal Entries With Unsecured Bonds for Certain Importations

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes amendments to the Customs Regulations relating to acceptance of formal entries with unsecured bonds for certain importations. The proposal would give district directors authority to waive the necessity of having surety or cash deposit on formal entry bonds for commercial importations valued over $250 but not over $1,000. This waiver could only be granted if the importer has not been delinquent or otherwise remiss in any transaction with Customs. Further, the waiver would not apply to (1) quota merchandise, (2) any type of merchandise which cannot be easily appraised or classified, or (3) any type of merchandise where there may be, based on past experience, a question of redelivery. Customs does not believe the minimal risk to the revenue justifies the increased cost to the importing community for a surety on a bond covering merchandise valued at not more than $1,000.

DATE: Comments must be received on or before February 21, 1984.

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., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Herbert Geller, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–5307).

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 83–243 (67 Stat. 517) requires that all commercial imports valued over $250 be covered by a formal entry.

Section 142.4, Customs Regulations (19 CFR 142.4), provides that, with certain exceptions, merchandise shall not be released from Customs custody at the time Customs receives the entry documentation or the entry summary documentation which serves as both the entry and the entry summary unless covered by a bond executed by an approved corporate surety or secured by cash deposits or obligations of the United States.

While the imposition of bonding and surety requirements is necessary both in terms of import control and revenue protection for large commercial shipments, Customs believes that the same rationale does not apply to small shipments (i.e., those valued not more than $1,000).

Inflation has devalued the dollar greatly since the $250 formal entry valuation limit was imposed in 1953. If the limit had been adjusted for price changes, it would have been $1,144 in September 1982 based on the International Monetary Fund's unit value index of U.S. general imports. Accordingly, if the requirement for a bond with approved surety were to be applied only to entries valued over $1,000, the actual risk to the Government would not be any greater, relatively speaking, than under the $250 formal entry limit of 1953.

Since February 4, 1980, the Chicago Customs Region has been conducting a pilot program of accepting formal entries valued not more than $1,000 without surety on the required bond. The program has been running smoothly with no incidents requiring redelivery of merchandise or the imposition of a penalty.

For the foregoing reasons, Customs believes that there is no justification in terms of cost benefit or public service to support the continued imposition of the bonding requirement for entries valued not more than $1,000. Instead, Customs proposes in this document that its regulations be amended to eliminate the necessity of providing bonds supported by surety or cash deposit on small value shipments which, by law, require a formal entry.

Under the proposal, § 142.4, Customs Regulations, would be amended to permit the release of merchandise valued not more than $1,000 with an unsecured bond. The proposal would give district directors authority to waive the necessity of having surety or cash deposit on formal entry bonds for commercial importations valued over $250 but not more than $1,000. This waiver could only be granted if the importer has not been delinquent or otherwise remiss in any transaction with Customs. Further, the waiver would not apply to (1) quota merchandise, (2) any type of merchandise which cannot be easily appraised or classified, or (3) any type of merchandise where there may be, based on past experience, a question of redelivery.

Executive Order 12291

This document will not result in a regulation which is "major rule" as defined by section 1(b) of Executive Order 12291.

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 these amendments because, it is believed, the rule will not have a significant economic impact on a substantial number of small entities. While there will be an economic impact, it is not believed to be significant. An adverse economic impact will be felt by sureties and customhouse brokers due to the loss of broker's surety backed bonding fees on several hundred thousand affected entries. However, the elimination of the bonding fees on applicable entries will be beneficial to the importing public and especially "small entities", in the importing public by eliminating a cost burden for importers on affected entries valued between $250 and $1,000. However, public comment is requested on the effects, with numerical estimates, of the proposed amendments on costs, profitability, competitiveness, and employment in small entities. Subsequent to the receipt of public comments, it will be decided whether the preparation of a final regulatory flexibility analysis is warranted.

In light of the above, it is certified under the provisions of section 3, 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.

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 submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

This document is issued under the authority of R.S. 251, as amended, sections 623, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624).

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.

List of Subjects in 19 CFR Part 142

Customs duties and inspection, Imports.

Proposed Amendments to the Regulations

It is proposed to amend Part 142, Customs Regulations (19 CFR Part 142), as set forth below.

PART 142—ENTRY PROCESS

1. It is proposed to amend the first sentence of § 142.4(a) by inserting the words "and paragraph (c) of this section" after the words "Except as provided in § 10.101(d) of this chapter".

2. It is proposed to add a new paragraph (c) to § 142.4 to read as follows:

§ 142.4 Bond requirements.

* * * * *

(c) *Waiver of surety or cash deposit.* The district director may waive the requirement for surety or cash deposit for any bond required by this section when the value of the merchandise which the bond secures does not exceed $1,000 and the importer has not been delinquent or otherwise remiss in any transaction with Customs. This waiver authority is not applicable (1) quota merchandise, (2) any type of merchandise which in the opinion of the district director cannot be easily appraised or classified, or (3) any type of merchandise where there may be, in the opinion of the district director based on past experience, a question of redelivery.

William von Raab,

Commissioner of Customs.

Approved:

November 30, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-33855 Filed 12-20-83; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

26 CFR Part 1

[LR-144-76]

Farming Syndicate Expenditures; Proposed Rulemaking

Correction

In FR Doc. 83-30789, beginning on page 51936, in the issue of Tuesday, November 15, 1983, made the following corrections:

1. On page 51938, in the third column, in § 1.464-1(a)(2), in the second line, "other farm" should read "other similar farm".

2. On page 51939, in the third column, in § 1.464-2(a)(2)(iv), Example (2), the thirteenth through eighteenth lines should read as follows:

"Total losses attributable to the peanut farm operations allocated to E $(80) / Total losses attributable to the peanut farm operations allocated to E $(40) = 200%"

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 942

Public Hearing and Public Comment Period on the Status of the Tennessee Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior

ACTION: Schedule of public hearing and public comment period.

SUMMARY: On May 19, 1983, the Director, OSM, announced that he had reason to believe that Tennessee may not be implementing, administering, maintaining or enforcing its approved program to regulate surface coal mining and reclamation operations (See Administative Record No. TN 638). By that notice, the Director also announced that he would hold an informal conference with Tennessee officials to discuss the status of implementation of the State's program. The informal conference was held on May 24, 1983, in Knoxville, Tennessee. Because the Director still has reason to believe that Tennessee is not adequately implementing, administering, maintaining or enforcing its approved program, OSM has now scheduled a public hearing and public comment period to provide an opportunity for interested persons to express their concerns on the implementation of the Tennessee program in accordance with the provisions of 30 CFR 733.12(d).

This notice sets forth the purpose, dates, times and locations for both the public hearing and the public comment period during which interested persons may submit written comments and data on the implementation of the Tennessee permanent regulatory program. The rules and procedures governing public participation at the hearing are also contained in this notice.

DATES: OSM has scheduled a public hearing on January 26, 1984, to be held at the address below, begining at 10:00 a.m. Persons wishing to testify at the public hearing are urged to contact Mr. James Curry, Field Office Director, at the address and telephone number shown under **"FOR FURTHER INFORMATION CONTACT"** by the day before the hering, so they may be placed on the speakers' agenda.

Public comments must be received before January 31, 1984, in order to be considered in the Director's findings on the status of the Tennessee permanent regulatory progran.

ADDRESSES: The public hearing on the status of the Tennessee permanent regulatory program will be held at: The Hyatt House, 500 Hill Avenue, S.E., Blount North Room, Knoxville, Tennessee 37901.

Written comments should be sent to: Knoxville, Tennessee Field Office, Office of Surface Mining, 520 Gay Street, S.W., Suite 400 Knoxville, Tennessee 37902.

Copies of Administrative Record documents referenced in this notice are available for public inspection and copying during normal business hours at:

Office of Surface Mining, Room 5315, 1100 L Street, N.W., Washington, D.C. 20240; Telephone: (202) 343-4728;

Office of Surface Mining, 530 Gay Street, Suite 400, S.W., Knoxville, Tennessee 37902; Telephone: (615) 524-7648.

FOR FURTHER INFORMATION CONTACT:

Carl C. Close, Special Assistant to the Assistant Director, Program Operations and Inspection, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Telephone: (202) 343-4225.

James Curry, Knoxville Field Office Director, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street, S.W., Suite 400, Knoxville, Tennessee 37902; Telephone: (615) 524-7648.

SUPPLEMENTARY INFORMATION: On April 8, 1983, the Director, OSM, notified the Tennessee Governor that he had reason to believe that the State may not be implementing, administering, maintaining or enforcing its approved program to regulate surface coal mining and reclamation operations (see Administrative Record No. TN 633). The Director cited problems in Tennessee's program implementation in the area of permitting. A more detailed account of the Director's concerns over the status of Tennessee's implementation of its program can be found in the May 19, 1983 **Federal Register** at 48 FR 22541-22542.

In this letter, the Director proposed a schedule for the State to remedy the identified deficiencies. In response, Governor Alexander requested an informal conference with OSM under the provisions of 30 CFR 733.12(c) (TN-649). The Director agreed to Tennessee's request and subsequently held an informal conference with Tennessee on May 24, 1983. On May 19, 1983, the Director notified the public of the informal conference (48 FR 22541-22542). A transcript of the informal conference has been placed in the Administrative Record (TN-640).

During the informal conference on May 24, 1983, OSM and the Tennessee Division of Surface Mining (DSM) agreed to work together to develop a schedule of remedial actions acceptable to both agencies.

After Tennessee made a series of modifications to a proposed schedule of remedial actions in accordance with OSM's requests, OSM concurred on the timetable submitted by the State for OSM's review on June 29, 1983. However, the schedule finally agreed upon by the two agencies was legally challenged by an industry group, Facts About Coal in Tennessee (FACT). Negotiations between FACT, DSM and OSM followed and the matter was settled out of court on September 16, 1983. DSM made modifications to the schedule in accordance with the negotiated settlement.

On October 19, 1983, DSM advised the Director that the State had been unable to meet certain deadlines in the agreed upon schedule and, therefore, was submitting a revised schedule. OSM is currently evaluating the proposed revised schedule submitted by the State.

During the period of time OSM and DSM were negotiating the schedule of remedial actions to correct permit

deficiencies, Governor Alexander wrote the Director on August 22, 1983, to request OSM's assistance in obtaining staff support from the Tennessee Valley Authority (TVA) to assist DSM in resolving the identified permitting deficiencies (TN–762). On October 18, 1983, OSM finalized a memorandum of understanding with TVA which provides for broad cooperation between the two agencies, including the loan of TVA personnel to OSM to assist the State of Tennessee in correcting permitting deficiencies.

In addition, on August 17, 1983, the Director sent Tennessee a second letter (TN–703). In that letter the Director advised the Governor that OSM had identified serious deficiencies in the State's implementation of the inspection, enforcement and bond requirements of the approved program. The Director specified remedial actions to be taken by the State according to a proposed schedule. The Director requested that the State provide a written response by September 9, 1983. On September 16, 1983, the Director received a letter from Governor Alexander advising him that Tennessee's negotiations with FACT concerning the State's proposed permitting review schedule had delayed the State's response to the Director's August 17, 1983, letter. The Governor requested an extension until October 3, 1983, to provide a response (TN–763).

On October 4, 1983, the Tennessee Division of Surface Mining responded in writing to the Director's August 17, 1983 letter (TN–737). OSM is currently reviewing the State's response and State records to determine what progress has been made in resolving the inspection, enforcement and bond deficiencies identified in the Director's August 17, 1983 letter.

Based on the information Tennessee has provided, the Director still has reason to believe that Tennessee may be unable to implement, administer and enforce its program. The Director's rationale is based on the following concerns:

Permitting

Although the State has taken certain corrective measures, the Director has reason to believe that Tennessee has not made satisfactory progress in correcting permits that were issued by DSM without complying with the approved permitting procedures. Specifically, the Director is concerned about permits that were issued by DSM without adherence to one or more of the following program requirements:

(1) Giving public notice of receipt of the permit application;

(2) Coordinating with other agencies as required under the approved program;

(3) Making written findings of permit adequacy;

(4) Requiring complete information from the applicant;

(5) Conducting an adequate technical review of the permit application;

(6) Seeking public comment for the required period of time;

(7) Conducting a pre-mine inspection;

(8) Ensuring that there are no existing violations on the site; and

(9) Ensuring that adequate bond is posted to cover the cost of reclamation.

The Director has reason to believe the State has not made sufficient progress in obtaining additional needed information from operators and in reprocessing permit applications in accordance with all required procedures. Further, the Director has reason to believe that the State may still not be following all approved program procedures for the new permit applications currently being processed.

In addition to the permitting problems discussed above, the Director also has reason to believe that the measures taken by the State do not adequately address the inspection, enforcement and bonding deficiencies identified by OSM. Specifically, the problems noted by OSM were as follows:

Inspection/Enforcement

The State has not:

(1) Conducted the number of inspections required under the approved Tennessee program;

(2) Written notices or orders for all observed violations; and

(3) Responded appropriately to 10-day notices issued by OSM for observed violations.

OSM does not plan to address the following inspection and enforcement issues because of progress made by the State to resolve these deficiencies as identified by the Knoxville Field Office: completeness of inspections, timely follow up of enforcement actions, adequate documentation of vacation and terminations notices, and adequate documentation of civil penalty assessments.

Bonding

The State has not:

(1) Required operators to post a bond sufficient to cover the cost of reclamation;

(2) Ensured that sufficient bond is retained at all times to cover the cost of reclamation;

(3) Reviewed all partial and total bond releases since August 10, 1982, to determine additional bond requirements; and

(4) Implemented a procedure to review and evaluate outstanding bond on all permits for determination of adequacy by February 10, 1984.

The Director recently notified the Governor of Tennessee that he still has reason to believe that Tennessee continues to have problems in adequate implementing, administering, maintaining or enforcing its program. A copy of the Director's letter will be placed in the administrative record.

In accordance with the procedures contained in 30 CFR 733.12(d), OSM will hold a public comment period and a public hearing to provide interested parties an opportunity to express their concerns on the implementation of the Tennessee program. The public comment period begins today and ends at January 20, 1984. OSM is particularly interested in the public's views and concerns on the State's ability to implement its program, and on possible actions Tennessee should puruse to resolve identified problems. Members of the public are encouraged to examine all of the documents in the administrative record.

Subsequent to the public hearing and review of all available information including the hearing transcript, written presentations and written comments, the Director will publish his findings on the status of Tennessee's program implementation in accordance with the provisions of 30 CFR 733.12(e).

Hearing Rules

The scope of the public hearing will include permitting, inspection, enforcement, bond release, administrative procedures and records, and all other matters relevant to the issues of whether the State is adequately maintaining, administering and enforcing its program; if not, whether Federal enforcement should be withheld and whether a full or partial Federal program should be implemented in the State of Tennessee.

At the public hearing on January 26, 1984, parties wishing to comment on the status of Tennessee's implementation of its program will be asked to register for placement on the speakers' agenda. The hearing will begin at 10:00 a.m. The hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to do so will be heard at the end of the scheduled speakers. Persons not scheduled to testify but wishing to do so assume the risk of having the public hearing adjourned unless they are

present in the audience at the time all scheduled speakers have been heard. Written comments, data or other relevant information may be submitted to supplement or in lieu of an oral presentation at the hearing.

In addition, the Director has prescribed the following hearing format and rules of procedure.

1. The hearing shall be informal and follow legislative procedures.

2. Participants should register to speak.

3. Based on the number of speakers in attendance, each participant may be limited to 10 minutes.

4. Participants will be called in the order in which they register.

Dated: December 16, 1983.

J. Roy Spradley,

Director, Office of Surface Mining.

[FR Doc. 83-33852 Filed 12-20-83; 8:45 am]

BILLING CODE 4310-05-M

POSTAL SERVICE

39 CFR Part 111

Mail Security; Customs Service; Narcotics and Dangerous Drugs

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: In response to a recent Supreme Court decision, and in aid of a national program to curtail the availability of illegal narcotics and dangerous drugs, the Postal Service proposes to amend its mail security regulations to save time in postal drug import investigations by eliminating a needless step. The proposal deals only with mail arriving in the United States as mail which is sealed against inspection, which the Customs Service has lawfully opened without a search warrant and has seized after determining through a reliable field test or laboratory examination that it contains illegal narcotics or dangerous drugs. The proposal is that postal inspectors would then be permitted to reopen such an article without a search warrant only for the purpose of preparing it, at the request of narcotics enforcement officers, for what is called a "controlled delivery." The Postal Service would not open any incoming sealed articles in any other situation except those presently authorized, namely under a federal search warrant, with the consent of the sender or addressee, in a dead letter or parcel branch solely to determine an address at which it may be delivered, or in an emergency posing an immediate danger to life or limb or an immediate and substantial danger to property. There would also be no change in the existing prohibition against anyone reading, without a search warrant, any correspondence inside any sealed mail of foreign origin which may be opened by the Customs Service without a warrant to search for dutiable or prohibited materials.

DATE: Written comments must be received on or before January 21, 1984.

ADDRESSES: Comments should be directed to Assistant General Counsel, Special Projects Division, U.S. Postal Service, Washington, D.C. 20260–1116. Written comments will be available for public inspection, and arrangements can be made to obtain copies of such written comments, between the hours of 9 a.m. and 4 p.m. daily outside room 9010, 475 L'Enfant Plaza West, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Charles R. Braun at (202) 245–4620.

SUPPLEMENTARY INFORMATION: A "controlled delivery" is an important investigative method for identifying and prosecuting the person or persons responsible for the importation of illegal narcotics and dangerous drugs by mail. Instead of being seized and destroyed upon their discovery, some or all of the illegal substances may be delivered to the person or persons to whom the substances are addressed under circumstances reasonably calculated to determine whether the addressee or someone else has guilty knowledge of the illegal contents.

The Customs Service discovers such articles at the "port of entry" or "exchange office" where mail articles enter the country. The Customs Service then seizes the article and notifies the Postal Service and the Drug Enforcement Administration ("DEA") or the Federal Bureau of Investigation ("FBI") of the seizure. The DEA or the FBI office responsible for narcotics investigations in the city or place of delivery then decides, after consultation with the local U.S. attorney's office, whether to request a "controlled delivery" by the Postal Service or to ask appropriate state, local, or military authorities to investigate the offense. The state, local, or military narcotics investigators may then request a controlled delivery by the Postal Service. The Postal Inspection Service determines how and by which postal employee any controlled delivery that is decided upon is to be conducted.

For a variety of reasons, the article must be reopened by the investigating postal inspector in the presence of the cooperating narcotics investigating agent. The preparations conducted by the inspector and the agent may include one or more of the following measures: (1) Familiarizing themselves with the appearance of the article and its contents; (2) substituting for a portion of the narcotics certain harmless substances having the appearance of the illegal substances; (3) inserting electronic devices that transmit radio signals showing where the article is located and when it is being opened; and (4) preparing the containers with powder or taking other measures so that the person or persons touching the containers or substances may be shown later to have handled them.

The reopening of the article by the postal inspector responsible for a controlled delivery in the city or place of destination does not raise any difficulty when the article arrives in the United States as mail which is not sealed against inspection, because even if the material were viewed as remaining in the mails, the authority of a postal employee to open it without a warrant is not subject to question.[1] Where the article arrives as mail which is sealed against inspection, however, the practice has been to apply for and obtain a federal search warrant before the article is reopened by the postal inspector. The practice reflects assurances given to Congress by the former Post Office Department to the effect that even if the Customs Service were to open incoming sealed mail without a search warrant, "* * * no postal officer or employee would be empowered to open any sealed mail." 116 Cong. Rec. 13,864 (1970).

A recent Supreme Court decision now appears to make a warrant unnecessary under these circumstances. On July 5, 1983, in the case of *Illinois* v. *Andreas*, the Court held that a search warrant was not required to reopen a container in which illegal drugs had been discovered in an earlier lawful border search by the Customs Service, when the police had seized the container after there had been a controlled delivery of it to the defendant. 51 U.S.L.W. 3937. Although the container did not arrive in the mails and its reopening did not occur until after the controlled delivery had occurred, the reasoning of the Court strongly implies that a reopening of such an article without a warrant before its controlled delivery would also be permissible in any situation like that in the *Andreas* case, where the border

[1] For an explanation of the difference between mail which is sealed against inspection and mail which is not sealed against inspection, see the item published in the **Federal Register** under the heading "SEALED AND UNSEALED MAILS" at 42 FR 18754 (1977).

search discovery and seizure of suspicious material were followed by a reliable field test or laboratory examination which left no doubt that the material was contraband narcotics or dangerous drugs. It therefore appears that continued adherence by the Postal Service to the former Department's position in a situation much like that in *Andreas* would place a needless burden on the U.S. attorneys' offices that must apply for federal search warrants and the U.S. magistrates and state judges that are authorized to issue them.

The proposal would amend postal mail security regulations to permit, for purposes of a controlled delivery, the reopening by a postal inspector of articles which are known to contain illegal narcotics and dangerous drugs and which arrive in the United States as mail sealed against inspection. This amendment would leave otherwise unchanged the prohibition against any opening by the Postal Service of mail which is sealed against inspection except under a search warrant, with the consent of the sender or addressee, in a dead letter or parcel branch only to determine an address at which the mail can be delivered, or when it is reasonably suspected of posing an immediate danger to life or limb or an immediate and substantial danger to property.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)), regarding proposed rulemaking, 39 U.S.C. 401(a), the Postal Service invites comments on the following proposed revision of part 115 of the *Domestic Mail Manual*, which is incorporated by reference in the Code of Federal Regulations, 39 CFR 111.1 (1982).

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

115. Mail Security

Amend part 115 by adding new paragraphs 115.21e and 115.91e as follows:

115.2 Opening, Reading, and Searching of Sealed Mail Generally Prohibited.

.21 General. In general, no person may open, read, search, or divulge the contents of mail sealed against inspection, even though such mail may be believed to contain criminal or otherwise nonmailable matter or evidence of the commission of a crime. The only exceptions to this general rule are:

* * * * *

e. A postal inspector, acting in accordance with 115.91e.

* * * * *

115.9 Mail Security, Law Enforcement, and Other Government Agencies.

.91 Customs Service.

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e. *Controlled Delivery of Drugs in Sealed Mail.* When a postal inspector decides, upon the request of a federal, military, state, or local narcotics agent, to make a controlled postal delivery of a sealed mail article which the Customs Service has opened in accordance with 115.91, and which the Customs Service has determined through a reliable field test or reliable laboratory examination to contain illegal narcotics or dangerous drugs, the postal inspector may reopen the article without a search warrant. The inspector may reopen the article without a warrant only for the purpose of preparing the article for such a controlled delivery in such way or ways as will lawfully and reasonably aid in the investigation of the crime of importing such substances through the mails. No correspondence inside such an article may be read or divulged without a search warrant as described in 115.6.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2), 401(10), 404(a)(1), 404(a)(7), 3623(d))

W. Allen Sanders,

Associate General Counsel, General Law & Administration.

[FR Doc. 83-33807 Filed 12-20-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 2493-4; FL-012]

Approval and Promulgation of Implementation Plans; Florida; Lead Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: As required by section 110 of the Clean Air Act and the October 5, 1978, promulgation of a National Ambient Air Quality Standard for Lead (43 FR 46246), the State of Florida has submitted to EPA for parallel processing a proposed State Implementation Plan (SIP) for lead. The public is invited to comment on this proposal.

Florida has responded to the requirements of the Clean Air Act by submitting a State Implementation Plan (SIP) which, with the changes discussed below, provides for the implementation, maintenance, and enforcement of the primary and secondary lead ambient air quality standards.

DATE: To be considered, comments must be received on or before February 21, 1984.

ADDRESSES: Written comments should be addressed to Ms. Denise W. Pack of EPA Region IV's Air Management Branch (see EPA Region IV address below). Copies of the material submitted by Florida may be examined during normal business hours at the following locations:

Bureau of Air Quality Management, Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301

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

FOR FURTHER INFORMATION CONTACT: Ms. Denise W. Pack at the EPA Region IV address above or call 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On October 5, 1978 (43 FR 46246), National Ambient Air Quality Standards (NAAQS) for lead were promulgated by the Environmental Protection Agency (EPA). Florida has responded to the requirements of section 110(a)(1) of the Clean Air Act (the Act) by submitting a State Implementation Plan (SIP) which, with the changes discussed below, provides for the implementation, maintenance, and enforcement of the primary and secondary lead NAAQS. The primary and secondary standard for lead is 1.5 ug/m^3, averaged over a calendar quarter.

On October 31, 1983, the Florida Department of Environmental Regulation (FDER) submitted the proposed Florida lead SIP to EPA for parallel processing. The plan submitted by Florida contains a control strategy that depends on source-specific regulations (operating permits) and the Federal lead in gasoline phase-down program to attain and maintain the NAAQS. The plan proposes to apply these source-specific regulations to three secondary lead smelters and two battery manufacturing plants. The emission inventory contained in the proposed plan shows that all of these sources had actual emissions in the 1982 base year of less than the significance level of five tons a year, but were formally permitted at emission levels that modeling showed could cause exceedances of the lead standard. The plan as submitted includes an

attainment demonstration that shows the revised source-specific regulations will protect and maintain the standard.

However, the plan as submitted contains several deficiencies that must be corrected before final action is taken on this plan.

(1) The attainment demonstration was based on a modeling analysis using inappropriate meteorological data. The analysis was performed for the Florida SIP under EPA contract and the affected facilities will be remodeled. The State is aware of this deficiency and will make any necessary corrections in the control strategy.

(2) The emission inventory contained in the plan does not clearly distinguish between fugitive and process emissions. The inventory will be rewritten and reevaluated to assure that the emission rates attributed to the sources are correct and are correctly included in the modeling.

(3) The permit conditions do not contain visible emission limits or operating time limitations. The State has agreed to expand these conditions by including visible emission limits and by limiting the operating time to the period of time assumed in the modeling analysis.

EPA also requested that several minor revisions be made in the plan. In addition to several editorial revisions, these nonsubstantial changes involve the verification of current emission rates, clarification of the attainment date, and description of monitoring data for areas observed to have concentrations at the standard. These revisions will not be discussed in this notice. Further detail is provided in a technical support document available at the EPA address listed above. The Florida DER has also agreed to these changes.

Additional analyses were performed for areas which are not in the vicinity of lead point sources but have exceeded the standard since 1974, as shown by monitoring. Automobiles are the major contributors to lead emissions in these areas. Federal regulations that limit the lead content of gasoline have resulted, and will continue to result, in a gradual decrease in lead emissions. Depending on the lead air concentration in the base (historic) year, it is possible for such areas to attain the lead standard solely due to Federal Regulations. Based on those Federal regulations and information about past and projected gasoline sales and assuming that lead concentrations decrease proportionally with automotive lead emissions, EPA has calculated critical lead concentrations for several base and attainment years. These were published in a July 1983 draft report entitled *Updated Information on Approval and Promulgation of Lead Implementation Plan*. If the highest lead concentration for a given base year/attainment year combination is less than the critical value for that combination, EPA assumes that the standard will be attained by the attainment date. In each of the areas analyzed, the quarterly lead concentrations were below EPA's critical values and, should be well below the standard by 1985.

The Florida plan also includes a summary of measured air quality data from 1974 to the present, a base-year emission inventory for stationary and mobile sources. The State has also committed to adopt provisions for the review of new and modified sources of lead emissions.

The State operates a lead monitoring network in accordance with the requirements contained in 40 CFR Part 58 and an additional monitoring site will be established to assure that emissions from the Chloride Metals facility in Tampa do not cause violations of the ambient air standard. The public may inspect the description of the monitoring network for lead at the Florida DER address listed above.

Action. EPA is today proposing to approve the Florida lead SIP and is soliciting public comment on it. This comment period is running concurrently with the State's and final approval can be given only after the plan has been revised as discussed above and adopted by the State.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number or small entities. (See 46 FR 8709).

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

List of Subjects in 40 CFR Part 52

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

(Sections 110 and 301 of the Clean Air Act (42 U.S.C. 7410 and 7601))

Dated: November 30, 1983.

John A. Little,

Acting Regional Administrator.

[FR Doc. 83-33765 Filed 12-20-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[Region II Docket No. 20 AD-FRL 2494-5]

Approval and Promulgation of Implementation Plans; New York, Lead Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice proposes approval of a revision to the New York State Implementation Plan (SIP) for the attainment and maintenance of the national ambient air quality standards for lead in all areas of the State. The State of New York has submitted this SIP as required by Section 110 of the Clean Air Act and an October 5, 1978 (43 FR 46246) **Federal Register** notice promulgating the lead standard. In determining the nature of its final rulemaking on this action, the Environmental Protection Agency will consider, along with the public comments it receives, the State's future responses and actions with regard to the resolution of issues that are identified herein.

DATES: Interested persons are invited to submit comments on this proposed action on or before February 21, 1984.

ADDRESSES: All comments should be addressed to:

Jacqueline E. Schafer, Regional Administrator, Environmental Protection Agency, Region II Office, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278

Copies of the proposed revision are available for public inspection during normal business hours at:

Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278

and

New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001.

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

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978, the Environmental Protection Agency (EPA) promulgated at 40 CFR 50.12 national ambient air quality standards for lead (43 FR 46246). Both the primary and secondary

standards were set at a level of 1.5 micrograms per cubic meter of air (ug/m^3) maximum arithmetic mean averaged over a calendar quarter. As required by section 110 of the Clean Air Act and the October 5, 1978 promulgation, all States must submit a State Implementation Plan (SIP) which will provide attainment and maintenance of the lead standards. New York has developed and submitted such a SIP.

The general requirements for the contents of SIP are contained in section 110 of the Clean Air Act, and in EPA regulations at 40 CFR Part 51, Subpart B. Specific requirements for developing a lead SIP are contained in 40 CFR Part 51, Subpart E. These provisions require the submission of air quality data, emission data, an air quality modeling demonstration, control strategies for each area exceeding standards, a demonstration that the standards will be attained within the time frame specified by the Clean Air Act, and provisions for the review of new or modified lead sources for the purpose of maintaining the standards once they are attained. EPA has evaluated the New York SIP by comparing it to these requirements for an approvable SIP.

II. New York State Implementation Plan

On July 5, 1979, the Governor of New York State submitted to EPA a SIP for the attainment and maintenance of the national ambient air quality standards for lead. A public hearing was held on this SIP on June 26, 1979. On August 26, 1982 additional information was submitted to EPA by the State which elaborated on and clarified the previously submitted document. On June 9, 1983 New York consolidated its two earlier submittals and provided EPA with a draft version of its final SIP document. A final SIP submittal was made on September 21, 1983.

III. Results of EPA Review

Today's **Federal Register** notice provides the results of EPA's review of the New York lead SIP. This information is presented under the following four headings:

A. Emission Data
B. Air Quality Data and Monitoring System
C. Demonstration of Attainment
D. Control Measures

More detailed information concerning EPA's review of this SIP is contained in a Technical Support Document for today's proposal, which is available for public inspection at the locations identified in the "Addresses" section of this notice.

A. Emission Data

The SIP must contain a summary of the baseline and future year emission inventories. It must also contain an identification of all sources that emit five or more tons per year of lead.

The New York SIP presents inventories of lead emissions by county and source type. These are provided for the years 1980 and 1987. All stationary sources whose actual lead emissions are equal to or greater than five tons per year are classified by the State as point sources and are explicitly identified in its SIP.

EPA proposes to find that these emission inventories are approvable as meeting its requirements.

B. Air Quality Data and Air Quality Monitoring

The SIP must contain air quality data collected since January 1, 1978. The SIP must also provide for the establishment of an air quality monitoring network for lead that contains at least two properly sited permanent monitors in each urbanized area; at least one must be at a roadway-type site and at least one at a neighborhood site.

The State has established a minimum of two lead monitoring sites in each of the urbanized areas to comply with the requirements of 40 CFR Part 58. The six required New York State lead monitors have been in operation since before January 1, 1983. Two of these monitors have been approved as meeting the requirements of 40 CFR Part 58, two are under review, and the remaining two will be relocated by the State. The State will also continue a monitoring site in Walkill, Orange County to monitor the ambient impact of lead emissions from the RSR Corporation secondary smelter.

EPA proposes to find that the New York SIP meets these data and monitoring requirements.

C. Demonstration of Attainment

The SIP must contain a demonstration that the lead standards will be attained and maintained. Specifically, the following types of areas, which are subject to maximum air quality impact, must be analyzed:

- Areas in the vicinity of significant point sources, and
- Any other area that, since January 1, 1978, has measured lead air concentrations in excess of the standards.

Two significant lead point sources, secondary lead smelters, are identified in the New York SIP as requiring an analysis of their air quality impact. The first, the RSR Corporation in Orange County, has a maximum predicted air quality impact of 0.2 ug/m^3, quarterly average lead concentration. This is well below the standard. Also during the past three years, when the plant was operating at better than 80% of capacity, there have been no measured violations of the lead standards in its vicinity. However, the screening analysis technique that was used by the State does not appear to have been adequate to analyze the ambient impact of fugitive process emissions from the plant.

The second plant, the Non-Ferrous Processing Corporation in Kings County (Brooklyn), had been found to be out of compliance with State permit requirements. The maximum predicted impacted of its uncontrolled emissions was found to be 6.7 ug/m^3 quarterly average lead concentrations. By agreement between EPA, the New York State Department of Environmental Conservation (DEC) and the New York City Department of Environmental Protection (DEP), the EPA has assumed the primary responsibility for bringing this source into compliance. This fact is discussed in greater detail in the next section of this notice.

The SIP identifies that the highest quarterly lead average in the State was measured in New York City. This was 4.0 ug/m^3, measured in 1978 adjacent to the Long Island Expressway. The SIP's attainment demonstration is based on the use of a modified rollback model for automotive emissions, with 1978 as the base year. The predicted maximum lead concentrations for this "worst case" demonstration occurs in 1982 and is 1.5 ug/m^3, which meets the standards for lead. Therefore, because lead emissions from mobile sources will continue to be reduced as a result of federal requirements related to lead in gasoline, the standards for lead are shown to be attained in 1982 and will continue to be maintained.

EPA finds that the SIP's demonstration of attainment and maintenance of the lead standards is approvable with the exception of the attainment demonstration analysis for the RSR Corporation plant in Orange County which is incomplete. Therefore, EPA proposes to approve the demonstration of attainment for the RSR Corporation plant provided that the State submit to EPA prior to May 1, 1984 a revised analysis which includes the impact of fugitive process emissions from this source. This analysis must demonstrate attainment of air quality standards using modeling procedures and assumptions regarding emissions that are acceptable to EPA.

D. Control Measures

A lead SIP must include the following:

• A description of each control measure that is incorporated into the SIP.

• Copies of or citations to the enforceable laws and regulations necessary to implement the measures.

• A description of the administrative procedures to be used in implementing each control measure.

• A description of enforcement methods.

The federal consent order which was agreed to by the Non-Ferrous Processing Corporation should result in a 99-percent control of lead emissions from the plant. It contains a schedule by which this plant will come into compliance with the requirements of a regulation, Part 212 at Title 6, Official Compliation of Codes, Rules and Regulations of the State of New York (6 NYCRR 212). The consent order provides that the Non-Ferrous Corporation will install a complete ventilation system and a baghouse by August 1, 1984. Interim control of emissions by means of a scrubber is also required.

The SIP also identifies EPA's program to reduce the amount of lead in gasoline (as authorized under Section 211 of the Clean Air Act) as a control measure for mobile sources.

The SIP points out that, in order to provide a uniform approach under 6 NYCRR 212 to the review and evaluation of stationary process sources which emit lead or lead compounds, the State has issued Air Guide-14, "Process Sources Which Emit Lead or Lead Compounds," dated June 30, 1983. However, Air Guide-14 as presently constructed does not provide adequately for the review of new or modified sources of lead with the potential to emit more than five tons per year, as required under 40 CFR 51.18 and EPA policy.

Therefore, in order for this issue to be resolved and the SIP to be finally approved by EPA, the State must submit prior to May 1, 1984 the following adopted regulatory changes or other changes to the same effect:

• In 6 NYCRR Part 231, "New Source Review in Non-attainment Areas", the State must:

—Define a "major facility" for lead as any stationary source of lead pollutant which emits, or has the potential to emit, five tons per year or more of lead or lead compounds measured as lead.

—Define a "significant net increase" in lead emissions as a rate increase of 0.6 tons per year of either actual emissions or in the capability to increase emissions.

—Require that fugitive lead emissions, to the extent quantifiable, be entered into the calculation of total emissions from major facilities.

When making changes to Part 231 the State should recognize that "banking" and offset provisions of new source review in non-attaining areas are not directly applicable to lead emissions.

• In 6 NYCRR Part 212, "Process and Exhaust and/or Ventilation Systems," and 6 NYCRR Part 225.2 "Fuel Composition and Use—Waste Fuel," the State must:

—Require that all lead point sources greater than five tons per year or significant increases in emissions at major facilities of 0.6 tons per year or more be analyzed to determine whether a violation of the standards for lead will occur. In this analysis fugitive emissions, area source, background, and stack emissions must be considered. If the final analysis, conducted using EPA approved dispersion modeling techniques, indicates that a violation of the standard will occur, then a permit cannot be issued.

• In 6 NYCRR Part 257, "Air Quality Standards," the State must add a reference to the national ambient air quality standards for lead.

It is EPA's understanding that the State is agreeable to submitting the necessary changes.

E. EPA's Proposed Action

Based on its review, EPA has determined that, with the exception of provision for new source review procedures, and the demonstration of attainment for the RSR plant, the New York lead SIP meets the requirements of Section 110(a) of the Clean Air Act and 40 CFR Part 51, Subparts B and E. EPA believes that the SIP is adequate to attain and maintain the standards for lead and is therefore proposing its approval. However, this proposal is premised on the State's assurance that it will submit to EPA enforceable measures which adequately address the new source review requirements of 40 CFR 51.18 and a complete attainment demonstration for the RSR plant. Final approval action will not be taken by EPA until this is accomplished and a subsequent disapproval action may be taken if it is not.

Interested persons are invited to comment on any element of the subject revision and on whether or not the proposed New York SIP revision meets Clean Air Act requirements. Comments received on or before February 21, 1984 will be considered in EPA's final decision. All comments received will be available for inspection at the Region II office of EPA at 26 Federal Plaza, Room 1005, New York, New York 10278.

The Administrator's final decision to approve or disapprove the New York lead SIP will be based on comments received and on a determination whether the SIP meets the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Subparts B and E.

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

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

This notice of proposed rulemaking is issued under the authority of section 110(a) of the Clean Air Act, 42 U.S.C. 7410(a).

Lists of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen oxides, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons.

Dated: November 25, 1983.

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

Jacqueline E. Schafer,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 83-33782 Filed 12-20-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-4-FRL 2494-4; TN-015]

Approval and Promulgation of Implementation Plans; Tennessee; Lead Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: As required by section 110 of the Clean Air Act and the October 5, 1978, promulgation of a National Ambient Air Quality Standard for Lead (43 FR 46246), the State of Tennessee has submitted to EPA for approval the portion of their State Implementation Plan (SIP) for lead containing the control strategy and the source specific (operating permits) regulations. The State has also submitted for parallel processing Chapter 1200-3-22 Lead Emission Standards. EPA proposes to approve these submittals with the understanding the State will correct

certain deficiencies in them. The public is invited to comment on this proposal.

DATE: To be considered, comments must be received on or before February 21, 1984.

ADDRESSES: Written comments should be addressed to Ms. Denise W. Pack of EPA Region IV's Air Management Branch (see EPA Region IV address below). Copies of the material submitted by Tennessee may be examined during normal business hours at the following locations:

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Denise W. Pack at the EPA Region IV address above or call 404/991-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On October 5, 1978 (43 FR 46246), National Ambient Air Quality Standards (NAAQS) for lead were promulgated by the Environmental Protection Agency (EPA). Tennessee has responded to the requirements of section 110(a)(1) of the Clean Air Act (the Act) by preparing and submitting a State Implementation Plan (SIP) which, if the changes discussed below are made, will provide for the attainment and maintenance of the primary and secondary lead NAAQS. The primary and secondary standard for lead is 1.5 $\mu g/m^3$, averaged over a calendar quarter.

On September 15, 1983, Tennessee submitted the control strategy demonstration and the source specific regulations (operating permits) for the three stationary lead facilities that the State had identified as significant lead sources. EPA's review of the strategy indicated that the attainment demonstration contained the following deficiencies.

1. The State utilized the CRSTER model to demonstrate attainment at two of the significant sources. EPA recommends use of the Industrial Source Complex (ISC) model.

2. The State also failed to include the results of the base year modeling or any justification as to why these results had been omitted.

3. The State used a background value of 0.008 $\mu g/m^3$ in their model. This is included in the guidance document as the concentration of lead in the cleanest area of the country and is not a recommended background for urban areas. Most States have used backgrounds of around 0.1 $\mu g/m^3$. Tennessee should use a background from a monitor that is not influenced by industry or urban traffic. The recommended modeling guidance addresses how to establish background values.

4. The plan also failed to include a summary of all ambient air monitoring data collected since 1974 or justify why this data was not included, nor did it indicate where the description of the ambient air monitoring network could be reviewed.

EPA has asked the State to correct the deficiencies just described and to make several other minor revisions in the plan. These editorial revisions are nonsubstantial and will not be discussed in this notice. Further detail is provided in a technical support document available at the EPA address listed above.

On November 17, 1983, the State submitted for parallel processing Chapter 1200-3-22: Lead Emission Standards, which contains definitions, specific emission standards for existing, new and modified sources, source sampling requirements, and lead ambient monitoring requirements. EPA has reviewed this standard and determined that the new source review portion of the rule is deficient because it does not require that a full ambient air quality analysis be conducted for all new or modified sources. Additionally, the State failed to include in the submittal the adopted version of the test methods required in this Section.

These deficiencies were also discussed with the Tennessee Division of Air Pollution Control. They have agreed to revise the SIP and submit it to the Agency by May 31, 1984.

The State operates a lead monitoring network in accordance with the requirements contained in 40 CFR Part 58 and additional monitoring sites will be established as near as possible to the maximum point of concentration of the three major lead emitting sources. The public may inspect the description of the monitoring network for lead at the Tennessee address listed above.

Action. EPA is today proposing to approve the Tennessee lead SIP and the accompanying regulations. The public is invited to comment on it. This comment period on the regulations is running concurrently with the State's and final approval can be given only after the plan has been revised as discussed above and adopted by the State.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

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

List of Subjects in 40 CFR Part 52

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

(Secs. 110 and 301 of the Clean Air Act (42 U.S.C. 7410 and 7601))

Dated: November 30, 1983.

John A. Little,

Acting Regional Administration.

[FR Doc. 83-33783 Filed 12-20-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-4-FRL-2494-1; TN-014]

Approval and Promulgation of Implementation Plans; Tennessee; Lead Implementation Plan for Memphis/Shelby County

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: As required by section 110 of the Clean Air Act and EPA's October 5, 1978, promulgation of a National Ambient Air Quality Standard for lead (43 FR 46246), the Tennessee Department of Health and Environment has submitted for parallel processing a draft State Implementation Plan (SIP) for lead development for Memphis/Shelby County. EPA is today inviting the public to comment on this SIP, which the Agency proposes to approve.

Memphis/Shelby County has complied with the requirements of section 110(a)(1) of the Clean Air Act by proposing a SIP for the implementation, maintenance, and enforcement of the primary and secondary lead national ambient air quality standards.

DATES: EPA must receive your comments on or before February 21, 1984.

ADDRESS: Written comments should be addressed to Denise W. Pack, of EPA Region IV's Air Management Branch (see EPA Region IV address below). Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations:

Air Pollution Control, Memphis/Shelby County Health Department, 814 Jefferson Avenue, Memphis, Tennessee 38105

Tennessee Department of Health and Environment; 150 9th Avenue, North, Nashville, Tennessee 37203
Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Denise W. Pack, EPA Region IV, Air Management Branch, at the address listed above or phone 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On October 5, 1978 (43 FR 46246), National Ambient Air Quality Standards (NAAQS) for lead were promulgated by the Environmental Protection Agency (EPA). Memphis/Shelby County has complied with the requirements of section 110(a)(1) of the Clean Air Act by proposing a SIP for the implementation, maintenance, and enforcement of the primary and secondary lead NAAQS. The primary and secondary standard for lead is 1.5 $\mu g/m^3$ averaged over a calendar quarter.

On October 18, 1983, the Tennessee Department of Health and Environment submitted the lead SIP of the Memphis/Shebly County Health Department (MSCHD) to EPA for parallel processing. The plan developed by MSCHD identified Refined Metals as the only significant stationary source and the modeling data included indicates that no other area in the County is exceeding the NAAQS. The plan contains a control strategy which includes a source-specific regulation (operating permit) limiting emissions from the Refined Metals facility. Additional assurance for attainment of the standard in all areas of the County is guaranteed by application of the Federal lead phase-down program.

However, the attainment demonstration performed for the refined Metals facility was based on a modeling analysis using inappropriate meteorological data. The analysis was performed under EPA contract and the affected facility will be remodeled. MSCHD is aware of this deficiency and will make any necessary corrections in the control strategy. However, it is not expected that any changes will be necessary.

Also, several minor editorial revisions will be made to the plan in response to EPA's request. These revisions will not be detailed in this notice. Further explanation is provided in the technical support document available at the EPA address listed above. MSCHD has agreed to these revisions.

Additional analyses were performed for those areas not surrounding lead point sources but where monitoring had indicated an exceedance of the standard between 1974 and 1978. No exceedances have been observed since 1978. The quarterly lead concentrations analyzed were below EPA's critical values and should be well below the standard by 1985. Automobiles are the major contributors to lead emissions in these areas. Federal regulations that limit the lead content of gasoline have resulted, and will continue to result, in a gradual decrease in lead emissions. Depending on the lead air concentration in the base (historic) year, it is possible for such areas to attain the lead standard solely due to Federal Regulations. Based on those Federal regulations and information about past and projected gasoline sales and assuming that lead concentrations decrease proportionally with automotive lead emissions, EPA has calculated critical lead concentrations for several base and attainment years. These were published in a July 1983 draft report entitled *Updated Information on Approval and Promulgation of Lead Implementation Plan.* If the highest lead concentration error given base year-attainment year combination is less than the critical value for that combination, EPA assumes that the standard will be attained by the attainment date. Results from the rollback analysis support this finding.

The plan also includes a summary of measured air quality data from 1974 to the present, a base-year emission inventory for stationary and mobile sources, and adequate provisions for the review of new and modified sources of lead emissions will be adopted.

The MSCHD operates a lead monitoring network in accordance with the requirements continued in 40 CFR Part 58, and an additional monitoring site will be established to assure that emissions from the Refined Metals facility do not cause violations of the ambient air standard. The public may inspect the description of the monitoring network for lead at the MSCHD address listed above.

Action. EPA is today proposing to approve the MSCHD's lead SIP and is soliciting public comment on it. This comment period is running concurrently with the MSCHD's and final approval can be given only after the above mentioned revisions have been made and the plan has been adopted and submitted by the State. The plan must be submitted to EPA no later than April 30, 1984.

Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

List of Subjects in 40 CFR Part 52

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

(Sections 110 and 301 of the Clean Air Act (42 U.S.C. 7410 and 7601))

Dated: November 30, 1983.

John A. Little,

Acting Regional Administrator.

[FR Doc. 83-33764 Filed 12-20-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[MS-007; A-4-FRL 2494-3]

Approval and Promulgation of Implementation Plans, Mississippi, Lead Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: As required by Section 110 of the Clean Air Act and the October 5, 1978, promulgation of a National Ambient Air Quality Standard for Lead (43 FR 46246), the State of Mississippi has submitted for parallel processing a State Implementation Plan (SIP) for lead. The lead SIP provides for the attainment of the National Ambient Air Quality Standard (NAAQS) for lead in all areas of the State. Since EPA's review of this plan indicates that it satisfies all the requirements of 40 CFR Part 51, the Agency is today proposing to approve it. The public is invited to submit comments on this proposal.

DATE: To be considered, written comments must be received on or before February 21, 1984.

ADDRESSES: Written comments should be addressed to Ms. Denise W. Pack of EPA Region IV's Air Management Branch (see EPA Region IV address below). Copies of the material submitted by Mississippi may be examined during normal business hours at the following locations:

Mississippi Department of Natural Resources, P.O. Box 10385, Jackson, Mississippi 39209
Air Management Branch, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT: Ms. Denise W. Pack at the EPA Region IV address above or call 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On October 5, 1978 (43 FR 46246), EPA promulgated National Ambient Air Quality Standards (NAAQS) for airborne lead. Under the provisions of section 110(a)(1) of the Clean Air Act (the Act), each State is required to submit a State Implementation Plan (SIP) which provides for implementation, maintenance, and enforcement of the primary and secondary NAAQS within the State. The primary and secondary standard for lead is 1.5 $\mu g/m^3$, averaged over a calendar quarter. The State of Mississippi has developed and submitted a SIP for the attainment of the lead NAAQS. The plan includes a control strategy for attainment of the standard in all parts of the State and shows attainment of the NAAQS in 1985. The plan also includes provisions for the review of new and modified sources of lead. On November 15, 1983, the Mississippi Department of Natural Resources (DNR) submitted the Mississippi lead SIP to EPA for parallel processing. In the plan, Mississippi has identified one secondary lead smelter as contributing to violations of the lead standard in Florence, Mississippi. The lead standard has not been exceeded in any other area of the State. The control strategy in the SIP contains enforceable emission limits, including schedules and reporting requirements for the control of fugitive emissions, and calculations of the reductions achieved by these measures. The modeling analysis demonstrates that these reductions will be adequate to attain and maintain the NAAQS for lead. However, the modeling performed for the plan contained several discrepancies and undocumented assumptions regarding the meterological data, modeling summary, particle size, consistency of stack parameters, and control year modeling. It is also unclear if a background value is considered in the modeling. It is also unclear if a background value is considered in the modeling. These ambiguities are discussed in greater detail in the technical support document available at the EPA address listed above and the State has agreed to make necessary changes.

Also included in the plan are a summary of measured air quality data from 1974 to present, a base-year emission inventory for stationary and mobile sources, and provisions for the review of new and modified sources of lead emissions contained in Mississippi's current new source review program.

In addition, the State has committed to operate a lead monitoring network in accordance with the requirements of 40 CFR Part 58. The public may inspect the description of the monitoring network for lead at the Mississippi DNR address listed above.

Action

EPA is today proposing to approve the State submittal as satisfying the requirements of an acceptable plan for attaining and maintaining the NAAQS for lead in Mississippi and is soliciting public comment on it. This comment period is running concurrently with the State's and final approval can be given only after the plan has been adopted by the State. The State has agreed to submit a final plan no later than April 30, 1984.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: November 30, 1983.

John A. Little,

Acting Regional Administrator.

[FR Doc. 83-33768 Filed 12-20-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[NC-007; AD-FRL 2473-3]

Approval and Promulgation of Implementation Plans, North Carolina; Miscellaneous Regulatory Changes

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve certain regulation changes which North Carolina submitted as State Implementation Plan (SIP) revisions on January 24, 1983, and to disapprove or take no action on certain other changes. EPA proposes approval of changes in the regulations dealing with volatile organic compounds (VOC), and regulations setting new particulate emission limits for incinerators and electric utility boilers. EPA is proposing disapproval of new regulations dealing with malfunctions, startups, and shutdowns. EPA is proposing no action on the annual particulate emission limits for electric utility boilers. The public is invited to submit written comments on these changes in the North Carolina SIP.

DATE: To be considered, comments must be received on or before January 20, 1984.

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

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

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

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

SUPPLEMENTARY INFORMATION: Following notice and public hearing in conformity with Federal requirements, the North Carolina Environmental Management Commission adopted numerous changes in the State's air pollution control regulations. These were submitted to EPA for approval as SIP revisions on January 24, 1983. EPA proposes to approve all the changes except the malfunction regulations at 15 NCAC 2D.0535 and the annual emission limits in new regulation 15 NCAC 2D. 0536, Particulate Emissions from Electric Utility Boilers. The changes are now described in the order that the affected regulations appear in the North Carolina Administrative Code.

15 NCAC 2D.0501, Compliance with Emission Control Standards: Language added to paragraph (g), The Bubble Concept, allows the State to relax requirements for bubbles to the extent allowed by EPA's policy statement of April 7, 1982 (47 FR 15076). It is noted that any waivers granted under 2D.0501(g)(5) must meet the procedural requirements of 2D.0603(g)(1), meaning that any changes in SIP requirements resulting from an emissions trade must be approved by EPA except for changes under the VOC generic role previously approved for North Carolina.

15 NCAC 2D.0503, Control of Particulates from Fuel Burning Sources: Language is added to clarify the treatment of residential and institutional facilities where fuel is burned for comfort heat and combustion units are dispersed among several buildings. It is also made clear that waste by-products burned as fuel are subject to this regulation; if such waste is burned as refuse, particulate emissions are limited by regulation 15 NCAC 2D.0505 dealing with incinerators. Additional changes in this regulation are described immediately below.

15 NCAC 2D.0503, Control of Particulates from Fuel Burning Sources, and *15 NCAC 2D.0504, Particulates from Wood Burning Indirect Heat Exchangers:* Both of these regulations are amended to clarify the determination of allowable particulate emissions when a new boiler is added to the plant site. Total heat input from all units at the site will be used to determine the allowable emissions from the new unit, but the allowable emissions for the existing units will remain the same. Also, language is added to clarify the determination of allowable emissions for boilers which burn both wood and fossil fuels. It should also be noted that the particulate emission control requirements for new or modified boilers under 2D.0503 and 2D.0504 would be superseded by any applicable State new source performance standards or new source review requirements.

15 NCAC 2D.0505, Control of Particulates from Incinerators: This regulation is amended to allow an incinerator to meet an emission limit of 0.08 grains per dry standard cubic foot, the Federal new source limit, rather than meet the present regulation's variable limit, based on weight of refuse charged. This regulation would result in some relaxation for a few incinerators. The state has not submitted a demonstration that the regulation would not interfere with maintenance of the ambient air quality standards or exceed any allowable prevention of significant deterioration (PSD) increments. Because the Agency does not believe it likely that the regulation would interfere with maintenance of the standards or exceed any allowable PSD increments, it is proposing approval of the regulations. However, the Agency will not finally approve this regulation until the state submits an adequate demonstration. An opportunity to comment on any such demonstration and EPA's evaluation of it will be provided to any person who requests such opportunity within the comment period for this proposal.

15 NCAC 2D.0518, Miscellaneous Volatile Organic Compound Emissions: This regulation applies to sources not subject to Federal performance standards and located in areas attaining the ambient ozone standard, and also to minor sources in nonattainment areas. In addition to specifying performance standards for petroleum storage and VOC transfer operations, it requires an 85% reduction by weight of photochemically reactive solvents when the total emissions at a plant from all articles, machines, equipment or other contrivances exceed 40 pounds per day. Under the changes in the regulations, such sources can now elect to meet the RACT (reasonably available control technology) limits in Section 2D.0900 of the State's regulations or control to the level representing BACT (best available control technology) as required under 15 NCAC 2D.0530, Prevention of Significant Deterioration. Sources which choose to be regulated in this manner are excluded from consideration when the State determines the compliance of the remaining sources at the site with the 85% reduction requirement. This revision has no effect on sources currently subject to Sections 2D.0900 and 2D.0530. EPA does not have precise figures on the impact of this rule with respect to other sources. For some sources RACT may be more stringent than the existing rule, and for other sources RACT may be less stringent. However, EPA believes that this regulation would not interefere with attainment or maintenance of the ambient air quality standards.

15 NCAC 2D.0530, Prevention of Significant Deterioration: The short-term nitrogen dioxide significant level in paragraph (k) is removed. This makes the regulation consistent with the Federal PSD regulations.

15 NCAC 2D.0531, Sources in Nonattainment Areas, and *15 NCAC 2D.0532, Sources Contributing to an Ambient Violation:* The applicability date in these regulations is changed to take into account the change in the attainment status designation of the Spruce Pine Area.

15 NCAC 2D.0535, Malfunction, Startup, and Shutdown: This is a new regulation adopted in response to EPA's request that the State define its general policy for handling excess emissions resulting from malfunctions or from a facility's being in the process of starting or ceasing operation. In part, it replaces a regulation of this type in Section 2D.0900, Volatile Organic Compounds, which is repealed. EPA proposes to disapprove 15 NCAC 2D.0535 because it is not consistent with EPA's malfunction policy. (Memorandum on "Policy on Excess Emissions During Start-up, Shutdown, Maintenance, and Malfunction," from Kathleen M. Bennett, Assistant Administrator for Air, Noise, and Radiation to Regional Administrators I–X, dated February 15, 1983.) In paragraph (g), the state grants an automatic exemption for excess emissions during start-up and shutdown. This is not consistent with EPA's malfunction policy. That policy requires that all excess emissions during start-up and shutdown be treated as violations, unless a source adequately demonstrates that excess emissions during start-ups and shutdowns could not have been prevented through careful planning and design and that bypassing of control equipment was unavoidable to prevent loss of life, personal injury, or severe property damage.

15 NCAC 2D.0536, Particulate Emissions from Electric Utility Boilers: Under the original SIP, the coal-fired boilers of Duke Power Company and Carolina Power and Light Company were regulated under 15 NCAC 2D.0503, Control of Particulates from Fuel Burning Sources. That regulation specified emission limits ranging from 0.10 to 0.14 pounds per million BTU. In June 1979, the State granted the utilities a three-year variance from the regulation, and set interim limits ranging from 0.20 to 0.25 pounds per million BTU. EPA approved the interim limits on August 20, 1980 (45 FR 55422). The variance required the utilities to conduct a series of stack tests adequate to produce a comprehensive data base that the State could use in setting permanent limits. The State has now set mass emission limits which are in many cases more restrictive than those of the variance; the variance limits for one plant, Duke-Cliffside, have been slightly relaxed. The table below specifies the old and new limits by unit in pounds of particulate per million BTU heat input.

Facility	Original limit	Variance limit	New limit
Duke Power Company:			
Allen	0.10	0.25	0.25
Belews Creek	0.10	0.25	0.18
Buck, Units 5, 6, 7	0.13	0.23	0.15
Units 8, 9	0.13	0.20	0.15
Cliffside, Units 1, 2	0.11	0.23	0.25
Units 3, 4	0.11	0.20	0.25
Unit 5	0.11	0.25	0.25
Dan River, Units 1, 2	0.14	0.20	0.15
Unit 3	0.14	0.25	0.25
Marshall, Units 1, 2	0.10	0.25	0.25
Units 3, 4	0.10	0.25	0.18
Riverbend	0.12	0.20	0.12
Carolina Power & Light Company:			
Asheville	0.13	0.25	0.25
Cape Fear	0.13	0.25	0.20
Lee, Units 1, 3	0.13	0.25	0.25
Unit 2	0.13	0.25	0.13
Roxboro, Unit 1	0.10	0.25	0.25
Unit 2	0.10	0.25	0.16

Facility	Original limit	Variance limit	New limit
Unit 3	0.10	0.25	0.10
Sutton, Unit 1	0.11	0.25	0.13
Units 2, 3	0.11	0.25	0.20
Weatherspoon, Units 1, 2	0.13	0.20	0.14
Unit 3	0.13	0.25	0.25

The State in the submittal of the 1979 variance limits adequately showed that all the units in question could emit at 0.25 pounds of particulate per million BTU without adversely affecting the attainment and maintenance of the national ambient air quality standards. A recent State submittal also suggests that the regulation will not result in any exceedance of allowable increment consumption. However, that submittal needs clarification because it does not refer specifically to the limits in the regulations at hand, and is not clear as to whether its reference to actual emissions "realized" since 1974 is a reference to average emissions in the appropriate periods used to establish the PSD baseline. In addition, the submittal does not contain any data in support of the State's conclusions. EPA is proposing approval of the regulation, but will not finally approve it until the State submits information and data which provides the necessary additional documentation that no exceedance of the allowable PSD increment consumption will occur. An opportunity to comment on any additional information and data submitted by the State will be provided to any person who requests such opportunity within the comment period for this proposal.

The State also adopted annual emission limits for each of these units. EPA is proposing no action on these annual limits as a matter of policy since it is the Agency's position that such limits do not protect the short-term standards. Although the State's innovative approach does offer possible benefits, including enhanced operation and maintenance standards, EPA's proposed approval is based on the short-term emission limits since the State's control strategy demonstration indicates the short-term limits are adequate to protect the NAAQS.

15 NCAC 2D.0606, [Monitoring and Reporting Required of] Other Coal or Residual Oil Burners: The capacity factor used is no longer the one reported to the Federal Power Commission in 1974, but the average of those reported in the three most recent calendar years.

15 NCAC 2D.0902, Applicability: The State's RACT regulations for VOC are amended by making methyl chloroform and methylene chloride exempt compounds throughout. They were previously exempt only for the regulations based on EPA's second set of Control Techniques Guidelines.

15 NCAC 2H.0603, Applications: Paragraph (h) of this permit regulation, allowing certain exemptions from the requirements of the RACT regulations for VOC without public hearing, is repealed since it does not accord with EPA policy. See the final rule published at 47 FR 32118, July 26, 1982.

Action: EPA proposes to approve these changes in the North Carolina plan except for the malfunction regulations and the annual emission limits for electric utility boilers. The proposed approval of some of the changes is made with the understanding that additional information and data will be submitted by the State before final approval. The public is invited to participate in this rulemaking by submitting written comments on the proposal.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., the Administrator must assess the economic impact of proposed rules on small entities. Pursuant to 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a submittal number of small entities. (See 46 FR 8709.) Disapproval of the malfunction regulations will not have a significant impact on a substantial number of small entities since it will simply maintain the status quo.

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any response are available for public inspection at the EPA Region IV office (see address above).

List of Subjects in 40 CFR Part 52

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

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: October 25, 1983.

John A. Little,

Acting Regional Administrator.

[FR Doc. 83-33761 Filed 12-20-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2644/P318; PH-FRI 2489-5]

Chlorpyrifos; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the insecticide chlorpyrifos and its metabolite in or on the raw agricultural commodity asparagus. The proposed regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comment must be received on or before January 20, 1984.

ADDRESS: Written comments by mail to: Program Management and Support Division (TS-757C), Offices of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 10460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 2E2664 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for combined residues of the insecticide chlorpyrifos [*O, O*-diethyl-*O*-(3, 5, 6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3, 5,6-trichloro-2-pyridinol (TCP) in or on the raw agricultural commodity asparagus at 2 parts per million (ppm). The petition was later amended to propose a 4 ppm million level and subsequently amended to increase the proposed level to 5 ppm combined residues.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance were a 2-year rat

feeding study with a red-blood-cell (RBC) cholinesterase (ChE) no-observed-effect level (NOEL) of 0.1 milligram(mg)/kilogram(kg)/day, a systemic NOEL of 3.0 mg/kg/day (highest dose tested), and no observed oncogenicity at all levels tested (0.01, 0.03, 1.0, and 3.0 ppm); a 2-year dog feeding study with an RBC ChE NOEL of 0.1 mg/kg/day and a systemic NOEL of 3.0 mg/kg/day (highest dose tested); a 2-year mouse oncogenicity study with no observed oncogenicity at all levels tested (0.01, 0.03, 1.0, and 3.0 ppm); a 3-generation rat reproduction study with a NOEL for reproductive effects of 1.0 mg/kg/day (highest dose tested); and a mouse teratology study with no observed teratogenic effects at 25 mg/kg/day (highest dose tested); an acute delayed neurotoxicity (hen) study with no observed neurotoxic effects at 100 mg/kg. An additional reproduction study is considered desirable and is in progress.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (RBC ChE NOEL of 0.1 mg/kg/day) and using a 10-fold safety factor, is calculated to be 0.01 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60/kg human is calculated to be 0.6 mg/day. The theoretical maximum residue contribution (TMRC) from existing and proposed tolerances (excluding asparagus) for a 1.5-kg daily diet is calculated to be 0.6186 mg/day; the current action will increase the TMRC by 0.00644 mg/day (1.0 perecent). The current action will utilize an additional 1.1 percent of the ADI.

The nature of the residues is adequately understood and adequate analytical methodology, gas-liquid chromatography, is available for enforcement purposes. Residue data to support the proposed tolerance are from the states of Washington and Indiana. Since asparagus is not normally used for animal feed, there will be no secondary residues in meat, milk, poultry, and eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.342 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Comestic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 2E2644/P318]. All written comments filed in response to this petition will be available in the Program Management and Support Division at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Adiministrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: December 6, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR 180.342 be amended by adding and alphabetically inserting the raw agricultural commodity asparagus to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Asparagus	5.0
* * * * *	

[FR Doc. 83-33484 Filed 12-20-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2710/P311; PH-FRL 2490-6]

S-[2-(Ethylsulfinyl)Ethyl] O,O-Dimethyl Phosphorothioate; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the pesticide S-[2-(ethylsufinyl)-ethyl] *O, O*-dimethyl phosphorothioate and its cholinesteraseinhibiting metabolites in or on the raw agricultural commodity apricots. The proposed regulation to establish a maximum permissible level for residues of the pesticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before January 20, 1984.

ADDRESS: By mail, submit comments to: Program Management and Support Division (TS-757C), Office of Pesticide Programs, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, Rm. 716B, CM #2, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2710 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Idaho.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the pesticide *S*-[2-(ethylsulfinyl)-ethyl] *O, O*-dimethyl phosphorothioate and its cholinesterase-inhibiting (ChE) metabolites in or on the raw agricultural commodity apricots at 0.5 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the

proposed tolerance were two acute oral lethal dose rat studies using technical and purified products which produced LD_{50}'s of 30–80 mg/kg and 80 mg/kg (female), respectively, and an acute oral lethal dose dog study with an LD_{50} of 20–50 mg/kg; a 60-day oral human study with a ChE NOEL at 0.05 mg/kg/day; a 90-day dog feeding study with a NOEL of 2 ppm (0.05 mg/kg); a 14-week rat feeding study with a ChE NOEL of 5 ppm (0.5 mg/kg), with a lowest effect level (LEL) for systemic effects at 10 ppm (liver cell alteration); a 90-day rat feeding study with a NOEL of 1 ppm (0.05 mg/kg); a hen neurotoxicity study, negative at 35 mg/kg; a 3-generation reproduction (hen) study with a ChE NOEL of less than 1.25 mg/kg (lowest level tested) and a systemic NOEL of 12.5 mg/kg (highest level tested).

Studies considered desirable but lacking are one teratology study, two oncogenicity studies, chronic feeding studies in two species, and a neurotoxicity study. The projected completion date for these studies is the end of 1984.

Although there are significant data gaps for the chemical, the available toxicity data are adequate to support the proposed tolerance since the proposed use will result in an insignificant increase (0.34 percent) in the current theoritical maximum residue contribution (TMRC) to the human diet.

As stated in the **Federal Register** of May 11, 1979 (44 FR 27932) the "Agency will generally consider as insignificant an increase in the TMRC of 1.0 percent or less."

The acceptable daily intake (ADI), based on the 60-day subacute human oral feeding study (ChE using a 10-fold safety factor), is calculated to be 0.005 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.3 mg/day. The TMRC from existing tolerances (excluding apricots) for a 1.5-kg daily diet is calculated to be 0.2444 mg/day; the current action will increase the TMRC by 0.00084 mg/day (0.34 percent). Published tolerances (excluding apricots) utilize 81.48 percent of the ADI; the current action will utilize an additional 0.28 percent.

The nature of the residues is adequately understood and an adequate analytical method, thermionic emission gas-liquid chromatography, is available for enforcement purposes. Residue data to support the proposed tolerance are from the states of Oregon, Washington, and Utah. Since there are no animal feed items involved, there should be no problem with secondary residues. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.330 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 2E2710/P311]. All written comments filed in response to this petition will be available in the Emergency Response and Minor Use Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: December 6, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR 180.330 be amended by adding and alphabetically inserting the raw agricultural commodity apricots to read as follows:

§ 180.330 S-[2-Ethylsulfinyl)ethyl] o,o-dimethyl phosphorothioate; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Apricots	0.5
* * * * *	

[FR Doc. 83-33477 Filed 12-20-83; 8:45 am]

BILLING CODE 6560-50

[40 CFR Part 180]

[PP 3E2913/P315; OPP-FRL 2494-2]

Ethyl 3-Methyl-4-(Methylthio) Phenyl (1-Methylethyl) Phosphoramidate; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity asparagus. The proposed regulation to establish a maximum permissible level for residues of the nematocide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before January 20, 1984.

ADDRESS: Written comments by mail to: Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Rm 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 3E2913 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of New Jersey.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the

combine residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites ethyl 3-methyl-4-(methylsulfinyl) phenyl (1-methylethyl) phosphoramidate and ethyl 3-methyl-4-(methylsulfonyl) phenyl (1-methylethyl) phosphoramidate in or on the raw agricultural commodity asparagus at 0.02 part per billion (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance were a 2-year dog feeding study with a no-observed-effect level (NOEL) of 0.025 mg/kg/day (1.0 ppm); an 18-month mouse oncogenicity study with a NOEL of 7.5 mg/kg/day (50 ppm), and no observed oncogenicity at all levels tested (2.0, 10, and 50 ppm); a 2-year rat feeding study with a NOEL for cholinesterase inhibition of 0.15 mg/kg/day (3 ppm); a 3-generation rat reproduction study with a NOEL of 1.5 mg/kg/day (30 ppm); and teratology studies using rats and rabbits with NOEL's of 0.5 mg/kg and 0.3 mg/kg, respectively. An oncogenicity study in a second species (rat) is currently being conducted and is expected to be completed in 1986.

The acceptable daily intake (ADI), based on the 2-year dog feeding study (NOEL of 0.025 mg/kg/day) and using a 10-fold safety factor, is calculated to be 0.0025 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.15 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.0045 mg/day; the current action will increase the TMRC by 0.00004 mg/day (0.9 percent). Published tolerances utilize 3.01 percent of the ADI; the current action will utilize an additional 0.03 percent.

The nature of the residues is adequately understood and an adequate analytical method, gas-liquid chromatography, is available for enforcement purposes. Asparagus is not considered an animal feed item and, therefore, there is no expectation of secondary residues in meat, milk, poultry and eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.349 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number (PP 3E2913/P315). All written comments filed in respone to this petition will be available in the Program Management and Support Division at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: December 6, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.349(a) be amended by adding, and alphabetically inserting, the raw agricultural commodity asparagus to read as follows:

§ 180.349 Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Asparagus	0.002
* * * * *	

[FR Doc. 83-33789 Filed 12-20-83; 8:46 a.m.]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 48, No. 246
Wednesday, December 21, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Targhee Forest Grazing Advisory Board Meeting

The Targhee National Forest Grazing Advisory Board meeting will be held January 27, 1984, at 1:00 p.m. at the Supervisor's Office, Targhee National Forest, 420 North Bridge St., St. Anthony, ID 83445.

The purpose of the meeting will be for the Board to make recommendations to the Forest Supervisor on range allotment planning and the use of range betterment funds schedule for fiscal year 1984.

In accordance with the Federal Advisory Committee Act, (Pub. L. 92-463) this meeting is open to the public. Forest Supervisory John Burns requests that comments from non-board participants be withheld until the conclusion of the business meeting.

For additional information, contact Val Gibbs at the Targhee National Forest Supervisor's Office or telephone 208-624-3151.

John Burns,

Forest Supervisor.

[FR Doc. 83-33732 Filed 12-20-83; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

North Arkansas Electric Cooperative, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500), and REA Bulletin 20-21:320-21, Environmental Policies and Procedures has made a Finding of No Significant Impact with respect to a request for proposed financing assistance from North Arkansas Electric Cooperative, Inc., (NAEC) for construction of 69 kV transmission facilities in Fulton and Sharp Counties, Arkansas.

FOR FURTHER INFORMATION CONTACT:

REA's Finding of No Significant Impact (FONSI) and Environmental Assessment (EA) and NAEC's Borrower's Environmental Report (BER) may be reviewed in the office of the Chief, Distribution and Transmission Engineering Branch, Southwest Area-Electric, Room 0009, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 382-1915, or at the office of North Arkansas Electric Cooperative, Inc., (L. R. Cochran, Manager), P.O. Box 1000, Salem, Arkansas 72576, telephone (501) 895-3221, during regular business hours.

SUPPLEMENTARY INFORMATION: REA, in conjunction with a request for financing assistance from NAEC, has reviewed the BER submitted by NAEC and has determined that it represents an accurate assessment of the environmental impact of the proposed project. NAEC's project consists of a 69 kV transmission line about 27 km (17 mi) long between the existing Salem Substation at Salem, Arkansas, and the existing Ash Flat Substation at Ash Flat, Arkansas.

REA determined that the proposed project will have no effect on cultural resources, important farmland, floodplains, wetlands and threatened and endangered species.

Alternatives examined for the NAEC 69 kV facilities included no action and alternative routes in Fulton and Sharp Counties. REA determined that the proposed 69 kV facilities is an acceptable alternative to provide NAEC's needs.

Based upon the BER and support documents, REA prepared an EA concerning the proposed project and its impact. REA has independently evaluated the proposed project and has concluded that approval of financing assistance for the project would not constitute a major Federal action significantly affecting the quality of the human environment.

In accordance with REA Bulletion 20-21:320-21, dated January 21, 1980, NAEC advertised and requested comments on the environmental aspects of the proposed project in local newspapers. There were no comments.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850-Rural Electrification Loans and Loan Guarantees.

Dated: December 15, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-33853 Filed 12-20-83; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Public Availability of the President's Private Sector Survey on Cost Control (PPSSCC) Final Reports

AGENCY: Department of Commerce.

ACTION: Announcing Public Availability of the President's Private Sector Survey on Cost Control (PPSSCC) Final Reports.

SUMMARY: The PPSSCC Final Reports are being distributed by the Government Printing Office. The following reports are now available:

Name of report	GPO stock No.	Price
1. Department of Health and Human Services/The Social Security Administration	003-000-00590-9	$7.00
2. Boards/Commissions-Banking	003-000-00591-7	8.00
3. Federal Hospital Management	003-000-00592-5	6.50
4. Federal Construction Management	003-000-00593-3	6.00
5. Privatization	003-000-00594-1	6.50
6. Real Property Management	003-000-00595-0	9.50
7. Automated Data Processing	003-000-00601-8	6.50

Contact: To order the above reports, call (202) 783-3238.

FOR FURTHER INFORMATION CONTACT:

Ms. Phyllis D. Lambry, U.S. Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230, (202) 377-3271.

Dated: December 14, 1983.

Marilyn S. McLennan,

Chief, Information Management Division, Office of Information Resources Management.

[FR Doc. 83-33760 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-BP-M

International Trade Administration

[C-435-001]

Carbon Steel Wire Rod From Czechoslovakia; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of the petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Czechoslovakia of carbon steel wire rod as described in the "Scope of Investigation" section below, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. The decision to initiate does not imply any judgment whether the practices concerned are in fact bounties or grants.

We will make our preliminary determination on or before February 16, 1984.

EFFECTIVE DATE: December 21, 1983.

FOR FURTHER INFORMATION CONTACT: Laura Campobasso, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW. Washington, D.C. 20230 (202) 377-3174.

SUPPLEMENTARY INFORMATION:

Petition

On November 23, 1983, we received a petition from the following: Atlantic Steel Company, Continental Steel Company, Georgetown Steel Corporation, and Raritan River Steel Company, on behalf of the carbon steel wire rod industry. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Czechoslovakia of carbon steel wire rod receive, directly or indirectly, benefits which constitute bounties or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Section 303 of the Act applies to this investigation because Czechoslovakia is not a "country under the Agreement" within the meaning of section 701(b) of the Act. Further, because the merchandise is dutiable the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

Initiation of Investigation

Under section 702(c), we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioners supporting the allegations. We have examined the petition on carbon steel wire rod and have found that the petition meets those requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Czechoslovakia of carbon steel wire rod, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by February 16, 1984

Scope of the Investigation

For the prupose of this investigation, the term "*carbon steel wire rod*" covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured; and valued over 4 cents per pound, currently classifiable in item 607.17 of the *Tariff Schedules of the United States*.

Allegations of Bounties or Grants

The petition alleges that manufacturers, producers, or exporters in Czechoslovakia of carbon steel wire rod receive the following benefits which constitute boundies or grants:

- Multiple exchange rate.
- Conversion coefficients applied to product or currency rates.
- Foreign Exchange Retention Scheme.

This Notice of initiation should not be construed to mean that we have resolved the question of whether the countervailing duty law applies to non-market economy countries such as Czechoslovakia, or that the alleged foreign exchange practices constitute bounties or grants within the meaning of the countervailing duty law. Similar issues arose in recent investigations involving textiles, apparel, and related products from the Peoples Republic of China, intiated on october 3, 1983, (48 FR 46600). During the course of the textiles investigations, we held a public conference to discuss these novel issues. Because these investigations were terminated on December 6, 1983 after the petitioner withdrew its petition, prior to the issuance of preliminary determinations, we did not have an opportunity to decide these issues.

Dated: December 13, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-33758 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-DS-M

[C-455-003]

Carbon Steel Wire Rod From Poland; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of the petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Poland of carbon steel wire rod as described in the "Scope of Investigation" section below, received benefits which constitute bounties or grants within the meaning of the countervailing duty law. The decision to initiate does not imply any judgment whether the practices concerned are in fact bounties or grants.

We will make our preliminary determination on or before February 16, 1984.

EFFECTIVE DATE: December 21, 1983.

FOR FURTHER INFORMATION CONTACT: Laura Campobasso, Office of Investigation, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202) 377-3174.

SUPPLEMENTARY INFORMATION:

Petition

On November 23, 1983, we received a petition from the following: Atlantic Steel Company, Continental Steel Company, Georgetown Steel Corporation, and Raritan River Steel Company, on behalf of the carbon steel wire rod industry. In compliance with the filing requirements of § 355.26 of the

Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Poland of carbon steel wire rod receive, directly or indirectly, benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Section 303 of the Act applies to this investigation because Poland is not a "country under the Agreement" within the meaning of section 701(b) of the Act. Further, because the merchandise is dutiable the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on carbon steel wire rod and have found that the petition meets those requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Poland of carbon steel wire rod, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by February 16, 1984.

Scope of the Investigation

For the purpose of this investigation the term *"carbon steel wire rod"* covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross-section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured; and valued over 4 cents per pound, as currently provided for in item 607.17 of the *Tariff Schedules of the United States.*

Allegations of Bounties or Grants

The petition alleges that manufacturers, producers, or exporters in Poland of cargon steel wire rod receive the following benefits which constitute bounties or grants:

- Multiple exchange rate.
- Adjustment coefficients or shadow rates applied to product or currency rates.
- Price equalization bounties or grants to exporting companies.
- Currency retention program.

This notice of initiation should not be construed to mean that we have resolved the question of whether the countervailing duty law applies to non-market economy countries such as Poland, or that the alleged foreign exchange practices constitute bounties or grants within the meaning of the countervailing duty law. Similar issues arose in recent investigations involving textiles, apparel, and related products from the Peoples Republic of China, initiated on October 3, 1983, (48 FR 46600). During the course of the textiles investigations, we held a public conference to discuss these novel issues. Because these investigations were terminated on December 6, 1983, after the petitioner withdrew its petition, prior to the issuance of preliminary determinations, we did not have an opportunity to decide these issues.

Dated: December 13, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-33757 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-DS-M

[C-469-009]

Carbon Steel Wire Rod From Spain; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of the petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Spain of carbon steel wire rod as described in the "Scope of Investigation" section below, received benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of the merchandise are materially injuring, or threatening to materially injure, a U.S. industry. If our investigation proceeds normally, the ITC will make its preliminary determination on or before January 9, 1984, and we will make ours on or before February 16, 1984.

EFFECTIVE DATE: December 21, 1983.

FOR FURTHER INFORMATION CONTACT: Laura Campobasso, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C., 20230, (202) 377-3174.

SUPPLEMENTARY INFORMATION:

Petition

On November 23, 1983, we received a petition from the Atlantic Steel Company, Continental Steel Company, Georgetown Steel Corporation, North Star Steel Company-Texas, and Raritan River Steel Company, on behalf of the carbon steel wire rod industry. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Spain or carbon steel wire rod receive, directly or indirectly, benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act) and that these imports are materially injuring, or threatening to materially injure, a U.S. industry.

Spain is considered a "country under the Agreement" within the meaning of section 701(b) of the Act, therefore, Title VII of the Act applies to this investigation and in an injury determination is required.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on carbon steel wire rod and have found that the petition meets those requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Spain of carbon steel wire rod, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies. If our investigation proceeds normally, we will make our preliminary determination by February 16, 1984.

Scope of the Investigation

For the purpose of this investigation the term *"carbon steel wire rod"* covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross-section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured; and valued over 4 cents per pound, as currently provided for in item 607.17 of the *Tariff Schedules of the United States.*

Allegations of Subsidies

The petition alleges that manufacturers, producers, or exporters in Spain of carbon steel wire rod receive the following benfits which constitute subsidies:

- Preferential Loans
- Capital Infusions for Loss Coverage
- Capital Financing of Wire Rod Mill
- National Steel Industry Program
- Warehouse Construction Loans
- Privileged Circuit Exporter Credits
- Refinancing Loan
- Annual Finance Investment Plan
- Equity Infusions
- Benefits Available to Subsidiaries
- Order of May 22, 1980

Allegations of Critical Circumstances

Petitioners allege their petition demonstrates that imports of wire rod from Spain have benefited from Privileged Circuit Exporter Credits, which constitute an export subsidy "inconsistent with the Agreement", and that there have been massive imports of wire rod from Spain over a short period. Accordingly, they allege under 703(e)(1) of the Act and § 355.29(a) of the Department's Regulations that critical circumstances exist.

Notification to ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission of these actions and to provide it with the information we used to arrive at these determinations.

We will notify the ITC and make available to it all non-privileged and non-confidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by January 9, 1984, whether there is a reasonable indication that imports of carbon steel wire rod from Spain are materially injuring, or threatening to materially injure, a U.S. industry. If that determination is negative, the investigation will terminate; otherwise, the investigation will proceed to conclusion.

Dated: December 13, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-33756 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-Free Entry of Scientific Instruments; Bituminous Coal Research, Inc., et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we inivite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83-349. Applicant: Bituminous Coal Research, Inc., 350 Hochberg Road, P.O. Box 278, Monroeville, PA 15146. Instrument: Computer-based Coal Mine Monitoring and Control System. Manufacturer: Hawker Siddeley Dynamics Engineering, Ltd., United Kingdom. Intended use: An evaluation directed at the potential of system for improving productivity and safety in U.S. coal mines. How the system can be used by management, what information should be collected, in what form it should be presented, will be of prime interest, rather than how technically the system is constructed to obtain and handle this information. Result of the evaluation will be presented in reports and open briefings. Application received by Commissioner of Customs: November 10, 1983.

Docket No.: 83-362. Applicant: Auburn University, Department of Chemical Engineering, Auburn, AL 36849. Instrument: Electron Energy Loss Spectrometer, Model ELS-22 with Accessories. Manufacturer: Leybold-Heraeus GMBH & Co., West Germany. Intended use: Determination of the nature and structure of adsorbed gases on the surface region of the specimen. Specimens of particular interest include heterogeneous catalysts and coal surfaces. Experiments to be conducted include preparation and reaction of materials in selected gaseous environment at pressures up to 30 atmospheres (in a contiguous reaction vessel) followed by immediate sample transfer into ultra-high vacuum work chamber where the electron energy loss is performed. Education—Training of MS and Ph.D. students during the course of their research. Application received by Commissioner of Customs: November 22, 1983.

Docket No.: 84-2. Applicant: New York University Medical Center, 550 First Avenue, New York, NY 10016. Instrument: Accessories for Freeze-etch Apparatus. Manufacturer: Balzers Union, Liechtenstein. Intended use: Studies of specimens of central and peripheral nervous tissue from experimental animals. These studies are designed to illuminate the mechanisms involved in the destruction and reformation of myelin in experimental animal models of various human demyelinating diseases, including multiple sclerosis and Guillain-Barre syndrome. Application received by Commissioner of Customs: November 22, 1983.

Docket No.: 84-3. Applicant: State University of New York at Stony Brook, Department of Pediatrics, Health Sciences Center, T-11, Stony Brook, NY 11794. Instrument: Electron Microscope, Model JEM 1200EX. Manufacturer: JEOL Ltd., Japan. Intended use: Study of the composition and structure of human and experimental animal biopsy specimens and body fluids. Education—Training of post-doctoral fellows requiring fine structural and analytical techniques in their research investigations, and by doctoral candidates in other disciplines of the basic sciences. Application received by Commissioner of Customs: November 22, 1983.

Docket No.: 84-4. Applicant: University of Miami, MED RES Building, 1600 NW., 10th Avenue, Miami, FL 33101. Instrument: Electron Microscope, JEM 100CX. Manufacturer: JOEL Ltd., Japan. Intended use: Studies of the following: (1) Ultrastructural aspects of microvillus growth. (2) Ultrastructural analysis of stress fiber organization in tissue culture cells. (3) Plasma membrane mobility and immunoglobulin biosynthetic pathway. Application received by Commissioner of Customs: November 22, 1983.

Docket No.: 84-5. Applicant: National Institutes of Health, National Institute of Dental Research, Bldg. 30, Room 211, 9000 Rockville Pike, Bethesda, MD 20205. Instrument: Electron Microscope, JEM 100CX/SEG. Manufacturer: JEOL Ltd., Japan. Intended use: Investigations to increase the knowledge and understanding of cellular structure and function, particularly of secretory cells; and to understand altered cellular function in disease states. The experiments to be conducted will be designed to answer basic questions in cell biology and experimental pathology. These include: structure and function of

the Golgi apparatus in secretory cells; mechanisms of exocytosis, endocytosis and membrane recycling; lysosomal function in secretory cells; regulation of cellular differentiation and secretion; localization of specific intra-cellular and cell surface molecules. Application received by Commissioner of Customs: November 22, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-33754 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-DS-M

Certain Welded Carbon Steel Pipes and Tubes from Taiwan; Postponement of Public Hearing

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of public hearing.

SUMMARY: This notice informs the public that the Department has decided to postpone its public hearing on whether certain welded carbon steel pipes and tubes from Taiwan are being, or are likely to be sold in the United States at less than fair value until February 14, 1984.

EFFECTIVE DATE: December 21, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Nicholas C. Tolerico, Office of Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Telephone (202) 377-4036.

SUPPLEMENTARY INFORMATION: On December 5, 1983, the Department published a notice in the **Federal Register** stating that the final determination on whether carbon steel pipes and tubes from Taiwan are being or are likely to be sold in the United States at less than fair value was extended until March 12, 1984, and that a public hearing was scheduled for January 25, 1984. (48 FR 54526)

The Department has decided to postpone the public hearing until February 14, 1984. Accordingly, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary for Import Administration by February 7, 1984.

Dated: December 15, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-33753 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-25-M

Export Trade Certificate of Review; VEXTRAC, Ltd.

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and invites interested parties to submit information relevant to the determination of whether a certificate should be issued.

DATES: Comments on these applications must be submitted on or before January 10, 1984.

ADDRESS: Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to this application as "Export Trade Certificate of Review, application number 83-00036."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 48 FR 10596-10604 (Mar. 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and State antitrust laws for the export trade, export trade activities and methods of operation specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards For Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meet these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937-10 (April 13, 1983).

Request for Public Comments

The Office of Export Trading Company Affairs (OETCA) is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the **Federal Register** identifying the persons submitting the Application and summarizing the conduct proposed for certification. The OETCA and the applicant have agreed that this notice fairly represents the conduct proposed for certification. Through this notice, OETCA seeks written comments from interested persons who have information relevant to the Secretary's determination to grant or deny the application below. Information submitted by any person in connection with the application(s) is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

The OETCA will consider the information received in determining whether the proposed conduct is "export trade," "export trade activities," or a

"method of operation" as defined in the Act, regulations and guildelines and whether it meets the four certification standards. Based upon the public comments and other information gathered during the analysis period, the Secretary may deny the application or issue the certificate with any terms or conditions necessary to assure compliance with the four standards.

The OETCA has received the following application for an Export Trade Certificate of Review:

Applicant: VEXTRAC, Ltd., 600 World Trade Center, Norfolk, Virginia 23510.

Application #: 83–00036.

Date Received: December 2, 1983.

Date Deemed Submitted: December 7, 1983.

Members in Addition to Applicant: None.

Summary of application: VEXTRAC, Ltd., a Virginia corporation, submitted an application seeking certification for the following export trade activities and methods of operation for its export trade worldwide.

A. Export Markets

VEXTRAC intends to facilitate export trade (through Virginia ports) to markets worldwide.

B. Export Trade

VEXTRAC will provide export trade facilitation services (including market identification, research, and development; advertising; insurance; product research and design; transportation; communication and processing of foreign orders; legal assistance; and financing) to potential exporters. VEXTRAC will also study the feasibility of proposed export ventures, including joint ventures by competing producers, and will help implement and participate in feasible projects. VEXTRAC will seek certification of these projects as they develop.

C. Export Trade Activities and Methods of Operation

VEXTRAC might require exporters using its export trade facilitation services to agree:

(1) To use VEXTRAC as an intermediary in arranging for financing and transportation, including freight forwarding.

(2) To ship through Virginia ports.

(3) To not compete with VEXTRAC, upon withdrawal from VEXTRAC or from any export venture implemented by VEXTRAC, for export orders for which VEXTRAC has bid.

In studying the feasibility of proposed export ventures, VEXTRAC might need proprietary information from prospective participants. Specifically, VEXTRAC will solicit information concerning cost, production capacity, inventories, domestic prices, quality control, transportation facilities, and financial position. VEXTRAC will limit access to this information to VEXTRAC and Virginia Port Authority staff. After the staff has analyzed the information obtained, VEXTRAC will disseminate gross figures, including average price, average production capacity, average inventory levels, and average cost, and a preliminary feasibility determination to the prospective participants. VEXTRAC will disseminate only gross figures.

The Office of Export Trading Company Affairs is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the **Federal Register.** Interested parties have twenty (20) days from the publication of this notice in which to submit written information relevant to the determination of whether certificates should be issued. Information submitted by any person in connection with these applications will be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

Dated: December 16, 1983.

Irving P. Margulies,

Deputy General Counsel.

[FR Doc. 83-33851 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), will meet to discuss:

—Shrimp FMP Monitoring Assessments
—Statistical Data Collection Programs
—Mackerel FMP Amendments.

The Council's Personnel Management Committee will also discuss personnel actions from 2:30 to 5:30 p.m. on Tuesday, January 17, 1984, and a portion of that meeting will be closed to the public to interview candidates for a staff position and to discuss their qualifications for the position.

DATES: The Council meeting will convene at 8:30 a.m., on Wednesday, January 18, 1984, and recess at approximately 5:00 p.m., reconvene at 8:30 a.m., Thursday, January 19, 1984, and recess at approximately 5:00 p.m.

ADDRESS: The meeting will be held at the Shamrock Hilton, 6900 South Main at Holcombe Boulevard, Houston, Texas, 77205.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815.

Dated December 16, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-33841 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council; Intercouncil Mackerel Management Committee, Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of Public Meetings.

SUMMARY: The Gulf of Mexico and South Atlantic Fishery Management Councils, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), will jointly convene their Mackerel Management Committee members to consider amendment of the Mackerel Fishery Management Plan. In addition, preceding this inter-Council meeting, the South Atlantic Council will convene members of its King and Spanish Mackerel Advisory Panel to discuss stock assessment and the emergency amendment.

DATES: The Committee meeting will be convened at 1 p.m., Wednesday, January 4, 1984, and will adjourn at approximately 5 p.m.; reconvene at 8 a.m., Thursday, January 5, 1984, and will adjourn at approximately 5 p.m. The King and Spanish Mackerel Advisory Panel meeting will convene on Tuesday, January 3, 1984, at 10 a.m., and will adjourn at 6 p.m.; reconvene on Wednesday, January 4, 1984, at approximately 8 a.m., and will adjourn at approximately noon. All meetings will take place at the Gateway Airport Inn, 1419 Virginia Avenue, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813)—228–2815.

or

South Atlantic Fishery Management Council, Southpark Building—Suite 306, Charleston, South Carolina 29407, Telephone: (803)—571–4366.

Dated: December 16, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-33842 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council, Shrimp Advisory Panel; Public Meeting

AGENCY: National Marine Fisheries Service, Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), will convene its Shrimp Advisory Panel members to discuss:

—Texas Closure Analysis
—Tortugas Sanctuary Analyses
—Transboundary Tagging Study.

DATES: The advisory panel meeting will be convened at 12:00 noon on Monday, January 16, 1984, and will adjourn at approximately 5:00 p.m.

ADDRESS: The meeting will take place at the Shamrock Hilton, 6900 South Main at Holcombe Boulevard, Houston, Texas, 77205.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609. Telephone: (813) 228–2815.

Dated: December 16, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-33844 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council, Special Shrimp Committee; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), will convene Special Shrimp Committee members of the Scientific and Statistical Committee to discuss:

—Texas Closure Analysis
—Tortugas Sanctuary Analyses
—Transboundary Tagging Study.

DATES: The meeting will be convened at 10:00 a.m., and will adjourn at approximately 4:30 p.m. on January 12, 1984.

ADDRESS: The meeting will take place at the Landmark Motor Hotel, 2601 Severn Avenue, Metairie, Louisiana, 70002.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815.

Dated: December 16, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-33843 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Comments on Foreign Fishing Applications

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Opportunity for Public Comments on Foreign Fishing Applications Received by the Mid-Atlantic Fishery Management Council.

SUMMARY: The Mid-Atlantic Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended). As required by the Act, Section 204(b)(5), the Council announces that the public may comment on any and all foreign fishing applications received by the Council by January 3, February 6, March 5, April 2, May 7 and June 4, 1984.

The Council's staff will be available between 9 a.m. and noon on each of these dates to receive comments, which may be made in person at the Council's Headquarter's Office, Federal Building, Room 2115, 300 South New Street, Dover, Delaware (phone: 302–674–2331), between the above-stated hours. In addition, written comments must be mailed in time to be received and reviewed by the Council, by January 3, February 6, March 5, April 2, May 7 and June 4, 1984.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115—Federal Building, 300 South New Street, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: December 16, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-33846 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Publ. L. 94–265, as amended), will meet to discuss the Bluefish Fishery Management Plan (FMP); Surf Clam and Ocean Quahog FMP; Atlantic Mackerel, Squid and Butterfish FMP, joint ventures, status of other FMPs, as well as other fishery management and administrative matters. The Council may also go into closed session to discuss personnel and/or national security matters. The agenda items may be rearranged or changed or the meetings lengthened or shortened depending upon progress on the agenda items.

DATES: The public meetings will begin at approximately noon on January 11, 1984, and adjourn at approximately 3 p.m., on January 13, 1984, and will take place at the Tidewater Inn, Dover and Harrison Streets, Easton, Maryland 21601: phone—301–822–1300.

FOR FURTHER INFORMATION CONTACT: John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115—Federal Building, 300 South New Street, Dover, Delaware 19901. Phone: 302–674–2331.

Dated: December 16, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-33845 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Man-Made Fiber Textile Products from Costa Rica

December 16, 1983.

ACTION: Granting an increase by the application of carryover from 1,929,000 dozen to 2,141,190 dozen for man-made fiber brassieres in Category 649, produced or manufactured in Costa Rica

and exported during the twelve-month period which began on January 1, 1983.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 22, 1980 provides, among other things, for the carryover of shortfalls in certain categories to the next agreement year (carryover). Pursuant to the terms of the bilateral agreement, and at the request of the Government of Costa Rica, the import restraint limit established for Category 649 is being increased to 2,141,190 dozen for goods exported during 1983.

EFFECTIVE DATE: December 16, 1983.

SUPPLEMENTARY INFORMATION: On December 3, 1982, there was published in the **Federal Register** (47 FR 54527) a letter dated November 30, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established a level of restraint for man-made fiber textile products in Category 649, produced or manufactured in Costa Rica and exported to the United States during the twelve-month period which began on January 1, 1983. In accordance with the terms of the bilateral agreement, the level of restraint for man-made fiber textile products in Category 649 is being increased to 2,141,190 dozen. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase that level to the designated amount.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 16, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On November 30, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of man-made fiber textile products in Category 649, produced or manufactured in Costa Rica and exported during the twelve-month period beginning on January 1, 1983, in excess of the designated level of restraint. The Chairman further advised you that the level of restraint is subject to adjustment.[1]

Under the terms of Sections 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 22, 1980 between the Governments of the United States and Costa Rica; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to increase, effective on December 16, 1983, the twelve-month level of restraint established for man-made fiber products in Category 649 to 2,141,190 dozen.[2]

The action taken with respect to the Government of Costa Rica and with respect to imports of man-made fiber textile products from Costa Rica has been determined by the Committee for the implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

(FR Doc. 83-33802 Filed 12-20-83; 8:45 am)

BILLING CODE 3510-DR-M

Announcing Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Philippines, Effective on January 1, 1984

December 16, 1983.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1984. For further information contact Carl Ruths, International Trade Specialist, (202) 377-4212.

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1982, as amended, between the Governments of the United States and the Republic of the Philippines establishes limits for cotton, wool and man-made fiber textile products in Categories 331, 333/334, 335, 336 pt., 337 pt., 338/339, 340, 341, 347, 348, 352 pt., 431, 433, 435, 443, 445/446, 604, 631, 635 pt., 636 pt., 641, 645/646, 648 pt., 649, and 652 pt., among other categories which have been produced or manufactured in the Philippines and exported during the agreement year which begins on January 1, 1984 and extends through December 31, 1984. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the aforementioned categories, in excess of the designated restraint limits and which have been exported during that twelve-month period. The limits for Categories 333/334, 335, 340, 341 pt., 348 pt., 431, 445/446, 635 pt., 641 pt., 645/646, and 648 pt., have been adjusted to account for carryforward used in 1983. The level for Category 645/646 pt. has been further reduced to account for overshipments amounting to 5,000 dozen. Certain categories not subject to specific ceilings may be adjusted during the year upon agreement between the two governments.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: January 1, 1984.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 16, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Sections 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles and done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1982, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Orders

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 22, 1980, between the Governments of the United States and Costa Rica which provide, in part, that: (1) The specific limit may be increased for carryover and carryforward up to 11 percent of the applicable category limit or submit; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports exported after December 31, 1982.

11951 of January 6, 1977 and 12188 of January 2, 1980, you are directed to prohibit, effective on January 1, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in Categories 331, 333/334, 335, 236 pt., 337 pt., 338/339, 340, 341, 347, 348, 352 pt., 431, 433, 435, 443, 445/446, 604, 631, 635 pt., 636 pt., 641, 645/646, 648 pt., 649, and 652 pt., produced or manufactured in the Philippines, and exported during 1984, in excess of the following levels of restraint:

Category	12-mo. level of restraint
331	658,480 dozen pairs.
333/334	81,805 dozen.
335 pt.[1]	36,513 dozen.
335 pt.[2]	36,594 dozen.
336 pt. [3]	29,313 dozen.
337 pt.[4]	44,293 dozen.
338/339	846,762 dozen.
340	250,294 dozen.
341 pt. [5]	71,411 dozen.
341 pt.[6]	96,183 dozen.
347	273,552 dozen.
348 pt.[7]	218,226 dozen.
348 pt.[8]	236,531 dozen.
352 pt.[9]	87,925 dozen.
431	54,373 dozen pairs.
433	3,357 dozen.
435	2,238 dozen.
443	2,260 dozen.
445/446	17,231 dozen.
604	2,288,290 pounds.
631 pt.[10]	1,802,203 dozen pairs.
631 pt.[11]	200,000 dozen pairs.
635 pt.[12]	223,093 dozen.
636 pt.[13]	45,263 dozen.
641 pt.[14]	192,838 dozen.
641 pt.[15]	72,118 dozen.
645/646 pt.[16]	90,590 dozen.
646 pt.[17]	253,024 dozen.
648 pt.[18]	57,623 dozen.
649	4,016,746 dozen.
652 pt.[19]	610,808 dozen.

[1] In Category 335, TSUSA numbers 376.5412, 383.0240, 383.0250, 383.0520, 383.0605, 383.0857, 383.2805, 383.2810, 383.2815, 383.3075, 383.3200, 383.3420, 383.3425, 383.3430, 383.3435, 383.3440, 383.3445, 383.3455, 383.3464, 383.4715, 383.5078, 383.5308, 772.3020, and 791.7415.

[2] In Category 335, all TSUSA numbers except those listed in footnote 1.

[3] In Category 336, all TSUSA numbers except 383.0306, 383.0615, 383.2920, 383.4816, 383.4820, and 383.4823.

[4] In Category 337, all TSUSA numbers except 383.0335, 383.0830, 383.5036, 383.5038 and 383.5047.

[5] In Category 341, only TSUSA numbers except 383.0506, 383.4704, 383.4707, and 383.4711.

[6] In Category 341, all TSUSA numbers except those listed in footnote 5.

[7] In Category 348, only TSUSA numbers 383.0611, 383.0616, 383.2836, 383.4749, 383.4755, 383.4759, and 383.4763.

[8] In Category 348, all TSUSA numbers except those listed in footnote 7.

[9] In Category 352, all TSUSA numbers except 378.0550, 378.0571, 378.1035, and 378.2030.

[10] In Category 631, all TSUSA numbers except 704.3215, 704.6525 and 704.9000.

[11] In Category 631, only those TSUSA numbers listed in footnote 10.

[12] In Category 635, all TSUSA numbers except 383.8119.

[13] In Category 636, all TSUSA numbers except 383.2016, 383.2315, 383.8622 and 383.9230.

[14] In Category 641 all TSUSA numbers except 383.2215 and 383.9030.

[15] In Category 641, only TSUSA numbers 383.2215 and 383.9030.

[16] In Category 645/646, all TSUSA numbers except 383.1857 and 383.8070.

[17] In Category 646, only TSUSA numbers 383.1857 and 383.8070.

[18] In Category 648, all TSUSA numbers except 383.1955, 383.2250, 383.8146 and 383.9071.

[19] In Category 652, all TSUSA numbers except 378.6530.

In carrying out this directive, entries of textiles products in the foregoing categories, except Category 641 pt.[1] which have been exported to the United States during the period beginning on January 1, 1983 and extending through December 31, 1983, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Category 641 pt.[1], that have been exported prior to January 1, 1984 shall not be subject to this directive.

The levels of restraint are subject to adjustment according to the provisions of the bilateral agreement of November 24, 1982, as amended, between the Governments of the United States and the Republic of the Philippines which provide, in part, that: (1) Specific levels of restraint may be exceeded during the agreement year by designated percentages; (2) specific levels of restraint may be adjusted for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton, wool and man-made fiber textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-33759 Filed 12-20-83; 8:45 am]

BILLING CODE 3510-DR-M

[1] In Category 641, only TSUSA numbers 383.2215 and 383.9030.

COMMODITY FUTURES TRADING COMMISSION

Delegation of Authority; Administrative Law Judge

Correction

In FR Doc. 83-33260 appearing on page 55608 in the issue of Wednesday, December 14, 1983, in the first column, ninth line, "1068" should read "10.68".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information collection and form number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Accident Information Exchange (AF Form 841)

The Air Force requires drivers involved in accidents on Air Force installations to exchange pertinent information. AF Form 841, Accident Information Exchange, is used for this purpose. The information exchanged is needed by the drivers to notify their insurance companies and to complete accident reports required by state motor vehicle agencies.

Individuals operating motor vehicles on Air Force installations: 205 responses; 34 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Mr. A. L. Thomas, Air Force Office of Security Police, Kirtland AFB, NM 87117, telephone (505) 844-6627.

Dated: December 16, 1983.

M. S. Healy,

OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 83-33794 Filed 12-20-83; 8:45 am]

BILLING CODE 3910-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following: (1) Type of submission; (2) Title of information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondents; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Existing Collection in Use Without an OMB Contol Number

Application for Trusteeship Designation in Behalf of Air Force Member Due to Injury or Illness—AFAFC Form 2192

This report is submitted to AFAFC/RPBC by a prospective trustee for an incompetent retired U.S. Air Force member. AFAFC/RPBC evaluates the application and determines if the applicant would make a competent trustee.

About 100 per year are submitted to AFAFC/RPBC and it takes about one-half hour to complete for a total of 50 hours per year.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John Wenderroth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of AFAFC Form 2192 may be obtained from Oscar Sjoberg, AFAFC/RPS, Denver, CO 80279. Commercial telephone (303) 370–7458.

Dated: December 16, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-33795 Filed 12-21-83; 8:45 am]

BILLING CODE 3910-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information collection and form number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Temproary Vehicle/Visitor Installation Pass (AF Form 75)

Air Force Form 75 is used by the Security Police to issue an identification pass to base visitors who do not have valid U.S. Government, state, or local identification credentials and to provide for the temporary registration of vehicles that do not display DOD vehicle registration decals. It is also used to satisfy legal requirements concerning the legality of base entry implied consent to search.

Individuals seeking access to Air Force bases: 95,000 responses; 4,750 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB Washington DC 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington DC 20301, telephone (202) 694–0187.

A copy of the information collection proposal may be obtained from Mr. A. L. Thomas, Air Force Office of Security Police, Kirtland AFB, NM 87117, telephone (505) 844–6627.

Dated: December 16, 1983.

M. S. Healy,

OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 83-33796 Filed 12-21-83; 8:45 am]

BILLING CODE 3910-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information collection and form number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Air Force Crime Prevention Program Field Interview (AF Form 1668)

Air Force Security Police use the field interview as a crime prevention device and as a valuable investigative tool in the identification of witnesses and suspects. Generally, field interviews are used only in specific instances of reported or suspected crime, in response to particularly suspicious behavior, or at unusual times in a high crime area. During the interview, the Security Police attempt to learn the person's identity, his or her business in the area, and possible connection to the incident being investigated. This information is recorded on AF Form 1668.

Individuals on Air Force installations: 47,540 responses; 2,377 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington DC 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington DC 20301, telephone (202) 694–0187.

A copy of the information collection proposal may be obtained from MSgt Nancy Brigham, Air Force Office of Security Police, Kirtland AFB, NM 87117, telephone (505) 844–6627.

Dated: December 16, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-33798 Filed 2-20-83; 8:45 am]

BILLING CODE 3910-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondents; (5) An estimate of the number of responses; (6) An

estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Existing Collection In Use Without Any OMB Control Number

Trustee Report on Behalf of Member and Dependents—AFAFC Form 0–297

This is a report submitted by trustees on behalf of retired U.S. Air Force incompetent members. AFAFC/RPBC reviews the expenses incurred on behalf of the member for reasonableness and also to ensure that all funds have been accounted for. About 800 are submitted each year and it takes about two hours to complete. This makes a total of 1600 hours per year.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694–0187.

A copy of AFAFC Form 0–297 may be obtained from Oscar Sjoberg, AFAFC/RPS, Denver, CO 80279. Commercial telephone (303) 370–7458.

Dated: December 16, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-33797 Filed 12-20-83; 8:45 am]

BILLING CODE 3910-01-M

UUSAF Scientific Advisory Board; Meeting

December 13, 1984.

The USAF Scientific Advisory Board Ad Hoc Committee for the USAF Scientific Advisory Board Aero-Medical Bio-Sciences Panel will meet January 17–19, 1984, from 8:30 am to 5 pm each day at Brooks AFB TX.

The Committee will receive classified briefings on ongoing aeromedical research projects.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–4811.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-33733 Filed 12-20-83; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Proposed Addition of Hydropower at Coffeeville and Warrior Locks and Dams on the Black Warrior and Tombigbee Rivers, Alabama

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

1. The proposed action would involve construction of a powerhouse and installation and operation of hydroelectric generators at both Coffeeville and Warrior Locks and Dams.

2. *Alternatives.* Several alternatives are being developed for providing hydropower at Coffeeville and Warrior Locks and Dams. The DEIS will include an evaluation of the environmental, social, economic, and engineering impacts associated with each alternative plan. The following alternatives are being considered:

a. Run-of-river facility at Coffeeville and Warrior.

b. Run-of-river facility at Warrior and increasing the pool elevation for peaking capability at Coffeeville.

c. No action at Coffeeville and/or Warrior.

3. *Scoping Process.*

a. The scoping process as outlined by the Council on Environmental Quality in the November 29, 1978 **Federal Register**, National Environmental Policy Act Regulations, will be utilized to involve Federal, State, and local agencies, and other interested persons in the preparation of the DEIS. Identification of significant issues to be addressed in the DEIS will be determined through the scoping process. The views and concerns of agencies and individuals will be obtained through personal, telephone, and mail contacts as well as public workshops in lieu of a formal scoping meeting.

b. Coordination with the U.S. Fish and Wildlife Service as required by the Fish and Wildlife Coordination Act and the Endangered Species Act is being undertaken. Coordination as required by other statutes and regulations will also be conducted.

4. *DEIS Preparation.* It is estimated that the DEIS will be available to the public in April 1984.

5. *Address.* Questions about the proposed action can be answered by: Mrs. Ingrid G. Nester, U.S. Army Engineer District, Mobile, Attn: SAMPD-ES, P.O. Box 2288, Mobile, Alabama 36628.

Dated: December 2, 1983.

Ronald A. Krizman,

Deputy Commander, Mobile District.

[FR Doc. 83-33869 Filed 12-20-83; 8:45 am]

BILLING CODE 3710-CR-M

DEPARTMENT OF EDUCATION

National Advisory Council on Bilingual Education; Hearing

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice of hearing.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming hearing of the National Advisory Council on Bilingual Education. Notice of this hearing 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.

DATES: January 11, 1984—Public Hearing—9 a.m.–4:30 p.m., Public Hearing will be held at the San Francisco Hilton Hotel, Cabrillo Room, 335 O'Farrell Street, San Francisco, California 94102.

FOR FURTHER INFORMATION CONTACT: Ramon Ruiz, Designated Federal Official, Room 421, Reporter's Building, 400 Maryland Avenue SW., Washington, DC 20202 (202–245–2600).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations:

January 11, 1984, in consonance with the Council's mission to advise in the preparation of regulations under the Bilingual Education Act, testimony will be heard on the following topics which impact on the bilingual community:

(1) Use of High Technology in Bilingual Education;

(2) Needs of Special Populations;

(3) Research; and

(4) 1988 Reauthorization.

Witnesses should notify Judith Moses at (419) 556–4921 of their intention of testifying in San Francisco, California.

The following procedures shall be observed during the public hearings:

(1) Witnesses shall be heard on a first-come basis;

(2) Witnesses shall limit their testimony to twenty minutes;

(3) All testimony shall be tape-recorded; and

(4) Exceptions to the aforementioned procedures shall be at the discretion of the Chairperson.

Records are kept of all Council proceedings, and are available for public inspection at the Office of Bilingual Education and Minority Languages Affairs, Room 421, Reporters Building, 400 Maryland Avenue SW., Washington, DC 20202 from the hours of 8 a.m.–4:30 p.m.

Dated: December 16, 1983.

Jesse M. Soriano,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 83-33801 Filed 12-20-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Public Law 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective January 1, 1984. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue SW., Room BE–034, Washington, D.C. 20585, Telephone: (202) 252–6077.

Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million Btu's
Alabama	4.14
Arizona [1]	4.04
Arkansas [1]	3.86
California [1]	4.04
Colorado [2]	3.99
Connecticut [1]	4.36
Delaware [1]	4.39
Florida	4.06
Georgia [1]	4.27
Idaho [2]	3.99
Illinois [1]	4.23
Indiana	3.97
Iowa [1]	4.23
Kansas	4.15
Kentucky [1]	4.23
Louisiana [1]	3.86
Maine	4.34
Maryland [1]	4.39
Massachusetts	4.35
Michigan [1]	4.23
Minnesota	4.15
Mississippi	4.25
Missouri [1]	4.23
Montana [2]	3.99
Nebraska [1]	4.23
Nevada [1]	4.04
New Hampshire [1]	4.36
New Jersey	4.25
New Mexico	3.51
New York [1]	4.39
North Carolina [1]	4.27
North Dakota [1]	4.23
Ohio	4.18
Oklahoma [1]	3.86
Oregon	4.02
Pennsylvania	4.32
Rhode Island [1]	4.36
South Carolina [1]	4.27
South Dakota [1]	4.23
Tennessee	4.18
Texas [1]	3.86
Utah [2]	3.99
Vermont [1]	4.36
Virginia [1]	4.27
Washington	3.97
West Virginia [1]	4.23
Wisconsin [1]	4.23
Wyoming [2]	3.99

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM–79–21.
[2] Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during October 1983 was $34.50 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective January 1, 1984, is $7.73 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81–27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81–28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of August 1983, September 1983, and October 1983.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective January 1, 1984, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, August 1983, September 1983, and October 1983. Reported prices for sales in August 1983 were adjusted by the percent change in the nationwide volume-weighted average price from August 1983 to October 1983. Prices for September 1983 were similarly adjusted by the percent change in the nationwide volume-weighted average price from September 1983 to October 1983. The volume-weighted 3-month average of the

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

adjusted August 1983 and September 1983, and the reported October 1983 prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Price.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had not reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of August, September, and October 1983. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No 6 high sulfur residual fuel oil for the ten trading days ending December 14, 1983, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of October 1983. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follow:

Region A	*Region B*
Connecticut	Delaware
Maine	Maryland
Massachusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	

Region C	*Region D*
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippi	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	

Region E	*Region F*
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	

Region G	*Region H*
Colorado	Arizona
Idaho	California
Montana	Nevada
Utah	Oregon
Wyoming	Washington

Issued in Washington, D.C., December 16, 1983.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 83-33890 Filed 12-19-83; 11:38 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. EF84-1021-000]

Alaska Power Administration; Filing

December 15, 1983.

Take notice that on December 2, 1983, the Acting Assistant Secretary for Conservation and Renewable Energy of the Department of Energy, by Rate Order No. APA-5, did confirm and approve, on an interim basis, to be effective with the beginning of the December billing period, new rate schedule SN-F-2 for Alaska Power Administration's Snettisham Project.

The new rates will be in effect pending the Commission's approval of them, or substitute rates, on a final basis, or until superseded. The Acting Assistant Secretary states that the rate schedule is submitted for confirmation and approval on a final basis pursuant to authority vested in the Commission by Delegation Order No. 0204.33.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 3, 1984. 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. 83-33831 Filed 12-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-13-000]

Consolidated Gas Supply Corp.; Petition for Waiver and/or Adjustment of Time-of-Filing Requirements of Parts 271 and 274 of the Commission's NGPA Regulations

December 15, 1983.

Take notice that on December 5, 1983, Consolidated Gas Supply Corporation (Consolidated) filed pursuant to Rule 207, 18 CFR 385.207 (1983), of the Commission's regulations [1] a petition for waiver and/or adjustment of 18 CFR Parts 271 and 274 (1983) or such other relief as the Commission may deem necessary to permit the retroactive collection of rates pursuant to section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3318 (Supp. V 1981) for gas produced from approximately 450 "old" wells. These "old" wells are company-owned wells drilled before January 1, 1973, on leases acquired before October 8, 1969. Consolidated states that the relief it seeks would implement the Supreme Court's decision in *Public Service Commission of the State of New York* v. *Mid-Louisiana Gas Company*, — U.S. —, 103 S.Ct. 3024 (1983) *aff'g Mid-Louisiana Gas Co.* v. *FERC*, 664 F.2d 530 (5th Cir. 1981).

Consolidated states that a waiver of the time-of-filing requirements in the Commission's regulations, Parts 271 and 274, is necessary in order to qualify its "old" wells as stripper wells pursuant to NGPA section 108. Consolidated seeks an order granting such waiver to allow Consolidated to file well determination applications with the appropriate state jurisdictional agencies to qualify its approximately 450 "old" pipeline production wells for section 108 prices retroactive to December 1, 1978, and to allow Consolidated to debit, on the date of such applications, its special Account No. 191 subaccount related to *Mid-Louisiana* for the difference between the section 108 maximum lawful price and the amount currently being collected or reflected in such subaccount.

Any person desiring to be heard or to make any protest to the requested waiver should file, within 15 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of Rules 214 or 211 of the Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding.

[1] Consolidated amended its original request for relief under Rule 1101, by letter dated December 9, 1983, to request consideration under Rule 207.

Any person wishing to become a party must file a petition to intervene in accordance with the Commission's Rules. 18 CFR 385.211 and 385.214 (1983).

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33832 Filed 12-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-139-000]

Connecticut Light & Power Co.; Filing

December 15, 1983.

The filing Company submits the following:

Take notice that on December 6, 1983, Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule pertaining to a Northfield Mountain Purchase Agreement between CL&P, Western Massachusetts Electric Company ((WMECO) and together with CL&P, the Licensees) and North Attleboro Electric Department (the Department) dated as of August 1, 1983.

CL&P states that the Purchase Agreement provides for a sale to the Department of a specified percentage of capacity and related pondage from the Licensees' Northfield Mountain Pumped Storage Hydro Electric Project (Project) together with related transmission service during the period August 1, 1983 through the earlier of: (i) April 30, 1986 or (ii) the day following the date Millstone Unit No. 3 (a unit presently under construction by this Licensees) first achieves 30 MWh per hour of net generation.

CL&P further states that the capacity charge rate for the Project is a rate determined on a cost-of-service basis for the entire Project. The monthly transmission charge is equal to one-twelfth of the average annual cost of transmission service on the transmission system of the Licensees and their affiliated Northeast Utilities companies and is determined in accordance with Schedule B to the Purchase Agreement, multiplied by the number of kilowatts of winter capability which the Department is entitled to receive pursuant to the Purchase Agreement during each month. The station service charge is equal to the average cost of oil-fired generation on the system of the Licensees for the prior month, multiplied by the Department's share of the Project's station service energy requirements.

CL&P requests an effective date of August 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33833 Filed 12-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-134-000]

Connecticut Light and Power Co.; Filing

December 15, 1983.

The filing Company submits the following:

Take notice that on December 5, 1983, Connecticut Light and Power Company (CP&L) tendered for filing as an initial rate schedule an agreement (the Agreement) between CL&P, Western Massachusetts Electric Light Company (WMECO, and together with CL&P, the NU Companies) and Braintree Electric Department (Braintree). The Agreement, dated as of July 11, 1983, provides for the NU Companies to sell to Braintree power from the systems of the Companies (system power) that may be available on a daily or weekly basis (a transaction). CL&P states that the timing of transactions cannot be accurately estimated but that the NU Companies would offer to sell such system power to Braintree only when it was economic to do so. Braintree would only accept such offer if it was economical to do so.

Braintree will pay a capacity charge to the NU Companies for each transaction in an amount equal to the megawatts of system capacity reserved for Braintree by the NU Companies during each hour of a transaction multiplied by the capacity charge rate which is negotiated prior to each transaction. Braintree will pay an energy charge to the NU Companies for each transaction in an amount equal to the megawatthours delivered by the NU Companies during such transaction multiplied by the energy charge rate. The energy charge rate is based on the heat rate and the replacement fuel price of the generating unit(s) which the NU

Companies determine to be available to provide energy at the time of a transaction.

CL&P requests an effective date of July 11, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 27, 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. 83-33834 Filed 12-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-123-000]

Dayton Power & Light Co.; Filing

December 15, 1983.

The filing Company submits the following:

Take notice that on December 1, 1983, Dayton Power & Light Company (DP&L) tendered for filing an executed Purchase and Resale Agreement (Agreement) between DP&L and the Village of Yellow Springs (Yellow Springs), Ohio.

DP&L states that the proposed Agreement allows Yellow Springs to purchase energy requirements from third parties who will use existing Interconnection Agreement Rate schedules to deliver the energy requirements to DP&L for delivery to Yellow Springs.

DP&L requests an effective date of December 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 385.214). All such motions or protests should be filed on or before December 27, 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. 83-33835 Filed 12-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-133-000]

Detroit Edison Co.; Filing

December 15, 1983.

The filing Company submits the following:

Take notice that on December 5, 1983, Detroit Edison Company (Detroit Edison) tendered for filing the following document:

1. General Transmission Service Schedule.

Detroit Edison states that the new transmission service rates will be $0.35 per kilowatt per week for 120 kV service and above, and $0.49 per kilowatt per week for 24/40 kV service. In addition, 10%, not to exceed one mill per kilowatthour, will be added to the cost of energy being delivered. Line losses will be added whenever significant.

The new transmission service rates will be available to the City of Detroit—PLD, City of Wyandotte, and the Village of Clinton.

Detroit Edison requests an effective date of July 1, 1984.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 27, 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. 83-33836 Filed 12-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-135-000]

Detroit Edison Co.; Filing

December 15, 1983.

The filing Company submits the following:

Take notice that on December 5, 1983, Detroit Edison Company (Detroit) tendered for filing a Power Supply Agreement between Detroit and the Municipal Cooperative Power Pool. Detroit states that this Agreement supersedes and replaces in their entirety (a) the Electricity Supply Agreement between the Michigan Municipal Electric Cooperative Power Pool and Detroit dated September 1, 1974, as amended, and (b) the Electricity Supply Agreement between the Michigan Municipal Electric Cooperative Power Pool and Detroit dated September 21, 1977, as amended.

Detroit requests an effective date of November 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33837 Filed 12-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-136-000]

Kansas Gas and Electric Co.; Filing

December 15, 1983

The filing Company submits the following:

Take notice that on December 5, 1983, Kansas Gas and Electric Company (KG&E) tendered for filing proposed changes in its FERC Electric Service Tariff Nos. 87, 89 and 128.

KG&E states that the filing increases its rates for partial requirements firm power service and accompanying energy supplied to the Cities of Chanute, Fredonia, and Iola, Kansas.

KG&E further states that this filing is necessary to reflect a rate increase awarded by a panel of the American Arbitration Association on November 9, 1983.

KG&E requests an effective date of November 9, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Cities of Chanute, Fredonia and Iola, Kansas and the Utilities Division of Kansas Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33838 Filed 12-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-132-000]

Southern California Edison Co.; Filing

December 15, 1983.

The filing Company submits the following:

Take notice that on December 5, 1983, Southern California Edison Company (Edison) tendered for filing a change of rate for scheduling and dispatching services under the provisions of Edison's agreements with the parties listed below as embodied in their FERC Rate Schedules.

Edison requests an effective date of October 9, 1983, and therefore requests waiver of the Commission's notice requirements.

Entity	Rate Schedule FERC No.
1. City of Riverside (Riverside)	94
2. City of Anaheim (Anaheim)	95

Edison states that the filing is in accordance with the terms of each of these agreements, which state that the rates for these services will be redetermined based on Edison's annual budget for load dispatching and Production Section function expenses for each year.

Copies of this filing were served upon all interested parties and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33839 Filed 12-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-138-000]

Southern California Edison Co.; Filing

December 15, 1983.

The filing Company submits the following:

Take notice that on December 6, 1983, Southern California Edison Company (Edison) tendered for filing an notice of change of rates for transmission service as embodied in Edison's agreements with the following entities:

	Rate Schedules FERC No.
San Diego Gas & Electric Company	139, 151
City of Burbank	135, 166
City of Pasadena	158, 137
Arizona Electric Power Cooperative	161
M-S-R Public Power Agency	153
City of Glendale	136, 143
Imperial Irrigation District	138

Edison requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Additionally, Edison is requesting authorization to refund certain overcollections under the following rate schedules:

	Rate Schedule FERC No.	Effective date
San Diego Gas & Electric Co.	151	Apr. 1, 1982.
City of Burbank	135	May 1, 1982.
City of Pasadena	137	May 1, 1982.
San Diego Gas & Electric Co.	139	May 1, 1982.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

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 December 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33840 Filed 12-20-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Energy.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $2,389.88 in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings involving Bob's Oil Company, a reseller of motor gasoline located in Martin, South Dakota.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of

Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to case number HEF-0039.

FOR FURTHER INFORMATION CONTACT:

Richard W. Dugan, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to a consent order entered into by Bob's Oil Company, which settled possible pricing violations in the firm's sales of motor gasoline to wholesale customers during the September 1979 through November 1979 audit period.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of an escrow account funded by Bob's pursuant to the consent order. The DOE has tentatively decided that the consent order funds should be distributed to the three retail outlets which the DOE's audit indicated may have been overcharged, in the amounts of the alleged overcharges. However, Applications for Refund filed by other wholesale purchasers of gasoline from Bob's during the audit period will be considered. Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: December 12, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 12, 1983.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Case: Bob's Oil Company.
Date of Filing: October 13, 1983.
Case Number: HEF-0039.

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration (ERA) may request the Office of Hearings and Appeals to formulate and implement special procedures to make refunds in order to remedy the effects of violations of DOE regulations. *See* 10 CFR Part 205, Subpart V. The Subpart V regulations set forth general quidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. The Subpart V process is intended to be used in situations where DOE is unable to readily ascertain the persons who are entitled to refunds or the amounts that such persons are entitled to receive as a result of enforcement proceedings. *See Office of Enforcement*, 9 DOE ¶ 82,553 (1983).

Pursuant to the provisions of Subpart V, on October 13, 1983, the ERA filed a Petition for the Implementation of Special Refund Proceedings in connection with a consent order entered into with Bob's Oil Company (Bob's). Bob's is a "reseller-retailer" of motor gasoline as that term was defined in 10 CFR 212.31, and is located in Martin, South Dakota. A DOE audit of Bob's records revealed possible pricing violations in the amount of $2,194.74 in the firm's sales of regular and unleaded gasoline to three gasoline retailers during the period September 1, 1979 through November 30, 1979 (the audit period). In order to settle all claims and disputes between Bob's and DOE regarding the firm's sales of gasoline to its wholesale customers during the audit period, Bob's and the DOE entered into a consent order on October 2, 1980 in which Bob's agreed to pay $2,389.88 to DOE for deposit into an interest bearing escrow account for ultimate distribution to the parties bearing the burden of the alleged overcharges. This amount represented 100 percent of the alleged overcharge amount found in the audit plus $195.14 in accrued interest as of the date of the consent order.

The three customers which were identified by ERA as having been overcharged, the amount of their gasoline purchases during the three month audit period, and the amount of Bob's settlement payment (including interest paid by Bob's) attributable to each are set forth in the table below.

Customer	Purchase volumes (gallons)	Refund amount
Porcupine Trading Post, Porcupine, SD 57772	76,135	$1,369.64
Paschall Service, Porcupine, SD 57772	31,179	575.48
May's Grocery, Allen, SD 57714	24,145	444.76

On the basis of the information in the record at this time, we are inclined to distribute the money in the Bob's refund pool to the three customers of Bob's indicated above in the amount of the overcharges found plus accrued interest. In view of the small amount of money involved in this proceeding and since the record indicates that these firms are the parties most likely to have been injured by Bob's pricing practices, we have tentatively decided that this would be the most equitable and efficient method of accomplishing restitution.[1] We recognize, however, that other wholesale customers not identified by the ERA audit may have been overcharged by Bob's during the audit period and may be entitled to a portion of the consent order fund. If additional meritorious claims are filed, the appropriate amount of refund to each firm will be determined at the time of actual disbursement from the escrow account.

In order to obtain a refund, each of the three firms will be required to certify to the Office of Hearings and Appeals that there has been no change in ownership of the firm since the audit period, and that the information concerning the firm contained in this decision is correct. If there has been a change in ownership, we will determine which owner is entitled to the refund. In the event that money remains after all claims are filed, undistributed funds could be distributed in various ways. For example, they could be distributed to the State of South Dakota, where Bob's sales were apparently made, provided the state files a plan with this Office to use these funds for an energy related project which meets with our approval. *See Worldwide Energy Corp.*, 11 DOE ¶ 85,023 (1983).

It Is Therefore Ordered That:

The $2,389.88 refund amount remitted to the Department of Energy by Bob's Oil Company, will be distributed in

[1] In previous decisions concerning special refund proceedings, we have generally required those parties claiming a portion of a consent order fund who are not consumers to demonstrate that they did not pass through the effects of the overcharges to their customers. We have also stated in our prior decisions, however, that parties that purchased relatively small amounts of product need not make such a showing. *See Office of Special Counsel (Tenneco)*, 9 DOE ¶ 82,538 at 85,202-05 (1982); *Office of Enforcement (Lyon County Cooperative)*, 10 DOE ¶ 85,016 (1982). In the present case, all of the refunds will be relatively small. We therefore will not require that these three firms demonstrate that they did not pass through the alleged overcharges.

accordance with the foregoing determination.

[FR Doc. 83-33738 Filed 12-20-83; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ZPF-354; PH-FRL 2491-8]

Certain Companies; Pesticide, Feed, and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide, feed, and food additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: By mail submit written comments to: Program Management and Support Division (TS-757C), Attn: Product Manager (PM) 17, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Rm. 236, CM2, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments must be identified by the document control number [PF-354]. All written comments filed in response to this notice will be available for public inspection in the Program Management and Support Division office at the address above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Timothy A. Gardner, PM-17, CM2, Rm. 207 (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA give notice that the Agency has received the following pesticide, feed, and food additive petitions relating to the establishment of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initial Filing

1. *PP 4F2986.* ICI Americas Inc., Concord Pike & New Murphy Rd., Wilmington, DE 19897. Proposes amending 40 CFR Part 180 by establishing tolerances for the residues of the insecticide (±) alpha-cyano-3-(phenoxyphenyl) methyl (±)-*cis,trans*3-(2,2-dichloroethenyl)-2,2-dimethylcyclorpropanecarboxylate in or on the commodity pecans at 0.05 part per million (ppm). The proposed analytical method for determining residues is by gas chromatography.

2. *FAP 4H5416.* Mobay Chemical Corp., P.O. Box 4913, Hawthorn Rd., Kansas City, MO 64120. Proposes amending Chapter I, 21 CFR by establishing regulations permitting residues of the insecticide cyano (4-fluoro-3-phenoxyphenyl) methyl 3-(2, 2-dichloroethenyl)-2, 2-dimethylcyclopropanecarboxylate as follows:

a. In Part 561 for the commodities cottonseed hulls at 2.50 ppm and soybean hulls at 0.30 ppm.

b. In Part 193 for the commodities refined cottonseed deodorized oil at 2.00 ppm and refined soybean deodorized oil at 0.09 ppm.

(Sec. 408(d)(2) 68 Stat. 512, (21 U.S.C. 346a(d)(2); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))]

Dated: December 12, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-33655 Filed 12-20-83; 8:45 am]
BILLING CODE 6560-50-M

[OPP-180632; PH-FRL 2488-6]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests in the States listed below. Also listed are three crisis exemptions initiated by two States.

DATES: See each specific and crisis exemptions for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each specific and crisis exemption for the name of the contact person. The information applies to all people: By mail:

Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

Office location and telephone number: Rm. 716, CM2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Arizona Commission of Agriculture and Horticulture for the use of triadimefon on cucurbits to control powdery mildew; November 7, 1983 to September 1, 1984. Arizona had initiated a crisis exemption for this use. (Gene Asbury)

2. Arkansas State Plant Board for the use of dicamba on land to be used for cotton and soybean production to control redvine and trumpet creeper; October 12, 1983 to November 30, 1983. (Jack E. Housenger)

3. California Department of Food and Agriculture for the use of methiocarb on wild rice to control depredating birds in the Counties of Shasta and Yuba; October 11, 1983 to October 31, 1983. California had initiated a crisis exemption for this use. (Jack E. Housenger)

4. Florida Department of Agriculture and Consumer Services for the use of permethrin on tomatoes grown for fresh market to control leafminers; October 14, 1983 to June 30, 1984. (Jack E. Housenger)

5. Florida Department of Agriculture and Consumer Services for the use of methamidophos on Chinese cabbage, escarole, endive, and parsley to control aphids, lepidopterous larvae, and leafminers; October 12, 1983 to June 30, 1984. (Libby Welch)

6. Louisiana Department of Agriculture for the use of dicamba on land to be used for cotton and soybean production to control redvine and trumpet creeper; October 12, 1983 to November 30, 1983. (Jack E. Housenger)

7. Missouri Department of Agriculture for the use of methiocarb on wine grapes to control bird depredation; October 11, 1983 to October 31, 1983. Missouri had initiated a crisis exemption for this use. (Jim Tompkins)

8. Tennessee Department of Agriculture for the use of dicamba on land to be used for cotton and soybean production to control redvine and trumpet creeper; October 12, 1983 to November 30, 1983. (Jack E. Housenger)

9. Texas Department of Agriculture for the use of metalaxyl on sunflower seeds for export to Italy to control downy mildew; October 21, 1983 to December 31, 1983. (Jack E. Housenger)

10. Texas Department of Agriculture for the use of dicamba on land to be used for cotton production to control lakeweed; October 12, 1983 to November 30, 1983. (Jack E. Housenger)

11. Washington Department of Agriculture for the use of carbofuran on raspberries to control root weevils; November 1, 1983 to February 15, 1984. (Libby Welch)

Crisis exemptions were initiated by the:

1. California Department of Food and Agriculture on October 11, 1983, for the use of iprodione on lettuce to control lettuce drop. Since it was anticipated that this program would be needed for more than 15 days, California has

requested a specific exemption to continue it. The need for this program is expected to last until February 1, 1984. (Jim Tompkins)

2. California Department of Food and Agriculture on October 11, 1983, for the use of iprodione on garlic to control white rot. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The need for this program is expected to last until December 31, 1983. (Jack E. Housenger)

3. Oklahoma Department of Agriculture on October 24, 1983, for the use of permethrin on turnip greens, collards, mustard, and kale to control cabbage looper. The program ended on November 8, 1983. (Jack Housenger)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: December 7, 1983.

James M. Conlon,

Director, Office of Pesticide Programs.

[FR Doc. 83-33481 Filed 12-20-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-353] PH-FRL 2489-3]

Certain Companies; Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: By mail submit written comments to:

Program Management and Support Division (TS-757C), Attn: Product Manager (PM) 21, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Rm. 236, CM#2, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments must be identified by the document control number [PF-353]. All written comments filed in response to the notice will be available for public inspection in the Program Management and Support Division office at the address above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, PM-21, CM#2, Rm., 227, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA gives notice that the agency has received the following pesticide petitions relating to the establishment and/or amendment of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

I. Initial Filing

PP 4F2980. SDS Biotech Corp., 7528 Auburn Rd., P.O. Box 348, Painesville, OH 44077. Proposes amending 40 CFR 180.275 by establishing tolerances for the combined residues of the fungicide chlorothalonil (2,4,5,5-tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-tricloroisophthalonitrile in or on the commodity dry beans at 0.5 part per million (ppm). The proposed analytical method for determining residues is gas chromatography.

II. Amended Petition

PP 3F2887. Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120. EPA issued a notice published in the **Federal Register** of July 13, 1983 (48 FR 32076) which announced that Mobay Chemical Corp., had submittted a pesticide petition 3F2887 to the Agency proposing to amend 40 CFR 180.410 by establishing tolerances for the combined residues of the fungicide 1-(4-chlorophenoxy)-3, 3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolite beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol in or on the commodities apricots, peaches, nectarines, and plums (fresh prunes) at 4.0 parts per million (ppm); cucurbits at 0.3 ppm; sugar beets at 1.0 ppm; and sugar beet tops at 3.0 ppm.

Mobay amended the petition by decreasing the tolerance level for sugar beets from 1.0 ppm. to 0.5 ppm. The analytical method for determining residues is gas chromatography employing a nitrogen specific alkali flame detector.

(Sec. 408(d)(2) 68 Stat. 512, (21 U.S.C. 346a(d)(2)))

Dated: December 6, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-33483 Filed 12-20-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-356; PH-FR 2489-4]

Uniroyal Inc.; Pesticide and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment and/or amendment of tolerances for residues of the insecticide propargite in or on the commodities pecans and pecan shells.

ADDRESS: By mail submit written comments to:

Program Management and Support Division (TS-757C), Attn: Product Manager (PM) 15, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Rm. 236, CM#2, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments must be identified by the document control number [PF-356]. All written comments filed in response to this notice will be available for public inspection in the Program Management and Support Division office at the address above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: George LaRocca, PM-15, CM#2, Rm. 204, (703-557-2400).

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment of tolerances for residues of the insecticide propargite in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initial Filing

1. *PP 3F2962.* Uniroyal Chemical Division of Uniroyal Inc., 74 Amity Rd., Bethany, CN 06525. Proposes amending 40 CFR 180.259 by establishing tolerances for residues of the insecticide propargite [(2-*p*-tert-butylphenoxy) cyclohexyl-2-propynyl sulfite)] in or on the commodity pecans at 0.1 part per million (ppm). The proposed analytical method for determining residues is gas chromatography using a sulfur specific detector.

2. *FAP 3H5414.* Uniroyal Inc. Proposes amending 21 CFR 561.330 by establishing a regulation permitting residues of the insecticide propargite in or on the commodity pecan shells at 1.0 ppm.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2); (409(b)(5), 72 Stat. 1786, (21 U.S.C. 348)))

Dated: December 6, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-33480 Filed 12-20-83; 8:45 am]

BILLING CODE 6560-50-M

[AMS-FRL 2493-6]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for VCD Supplemental Gaseous Fuel Delivery System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the completion of the EPA evaluation of the "VCD Supplemental Gaseous Fuel Delivery System" under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act. The notice also announces our findings, conclusions, and the availability of the report.

SUPPLEMENTARY INFORMATION:

I. Background

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) the effect of any retrofit device on fuel economy;

(2) the effects of any such device on emissions of air pollutants; and

(3) any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting evaluations of fuel economy retrofit devices on March 23, 1979 [44 FR 17946].

II. Origin of Request for Evaluation, Device Descriptions and Report Identification

On October 13, 1983, the EPA received a request from VCD Fuel System for evaluation of the VCD Supplemental Fuel Delivery System as a fuel saving device. It is designed to operate the engine of a vehicle on a mixture of gasoline and propane. The device consists of a gaseous fuel metering and control unit, a modified carburetor and associated electrical and plumbing components. The device functions by replacing some of the gasoline with propane under some operating conditions. The device causes the engine to idle on propane, cruise on gasoline, and accelerate on a mixture of the two fuels. This is claimed to be more fuel efficient. This combination of improvements in fuel efficiency and fuel substitution is claimed to save both fuel and money.

Report: "EPA Evaluation of the VCD Supplemental Gaseous Fuel Delivery System Under Section 511 of the Motor Vehicle Information and Cost Savings Act". Report Number EPA-AA-TEB-511-83-13 contains the analysis and conclusions and consists of *75* pages including all attachments.

III. Availability of Evaluation Reports

Copies of this report may be obtained from the National Technical Information Service by using the above report number. Address requests to:

National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161; Telephone: (703) 487-4650 or FTS 737-4650.

IV. Summary of Evaluation

EPA fully considered all of the information submitted by the device manufacturer in the Application. The evaluation of the VCD Supplemental Gaseous Fuel System device was based on that information and our engineering judgment.

The device did substitute propane for some of the gasoline. Although the substitution of propane for gasoline has the potential to affect fuel economy, emissions and operating costs, neither the data submitted by the applicant nor technical analysis showed an economic or fuel economy benefit. In fact, the emission levels of HC and CO were found to increase substantially. This, in the absence of positive test data, EPA has no reason to support the claims made for the device or to continue the evaluation on its own.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Sources, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105; Telephone: (313) 668-4299.

Dated: December 14, 1983.

Sheldon Meyers,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 83-33767 Filed 12-20-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing; George Edward Gunter, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and state	File No.	MM Docket No.
A. George Edward Gunter; Jacksonville, TX.	BPH-820916AG	83-1305
B. Kathy Johnson d.b.a. Kirk Broadcasting Company; Jacksonville, TX.	BPH-830215AB	83-1306

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a simple standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, A
2. Comparative, A, B
3. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919

M Street, N.W., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-33741 Filed 12-20-83; 8:45 am]

BILLING CODE 6712-01-M

Long-Pride Broadcasting Co. of Texas et al.; Hearings

[MM Docket No. 83-1297; File No. BP-820305AH et al.]

Hearing Designation Order

Adopted: November 22, 1983.

Released: December 15, 1983.

In re Applications of Long-Pride Broadcasting Company of Texas, Lincoln, Nebraska; MM Docket No. *83-1297*, File No. BP-820305AH; Req: 1180 kHz, 1 kW, 10 kW-LS, DA-2; Union College Lincoln, Nebraska; MM Docket No. *83-1298*, File No. BP-820409AC; Req: 1180 kHz, 1 kW, DA-N, U; Sioux Man Broadcasting, Inc., Lincoln, Nebraska; MM Docket No. *83-1299*, File No. BP-820409AD; Req: 1180 kHz, 1 kW, DA-N, U, Mitchell Broadcasting Company, Inc., Bellevue, Nebraska; MM Docket No. *83-1300*, File No. BP-820409AE; Req: 1180 kHz, 1 kW, 5kW-LS, DA-2, Great Empire Broadcasting, Inc., Council Bluffs, Iowa; MM Docket No. *83-1301*, File No. BP-820409AF; Req: 1180 kHz, 1 kW, 2.5 kW-LS, DA2; For construction permit.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the mutually exclusive applications of Long-Pride Broadcasting Company of Texas (Long-Pride), Union College (Union), Sioux Man Broadcasting, Inc. (Sioux), Mitchell Broadcasting Company, Inc. (Mitchell),[1] and Great Empire Broadcasting, Inc. (Empire).

2. *Ownership issues.* Sioux has submitted an amendment informing the Commission that one of its principals, Francis M. Blythe Jr., has been "designated by his employer as President for Native American Communications, Inc., an applicant for a new UHF station in Lincoln, Nebraska." Mr. Blythe has expressed his intention to maintain his interest in Sioux as well as acting in the interest of his employer until all proceedings concerning the Sioux application are finalized. Both of these statements are ambiguous; we are unable to determine the nature of Blythe's position at Native American Communications or his intentions if the Sioux application is granted. Consequently, Sioux will be required to file a clarifying amendment, as stated below.

3. According to Empire, First Dallas Capital Corporation owns 900,000 shares of its Class A and 10,000 shares of its Class B preferred stock. The applicant states that these interests are non-voting under ordinary circumstances and cannot, in any event, be exercised without prior Commission consent. Furthermore, Empire proposes to report by subsequent amendment any other First Dallas communications interests. This amendment has not been filed, however, nor has the applicant adequately explained for our purposes the precise nature of First Dallas' holdings and the requirements governing their exercise. An appropriate filing is therefore necessary.

4. *Multiple ownership issues.* Mitchell states that John C. Mitchell, the applicant's sole stockholder, is also the sole stockholder of KRCB, Inc., licensee of standard broadcast station KLNG, Council Bluffs, Iowa. A grant of the Mitchell application would result in an overlap of the 1 mV/m groundwave contour of KLNG with the proposed 1 mV/m groundwave contour of the Mitchell application in contravention of the §73.35(a) multiple ownership provision of our rules. Consequently, an appropriate divestiture condition will be specified.

5. Empire states that its subsidiary, Omaha Great Empire Broadcasting, Inc., is the licensee of standard broadcast station KYNN, Omaha, Nebraska. A grant of the Empire application would result in an overlap of the 1 mV/m groundwave contour of KYNN with the proposed 1 mV/m groundwave contour of Empire in violation of §73.35(a). An appropriate divestiture condition will be specified.

6. *Financial qualifications issues.* Empire and Mitchell have submitted certifications of their financial qualifications under Section III of Form 301. These certifications are, however, incomplete. Empire ahs failed to certify under Item 1 that sufficient net liquid assets are on hand or are available from committed sources to construct and operate the rquested facilities for three months without revenue. Mitchell has failed to certify under Item 2 that it has a reasonable assurance of a present firm intention for each agreement to furnish capital, and that it can and will meet all contractual requirements as to collateral, guarantees, and capital investment. These applicants must submit an amended Section III financial certification to cure these omissions, as indicated below.

7. *Local notice certification issues.* Applicants for new broadcast stations are required to give local notice of the filing of their applications in accordance with Section 73.3580 of the Commission's Rules. They must then file proof of such notice or certify that they have or will comply with the public notice requriement. We have no evidence, however, that Long-Pride and Mitchell have done either. If they have not already done so, Long-Pride and Mitchell will be required to give local public notice an to file a statement that they have complied ith the local public notice requirement with the presiding Administrative Law Judge within 30 days.

8. *Business district coverage issues.* Sioux and Union have requested a waiver of the business district coverage requirement of §73.24(j) of the Commission's Rules. As both applicants achieve substantial compliance with this provision, however, a waiver is unnecessary.

9. *Environmental narrative statement issues.* Since the Empire, Union, Mitchell, and Sioux proposals constitute major environmental actions as defined by § 1.1305(a) of the Commission's Rules, the applicants are required to submit the environmental impact information described in §1.1311 of our Rules. Empire's application refers to an environmental narrative statement that was not found within the file; Sioux's and Mitchell's environmental impact statements fail to include any information concening the zoning classification of the sites (if any), and fail to state whether construction of the facilities has been a source of local controversy in their communities; Union's environmental statement fails to include information concerning access roads to the site, zoning classification (if any), and available power lines.

10. Consequently, Union, Mitchell, and Sioux will be required to file within 30 days of the release of this Order amended environmental narrative statements (and Empire its missing environmental statement) with the presiding Administrative Law Judge. In addition, copies shall be filed with the Chief, Audio Services Division, who will then proceed regarding this matter in accordance with the provisions of §1.1313(b). Accordingly, §1.317 of the Rules is waived to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. *See Golden State Broadcasting Corp.*, 71 FCC 2d 229 (1979), *recon. denied sub nom. Old Pueblo Broadcasting Corp.*, 83 FCC 2d 337 (1980.

[1] Mitchell has filed an amendment, dated August 25, 1983, that fails to meet the requirement of § 73.3522 of the Rules. Under § 1.65, however, good cause has been shown for the acceptance of this amendment.

11. Except as indicated by the issues specified below, all applicants are qualified to construct and operate as proposed.[2] However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. Although some of the applications are for different communities, they would serve substantial areas in common. Therefore, in addition to determining pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will be specified.

12. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

2. If a final environmental narrative statement is issued with respect to Great Empire Broadcasting, Inc., Sioux Man Broadcasting, Inc., Union College, or Mitchell Broadcasting Company, Inc. which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment, to determine:

(a) whether the proposals are consistent with the National Environmental Policy Act, as implemented by Sections 1.1301–1319 of the Commission's Rules, and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicants are qualified to construct and operate as proposed.

3. To determine the areas and populations that would receive primary service for each proposal and the availability of other primary aural services to such areas and populations.

4. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

5. To determine in the event it is concluded that a choice among the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

13. It is further ordered, that § 1.1317 of the Commission's Rules is waived to the extent indicated herein. Within 30 days of the release of this Order, Sioux Man Broadcasting, Inc., Union College, and Mitchell Broadcasting Company, Inc. shall submit amended environmental narrative and Great Empire Broadcasting, Inc. its original environmental narrative, required by Section 1.1311 of the Rules, to the presiding Administrative Law Judge, with a copy to the Chief, Audio Services Division.

14. It is further ordered, that Long-Pride Broadcasting Company of Texas and Mitchell Broadcasting Company, Inc., shall comply with the local notice provision of § 73.3580 of the Commission's Rules, as discussed in paragraph 5 above, and advise the presiding Administrative Law Judge as to compliance within 30 days of the release of this Order.

15. It is further ordered, that Great Empire Broadcasting, Inc. and Mitchell Broadcasting Company, Inc. shall file the amended financial certification of Section III, Form 301, discussed in paragraph 4 above, or advise the Administrative Law Judge within 30 days of the release of this Order that certification cannot be made.

16. It is further ordered, that in the event that the Mitchell Broadcasting Company, Inc. application is granted, the construction permit shall contain the following condition:

John C. Mitchell will divest himself of all interest in KLNG(AM), Council Bluffs, Iowa, prior to grant of program test authorization.

17. It is further ordered, that in the event that the Great Empire Broadcasting, Inc. application is granted, the construction permit shall contain the following condition:

The applicant's subsidiary, Omaha Great Empire Broadcasting, Inc., will divest itself of all interest in KYNN(AM) prior to grant of program test authorization.

18. It is further ordered, that the August 25, 1983 amendment filed by Mitchell Broadcasting Co., is accepted.

19. It is further ordered, that Great Empire Broadcasting, Inc. shall submit an amendment concerning the interests of First Dallas Capital Corporation to the presiding Administrative Law Judge within 30 days of the release of this Order.

20. It is further ordered, that Sioux Man Broadcasting, Inc. shall submit a clarifying amendment stating the interest of Francis M. Blythe, Jr. in Native American Communications, Inc., and indicating his intentions if the Sioux Man Broadcasting, Inc. application is granted, to the presiding Administrative Law Judge within 30 days of the release of this Order.

21. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

22. It is further ordered, that the applicants herein shall, purusant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

23. The Commission has not yet received Federal Aviation Administration clearance for the antenna tower proposed by the below listed applicant. Accordingly, it is further ordered, that the following issue is specified:

1. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower heights and location proposed by Union College.

24. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

[FR Doc. 83-33747 Filed 12-20-83; 8:45 am]

BILLING CODE 6712-01-M

[2] Operation with the facilities specified herein is subject to modification, suspension or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements between the United States and other countries.

[File No. BPH-820305BD; MM Docket No. 83-1281 et al.]

Applications for Consolidated Hearing; Mayfish Corp. et al.

1.The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM Docket No.
A. Mayfish Corporation; Bozeman, MT.	BPH-820305BD	83-1281
B. Bill E. Stallard; Bozeman, MT.	BPH-820625AQ	83-1282
C. Medallion Broadcasting Co., A Limited Partnership; Bozeman, MT.	BPH-820624AW	83-1283
D. Colleen F. Bee; Bozeman, MT.	BPH-820625SJ	83-1284
E. Westradio, Inc.; Bozeman, MT.	BPH-820625BG	83-1285

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, A, C
2. (See appendix), D
3. Comparative, A, B, C, D, E
4. Ultimate, A, B, C, D, E

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue(s)

2. If a final environmental impact statement is issued with respect to D (Bee) which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment.

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301–1309 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 83-33742 Filed 12-20-83; 8:45 am]
BILLING CODE 6712-01-M

[CC Docket No. 82-796; File No. 26111-CL-P-(14)-82 et al.]

MCI Cellular Telephone Co. et al.; Hearings

Order

In re Applications of MCI Cellular Telephone Company; CC Docket No. 82-796, File No. 26111-CL-P-(14)-82; Celcom Communications Corporation of Pittsburgh, File No. 26157-CL-P-(11)-82; and Cellular Mobile Systems of Pennsylvania, Inc.; File No. 26184-CL-P-(16)-82; For a Construction Permit to establish a new cellular system operating on Frequency Block A in the Domestic Public Cellular Radio Telecommunications Service to serve the Pittsburgh, Pennsylvania, Modified Standard Metropolitan Statistical Area.

Adopted: December 5, 1983.
Released: December 9, 1983.

By the Commission.

1. Before the Commission are: (a) Initial Decision of Chief Administrative Law Judge Lenore G. Ehrig, FCC 83D-43, released July 29, 1983; (b) Exceptions to the Initial Decision filed by Cellular Mobile Systems of Pennsylvania, Inc. (Cellular Mobile), Celcom Communications Corporation of Pittsburgh (Celcom), and MCI Cellular Telephone Company (MCI); (c) Motion to Reopen the Record filed by Cellular Mobile; (d) various responsive pleadings with regard to these matters; (e) Motions for Oral Argument filed by Celcom and Cellular Mobile; and (f) Comments in support of oral argument filed by the Separated Trial Staff of the Common Carrier Bureau.

2. In their motions for oral argument Cellular Mobile and Celcom argue that oral argument would help the Commission focus on the areas of controversy and assist in the resolution of the issues raised. After a careful review of this matter, we agree that oral argument will aid in the resolution of the issues presented without unduly delaying the resolution of this proceeding.

3. We are also concurrently and by separate order granting the request for oral argument in the Chicago cellular proceeding (CC Docket 82-721). The exceptions in these two markets raise numerous controversial and important issues which are presented for the first time and which, we expect, will be representative of the significant issues that will be raised in future cellular proceedings. Holding oral argument in these two first cellular markets will give the Commission a thorough familiarity with the issues raised. Resolution of these issues will set important precedential standards, thereby expediting the resolution of all future cellular proceedings. We therefore conclude that holding oral argument in these two proceedings is in the public interest. We are also delegating authority to the Common Carrier Bureau to act on requests for oral argument filed in the future and we anticipate that such requests will be granted only when significant legal issues are raised.

4. Accordingly, it is ordered, that the Motions for Oral Argument filed by Cellular Mobile Systems of Pennsylvania, Inc. and Celcom Communications Corporation of Pittsburgh are granted to the extent indicated below.

5. It is further ordered:

(a) Oral argument is scheduled before the Commission, *en banc*, on January 10, 1984 at 9:30 a.m.

(b) Subject to the filing of a written notice of intention to appear and participate within five (5) days of the release date of this Order, the parties are authorized to present oral argument as follows:

Celcom Communications Corporation of Pittsburgh—Twenty (20) minutes[1]
Cellular Mobile Systems of Pennsylvania, Inc.—Twenty (20) minutes
MCI Cellular Telephone Company—Twenty (20) minutes
Separated Trial Staff—Twenty (20) minutes

(c) Celcom and Cellular Mobile may reserve part of their time for rebuttal.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-33744 Filed 12-20-83; 8:45 am]
BILLING CODE 6712-01-M

[MM Docket No. 83-1311; File No. BPCT-830314KG et al.]

Powell Broadcasting Co. et al.; Hearings

In re Applications of Harry C. Powell, Jr. d/b/a POWELL BROADCASTING COMPANY, Urbana, Illinois; MM DOCKET NO. 83-1311, File No. BPCT-830314KG; METRO PROGRAM NETWORK, INC., MM DOCKET NO. 83-1312, File No. BPCT-830506LU; For Construction Permit.

Hearing Designation Order

Adopted: November 29, 1983.
Released: December 13, 1983.

[1] Cellular Mobile in its Motion requests at least one hour for argument. This request is denied because we find that 20 minutes is ample time for full presentation of the issues.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it: (1) the above-captioned mutually exclusive applications of Harry C. Powell, Jr. d/b/a Powell Broadcasting Company (Powell) and Metro Program Network, Inc. (Metro)[1] for authority to construct a new commercial television station on Channel 27, Urbana, Illinois; (2) a petition to deny filed by Springfield Independent Television Company, Inc. (SITCI), licensee of Station WRSP–TV, Springfield, Illinois, against Metro; (3) Opposition to Petition to Deny filed by Metro and (4) Reply to Opposition to Petition to Deny filed by SITCI.

2. SITCI claims standing as a party in interest pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, on the grounds that if Metro's application were granted the new station would compete for audience and revenues with SITCI's WRSP–TV, Channel 55, Springfield, Illinois. We find that SITCI has standing, *FCC v. Sanders Brothers Radio Station*, 309 U.S. 470 (1940).[2]

3. Petitioner alleges that the certifications contained in Metro's application cannot support a finding that its sole owner possesses the financial qualifications to implement each of his pending proposals. (Metro is an applicant for four other television stations). Petitioner states that Commission policy requires that an applicant with more than one pending proposal must be able to show his ability to finance each pending proposal, citing *Sawnee Broadcasting Co.*, 7 RR 2d 405 (1966). This case was, of course, decided well before the Commission changed the application form to permit an applicant to certify as to its financial qualifications. It does not, therefore, stand for the proposition that an applicant with several copending applications may not certify that it is financially qualified.

4. The Commission has not modified its requirement that an applicant have the financial ability to construct and operate its proposed facility for three months. The revised Section III (Financial Qualifications) of FCC Form 301 allows an applicant to certify that it is financially qualified. Metro has certified that it is financially qualified. It has, therefore, done all that is required by the Commission. Petitioner's allegations are speculative and lack specificity. Petitioner has not supplied any information or documentation to support its claim that the certifications contained in the Metro application are insufficient to support a finding that it is financially qualified. Consequently, we find that the allegations do not warrant the addition of a financial issue.[3]

5. The Commission is not in receipt of a determination from the Federal Aviation Administration that the tower height and location proposed by Metro would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

6. The contour map which Metro has submitted as Exhibit 4 does not agree with the distances to the predicted contours shown in the applicant's response to Section V–C, Item 15, FCC Form 301. For example, the map shows that the Grade B contour would extend along the 270° radial less than 60 miles, but the response to section V–C, Item 15 shows the distance as 41.2 miles. In addition, a 270° Grade B calculation using the horizontal plane radiation pattern given in Exhibit 3 results in a distance of 43.5 miles. Most other distances are similarly inconsistent. Finally, the radiation center height above mean sea level from Exhibit 6 and the overall height above mean sea level in Exhibit 6 does not agree with Item 5. Metro will be required to submit an amendment clarifying these discrepancies.

7. An applicant seeking authority to construct a commercial television station is required to afford equal employment opportunity to qualified persons. See § 73.2080 of the Commission's Rules and Section VI, FCC Form 301. Pursuant to this requirement, an applicant who proposes to employ five or more full-time station employees must establish a program of practices to assure equal employment opportunities. Although Metro intends to employ at least five full full-time employees, it has failed to submit a response to element III of the guidelines to the model EEO program required by FCC Form 301.Therefore, we cannot conclude that applicant has complied with § 73.2080 and that its EEO program adequately meets the guidelines delineated in that rule. Accordingly, Metro will be required to submit its complete EEO proposal to the presiding Administrative Law Judge within 20 days after this Order is released.

8. The proposed antenna for Powell is to be mounted on the tower of AM Radio Station WILL, Urbana, Illinois. Consequently, any grant of a construction permit to Powell will be conditioned to ensure that WILL's radiation pattern is not adversely affected by the construction of the proposed station.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Metro Program Network, Inc., whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That the Petition to Deny filed by Springfield Independent Television Company, is denied.

12. It is further ordered, That Metro Program Network, Inc., shall submit an amendment to eliminate the discrepancies described in paragraph six to the presiding Administrative Law Judge within 20 days after this Order is released.

13. It is further ordered, That Metro Program Network, Inc., shall submit a complete EEO proposal to the presiding Administrative Law Judge within 20 days after this Order is released.

14. It is further ordered, That, in the event of a grant of the application of Powell Broadcasting Company, the

[1] On July 18, 1983, Metro filed an amendment after the "B" cut-off date. Since the amendment was required to be filed by Section 1.65 of the Commission's Rules, it is accepted for Section 1.65 purposes only and no comparative advantage will accrue thereby.

[2] Metro speculates that because SITCI bases standing on competition between the existing and proposed new station, SITCI is seeking only to delay new competition and is abusing the Commission's processes by filing its petition to deny. Metro does not allege facts to support this conclusion. Metro would have us adopt the self-defeating proposition that any petitioner establishing standing under *Sanders Brothers*, without more, is guilty of an abuse of our processes. We reject such reasoning and find no impropriety in SITCI's actions.

[3] Springfield raises other questions which after amendment by Metro, Springfield concedes are moot.

construction permit shall be conditioned as follows:

"During the installation of the antenna authorized herein, AM Station WILL shall determine operating power by the indirect method and, if necessary, request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point values within authorized limits. Upon completion of the installation, common point impedance measurements on the AM array shall be made and a partial proof of performance, as defined by § 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected and, prior to or simultaneous with the filing of the application for license to cover this permit, the results submitted to the Commission (along with a tower sketch of the installation) in an application for the AM station to return to the direct method of power determination."

15. It is further ordered, that the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

16. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

17. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-33748 Filed 12-20-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 82-721; File No. 26040-CL-P-(18-82) et al.]

Rogers Radiocall, Inc., et al.; Hearings

Order

Adopted: December 5, 1983.
Released: December 9, 1983.

In re Applications of Rogers Radiocall, Inc.; CC Docket No. 82-721, File No. 26040-CL-P-(18)82; Cellular Mobile System of Illinois, Inc.; File No. 26181-CL-P-(34)-82; for a Contruction Permit to establish a cellular system operating on frequency Block A in the Domestic Public Cellular Radio Telecommunications Service to serve the Chicago, Illinois, Standard Metropolitan Statistical Area.

By the Commission.

1. Before the Commission are: (a) Initial Decision of Assistant Chief Administrative Law Judge Thomas B. Fitzpatrick, FCC 83D-49, released August 17, 1983; (b) Exceptions to the Initial Decision filed by Cellular Mobile Systems of Illinois, Inc. (Cellular Mobile); (c) Motion to Reopen the Record filed by Cellular Mobile; (d) various responsive pleading with regard to these matters; (e) Motion for Oral Argument filed by Cellular Mobile (f) Comments on Motion for Oral Argument filed by the Separated Trial Staff of the Common Carrier Bureau; (g) Petition for Leave to File and Reply to Comments by the Separated Trial Staff filed by Cellular Mobile and (h) Motion for Leave to File and Opposition to Motion for Oral Argument filed by Rogers.[1]

2. In its Motion for Oral Argument, Cellular Mobile asserts that such argument is necessary to permit a reasoned resolution of the exceptions in the proceding and to aid in the provision of precedential guidelines for future cellular decisions. In its comments the Separated Trial Staff states that oral argument has been requested in the Pittsburgh proceeding and questions whether oral argument is necessary in the instant proceeding. Rogers opposes the request for oral argument asserting that it is not necessary and would unduly prolong the proceeding. After a careful review of all the pleadings filed concerning this matter we conclude that oral argument will aid in the resolution of the issues presented without unduly delaying final resolution of this proceeding.

3. We are also concurrently and by separate order granting the request for oral argument in the Pittsburgh cellular proceeding (CC Docket 82-796). The exceptions in these two markets raise numerous controversial and important issues which are presented for the first time and which, we expect, will be representative of the significant issues that will be raised in future cellular proceedings. Holding oral argument in these two first cellular markets will give the Commission a thorough familiarity with the issues raised. Resolution of these issues will set important precedential standards, thereby expediting the resolution of all future cellular proceedings. We therefore conclude that holding oral argument in these two proceedings is the public interest.

4. Accordingly, it is ordered, that the Motion for Oral Argument filed by Cellular Mobile Systems of Illinois, Inc. is granted to the extent indicated below.

5. It is further ordered:

(a) Oral argument is scheduled before the Commission, *en banc*, on January 10, 1984 at 11:00 a.m.

(b) Subject to the filing of a written notice of intention to appear and participate within (5) days of the release of this Order, the parties are authorized to present oral argument as follows:

Cellular Mobile Systems of Illinois, Inc.—Twenty (20) minutes [2]

Rogers Radiocall, Inc.—Twenty (20) minutes.

Separated Trial Staff—Twenty (20) minutes.

(c) Cellular Mobile Systems of Illinois, Inc. may reserve part of its time for rebuttal.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-33743 Filed 12-20-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH-821101AY; MM Docket No 83-1307]

Tier III Media, Inc., et al.; Hearing

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant City and State	File No.	MM Docket No.
A. Tier III Media, Inc.; Eureka Springs, AR.	BPH-821101AY	83-1307
B. Beverley A. Butler; Eureka Springs, AR.	BPH-821206AJ	83-1308

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May

[1] We are granting the Petition and Motion for Leave to File.

[2] Cellular Mobile in its Motion requests at least one hour for argument. This request is denied because we find that 20 minutes is ample time for full presentation of the issues.

18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, A
2. Comparative, A, B
3. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicants(s) to which is applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554 Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-33745 Filed 12-20-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group, Income and Other Accounts Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Advisory Group (TIAG) Income and Other Accounts Subcommittee scheduled for Wednesday and Thursday, January 4 and 5, 1984. The meeting will begin on January 4 at 9:30 a.m. in the offices of GTE Service Corporation, Suite 900, 1120 Connecticut Avenue, NW., Washington, D.C., and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Discussion of Assignments
III. Other Business
IV. Presentation or Oral Statements
V. Adjournment

With prior approval of Subcommittee Chairman Glenn L. Griffin, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Griffin ((214) 659-3484) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-33749 Filed 12-20-83; 8:45 am]

BILLING CODE 6712-01-M

Virgil C. Armer, III, et al., Hearing

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM Docket No.
A. Virgil C. Armer III; Emporia, KS.	BPH-820423AS	83-1302
B. Gregory Ray Steckline; Emporia, KS.	BPH-820929AS	83-1303
C. Communications Group, Inc.; Emporia, KS.	BPH-820929BG	83-1304

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), C
2. Comparative, A, B, C
3. Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, N.W., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

1. If a final environmental impact statement is issued with respect to C (Group) which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301-1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 83-33740 Filed 12-20-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH-830103 AH; MM Docket No. 83-1319 et al.]

West Way Inc., et al.; Hearings

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant City and State	File No.	MM Docket No.
A. West Way Inc.; Libby, MT.	BPH-830103AH	83-1319D
B. Robert Johnson; Libby, MT.	BPH-830309AB	83-1320D
C. Lincoln County Broadcasters, Inc.; Libby, MT.	BPH-830420AM	83-1321

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, A,B,C
2. Ultimate, A,B,C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919

M Street, N.W., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-33746 Filed 12-20-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the suporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consist this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T-4153.

Title: Brazos River Harbor Navigation District (Freeport, Texas) and Standard Fruit and Steamship Company (Standard).

Parties: Brazos River Harbor Navigation District (Freeport, Texas) and Standard Fruit and Steamship Company (Standard).

Synopsis: Agreement No. T-4153, provides that Brazos will build improvements to port land in Freeport, Texas to allow Standard exclusive use of certain properties and preferential use of certain other properties. Standard will utilize the facilities in connection with its business of exporting and importing cargo through the Port of Freeport, Texas. Dockage, wharfage, and other charges will be assessed according to the Port of Freeport Tariff No. 3.

Filing Party: G. E. Strange, General Manager, Houston Port Bureau, Inc., 304 World Trade Building, Houston, Texas 77002.

Agreement No.: T-4152.

Title: South Carolina State Ports Authority and Delta Steamship Lines, Inc. Container and Terminal Facility Lease Agreement.

Parties: South Carolina State (Ports) Authority and Delta Steamship Lines, Inc. (Delta).

Synopsis: Agreement No. T-4152 provides for the lease by the Port to Delta of 8 acres at the Wando Terminal, Charleston, South Carolina, to be used as a parking and assembly area for Delta's containers and other purposes incidental to Delta's terminal operations. The term of the agreement is for five years with an option to renew for an additional five year period.

Filing Party: W. M. Lawrence South Carolina State Ports Authority P.O. Box 817 Charleston, South Carolina 29402.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-33854 Filed 12-20-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Citizens Independent Bancorp, et al.; Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Citizens Independent Bancorp,* Huntsville, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Independent Bank, Huntsville, Alabama. Comments on this application must be received not later than January 16, 1984.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *ASB Corporation,* Tulsa, Oklahoma; to become a bank holding company by acquiring 80 percent of the voting shares of American State Bank, Tulsa, Oklahoma. Comments on this application must be received not later than January 16, 1984.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Mission-Valley Bancorp,* Fremont, California; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Pleasanton, Pleasanton, California, and 100 percent of the voting shares of The Commercial Bank of Fremont, Fremont, California. Comments on this application must be received not later than January 11, 1984.

2. *National Mercantile Bancorp,* Los Angeles, California; to become a bank holding Company by acquiring 100 percent of the voting shares of Merchantile National Bank, Los Angeles, California. Comments on this application must be received not later than January 9, 1984.

Board of Governors of the Federal Reserve System, December 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-33729 Filed 12-20-83; 8:45 am]

BILLING CODE 6210-01-M

Riverdale Bancorporation, Inc., et al.; Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Riverdale Bancorporation, Inc.*, Riverdale, Illinois: to acquire at least 80 percent of the voting shares or assets of Heritage/Glenwood Bank, Glenwood, Illinois. Comments on this application must be received not later than January 16, 1984.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoening, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *J.R. Montgomery Bancorporation*, Lawton, Oklahoma: to acquire 0.1 percent of the voting shares or assets of Fort Sill National Bank, Fort Sill, Oklahoma. Comments on this application must be received not later than January 16, 1984.

Board of Governors of the Federal Reserve System, December 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-33730 Filed 12-20-83; 8:45 am]

BILLING CODE 6210-01-M

CoreStates Financial Corp, et al.; Proposed de Novo Nonbank Activities by Bank Holding Companies

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *CoreStates Financial Corp*, Philadelphia, Pennsylvania (mortgage lending activities: Philadelphia, Massachusetts, New Jersey, New York, New Hampshire, and Washington): To engage through its indirect subsidiary, Colonial Mortgage Service Company Associates, Inc. in the origination of FHA, VA and conventional residential mortgage loans and second mortgage loans. These activities will be conducted from an office in each of the following locations: Plainsboro, New Jersey serving the States of New Jersey; New York and Pennsylvania; Bedford, New Hampshire serving the States of New Hampshire and Massachusetts; Wellesley, Massachusetts serving the States of Massachusetts and New Hampshire; and Federal Way, Washington serving the State of Washington. Comments on this application must be received not later than January 16, 1984.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Peoples Holding Co., Inc.*, Collinsville, Alabama (insurance activities: Alabama): To engage, through its subsidiary, The Peoples Bank, in the sale of credit life and accident and health insurance directly related to its extensions of credit, as permitted by Title VI section 601(A) of the Garn-St Germain Depository Institutions Act of 1982. These activities would be conducted in the town of Collinsville, Alabama, and within 15 miles of Collinsville, Alabama. Comments on this application must be received not later than January 16, 1984.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Central of Kansas, Inc.*, Junction City, Kansas (insurance activities: Kansas): To engage through its subsidiary, Central of Kansas Credit Life Insurance, Inc., in the reinsurance of credit life, accident and health insurance written by companies authorized to engage in the business of insurance in the State of Kansas to the extent such insurance is related to its extension of credit. These activities would be rendered in the State of Kansas. Comments on this application must be received not later than January 16, 1984.

2. *Lawton Financial Corp.*, Lawton, Oklahoma, and First Frederick Corporation, Frederick, Oklahoma (data processing services: Oklahoma): To engage jointly through Southwest Data Management, in the provision of data processing services of financial, banking and economic data to banks and other financial institutions. This activity will be conducted from Chattanooga, Oklahoma, serving financial institutions in Oklahoma. Comments on this application must be received not later than January 5, 1984.

Board of Governors of the Federal Reserve System, December 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-33731 Filed 12-20-83; 8:45 am]

BILLING CODE 6210-01-M

Citicorp; Proposed Acquisition of First Federal Savings and Loan Association of Chicago, Chicago, Illinois

Citicorp, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act (the "Act"), has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to acquire First Federal Savings and Loan Association of Chicago, Chicago, Illinois, a stock savings and loan association. Citicorp will thereby engage in the activity of operating a saving and loan association from offices located in Illinois that serve the areas surrounding those offices. In addition, Citicorp will acquire indirectly nine of First Federal's wholly-owned service corporations and the 14 subsidiaries of those service corporations, and would succeed to First Federal's interests in eight multi-owned service corporations.

Based upon information provided by the Federal Home Loan Bank Board regarding the financial condition of First Federal, the Board finds that an emergency exist authorizing the Board, in accordance with the provisions of section 118(a) of the Garn-St Germain Depository Institutions Act of 1982, to dispense with the notice and hearing requirement of section 4(c)(8), and the Federal Home Loan Bank Board concures in this finding. The present circumstances, however, indicate that there is sufficient time to allow a brief period for the submission of written

comments, and by this notice the Board is requesting such comments.

Interested persons may express their views on the question of whether the acquisitions of First Federal may "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

All comments on the proposal should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 4, 1984.

In addition, in order to provide the fullest opportunity for public comment consistent with the Board's need to act expeditiously on this application, the Board will receive comments and afford interested persons an opportunity to be heard on this proposal at an informal public hearing on the application. The hearing will be held at the Office of the Federal Reserve Board, 20th & C Streets, N.W., Washington, D.C., in Dinning Room E, on January 5, 1984, commencing at 9 a.m. The presiding officer at the hearing shall be authorized to administer oaths and to establish time limits for persons wishing to be heard. A person wishing to present evidence at this informal hearing should file with the Secretary of the Board a request to appear at the hearing. The request to present evidence must be received at the Secretary's office in Washington, D.C., 20551, no later than January 3, 1984, and should specify the names of the persons who desire to present evidence, the interest of those persons in the proceeding, the matters concerning which those persons desire to present evidence and the amount of time desired to present such evidence. The Secretary of the Board will publish on January 4, 1984, a list of witnesses and the amount of time allotted to each.

The Board reserves the right to terminate the comment period, or to cancel the informal hearing, and to act on the application at any time, if circumstances develop that cause the Board to believe that such action is necessary.

The application may be inspected at the office of the Board of Governors in Washington, D.C., or at the Federal Reserve Banks of New York and Chicago.

Board of Governors of the Federal Reserve System, December 20, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-34056 Filed 12-20-83; 11:11 am]

BILLING CODE 6210-01-M

Citicorp; Proposed Acquisition of New Biscayne Federal Savings and Loan Association, Miami Florida

Citicorp, New York, New York, a bank hokding company within the meaning of the Bank Holding Company Act (the "Act"), has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to acquire New Biscayne Federal Savings and Loan Association, Miami, Florida, a Federal savings and loan association. Citicorp will thereby engage in the activity of operating a savings and loan association from offices located in Florida that serve the areas surrounding those offices. Citicorp will also acquire indirectly the service corporation subsidiary of New Biscayne, which in turn owns 100 percent of the shares of Biscayne Savings Mortgage Company, which provides services from offices in Florida.

Based up on information provided by the Federal Home Loan Bank Board regarding the financial condition of New Biscayne, the Board finds that an emergency exists authorizing the Board, in accordance with the provisions of section 118(a) of the Garn-St Germain Depository Institutions Act of 1982, to dispense with the notice and hearing requirement of section 4(c)(8), and the Federal Home Loan Bank Board concurs in this finding. The present circumstances, however, indicate that there is sufficient time to allow a brief period for the submission of written comments, and by this notice the Board is requesting such comments.

Interested persons may express their views on the question of whether the acquisition of New Biscayne may "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

All comments on the proposal should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 4, 1984.

In addition, in order to provide the fullest opportunity for public comment consistent with the Board's need to act expeditiously on this application, the Board will receive comments and afford interested persons an opportunity to be heard on this proposal at an informal public hearing on the application. The hearing will be held at the offices of the Federal Reserve Board, 20th, & C Streets, N.W., Washington, D.C., in Dining Room E, January 6, 1984, commencing at 9 a.m. The presiding officer at the hearing shall be authorized to administer oaths and to establish time limits for persons wishing to be heard. A person wishing to present evidence at this informal hearing should file with the Secretary of the Board a request to appear at the hearing. The request to present evidence must be received at the Secretary's office in Washington, D.C., 20551, no later than January 3, 1984, and should specify the names of the persons who desire to present evidence, the interest of those persons in the proceeding, the matters concerning which those persons desire to present evidence and the amount of time desired to present such evidence. The Secretary of the Board will publish on January 4, 1984, a list of witnesses and the amount of time allotted to each.

The Board reserves the right to terminate the comment period, or to cancel the informal hearing, and to act on the application at any time, if circumstances develop that cause the Board to believe that such action is necessary.

The application may be inspected at the offices of the Board of Governors in Washington, D.C., or at the Federal Reserve Banks of New York and Atlanta.

Board of Governors of the Federal Reserve System, December 20, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-34055 Filed 12-20-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Proposed Coal Lease C-37210]

Request for Comments on Fair Market Value and Maximum Economic Recovery; Colorado

AGENCY: Bureau of Land Management, Montrose District, Interior.

ACTION: Notice of request for comments.

SUMMARY: The Bureau of Land Management (BLM), Montrose District, Montrose, Colorado, hereby requests public comments on fair market value (FMV) and maximum economic recovery

(MER) for the Paonia D Coal Seam Lease Tract (C–37210).

DATE: Comments should be submitted by January 13, 1984. Comments received after that date may not be considered.

ADDRESS: Comments should be sent to: Area Manager, Uncompahgre Basin Resource Area, Bureau of Land Management, 336 South 10th Street, Montrose, Colorado 81401.

A copy of the comments submitted by the public on fair market value and maximum economic recovery, except those portions identified as proprietary by the author and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the above address during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Lynn Lewis, telephone (303) 249–2244, or at the above address.

SUPPLEMENTARY INFORMATION: The Paonia D Coal Seam tract is 4,997.85 acres in size and is located three miles north of Paonia and 30 miles east of Delta, Colorado. The land surface is 80 percent privately owned, 20 percent Federally owned, and all of the coal is Federally owned. The tract contains an estimated in-place coal resource (in the D seam) of 104 million tons, of which approximately 73.5 million tons are minable. Approximately 36.7 million tons would be recovered at a 50 percent recovery rate. Mining would be underground, using the room-and-pillar mining method. Only one of the three minable seams is being considered for leasing and mining at this time.

The coal resource to be offered is limited to coal recoverable by underground mining methods from the "D" Seam, Mesa Verde Formation, in the following lands:

T.13 S., R.91 W., 6th P.M.,
Sec. 6: Lots 5, 6, 7, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7: Lots 1, 2, NE¼, E½NW¼, SE¼;
Sec. 8: W½;
Sec. 17: N½NW¼;
Sec. 18: NE¼NE¼, N½NW¼NE¼, SE¼NW¼NE¼.
T.13 S., R.92 W., 6th P.M.,
Sec. 1: S½;
Sec. 2: SE¼;
Sec. 10: Lots 10, 11, 14, 15, 16;
Sec. 11: E½, S½SW¼;
Sec. 12: Lots 1–8, 10–14, SW¼SW¼;
Sec. 13: Lots 2, 7–10, NW¼;
Sec. 14: All;
Sec. 15: Lots 1, 2, 3, 6–11, 14, 15, 16;
Sec. 22: Lots 1, 2, 3, 6, 7, 8;
Sec. 23: Lots 1–8.

The land described is within Delta County, Colorado. The average coal quality is approximately as follows: BTU 9,600 to 12,300, Sulfur 0.4% to 0.7%, Ash 5% to 15%, Moisture 5% to 15%. The coal rank is bituminous C, high volatile.

The public is invited to submit written comments concerning the fair market value and maximum economic recovery of this coal resource. Comments should address specific factors related to fair market value including, but not limited to: the extent and quality of the coal resources, the price that the mined coal would bring in the market place, the cost of producing the coal, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms and conditions, may also be submitted. These comments will be considered in the final determination of fair market value for the coal resources in the described lands as determined in accordance with 43 CFR 3485.2. Should any information submitted as comments be considered to be proprietary by the author, the information should be labeled as such and stated in the first page of the submission. Comments should be received at the address listed above by January 13, 1984, in order to be considered.

Gordon Bentley,
Acting District Manager.

[FR Doc. 83-33791 Filed 12-20-83; 8:45 am]
BILLING CODE 4310-JB-M

Fish and Wildlife Service

Availability of a Final Environmental Impact Statement on the Proposed Master Plan for the Parker River National Wildlife Refuge, Massachusetts

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that the Final Environmental Impact Statement (FEIS) on the proposed Master Plan is available to the public.

The statement discusses various management and development alternatives for the future management of the Parker River National Wildlife Refuge.

DATES: Comments on the FEIS are due by February 1, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Parkin, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, (617) 965–5100, extension 278.

Individuals wishing a copy of the FEIS should contact the above individual. Copies have been sent to all agencies, organizations, and individuals who participated in the scoping process and to individuals who have previously requested copies. Copies will be available for examination at:

Regional Office, Northeast Region USFWS, One Gateway Center, Newton Corner, Massachusetts 02158
Headquarters, Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01950
Headquarters, Great Meadows National Wildlife Refuge, Weir Hill Road, Sudbury, Massachusetts 01776.

SUPPLEMENTARY INFORMATION: This master plan provides a comprehensive land use plan that will set forth long-term objectives for resource management and public use on the refuge over a ten to 20 year period.

The major alternatives that are analyzed and evaluated in the FEIS are:

1. *No Action*—will perpetuate current management practices and levels of public use, including mowing of upland fields, wildlife surveys, banding, waterfowl hunting, surf fishing, fruit picking, and clamming.

2. *Proposed Action*—the No Action activities will be continued, and refuge impoundments will be rehabilitated through removal of silt, construction of nesting islands and water control structures, development of a deep well fresh water supply, if feasible. Other activities will include siting and construction of administrative and maintenance facilities, and a visitor contact station with highest priority given to acquisition of a mainland site; paving the refuge road for 3.5 miles to Hellcat Swamp; a seasonal interpretive shuttle for visitors will be operated from the mainland Visitor Contact station to the refuge; construction of a storage building in the vicinity of the subheadquarters; and hunting or trapping programs instituted on an as needed basis. The Service will seek an agreement with the Massachusetts Department of Environmental Management formalizing management cooperation between the refuge and Sandy Point State Reservation. Non-conforming uses will be phased out, if and when practical.

3. *Minimum Action*—the refuge impoundments will be rehabilitated, hunting or trapping programs instituted on an as needed basis, a visitor contact point constructed at Lot 1, and the refuge road paved to Hellcat Swamp. The present office/shop will be converted to office use only, and all

maintenance and shop functions will be relocated to the subheadquarters where a shop will be constructed. A feasibility study would analyze the potential effects of needed fresh water pumping capacity on the existing groundwater supply.

4. *Maximum Action*—the refuge impoundments will be rehabilitated, hunting or trapping programs on an as needed basis, a Wildlife Interpretive Center will be constructed in the Newburyport area, and the entire refuge road will be paved. A mass transit shuttle for vistors will be operated from the Wildlife Interpretive Center to the refuge. Existing operational facilities will be relocated to the subheadquarters area where a field office and a shop will be constructed. Additional wetlands and barrier beach would be acquired or protected.

5. *Plum Island Refuge Committee*—the refuge impoundments will be rehabilitated, a Wildlife Interpretive Center will be constructed in the Newburyport area, and the refuge road will retain its gravel surface to Hellcat Swamp. A mass transit shuttle would be operated between Newburyport and the refuge. Operational facilities would be relocated to the east side of the refuge road in the subheadquarters area.

Background on the Planning process and the involvment of the public and goverment agencies was provided in the Notice of Intent, published in the September 22, 1980, **Federal Register.**

Public and agency input on the alternates was provided at a series of public workshops held in October-November, 1980; November, 1981 and through written comments.

A Draft EIS was released March 2, 1983. A public hearing was held on the DEIS in March 1983.

December 15, 1983.

Howard N. Larsen,

Regional Director.

[FR Doc. 83-33704 Filed 12-20-83; 8:45 am]

BILLING CODE 4310-55-M

Louisana; Application; Natural Gas Pipeline Right-of-Way; Exxon Co, U.S.A

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that under Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185) as amended by Pub. L. 93-153, Exxon Company, U.S.A. has applied for a right-of-way for a 1¼ inch pipeline and a 2½ inch pipeline that will cross lands of the Catahoula National Wildlife Refuge in La Salle Parish, Louisiana, described as follows:

Louisiana Meridian

T. 6 N., R. 4 E.,

Sec.8.

Beginning at a point on the north line of an existing tank battery site, said point being located North 2,923.4 feet and West 33.8 feet from the southeast corner of Section 8; thence with the centerline as follows: N.18°31'W., 429.5 feet thence N.40°23'W 741.5 feet to the end of the right-of-way at the shoreline of Catahoula Lake.

The pipeline will cross 1,171 feet of the Catahoula National Wildlife Refuge.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service is currently considering the merits of approving this application.

DATE: Interested persons desiring to comment on this application should do so by January 20, 1984.

ADDRESS: Comments should be addressed to the Regional Director, U.S. Fish and Wildlife Service, 75 Spring Street, SW., Atlanta, Georgia 30303.

Dated: December 2, 1983.

James W. Pulliam, Jr.,

Regional Director.

[FR Doc. 83-33702 Filed 12-20-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Texas Gas Exploration Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Texas Gas Exploration Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3323, Block 220, East Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Grand Chenier, Louisiana.

PURPOSE: 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. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the Code of Federal Regulations, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the Plan for consistency with the Louisiana Coastal Resources Program.

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 became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out is a revised § 250.34 of Title 30 of the Code of Federal Regulations. Accordingly, a copy of the Plan is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

A copy of the Consistency Certification and the Plan are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70804. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the Plan from the Minerals Management Service.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838-0519.

Dated: December 13, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-33735 Filed 12-20-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Availability of Plan of Operations and Environmental Analysis for the Purpose of Drilling an Exploratory Well; Pyramid Exploration, Ltd.; Big Thicket National Preserve, Texas

Notice is hereby given in accordance with Part 9, § 9.52(b), of Title 36 of the

Code of Federal Regulations that the National Park Service has received from Pyramid Exploration, Ltd., a Plan of Operations for the purpose of drilling the Kirkpatrick No. 1 Wildcat Well in the Lance Rosier Unit of Big Thicket National Preserve, Texas.

The Plan of Operations and Environmental Analysis are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Big Thicket National Preserve, 8185 Eastex Freeway, Beaumont, Texas; the Jefferson County Courthouse, in Beaumont, Texas; and the Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trial, Santa Fe, New Mexico. Copies of the documents are available from the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Dated: December 9, 1983.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 83-33799 Filed 12-20-83; 8:45 am]

BILLING CODE 4310-70-M

Availability of Final Environmental Statement; Green-Yampa Wild and Scenic Rivers Study; Utah

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the Green-Yampa Wild and Scenic Rivers study conducted to determine if the rivers are eligible and suitable for inclusion in the National Wild and Scenic Rivers System.

ADDRESS: Copies of the combined final environmental statement and study report are available from or for inspection at the following locations:

Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, Colorado 80225

Utah State Office, National Park Service, 125 South State St., Salt Lake City, Utah 84138.

Public reading copies will be available for review at: Office of Public Affairs, National Park Service, U.S. Department of the Interior, 18th & C Streets NW., Washington, D.C. 20240 (Telephone 202/343-6843).

SUPPLEMENTARY INFORMATION: The Green-Yampa Wild and Scenic Rivers Study proposed inclusion of a 91-mile segment of the Green River and approximately 29,470 acres of adjacent land located in the States of Utah and Colorado and a 47-mile segment of the Yampa River and approximately 15,040 acres of adjacent land in Colorado for inclusion in the National Wild and Scenic Rivers System. This represents a change for the 32-mile long Browns Park segment of the Green River which is now proposed as scenic rather than recreational as was stated in the draft report. Overall coordination and administration would be the responsibility of the Secretary of the Interior, with individual administration of the Green River segments by the Forest Service (USDA), the Bureau of Land Management, Fish and Wildlife Service, and the National Park Service (USDI), and the Utah Department of Natural Resources (Division of Wildlife Resources); administration of the Yampa River segments would be by the National Park Service.

The Green River segment extends from Flaming Gorge Dam downstream to the southern boundary of Dinosaur National Monument. The Yampa River segment extends from the eastern boundary of Dinosaur National Monument downstream to its confluence with the Green River, all within the boundary of the Monument. Inclusion in the national system of the 138 miles of the Green and Yampa Rivers and 44,510 acres of land comprising their immediate environment would have an overall effect of preserving the existing outstanding scenic, geologic, recreation, wildlife, and water quality values of the rivers, in addition to preserving other associated historic and cultural values. Adjacent land uses would remain relatively unchanged. Proposed water resource developments within the area would be prohibited; those upstream from the Yampa study might be precluded or have to be modified. Minor soil, vegetation, and wildlife disturbances will occur if this proposal is implemented.

In addition to the proposed action, other alternatives considered were (1) no action, (2) increased recreation development and use, (3) designation of the Green River only, and (4) designation of the Yampa River only.

The study resulted in a conclusion that all 138 miles of the rivers are eligible for designation but a number of interrelated activities presently underway must be resolved before a recommendation can be made. Included are the:

(1) Quantification and litigation of the Federal reserved water rights for Dinosaur National Monument including completion of studies to determine the minimum water requirements to preserve the habitat for endangered species of fish in the Green and Yampa Rivers;

(2) Completion of wilderness study for the Cross Mountain area by the Bureau of Land Management (expected in September 1985);

(3) Development and evaluation of a proposal for diversion of water from the Little Snake River, a tributary to the Yampa, to meet the requirements of Stage III of Cheyenne, Wyoming's water project; and

(4) Evaluation of needs for water to facilitate development and use of coal or other energy resources in the upper Yampa basin.

The Secretary of the Interior will submit recommendations to the President for transmittal to the Congress when these interrelated issues are resolved. Since these river values are significant, the Administration's proposed wild and scenic rivers amendments submitted to the Congress in September 1982 contained a provision to extend protection under Section 7(b)(i) of the Wild and Scenic Rivers Act until January 1, 1986. That amendment currently is before Congress as S. 1084.

Further information can be obtained from John Haubert, (202) 343-9377.

Dated: December 14, 1983.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 83-33800 Filed 12-20-83; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-149 and 150 (Preliminary)]

Import Investigations; Barium Chloride and Barium Carbonate (Precipitated) From the People's Republic of China

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that industries in the United States are materially injured by reason of imports from the People's Republic of China of barium chloride and barium carbonate (precipitated), as provided for in items 417.70 and 472.06 of the Tariff Schedules of the United States (TSUS), which are allegedly being sold in the United States at less than fair value (LTFV).

[1] The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

Background

On October 25, 1983, counsel for Chemical Products Corporation, Cartersville, Ga., filed petitions with the U.S. International Trade Commission and with the Department of Commerce alleging that industries in the United States are materially injured, or are threatened with material injury, by reason of imports from the People's Republic of China of barium chloride and barium carbonate which are allegedly being sold in the United States at LTFV. Accordingly, effective October 25, 1983, the Commission instituted preliminary antidumping investigations under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)).

Notice of the Commission's institution of the investigations and the public conference held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on November 2, 1983 (48 FR 50626). All interested parties were afforded the opportunity to present information to the Commission at the public conference which was held in Washington, D.C. on November 15, 1983.

The Commission transmitted its report on the investigations to the Secretary of Commerce on December 9, 1983. The public version of the Commission's report, Barium Chloride and Barium Carbonate (Precipitated) from The People's Republic of China, (investigations Nos. 731–TA–149 and 150 (Preliminary), USITC publication 1458, December 1983) contains the views of the Commission and the information developed during the investigations.

Issued: December 9, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–33826 Filed 12–20–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–144]

Import Investigations; Certain Direct Current Brushless Axial Flow Fans; Commission Determination Not To Review Initial Determination Terminating Investigation

AGENCY: International Trade Commission.

ACTION: The Commission has determined not to review an initial determination (I.D.) to terminate this investigation as to respondents Matsushita Electric Industrial Co., Ltd., and Matsushita Electric Corporation of America on the basis of a settlement agreement. Inasmuch as these firms are the only respondents in the investigation, their termination terminates the investigation.

Authority: 19 U.S.C. 1337, 47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983 (to be codified at 19 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: Notice of the I.D. was published in the **Federal Register** of November 16, 1983, 48 FR 52134. The Commission has received neither a petition for review of the I.D. nor comments from the public or other Government agencies.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0499.

Issued: December 12, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–33821 Filed 12–20–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–137]

Import Investigations; Certain Heavy-Duty Staple Gun Tackers; Commission Decision Not to Review Initial Determination Terminating Respondent

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review an initial determination (I.D.) to terminate this investigation as to respondent Quinn Products, Inc. d/b/a -] & C Products, Inc. on the basis of a settlement agreement.

Authority: 19 U.S.C. 1337, 47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983 (to be codified at 19 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: Notice of the I.D. was published in the **Federal Register** of November 22, 1983, 48 FR 52783. No petitions for review or agency or public comments were received.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1627.

Issued: December 12, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–33825 Filed 12–20–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–151 (Preliminary)]

Import Investigations; Certain Hot-Rolled Carbon Steel Plate From the Republic of Korea

Determination

On the basis of the record[1] developed in the subject investigation, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from the Republic of Korea of certain hot-rolled carbon steel plate, provided for in item 607.6615 of the Tariff Schedules of the United States Annotated (TSUSA), which allegedly are being, or are likely to be, sold in the United States at less than fair value (LTFV).[2]

Background

On October 31, 1983, a petition was filed with the Commission and the Department of Commerce by counsel on behalf of the Gilmore Steel Corp., Portland, Oreg., alleging that imports of certain hot-rolled carbon steel plate from the Republic of Korea are being, or are likely to be, sold in the United States at LTFV within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673). Accordingly, effective October 31, 1983, the Commission instituted preliminary antidumping investigation No. 731–TA–151 (Preliminary) under section 733(a) of the act to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.

Notice of the institution of the Commission's investigation and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on November 8, 1983 (48 FR 51378). The conference was held in Washington, D.C., on November 22, 1983, and all persons who requested the opportunity

[1] The record is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern also determined that there is a reasonable indication of threat of material injury.

were permitted to appear in person or by counsel.

The Commission transmitted its report on this investigation to the Secretary of Commerce on December 15, 1983. A public version of the Commission's report, Certain Hot-Rolled Carbon Steel Plate from the Republic of Korea (investigation No. 731–TA–151 (Preliminary), USITC Publication 1459, December 1983) contains the views of the Commission and information developed during the investigation.

Issued: December 15, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-33827 Filed 12-20-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-152]

Import Investigations; Certain Plastic Food Storage Containers; Clarification of Notice Joining Respondent and Terminating Other Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Clarification of notice of Commission determination not to review an initial determination.

SUPPLEMENTARY INFORMATION: On Nov. 30, 1983, the Commission published a notice in the **Federal Register** (48 FR 54140) that it had determined not to review an initial determination (Order No. 18) joining new repondents and terminating respondents in the above-captioned investigation. That notice may be read as indicating that three individuals were terminated as respondents in their personal capacities. This is not the case. The notice should have indicated the termination of the following respondent, as named in the Commission's notice of investigation (48 FR 32095, July 13, 1983): David Y. Lei, Morris A. Lauterman, Peter Marcar, 888 Brannon St., Suite 275, San Francisco, CA 94103.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, telephone 202–523–0493.

Issued December 12, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-33822 Filed 12-20-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-133]

Import Investigations; Certain Vertical Milling Machines and Parts, Attachments, and Accessories Thereto; Extension of Administrative Deadline; Rescheduling of Hearing and Deadlines for Written Submissions

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has decided to extend the administrative deadline in the above-captioned investigation to March 23, 1984. The Commission has also decided to reschedule the date of the previously announced Commission hearing and the deadlines for filing written submissions.

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.15 of the Commission's Rules of Practice and Procedure (19 CFR 210.15)

SUPPLEMENTARY INFORMATION: On January 26, 1983, the Commission declared the above-captioned investigation more complicated and established an administrative deadline of February 17, 1984 for the completion of this investigation. 48 FR 4745. The Commission decided on November 30, 1983 to review the initial determination on violation filed in this investigation. 48 FR 54911. Subsequently, counsel for several Taiwanese respondents filed a motion for declaration of this case as more complicated and addition of time to the established deadlines. Complainant Textron and the Commission investigative attorney opposed the motion.

In light of the large number of issues specified for review and the relatively short period remaining before expiration of the Commission's administrative deadline, the Commission has decided to extend its administrative deadline to March 23, 1984. The revised schedule for completion of this investigation is as follows:

The Commission will hold a public hearing in this investigation on February 7, 1984, in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m. Written submissions on the issues selected for review must be filed not later than close of business on January 3, 1984, and written submissions on remedy, the public interest, and bonding must be filed not later than the close of business on January 9, 1984. Written requests to appear at the Commission hearing must be filed with the Office of the Secretary by January 31, 1984.

FOR FURTHER INFORMATION CONTACT: Catherine R. Field, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 523–0350.

Issued: December 12, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-33823 Filed 12-20-83; 8:45 am]

BILLING CODE 7020-02-M

[332-173]

Import Investigations; Conditions of Competition Affecting the Northeastern U.S. Groundfish and Scallop Industries in Selected Markets

AGENCY: International Trade Commission.

ACTION: At the request of the United States Trade Representative (USTR), the Commission has instituted investigation No. 332–173 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), for the purpose of gathering and presenting information on the competitive and economic factors affecting the performance of the Northeastern United States groundfish and scallop industries in selected Northeastern U.S. markets and will analyze these industries' competitive position in these markets. Specifically, the Commission has been asked to develop the following information, with an emphasis on but not limited to the Canadian and U.S. industries: Government assistance to the fisheries industries; fisheries resources and their management; production levels in the harvesting and processing segments; volume of trade; industry integration; employment; product prices; financial structure of the harvesting and processing industries; the effect of exchange rates and tariff and nontariff barriers on the flow of trade between the two countries; the importation of other product types, like frozen fish blocks; and trade barriers of other potential Canadian export markets.

EFFECTIVE DATE: December 9, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Newman or Mr. Tom Lopp, Agriculture, Fisheries, and Forest Products Division, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202–724–0087 or 202–724–1759, respectively.

Background

The USTR requested on November 8, 1983, that the Commission investigate the competitive conditions affecting the performance of the fishing industry in

the Northeastern United States. The USTR specified that the investigation should cover fresh and frozen whole groundfish (cod, haddock, pollock, flounder, and sole), groundfish fillets, and scallops and that the study should concentrate on the industries and markets of the New England and Middle Atlantic States. To the extent possible, the study will provide information on the distinct markets for each of the groundfish species and the interaction between U.S. imports and the operations of U.S. harvesters, processors, and importers. The USTR also requested that emphasis be placed on an analysis of industry conditions in Canada and U.S. imports from that country.

Public Hearing

A public hearing in connection with the investigation will be held on September 5, 1984, in Boston, MA, and on September 7, 1984, in Portland, ME. At least 60 days prior to the hearing, a **Federal Register** notice will be posted giving the exact times and locations in Boston, MA and Portland, ME. All interested persons shall have the right to appear by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, August 29, 1984.

Written Submissions

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be ensured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but not later than August 22, 1984. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued December 13, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-33824 Filed 12-20-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30339]

The Baltimore and Ohio Railroad Co.; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10901 the acquisition and operation by the Baltimore and Ohio Railroad Company of a 7.86-mile line of railroad between Pleasant City and Cambridge, OH, in Guernsey County, OH.

DATES: This exemption will be effective on December 20, 1983. Petitions to reopen must be filed by January 9, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30339 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423

(2) Petitioner's representative: Peter J. Shudtz, P.O. Box 6419, Cleveland, OH 44101.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: December 14, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

James H. Bayne,

Acting Secretary.

[FR Doc. 83-33775 Filed 12-20-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30316]

The New York, Susquehanna and Western Railway Corp.; Abandonment Exemption in Bergen County, NJ

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts The New York, Susquehanna and Western Railway Corporation from the requirements of 49 U.S.C. 10903 *et seq.* in connection with the abandonment of 1,462 feet of rail line in Bergen County, NJ, subject to employee protective conditions.

DATES: This exemption will be effective on December 21, 1983. Petitions to reopen must be filed by January 10, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30316 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: William P. Quinn, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: December 14, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

James H. Bayne,

Acting Secretary.

[FR Doc. 83-33776 Filed 12-20-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30186]

Tongue River Railroad Co.; Construction and Operation in Custer, Powder River, and Rosebud Counties, MT

December 14, 1983.

Notice to the Parties

On June 2, 1983, Tongue River Railroad Company, a limited partnership consisting of Transportation Properties, D.S. Cartage Corporation, Otter Creek Transportation Company, and Tongue River Holdings, Inc., filed an application seeking authority to construct and to operate an 89-mile rail line between Miles City, MT and two terminal points, one in Rosebud County, and one in Powder River County, MT. The Commission's Draft Environmental Impact Statement in the proceeding was served July 15, 1983.

Numerous people have expressed an interest in this proceeding. The Commission intends to continue to serve its decisions and notices on all of these people. However, in an effort to reduce the costs to the parties involved in the service of pleadings, a service list of

those people who will actively participate in the filing and service of evidence will be issued.

Any person seeking to become a party to this proceeding must notify the Commission's Office of the Secretary by December 23, 1983. A service list will be issued by January 3, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 83-33774 Filed 12-20-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-227X]

Railroad Services Abandonment; Wheeling and Lake Erie Railway Co.; Abandonment in Belmont County, OH; Exemption

Wheeling and Lake Erie Railway Company (applicant) requests exemption for an abandonment which comes under 49 CFR Part 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is between milepost 14.75, east of Saginaw Mine switch, and milepost 20.94, the end of the line at Neffs, a distance of 6.19 miles.[1] in Belmont County, OH.

No local or overhead traffic has moved over the line for at least 2 years. No formal complaint filed by a user of rail service on the line regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Utilities Commission of the State of Ohio has been notified in writing, and has stated that it has no objection to the abandonment. *See Exemption of Out of Service Rail Lines,* 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment-Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective on January 19, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by December 31, 1983 and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by January 9, 1984 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Angelica D. Lloyd, 204 South Jefferson Street, Roanoke, VA 24042.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: December 14, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 83-33777 Filed 12-20-83; 8:45 am]

BILLING CODE 7035-01-M

[1] The Norfolk and Western Railway filed a petition for exemption to discontinue service. The abandonement by applicant is exempt under the class exemption at 49 CFR Part 1152 and is therefore being handled in this notice. At this time, these procedures apply only to abandonments. The discontinuance of service is being handled in Finance Docket No. 30330.

[I.C.C. Order No. P-67]

Passenger Train Operation; the Atchison, Topeka and Santa Fe Railway Co.

In appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Oakland and Los Angeles, California. 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 at Crockett, California, are temporarily out of service because of a high water. An alternate route is available via The Atchison, Topeka and Santa Fe Railway Company between Port Chicago and Richmond, California.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided April 29, 1982, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), The Atchison, Topeka and Santa Fe Railway Company (ATSF) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between Port Chicago, California, and a connection with Southern Pacific Transportation Company at Richmond, California.

(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 2:15 p.m., December 3, 1983.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 5, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon The Atchison, Topeka and Santa Fe Railway 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., December 3, 1983.

Interstate Commerce Commission.

John H. O'Brien,

Agent.

[FR Doc. 83-33772 Filed 12-20-83; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-68]

Passenger Train Operation; Union Pacific Railroad Co.

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Seattle, Washington and Los Angeles, California. 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 at Red Bluff, California, are temporarily out of service because of a derailment. An alternate route is availble via the Union Pacific Railroad Company between Bieber, and Sacramento, California.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided April 29, 1982, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), the Union Pacific Railroad Company (UP), is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between Bieber, California, and a connection with Southern Pacific Transportation Company (SP) at Sacramento, California.

(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 6:48 p.m., December 3, 1983.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 5, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Union Pacific Railroad Company and upon 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., December 3, 1983.

Interstate Commerce Commission.

John H. O'Brien,

Agent.

[FR Doc. 83-33773 Filed 12-20-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importers of Controlled Substances; Registration; Penick Corp.

By Notice dated September 16, 1983, and published in the **Federal Register** on September 22, 1983 (48 FR 43237), Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Raw Opium (9600)	II.
Poppy Straw (Opium Plant Form) (9650)	II.
Concentrate of Poppy Straw (9670)	II.

No comments or objections have been received. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21 Code of Federal Regulations 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: December 14, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-33778 Filed 12-20-83; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration; Penick Corp.

By Notice dated September 16, 1983, and published in the **Federal Register** on September 22, 1983, (48 FR 43238), Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Pholcodine (9314)	I
Laam (9603)	I
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Diphenoxylate (9170)	II
Hydrocodone (9193)	II
Pethidine (Meperidine) (9230)	II
Methadone (9250)	II
Methadone-Intermediate (9254)	II
Morphine (9300)	II
Thebaine (9333)	II
Opium Extracts (9610)	II
Opium Fluid Extracts (9620)	II
Tincture of Opium (9630)	II
Powdered Opium (9639)	II
Granulated Opium (9640)	II
Mixed Alkaloids of Opium (9648)	II
Concentrate of Poppy Straw (9670)	II
Phenazocine (9715)	II
Fentanyl (9801)	II

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: December 14, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-33779 Filed 12-20-83; 8:45 am]

BILLING CODE 4410-09-M

MERIT SYSTEMS PROTECTION BOARD

Availability of "Political Activity and the Federal Employee" and "Political Activity and the State and Local Employees"; Ordering Procedure

AGENCY: Office of the Special Counsel: Merit Systems Protection Board.

ACTION: Notice of availability of "Political Activity and the Federal Employee" and "Political Activity and the State and Local Employees" for fiscal year 1984; ordering procedure.

SUMMARY: The purpose of this notice is to inform Federal agencies that the Office of the Special Counsel publication, entitled "Political Activity and the Federal Employee", will be available for fiscal year 1984 on riders to the Government Printing Office. Departments and agencies may order this publication by riding the Merit Systems Protection Board printing requisition #4-00066. State and local government offices may order "Political Activity and the State and Local Employees" publication by riding the Merit Systems Protection Board printing requisition #4-00067.

DATE: Agency FY 84 requisitions (Standard Form 1) should be submitted to the Government Printing Office, Requisitions Section, Room 836, Washington, D.C. 20401, no later than

January 30, 1984, through the agency's Washington, D.C. headquarters office authorized to procure printing for the agency. Agencies may estimate cost by using the current Government Printing Office price list of printing services.

FOR FURTHER INFORMATION CONTACT: H. Alma Hepner, Director of Congressional and Public Relations, Office of the Special Counsel, Merit Systems Protection Board, Suite 816, 1120 Vermont Avenue, N.W., Washington, D.C. 20419. (202) 653-7984.

For the Special Counsel:

H. Alma Hepner,

Director of Congressional and Public Relations.

[FR Doc. 83-33887 Filed 12-20-83; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-97]

NASA Advisory Council (NAC), Space Applications Advisory Committee (SAAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Applications Advisory Committee.

DATE AND TIME: January 10, 1984, 6:30 a.m. to 5 p.m.; January 11, 1984, 8:30 a.m. to 12:00 Noon.

ADDRESS: Jet Propulsion Laboratory, Building 180, Room 101, 4800 Oak Grove Drive, Pasadena, CA 91103.

FOR FURTHER INFORMATION CONTACT: Dr. William P. Raney, Code E, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1430).

SUPPLEMENTARY INFORMATION: The NAC Space Applications Advisory Committee consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space Applications Programs. The meeting will be open to the public up to the seating capacity of the room (approximately 80 persons) including Committee members and other participants. Topics under discussion at this meeting will include an update by McDonnell Douglas and the Jet Propulsion Laboratory (JPL) on Materials Processing in Space, an update of remote sensing commercialization, and a tour of the JPL facilities.

Agenda

January 10, 1984

8:30 a.m.—Administrative Coordination With Other NASA Committees
9 a.m.—McDonnell Douglas Materials Processing in Space Update
9:30 a.m.—JPL Materials Processing Activity
10:15 a.m.—JPL Remote Sensing Overview
10:30 a.m.—JPL Land Activity
11:30 a.m.—Atmospheres Tour
1 p.m.—JPL Oceans Tour
2:45 p.m.—Land Remote Sensing Commercialization Update
3:30 p.m.—JPL Summary
4 p.m.—Space Station Update
4:30 p.m.—Committee Discussion
5:30 p.m.—Adjourn

January 11, 1984

8:30 a.m.—Discussion. Activity Reports. Plans
12 Noon—Adjourn

Dated: December 14, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83-33736 Filed 12-20-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Minorities in Science and Technology.

Place: Rm. 543, National Science Foundation, 1800 G Street, Nw., Washington, D.C. 20550.

Date: Friday, January 6, 1984.

Time: 9 a.m. - 5 p.m.

Type of Meeting: Open.

Contact Person: Ms. Jane Stutsman, Executive Secretary of the Committee, National Science Foundation, Rm. 428, 1800 G Street NW., Washington, D.C. 20550 Telephone: 202/357-7835.

Purpose of Subcommittee: Responsible for all Committee matters relating to the participation in and opportunities for education, training, and research for minorities in science and technology, and the impact of science and technology on minorities.

Summary Minutes: May be obtained from the contact person at the above stated address.

Agenda: The Subcommittee is asked to consider mechanisms to increase participation of minorities in Foundation programs, on research projects; to provide advice to the Director for the modification of NSF ploicies and procedures relating to minority appointments on advisory committees, as well as to suggest a modification of the internal distribution of funds to implement this program.

Dated: December 16, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-33739 Filed 12-20-83; 8:45 am]

BILLING CODE 7555-01-M

Permit Application Received Under the Antarctic Conservation Act of 1978; Gerald L. Kooyman

AGENCY: National Science Foundation.

ACTION: Notice of Permit Application Received Under Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by January 20, 1984. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the 21 July 1983 Federal Register, page 33372.

The application received is as follows:

1. Applicant: Gerald L. Kooyman, University of California, San Diego, La Jolla, California 92093.

Activity for Which Permit Requested

Enter Site of Special Scientific Interest (Cape Crozier)

This is part of a NSF project to study life under thick ice. Access to stable sea ice within the Ross Ice Shelf rifts is necessary to serve as a platform for lowering a camera below the ice shelf to take survey photographs of the bottom. Only in the area of the emperor penguin colony are such conditions expected. However, an aerial survey will be done to confirm that stable ice exists only in the Site of Special Scientific Interest, otherwise the bottom survey will be done elsewhere. Also, at this time of year no emperor penguins are expected to be in the area since the chicks will have fledged a month before entry. Entry periods will be for about 8 hours each, on no more than 3 separate days.

Location

Cape Crozier, Ross Island, Antarctica

Dates

January–February, 1984.

Authority to publish this notice has been delegated by the Director, NSF to the Director, Division of Polar Programs.

A. N. Fowler,

Acting Division Director, Division of Polar Programs.

[FR Doc. 83-33790 Filed 12-20-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Extension.

2. The title of the information collection: 10 CFR Part 35—Human Uses of Byproduct Material.

3. The form number if applicable: Not applicable.

4. How often the collection is required: Required reports are collected and evaluated on a continuing basis as events occur. Applications for new licenses or amendments may be submitted at any time. Applications for renewal of licenses are submitted every five years.

5. Who will be required or asked to report: Applicants for and holders of specific or general licenses authorizing human use of byproduct material.

6. An estimate of the number of responses: 2,480.

7. An estimate of the total number of hours needed to complete the requirement or request: 30,343.

8. An indication of whether Section 3504 (h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: 10 CFR Part 35 establishes rules governing the licensing of byproduct material for human uses. It includes special requirements for issuance of specific licenses authorizing human use of byproduct material, general licenses for human use of byproduct material of specified types and forms, and certain regulations governing the holders of such specific and general licenses.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill (202) 395–7340.

The NRC Clearance Officer is R. Stephen Scott (301) 492–8585.

Dated at Bethesda, Maryland, this 15th day of December 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-33819 Filed 12-20-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-324]

Carolina Power & Light Co. (Brunswick Steam Electric Plant, Unit 2); Applications

Order Confirming Carolina Power & Light Company Commitment Re IGSCC Inspection

I

The Carolina Power & Light Company, (the licensee, CP&L) is the holder of Facility Operating License No. DPR-62, which authorizes the licensee to operate the Brunswick Steam Electric Plant, Unit 2 (the facility), at power levels not in excess of 2436 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Brunswick County, North Carolina.

II

As a result of inspections conducted at 18 operating boiling water reactors (BWRs) in conformance with recent IE Bulletins (IE Bulletin No. 82-03, Revision 1, "Stress Corrosion Cracking in Thick-Wall, Large-Diameter, Stainless Steel, Recirculation System Piping at BWR Plants," and IE Bulletin No. 83-02, "Stress Corrosion Cracking in Large-Diameter Stainless Steel Recirculation System Piping at BWR Plants"), a potential safety concern regarding intergranular stress corrosion cracking (IGSCC) in primary system piping was identified. These bulletins requested selected licensees to perform a number of actions regarding inspection and testing of pipe welds.

Results of these and other inspections pursuant to IE Bulletins 82-03 and 83-02 have revealed extensive cracking in large-diameter recirculation and residual heat removal system piping. In almost every case, where inspections were performed, IGSCC was discovered and, in many cases, repairs, analysis, and additional surveillance conditions were required. In view of the foregoing and the fact that the facility is similar in design to plants where IGSCC has occurred, there was a significant potential for IGSCC to exist in this facility. Therefore inspection was required to determine the extent of IGSCC and to ascertain, if necessary, the degree of remedial action.

On August 26, 1983 an Order was issued to the licensee which required that the facility be shutdown by November 1, 1983 and an IGSCC inspection be performed (this Order was modified on October 28, 1983 to allow the shutdown to be as late as November 9, 1983). On November 2, 1983 the facility was shutdown pursuant to Section III.B of the Order and an IGSCC inspection was performed pursuant to Section III.C of the August 26, 1983 Order.

In a November 28, 1983 report, as supplemented by two letters each dated November 30, 1983, the licensee discussed its IGSCC inspection pursuant to Section III.C.5 of the Order. This report concluded, based on certain compensatory action and the inspection results, that operation of the facility was justified through April 30, 1983.

The staff review of the licensee's report dated November 28, 1983 as supplemented by two letters dated November 30, 1983, has been completed and is documented in the Safety Evaluation dated December 13, 1983. The NRC letter dated December 13, 1983 notified the licensee that the facility could be returned to power. Although the calculations discussed in the above report indicate that the cracks in the 8 overlay repaired welds or the 11 unrepaired welds will not progress to

the point of leakage during the remainder of this fuel cycle, and margins are expected to be maintained over crack growth which could compromise safety, uncertainties in crack sizing and growth rate still remain.

Because of these uncertainties, we have determined that improvements in the monitoring in the containment for unidentified leakages are required; therefore, the changes to the limiting conditions for operation and surveillance requirements imposed by the August 26, 1983 Order should be continued. These enhanced surveillance measures will provide adequate assurance that possible cracks in pipes will be detected before growing to a size that will compromise the safety of the plant.

The staff also has some concern regarding the long-term growth of IGSCC cracks and its effect on the long-term operation of the plant. Therefore, we have determined that plans for inspections, corrective action and/or modification including replacement of the recirculation and other reactor coolant pressure boundary piping systems during the next refueling outage must be submitted at least 30 days before the start of the next refueling outage. In addition, the staff has determined that a justification for continued operation must be submitted to NRC for review and approval prior to startup after the next refueling outage.

By letter dated November 28, 1983, as supplemented by two letters each dated November 30, 1983, the licensee committed to the above described conditions on leakage monitoring and early submittal of inspection and/or modification plans. I have determined that the public health and safety requires that these commitments should be confirmed by an immediately effective Order.

III

Accordingly, pursuant to sections 103, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that:

A. Notwithstanding the current Technical Specifications for the facility the following compensatory measures shall be implemented:

1. The reactor coolant system leakage shall be limited to a 2 gpm increase in unidentified leakage within any 24 hour period (leakage shall be monitored and recorded once every 4 hours). Should this leakage limit be exceeded, the unit shall immediately start an orderly shutdown. The unit shall be placed in at least hot shutdown within the next 12 hours and in cold shutdown within the following 24 hours.

2. At least one primary containment sump collection and flow monitoring system shall be operable. With the primary containment sump collection and flow monitoring system inoperable, restore the inoperable system to operable status within 24 hours or immediately initiate an orderly shutdown and be in at least hot shutdown within the next 12 hours and in cold shutdown within the following 24 hours.

B. The licensee shall place the facility in cold shutdown by April 30, 1984.

C. Plans for inspections, corrective actions, and/or modification, including replacement of the recirculation and/or collant pressure boundary piping systems, during the next outage which is scheduled to begin in March 1984 but which may begin as late as April 30, 1984 shall be submitted at least 30 days before the start of that outage.

D. At least one month prior to startup of the facility after its next refueling outage, a justification for continued operation shall be submitted for NRC review and approval.

E. The Director, Division of Licensing, may, in writing, relax or terminate any of the above provisions upon written request from the licensee, if the request is timely and provides good cause for the requested action.

IV

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the matters set forth in Section II of the Order, the licensee should comply with the requirements set forth in Section III of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland this 13 day of December, 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut, Director,

Division of Licensing.

[FR Doc. 83-33811 Filed 12-20-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-400 and STN 50-401]

Carolina Power & Light Co. et al.; Availability of Safety Evaluation Report for Shearon Harris Nuclear Power Plant, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the Shearon Harris Nuclear Power Plant, Units 1 and 2, to be located in Wake and Chatham Counties, North Carolina. Notice of receipt of the application by Carolina Power and Light Company and North Carolina Eastern Municipal Power Agency to construct and operate the Shearon Harris Nuclear Power Plant was published in the **Federal Register** on January 27, 1982 (47 FR 3899).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Wake County Public Library, 104 Fayetteville Street, Raleigh, North Carolina 27601 for inspection and copying. The report (Document No. NUREG-1038) can be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this thirteenth day of December, 1982.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-33812 Filed 12-20-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

The Connecticut Light and Power Company, et al. (Millstone Nuclear Power Station, Unit 2); Application

Modification of Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Northeast Nuclear Energy Company, et al. (the licensee) is the holder of

facility Operating License No. DPR–65 which authorizes the operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility) at steady-state power levels not in excess of 2700 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Waterford, Connecticut.

II

Following the accident at Three Mile Island No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee.

III

On March 14, 1983, the Commission issued an Order confirming the licensee's commitments to implement certain post-TMI items set forth in NUREG–0737. By letter dated September 27, 1983, the licensee informed the staff of delays associated with equipment modification and calibration related to two items identified in the March 14, 1983 Order, and requested a revision of the Order to allow extension of the completion dates for these items. The staff's evaluation of the licensee's proposed delays for these items is provided herein:

II.F.1.1—Post Accident Noble Gas Effluent Monitors and II.F.1.2—Sampling and Analysis of Plant Effluents

The licensee originally completed the installation of all equipment required to fulfill Items II.F.1.1 and II.F.1.2 by March 11, 1982. However, there was a serious problem with the preliminary isotopic calibration in that the Unit 1 stack (normal discharge point for both units) and the Unit 2 auxiliary building stack monitors would grossly over-estimate any accidental radioactive release. The licensee modified the equipment in accordance with the supplier's recommendtions. Originally, the licensee expected to have the high range noble gas monitors and the iodine and particulate monitors operational by September 1, 1983.

The equipment to measure high range noble gas and iodine and particulate effluents from the Unit 2 stack is installed and functional. However, during accident scenarios when the enclosure building filtration system would be exhausting effluents through the Unit 1 stack, the high range noble gas monitors installed at Unit 1 would provide the appropriate monitoring function. The high range effluent monitors are installed at Unit 1. An equipment problem is preventing the transfer of data from the monitor location to the Unit 2 control room and it is not anticipated that the equipment will be repaired and the system be operational before January 1984.

Since the Unit 2 capability to assess high range noble gas effluent during accident scenarios is contingent upon the Unit 1 stack monitors, the licensee has requested a new completion date of January 1, 1984. It is noted that Unit 2 will remain shut down for refueling and related outage activities for the remainder of this calendar year. With the completion of the repairs to the Unit 1 monitor, the licensee will have fulfilled Items II.F.1.1 and II.F.1.2 of NUREG–0737 for Unit 2.

We find, based upon the above evaluation, that: (1) The licensee has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays (technical difficulties and interface problems); and (3) as noted above, Unit 2 will remain shutdown until the system is operational in accordance with the revised date prescribed by this order.

IV

Accordingly, pursuant to Section 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that:

The completion dates specified in the March 14, 1983 Order for Items II.F.1.1 and II.F.1.2 are extended to the dates specified in the Attachments to this Order. The March 14, 1983 Order, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address.

If a hearing is to be held, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether this Order should be sustained.

This Order shall become effective upon the licensee's consent or upon expiration of the period within which the licensee may request a hearing or, if a hearing is requested by the licensee, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland this 14th day of December, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1.—LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's Completion Schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions	Cycle 6 Refueling Outage (4/83).
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Installation Complete. Training on Polographic Analyzer—Mar. 31, 1983.

ATTACHMENT 1.—LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's Completion Schedule (or status) [1]
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Complete.
II.E.1.2	Aux FW Indication and Flow Indicator	July 1, 1981	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependability	do	Part 5—lower containment pressure setpoint to level compatible with normal operation.	Do.
II.E.4.2	Containment Isolation Dependability	do	Part 7—isolate purge and vent valves on radiation signal	Do.
II.E.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Jan. 1, 1984.
		do	(2) Provide capability for effluent monitoring of iodine	Do.
		do	(3) Install in-containment radiation-level monitor	Complete.
		do	(4) Provide continuous indication of containment pressure	Do.
		do	(5) Provide continuous indication of containment water level	Do.
		do	(6) Provide continuous indication of hydrogen concentration in containment	Do.

[1] Where completion date refers to a refueling outage (the estimated dated when the outage begin is shown), the item will be completed prior to the restart of the facility.

ATTACHMENT 1.—LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's Completion Schedule (or status) [1]
I.A.1.3.1	Limit Overtime [2]	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. June 15, 1962.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82-12, dtd. June 15, 1982.	Deviations from working hours are delineated by NNU letter of Oct. 1, 1982. Item is currently under review.
I.A.1.3.2	Minimum shift Crew [2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111.	Reference SECY 82-111, Requirements for emergency Response Capability	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program	Complete.
II.D.1.3	Block Valve Test Program	do	Submit report of results of test program	Do.
II.K.3.30 and 31.	SBLOCA Analysis [2]	One year after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by SECY 82-111.	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [2]	do	do	Do.
III.A.2.2	Meteorological Data [2]	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee.	Modify facility as identified by licensee study	Cycle 8 Refueling Outage (Oct. 1984).

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins is shown), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc. 83-33813 Filed 12-20-83; 8:45 am]
BILLING CODE 7590-01-M

Applications for Licenses To Export and Import Nuclear Facilities or Materials; Honeywell Defense Systems Division et al.

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application" please take notice that the Nuclear Regulatory Commission has received the following applications for export and import licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, The Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 14th day of December 1983 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

NRC EXPORT AND IMPORT APPLICATIONS

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Honeywell Defense Systems Division, Nov. 29, 1983, Dec. 5, 1983, XU08504 (Amend. No. 01).	Depleted uranium	Additional 1,451,700		Melt, recast and reclaim scrap rod ends and pieces at Eldorado Nuclear.	Canada.

NRC EXPORT AND IMPORT APPLICATIONS—Continued

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., Dec. 2, 1983, Dec. 2, 1983, XSNM01975.	93.3 percent enriched uranium	Additional 7.925	Additional 7.394	Increase in quantity of material requested for export for use in the H.F.R. Petten Research Reactor.	The Netherlands.
Mitsui & Co., (USA), Inc., Nov. 30, 1983, Dec. 2, 1983 XSNM02098.	3.95 percent enriched uranium	9,993	302	Reload fuel for Fukushima II, Unit I.	Japan.
Edlow International, Co., Dec. 5, 1983, Dec. 7, 1983, ISNM1651 (Amend No. 04).	75.15 percent enriched uranium Plutonium	Additional 31.6 Additional 60 grams	Additional 20.2	Amend to increase quantity authorized for import of irradiated MTR fuel elements for reprocessing by DOE.	From Sweden.

[FR Doc. 83-33810 Filed 12-20-83; 8:45 am]

BILLING CODE 7570-01-M

[Docket No. 50-362]

Southern California Edison Company, et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-15 issued to Southern California Edison Company, San Diego Gas & Electric Company, the City of Riverside, California and the City of Anaheim, California (the licensees), for operation of the San Onofre Nuclear Generating Station Unit 3 located in San Diego County, California.

In accordance with the licensees' requests of January 25, July 14, and September 23, 1983, the amendment would make the following changes:

(1) Note 5 in Table 2.2-1 of Technical Specification 2.2.1 is changed by the deletion of a description of the specific methodology used to calculate the minimum Departure from Nucleate Boiling Ratio (DNBR) trip setpoint from the safety system settings.

(2) Section B 2.2.1 of the Technical Specifications is modified by the addition of a description of the specific methodology used to calculate the minimum DNBR trip setpoint from the safety system settings. The methodology differs from that deleted from Note 5 of Table 2.2-1 in that it includes methodology for incorporation of rod bow penalty factors into the Core Operating Limit Supervisory System (COLSS) and Core Protection Calculator (CPC) calculations of DNBR.

(3) The Action statement of Technical Specification 3/4.2.4 is changed by requiring the plant operators to "restore" the DNBR to within acceptable limits if it goes outside such limits. The present wording requires the operators to "reduce" the DNBR to within acceptable limits if it goes outside such limits.

(4) Technical Specifications 4.2.4.4 and B 3/4.2.4 are changed to incorporate revised, burnup-dependent DNBR rod bow penalty factors. The revised factors are based on Combustion Engineering Topical Report CENPD-255.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870) of amendments that are considered not likely to involve significant hazards considerations. One of the examples relates to a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all accepted criteria with respect to the system or component specified in the Standard Review Plan. Although the proposed action may slightly reduce the margin of safety by reducing the margin to DNBR under some operating conditions, the safety margin nevertheless remains within accepted criteria, as described in Combustion Engineering Topical Report CENPD-255P, "Fuel and Poison Rod Bowing." This report was approved by the NRC staff in its letter of February 15, 1983, C. O. Thomas (NRC) to A. E. Scherer (CE). Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Services Branch.

By January 20, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the

designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Mr. George W. Knighton: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington & Sutcliffe, Attn: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 9411, attorneys for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 25, 1983 and the supporting SCE letters dated July 14 and September 23, 1983, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the San Clemente Library, 242 Avenida Del Mar, San Clemente, California.

Dated at Bethesda, Maryland, this 15th day of December, 1983.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-33814 Filed 12-20-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-259]

Tennessee Valley Authority (Browns Ferry Nuclear Plant, Unit 1); Application

Modification of March 25, 1983 Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Tennessee Valley Authority (licensee) is the holder of Facility Operating License No. DPR-33 which authorizes the operation of the Browns Ferry Nuclear Plant, Unit 1, at steady state reactor power levels not in excess of 3293 megawatts thermal. The facility consists of a boiling water reactor located at the licensee's site in Limestone County, Alabama.

II

On March 25, 1983, the Commission issued an Order modifying the license, effective immediately, requiring the licensee to implement and maintain certain specific NUREG-0737 items on dates specified in the Attachments to the Order. Among other requirements, the confirmatory Orde required the licensee to install post-accident monitoring instrumentation meeting the requirements of Items II.F.1.3, II.F.1.4, and II.F.1.5 of NUREG-0737 during the next refueling outage. Browns Ferry, Unit 1 shut down for the next refueling on April 16, 1983—three weeks after issuance of the Order. Startup was

projected for mid-October 1983 but has been delayed to about the end of November 1983 to complete certain required actions. By letter dated July 13, 1983, the licensee had requested an amendment which would add surveillance requirements to the Technical Specifications for all of the NUREG–0737 items being installed during the current outage.

One of the post-TMI related items which TVA was required by the Order to complete during the current outage was installation of two physically separated high range radiation monitors within containment to meet the requirements of NUREG–0737, Item II.F.1.3. The latter specifies the design criteria the monitors must meet, including extended operation in the severe environmental conditions that could conceivably exist in containment following a postulated major accident.

By letter dated October 12, 1983, TVA informed the staff that during checkout of the monitoring system installed to meet the requirements of NUREG–0737, Item II.F.1.3, it was determined that design of necessary cable connections to the drywell penetration for the installation of this equipment is inadequate and therefore, full environmental qualification of the installed system is questionable. Revision of the design and procurement and installation of the equipment to meet the environmental qualification requirements within the time remaining in this outage is not possible. TVA requested that relief from the schedular requirements of the subject Order be granted for Item II.F.1.3 to extend the required completion date from "before startup in Cycle 6" to "before startup in Cycle 7," a period of about 18 months. TVA also requested that the proposed surveillance requirements for this item be deleted from the request for amendment of the Technical Specifications. TVA committed to complete installation of the monitors and to have the monitors operational except for full environmental qualification prior to startup in Cycle 6 (i.e., prior to startup from the current outage).

As a compensatory measure, TVA also committed to maintain the existing containment radioation monitors in service during the upcoming Cycle 6 operation. These radiation monitors perform the same function as the monitors required by NUREG–0737, Item II.F.1.3, except that they do not have the extended range (10^8 rad/hour). Thus, during this next cycle, there would be four independent radiation monitors continuously measuring radiactivity levels within containment. As an additional backup, TVA has the capability at Browns Ferry to periodically collect and analyze samples of the containment atmosphere.

For the Browns Ferry Nuclear Plant, Unit 1, we find that with respect to NUREG–0737, Item II.F.1.3, the licensee has made a responsible effort to implement this requirement, there is a good cause for a delay in having radiation monitors fully qualified for the environmental conditions specified in Item II.F.1.3 and that acceptable interim compensatory measures have been provided.

III

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, IT IS ORDERED that the completion date for NUREG–0737, item II.F.1.3 required in the March 25, 1983 "Order Confirming Licensee Commitments on Post-TMI Related Issues" be extended to: "Prior to Startup in Cycle 7." The licensee is also required to maintain the existing containment radiation monitors in service in accordance with the present Technical Specifications. The Order of March 25, 1983, except as modified herein, remains in effect in accordance with its terms.

IV

The licensee may request a hearing within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of the Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section III of this Order.

This Order shall become effective upon the licensee's consent or upon expiration of the time within which the licensee may request a hearing or, if a hearing is requested by the licensee, on the date specified in an Order issued following further proceedings on this Order.

Dated at Bethesda, Maryland this 12th day of December, 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-33615 Filed 12-20-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-483]

Union Electric Company, Callaway Plant, Unit No. 1; Order Extending Construction Completion Date

Union Electric Company is the holder of Construction Permit No. CPPR–139 issued on April 16, 1976 by the U.S. Nuclear Regulatory Commission for construction of the Callaway Plant, Unit No. 1 located in Callaway County, Missouri.

By letter, dated October 28, 1983, Union Electric Company filed an application for extension of the latest construction completion date for the Callaway Plant, Unit No. 1 Construction Permit. It was requested that Construction Permit CPPR–139 be extended from December 31, 1983 to June 30, 1985. The reasons given for the requested extension in time were: (1) The exacting nature of the work during latter stages of construction; (2) the slow progress of construction due in part to increasingly stringent quality requirements; and (3) numerous changes and additional requirements for plant design, including those required as a result of the Commission's regulatory review of the Three Mile Island accident.

This action involves no significant hazards consideration, good cause has been shown for the delays, and the requested extension is for a reasonable period, the bases for which are set forth in the staff's safety evaluation for this extension.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

The applicant's letter, dated October 28, 1983, and the NRC staff's safety evaluation supporting the Order are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Fulton City Library, 709 Market Street, Fulton, Missouri.

It is hereby ordered that the latest construction completion date for CPPR–139 be extended from December 31, 1983 to June 30, 1985.

Date of Issuance: December 12, 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-33816 Filed 12-20-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Power Station); Application

Modification of March 14, 1983 Order Confirming Licensee Committments on Post-TMI Related Issues

I

The Vermont Yankee Nuclear Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-28 which authorizes the operation of the Vermont Yankee Nuclear Power Station (the facility) at steady-state power levels not in excess of 1593 megawatts thermal. The facility is a boiling water reactor (BWR) located near Vernon, Vermont.

II

On March 14, 1983, the Commission issued an Order, published in the Federal Register on April 5, 1983, (48 FR 14787), confirming licensee commitments to take actions on post-TMI requirements proposed in NUREG-0737, "Clarification of TMI Action Plans Requirements." By letter dated May 19, 1983, the licensee requested that the staff modify the March 14, 1983 Order to withdraw the requirement pertaining to Item I.A.3.1, Simulator Exams. In the licensee's May 19, 1983 letter, the licensee cited the change in staff requirements described in Generic Letter 82-18, dated October 17, 1982, as the reason for the change in the requirement. Generic Letter 82-18 conveyed to NRC licensees the change in the Commission's position with respect to the need to conduct simulator examinations for those plants which do not have plant specific simulators. The reasons for the change in position, which are described in SECY 82-232, included the limited effectiveness of conducting examinations on non-plant specific simulators.

In view of the staff's position as set forth in SECY 82-232 and Generic Letter 82-18 that simulator examinations will not be required for those licensed operators holding licenses for those plants not having plant specific simulators, simulator examinations are no longer required for those licensed operators holding licenses for the Vermont Yankee plant.

III

Accordingly, pursuant to Sections 103 and 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Part 2 and 50, the Order of March 14, 1983 is modified to delete Item I.A.3.1 from Attachment 1 as a requirement of the Order. The Order of March 14, 1983, as revised herein, remains in effect in accordance with its terms.

IV

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. Any request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall be sent to the Executive Legal Director at the same address.

If a hearing is to be held, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether this Order should be sustained.

This Order shall become effective upon the licensee's consent or upon expiration of the period within which the licensee may request a hearing or, if a hearing is requested by the licensee, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland this 12 day of December, 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-33817 Filed 12-20-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-305]

Wisconsin Public Service Corporation et al.; Granting of Relief From Schedular Requirement of 10 CFR 50.49(g)

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief to the Wisconsin Public Service Corporation, the Wisconsin Power and Light Company and the Madison Gas and Electric Company (the licensee), which revises the schedular requirements of 10 CFR 50.49(g), Environmental Qualification of Electric Equipment Important to Safety for Nuclear Power Plants. The relief is effective as of the date of issuance.

This action provides relief from completing the schedular environmental qualifications requirements of certain equipment by March 31, 1983 until June 1984.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 50.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the letter from the Wisconsin Public Service Corporation dated April 22, 1983, and (2) the Commission's letter dated December 7, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and the Kewaunee Public Library, 822 Juneau Street, Kewaunee, Wisconsin 54216. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commisison, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of December, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-33818 Filed 12-20-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Circular A-122; Cost Principles for Nonprofit Organizations; Lobbying and Related Activities

AGENCY: Office of Management and Budget.

ACTION: Extension of public comment period.

The public comment period for the proposed revision of Circular A-122, Cost Principlee for Nonprofit Organizations entitled "Lobbying and Related Activities"—published at 48 FR 50860 on November 3, 1983—has been extended for 30 days. The comments period, originially scheduled to close December 19, 1983, has been extended through January 18, 1984.

Comments should be submitted to the Financial Management Division, Office of Management and Budget, Washington, D.C. 20503.

Issued in Washington, D.C., December 19, 1983.

Candice C. Bryant,

Deputy Assistant Director for Administration.

[FR Doc. 83-34109 Filed 12-20-83; 2:28 pm]

BILLING CODE 3110-01-M

SMALL BUSINESS ADMINISTRATION

Arizona; Region IX Advisory Council; Public Meeting

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of Phoenix, Arizona, will hold a public meeting on January 12, 1984 at the Beef Eaters Restaurant, 300 West Camelback Road, Phoenix, Arizona 85013, 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 Walter Fronstin, District Director, U.S. Small Business Administration, 3030 North Central Avenue, Suite 1201, Phoenix, Arizona 85012. Telephone number (602) 241-2206.

Jean M. Nowak,

Director, Office of Advisory Councils.

December 13, 1983.

[FR Doc. 83-33859 Filed 12-20-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/695]

Integrated Services Digital Network (ISDN) Joint Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Joint Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee will meet January 31–February 1, 1984, in Room 1107, Department of State, 2201 C Street, NW., Washington, D.C. Meetings on both days will begin at 9:30 a.m.

The purpose of the meeting is to review various reports on ISDN matters and consider contributions to the upcoming meeting of the ISDN Group of Experts.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. It is suggested that prior to January 31, all persons planning to attend the meeting should contact Mr. T. de Haas, Department of Commerce, Boulder, Colorado 80303; telephone 303 497-3728.

Dated: December 12, 1983.

Richard E. Shrum,

Acting Director, Office of International Communications Policy.

[FR Doc. 83-33788 Filed 12-20-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/694]

Integrated Services Digital Network (ISDN) Technical Working Group of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Technical Working Group of the U.S. Organization for the International Telegraph and Telephone Consultative Committee will meet January 17–18, 1984 in Room 1105, Department of State, 2201 C Street, NW., Washington, D.C. Meetings will begin at 9:30 a.m. on both days.

The purpose of the meeting is to discuss topics arising from the November meeting of the International Study Group XVIII Experts on ISDN Matters and other contributions for the 1984 Study Group meeting.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. It is requested that prior to January 17, all persons planning to attend the meeting should contact Dr. William Utlaut, Department of Commerce, Boulder, Colorado 80303; telephone 303 497-5216.

Dated: December 12, 1983.

Richard E. Shrum,

Acting Director, Office of International Communications Policy.

[FR Doc. 83-33785 Filed 12-20-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/696]

Secretary of State's Advisory Committee on Private International Law; Study Group on International Adoption of Minors; Meeting

There will be a meeting of the subject Study Group at 10:00 A.M. on Friday, January 6, 1984 in Room 1207 of the Department of State. Members of the general public may attend up to the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The Study Group will discuss the draft Inter-American convention on the adoption of minors developed by a group of experts primarily from member countries of the Organization of American States at a meeting at the Institute of the Child at Quito in March, 1983, in preparation for the proposed adoption at the Third Inter-American Specialized Conference on Private International Law (CIDIP III) in March-April, 1984 of a convention on this subject. Among the matters discussed will be the United States interest in the regional work on this topic at CIDIP III and guidance for the U.S. delegation on this topic generally and on the Quito draft convention in particular. The draft convention is limited primarily to rules on the choice of law (conflicts of law) that are to apply to certain legal aspects of international adoptions of minors between countries becoming parties to the convention.

Entry to the Department of State building is controlled and members of the general public should use the "C" Street ("diplomatic") entrance. As entry will be facilitated by advance arrangements, members of the general public planning to attend should, prior to January 6, notify Ms. Rochelle Renna, Office of the Assistant Legal Adviser for Private International Law, Department of State, Washington, D.C. 20520 (telephone: (202) 632-8134) of their name, affiliation, address and telephone number.

Peter H. Pfund,

Assistant Legal Adviser for Private International Law and Vice-Chairman, Advisory Committee on Private International Law.

December 12, 1983.

[FR Doc. 83-33787 Filed 12-20-83; 8:45 am]

BILLING CODE 4710-08-M

[Public Notice CM-8/697]

Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on January 10, 1984 in Room CRO-8-6 in the Engineering Center, University of Colorado, Boulder, Colorado. The meeting will begin at 9:00 a.m.

Study Group 5 deals with propagation of radio waves (including radio noise) at

the surface of the earth, through the non-ionized regions of the earth's atmosphere, and in space where the effect of ionizaton is negligible. The purpose of the meeting will be to review the work program in preparation for the international meeting of Study Group 5 in 1985.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. Requests for futher information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20520; telephone (202) 632–2592.

Dated: December 8, 1983.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 83-33788 Filed 12-20-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/698]

Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet at 9:00 a.m. on January 10, 1984 in Room 3012 of the Department of Commerce, Boulder Laboratories Building, 325 Broadway, Boulder, Colorado.

Study Group 6 deals with matters relating to the propagation of radio waves in and through the ionosphere. The purpose of the meeting will be to develop the plan for submission of documents to the international meeting of Study Group 6 scheduled for the fall of 1985.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20520; telephone (202) 632–2592.

Dated: December 8, 1983.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 83-33789 Filed 12-20-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/692]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea, Working Group on Stability, Load Lines, and Safety of Fishing Vessels; Meeting

The Working Group on Stability, Load Lines and Safety of Fishing Vessels of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on January 10, 1984 at 10:00 a.m. in Room 1303 at Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of the meeting will be a general review of all the agenda items for the 29th Session of the International Maritime Organization (IMO) Subcommittee on Stability, Load Lines and Safety of Fishing Vessels, scheduled for January 16–20, 1984.

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. William A. Cleary, Jr., U.S. Coast Guard Headquarters (G–MTH–5/13), 2100 Second Street, SW., Washington, D.C. 20593. Telephone: (202) 426–2187.

Dated: December 1, 1983.

Gordon S. Brown,

Chairman, Shipping Coordinating Committee.

[FR Doc. 83-33782 Filed 12-20-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/693]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea, Working Group on Containers and Cargoes; Meeting

The Panel on Bulk Cargoes of the Working Group on Containers and Cargoes of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on January 26, 1984 at 10:00 a.m. in Room 3201 at Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of this meeting will be to discuss:

—The United States positions on matters to be considered at the 25th Session of the International Maritime Organization (IMO) Subcommittee on Containers and Cargoes to be held on February 13–17, 1984;

—United States proposals made to the 25th Session of the IMO Subcommittee on Containers and Cargoes; and

—IMO activities of a continuing nature.

Members of the public may attend up to the seating capacity of the room.

For further information contact LCDR James W. Gormanson, U.S. Coast Guard Headquarters (G–MTH–3), 2100 Second Street, SW., Washington, D.C. 20593. Telephone: (202) 426–1577, or Captain S. Fraser Sammis, National Cargo Bureau, Inc., Suite 2757, One World Trade Center, New York, New York 10048. Telephone: (212) 432–1280.

Dated: November 28, 1983.

Gordon S. Brown,

Chairman, Shipping Coordinating Committee.

[FR Doc. 83-33783 Filed 12-20-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/699]

National Bipartisan Commission on Central America; Closed Meetings

The National Bipartisan Commission on Central America will meet in closed sessions for the purpose of drafting its report to the President on Tuesday, January 3, Wednesday, January 4, Thursday, January 5, and Friday, January 6, 1984. The meetings will commence at 10 a.m. and will be held in Room 1105, Department of State Washington, D.C.

These sessions will be closed to the public pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(1) and (c)(9). The disclosure of classified material and revelation of considerations contributing to policy development could adversely affect U.S. foreign relations and would substantially undermine the conduct of U.S. foreign policy and the ability of the Commission to provide advice to the President, the Secretary of State and the Congress.

Requests for further information should be directed to Sharon Mussomeli, Room 1004, Department of State. She may be reached by telephone on (202) 632–7804.

Dated: December 16, 1983.

Harry W. Shlaudeman,

Executive Director.

[FR Doc. 83-34045 Filed 12-20-83; 1:11 pm]

BILLING CODE 4710-29-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Technical Pipeline Safety Standards Committee; Advisory Committee Charter

This notice announces the renewal of the Technical Pipeline Safety Standards Committee under section 14 of the Federal Advisory Committee Act (5 U.S.C. App. 1; Pub. L. 92–463) and sets forth the new charter of the Committee

prepared in accordance with section 9 of that Act.

The purpose of the Technical Pipeline Safety Standards Committee is to review proposed gas pipeline safety standards and report to the Associate Director for Pipeline Safety Regulation, on the technical feasibility, reasonableness, and practicability of each such proposal. The Committee may propose safety standards to the Associate Director for his consideration for gas pipeline facilities.

It has been determined that renewal of the Technical Pipeline Safety Standards Committee is in the public interest in connection with the performance of duties imposed by law on the Department under section 4 of the Natural Gas Pipeline Safety Act of 1968, as amended by section 102 of the Pipeline Safety Act of 1979 (49 U.S.C. 1673).

The charter of the Committee is set forth below:

Charter—Technical Pipeline Safety Standards Committee

1. *Purpose.* This charter of the Technical Pipeline Safety Standards Committee is prepared and renewed in accordance with the Federal Advisory Committee Act (FACA) enacted October 6, 1972.

2. *Background.* Section 4 of the Natural Gas Pipeline Safety Act of 1968 (NGPSA) authorizes the establishment and prescribes the duties of the Technical Pipeline Safety Standards Committee. The Committee was established on January 2, 1969, by the appointment of 15 members. Since its establishment, the Committee has met from time to time to review and report on proposed Federal gas pipeline safety standards submitted to it by the Department.

3. *Sponsor.* The Office of Pipeline Safety Regulation is the Committee sponsor. The Associate Director for Pipeline Safety Regulation of the Materials Transportation Bureau is designated the Executive Director of the Committee and shall be the Department of Transportation (DOT) official authorized to call or adjourn meetings, approve the agenda, and otherwise monitor the Committee's meetings and progress.

4. *Committee Objectives and Duties.* The Associate Director for Pipeline Safety Regulation shall submit to the Committee for its consideration any notice of proposed gas pipeline safety standards published in the **Federal Register** (including both new standards and amendments to existing standards). Within 90 days after receipt by the Committee of any such proposal, the Committee shall prepare a report on the technical feasibility, reasonableness, and practicability of the proposal. Each report by the Committee, including any minority views, shall, if timely made, be published and form a part of the proceedings for the promulgation of standards. The Director, Materials Transportation Bureau, may prescribe a final standard at any time after the 90th day after a proposal's submission to the Committee, whether or not the Committee has reported on such proposal. The Committee may propose safety standards to the Associate Director for his consideration for gas pipeline facilities. The Associate Director shall not be bound by conclusions of the Committee, but in the event that the conclusions of the majority of the current members of the Committee are rejected, the reasons for rejection shall be incorporated in the preamble published with the final rule (NGPSA, Section 4, and 49 CFR 1.53). The Committee may also review and report on other matters related to the Department's gas pipeline safety rulemaking function as are presented by the Associate Director.

5. *Membership.*

a. The Committee shall be composed of 15 members, each of whom shall be appointed by the Secretary, after consultation with public and private agencies concerned with the technical aspect of the transportation of gas or the operation of pipeline facilities. Members shall be appointed on the basis of their experience in the safety regulation of the transportation of gas and of pipeline facilities, or their training, experience, or knowledge in one or more fields of engineering applied in the transportation of gas or the operation of pipeline facilities to evaluate gas pipeline safety standards, as follows:

(1) Five members shall be selected from Federal, State, or local governmental agencies, and two of the five shall be State commissioners selected after consultation with representatives of the national organization of State commissions;

(2) Four members shall be selected from the natural gas industry, after consultation with industry representatives, and not less than three of the four shall be currently engaged in the active operation of natural gas pipelines; and

(3) Six members shall be selected from the general public.

b. The membership shall be fairly balanced in terms of the points of view represented, and the advice and recommendations of the Committee shall be the result of its independent judgment (FACA, section 5(b) (2) and (3)).

c. Members are appointed for a term of 3 years except that a member may serve until his successor is appointed, but for not more than a total of 6 years.

6. *Appointment of Officers.* At the first meeting of each calendar year, the Associate Director shall appoint a Chairman and Vice-Chairman, and the Committee shall, by majority vote of the members present, elect a Secretary. These three officers, who will serve until their successors are appointed, shall constitute an executive committee.

7. *Meetings and Procedures*

a. *Calling meetings.* The Associate Director for Pipeline Safety Regulation shall approve in advance the scheduling and agenda of each Committee meeting (FACA, section 10(f)). The Committee may recommend agenda items to the Associate Director. A designated officer or employee of the Federal government shall attend each Committee meeting, and is authorized to adjourn the meeting whenever he determines it to be in the public interest (FACA, section 10(e)).

b. *Presiding at meetings.* The Chairman shall preside at all meetings of the Committee and of the Executive Committee, except that the Associate Director or his delegate may preside whenever the Committee is, at the request of an official of the Department of Transportation, advising the Department on matters other than notices of proposed rulemaking. The Vice-Chairman shall assume and perform the duties of the Chairman in the event of his absence. A majority of the current members of the Committee must be present at a meeting to perform the Committee's statutory duties.

c. *Duties of Secretary.* The Committee Secretary shall, as directed by the Chairman, monitor records, summarize activites, prepare and process letter ballots, and prepare reports for submission to the Associate Director. In the absence of the Secretary, the Chairman appoints a member of the Committee to perform the duties of the Secretary.

d. *Notices of meetings.* Notice of each Committee meeting shall be published in the **Federal Register** at least 15 days in advance of the meeting, except in emergency situations. Other forms of notice are to be used to the extent practicable (FACA, section 10(a)).

e. *Frequency of Committee meetings.* The Committee meets at least twice each calendar year. In addition, Committee members may be polled or asked for comments on notices of proposed rulemaking or other matters at

any time without formally assembling at one place.

f. *Public participation.* Each Committee meeting shall be open to the public except where the Executive Director of the Committee determines in writing that the meeting, or a portion thereof, shall be closed for one of the reasons specified in 5 U.S.C. Sec. 552b(c) (FACA, Sec. 10 a(1) and (d)). Public participation in the meeting may be limited by reasonable rules (FACA, Section 10(a)(3)).

g. *Minutes.* Detailed minutes of each Committee meeting shall be kept and certified to by the Committee Chairman. The minutes shall contain a record of persons participating, a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Committee (FACA, section 10(c)).

h. *Availability of records.* The records, reports, transcripts, minutes, and other documents of the Committee shall be available for public inspection and copying at the Office of Pipeline Safety Regulation, 400 Seventh Street, SW., Washington, D.C. 20590, subject to the Freedom of Information Act, 5 U.S.C. 552 (FACA, section 10(b)).

8. *Compensation.* Members of the Committee other than Federal employees shall be compensated at the rate of $150 per day (including travel time) through December 31, 1983, when engaged in the actual duties of the Committee. Effective January 1, 1984, such compensation will not be provided. All members, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence.

9. *Duration of the Committee.* Under the provisions of the NGPSA, the Committee's purposes are continuing in nature; therefore, the Committee has an indefinate duration. The Committee itself must be renewed at successive 2-year intervals by the appropriate action of the Secretary (FACA, section 14(c)).

10. *Administrative Support.* The Associate Director for Pipeline Safety Regulation is responsible for providing office space, equipment, supplies, clerical help, and other administrative and financial support for the Committee.

11. *Annual Operating Cost.* Estimated annual operating cost is approximately $20,000 for travel and recording the proceedings, plus about one-eighth person-year of staff support.

12. *Public Interest.* The formation and use of the Technical Pipeline Safety Standards Committee is determined to be in the public interest in connection with the performance of duties imposed on the DOT by law. In fact, the NGPSA specifically requires the DOT to submit all proposed gas pipeline safety standards to the Committee as part of the proceedings for the promulgation of such standards.

13. *Filing Date.* December 16, 1983. This is the effective date of the charter which will expire 2 years from that date unless sooner terminated.

Richard L. Beam,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 83-33850 Filed 12-20-83; 8:45 am]

BILLING CODE 4910-60-M

UNITED STATES INFORMATION AGENCY

Reporting and Information Collection Requirement Under OMB Review

AGENCY: United States Information Agency.

ACTION: Notice of reporting requirement submitted to OMB for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed or established reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. USIA is requesting approval of an information collection which is used to support, through grants, non-profit organizations in conducting educational and cultural exchange activities with the peoples of foreign countries pursuant to the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256.

DATE: Comments must be received by January 16, 1984.

Copies: Copies of the request for clearance (SF-83), supporting statement, instructions, transmittal letter and other documents submitted to OMB for review may be obtained from the USIA Clearance Officer. Comments on the item listed should be submitted to the Office of Information and Regulatory Affairs of OMB, attention Desk Officer for USIA.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Charles N. Canestro, United States Information Agency, M/M, 301 Fourth Street SW., Washington, D.C. 20547, telephone (202) 485-8676. And OMB Review: David S. Reed, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-7231.

SUPPLEMENTARY INFORMATION: Title "A Grants Program for Private Organizations". Public non-profit organizations interested in conducting educational and cultural exchange programs with the people of foreign countries may apply for grant assistance to USIA. An application for a grant must be in the form of a concept paper of five typewritten pages. Applications are reviewed by staff members of USIA's Office of Private Sector Programs, and then turned over to a panel to be screened for final approval. Grants are not awarded to projects that are essentially research, involve funding of publications, or finance the policy views of foreign governments. It is the intention of the Federal Government to enhance the educational and cultural exchange programs of private non-profit organizations rather than compete with them. This program is conducted pursuant to the mandate given to the United States Information Agency under the terms and conditions for the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256.

Dated: December 13, 1983.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 83-33737 Filed 12-20-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 246
Wednesday, December 21, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Friday, December 23, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: December 16, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1779-83 12-19-83; 11:49 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Friday, December 23, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Audit Report re: Summary of Seven Liquidation Site Audits (dated November 4, 1983)

Audit Report re: Summary of Three Liquidation Site Audits (dated November 4, 1983)

Audit Report re: First National Bank of Oak Lawn, Oak Lawn, Illinois—AP-344 (dated November 7, 1983)

Audit Report re: Bank of Quitman, Quitman, Arkansas—AP-330 (dated November 18, 1983)

Audit Report re: Summary of Three Liquidation Site Audits (dated November 28, 1983)

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: December 16, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1780-83 Filed 12-19-83; 11:49 am]

BILLING CODE 6714-01-M

3

INTERNATIONAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 55234, December 9, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Tuesday, December 20, 1983.

CHANGES IN THE MEETING: Addition to the agenda as follows:

Inadvertently Investigations 731-TA-153 and -154 [Preliminary] (Certain Carbon Steel Products from Brazil) were not included in item No. 5 on the subject agenda. These investigations will also be discussed and voted on at this meeting.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary: (202) 523-0161.

[S-1776-83 Filed 12-19-83; 10:19 am]

BILLING CODE 7020-02-M

4

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on January 12, 1984.

PLACE: Suite 316, 1825 K Street, NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell; (202) 634–4015.

Dated: December 19, 1983.

E. Ross Buckley,

General Counsel.

[S-1777-83 Filed 12-19-83; 10:51 am]

BILLING CODE 7600-01-M

5

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on January 19, 1984.

PLACE: Suite 316, 1825 K Street, NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell; (202) 634–4015.

Dated: December 19, 1983.

E. Ross Buckley,

General Counsel.

[S-1778-83 Filed 12-19-83; 10:51 am]

BILLING CODE 7600-01-M

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SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission held the following closed meeting on Tuesday, November 29, 1983, at 9:00 a.m. at 450 5th Street, NW., Washington, D.C., to consider the following item.

Regulatory matter regarding financial institution.

The Commissioners, Counsel for the Commissioners and the Secretary of the Commission attended the closed meeting. Certain staff members who are responsible for the calendared matter were present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the item considered at the closed meeting was considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Longstreth and Treadway voted to consider the item listed for the closed meeting in closed session.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Michael Lefever at (202) 272–2468.

December 16, 1983.

[S-1781-83 Filed 12-19-83; 11:49 am]

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Wednesday
December 21, 1983

Part II

Environmental Protection Agency

National Oil and Hazardous Substances Pollution Contingency Plan; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[SWH-FRL 2444-3]

National Oil and Hazardous Substances Pollution Contingency Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Pursuant to section 311(c)(2)(G) of the Clean Water Act and section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Environmental Protection Agency (EPA) is proposed to revise Subpart H of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300. Today's proposed rule amends Subpart H by specifying testing and data requirements for inclusion of a dispersant, surface collecting agent, or biological additive on EPA's NCP Product Schedule. The proposed rule also provides that products on this schedule may be authorized for use on discharges of oil.

DATES: Comments on the proposed rule must be submitted on or before January 20, 1984.

ADDRESSES: Comments may be mailed to L. M. Flaherty, Emergency Response Division (WH-548/B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460.

FOR FURTHER INFORMATION CONTACT: L. M. Flaherty, Emergency Response Division, Office of Emergency and Remedial Response, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Phone (202) 382-2196.

SUPPLEMENTARY INFORMATION: .

1. Background

Section 311(c)(2)(G) of the Clean Water Act (CWA) requires the publication of a National Contingency Plan (NCP) that includes:

> A schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The NCP published pursuant to section 311(c)(2) included an Annex X that complied with these provisions (see 45 FR 17832, 17856 [March 19, 1980]). Annex X specified that chemical agents could not, except in emergency situations, be used to abate discharges of oil or hazardous substances unless the Agency had been provided with the technical product data specified in the Annex and the agents were listed on EPA's Product Schedule. Annex X also specified procedures by which on-scene coordinators (OSCs) could authorize the use of such products as well as the use of burning agents and mechanical control methods. The use of sinking agents was prohibited.

Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) requires that the NCP be revised to implement new authorities under CERCLA. Under Executive Order 12316, the President delegated responsibility for revising the NCP to EPA. In the July, 16, 1982 revision of the NCP (47 FR 31180, codified at 40 CFR Part 300), EPA eliminated the annexes. In place of Annex X, EPA established a new Subpart H to implement the provisions of CWA section 311(c)(2)(G).

The current Subpart H permits OCSs to authorize the use of dispersants and other chemicals on oil discharges if the dispersants (or other chemicals) are on EPA's Product Schedule. The use of any product not on EPA's Product Schedule requires the authorization of the Administrator or the Administrator's designee. These dispersants and other chemicals are authorized only for use in responding to oil spills. The Agency may add provisions addressing the use of chemical and biological agents on releases of hazardous substances in the future.

The current Subpart H does not contain a requirement regarding data submissions. In the preamble to the revised NCP (47 FR 31201), EPA explained that it had deleted data submission requirements pending a detailed review of those requirements and the development of new product testing procedures. EPA noted that upon completion of the review of data requirements, it would proposed a rule which established new testing procedures and a process for adding dispersants and other chemical agents to the NCP Product Schedule. Today's proposal does so.

EPA's NCP Product Schedule does not identify the waters in which listed dispersants and chemicals may be used or the quantities of those dispersants or chemicals that can safely be used in such waters. The wide variability in waters, weather conditions, organism living in the water, and types of oil that might be discharged preclude such an identification. Instead, the waters and quantities in which a dispersant or chemical agent can safely be used must be determined case-by-case on the basis of all relevant circumstances. the data requirements for EPA's NCP Product Schedule ensure that OSCs will have sufficient general data to judge whether and in what quantities a dispersant can safely be used to control a particular discharge.

II. Proposed Amendment

Today's proposed amendment specifies test data which must be developed in order to add dispersants, surface collecting agents, and biological additives to EPA's NCP Product Schedule. the purpose of this requirement is to ensure that there will be sufficient data available to the OSC to permit him to decide, on a case-by-case basis, whether a particular product is appropriate for use in responding to an oil spill. The standardized testing procedures set out in this proposed rule are designed to ensure that the OSC has uniform and comparable data regarding a product's effectiveness and toxicity. The proposed amendment also prohibits the use of sinking agents, requires the concurrence of the States in authorizing a product's use, and allows OSCs to authorize the use of a product without the concurrence of the Regional Response Team (RRT) or the States when human life is endangered.

A. NCP Product Schedule

Under the amendment, EPA must receive technical data on a product before it can be added to the NCP Product Schedule. Data on dispersants must include the results of EPA's revised standard dispersant effectiveness and toxicity tests, which are set forth in Appendix C. Data on surface collecting agents must include the results of the revised standard dispersant toxicity test. (While this test is entitled a "dispersant" toxicity test, it is equally relevant to testing the toxicity of surface collecting agents.)

EPA has revised these tests to make them simpler, less time-consuming, and less costly than those required under Annex X. The precision of the effectiveness test has been increased, so that fewer replications are necessary. the number of test species used in the toxicity test has been reduced, and thus, the cost of performing these tests has

been reduced by approximately 40 percent.

The Agency acknowledges that the utility of the effectiveness test is limited because the performance of a product may vary significantly in actual use. There is, however, no real alternative currently available for generating more useful data. EPA will continue to study potential improvements in the test and is particularly interested in comments on this issue. EPA encourages manufacturers to supplement the required test data by providing data on product performance in conditions other than those generated by the testing protocol.

Technical product data submissions will be reviewed by EPA for completeness and consistency. If all of the data requirements set out in 40 CFR 300.85 have been satisfied, the product will be added to the NCP Product Schedule. EPA will inform the submitter in writing, within 60 days of the receipt of the data, whether the product will be listed on the schedule.

Products already on EPA's current product list, prepared pursuant to Annex X of the previous NCP, will be included on the new NCP Product Schedule. The previous data requirements were comparable to the revised data requirements and, therefore, the existing data on these products are sufficient to permit OSCs to make informed decisions about product use.

The listing of a product on EPA's NCP Product Schedule does not mean that the product has been recommended or authorized for use on an oil discharge. Instead, it means that the data submission requirements of 40 CFR 300.85 have been satisfied. These data, in turn, are to be used by the OSCs in deciding whether to authorize the use of a product on the schedule in responding to oil discharges. Each particular application of a dispersant, chemical agent, or biological additive requires specific authorization.

Placement on EPA's NCP Product Schedule does not mean that EPA has confirmed the safety or effectiveness of the product or in any other way endorsed the product. To prevent possible misrepresentation, any product advertisements referring to placement on EPA's schedule must reproduce, in its entirety, the EPA letter announcing placement on the schedule. Failure to comply with this restriction constitutes grounds for removing a product from the schedule. A product may be used improperly, causing damage to the environment, if placement on the schedule is misunderstood to be an EPA endorsement of the use of a product.

B. EPA and State Concurrence

Dispersants, surface collecting agents, and biological additives on EPA's NCP Product Schedule may be authorized for use on an oil discharge by an OSC, with the concurrence of the EPA representative to the RRT and the concurrence of the States with jurisdiction over waters polluted by the discharge. This authorization procedure is the same as in the current Subpart H, except that it is extended to biological additives. EPA, however, has supplemented the authorization procedures in Subpart H in two areas. First, it has explicitly encouraged advance planning. The OSC may act without the concurrence of the RRT and affected States if these parties have approved a plan identifying the products that may be used in specific contexts. Second, if the OSC determines that the use of a dispersant, surface collecting agent, or biological additive is necessary to prevent or substantially reduce hazard to human life, and that there is not sufficient time to obtain concurrence, the OSC may authorize the use of any product (including products not on EPA's NCP Product Schedule) without obtaining the concurrence of the EPA representative to the RRT or the affected States. The OSC is to inform the EPA RRT representative and the affected States of the use of a product as soon as possible, and obtain their concurrences for the product's continued use in the situation once the threat to human life has subsided. This provision is designed to eliminate delays in life-threatening situations.

Neither Annex X of the previous NCP nor the current Subpart H required the concurrence of affected States in authorizing product use; instead, they required only consultation. States have generally understood the term "consultation," however, to mean that their approval is required before using a chemical agent on an oil discharge and this has been the practice of most OSCs. The proposed amendment's requirement for State concurrence brings the authorization provisions in Subpart H into conformity with the practice and expectations of the States.

C. Burning and Sinking Agents

The proposed amendment provides for authorization of the use of burning agents, as did Annex X of the previous NCP. Although burning agents are not listed on the schedule, OSCs may authorize their use on a case-by-case basis with the concurrence of the EPA RRT representative and the appropriate States. The OSC may authorize the use of burning agents without obtaining concurrence when their use is necessary to prevent or reduce hazard to human life.

Sinking agents, however, are not allowed to be used in the waters of the United States. Sinking agents are applied to oil discharges to sink floating oil below the water surface. The use of these agents in the navigable waters of the U.S. and the contiguous zone was prohibited in Annex X because of the potential for adverse effects on benthic organisms that are vital to the aquatic environment's food chain. Subpart H currently does not refer specifically to sinking agents. The proposed revisions to Subpart H reinstate the policy which prohibits the use of sinking agents on oil discharges.

III. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked Attention: Desk Officer for EPA. The final rule package will respond to any OMB or public comments on the information collection requirements.

IV. Executive Order 12291

Executive Order 12291 requires that proposed regulations be classified as major or non-major for purposes of review by the Office of Management and Budget. Today's proposed regulation is non-major because it does not have an annual economic impact of $100 million. Because this proposed amendment is not a major regulation, no Regulatory Impact Analysis is being prepared.

This proposed amendment was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and EPA responses to those comments are available for public inspection in room [5323].

V. Certification Why a Regulatory Flexibility Analysis is Not Necessary

The Regulatory Flexibility Act of 1980 requires that a Regulatory Flexibility Analysis be performed for all rules that are likely to have "significant impact on a substantial number of small entities." EPA certifies that this regulation will not have a significant impact on a substantial number of small entities. The Agency believes that the number of small businesses seeking to include their

product on the NCP Product Schedule will be low in comparison to the total number of potential respondents, and that the cost of seeking to include a product on the NCP Product Schedule is negligible and will not adversely impact a small business' financial structure.

VI. List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Occupational safety and health, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: December 12, 1983.

William D. Ruckelshaus,

Administrator.

Accordingly, it is proposed that Title 40 of the Code of Federal Regulations, Part 300, Subpart H, be revised and Appendix C be added to read as follows:

PART 300—[AMENDED]

Subpart H—Use of Dispersants and Other Chemicals

Sec.

300.81 General.
300.82 Definitions.
300.83 EPA's NCP product schedule.
300.84 Authorization of use.
300.85 Data requirements.
300.86 Addition of products to schedule.

Authority: Sec. 105, Pub. L. 96-510, 94 Stat. 2764, 42 U.S.C. 9605 and sec. 311(c)(2), Pub. L. 92-500, as amended; 86 Stat. 865, 33 U.S.C. 1321(c)(2); Executive Order 12316, 47 FR 42237 (August 20, 1981); Executive Order 11735, 38 FR 21243 (August 1973).

§ 300.81 General.

(a) Section 311(c)(2)(G) of the Clean Water Act requires that EPA prepare a schedule of dispersants and other chemicals, if any, that may be used in carrying out the plan. This subpart makes provisions for such a schedule.

(b) This subpart applies to the navigable waters of the United States and adjoining shorelines, the waters of the Contiguous Zone, and the high seas beyond the Contiguous Zone in connection with activities under the Outer Continental Shelf Lands Act or the Deep Water port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976).

(c) This subpart applies to the use of any chemical agents or other additives as hereinafter defined that may be used to remove or control oil discharges or hazardous substance releases.

§ 300.82 Definitions.

For the purpose of this subpart:

(a) *Chemical agents*, in general, are those elements, compounds, or mixtures that coagulate, disperse, dissolve, emulsify, foam, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, congeal, entrap, fix, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water.

(b) *Dispersants* are those chemical agents that emulsify, disperse, or solubilize oil into the water column or act to further the surface spreading of oil slicks in order to facilitate dispersal of the oil into the water column.

(c) *Surface collecting agents* are those chemical agents that form a surface film to control the layer thickness of oil.

(d) *Biological additives* are microbiological cultures, enzymes, or nutrient additives that are deliberately introduced into an oil discharge for the specific purpose of encouraging biodegradation to mitigate the effects of the discharge.

(e) *Burning agents* are those additives that, through physical or chemical means, improve the combustibility of the materials to which they are applied.

(f) *Sinking agents* are those additives applied to oil discharges to sink floating pollutants below the water surface.

§ 300.83 EPA's NCP product schedule.

(a) *Oil Discharges.* (1) EPA shall maintain a schedule of dispersants and other chemical or biological products that may be authorized for use on oil discharges. This schedule, hereinafter referred to as EPA's NCP Product Schedule, may be obtained from the Emergency Response Division, U.S. Environmental Protection Agency, Washington, D.C. 20460. Phone (202) 382-2196.

(2) Products may be added to EPA's NCP Product Schedule by the process specified in section 300.86.

(b) *Hazardous Substance Releases.* [Reserved]

§ 300.84 Authorization of use.

(a) The OSC, with the concurrence of the EPA representative to the RRT and the concurrence of the States with jurisdiction over the waters polluted by the discharge, may authorize the use of dispersants, surface collecting agents, and biological additives on oil discharges, provided that the dispersants, surface collecting agents, or additives are on EPA's NCP Product Schedule.

(b) The OSC, with the concurrence of the EPA representative to the RRT and of the States with jurisdiction over the waters polluted by the discharge, may authorize the use of burning agents on oil discharges on a case-by-case basis.

(c) The OSC may authorize the use of any dispersant, surface collecting agent, other chemical agent, burning agent, or biological additive (including products not on EPA's NCP Product Schedule) without obtaining the concurrence of EPA representative to the RRT or the States with jurisdiction over the waters polluted by the discharge when, in the judgement of the OSC, the use of the product is necessary to prevent or substantially reduce hazard to human life. The OSC is to inform the EPA RRT representative and the affected States of the use of a product as soon as possible, and obtain their concurrences for its continued use in a situation once the threat to human life has subsided, pursuant to the provisions in paragraph (a) of this section.

(d) Sinking agents shall not be authorized for application to oil discharges.

(e) RRTs should consider, as part of their planning activities, the appropriateness of using dispersants, surface collecting agents, or biological additives on the NCP Product Schedule and burning agents. Plans should address the use of such products in specific contexts. If the RRT and the States with jurisdiction over the waters of the area to which a plan applies approve in advance the use of certain products as described in the plan, the OSC may authorize the use of the products without obtaining the concurrence of the EPA representative to the RRT or the States.

§ 300.85 Data requirements.

(a) *Dispersants.* (1) Name, brand, or trademark, if any, under which the dispersant is sold.

(2) Name, address, and telephone number of the manufacturer, importer, or vendor.

(3) Name, address, and telephone number of primary distributors or sales outlets.

(4) Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures, to include optimum ranges as well as temperatures that will cause phase separations, chemical changes, or other alterations to the effectiveness of the product.

(5) Shelf life.

(6) Recommended application procedures, concentrations, and conditions for use depending upon water salinity, water temperature, types and ages of the pollutants, and any other application restrictions.

(7) Dispersant Toxicity—Use standard toxicity test methods described in Appendix C.

(8) Effectiveness—Use standard effectiveness test methods described in Appendix C. EPA also invites manufacturers to provide data on product performance under conditions other than those captured by these tests.

(9) Flash Point—Select appropriate method from the following: ASTM—D 56–77; ASTM—D 92–78; ASTM—D 93–77; ASTM—D 1310–72.[1]

(10) Pour Point—Use ASTM—D 97–66.[1]

(11) Viscosity—Use ASTM—D 445–74.[1]

(12) Specific Gravity—Use ASTM—D 1298–67.[1]

(13) pH—Use ASTM—D 1293–78.[1]

(14) Dispersing Agent Components. Itemize by chemical name and percentage by weight each component of the total formulation. The percentages will include maximum, minimum, and average weights in order to reflect quality control variations in manufacture or formulation. Identify at least the following major components: surface active agents; solvents; additives.

(15) Heavy Metals, Cyanide, and Chlorinated Hydrocarbons. Using standard test procedures, state the concentrations or upper limits of the following materials:

(i) Arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc, plus any other metals that may be reasonably expected to be in the sample. Atomic absorption methods should be used and the detailed analytical methods and sample preparation shall be fully described.

(ii) Cyanide. Standard colorimetric procedures should be used.

(iii) Chlorinated hydrocarbons. Gas chromatography should be used and the detailed analytical methods and sample preparation shall be fully described.

(16) The technical product data submission shall include the identity of the laboratory that performed the required tests, the qualifications of the laboratory staff (including professional biographical information for individuals responsible for any tests), and laboratory experience with similar tests. Laboratories performing bioassay tests for dispersant toxicity must demonstrate previous bioassay experience in order for their results to be accepted. It is the responsibility of the submitter to select competent analytical laboratories based on the guidelines contained herein. EPA reserves the right to refuse to accept a submission of technical product data because of lack of qualifications of the analytical laboratory, significant variance between submitted data and any laboratory confirmation performed by EPA, or other circumstances that will result in inadequate or inaccurate information on the dispersing agent.

(b) *Surface Collecting Agents.* (1) Name, brand, or trademark, if any, under which the surface collecting agent is sold.

(2) Name, address, and telephone number of the manufacturer, importer, or vendor.

(3) Name, address, and telephone number of primary distributors or sales outlets.

(4) Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures, to include optimum ranges as well as temperatures that will cause phase separations, chemical changes, or other alterations to the effectiveness of the product.

(5) Shelf Life.

(6) Recommended application procedures, concentrations, and conditions for use depending upon water salinity, water temperature, types and ages of the pollutants, and any other application restrictions.

(7) Toxicity—Use standard dispersant toxicity test methods described in Appendix C.

(8) Flash Point—Select appropriate method from the following: ASTM—D 56–77; ASTM—D 92–78; ASTM—D 93–77; ASTM—D 1310–72.[1]

(9) Pour Point—Use ASTM D 97–66.[1]

(10) Viscosity—Use ASTM D 445–74.[1]

(11) Specific Gravity—Use ASTM D 1298–67.[1]

(12) pH—Use ASTM D 1293–78.[1]

(13) Test to Distinguish Between Surface Collecting Agents and Other Chemical Agents.

(i) This test was developed to determine surface collecting agent solubility in water under standard conditions.

(ii) Method Summary—Five (5) milliliters of the chemical under test are intimately mixed with ninety-five (95) milliliters of distilled water and allowed to stand undisturbed for one hour. Then the volume of the upper phrase is determined to the nearest one (1) milliliter.

(iii) Apparatus.

(A) Mixing cylinder: 100 milliliter subdivisions and fitted with a glass stopper.

(B) Pipettes: Volumetric pipette, 5.0 milliliter.

(C) Timers.

(iv) Procedure—Add 95 milliliters of distilled water at 22°C ± 3°C to a 100 milliliter mixing cylinder. To the surface of the water in the mixing cylinder, add 5.0 milliliters of the chemical under test. Insert the stopper and invert the cylinder five (5) times in 10 seconds. Set upright for one (1) hour at 22°C ± 3°C and then measure the chemical layer at the surface of the water. The major portions of the chemical added (75 percent) should be at the water surface as a separate and easily distinguished layer.

(14) Surface Collecting Agent Components. Itemize by chemical name and percentage by weight each component of the total formulation. The percentages should include maximum, minimum and average weights in order to reflect quality control variations in manufacture or formulation. Identify at least the following major components: surface active agents; solvents; additives.

(15) Heavy Metals and Chlorinated Hydrocarbons. Follow specifications in § 300.85(a)(15).

(16) Analytical Laboratory Requirements for Technical Product Data. Follow specifications in section 300.85(a)(16).

(c) *Biological Additives.* (1) Name, brand, or trademark, if any, under which the biological additive is sold.

(2) Name, address, and telephone number of the manufacturer, importer, or vendor.

(3) Name, address and telephone number of primary distributors or sales outlets.

(4) Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures.

(5) Shelf Life.

(6) Recommended application procedures, concentrations, and conditions for use depending upon water salinity, water temperature, types and ages of the pollutants, and any other application restrictions.

(7) Statements and supporting data on the expected effectiveness of the additive, including degradation rates, and the test conditions and data on effectiveness.

(8) For microbiological cultures furnish the following information:

(i) Listing of all microorganisms by species;

(ii) Percentage of each species in the composition of the additive.

(iii) Optimum pH and temperature range for use of the additive;

(iv) Special nutrient requirements, if any;

[1] *1978 Annual Book of ASTM Standards.* American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(v) Separate listing of the following, and test methods for such determinations: Salmonella, fecal coliform, Shigella, Staphylococcus Coagulase positive, and Beta Hemolytic Streptococci.

(9) For enzyme additives furnish the following information:

(i) Enzyme name(s);

(ii) International Union of Biochemistry [I.U.B.] number(s);

(iii) Source of the enzyme;

(iv) Units;

(v) Specific Activity;

(vi) Optimum pH and temperature range for the use of the additive;

(vii) Enzyme shelf life;

(viii) Enzyme optimum storage conditions.

(10) Laboratory Requirements for Technical Product Data. Follow specifications in § 300.85(a)(16).

(d) Burning Agents. EPA does not require technical product data submissions for burning agents and does not include burning agents on the NCP Product Schedule.

§ 300.86 Addition of products to schedule.

(a) To add a dispersant, surface collecting agent, or biological additive to EPA's NCP Product Schedule, the technical product data specified in § 300.85 must be submitted to the Emergency Response Division, U.S. Environmental Protection Agency, Washington, D.C. 20460. If EPA determines that the data submitted meet the appropriate requirements, EPA will add the product to the schedule.

(b) EPA will inform the submitter in writing, within 60 days of the receipt of technical product data, of its decision on adding the product to the schedule.

(c) The submitter may request that certain information in technical product data submissions be treated as confidential. EPA will handle such information pursuant to the provisions in 40 CFR Part 2, Subpart B.

(d) The submitter must notify EPA of any changes in the composition or formulation of the dispersant, surface collecting agent, or biological additive that will affect any of the data required under § 300.85. EPA will decide whether to require retesting of the product on the basis of this notification.

(e) The listing of a product on EPA's NCP Product Schedule does not constitute approval of the product. To avoid possible misinterpretation of misrepresentation, any advertisements or technical literature referring to the placement of the product on the EPA schedule must reproduce, in its entirety, EPA's written statement that the product has been listed on the schedule. Failure to comply with these restrictions or any other improper attempt to demonstrate EPA approval of the product shall constitute grounds for removing the product from EPA's NCP Product Schedule.

* * * * *

Appendix C—Revised Standard Dispersant Effectiveness and Toxicity Tests

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1.0 Introduction

A. Scope and Application

These methods apply to "Dispersants," involving Subpart H (Use of Dispersants and Other Chemicals) in 40 CFR Part 300 (National Oil and Hazardous Substances Pollution Contingency Plan). These are revisions to EPA's Standard Dispersant Effectiveness and Toxicity Tests[1]. Note that the toxicity test is also used for surface collecting agents and other chemicals.

B. Definition

For the purpose of these methods, the definition of dispersants is: Dispersants are those chemical agents which emulsify, disperse, or solubilize oil into the water column or act to further the surface spreading of oil slicks in order to facilitate dispersal of oil into the water column.

2.0 Revised Standard Dispersant Effectiveness Test

A. Summary of Method

The test oil (100 ml) is applied to the surface of synthetic seawater contained in a cylindrical tank. The dispersant (3,5, and 25 ml) is applied to the oil in a fine stream, and 1.0 minute of contact time is allowed for the dispersant to contact the oil. Energy is added to the oil/dispersant mixture by hosing and agitating the mixture with a pressurized water stream. The contents of the tank are recirculated by a pump, and samples are withdrawn from the recirculation system after 10 minutes and after 2 hours of recirculation. The amount of oil dispersed is determined by measuring optical density after extraction of the dispersed oil with chloroform. Each test is repeated three times.

B. Apparatus

Test Tank. Construct the cylindrical test tank, 60-cm (24-in.) ID. by 71-cm (28 in.) high, of 16-gauge stainless steel. Install, as shown in Figure 1, the associated piping, valve, and pump for recirculation of dispersed oil and for sample collection.

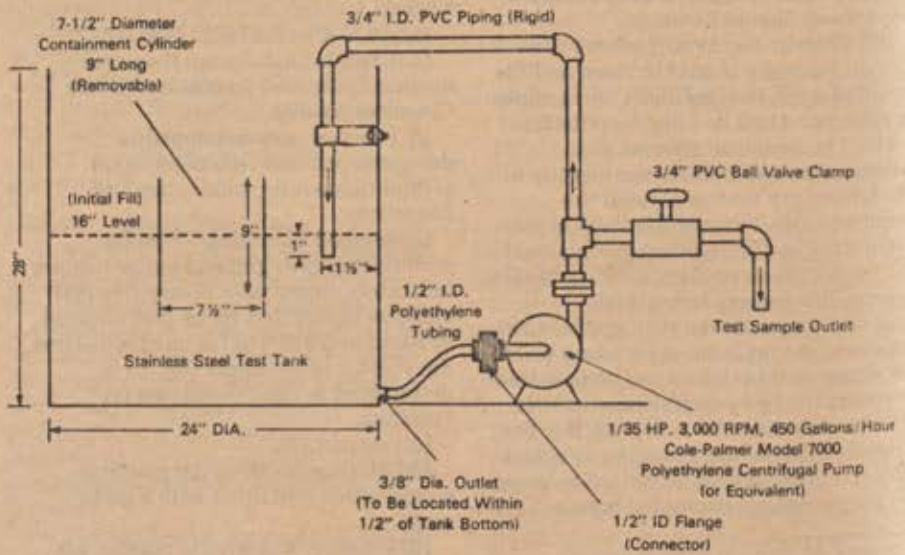

Figure 1. Test Tank

Oil Containment Cylinder. Use a 16-gauge stainless steel containment cylinder, 19.0 cm (7.5 in.) in diameter and 22.9 cm (9 in.) long, to contain the oil while the oil contacts the dispersant. Fit the cylinder with clamps so that it can be placed vertically in the center of the test tank with its midpoint 40.6 cm (16 in.) above the base of the tank. The clamp design should be such that the cylinder can be removed from the tank in less than 10 seconds.

Hosing System. Provide a pressurized hosing system suitable for delivering synthetic seawater to the oil/dispersant mixture in the test tank. A suggested hosing system is shown in Figure 2. Deliver hosing water through a 1.27-cm (0.5-in.) ID hose, which is connected to a shut-off nozzle consisting of a cast brass ball shut-off valve with a 0.48-cm (3/16-in.) ID discharge tip [Akron Brass Company, Style 111 shutoff valve with Style 558, 0.48-cm (3/16-in.) tip, or equivalent].

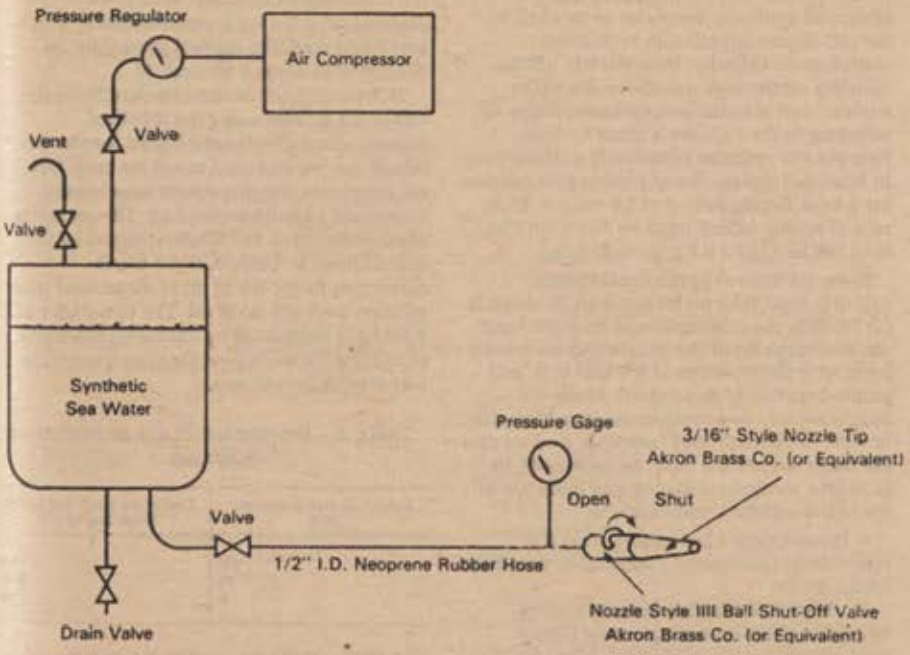

Figure 2. Suggested Hosing System

To obtain a 140 kPa (20-psig) nozzle flow rate (the specified pressure during the hosing operation), hose synthetic seawater at 23±1° C into a calibrated container for a predetermined time. This rate should be 15.1±0.8 liters/min at 140 kPa (4.0±0.2 gpm at 20 psig). Use a suitable valve in the hose line to adjust and control the hosing pressure. The pressure should be determined by means of a pressure gauge in the line immediately before the nozzle or by a Pitot tube or pressure gauge reading in the synthetic seawater stream.

Corrosion buildup within the nozzle may change hosing pressure and alter test results. To prevent this, remove and flush the nozzle with fresh water at the end of each day's tests.

Spectrophotometer. Use a spectrophotometer suitable for measurement at 340 mμ and 620 mμ to photochemically determine oil concentration of the oil/chloroform mixture. A Bausch and Lomb Spectronic 20 spectrophotometer (or equivalent) is acceptable for this purpose.

Filter Paper. Use a filter paper suitable for filtering the oil/chloroform extract. Whatman No. 1 filter paper (or equivalent) is acceptable for this purpose.

Glassware. Glassware consists of 5-, 10-, and 25-ml graduated cylinders; two 250-ml separatory funnels with Teflon stopclocks; 3-, 10-, 25-, 100-, and 1000-ml volumetric flasks.

C. Reagents

Synthetic Seawater. Prepare a concentrated solution of synthetic seawater, using the components listed in Table 1, which are added to 379 liters (100 gal) of tap water having a hardness less than 50 mg/l.

Chloroform Reagent Grade

Sodium Sulfate, Anhydrous Reagent Grade

Oils. Test the dispersant with 100 ml of No. 6 fuel oil which has the characteristics tested in Table 2.

TABLE 1. SYNTHETIC SEAWATER

[Effectiveness Test]

Salt*	Composition	
	Concentrate* (kg/379 liter)	Diluted seawater (g/liter)
NaCl	20.25	17.10
$MgCl_2 \cdot 6H_2O$	9.17	7.44
Na_2SO_4	3.38	2.85
$CaCl_2$	0.952	0.802
KCl	0.573	0.483
$NaHCO_3$	0.166	0.140

*Concentrate is prepared by dissolving the indicated amount of salt in 379 liters (100 gal) of tap water.
*If any salt other than those listed above is used, allowance must be made for water of crystallization.

TABLE 2. TEST OIL CHARACTERISTICS: NO. 6 FUEL OIL

Characteristic	No. 6 Fuel Oil	
	Minimum	Maximum
Gravity (°API)	-	15.9
Viscosity Furol at 122°F (SFS)	101	200
Flash Point (°F)	150	-
Pour point (°F)	-	+35
Sulfur (wt %)	-	2.73
Carbon residue (wt %)	-	12.3
Water (vol %)	-	0.20
Sediment (wt %)	-	0.10
Ash (wt %)	-	0.10
Aphaltenes (wt %)	-	10.0
Neutralization No.	-	2.5

Preparation of Standard Curves. Add 3.50 g of the test oil to a 1-liter volumetric flask. Dissolve the oil in about 900 ml of chloroform, then dilute to the mark with chloroform. The concentration of test oil is 3.50 mg/ml.

Prepare standard curves for No. 6 fuel oil by pipetting 5, 10, 25, and 50 ml of the test oil stock solution into 100-ml volumetric flasks. Dilute each flask to the mark with chloroform. The concentration of test oil in each flask is:

Volume of test oil used (ml)	Concentration of test oil (mg/ml)
5	0.175
10	0.350
25	0.875
50	1.75
Stock	3.50

Determine the optical density (OD) of the stock solution and the diluted aliquots at a wavelength of 620 mμ for No. 6 fuel oil. If a Bausch and Lomb Spectronic 20 spectrophotometer is used, the 1.27 cm (½-inch) cell is recommended for No. 6 fuel oil.

Plot the standard curves for the test oil as mg/liter of test oil versus OD.

Measurement of Specific Gravity of the Test Oils and Dispersant. Equilibrate the test oil and dispersant at 23±1°C.

Weigh two dry 10-ml volumetric flasks on a balance capable of weighing to ±1 mg or better. Add enough test oil to one flask and enough dispersant to the second flask to fill them to the mark. Reweigh each flask. The density of the oil and dispersant is

$$\text{Density (g/ml)} = \frac{\text{Weight of test oil or dispersant (g)}}{\text{Volume of the flask (ml)}}$$

D. Dispersant Effectiveness Test Procedure

The dispersant effectiveness test procedures are as follows in Steps 1–16:

1. Add 37.9 liter (10 gal) of the seawater concentrate to the test tank. Dilute the concentrate to a depth of 40.6 cm (16 in.) with hot and cold water in the proper amounts to bring the temperature of the diluted seawater to 23±1°C. Adjust the pH of the seawater to 8.0±0.1 with concentrated HCl or NaOH. The salinity of the water should be 25.00±0.15 0/00.

2. Clamp the oil containment cylinder to the test tank. Position the cylinder in the center of the tank with its midpoint 40.6 cm (16 in.) above the base of the tank.

3. Prepare the following graduated cylinders: a 5-, 10-, and 25-ml graduated cylinder for addition of the dispersant and a 100-ml graduated cylinder for addition of the test oil.

4. Fill a 100-ml graduated cylinder with 100 ml of the test oil. Drain the graduate for 3.0 min. Weigh the drained graduate. Calculate the weight of 100 ml test oil [weight (g) = density (g/ml) × volume (ml)] and add this amount of test oil to the drained graduate. Reweigh the graduate and calculate the weight of oil actually added.

Note. The Precision of the effectiveness test is increased substantially if exactly the same weight of test oil or dispersant is added for each test. The purpose of Step 4 is to determine the amount of test oil or dispersant that will be left in the graduated cylinder after the addition.

5. Slowly and gently add the 100 ml of the test oil from the graduated cylinder directly onto the water surface within the center of the oil containment cylinder with a rapid circular motion. Be careful that oil in not lost below the containment cylinder and that oil does not splash, drip onto, or contact the cylinder wall during application.

Allow the oil to drain from the graduated cylinder for 3.0 minutes after application.

Weigh the drained graduated cylinder. Calculate the weight of oil actually added to the test tank (W_o). Check the weight to be sure that 100.0±0.5 ml of test oil was added to the test tank.

6. Fill a 5-, 10-, and 25-ml graduated cylinder with 3, 10 and 25 ml of dispersant, respectively. Drain the graduate for 3.0 min. Weigh the drained graduate. Calculate the weight of 3, 10, or 25 ml of dispersant [weight (g) = density (g/ml) × volume (ml)] required, and add this amount of dispersant to the drained graduate. Reweigh the graduate and record this weight.

7. From the graduated cylinder gently add the dispersant at 23±1°C onto the oil surface within the containment cylinder with a rapid circular and criss-cross motion. Carefully apply the dispersant onto the oil surface only and not through the oil surface or onto the containment cylinder walls. Apply the dispersant during a time period of 3.0 minutes.

Weigh the drained graduate cylinder. Calculate the weight of dispersant added to the test tank (W_d). Check the weight to be sure that the correct volume of dispersant, ±3 percent, was added to the test tank.

8. Activate the hosing systems, adjust nozzle pressure to (20 psig), and apply a stream of synthetic seawater at 23±1°C to the oil/dispersant mixture within the containment cylinder. Immediately lift the cylinder all the way out above the water surface, and simultaneously hose off any oil adhering to the cylinder's inner surface. Remove the cylinder completely and continue to hose and agitate the oil/dispersant mixture for a total hosing period of 1.0 minute. Flow rate of hosing nozzle must be 15.1±0.8 liter/m at 140 kPa (4.0±0.2 gpm at 20 psig).

Note. (1) Removing the containment cylinder must take no longer than 10 seconds. (2) To hose the oil/dispersant mixture, hold the discharge tip of the nozzle approximately level with the top edge of the test tank and pointed vertically downward. Move the nozzle rapidly in a random manner from side to side, backwards and forwards, and around the inner wall of the tank, as necessary, to facilitate continuous hosing and agitation of the entire oil/dispersant surface.

9. Immediately after hosing, start the recirculation pump and continue recirculation for 2.0 hours.

10. After 10.0 minutes of recirculation, withdraw a 500-ml sample into a 500-ml graduate cylinder and discard. Immediately collect another 500-ml sample for determining "initial dispersion."

11. After 2.0 hours of recirculation, withdraw a 500–ml sample into a 500–ml graduate cylinder and discard. Immediately collect another 500–ml sample for determining "final dispersion."

12. Transfer the 500–ml sample to a 1–liter separatory funnel. Add 25 ml of chloroform to the separatory funnel, stopper the funnel, and shake vigorously for 50 strokes.

After shaking, place the funnel in a rack, vent, and allow a settling time of 2 to 3 minutes.

After the settling period, lift the funnel from the rack and gently invert it several times. While holding the funnel, allow the contents to settle and then gently swirl with a circular motion to afford additional settling of the oil/chloroform mixture.

Transfer the oil/chloroform mixture to a 250–ml Erlenmeyer flask that contains anhydrous Na_2SO_4 for drying the extract.

Repeat the extractions using a total of at least three 25–ml portions of chloroform.

After the oil extraction is complete, filter the combined extracts from the Erlenmeyer flask through dry filter paper into an appropriate size volumetric flask (100 ml, 250 ml, or 500 ml depending on the amount of chloroform used to complete the extraction).

Rinse the Na_2SO_4 and filter paper with small portions of chloroform to remove entrained oil. After removing, fill the volumetric flask to the mark with chloroform stripper, invert and thoroughly mix contents.

13. Spectrophotometrically determine the OD of the extract using the identical wavelength and cell established for the test oils. From the standard curve for the test oil, determine the quantity of dispersed oil in milligrams (W_{do}).

E. Blank Correction Determination

14. Prepare the synthetic seawater at 23±1°C as described in Step 1. Do not install the containment cylinder. Add 25 ml of the dispersant to the tank as described in Steps 6 and 7 and continue the test procedure as described in Steps 8 through 12.

15. Spectrophotometrically determine the OD of the extract using the identical wavelength and cell established for the test oils. From the standard curve for each test oil, determine the dispersant interference expressed as milligrams of oil. This quantity of oil, referred to as "X" determined by the calculations in Table 3, is the blank correction factor for 25 ml of dispersant in a mixture with 100 ml of oil. The remainder of Table 3 is calculated by assuming the blank correction factor is directly proportioned to test dispersant volume.

TABLE 3.—DISPERSANT BLANK CORRECTION FACTORS

Volume of test dispersant (ml)	Dispersant blank correction factor (mg of oil)
25	1.0
10	0.40
3	0.12

Additional blank correction factor for other test conditions can be determined by multiplying "X" by the appropriate blank correction factors indicated in Table 3.

16. Repeat Steps 14 and 15 above but using 100 ml oil, added as described in Test Procedure, Steps 4 and 5. The OD of the test oil extract is OBC.

F. Calculations

Calculate the oil conversion factor (OCF) expressed as mg as follows:

$$\text{OCF} = \frac{\text{(Density of oil) (100 ml)}}{\text{(grams of test oil applied} = W_o}$$

Calculate the dispersant correction factor (DCF) expressed as mg,

where

$$\text{DCF} = \frac{\text{(Density of dispersant) } (V_d)}{\text{(grams of dispersant applied)}}$$

where V_d is the nominal volume of dispersant used during the test (i.e., 3, 10, or 25 ml).

Calculate the dispersant blank correction factor (DBC), for the dispersant, expressed as mg test oil:

$$DBC = \frac{(\text{Density of dispersant})\ (V_d)\ (X)}{25}$$

where V_d is the volume of dispersant used and X is the optical density of the 25-ml dispersant blank, which was determined previously.

The concentration of test oil equivalent to 100% dispersion is:

$$\frac{(100\text{ ml test oil})}{(133.6\text{ liter synthetic seawater})} = 0.749\text{ ml/liter}$$

Then, the weight of test oil that would be in the combined chlorofom extracts of the 500-ml sample from the test tank after completion of the test procedure if the oil were 100% dispersed (W_{100}) expressed as grams is:

$$W_{100} = \frac{(500\text{ ml sample})\ (0.749\text{ ml/liter})\ (\text{Density test oil})}{(1000\text{ ml/liter})}$$

The percent of oil dispersed is

$$\% = \frac{[(W_{so})][(OCF)(DCF)-(OBC)-(DBC)]\ (\text{gm}/1000\text{mg})}{W_{100}}$$

where W_{so} is the grams of test oil dispersed, from Step 13.

G. Reports of the Effectiveness Test Results

Based on 100 ml of oil, determine the precent dispersion of the test oil caused by 3, 10, and 25 ml of dispersant: (a) after 10 minutes recirculation ("initial dispersion") and (b) after 2 hours recirculation ("final dispersion").

Determine the mean of at least three replicate tests for each of the three dispersant dosages. If the percent dispersion value found (after the 10-minute recirculation period only) for any of the three replicate tests varies from the mean value by more than ±8%, discard that result and run another replicate.

For each test oil, using percent dispersion as the ordinate and dispersant dosage (ml) as the abscissa, plot two curves on one chart, one for "initial dispersion" and the other for "final dispersion." Draw the graphs by plotting mean percent dispersion values for each of the dispersant dosages of 3, 10, and 25 ml and connecting each of the data points. From the "initial dispersion" graph, determine the dispersant dosage (ml) causing 50% dispersion. From the "final dispersion" graph, determine the dispersant dosage (ml) causing 25% dispersion.

Report the data in the format given in Table 4.

TABLE 4.—REQUIRED DISPERSANT EFFECTIVENESS TESTS RESULTS

Volume dispersant ml	Initial dispersion (10 minutes)		Final dispersion (2 hours)	
	Percent dispersion for replicate No.	Mean percent dispersion	Percent dispersion for replicate No.	Mean percent dispersion
3	1— 2— 3—		1— 2— 3—	
10	1— 2— 3—		1— 2— 3—	
25	1— 2— 3—		1— 2— 3—	
	Dosage (ml) causing 50% dispersion (from "initial dispersion" graph)—— ml.		Dosage (ml) causing 25% dispersion (from "final dispersion" graph)—— ml.	

H. Comments on Revisions to Dispersant Effectiveness Tests

The comments discussed here refer only to these revisions to the dispersant effectiveness test described by McCarthy et al. (*1*).

Addition to Test Oil and Dispersant. Rewick et al. (*2*), (*3*), found that the method described in the revised method for adding the same amount of test oil and dispersant significantly improved the precision of the test. The percent standard deviation of the initial and final amount of oil dispersed was determined for dispersants C, E, and F using the method described in Reference 1. The data for dispersants A, B, and D were obtained using the weighing method for the oil and dispersant described in the revised procedure. The average percent standard deviation was reduced from 41.6 percent to 4.9 percent for No. 6 fuel oil. Additional testing of Dispersants on EPA's accepted list has recently been initiated to determine the precision of the Revised Standard dispersant Effectiveness Test Procedures.

Inclusion of the Oil Blank. Rewick et al. (*2*) found that the optical density of the oil blank was significantly higher than the dispersant blank. Including an oil blank increased the accuracy of the test because it corrects for the light absorption of the water-soluble components of the fuel (the amount of test oil dispersed into the water column in the absence of a dispersant is low).

Dispersant-to-Oil Ratio. The maximum effectiveness of many dispersants occurs at dispersant-to-oil (D/O) ratios of less than 0.10 or 0.25 (10 or 25 ml dispersant) (see Figure 1, Reference 3). Furthermore, the manufacturer's recommended application rates are usually less than D/O=0.10, and the actual application rates in a real spill may be less than a D/O=0.1 specifically when applied by aircraft. Therefore, the revised method specifies testing the dispersants at D/O=0.03, 0.1, and 0.25.

3.0 Revised Standard Dispersant Toxicity Test

A. Summary of Method

The standard toxicity test for dispersants involves exposing two species (*Fundulus heteroclitus* and *Artemia salina*) to five concentrations of the test dispersant and No. 2 Fuel oil alone and in a 1:10 mixture of dispersant to oil. To aid in comparing results from assays performed by different workers, reference bioassays are conducted using dodecyl sodium sulfate as a reference toxicant. The test length is 96 hours for *Fundulus* and 48 hours for *Artemia*. LC50 estimates are calculated based on mortality data at the end of the exposure period.

B. Selection and Preparation of Test Materials

Test Organisms. Fundulus heteroclitus. Obtain test fish from a single source for each series of bioassays. Report any known unusual condition to which fish were exposed before use (e.g., pesticides or chemotherapeutic agents); avoid if possible. Use small fish, 2.5 to 3.8 cm (1 to 1.5 in.) in length and weighing about 1 gram. The longest individual fish should be no more than 1.5 times the length of the smallest.

Acclimate test fish to a temperature of 20±1° C, a pH of 8.0±0.2, and 20±2 o/oo salinity for 10 to 14 days before using them for the bioassays. Eliminate groups of fishes having more than 20 percent mortality during the first 48 hours, and more than 5 percent thereafter. During acclimation, feed all species a balanced diet. Dry, pelleted, commercially available fishfood containing 30 percent to 45 percent protein is satisfactory. The pellets should be easily consumable by the test fish. Feed the fish twice daily to satiation, but not for 24 hours before or during the bioassay test. Use only those organisms that feed actively and appear to be healthy. Discard any fish injured or dropped while handling.

Artemia salina. To ensure uniformity of *Artemia*, use eggs from the San Francisco Bay area. Since the eggs of *Artemia* may be kept desiccated for long periods in a viable state, required numbers of the organism can be secured at any time for use in the bioassay tests through the use of proper hatching procedures.

A rectangular tray (plastic, glass, or enamel) having 200 square inches of bottom surface is suitable for hatching *Artemia* eggs. Divide this tray into two parts by a partition that extends from the top down to about 1.9 to 1.3 cm (0.75 to 0.5 in.) from the bottom. This partition may be of any opaque, biologically inert material (a pasteboard strip, sealed with paraffin wrapping, is satisfactory). Raise one end of the tray about 1.27 cm (0.5 in.) and add 3 liters of the synthetic seawater formulation (see Table 5).

Spread 0.5 gram of *Artemia* (brine shrimp) eggs in the shallow end of the tray. Cover this end of the tray with a piece of cardboard to keep the eggs in darkness until hatching is complete. About 20 hours after the eggs hatch, direct a narrow beam of light across

the uncovered portion of the tray. Since the brine shrimp are phototactic, they will swim beneath the partition into the illuminated end of the chamber and congregate in the beam of light. The *Artemia* concentrated in the beam of light can be easily collected with the use of a collecting pipette or siphon connected to a 30 cm (12-in.) rubber tube and mouthpiece. Transfer them to a beaker containing a small amount of the artificial seawater.

An alternative method for hatching *Artemia* eggs is to use a separatory funnel. A small air line is placed in the bottom of the funnel, and air is bubbled at a rate sufficient to keep the eggs from settling to the bottom. After the eggs hatch, the air line is removed and the newly hatched nauplii will settle to the bottom of the funnel where they can be drawn off without disturbing the empty egg cases, which will have floated to the surface.

Preparation of Experimental Water. Because large quantities of dilution water will be used in these tests, formulate the experimental water in large batches to ensure uniformity and constant conditions for the various tests. To prevent contamination, prepare and store the experimental water in inert containers of suitable size.

Synthetic Seawater Formation. To prepare standard seawater, mix technical-grade salts with 900 liters of distilled or demineralized water in the order and quantities listed in Table 5. These ingredients must be added in the order listed, and each ingredient must be dissolved before another is added. Stir constantly after each addition during preparation until dissolution is complete.

Add distilled or demineralized water to make up to 1,000 liters. The pH should now be 8.0°0.2. To attain the desired salinity of 20°1 ppt, dilute again with distilled or demineralized water at time of use.

TABLE 5.—SYNTHETIC SEAWATER

[Toxicity Test]

Salt	(g)*
NaF	1.9
$SrCl_2 6H_2O$	13.0
H_3BO_3	20.0
KBr	67.0
KCl	466.0
$CaCl_2 2H_2O$	733.0
Na_2SO_4	2,660.0
$MgCl_2 6H_2O$	3,330.0
NaCl	15,650.0
$Na_2SiO_3 9H_2O$	13.0
EDTA*	0.4
$NaHCO_3$	133.0

* Amount added to 900 liters of water, as described in the text.
* Ethylenediaminetetraacetate tetrasodium salt.

C. Sampling and Storage of Test Materials

Bioassays are performed with No. 2 fuel oil having the characteristics defined in Table 6. Store oil used in bioassays in sealed containers to prevent the loss of volatiles and other changes. For ease in handling and use, it is recommended that 1,000 ml glass containers be used. To ensure comparable results in the bioassay tests, use oils packaged and sealed at the source. Dispose of unused oil in each open container on completion of dosing to prevent its use at a later date when it may have lost some of its volatile components. Run all tests in a bioassay series with oil from the same container and with organisms from the same group collected or secured from the same source.

Table 6.—Test Oil Characteristics: No. 2 Fuel Oil

Characteristic	Minimum	Maximum
Gravity (°API)	32.1	42.8
Viscosity Kinematic @ 100°F (cs)	2.35	3.00
Flash point (°F)	150	
Pour Point (°F)		0
Cloud point (°F)		+10
Sulfur (wt %)	-	0.35
Aniline point (°F)	125	180
Carbon residue (wt %)	-	0.16
Water (vol %)	-	0
Sediment (wt %)	-	0
Aromatics (vol %)	10	15
Distillation:		
IBP (°F)	347	407
10% (°F)	402	456
50% (°F)	475	530
90% (°F)	542	606
End point (°F)	596	655
Neutralization No.	-	0.05

D. General Test Conditions And Procedures For Bioassay

Temperature. For these bioassays, use test solutions with temperatures of 20±1°C.

Dissolved Oxygen and Aeration. Fundulus. Because oils and dispersants contain toxic, volatile materials, and because the toxicity of some water-soluble fractions of oil and degradation products are changed by oxidation, special care must be used in the oxygenation of test solutions. A two-liter volume of solution is used for the *Fundulus* test. Initiate aeration to provide dissolved oxygen (DO) and mixing after the fish are added. The DO content of test solutions must not drop below 4 ppm. Aerate at a rate of 100±15 bubbles per minute supplied from a 1 ml serological pipette. At this rate and with the proper weight of fish, DO concentration should remain slightly above 4 ppm over a 96-hour period. Take DO measurements daily.

Artemia. The surface area to volume ratio of the test solution exposed in relation to volume is large enough that DO should not be limiting. Oxygen content should remain high throughout the assay because of the small quantity of test substances added and the low oxygen demand of organisms in each dish.

Controls. With each fish or *Artemia* test or each series of simultaneous tests of different solutions, perform a concurrent control test in exactly the same manner as the other tests and under the conditions prescribed or selected for those tests. Use the diluent water alone as the medium in which the controls are held. There must be no more than 10% mortality among the controls during the course of any valid test.

Reference Toxicant. To aid in comparing results from assays performed by different workers and to detect changes in the condition of the test organisms that might lead to different results, perform reference bioassays with reagent grade dodecyl sodium sulfate (DSS) in addition to the usual control tests. To prepare a stock solution of DSS, immediately before use add 1 gram of DSS per 500 ml of test water solution. Use exploratory tests before the full-scale tests are begun to determine the amount of reference standard to be used in each of the five different concentrations.

Number of Organisms. For the bioassay procedures using fish, place two fish in each jar. For the bioassays using *Artemia*, place 20 larvae in each container.

Transfer of Organisms. Transfer fish from the acclimatizing aquaia to the test containers only with small-mesh dip nets of soft material, and do not rest the net on any dry surface. Do not hold fish out of the water longer than necessary. Discard any specimen accidentally dropped or otherwise mishandled during transfer.

Artemia can be conveniently handled and transferred with a small pipette connected to a 30 cm (12-in.) rubber tubing and mouthpiece or with a Pasteur pipette equipped with a small rubber squeeze bulb. To have the necessary *Artemia* ready for the study, transfer 20 *Artemia* apiece into small beakers containing 20 ml of artifical seawater. Hold these batches of *Artemia* until they are 24 hours old; at that time, place them in the respective series of test concentrations set up for the bioassay.

To avoid large fluctuations in the metabolic rate of organisms and the fouling of test solutions with metabolic waste products and uneaten food, do not feed organisms during tests.

Test Duration and Observations. Fish. Observe the number of dead fish in each test container and record at the end of each 24-hour period. Fish are considered dead upon cessation of respiratory and all other overt movements, whether spontaneous or in response to mild mechanical prodding. Remove dead fish as soon as observed.

Also note and report when the behavior of test fish deviates from that of control fish. Such behavioral changes would include variations in opercular movement, coloration, body orientation, movement, depth in container, schooling tendencies, and others. Abnormal behavior of the test organisms (especially during the first 24 hours) is a desirable parameter to monitor in a bioassay because changes in behavior and appearance may precede mortality. Toxicants can reduce an organism's ability to survive natural stresses. In these cases, the mortality is not directly attributed to the toxicant, but most certainly is an indirect effect. Reports on behavioral changes during a bioassay can give insight into the nonacute effects of the tested material.

At the end of the 96-hour period, terminate the fish assays and determine the LC50 values.

Artemia. Terminate the *Artemia* test after 48 hours of incubation. To count the dead animals accurately and with relative ease, place the test dishes on a black surface and hold a narrow beam of light parallel to the bottom of the dish. Most of the dead *Artemia* will be on the bottom of the test dish and can be readily seen against the black background. Also search the top of the liquid for *Artemia* trapped there by surface tension. Exercise caution when determining death of the animals. Occasionally, an animal appears dead, but closer observation shows slight movement of an appendage or a periodic

spasm of its entire body. For this test, animals exhibiting any movement when touched with a needle are considered alive. Account for all test animals to ensure accuracy since some *Artemia* may disintegrate. Consider individuals not accounted for as dead.

At the end of 48 hours of exposure, terminate the *Artemia* assay and determine the LC30 values.

Physical and Chemical Determinations. Fundulus. Determine the temperature, DO, and pH of the test solutions before the fish are added and at 25-, 72- and 96-hour exposure intervals. It is necessary to take measurements from only one of the replicates of each of the toxicant series.

Artemia. Determine the temperature, DO, and pH of the test solutions before the nauplii are added and at the 48-hour exposure interval. Measure DO and pH in only one of the replicates of each of the toxicant series.

Testing Laboratory. An ordinary heated or air-conditioned laboratory room with thermostatic controls suitable for maintaining the prescribed test temperatures generally will suffice to conduct the bioassays. Where ambient temperatures cannot be controlled to 20±1°C, use water baths with the necessary temperature controls.

Test Containers. For fish tests, use 4-liter glass jars measuring approximately 22.5 cm high, 15 cm in diameter, and 11 cm in diameter at the mouth. The jars are to have screw top lids, lined with Teflon. In conducting the test, add to each of the jars 2 liters of the synthetic seawater formulation aerated to saturation with DO. To add the 2 liters easily and currently, use a 2-liter-capacity, automatic dispensing pipette (Figure 3).

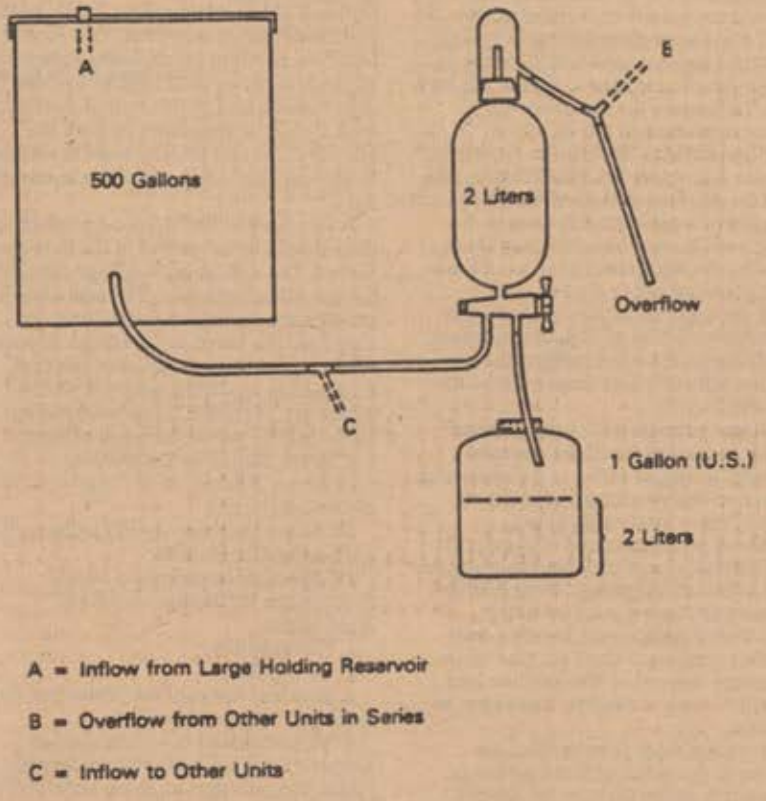

Figure 3. Schematic Diagram of Automatic Dispensing Pipette System

For the *Artemia* tests, use Carolina culture dishes (or their equivalent) having dimensions approximately 8.9 cm diameter by 3.8 cm (3.5 by 1.5 in.).

Process all required glassware before each assay. Immerse in normal hexane for 10 minutes. Follow this with a thorough rinse with hot tap water, three hot detergent scrubs, an additional hot tap-water rinse, and three rinses with distilled water. Oven or air dry the glassware in a reasonalble dust-free atmosphere.

E. Preparation Of Test Concentrations

Fundulus. Place the test jars containing 2 liters of synthetic seawater on a reciprocal shaker. The shaker platform should be adapted to firmly hold six of the bioassay jars. Add the desired amount of the petroleum product under test directly to each test jar. Dispense the appropriate amount of toxicant into the jars with a pipette. Tightly cap the test jars and shake for 5 minutes at approximately 315 to 333 three-quarter-inch strokes per minture in a reciprocal shaker or at approximately 150–160 rpm on orbital shakers. At the completion of shaking, remove the jars from the shaker to a constant-temperature water bath or room, remove the lids, take water quality measurements, add two test fish, and initiate aeration.

Artemia. To prepare test solutions for dispersants and oil/dispersant mixutures, blend or mix with an electric blender having speeds of 10,000 rpm or less, a stainless-steel cutting assembly, and 1-liter borosilicate jar. To minimize foaming, blend at speeds below 10,000 rpm.

For the dispersant test solution, add 550 ml of the synthetic seawater to the jar, then with the use of a gas-tight calibrated glass syringe with a Teflon-tipped plunger, add 0.55 ml of the dispersant and mix for 5 seconds.

For the oil test solution, add 550 ml of the synthetic seawater to the jar, then with the use of a gas-tight calibrated glass syringe equipped with a Telfon-tipped plunger, add 0.55 ml of the oil and mix for 5 seconds.

For the oil/dispersant mixture, add 550 ml of the synthetic seawater to the mixing jar. While the blender is in operation, add 0.5 ml of the oil under study with the use of calibrated syringe with Telfon-tipped plunger and then 0.05 ml of the dispersant as indicated above. Blend for 5 seconds after addition of dispersant. These additions provide test solutions of the dispersant, oil, and the oil/dispersant mixture at concentrations of 1,000 ppm.

Immediately after the test solutions are prepared, with the use of a gas-tight Teflon-tipped glass syringe of appropriate size, draw up the necessary amount of test solution and dispense into each of the five containers in each series. If the series of five concentrations to be tested are 10, 32, 56, and 100 ppm, the amount of the test solution in the order of the concentrations listed above would be as follows: 1, 1.8, 3.2, 5.6, and 10 ml.

Each time a syringe is to be filled for dispensing to the series of test containers, start the mixer and withdraw the desired amount in the appropriate syringe while the mixer is in operation. Turn off immediately after the sample is taken to limit the loss of volatiles.

Use exploratory tests before the full-scale test in set up to determine the concentration of toxicant to be used in each of the five different concentrations. After adding the required amounts of liquids, bring the volume in each of the test containers up to 80 ml with the artifical seawater. To ensure keeping each of the series separate, designate on the lid of each container the date, the material under test, and its concentration.

When the desired concentrations are prepared, gently release into each dish the 20 test *Artemia* (previously transferred into 20 ml of medium). This provides a volume of 100 ml in each test chamber. A pair of standard cover glass forceps with flat, bent ends is an ideal tool for handling and tipping the small

beaker without risk of contaminating the medium.

After adding the test animals, incubate the assay dishes at 20°±1°C for 48 hours. Recommended lighting is 2,100 lumens/m^2 (200 ft-c) of diffused, constant, fluorescent illumination coming from beneath the culture dishes during incubation. Because *Artemia* are phototatic, bottom lighting should keep them from direct contact with the oil that sometimes layers on top.

Wash the blender thoroughly after each use and repeat the above procedures for each series of tests. To wash the blender, rinse with normal hexane, pour a strong solution of laboratory detergent into the blender to cover the blades, fill the container to about half of its volume with hot tap water, operate the blender for about 30 seconds at high speed, remove and rinse twice with hot tap water, mixing each rinse for 5 seconds at high speed, and then rinse twice with distilled water, mixing each rinse for 5 seconds at high speed.

F. Calculating and Reporting

At the end of the test period, the bioassays are terminated and the LC50 values are determined.

Calculations. The LC50 is the concentration at which 50% of the experimental animals survived, or it is an interpolated value based on percentages of organisms surviving at two or more concentrations, at which less than half and more than half survived. The LC50 can be estimated with the aid of computer programs or graphic techniques (log paper). The 95% confidence intervals for the LC50 estimate should also be determined.

Reporting. The test dispersant and oil and their source and storage are described in the bioassay report. Note any observed changes in the experimental water or the test solutions. Also include the species of fish used; the source, size, and condition of the fish; data on any known treatment of the fish for disease or infestation with parasites before their use; and any observations on the fish behavior at regular intervals during tests. In addition to the calculated LC50 values, other data necessary for interpretation (e.g., DO, pH, other physical parameters, and the percent survival at the end of each day of exposure at each concentration of toxicant) should be reported.

G. Summary of Procedures

Fundulus:

1. Prepare adequate stocks of the appropriate standard dilution water.

2. Add 2 liters of the standard dilution water to the 4-liter test jars. Each test consists of 5 replicates of each of 5 concentrations of the test material, a control series of 5 dishes, and a standard reference series of 5 different concentrations for a total of 35 dishes. Simultaneous performance of bioassays on the oil, dispersant, and oil/dispersant mixture requires a total of 105 dishes.

3. Add the determined amount (quarter points on the log scale) of test material to the appropriate jars. Preliminary tests will be necessary to define the range of definitive test concentrations.

4. Cap the jars tightly with the Teflon-lined screw caps and shake for 5 minutes at 315 to 333 2-cm (0.75 in.) strokes per minute on a reciprocal shaker.

5. Remove the jars from the shaker, take water quality data, and add two acclimated fish per jar.

6. Aerate with 100±15 bubbles per minute through a 1-ml serological pipette.

7. Observe and record mortalities, water quality, and behavioral changes each 24 hours.

8. After 96 hours, terminate the assay, and calculate LC values and corresponding confidence limits.

Artemia:

1. Initiate the procedure for hatching the *Artemia* in sufficient time (approximately 48 hours) before the bioassay is to be conducted so that 24-hour-old larvae are available.

2. With the use of a small pipette, transfer 20 *Artemia* into small beakers, each containing 20 ml of the proper synthetic seawater.

3. To prepare the test stock dispersant and oil solutions, add 550 ml of the artificial seawater to the precribed blender jar. By means of a gas-tight glass syringe with a Teflon-tipped plunger, add 0.55 ml of the dispersant (or oil) and mix at 10,000 rpm for 5 seconds. To prepare the test stock oil/dispersant mixture, add 550 ml of the standard seawater to the blender jar. While the blender is in operation (10,000 rpm), add 0.5 ml of the oil, then 0.05 ml of the dispersant with the use of a calibrated syringe with a Telfon-tipped plunger. Blend for 5 seconds after adding the dispersant. One ml of these stock solutions added to the 100 ml of standard seawater in the assay containers yields a concentration of 10 ppm dispersant, oil, or oil/dispersant combination (the test will be in a ratio of 1 part dispersant to 10 parts of oil).

4. Each test consists of 5 replications of each of 5 concentrations of the material under study, a control series of 5 dishes, and a standard reference series of 5 different concentrations, a total of 35 dishes. Simultaneous performance of bioassays on the oil, dispersant, and oil/dispersant mixture requires a total of 105 dishes. Immediately after preparing the test solution of the dispersant or oil/dispersant solution, and using an appropriately-sized syringe, draw up the necessary amount of test solution and dispense into each of the five containers in each series.

Each time a syringe is to be filled for dispensing to the series of test containers, start the mixer and withdraw the desired amount in the appropriate syringe while the mixer is in operation. Turn mixer off immediately after the sample is taken to limit the loss of volatiles. After adding the required amount of the test oil/disperant or dispersant mixture, bring the volume of liquid in each of the test containers up to 80 ml with the artificial seawater.

When the desired concentrations have been prepared, gently release into each dish the 20 nauplii previously transferred into 20 ml of medium. This provides a volume of 100 ml in each test chamber. Use a pair of standard cover glass forceps for handling and tipping the small beaker.

5. Wash the blender as prescribed for each series of tests.

6. Incubate the assay dishes at 20±1°C for 48 hours with the prescribed lighting.

7. Terminate the experiment after 48 hours, observe and record the mortalities, and determines the LC50s and corresponding confidence limits.

4.0 Summary Technical Product Test Data Format

The purpose of this format is to summarize in a standard and convenient presentation the technical product test data required by the U.S. Environmental Protection Agency (EPA) before a product may be added to EPA's schedule of dispersants and chemicals, if any, that may be used in carrying out the National Oil and Hazardous Substances Pollution Contingency Plan. This format, however, is not to preclude the submission of all the laboratory data used to develop the data summarized in this format. Sufficient data should be presented on both the effectiveness and toxicity tests to enable EPA to evaluate the adequacy of the summarized data.

A summary of the technical product test data should be submitted in the following format. The numbered headings should be used in all submissions. The subheadings indicate the kinds of information to be supplied. The listed subheadings, however, are not exhaustive; additional relevant information should be reported where necessary. As noted, some subheadings may apply only to particular types of agents.

I. Name, Brand, or Trademark.

II. Name, Address, and Telephone Number of Manufacturer.

III. Name, Address, and Telephone Number of Primary Distributors.

IV. Special Handling and Worker Precautions for Storage and Field Application.

1. Flammability.

2. Ventilation.

3. Skin and eye contact; protective clothing; treatment in case of contact.

4. Maximum and minimum storage temperatures; optimum storage temperature range; temperatures of phase separations and chemical changes.

V. Shelf Life.

VI. Recommendation Application Procedure:

1. Application method.

2. Concentration, application rate (e.g., gallons of dispersant/ton of oil).

3. Conditions for use: water salinity, water temperature, types and ages of pollutants.

VII(a) Toxicity (Dispersants and Surface Collecting Agents):

Materials tested	Species	LC50 (ppm)
Product	Fundulus heteroclitus	___96-hr.
	Artemia Salina	___48-hr.
No. 2 fuel oil	Fundulus heteroclitus	___96-hr.
	Artemia Salina	___48-hr.

Materials tested	Species	LC50 (ppm)
Product and No. 2 fuel oil (1:10)	Fundulus heteroclitus	——96-hr.
	Artemia Salina	——48-hr.

VII (b). Effectiveness (Dispersants).

STANDARD EFFECTIVENESS TEST WITH NO. 6 FUEL OIL

Volume (ml) dispersant	Initial (10 min) mean percent dispersion	Final (2 hrs) mean percent dispersion
3		
10		
25		

Dosage causing 50% dispersion (from initial dispersion graph) is —— ml.

Dosage causing 25% dispersion (from final dispersion graph) is —— ml.

VIII. Microbiological Analysis (biological Additives).

IX. Physical Properties of Dispersant/ Surface Collecting Agent:

1. *Flash Point:* (°F).
2. *Pour Point:* (°F).
3. *Viscosity:* — at — °F.
4. *Specific Gravity:* — at — °F.
5. *pH.*
6. *Surface Active Agents (Dispersants).*
7. *Solvents (Dispersants):* at 0° C and 20° *C.*
8. *Additives (Dispersants).*
9. *Solubility (Surface Collecting Agents).*

X. Analysis for Heavy Metals and chlorinated Hydrocarbons (Dispersants and Surface Collecting Agents):

Compounds	Concentration (ppm)
Arsenic	
Cadmium	
Chromium	
Copper	
Iron	
Lead	
Mercury	
Nickel	
Zinc	

Compounds	Concentration (ppm)
Cyanide	
Chlorinated hydrocarbons	

References

(*1*) L. T. McCarthy, Jr., I. Wilder, and J. S. Dorrler. *Standard Dispersant Effectiveness and Toxicity Tests.* EPA Report EPA–R2–73–201 (May 1973).

(*2*) R. T. Rewick, H. C. Bailey, and J. H. Smith. *Evaluation of Oil Spill Dispersant Testing Requirements,* draft report submitted in partial fulfillment of EPA Contract No. 68–03–2621. U.S. Environmental Protection Agency, Oil and Hazardous Materials Spill Branch, Edison, New Jersey (September 1982).

(*3*) R. T. Rewick, K. A. Sabo, J. Gates, J. H. Smith, and L. T. McCarthy, Jr. "An Evaluation of Oil Spill Dispersant Testing Requirements." *Proceedings, 1981 Oil Spill Conference,* Publication No. 4334. American Petroleum Institute, 2101 L Street, N.W., Washington, DC 20037 (1981).

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Wednesday
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Part III

Nuclear Regulatory Commission

Monthly Notice of Applications and Amendments To Operating Licenses Involving No Significant Hazards Considerations

NUCLEAR REGULATORY COMMISSION

Applications and Amendments To Operating Licenses Involving No Significant Hazards Considerations; Monthly Notice

I. Background

Pursuant to Public Law (Pub. L.) 97–415, the Nuclear Regulatory Commission (the Commission) is publishing its regular monthly notice. Pub. L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This monthly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last monthly notice which was published on November 22, 1983 (48 FR 52804) through December 12, 1983.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By January 20, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Att: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the

petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (Branch Chief): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714 (a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local public document room for the particular facility involved.

Arkansas Power and Light Company, Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: September 30, 1983.

Description of amendment request: This submittal is a total revision and supersedes the request for amendment dated March 9, 1979, supplemented September 5, 1980, which was noticed on August 23, 1983 (48 FR 38386). The amendment would permit operation after approval of changes to the Radiological Effluent Technical Specifications that would bring them into compliance with Appendix I of 10 CFR Part 50. It would provide new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. This change would also incorporate into the Technical Specifications the bases that support the operation and surveillance requirements. In addition, some changes would be made in administrative controls, specifically dealing with the process control program and the offsite dose calculation manual. The proposed amendment would remove the current Radiological Effluent Technical specifications from the Appendix "B" Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

The Commission, in a revision of Appendix I, 10 CFR Part 50, required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement, it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above. The Commission proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated release of "as low as is reasonably achievable".

Local Public Document Room Location: Arkansas Tech University, Russellville, Arkansas.

Attorney for licensee: Nicholas S. Reynolds, Debevoise and Liberman, 1200 17th Street, N.W., Washington D.C. 20036.

NRC Branch Chief: John F. Stolz.

Arkansas Power and Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of amendment request: October 23, 1979, July 19, 1982, December 20, 1982 and September 15, 1983.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) pertaining to seismic instrumentation. Specifically, the channel functional test (a test performed to verify operability including alarm and/or trip functions) interval of the Triaxial Response—Spectrum Recorders (TRSR) is being changed from a semi-annual basis to at least once every 18 months or each refueling cycle. This relaxation of the surveillance requirement was recommended by the manufacturer in order to reduce the possible instrumentation degradation associated with overtesting. The applicable ANSI standard also recommends the proposed surveillance interval. In addition, the proposed change would permit replacement of the existing Triaxial Time—History Accelerographs (TTHA) with new seismic instrumentation to enhance testability of the affected instrumentation. The present TS require that the TTHA be subjected to a channel check at a frequency of at least once per 31 days and a channel calibration at least once per 18 months. However, a channel check on the TTHA cannot now be accomplished without performing a complete channel calibration. The resulting unnecessarily frequent calibrations would be expected to accelerate the instrumentation degradation. With the new instrumentation, a channel check on the TTHA will be able to be accomplished without performing a complete channel calibration.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards for conclusions regarding "no significant hazards considerations" by providing certain examples (48 FR 14870). These examples are not applicable to the issues addressed in the proposed amendment. Our basis for proposing that the standards are met with respect to the no significant hazards consideration determination is presented below.

The proposed relaxation of the surveillance requirement on the TRSR is recommended by the manufacturer and is supported by the applicable ANSI standard. Since the proposed relaxation is expected to improve the instrumentation performance rather than to degrade it, the staff proposes to determine this part of the application pertaining to the proposed relaxation of the surveillance requirement involves no significant hazards consideration.

Additionally, the proposed amendment would permit replacement of the TTHA with new seismic instrumentation. The functional capability of the new seismic instrumentation would not be significantly different from that of existing TTHA previously found acceptable to the staff. The primary purpose of the aforestated replacement

is to enhance testability of the applicable seismic instrumentation. Since the proposed change of the seismic instrumentation is, in fact, expected to improve its performance, the staff proposes to determine this part of the application pertaining to the replacement of the TTHA involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq. c/o Debevoise & Liberman, 1200 Seventeenth Street, N.W., Washington D.C. 20036.

NRC Branch Chief: James R. Miller.

Commonwealth Edison Company, Docket Nos. 50-254 and 50-265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of amendment request: April 25, 1983.

Description of amendment request: Requests for amendments to specify the time delay for high steam flow for the High Pressure Coolant Injection (HPCI) system and the Reactor Core Isolation Cooling (RCIC) system. This is a requirement of TMI Action Item II.K.3.15 and is designed to prevent inadvertent isolation of the HPCI or RCIC systems.

Basis for proposed no significant hazards consideraton determination: The Commission has provided guidance concerning the application of standards for determining no significant hazards consideration by providing certain examples (April 6, 1983, 48 FR 14870). One of the examples (ii) of actions involving no significant hazards consideration relates to a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. This request for action relates directly to example (ii) in that the specification of the time delays for high steam flow for the HPCI and RCIC systems are additional controls for operation. The staff, therefore, proposes to determine that the request would not involve a significant hazards consideration.

Local Public Document Room location: Moline Public Library, 504—17th Street, Illinois 61265.

Attorney for licensee: Mr. Robert G. Fitzgibbons, Jr., Isham, Lincoln, & Beale, Three First National Plaza, Suite 5200, Chicago, Illinos 60602.

NRC Branch Chief: Domenic B. Vassallo.

Commonwealth Edison Company, Docket Nos. 50-254 and 50-265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of amendment request: May 2, 1983.

Description of amendment request: The request for technical specification (TS) changes would incorporate wording specifying what the reactor pressure should be when conducting scram testing following a refueling outage and revise the requirement of isolating the control rod drive pumps to apply only to single rod scram testing.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (April 6, 1983, 48 FR 14870). One of the examples of actions involving no significant hazards consideration relates to additional limitations, restrictions or controls not presently included in the technical specifications (Example ii). The change specifying what the reactor pressure should be when conducting scram testing following a refueling outage fits this example since it is an additional limitation. The revision of the requirement of isolating the control rod drive pumps only during single rod scram testing clarifies the technical specifications since during full core testing there is insufficient charging system capacity to bias scram insertion times. The current BWR Standard Technical Specifications reflect this distinction. Thus, the staff proposes to determine that the requested action involves no significant hazards consideration because it would not involve a significant increase in the probability or consequences of an accident previously evaluated, would not create the possibility of a new or different kind of accident from any previously evaluated, and would not involve a reduction in a margin of safety.

Local Public Document Room location: Moline Public Library, 504—17th Street, Illinois 61265.

Attorney for licensee: Mr. Robert G. Fitzgibbons, Jr., Isham, Lincoln, & Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602.

NRC Branch Chief: Domenic B. Vassallo.

Commonwealth Edison Company, Docket No. 50-265, Quad Citis Nuclear Power Station, Unit No. 2

Date of amendment request: July 5, 1983.

Description of amendment request: The request is to change the Technical Specifications to (1) reduce the minimum critical power ratio (MCPR)

(a) From 1.37 to 1.34 when $T_{av} \leqq 0.73$ seconds,

(b) From 1.42 to 1.39 when $T_{av} \geqq 0.86$, seconds,

(c) From 1.47 to 1.44 when $0.73 \leqq T_{av} \leqq 0.86$ seconds, and (2) explicitly apply the maximum average planar linear heat-generation rate (MAPLHGR) curve for fuel type P8DPR265 to fuel type BP8DPR265H.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for determining whether a proposed amendment involves a significant hazards consideration (48 FR 14870). An example of an amendment that is not likely to involve a significant hazards consideration is one which either may result in some increase in the probability or consequence of a previously analyzed accident or may reduce in some way a safety margin, but in which the results of the change are clearly within all accepted criteria with respect to the system or component specified in the standard Review Plan: For example, a change resulting from the application of a small refinement of a previously used calculational model or design method. The changes proposed by the licensee would reduce the operating limit MCPR for the most limiting analyzed transient, and would explicitly apply the MAPLHGR curve for fuel type P8DPR265 to the similar fuel type BP8DPR265H. Analyses have been provided by the licensee to justify the appropriateness of the reduced operating limit MCPRs proposed by the licensee, so the reduction indicated by the new analysis is a small refinement resulting from a previously used calculational model or design method.

Also, the thermal hydraulic properties of fuel type P8DRB265 are nearly identical to those of BP8DRB265H, so that the same MAPLHGR should apply. Therefore, since the amendment involves proposed changes that are similar to an example for which no significant hazard consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Moline Public Library, 504—17th Street, Illinois 61265.

Attorney for licensee: Mr. Robert G. Fitzgibbons, Jr., Isham, Lincoln, & Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602.

NRC Branch Chief: Domenic B. Vassallo.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Station, Unit Nos. 1 and 2, Zion, Illinois

Date of amendment request: August 8, 1983.

Description of amendment request: The licensee's application transmitting this request contained two issues. This notice concerns only one. The other issue will be the subject of a separate notice.

The proposed change deals with airlock leakage testing and is being submitted in response to the NRC's request to submit revised Technical Specifications on airlock testing to reflect the October 22, 1980 revision of 10 CFR Part 50, Appendix J. That revision states that the test pressure and the acceptance criteria for airlock testing shall be as stated in the Technical Specifications. The proposed change covers both of these areas by stating that airlock door seal testing will be at 3 psig and by specifically stating the acceptance criteria for all Type B and Type C leakage rate tests.

Basis for proposed no significant hazards consideration determination: Commonwealth Edison has determined that the proposed change involves no significant hazards consideration. Specifically, it has been determined that the proposed change does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possbility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. This determination is consistent with the examples provided in 48 FR 14871. The proposed specifications for airlock leakage testing constitute "an additional limitation, restriction, or control not presently included in the technical specifications."

The NRC staff has reviewed this determination by the licensee and concludes that the standards of §50.92 appear to be satisfied. Therefore the staff proposes to determine that the operation of the facility in accordance with the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099.

Attorney for licensee: P. Steptoe, Esquire, Isham, Lincoln and Beale, Counselors at law, Three First National Plaza 51st floor, Chicago, Illinois 60602.

NRC Branch Chief: Steven A. Varga.

Consumers Power Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: August 20, 1979.

Description of amendment request: Proposed changes to Technical Specifications pertaining to the type of tests to be performed on hydrogen recombiners. An electrical load measurement would be added to verify that all three phases of heaters are working. The visual inspection would be specified to be an external inspection and the circuit test would be specified to be only for continuity not resistance to ground.

Basis for proposed no significant hazards consideration determination: The proposed changes involve verification of operability of the hydrogen recombiners. The testing frequency would be unchanged. The proposed changes are based on testing experience and vendor's recommendations. The staff will review this information and approve only that which tends to enhance the assurance of equipment reliability and which would have no significant effect on the probability or consequences of any accidents and would not reduce any margin of safety. Therefore, the staff proposes to determine that the proposal involves no significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: Dennis M. Crutchfield.

Consumers Power Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: November 12, 1981.

Description of amendment request: The requested Technical Specification change would reduce leakage from systems outside containment that could contain highly radioactive fluids during a serious transient or accident to-as-low-as practical levels in accordance with requirements of NUREG–0737 TMI Action Plan Item III.D.1.1.

Basis for proposed no significant hazards consideration determination: The proposed technical specification change would constitute additional limitation, restriction or control not presently included in the technical specifications. The proposed amendment, therefore, fits example (ii) of the types of amendments that are considered not likely to involve a significant hazards consideration determination as provided in Commission guidance published in the **Federal Register** on April 6, 1983 (48 FR 14670). On this basis, the Commission's staff proposes to determine that the requested action would involve no significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: Dennis M. Crutchfield.

Consumers Power Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: June 25, 1982.

Brief description of amendment: The requested Technical Specification changes pertain to (1) inoperable Reactor Protection System (RPS) and Engineered Safety Features Actuation System (ESFAS) channels, and (2) Limiting Conditions for Operation and Surveillance requirements for containment pressure and water level instrumentation. The proposed changes described in (1) above would limit the time that the RPS or EFAS systems could be considered operable with one channel inoperable and, therefore, in a 2 out of 3 logic configuration. The proposed changes discussed in (2) above are consistent with requirements of NUREG–0737 TMI Action Plan Item II.F.1.

Basis for proposed no significant hazards consideration determination: The proposed license amendment would constitute additional limitation, restriction or control not presently included in the technical specifications. The proposed amendment, therefore, fits example (ii) of the types of amendments that are considered not likely to involve significant hazards considerations as provided in Commission guidance published in the **Federal Register** on April 6, 1983 (48 FR 14670). On this basis, the Commission's staff proposes to determine that the requested action would involve a no significant hazards consideration determination.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers, Power Company, 212 West Michigan Avenue, Jackson, Michigan 49801.

NRC Branch Chief: Dennis M. Crutchfield.

Duke Power Company, Docket Nos. 50-269, 50-270 and 50-287, Oconee Nuclear Station, Units Nos. 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: February 10, 1983.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) in three areas. First, Specification 3.1.2 would be revised to allow the use of the Reactor Coolant System (RCS) inservice leak and hydrostatic test heatup and cooldown limitations during the performance of leak tests of connected systems when the RCS pressure-temperature limits are controlling. Second, Table 4.4-1 of Specification 4.4 would be revised to reflect that Penetrations 24 and 42 are to be used as part of the Reactor Building Hydrogen Analyzer, in lieu of there being spare penetrations into the reactor building. Third, Specifications 4.5.1.2.1, 4.5.2.2.1, 4.9.1, and 4.9.2 would be revised to make the surveillance frequencies consistent with the requirements of Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda, as required by 10 CFR 50.55a(g)(4).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards of 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration related to changes that constitute additional restrictions or controls not presently included in the TSs. The first part of the licensee's proposed amendment, as described above, consists of identifying within the TSs those limitations which will apply during the performance of leak tests of certain outside-of-containment systems. The leak tests, in this instance, are required by a license condition previously imposed by the NRC following the TMI-2 accident, and it is necessary that the performance of the leaks tests be controlled. The proposed amendment is the means selected by the licensee to exercise this control. The second part of the licensee's proposed amendment, as described above, is required in order for the licensee to satisfy the requirements of NUREG-0737, Item II.E.4.1., by having dedicated hydrogen penetrations for the analyzer. By taking formerly spare penetrations and dedicating their use to a NUREG-0737 required system, the licensee is imposing additional controls over a system that formerly did not exist. The first and second parts of the amendment application, therefore, involve the imposition of restrictions or controls that are not presently included in the TSs.

A different example (i) of actions not likely to involve a significant hazards consideration relates to TS changes that are purely administrative in nature, such as changes to achieve consistency throughout the TSs. The third part of the licensee's proposed amendment, as described above, is designed to achieve consistency within the TSx for the surveillance frequencies of certain pumps and valves which are governed by Section XI of the ASME Code. Since Specification 4.0.4 already specifies the surveillance frequencies for Code-related hardware, in conformance with 10 CFR 50.55a(g)(4), the proposed amendment would bring the affected sections of the TSs into conformance with Specification 4.0.4 and, thus, is an example of a purely administrative change to the TSs for the sake of consistency.

The staff proposes to determine that the application does not involve a significant hazards consideration since two sections of the application constitute additional restrictions that are not currently included in the TSs and one section of the application constitutes a purely administrative change to the TSs.

Local Public Room Location: Oconee County Library, 501 West Southboard Street, Walhalla, South Carolina.

Attorney for licensee: J. Michael McGarry, III, DeBevoise and Liberman, 1200 17th Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

Florida Power and Light Company, Docket No. 50-335, St. Lucie Plant Unit 1, St. Lucie County, Florida

Date of amendment request: August 25, 1983.

Description of amendment request: The proposed amendment would permit operation after modifying the peaking factors (F^T_{xy} and F^T_R) to be conssistent with current methodology that uses full core geometry instead of earlier use of the Code INCA that made use of octant care symmetry and required a tilt multiplier. Using full core codes eliminates the need for the tilt multiplier. This will also make the St. Lucie 1 requirements consistent with St. Lucie 2. This amendment would also remove the load follow power peaking penalties from Technical Specifications 3.2-1, 3.2-2 and 3.2-3 based upon the fact that CECOR power distribution analysis topical report CENPD-153 accounts for these penalty factors and will be available for use during cycle 6 operation. It would also make the Unit 1 Technical Specifications consistent with Unit 2 in that Unit 2 does not use load follow terminology.

Basis for proposed no significant hazards consideration determination: The tilt multiplier on radial peaking factor values was originally included in the St. Lucie Unit 1 Technical Specifications (TS) because there was no full core power distribution analysis code available at that time. Since licensing of St. Lucie Unit 1, more advanced incore analysis codes have been developed which utilize full core geometry, and all nuclear peaking factor calculations for both St. Lucie Unit 1 and Unit 2 are normally performed using full core power distribution analysis codes. Therefore, any tilt component in the radial power distribution is included in the calculated peaking factors. As a result, and as evidenced in St. Lucie Unit 2 TS, it is unnecessary to multiply the values derived from a full core power distribution analysis by the tilt factor. The proposed TS 4.2.2.2 and 4.2.3.2, however, would require the tilt penalty factor to be included on radial peaking factor calculations performed using a non-full core power distribution analysis code, as is the case of St. Lucie Unit 2.

Since commercial operation of St. Lucie Unit 1 in 1976, Florida Power & Light Company has operated Unit 1 in a base loaded mode. Due to the significant economic advantages associated with maximizing Unit 1 electrical output, operation in the base loaded mode will continue for the foreseeable future. For this reason, references to load follow operation are not applicable to St. Lucie Unit 1 and should be deleted. This is consistent with St. Lucie Unit 2 TS in that St. Lucie Unit 2 has no reference to load follow operation or specific penalty factors associated with load follow operation.

The specific penalty factors that should be deleted are as follows: (1) 1.10 for Linear Heat Rate (T.S.4.2.1.4b.2); (2) 1.03 for Total Planar Radial Peaking Factor (T.S.4.2.2.2); and (3) 1.02 for Total Integrated Radial Peaking Factor (T.S.4.2.3.2).

These penalty factors were originally included in the St. Lucie Unit 1 TS as interim values until NRC completed their review and approved the CECOR power distribution analysis topical report CENPD-153. NRC has approved CENPD-153, and as evidenced in the St.

Lucie Unit 2 TS, the additional conservatism of the interim penalty factors is no longer required.

The proposed changes, deletion of references to the load follow mode of operation and limiting the applicability of the azimuthal tilt (T_q) multiplier to peaking factor calculations performed with non-full core power distribution analysis codes, would make St. Lucie Unit 1 TS consistent with St. Lucie Unit 2 TS.

The NRC staff has previously provided examples (in 48 FR 14870) of amendments that are not likely to involve a significant hazards considerations; item (vii) identified "* * * a change resulting from the application of a small refinement of a previously used calculational model or design method." This example clearly includes the changes addressed herein.

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated because neither of the changes proposed requires a change in safety analysis input or assumptions for any St. Lucie Unit 1 transient. Therefore, acceptable results will continue to be shown for all previously analyzed transients.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because they do not modify the configuration of the plant or the manner in which it is operated. Since no changes to the plant or its operation are made by the proposed change, there is no increase in the possibility of creating an accident of a new or different type over what currently exists without the proposed change.

The proposed changes do not involve any significant reduction in the margin of safety because neither of these changes involves any changes in allowable modes of plant operation or allowable envelopes for plant operational parameters. Additionally, none of the changes proposed either represents or requires change in input to plant safety analysis.

Based on the foregoing discussion and using the criteria contained in 10 CFR 50.92(c), the staff proposes to determine that this amendment involves no significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esq., Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Florida Power and Light Company, Docket Nos. 50–335 and 50–389, St. Lucie Plant, Units No. 1 and No. 2, St. Lucie County, Florida

Date of amendment request: October 12, 1983.

Description of amendment request: This proposed amendment would revise the Facility Organization chart to change the title of Watch Engineer to Assistant (Nuclear) Power Supervisor at both St. Lucie Plant Units and standardize the title of the Nuclear Plant Supervisor. It would add a footnote to Table 6.2–1 (Minimum Shift Crew Composition) that would allow a Shift Technical Advisor qualified Senior Reactor Operator from either Unit 1 or Unit 2 to satisfy the Shift Technical Advisor requirement. It would eliminate a footnote in the Unit 1 Technical Specifications that applied only until Unit 2 was licensed and commenced fuel loading. Finally, the Shift Technical Advisor function definition would be modified.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations (i) relates to amendments of a purely administrative change to technical specifications: For example a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. A second example (vii) concerns a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. All of the proposed changes are in Section 6, Administrative Controls, of Unit 1 and Unit 2 Technical Specifications. The changing of the title of the Watch Engineer to Assistant (Nuclear) Plant Supervisor and standardization of the title of Nuclear Plant Supervisor are simply changes in nomenclature and to achieve consistency. The deletion of the footnote on page 6–4 of the Unit 1 Technical Specifications removes a reference to a block on that page that was to be used until Unit 2 was licensed and commenced fuel loading. Unit 2 was licensed on April 6, 1983 and is currently operating, therefore the footnote no longer applies and can be deleted. The modification to the Shift Technical Advisor function definition is designed to more clearly define his function. All of these changes fall under example (i) above. In adding a footnote to the effect that a qualified Senior Reactor Operator who has been trained and qualified to be a Shift Technical Advisor can be used in that position, the licensee is following guidance contained in the Draft Commission Policy Statement on Engineering Expertise on Shift as published in the **Federal Register** on July 25, 1983. This change provides flexibility in meeting the minimum shift crew complement by utilizing any on-shift Senior Reactor Operator from either Unit 1 or Unit 2, providing he is properly qualified as a Shift Technical Advisor for both Units, to satisfy the Shift Technical Advisor position requirements. This change is covered by example (vii) above. The proposed changes are similar to guidance quoted. Therefore, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esq., Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Unit Nos. 3 and 4, Dade County, Florida

Date of amendment request: September 12, 1983.

Description of amendment request: The proposed amendments request the deletion of non-radiological Environmental Technical Specifications (Appendix B) which address the groundwater monitoring program and environmental protection limits. The justification for the requested deletions are based on the results of eight years of studies, the revised agreement with the South Florida Water Management District and an effective National Pollutant Discharge Elimination System (NPDES) Permit from the Environmental Protection Agency.

Basis for proposed no significant hazards consideration determination: The amendments would delete the non-radiological monitoring programs related to the groundwater monitoring and environmental protection limits. The amendments would not change any current limitations related to the operation of the plants. Since no operational limitations are being changed, the staff proposes to determine that the amendments do not involve a significant increase in the probability or consequences of an accident from any

accident previously evaluated do not create the possibility of a new or different kind of accident from any accident previously evaluated and do not involve a significant reduction in a margin of safety. The staff, therefore, proposes to determine that the amendments do not involve a significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, NW., Suite 1214, Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power Corporation et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: May 26, 1982.

Description of amendment request: The proposed change to the Crystal River Unit 3 Technical Specifications would modify a limiting condition for operation (LCO) for the cooling water intake canal (supplied by the Gulf of Mexico) such that a minimum cross-sectional area must be maintained rather than an absolute canal bottom datum level. The present LCO requires the canal bottom elevation to be less than or equal to 74 feet Plant Datum. The proposed change would require a minimum cross-sectional area, different for each of four canal lengths due to differences in canal widths and configurations. The revised LCO would continue to assure adequate minimum emergency cooling water flow under all postulated conditions.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain Examples (48 FR 14870). One of the examples of actions considered not likely to involve significant hazards considerations is a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan, in this case the Standard Technical Specifications. The proposed amendment represents a refinement to the criteria intended to assure adequate minimum cooling water flow to the Crystal River Unit 3 facility under normal and emergency conditions. The new criteria may permit less frequent dredging of the canal but would still assure that the Commission's requirements are met. On this basis, the Commission proposes to determine that the amendment involves no significant hazards considerations.

Local Public Document Room location: Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida.

Attorney for licensee: S. A. Brandimore, Florida Power Corporation, Vice President and General Counsel, P.O. Box 14042, St. Petersburg, Florida 33733.

NRC Branch Chief: John F. Stolz.

Florida Power Corporation et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: March 18, 1983.

Description of amendment request: The proposed amendment would allow a more realistic method for controlling personnel access to high radiation areas where no enclosures exist which would allow locking of a high radiation boundary and where such enclosures could not reasonably be constructed. The present Crystal River Unit 3 Technical Specifications require locked doors to be provided to prevent unauthorized entry into high radiation areas. This amendment would adopt a provision of the Commission's Standard Technical Specifications which allows roping off an area, conspicuously posting the area and installing a flashing light in cases where a lockable enclosure cannot reasonably be constructed around a high radiation area.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain Examples (48 FR 14870). One of the examples of actions considered not likely to involve significant hazards considerations is a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan, in this case the Standard Technical Specifications. The proposed amendment is considered a minor change from the present Technical Specifications to the Standard Technical Specifications. Application of the current Technical Specifications in the types of areas discussed above is impractical and could result in unwarranted exposure to personnel while building temporary enclosures that can be locked. The alternative is considered by the Commission to provide an adequate degree of control of high radiation areas. Currently, each person entering a radiation area must also be authorized by a Radiation Work Permit. This requirement will not change. The provisions proposed will conspicuously mark the areas which have a significantly higher dose rate. These measures provide a high degree of assurance that these areas will not be entered inadvertently by unauthorized personnel. On this basis discussed above, the Commission proposes to determine that the amendment does not involve a significant hazards consideration.

Local Public Document Room location: Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida.

Attorney for licensee: S. A. Brandimore, Florida Power Corporation, Vice President and General Counsel, P.O. Box 14042, St. Petersburg, Florida 33733.

NRC Branch Chief: John F. Stolz.

Florida Power Corporation et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: March 31, 1983 (Item C, only), as supplemented June 22, 1983.

Description of amendment request: The proposed amendment involves changes to the Crystal River Unit 3 Technical Specifications to incorporate a number of system changes required by the Commission in NUREG–0737 following the Three Mile Island accident. The system changes have been implemented and the proposed corresponding changes to the Technical Specifications include (1) addition of trip setpoints and surveillance requirements for the anticipatory reactor trip system; (2) addition of limiting conditions for operation (LCOs) and surveillance requirements for the reactor coolant system high point vents, the post-accident sampling and hydrogen purge systems, the reactor building high radiation monitors, wide range pressure monitors and flood level monitors, hydrogen monitors, the control room toxic gas detection system, and the reactor building purge supply and exhaust valves.

Basis for proposed no significant hazards consideration determination:

The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain Examples (48 FR 14870). One of the examples of actions likely to involve significant hazards considerations is a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement. All of the changes requested are additional limitations, restrictions and controls not presently included in the Technical Specifications. Accordingly, the Commission proposes to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room location: Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida.

Attorney for licensee: S. A. Brandimore, Florida Power Corporation, Vice President and General Counsel, P.O. Box 14042, St. Petersburg, Florida 33733.

NRC Branch Chief: John F. Stolz.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50-366, Edwin I. Hatch Nuclear Plant, Unit No. 2, Appling County, Georgia

Date of amendment request: April 5, 1982.

Description of amendment request: The licensees' amendment request includes two proposed changes to the Hatch Unit 1 and two proposed changes to the Hatch Unit 2 Technical Specifications. The changes relating to Unit 1 have previously been issued (47 FR 39768, September 9, 1982 and 48 FR 6435, February 11, 1983). The two changes relating to Unit 2 would: (a) Extend the time for corrective actions for making rod pattern adjustments; and (b) extend the Limiting Condition for Operation for an inoperable Low Pressure Coolant Injection (LPCI) inverter.

This notice considers only the changes involving rod pattern adjustment. A separate notice is being prepared for the change involving the LPCI inverter.

The amendment covered by this Notice would change the Technical Specifications to extend the time allowed for corrective actions to restore the Average Power Range Monitor (APRM), flow referenced, simulated thermal power scram and control rod block trip setpoints to within allowable values.

Present Technical Specifications require a reduction in thermal power if APRM, flow referenced, simulated thermal power or control rod block set points that exceed allowable values are not brought back within these allowable values within *two* hours. The corrections are made by adjusting the control rod patterns and determining the effects of the adjustments. This is an iterative process which is difficult to complete within two hours. The time limit specified in the NRC Standard Technical Specification for making this correction is six hours. The licensees propose to extend the current two-hour time limit to six hours, making it consistent with the Standard Technical Specification limit.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14760). One of the examples of actions likely to involve no significant hazards considerations relates to a change which may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The proposed amendment would provide a longer allowable time period for making corrections that is consistent with the allowable time specified in the Standard Technical Specifications for making these same corrections and which will permit better determination of the base distribution and the thermal limits. The results of this change are clearly within acceptable criteria specified in the Standard Review Plan, and the staff finds that the change proposed by the licensees is similar to this example. Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: G. F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: December 20, 1982.

Description of amendment request: The proposed amendment would modify the Technical Specifications pertaining to eight miscellaneous matters: the first, revises bases to the Technical Specifications to reflect the modifications made as part of the Mark I Containment Modification Program; the second, deletes reference to the Chairman of the Safety Committee, recommended changes to Plant Security Plan and Emergency Plan are no longer submitted to the Chairman of the Safety Committee; the third change adds non-destructive testing and administration under the review and audit function of the Safety Committee to compy with ANSI-N18.7; the fourth, deletes the list of items (a) through (g) from Section 6.5.2.2 and references Section 6.5.2.1 to avoid redundancy with Section 6.5.2.1; the fifth, changed by Amendment 80, clarifies the Safety Committee quorum requirements; the sixth, changes the frequency of auditing the Emergency Plan to comply with 10 CFR 50.54(t); the seventh, changes the frequency of auditing the Security Plan to comply with 10 CFR 73.40(d); the eighth, changed by Amendment 80, specifies the frequency of performing Design Change Request Safety Evaluation audits.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples involving no significant hazards consideration include "(i) a purely administrative change to technical specifications: for example, a change to achieve consistency throughout the Technical Specification, correction of an error, or a change in nomenclature," and "(ii) a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications."

The first proposed change revising the Technical Specification to clarify the modifications made as part of the Mark I Containment Modification Program, involves only the bases to the Technical Specification. Since no changes in the Limiting Conditions for Operation or Surveillance Requirements were involved this change is considered to be a clarification of existing Technical Specification and as such is administrative and falls under the criteria of example (i).

The second change deletes the reference to the Operations Committee submitting recommended changes in the Security Plan and Emergency Plan to the Chairman of the Safety Committee. Since this is not identified as a Safety Committee function it is proposed to be deleted from the current Technical Specifications for consistency and as

such is considered administrative and falls under the criteria of example (i).

The third proposed change adds non-destructive testing and administration under the review and audit function of the Safety Committee to comply with ANSI–N18.7. This change constitutes an additional restriction and is represented by the above example (ii).

The fourth change deletes the list of items (a) through (g) from Section 6.5.2.2. and references Section 6.5.2.1. This change was made to eliminate redundancy between these sections of the Technical Specifications and as such is considered administrative and falls under the criteria of example (i).

The fifth requested change, which clarified the Safety Commiittee quorum requirements, has been previously approved by Amendment 80, dated January 7, 1983 and therefore need not be considered in this determination.

The sixth proposed change increases the frequency of auditing the Emergency Plan to comply with 10 CFR 50.54(t) from once every 24 months in the current Technical Specifications to once every 12 months. This proposed change constitutes an additional control and as such falls under example (ii) category of amendments that are not considered likely to involve a signficant hazards consideration.

The seventh proposed change increases the frequency of auditing the Security Plan to comply with 10 CFR 73.40(d) from once every 24 months in the current Technical Specifications to once every 12 months. This proposed change constitutes an additional control and as such falls under example (ii) category of amendments that are not considered likely to involve a significant hazards consideration.

The eighth requested change, which specified the frequency of performing design change request safety evaluation audits, has been previously approved by Amendment 80, dated January 7, 1983, and therefore need not be considered in this determination.

The requested changes (1), (2), and (4) are considered administrative changes, the changes (3), (6), and (7) involve additional restrictions, limitations or controls, and the changes (5) and (8) are no longer needed. Therefore, since the application seeks changes which are similar to the Commission's examples for which no significant hazards considerations are involved, the staff has made a proposed determination that the application for amendment does not involve a significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: May 4, 1983.

Description of amendment request: An amendment to the Technical Specifications revising the Minimum Critical Power Ratio (MCPR) operating limits upon completion of a Turbine Control Valve Modification in order to maintain the margin of safety required for safe operation based on the licensee analysis of a Generator Load Rejection transient.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the standard for determining whether a significant hazards consideration exists by providing examples (48 FR 14870). The examples of action involving no significant hazards consideration include: (vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan.

The change proposed by the licensee would amend the Technical Specifications for the Duane Arnold Energy Center in order to permit operation of the Turbine Control Valves in a synchronous manner. Currently, at rated power, three of the valves are fully open and the fourth is only 32% open. In order to reduce the probability of turbine blade damage the licensee wishes to operate the valves so that all are at approximately 54% open at full power.

In the event of load rejection without bypass, the proposed change in the control valve operation would result in a more rapid reduction in steam flow due to more rapid valve closure, a larger pressure pulse resulting in collapsing of the voids, and an inadequate margin of operating Critical Power Ratio (CPR) over the MCPR limits.

The licensee reanalyzed this event with new valve settings to determine the adequacy of CPR margin above MCPR limit. The results of the licensee's analysis indicate that the operating limits of CPR must be changed in order to obtain the assurance of protection against MCPR violation that was approved by the staff for Cycle 7. Based on the results of his analysis the licensee has proposed to increase the operating CPR margin above MCPR from 1.25 to 1.27 for 8X8 fuel and from 1.27 to 1.29 for 8X8R fuel. The licensee has shown that this corrective change to the operating CPR margin would completely offset the increased challenge to the MCPR limits that would be likely when the turbine control valves operation is changed, and would return the system performance characteristic to those that were found acceptable for the case of load rejection without bypass transient analyzed by the staff for Cycle 7. Therefore, the turbine control valve modification in conjunction with the revised CPR operating limits is not likely to result in a change in the frequency of MCPR limit challenges or their consequences in the event of a transient due to load rejection without bypass.

The staff, therefore, proposes to determine that the requested action does not involve significant hazards consideration because it would not involve a significant increase in probability or consequences of an event previously analyzed by the staff.

Local Public Document Room location: Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: August 26, 1983.

Description of amendment request: The proposed amendment would modify the Technical Specifications to satisfy a staff request in the Safety Evaluation (SE) for Amendment No. 89, dated April 29, 1983. In this SE the staff requested surveillance requirements related to the Low-Low Setpoint (LLS) function associated with the Mark I Containment long term program modifications, which restore the originally intended safety margins to the containment, to be added to the Technical Specifications within four months of the date of issuance of Amendment No. 89. Also included in this request is page 3.6–26 which is related to the bases for safety and relief

value setting. This page was included to restore a part of a paragraph which was inadvertently omitted from that page in amendment 71.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples involving no significant hazards consideration include "(i) a purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature, and, (ii) a change that constitutes an additional limitation restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement".

The staff in an April 29, 1983 letter approved licensing Amendment No. 89. This letter also contained a Safety Evaluation (SE), upon which approval of the LLS modifications and analysis was based. In this SE the staff requested that surveillance requirements in the LLS function be added to the Technical Specification within four months of the issuance of the amendment. The proposed Technical Specification change is intended to satisfy the staff requirements in the Safety Evaluation. Therefore, example (ii) applies since the request constitutes an additional restriction or control not presently included in the Technical Specification.

The licensee also requested that an inadvertently omitted part of a paragraph on Technical Specification page 3.6-28 of Amendment 71 related to bases be restored. This change corrects an error in a bases page and therefore, encompasses Example (i) since it is a purely administrative change (omission of a part of a basis paragraph for previously approved Technical Specifications).

Since the application for amendment involves proposed changes that are similar to examples for which no significant hazards consideration exist, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 426 Third Avenue, S. E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: October 26, 1983.

Description of amendment request: The proposed amendment would: (1) Revise the Technical Specifications to reflect the recent reorganization of the nuclear operations at Nebraska Public Power District (NPPD) and Cooper Nuclear Station (CNS) and (2) correct various typographical errors. As a result of the completion of an audit review in April 1983 all the nuclear operations at NPPD have been consolidated into three divisions and report directly to the Assistant General Manager—Nuclear. The Station Superintendent's title has been changed to Nuclear Operations Division Manager and this division is one of the three divisions reporting to the Assistant General Manager. The other two divisions are the Nuclear Services and Quality Assurance Divisions. The reorganization has resulted in changes to the Operations Review Committee (SORC) and Safety Review and Audit Board (SRAB) to bring them into conformance with the new nuclear reorganization. However, the effectiveness of the review and audit functions of the SORC and SRAB would not be reduced as a result of the changes in membership in that the appropriate technical disciplines and/or consultants necessary would still be represented in the new makeup of these organizations. In addition, the SRAB would report directly to the Assistant General Manager—Nuclear since he has been designated as the NPPD Senior Nuclear Manager.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the applications of these standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations relates to a purely administrative change to the Technical Specifications. The management reorganization and the correcting of typographical errors are considered administrative in nature. In addition, the change in membership of the SORC and SRAB resulting from the reorganization would not reduce the effectiveness of these organizations as discussed in the description of the amendment. Thus the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Attorney for licensee: Mr. G. D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

NRC Branch Chief: Domenic B. Vassallo.

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: September 28, 1983.

Description of amendment request: The proposed amendment incorporates the current reporting requirements for reactor vessel material surveillance specimen in accordance with the recent revision to 10 CFR Part 50 Appendix H **Federal Register**, Vol. 48, No. 104, May 27, 1983).

Basis for proposed no significant hazards consideration determination: The licensee has presented its determination of significant hazards considerations as follows:

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870) of amendments considered not likely to involve significant hazards considerations.

The proposed amendment incorporates the current reporting requirements for reactor vessel material surveillance specimen in accordance with the recent revision to 10 CFR Part 50 Appendix H. The requested action corresponds with example (vii) continued in the **Federal Register** on April 6, 1983, in that the change was made to conform to changes in the regulations.

The staff has reviewed the licensee's significant hazards considerations determination and based upon this review, the staff has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: Domenic B Vassallo.

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: November 4, 1983.

Description of amendment request: The proposed amendment changes the section of the Technical Specifications pertaining to the inservice inspection and incorporates information not formerly included on the augmented inservice inspection and inservice testing programs. The proposed Technical Specification changes conform with 10 CFR 50.55(a)(g) and more closely match the Standard Technical Specifications. The Technical Specification changes are general enough to permit changes in accordance with Section XI of the ASME Boiler and Pressure Vessel Code without a corresponding Technical Specification change. This submittal does not affect, or change, the present programs being implemented by Niagara Mohawk. Changes to the inservice inspection or inservice testing programs must receive prior approval from the Nuclear Regulatory Commission.

Basis for proposed no significant hazards consideration determination: The licensee has presented its determination of significant hazards considerations as follows:

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870) of amendments considered not likely to involve significant hazards considerations. One of the examples (vii) relates to a change made to a license to conform to changes in the regulation where the license change results in very minor changes to facility operations clearly in keeping with the regulations. The proposed Technical Specification changes are similar to this example because the changes conform to 10 CFR 50.55(a)(g) and does not change the inservice inspection or inservice testing programs now in effect. Another example (ii), cites changes that constitute an additional limitation, restriction or control not presently included in the Technical Specifications. The proposed Technical Specifications include information on the augmented inservice inspection and inservice testing programs which are not presently described in the Technical Specifications.

The staff has reviewed the licensee's significant hazards considerations determinations and based upon this review, the staff has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: Domenic B. Vassallo.

Pennsylvania Power & Light Company, Docket No. 50-387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: October 11, 1983.

Description of amendment request: The purpose of the proposed amendment request is to change the requirements of Technical Specification 4.7.4.a regarding inservice visual inspection of snubbers. Technical Specification 4.7.4.a currently requires that "If less than two snubbers are found inoperable during the first inservice visual inspection, the second inservice visual inspection shall be performed 12 months ± 25% from the date of the first inspection." The proposed amendment would revise the requirement to read: "If all snubbers of each type are found OPERABLE during the first inservice visual inspection, the second inservice visual inspection shall be performed at the first refueling outage."

Basis for proposed no significant hazards consideration determination: In a letter dated October 11, 1983, PP&L provided a discussion of the proposed change with regard to determining that the change involved no significant hazards consideration. The licensee stated that the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because the change does not significantly reduce snubber reliability. The basis for the licensee's determination was the first inservice visual inspection, which was conducted after completion of the Startup Test Program at Susquehanna, Unit 1. The first inspection evaluated snubbers for the period of abnormal operation associated with the Startup Test Program and the second inspection, like subsequent inspections, will look at periods of expected normal operation. A failure rate of zero was achieved at the first inspection even though the snubbers went through construction and startup testing. Additionally, the licensee indicated that if a damaging transient occurs during a period of expected normal operation, the practice at Susquehanna, Unit 1, is to visually inspect any impacted piping system associated with the transient, adding a factor of reliability to snubber operability. The licensee stated the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. No new concerns are created because no reduction in snubber reliability exists. There are no hardware or other design changes associated with the proposed change.

The licensee also stated that the proposed change does not involve a significant reduction in a margin of safety because safety systems are not threatened since there is no decrease in snubber reliability. The licensee also stated that related Technical Specifications have been reviewed to ensure that the proposed change does not affect their associated margins of safety as defined in the Technical Specification bases and no problems were discovered. The staff agrees with the licensee's evaluation in this regard, and accordingly, the NRC staff proposes to find the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50.277 and 50-278, Peach Bottom Atomic Power Station, Units Nos, 2 and 3, York County, Pennsylvania

Date of amendment request: December 22, 1977, as supplemented July 29, 1983.

Description of amendment request: The proposed amendments would revise the Peach Bottom Technical Specifications in reponse to an NRC staff request to provide design modifications and changes to the Technical Specifications pertaining to degraded grid voltage protection. The degraded voltage trip function prevents damage to safety-related equipment in the event of a sustained peiod of low voltages. The proposed changes to Tables 3.2.B, 4.2.B and Bases 3.2 provide a second level of undervoltage protection with a time delay for safety-related loads. More specifically, the proposed changes add surveillance

requirements, allowable limits for trip setpoints and time delays and limiting conditions for operation of the second-level undervoltage (degraded) relays.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve significant hazards considerations by providing certain examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples (ii) of an action involving no significant hazards considerations is a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The proposed revisions cover the addition of new relays which provide protection for Class 1E equipment under degraded voltage conditions. The addition of new voltage setpoints, time delays and surveillance requirements constitute additional limitations, restrictions, or controls not presently included in the Technical Specifications. Therefore, the staff proposes to determine that the proposed amendments do not involve a significant hazards consideration.

Local Public Document Room location: Government Publications Sections, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Attorney for licensee: Troy B. Conner, Jr., 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: John F. Stolz.

Public Service Co. of Colorado, Docket No. 50-267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: December 2, 1983.

Description of amendment request: The proposed change to the Design Features Technical Specification, D F 6.1, would specify that the reference fuel elements are fabricated from either H-327 needle coke (anisotropic) graphite or from H-451 (near-isotropic) graphite. Approval of the use of H-451 was granted in October 1979 for selected test assemblies and all regions of subsequent reloads. This change to the Technical Specifications Design Features section is necessary to correctly reflect the approved fuel element material.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). The examples of actions involving no significant hazards considerations include, for a nuclear power reactor, a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and that NRC has previously found such methods acceptable.

The use of a different graphite type (H-451 in lieu of H-327) for the fabrication of the Fort St. Vrain fuel elements was approved by NRC letter dated October 5, 1979, for all regions of subsequent reloads. Fuel elements reloading during the Spring 1981 refueling outage (number 2) had been fabricated from H-327 graphite prior to the approval of the use of H-451 graphite. The upcoming refueling outage is the next scheduled refueling (number 3) subsequent to the approval which allowed the fabrication of the reloading fuel elements from H-451 graphite. Since the approval of the H-451 graphite was based on predicated better performance, the staff has determined that the proposed action is expressive of the above example and, therefore, we propose to determine that the requested action does not involve a significant hazards consideration.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for licensee: Bryant O'Donnell, Public Service Company of Colorado, P.O. Box 840, Denver, Colorado 80201.

NRC Branch Chief: Eric H. Johnson.

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request: March 16, 1976, as supplemented December 12, 1979.

Description of amendment request: The proposed amendment would change the Technical Specifications to implement the requirements of 10 CFR 50.55a(g) pertaining to inservice inspection and testing to provide assurance that the structural integrity and operability of systems and components important to safety are maintained. The proposed amendment would add surveillance requirements to the Rancho Seco operating license to provide for (a) inservice inspection of safety-related components and (b) operability testing of safety-related pumps and valves in accordance with Section XI of the ASME Boiler and Pressure Vessel Code and applicable addenda as required by 10 CFR 50.55a(g), except where specific written relief has been granted by the NRC.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the standards for determining whether a significant hazards consideration exists by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). One such example (vii) involves a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The change proposed by the licensee is intended to implement 10 CFR 50.55a(g), which pertains to inservice inspection of safety-related components, and inservice testing of safety-related pumps and valves to assess operational readiness. This proposed amendment, therefore, would reflect changes to make the Rancho Seco Nuclear Generating Station license conform to changes in the regulations. Since the licensee is presently obligated by these regulations to perform inservice inspection of components and inservice testing of pumps and valves, this license change will only result in very minor changes to facility operations which are clearly in keeping with the regulations.

Therefore, since the application for amendment involves proposed changes that are similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813.

NRC Branch Chief: John F. Stolz.

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application request: October 27, 1980.

Description of amendment request: The proposed change would amend the

Technical Specifications to incorporate requirements for redundant decay heat removal capability during all modes of plant operation. This proposed change was directly requested by the Nuclear Regulatory Commission by Generic Letter dated June 11, 1980. The basis for the Commission's request was founded in a number of events that have occurred at operating PWR facilities where decay heat removal capability has been seriously degraded due to inadequate administrative controls utilized when the plants were in shutdown modes of operation. The additional requirements proposed in this changes would ensure that proper means are available to provide redundant methods of decay heat removal.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a no significant hazards determination by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications. The staff proposes to determine that the proposed change does not involve a significant hazards consideration since it consists of an additional limitation on the operation of the facility not currently in the Technical Specifications.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813.

NRC Branch Chief: John F. Stolz.

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request: July 12, 1983.

Description of amendment request: This submittal supplements the request for amendment dated February 17, 1983, which was noticed in the **Federal Register** on June 23, 1983 (48 FR 28765). The proposed amendment supplement would add revisions to the Technical Specifications to incorporate limiting conditions for operation (LCOs) for electrical support equipment and fire protection equipment installed as part of the NUREG-0737 modifications. Specifically, LCOs would be added for (1) battery chargers, (2) inverters, (3) fire detection instruments (4) spray and sprinkler systems (5) CO_2 systems and (6) fire hose stations, added as part of the NUREG-0737 modifications. The original request for an amendment dated June 23, 1983, remains unchanged.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations (ii) relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications. The changes included in the proposed amendment would add limitations and controls by (1) adding additional detection and suppression equipment to lists of the fire detection instrumentation and fire suppression systems to which the appropriate LCO requirements apply and (2) adding LCOs for the added inverters and battery chargers. The implementation of the proposed changes would provide additional controls and limitations not included in the current Technical Specifications. For this reason, the Commission proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813.

NRC Branch Chief: John F. Stolz.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: July 22, 1983.

Description of amendment request: The proposed change involves the transfer of Service Water System Technical Specification surveillance requirements to a more appropriate section (Reactor Building Cooling Water System) of the Technical Specifications. These surveillance requirements relate only to Service Water System components that are dedicated to the operation of the Reactor Building Cooling Water System. Therefore, it is appropriate to incorporate these surveillance requirements in the Reactor Building Cooling Water System Surveillance Requirements. This change further avoids having to declare the entire Service Water System inoperable should a component dedicated to the Reactor Building Cooling Water System malfunction. The proposed change does not constitute a change in the surveillance requirements or in the frequency of surveillance. Consequently, the performance and margin of safety of the involved systems are unchanged.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve no significant hazards considerations by providing certain examples (48 FR 14870). The request involved in this case does not match any of those examples. However, the staff has reviewed the licensees' request for the above amendment and has determined that should this request be implemented, it will not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the systems and surveillance requirements are not changed, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the design of the plant remains the same, or (3) involve a significant reduction in a margin of safety because the transferred surveillance requirements relate to components dedicated to the Reactor Building Cooling Water System. Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29218.

Attorney for licensee: Randolph R. Mahan, P.O. Box 764, Columbia, South Carolina 29218.

NRC Branch Chief: Elinor G. Adensam.

Southern California Edison Company, Docket Nos. 50-206/361/362, San Onofre Nuclear Generating Station, Units, No. 1, 2, and 3, San Diego County, California.

Date of amendment request: August 9, 1983 and October 27, 1983.

Description of amendment request: The proposed amendment would replace the March 1981 Physical Security Plan including revisions, with the exception of Chapter 8.0—Safeguards Contingency Plan. This filing is being withheld from public disclosure pursuant to 10 CFR 73.21.

Basis for proposed no significant hazards consideration determination:

The Commission has provided guidance concerning the application of standards of no significant hazard consideration by providing certain examples (April 6, 1983, 48 FR 14870). These examples are not applicable to the proposed August 1983 Physical Security Plan. The basis for concluding that the standards are met with respect to a no significant hazards consideration determination is presented below.

The licensee's October 27, 1983 submittal included a discussion of the proposed action with respect to a no significant hazards consideration. The submittal addressed the three standards of 10 CFR 50.92(c).

This discussion has been reviewed and the Commission finds it acceptable. Each of the three standards is discussed below.

The licensee stated, "The most significant changes proposed in the new Physical Security Plan are the following: (1) Completely revised old plan using the format of NUREG-0908 which eliminated much of the redundancy and extraneous detail; (2) Provided for a single protected area by eliminating the access control point between Unit 1 and Units 2 and 3; (3) Redefined the duties of the guardtower security officers; (4) Changed requalification time 73.55(b)(4) from 6 months to 12 months as required by current NRC regulations; (5) Specified in detail requirements for package search 73.55(d)(3); (6) Moved certain details of security training program and equipment to site procedures. Revised the security procedures management system; (7) Decreased key inventory frequency to annual basis (still within NRC acceptance criteria); (8) Reduced Protected Areas and Protected Area barrier patrols frequency by a half (frequency still within NRC acceptance criteria); (9) Deleted reference to GSA specification WA00450B and added a description of alarm system line supervision; (10) Added specific compensatory security posts at failed or by-passed intrusion detection zones; (11) Modified search procedures; (12) Restructured lists of vital and nonvital equipment; (13) Added a commitment regarding central alarm station operator duties; and (14) Provided additional details regarding audits."

First Standard

With regard to the first standard, the licensee stated, "The proposed change affects only the Physical Security Plan and is not related to any accident previously evaluated. Generally, this change makes the licenses conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. Although the frequency of key inventory, Protected Area and Protected Area Barrier patrols, etc. have been decreased, the reductions are clearly within all NRC acceptance criteria, and this comprehensive change, applied in its entirety, results in a more effective security program which does not decreased safeguards effectiveness."

Second Standard

The licensee stated the following with regard to the second standard, "The proposed change to the Physical Security Plan does not alter any safety related design bases of the facility or its operation. It therefore, does not create the possibility of a new or different kind of accident from any previously evaluated."

Third Standard

The licensee's discussion of the third standard states, "The proposed change to the Physical Security Plan does not affect any margin of safety."

Because the submittals by the licensee appear to demonstrate that the standards in 10 CFR 50.92 have been met, the Commission proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, South California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: Dennis M. Crutchfield.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: December 17, 1982.

Description of amendment request: The proposed amendments would modify the Technical Specifications as follows:

1. In the definition section, clarify that a channel may be an arrangement of more than one sensor. The definition now reads that "a channel is an arrangement of a sensor . . .;" the change would revise this to read that "a channel is an arrangement of a sensor(s). . ."

2. In the table that lists the instrumentation that initiates rod blocks (Table 3.2.C), change the title of the first column to list the minimum number of operable channels per trip system rather than listing the minimum number of trip systems.

3. In the notes to Table 3.2.C, add the words "or above" to describe the conditions under which the startup range monitor channels are automatically bypassed.

4. Add a restriction that if the number of operable channels is less than the minimum required in Table 3.2.C, at least one of the inoperable channels must be placed in the tripped condition within one hour.

5. Add a requirement to Table 3.2.C that if one of the two rod block monitor channels becomes inoperable and cannot be restored to operable status within 24 hours, it must be placed in the tripped condition within one hour.

6. In the notes to Table 3.2.C, add a clarification to note that both rod block monitors are bypassed when a peripheral control rod is selected.

7. In the table (3.7.A) listing the operating characteristics of the primary containment isolation valves, change the "normal position" of the main steam drain isolation valves from "closed" to "open" and change the "action on receiving an initiating signal" from "stays closed" to "goes closed."

8. In Table 3.7.A, add a note that the reactor water sample line isolation valves "isolate only on reactor vessel low-low water level (470 inches) and main steam line high radiation of Group 1 isolations."

9. To facilitate movement of personnel and material into the torus as part of the NRC required "Mark I Containment Modification Program," a second access hatch was added to the Suppression Chamber; one of the changes would add a requirement to the Technical Specifications to periodically test the seals on this access hatch.

10. Change the frequency for auditing the Site Radiological Emergency Plan from every 24 months to every 12 months to be in conformance with 10 CFR 50.54(t).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of 10 CFR 50.92 by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). These examples include:

"(i) A purely administrative change to the technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature;"

"(ii) A change that constitutes an additional limitation, restriction, or

control not presently included in the technical specifications: for example, a more stringent surveillance requirement."

"(vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan . . ." and

"(vii) A change to make a license conform to changes in the regulations, where the license change results in very minor change to facility operations clearly in keeping with the regulations."

Change No. 1, above, is to clarify the definition of a "channel" in the Technical Specifications to conform to actual plant conditions. As the definition now reads, it could imply that a channel consists of only one sensor. While this may be true for some channels, there are also some channels that consist of more than one sensor. This is a purely administrative change that does not modify any plant condition or operation and thus is encompassed by example (i) of the guidance provided by the Commission.

The purpose of proposed change No. 2 is to utilize trip "function" terminology instead of trip "system" terminology as the basis for Table 3.2.C, "Instrumentation that Initiates Rod Blocks." The revised heading will use the same terminology as used in Table 3.3.6–1 (page 3.4 3–51) of the BWR Standard Technical Specifications, NUREG-0123, Revision 3. The revision does not allow any plant condition or operation which is not permitted under current technical specifications and does not modify the specified trip level settings. The revision is a purely administrative change and thus is encompassed by example (i) above.

Change No. 3 is a clarification to note 6 of Table 3.2.C. The note now reads that "Intermediate Range Monitor (IRM) channels . . . in range 8 bypasses startup range monitor (SRM) channels . . ." The SRMs are used to monitor neutron power from the shutdown source condition to that point where neutron flux overlaps the IRMs range. The actual measuring range of the SRMs is from a few counts per second average thermal neutron flux to about 2 percent reactor power. The IRMs monitor neutron flux from the middle to upper portion of the SRM range to the lower portion of the power range. The IRMs cover a span from about 0.0005 percent rated thermal power up to about 50 percent power. To read this range, a range switch with 10 settings is used with an attenuator module. When the neutron flux reaches the saturation point of the monitors in either the SRM or IRM systems, the detectors are retracted. The detector retraction increases the detector life and extends the range of the monitor. With the IRM range switches on range 3 or above, the "SRM retract permit" circuit is bypassed so the operator can retract the SRMs. With the IRM range switches on range 8 or above, all SRM trip functions are automatically bypassed; at this point (about 4 percent power), the neutron flux is above the measuring range of the SRMs. The purpose of adding "range 8 or above" is to clarify that the SRMs are bypassed on ranges 9 and 10 as well as on range 8. The wording is identical to that in the BWR Standard Technical Specifications. This is a purely administrative change and, as such, is encompassed by example (i) of the guidance provided by the Commission.

Change No. 4 adds an additional restriction to the Technical Specifications. At present, there is no requirement to place an inoperable Rod Block Monitor channel in the tripped condition if it is inoperable for more than 24 hours. Change No. 5 also adds an additional restriction that is not presently included in the Technical Specifications. Thus, these two changes are encompassed by example (ii), above, of the guidance provided by the Commission.

Change No. 6 is a clarifying administrative change which is encompassed by example (i). The purpose of the Rod Block Monitor (RBM) is to prevent approaching thermal (minimum critical power ratio) limits by providing alarms and rod withdrawal blocks if local power level exceeds a preset limit in relation to reactor recirculation flow. As presently stated in note 7a to Table 3.2.C of the present Technical Specifications, the rod blocks are not active (bypassed) at less than 30 percent power because it is not probable that a local area of the core can be over powered below this point when the rod worth minimizer (RWM) and rod sequence control system (RSCS) are active preventing a high rod worth condition. When an edge rod is selected, the RBM trips are also bypassed because of the limited effect these rods have on local power and because of the limited number of inputs that are available from local power range monitor strings for the edge or peripheral rods. The change would amplify note 7a to reflect the actual as-built, functioning of this neutron monitoring system. The change is a clarifying administrative change that does not change or allow any plant condition or operation which is not permitted under current Technical Specifications. The purpose of Change No. 7 is to revise the "normal" position of two isolation valves on a main steam drain line. This change applies only to Unit 1. The same change was approved for Units 2 and 3 as part of the most recent reload amendments (respectively, Amendment No. 85 issued March 11, 1983 and Amendment No. 51 issued March 29, 1982).

As described in Section 4.11.4 of the Browns Ferry Nuclear Plant FSAR, a drain line is connected to the low points of each of the four main steamlines, both inside and outside the drywell. Both sets of drains are connected to a header and are connected by valving to permit drainage to the main condenser hotwell. An orifice is provided around the final valve to the condenser hotwell to permit continuous draining of the steamline low points. Although the drain line isolation valves are nominally closed, they do have to frequently be opened to drain off collected condensate to prevent the water droplets from being carried over and impinging on the turbine blades. If the valves were open when an isolation signal were received, they would have to change position (i.e., go closed). By listing the valves as normally open, they are subject to the more stringent requirements of Section 4.7.D.1.6–i.e., quarterly testing. Since this change imposes a more stringent requirement, it is encompassed by example (ii) of the guidance provided by the Commission.

Change No. 8 is an administrative change to conform the Technical Specifications to the actual plant configuration. There is no change in design and the modification to the Technical Specifications does not change or allow any plant condition or operation which is not permitted under the current Technical Specifications. The change is encompassed by example (i) of the guidance provided by the Commission.

Change No. 9 adds a new requirement, that would not otherwise be in the Technical Specifications, to periodically test a new access hatch. As such, this is encompassed by example (ii), above.

With respect to Change No. 10, section 6.2.A.8.e of the present Technical Specifications now requires an audit of the Site Radiological Emergency Plan and implementing procedures at least once per 24 months. The Commission's regulations (10 CFR 50.54(t)) require a review of a licensee's emergency preparedness program at least every 12 months. The change is to conform the Technical Specifications to the

regulations and thus is encompassed by example (vii).

Therefore, since all of the changes are encompassed by examples of changes which the Commission has determined are not likely to pose a significant hazard consideration, the staff proposes to determine that the amendments do not involve a significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Branch Chief: Domenic B. Vassallo.

Tennessee Valley Authority, Docket Nos. 50–259 and 50–260, Browns Ferry Nuclear Plant, Units 1 and 2, Limestone County, Alabama

Date of amendment request: August 24, 1983.

Description of amendment request: The license amendments would change the Technical Specifications to delete surveillance requirements on two control room emergency ventilation system dampers no longer included in the design.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of these criteria by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). These examples include: "(i) A purely administrative change to the technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature".

During a walkdown of the control room emergency ventilation system in March 1983, the NRC Resident Inspector noted that a flow control backdraft damper was incorrectly positioned. Further investigations, inspections and cross-checking of surveillance instructions with the Technical Specifications revealed that two ventilation dampers, FCO–150 A and C, which are required to be tested in accordance with Section 4.7.E.4 of the Technical Specifications, were not installed in the system. The Resident Inspector conducted a review of plant records to determine when the dampers were removed. A review of the preoperational retest program (RT–5D) for Browns Ferry Units 1 and 2 indicated that the dampers were deleted in accordance with Engineering Change Notice L 1242. At the request of the Inspector on March 25, 1983, the licensee committed to conduct an investigation into when and why the dampers and linkage were removed and to conduct an evaluation to verify that the dampers are not required. For further details, the reader is referred to NRC Inspection Report Nos. 50–259/83–09, 50–260/83–09 and 50–296/83–09 which were enclosed along with a Notice of Violation to a letter dated April 18, 1983 from R. C. Lewis, NRC, to H. G. Parris, TVA.

The two isolation dampers were removed from the design of the Units 1 and 2 control room ventilation system prior to startup of Unit 3 in 1976, when the Unit 3 control room ventilation system was tied into Units 1 and 2. The associated duct openings were closed so that no isolation function is required. The Unit 3 Technical Specifications do not need to be modified, since these isolation dampers were never included in the surveillance requirements. Since the FSAR has been updated, Section 10.12 of the FSAR—and more specifically Figure 10.12–2 on the Venting and Air Conditioning Air Flow to the control rooms—no longer show the isolation dampers in the design.

Since the purpose of the change is to achieve consistency throughout the Technical Specifications for the three Units and to have the Technical Specifications reflect the actual design, the change is encompassed by example (i) of the guidance provided by the Commission. Therefore, the staff proposes to determine that these amendments do not involve a significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Branch Chief: Domenic B. Vassallo.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request. February 22, 1983, (Item 2), revised by letter dated October 11, 1983.

Description of amendment request: The amendment would revise the Technical Specifications relating to the surveillance requirements for verifying the temperature of the heat traced portion of the flow path from the concentrated boric acid storage system. A section of the heat traced piping from the Boric Acid Addition Tank (BAAT) to a tee connection to the letdown return line is used not only for transport of concentrated boron solution from the BAAT but also for the transport of demineralized water and other low concentrated boron solution liquid.

If the surveillance falls close to the time when the flow path has been or is being used to transport dilute boron solutions, the proposed Technical Specifications would allow the surveillance interval to extend up to 8 hours after the transport of the dilute boron solution has been stopped for at least 8 hours. This implies that the seven-day temperature verification would not be required if the line is being used for transport of low boron concentrated water either continuously, or intermittently, as long as the time period between two successive (low boron concentration) water transport is less than 8 hours. If the seven-day verification falls during such transports and the transport stopped for more than 8 hours, the surveillance verification would be required within the next 8 hours.

The portion of the line which is heat traced is maintained at or above 105°F when filled with concentrated boron solution. This is to prevent the crystallization of the boric acid solution. However, when used for transport of low boron concentrated water, the temperature of the line could be at much lower temperature because the water would be at relatively lower temperature (60°–80°) and, therefore, the current Technical Specifications cannot be satisfied. The proposed Technical Specifications would assure that the temperature of the heat traced portion of the boron injection flow paths would be equal to or greater than 105°F when the paths are filled with concentrated boron solution yet allow the line to be less than 105°F when the paths are being used for transport of low boron solution water, which could be at lower temperatures (60°–80°).

The proposed amendment would also delete the associated heat trace from the Limiting Conditions for Operation of the Boric Acid Addition System. The heat trace is a part of the Boron Injection Flow Path and, therefore, the Limiting Condition for Operation for the Boron Injection Flow Path includes the heat trace.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples of actions involving no

significant hazards considerations relates to a purely administrative change to the Technical Specifications (Example (i)). The proposed changes are considered administrative in nature. One change would correct a deficiency in the Technical Specifications for surveillance of the Boron Injection Flow Path by considering the surveillance of the heat traced portion of the line when the seven-day surveillance falls close to the time when the flow path is not being used to store or transport concentrated boron solution. It would make the Technical Specification in this area consistent with the practical safe operation of the plant. The other change would delete the Limiting Conditions for Operation for the heat traced portion of the boron injection flow path from the section which addresses the Boric Acid Addition System because it is specified in the section which addresses the boron injection flow path. Thus, the Commission proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room Location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for Licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036

NRC Branch Chief: John F. Stolz.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: February 22, 1983 (Item 3 only), August 18, 1983 (Item 4 only).

Description of amendment request: The proposed amendment would correct typographical errors. Other items included in the amendment requests will be or have been handled separately.

Basis for proposed no significant hazards consideration determination: The proposed changes are administrative in nature, i.e., corrections of typographical errors, changes to achieve consistency throughout the Technical Specifications and valve designation reference corrections. The amendment request is similar to example (i) of the examples of amendments that are considered not likely to involve a significant hazards consideration (see example (i) in 48 FR 14870, April 6, 1983).

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

Wisconsin Electric Power Company Docket Nos. 50–266 & 50–301, Point Beach Nuclear Plant Units 1&2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: October 25, 1983.

Description of amendment request: The proposed amendment pertains to administrative changes to limiting conditions for operation for reactor coolant pumps, steam generators and decay heat removal systems. The proposed changes to the technical specifications would clarify that the requirements are applicable only when one or more fuel assemblies are in the core.

Basis for proposed no significant hazards consideration determination: The Commission has provided guildelines concerning the application of the standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards consideration relates to purely administrative changes to the technical specifications to achieve consistency. The proposed amendments provide consistency between the intent of the limiting conditions for operation of the reactor coolant system and the technical specification basis. The basis for the specifications to which the changes are proposed is to provide a means of removing heat from the core due to power operation or decay heat generation. Therefore, the identified specifications are applicable only when one or more fuel assemblies are in the reactor vessel.

The proposed change eliminates the restrictions in the existing limiting operating conditions which are beyond the scope of the basis for technical specifications and provides the needed flexibility to perform required hydrostatic testing of the reactor coolant system. Therefore, the staff proposes to determine that the amendments do not involve a significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Public Library, Two Rivers, Wisconsin.

Attorney for licensee: Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW. Washington, D.C. 20036, Gerald Charnoff, Esq.

NRC Branch Chief: James R. Miller.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this regular monthly notice. They are repeated here because the monthly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Alabama Power Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama

Date of amendments request: October 6, 1983.

Description of amendments request: The amendment would modify surveillance requirements now included only in Unit 2 Technical Specification 4.3.4.1 to substitute the Farley Nuclear Plant "Turbine Overspeed Reliability Assurance Program". The amendment would add a limiting condition for operation and the identical surveillance requirements as Technical Specification 3.3.4 and 4.3.4.1, respectively, on Unit 1.

Date of publication of individual notice in **Federal Register:** November 21, 1983 (48 FR 52656).

Expiration date of individual notice: December 21, 1983.

Local Public Document Room Location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Unit Nos. 1 and 2, Brunswick County, North Carolina

Date of amendment request: October 3, 1983

Brief description of amendment: Revises the Technical Specifications to provide limited flexibility in scheduling containment leak testing surveillance consistent with planned outages.

Date of publication of individual notice in **Federal Register:** November 17, 1983 (48 FR 52366).

Expiration date of individual notice: December 9, 1983.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: October 24, 1983.

Description: The license amendment would approve revisions to the Technical Specification provisions for the reactor vessel pressure/temperature limits to be applicable out to 18 Effective Full Power Years (EFPY).

Date of publication of individual notice in **Federal Register:** November 29, 1983 (48 FR 53768).

Expiration date of individual notice: December 29, 1983.

Local Public Document Room location: Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50–321, Edwin I. Hatch Nuclear Plant, Unit No. 1, Appling County, Georgia

Date of amendment request: September 29, 1983, as supplemented October 24, 1983.

Brief description of amendment: The proposed amendment would revise the Hath Unit 1 Technical Specifications to (1) accommodate the replacement of leaking fuel assemblies, and (2) extend the allowable fuel burnup limit from 30 gigawatt days per ton ($Gwd/_t$) to 40 $Gwd/_t$. The proposed amendment includes (1) numerical changes to four curves that specify maximum average planar linear heat generation rate (MAPLHGR) limits to specify allowable MAPLHGR limits for burnup beyond 30 $Gwd/_t$, (2) numerical changes to two curves that specify minimum critical power ratio (MCPR) limits, (3) modification of the nomenclature on two additional MAPLHGR curves to make them consistent with the nomenclature on the other MAPLHGR curves and the listing of an additional types of fuel assembly not previously used in Hatch 1 as being covered by one of these two curves, and (4) the addition of three new MAPLHGR curves that provide limiting values for three more additional type of fuel assemblies have not been previously used in Hatch Unit 1. These four additional fuel assembly types may be used to replace the leaking fuel assemblies that have been removed from the Hatch Unit 1 core. All four additional fuel assembly types are 8x8 assemblies that that have been previously irradiated in the Hatch Unit 2 core and that are available in the fuel storage pool.

Date of publication of individual notice in **Federal Register:** November 2, 1983, 48 FR 50635.

Expiration date of individual notice: December 2, 1983.

Local Public Document Room location: Appling County Public Library, 801 City Hall Drive, Baxley, Georgia.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, Appling County, Georgia

Date of amendment request: February 26, 1981, as supplemented October 1, 1981, September 19, 1983, and October 3, 1983.

Brief description of amendment: The proposed amendments would provide Technical Specifications for both Hatch Units 1 and 2 that (1) add limiting conditions for operation (LCOs) and surveillance requirements for scram discharge volume (SDV) vent and drain valves and (2) add LCOs and surveillance requirements for new diverse SDV highwater level scram instrumentation. The amendments would also provide Technical Specifications for Hatch Unit 1 only that add LCOs and surveillance requirements for the SDV highwater level rod block instrumentation.

Date of publication of individual notice in **Federal Register:** November 14, 1983, 48 FR 51876.

Expiration date of individual notice: December 14, 1983.

Local Public Document Room location: Appling County Public Library, 801 City Hall Drive, Baxley, Georgia.

Northeast Nuclear Energy Company, Docket Nos. 50–245/336, Millstone Nuclear Power Station, Unit Nos. 1 and 2, New London County, Connecticut

Date of amendment request: October 4, 1983.

Description: The amendments would approve modifications to Section 6 of the Technical Specifications. These changes relate to Licensed Operators Staffing Requirements and Regulatory Guide Nos. 1.8 and 1.33.

Date of publication of individual notice in **Federal Register:** November 28, 1983 (48 FR 53611).

Expiration date of individual notice: December 28, 1983.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Waterford, Connecticut.

Pacific Gas and Electric Company Docket No. 50–275, Diablo Canyon Nuclear Power Station, Unit 1, San Luis Obispo County, California

Date of amendment request: February 10, 1983.

Brief description of amendment: Grant a temporary one-time exception to the facility Technical Specifications (which presently require corrective action to return at least one reactor coolant loop to operation within one-hour) to permit at least one reactor coolant loop to operation within one-hour) to permit natural circulation tests to be performed during the startup test program with no reactor reactor collant loops in operation in accordance with the licensee's application for amendment dated February 10, 1983.

Date of publication of individual notice in **Federal Register:** November 4, 1983, 48 FR 50975

Expiration date of individual notice: December 7, 1983.

Local Public Document Room Location: California Polytechnic State University Library, San Luis Obispo, California.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of amendment request: February 14, 1983.

Brief description of amendment: The amendments would delete all Appendix B nonradiological environmental Technical Specifications relating to chemical monitoring, thermal limits, noise monitoring and aquatic related ecological surveillance programs.

Date of publication of individual notice in **Federal Register:** November 3, 1983, 48 FR 50808.

Expiration date of individual notice: December 6, 1983.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Portland General Electric Company, Docket No. 50–344, Trojan Nuclear Plant, Columbia Country, Oregon

Date of amendment request: October 4, 1983.

Brief description of the amendment: The amendment would make some minor changes to the on-site and off-site organization for the Trojan facility.

Date of publication of individual notice in **Federal Register:** November 21, 1983, 48 FR 52659.

Expiration date of individual notice: December 21, 1983.

Local Public Document Room location: Multnomah Public Library, 801 S.W. 10th Avenue, Portland, Oregon.

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: August 1, 1983 as amended October 31, 1983.

Brief description of amendment: The amendment would authorize the licensee to increase the storage capacity of the spent fuel pool from the present capacity of 651 fuel assemblies to 1408 fuel assemblies by installation of spent fuel racks having a closer spacing and a modified nuclear design. The amendment would also increase the authorized enrichment of fuel in the pool from the present 3.5% U-235 to 4.5% U-235 to accommodate possible use and storage of fuel of this higher enrichment at a later time. To provide more room for storage racks, the licensee also proposes to remove the spent fuel pool cooling sparger line which currently forms a ring inside the perimeter of the spent fuel pool floor. Finally, the amendment would prohibit the licensee from moving any spent fuel shipping casks into the building containing the spent fuel pool.

Date of publication of individual notice in **Federal Register:** December 5, 1983 (48 FR 54550).

Expiration date of individual notice: January 5, 1984.

Local Public Document Room Location: Multnomah County Library, Social Science and Science Department, 801 S.W., 10th Avenue, Portland, Oregon 97205.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Fairfield County, South Carolina

Date of amendment request: July 22, 1983.

Brief description of amendment: The amendment would correct an error in the calculations for the predicted hoop tendon base values listed in Technical Specification Tables 4.6-1a and 4.6-1b. The error involved incorrect recording of the ultimate specific creep constant. The error caused the base value for each hoop tendon listed to from 0 to 7 Kips (<1%) too high. Because the values were too high in Tables 4.6-1a and 4.6-1b, and therefore more conservative, previous results are still acceptable. Four tendon surveillance substitutions would also be made. In order to make the surveillance more random, tendons D-219 (listed twice) and 36AC would be changed because they were checked during the first surveillance conducted prior to startup. Tendon D-312 would be changed because of a physical interference problem which makes inspection impossible.

Date of publication of individual notice in **Federal Register:** November 2, 1983 (48 FR 50639).

Expiration date of individual notice: December 2, 1983.

Local Public Document Room Location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29218.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: December 26, 1980 (Item 1), as modified July 10, 1981 (Item 6).

Brief description of amendment: The amendment would change the Technical Specifications applicable to the fire protection systems at the facility. These changes are in response to the NRC staff request, dated September 23, 1980, for Technical Specification revisions to reflect modifications made to the facility fire protection features and to incorporate the format and scope of the current Standard Technical Specifications. The facility modifications were a result of the staff's fire protection Safety Evaluation Report dated July 26, 1979. The changes requested affect Specifications 3.3.3.8, Fire Detection Instrumentation; 3.7.9.2, Spray and/or Sprinkler Systems; 3.7.9.3., Hose Stations; 3.7.9.4, Fire Suppression Water Systems; 3.7.9.4, Fire Hydrants and Hydrant Hose Houses; and 3.7.10, Fire Barrier Penetrations. The changes requested have (1) added the number on installed fire detectors to Table 3.3-14, (2) upgraded and clarified action and surveillance requirements applicable to the operability of fire detection instruments and fire suppression systems, (3) expanded the number of identified spray or sprinkler systems which shall be operable, (4) added new specifications dealing with fire hydrants and hydrant hose houses, and (5) upgraded the action and surveillance requirements for fire barrier penetrations.

Date of publication of individual notice in **Federal Register:** December 12, 1983, (48 FR 55357).

Expiration date of individual notice: January 11, 1984.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the 30-day period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions were published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless indicated otherwise, the Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments. If the Commission has prepared an Environmental Impact Appraisal related to these actions, it is so indicated. If indicated, this notice constitutes a negative declaration and indicates that the Commission has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action beyond that which has been predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Impact Appraisals as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Arkansas Power & Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of application for amendment: September 17, 1980.

Brief description of amendment: The amendment revised the Technical Specifications to incorporate a new periodic flow test requirement for the turbine driven emergency feedwater (EFW) train in order to verify the normal flow path from the EFW system water source to the steam generators. The periodic flow test would ensure its operability by verification of proper flow path.

Date of issuance: December 13, 1983.

Effective date: December 13, 1983.

Amendment No.: 50.

Facility Operating License No. NPF–6. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983, 48 FR 38388.

The Commisson's related evaluation of the amendment is contained in a letter dated December 13, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Arkansas Polytechnic College, Russellville, Arkansas 72801.

Arkansas Power & Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of application for amendment: March 22 and April 5, 1982.

Brief description of amendment: The amendment deleted the Technical Specifications to require periodic testing of the motor driven emergency feedwater (EFW) pump at specified discharge pressure and flow rate in order to insure its operability by verification of proper discharge pressure and flow rate. In addition, the amendment revised the required flow rate of the turbine driven EFW pump during a surveillance test from 560 gpm to 485 gpm.

Date of issuance: December 13, 1983.

Effective date: December 13, 1983.

Amendment No.: 51.

Facility Operating License No. NPF–6. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 21, 1983, 48 FR 43127.

The Commission's related evaluation of the amendment is contained in a letter dated December 13, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Baltimore Gas & Electric Company, Docket No. 50–317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of application for amendment: August 22, 1983 as supplemented September 1, 16 and 20 (2), 1983.

Brief description of amendment: The amendment revised the Technical Specifications to (1) provide changes to the Appendix A Technical Specifications (TS) to allow Cycle 7 operation, (2) revise the TS Limiting Conditions for Operation and Surveillance Requirements for the Auxiliary Feedwater System, (3) delete the Limiting Condition for Operation and Surveillance Requirements for certain post-accident monitoring instruments, (4) change the TS for the indicating ranges of the remote shutdown monitoring instrumentation, (5) change the surveillance requirements for Subchannels A–3 and B–3 of the automatic actuation logic for the Containment Spray Actuation System, and (6) provide Limiting Conditions for Operation and Surveillance Requirements for the Containment Vent Isolation Valves (MOV–6900 and MOV–6901).

Date of issuance: November 17, 1983.

Effective date: November 17, 1983.

Amendment No.: 88.

Facility Operating License No. DPR–53. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 13, 1983, 48 FR 46665.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 17, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County, Library, Prince Frederick, Maryland.

Boston Edison Company, Docket NO. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts.

Date of application for amendment: May 31, 1983.

Brief description of amendment: Revises the Technical Specifications to expand the operating region of Pilgrim's power/flow map, and provide associate changes in the Average Power Range Monitor (APRM) flux scram and APRM rod block trip settings.

Date of issuance: November 22, 1983.

Effective date: November 22, 1983

Amendment No.: 72.

Facility Operating License No. DPR–35. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983, 48 FR 38390.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 22, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendment: December 13, 1982.

Brief description of amendment: The amendments change the Technical Specifications to correct an administrative discrepancy that exists between the actual Brunswick plant design/configuration and the Technical Specifications for certain High Pressure Coolant Injection System and Reactor Core Isolation Cooling System isolation actuation instruments.

Date of issuance: November 28, 1983.

Effective date: November 28, 1983.

Amendment Nos.: 58 and 84.

Facility Operating License Nos. DPR–71 and DPR–62. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983, 48 FR 49577.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 28, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Carolina Power & Light Company, Docket No. 50–324, Brunswick Steam Electric Plant, Unit No. 2, Brunswick County, North Carolina

Date of application for amendment: July 29, 1983.

Brief description of amendment: The amendment changes the Unit 2 Technical Specifications to revise control rod scram insertion times, increase certain limiting values of the Minimum Critical Power Ratio and delete references to 7X7 type fuel assemblies.

Date of issuance: November 28, 1983.

Effective date: November 28, 1983.

Amendment No.: 83.

Facility Operating License No. DPR-62. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983, 48 FR 49578

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 28, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Carolina Power & Light Company, Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units Nos. 1 and 2, Brunswick County, North Carolina

Date of application for amendment: December 6, 1982

Brief description of amendment: These amendments modify the technical specifications (TS) to provide a clarification of certain TS requirements, provide editorial corrections of certain TS requirements and provide TS changes to reflect consistency with the actual plant design.

Date of issuance: December 2, 1983.

Effective date: December 2, 1983.

Amendment Nos.: 59 and 85.

Facility Operating License Nos. DPR-71 and DPR-62. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 21, 1983, 48 FR 43129.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 2, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Carolina Power & Light Company, Docket No. 50-324, Brunswick Steam Electric Plant, Unit No. 2, Brunswick County, North Carolina

Date of application for amendment: September 29, 1983

Brief description of amendment: The amendment modifies Facility Operating License No. DPR-62, paragraph 2.H to extend the completion date for modifications to the off-gas system for the Brunswick Steam Electric Plant, Unit 2.

Date of Issuance: December 12, 1983.

Effective date: December 12, 1983.

Amendment No.: 86.

Facility Operating License No. DPR-62. Amendment revised the license.

Date of initial notice in **Federal Register:** October 31, 1983, 48 FR 50179.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 12, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina. 28461.

Carolina Power & Light Company, Docket No. 50-325, Brunswick Steam Electric Plant, Unit 1, Brunswick County, North Carolina

Date of application for amendment: January 26, 1983.

Brief description of amendment: The amendment modifies the Technical Specifications to apply to new analog (continous measuring) instrumentation that has been installed in Unit 1. The analog instrumentation replaces certain pressure switches and will provide improved performance of trip functions for reactor protection system actuation containment isolation, reactor core isolation cooling system isolation and emergency core cooling system actuation. In addition, miscellaneous typographical errors are corrected. Amendment for Unit 2 which was also covered by the Federal Register Notice dated August 23, 1983 is still pending.

Dated of issuance: December 12, 1983.

Effective Date: December 12, 1983.

Amendment Nos.: 60.

Facility Operating License No. DPR-71. Amendment revised the Technical Specification.

Date of initial notice in **Federal Register:** August 23, 1983, 48 FR 38392.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 12, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Consumers Power Company, Docket No. 50-155, Big Rock Point Plant, Charlevoix County, Michigan

Date of application for amendment: September 7, 1983.

Brief description of amendment: The amendment approves Technical Specification changes that provide Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) limits for G13 and G14 fuel assembles.

Date of issuance: November 14, 1983.

Effective date: November 14, 1983.

Amendment No. 61.

Facility Operating License No. DPR-6. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 12, 1983 (48 FR 46457).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 14, 1983. No significant hazards consideration comments received.

Local Public Document Room location: Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Duke Power Company, Docket No. 50-270, Oconee Nuclear Station, Unit No. 2, Oconee County, South Carolina

Date of application for amendment: September 1, 1983, as supplemented September 14, 1983.

Brief description of amendment: The amendent revises the Oconee Nuclear Station (ONS) common Technical Specifications to allow the operation of Oconee Unit 2 at full rated power during Cycle 7. These revisions involve core protection safety limits, protective system maximum allowable setpoints, and rod position limits.

Date of issuance: November 23, 1983.

Effective date: November 23, 1983.

Amendment No. 124, 124, 121.

Facility Operating License Nos. DPR-47 and DPR-55. Amendments revised the Common Technical Specifications for Oconee Units 1, 2, and 3.

Date of initial notice in **Federal Register:** October 19, 1983, 48 FR 48556.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 23, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina.

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of application for amendment: June 3, 1983, supplemented on November 16, 1983.

Brief description of amendments: These amendments involve Technical Specifications changes to support planned fuel design modification during Cycle 9 refueling for Unit 3, Cycle 10 refueling for Unit 4 and subseqent cycles. It is planned to replace the Westinghouse 15 $\sqrt{}$ 15 low-parasitic (LOPR) fueled cores with Westinghouse 15 $\sqrt{}$ 15 optimized fuel assembly (OFA) cores with Wet Annular Burnable

Absorber (WABA) rods. The Technical Specification allow (1) increases in shutdown and control rod drop time which will be based on safety analysis for the transition cores; (2) use of burnable poison rods of an approved design for reactivity and/or power distribution factors; and (3) changes in hot channel factors and other power distribution factors affecting departure from nuclear boiling (DNB). The change in core physics parameters and thermal characteristics are required due to the improved neutronic characteristics of fuel assemblies and fuel management consideration.

Date of Issuance: December 9, 1983.

Effective date: December 9, 1983, Unit 3 and date of startup, Cycle 10, Unit 4.

Amendment Nos. 98 and 92.

Facility Operating License Nos. DPR-31 and DPR-41. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 20, 1983 (48 FR 33080).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 9, 1983.

No petition for leave to intervene and no significant hazards consideration comments have been received in connection with the July 20, 1983 notice but comments have been received on a related amendment (48 FR 45862, October 7, 1983).

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50-321, Edwin I. Hatch Nuclear Plant, Unit No. 1, Appling County, Georgia

Date of amendment request: September 29, 1983, as supplemented October 24, 1983, and November 15, 1983.

Brief description of amendment: The amendment revises the Hatch Unit 1 Technical Specifications to (1) accommodate the replacement of leaking fuel assemblies, and (2) extend the allowable fuel burnup limit from 30 gigawatt days per ton (Gwd/t) to 40 Gwd/t. The amendment includes (1) numerical changes to four curves that specify maximum average planar linear heat generation rate (MAPLHGR) limits to specify allowable MAPLHGR limits for burnup beyond 30 Gwd/t, (2) numerical changes to two curves that specify minimum critical power ratio (NCPR) limits, (3) modification of the nomenclature on two additional MAPLHGR curves to make them consistent with the nomenclature on the other MAPLHGR curves and the listing of an additional type of fuel assembly not previously used in Hatch 1 as being covered by one of these two curves, and (4) the addition of three new MAPLHGR curves that provide limiting values for three more additional types of fuel assemblies that have not been previously used in Hatch Unit 1. These four additional fuel assembly types may be used to replace the leaking fuel assemblies that have been removed from the Hatch Unit 1 core. All four additional fuel assembly types are 8X8 assemblies that have been previously irradiated in the Hatch Unit 2 core and that are available in the fuel storage pool.

Date of issuance: December 6, 1983.

Effective date: December 6, 1983.

Amendment No.: 96.

Facility Operating License No. DPR-57. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 2, 1983, 48 FR 50635.

Subsequent to the initial notice in the **Federal Register**, Georgia Power Company provided additional information by letter dated November 15, 1983, concerning its activities related to minimizing the probability of future leaks in fuel rods. This information did not modify the requested amendment in any way and does not affect the discussion or conclusions of the initial notice of our proposed determination in any way.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 6, 1983.

No significant hazards consideration comments received: No.

Local Public Room Location: Applying County Public Library, 801 City Hall Drive, Baxley, Georgia.

Indiana and Michigan Electric Company, Docket Nos. 50-315, 50-316 Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of application for amendment: January 22, 1982, supplemented July 3, 1983.

Brief description of amendment: These amendments for the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, upgrade the surveillance and testing requirements for nuclear instrumentation associated with Engineered Safety Feature action or reactor trip to be consistent for both units and with the Standard Technical Specifications (STS). These amendments also change the loss of voltage and degraded grid voltage trip tolerance bands since the present tolerances are extremely conservative and the relays do not repeat their settings within specified tolerances. The new tolerances are within the analyses performed by the licensee for loss-of-voltage events; no change to these analyses was necessary.

Date of issuance: November 22, 1983.

Effective date: November 22, 1983.

Amendment Nos. 76 and 57.

Facility Operating License Nos. DPR 58 & DPR-74. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 21, 1983 (48 FR 43138).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 22, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Indiana and Michigan Electric Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of application for amendment: April 8, 1983.

Brief description of amendment: These amendments add statements to the Technical Specifications to limit overtime worked by plant staff members in accordance with the NRC Policy Statement (Generic Letter No. 82-12 issued on June 15, 1982 and requires an annual report of all challenges to the pressurizer power operated relief valves and safety valves).

Date of issuance: November 23, 1983.

Effective date: November 23, 1983.

Amendment Nos.: 77 and 58.

Facility Operating License Nos. DPR-58 and DPR-74. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38382).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 23, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Indiana and Michigan Electric Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of application for amendment: August 14, 1981, supplemented August 19, 1983.

Brief description of amendment: The amendment changes the Technical Specifications to be consistent with the upgraded administrative controls required by IE Bulletin 80-12 to ensure that redundant methods of decay heat removal are available during all modes of operation. Redundancy is provided by the license requirements for operability and surveillance requirements of existing systems in all modes.

Date of issuance: November 23, 1983.

Effective date: November 23, 1983.

Amendment Nos.: 78 and 59.

Facility Operating License Nos. DPR-58 & DPR-74. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 22, 1983 (48 FR 28578).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 23, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Indiana and Michigan Electric Company, Docket No. 50-316, Donald C. Cook Nuclear Plant, Unit No. 2, Berrien County, Michigan

Date of application for amendment: September 22, 1978, supplemented April 1, 1980.

Brief description of amendment: This amendment for the Donald C. Cook Plant, Unit 2, involves an analysis to investigate the long-term containment temperature and pressure response to a postulated steam line break using the LOTIC-3 computer code. This analysis is in response to License Condition 2.C(3)(g) which was the subject of License Amendment No. 6 issued on June 16, 1978. Having presented the required reanalysis to the approved version of LOTIC-3, the license condition was deleted as having been satisfied by the analysis provided.

Date of issuance: November 28, 1983.

Effective date: November 28, 1983.

Amendment No.: 60.

Facility Operating License No. DPR-74. Amendment revised the license.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38382).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 28, 1983.

No significant hazards consideration comments were received.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of Application for amendment: September 24, 1982.

Brief description of amendment: Revises the Technical Specifications to increase the allowable deviation in the trip setpoint of the temperature switches in the main steamline tunnel from 2 to 10°F.

Date of issuance: November 28, 1983.

Effective date: November 28, 1983.

Amendment No.: 18.

Facility Operating License No. DPR-22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983, 48 FR 38413.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 28, 1983.

No significant hazards consideration comments received:

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregan

Date of Application for amendment: July 20, 1982.

Brief description of amendment: The amendment revises paragraph 2.A of the operating license to indicate that the facility is now described in the Updated Final Safety Analysis Report, as amended and supplemented as required by 10 CFR 50.71(e).

Date of issuance: November 22, 1983.

Effective date: November 22, 1983.

Amendment No.: 85.

Facility Operating License No. NPF-1 Amendment revises the license.

Date of initial notice in **Federal Register:** August 23, 1983, 48 FR 38417.

The Commission's related evaluation of the amendment is contained in a letter dated November 22, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Public Service Company of Colorado, Docket No. 50-267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of Application for amendment: March 23, 1983.

Brief description of amendment: The amendment revises and expands the Technical Specification requirements related to radiological effluents from the plant. The revised Technical Specifications incorporate the present NRC positions and ensure compliance with 10 CFR Part 50, Appendix I.

Date of issuance: November 23, 1983.

Effective date: January 1, 1984.

Amendment No.: 37.

Facility Operating License No. DPR-34. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 22, 1983 (48 FR 28582).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 23, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Public Service Electric and Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of Application for amendment: December 3, 1982.

Brief description of amendment: These amendments would increase the maximum reload fuel enrichment from 3.5 percent U-235 to 4.05 weight percent U-235.

Date of issuance: November 22, 1983.

Effective date: November 22, 1983.

Amendment Nos.: 55 and 22.

Facility Operating License Nos. DPR-70 and DPR-75. Amendment revised the Technical Specification.

Date of initial notice in **Federal Register:** September 21, 1983 (48 FR 43143).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 22, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Southern California Edison Company, Docket No. 50–206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of application for amendment: August 11, 1982, as modified September 13, 1982.

Brief description of amendment: The amendment (1) excludes tritium from the definition of E used in calculating the specific activity limit of the coolant in accordance with Technical Specification 3.1.1.A.2, (2) modifies the frequency for performing reactor coolant and secondary coolant gross activity determinations, (3) adds operational modes during which the sampling frequencies for reactor coolant and secondary coolant apply, and (4) makes administrative changes to Table 4.1.2 of the Technical Specifications.

Date of issuance: December 6, 1983.

Effective date: December 6, 1983.

Amendment No.: 70.

Provisional Operating License No.: DPR–13. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38423).

The Commission's related evaluation of this action is contained in its Safety Evaluation dated December 6, 1983. No public or State comments were received with respect to the Commission's proposed determination that the requested action would involve no significant hazards consideration.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Southern California Edison Company, et. al., Docket No. 50–361, San Onofre Nuclear Generating Station, Unit No. 2, San Diego County, California

Date of Application for amendment: February 10, 1983.

Brief description of amendment: The amendment (1) deletes a description of the specific methodology used to calculate the minimum Departure from Nucleate Boiling Ratio (DNBR) trip setpoint from the safety system settings and (2) adds a description of the specific methodology used to calculate the minimum DNBR trip setpoint from the safety system settings.

Date of issuance: November 9, 1983.

Effective date: November 9, 1983.

Amendment No.: 21.

Facility Operating License No. NPF–10. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 30, 1983 48 FR 44953.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 9, 1983. No significant hazards consideration comments received.

Local Public Document Room location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California.

Tennessee Valley Authority, Docket No. 50–259, Brown's Ferry Nuclear Plant, Unit 1, Limestone County, Alabama

Date of application for amendment: July 13, 1983, as supplemented July 21, 1983.

Brief description of amendment: The amendment revises the Technical Specifications to incorporate the limiting conditions for operation during Cycle 6. The remainder of the requests of the July 13, 1983 application will be addressed in separate amendments and Safety Evaluations.

Date of issuance: December 1, 1983.

Effective date: December 1, 1983.

Amendment No.: 91.

Facility Operating License No. DPR–33. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 28, 1983, 48 FR 49947.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 1, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Tennessee Valley Authority, Docket No. 50–259, Browns Ferry Nuclear Plant, Unit 1, Limestone County, Alabama

Date of application for amendment: July 13, 1983.

Brief description of amendment: The amendment revises the Technical Specifications to reflect modifications made during the fifth refueling outage.

Date of issuance: December 12, 1983.

Effective date: December 12, 1983.

Amendment No.: 92.

Facility Operating License No. DPR–33. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 28, 1983, 48 FR 49947.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 12, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units No.1 and No. 2, Louisa County, Virginia

Date of application for amendment: March 10, 1983, supplemented October 17, 1983.

Brief description of amendment: The amendment includes the name of Old Dominion Electric Cooperative (ODEC) as part owner of the North Anna Power Station, Units No. 1 and No. 2 (NA–1&2). ODEC's partial ownership will amount to 11.6 percent per unit. ODEC must conform with the rules and regulations of the Commission and the stipulation of the NA–1&2 Facility Operating Licenses and therefore must be included in the appropriate stipulations of the NA–1&2 license. ODEC will be a partial owner of NA–1&2 but will not operate the facility. Operation and maintenance of NA–1&2 will continue to be the sole responsibility of the present licensee, the Virginia Electric and Power Company.

Date of issuance: November 18, 1983.

Effective date: Within 30 days after the date of issuance.

Amendment Nos.: 49 and 33.

Facility Operating License Nos. NPF–4 and NPF–7. Amendment revised the license.

Date of initial notice in **Federal Register:** July 20, 1983, 48 FR 33076 at 33089.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 18, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Virginia Electric and Power Company, Docket No. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of application for amendment: January 10, 1983.

Brief description of amendment: The amendments would revise the Technical Specifications to change Tables 3.8–1 and 3.8–2 to replace and remove valves on the list of containment isolation valves.

Date of issuance: November 14, 1983.

Effective date: November 14, 1983.

Amendment Nos. 91 and 90.

Facility Operating License Nos. DPR-32 and DPR-37. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38429).

The Commission's related evaluation of the amendments is attached to a letter dated November 14, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Wisconsin Electric Power Company, Docket No. 50-301, Point Beach Nuclear Plant, Unit No. 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendment: September 8, 1983.

Brief description of amendment: The amendment allowed a one-time relaxation to fourteen days of the length of time that the backup component cooling water heat exchanger for Unit 2 may be out of service for maintenance.

Date of issuance: December 12, 1983.

Effective date: December 12, 1983.

Amendment No.: 83.

Facility Operating License No. DPR-27. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983, 48 FR 49574 at 49597.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 12, 1983.

No significant hazards considered comments received: No.

Local Public Document Room location: Joseph P. Mann Library, 1516, Sixteenth Street, Two Rivers, Wisconsin.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION

During the 30-day period since publication of the last monthly notice, individual notices of issuance of amendments have been issued for the facilities as listed below. These notices were previously published as separate individual notices. They are repeated here because this monthly notice lists all amendments that have been issued for which the Commission has made a final determination that an amendment involves no significant hazards consideration.

In this case, a prior Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing was issued, a hearing was requested, and the amendment was issued before any hearing because the Commission made a final determination that the amendment involves no significant hazards consideration.

Details are contained in the individual notice as cited.

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendment: September 22, 1983.

Brief description of amendment: The amendments changed the Technical Specifications related to the containment lower compartment temperature.

Date of issuance: December 2, 1983.

Effective date: October 26, 1983.

Amendment Nos.: 27 and 8.

Facility Operating License Nos.: NPF-9 and NPF-17.

Date of initial notice in **Federal Register:** October 25, 1983 (48 FR 49394).

Public Service Electric and Gas Company, Docket No. 50-272, Salem Nuclear Generating Station, Unit No. 1, Salem County, New Jersey

Date of application for amendment: July 22, 1983.

Brief description of amendment: The amendment would, on a one-time basis, extend the 40±10 month interval of technical specification 4.6.1.2a during the first 10 year service period to permit the second inservice integrated leak rate test to be performed during the fifth refueling outage.

Date of issuance: October 31, 1983.

Effective date: October 31, 1983.

Amendment No.: 54.

Facility Operating License No. DPR-70.

Date of individual notice in **Federal Register:** December 5, 1983 (48 FR 54554).

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the 30-day period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, a press release seeking public comment as to the proposed no significant hazards consideration determination was used, and the State was consulted by telephone. In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant, a shorter public comment period (less than 30 days) has been offered and the State consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless indicated otherwise, the Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment. If the Commission has prepared an Environmental Impact Appraisal related to the action, it is so indicated. If indicated, this notice constitutes a negative declaration and indicates that the Commission has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action beyond that which has been

predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to the action see (1) the application for amendment (2) the amendment to Facility Operating License, (3) the Commission's related letter, Safety Evaluation and/or Environmental Impact Appraisal, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room for the particular facilities involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By January 20, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Branch Chief)*: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Pennsylvania Power and Light Company, Docket No. 50-387, Susquehanna Steam Electric Station, Unit No. 1, Luzerne County, Pennsylvania

Date of application for amendment: October 7, 1983.

Brief description of amendment: Amendment No. 18 to Operating License No. NPF-14 deleted the requirement in Technical Specification Table 3.6.3-1 for the RHR—Shutdown Cooling Valves HV-151F008 and HV-151F009 to isolate on Isolation Signal Z, High Drywell Pressure. This amendment also changed the requirement in Technical Specification Table 3.6.3-1 for the RWCU suction Valves HV-144F001 and HV-144F004 from isolating on Isolation Signal A, Reactor Vessel Water Level—Low (Level 3) to isolating on Isolation Signal B, Reactor Vessel Water Level—Low, Low (Level 2). These changes were made as a result to typographical errors in the Technical Specification.

The amendment was issued under the emergency circumstances provision since failure to act expeditiously on these changes would result in a shutdown of Susquehanna, Unit 1. Without the change, the Reactor Water Cleanup System suction valves would be isolated and would cause the water chemistry in the vessel to exceed the Technical Specification Limits in approximately 2 days, resulting in a shutdown of the reactor. The modification to the RHR Shutdown Cooling System suction valves isolating signed from Reactor Vessel Water Level—Low (Level 3) to Reactor Vessel Water Level—Low, Low (Level 2) was necessary on an expedited basis since use of the RHP Shutdown Cooling System suction valves are required to bring the plant to cold shutdown by the preferred method. The licensee applied for the amendment in a timely fashion, on the same day the need for correction was identified.

Date of issuance: November 18, 1983.

Effective date: October 7, 1983.

Amendment No.: 18.

Facility Operating License No.: NPF-14 Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

Comments received: No.

The Commission's related evaluation is contained in a Safety Evaluation dated October 7, 1983.

Attorney for licensee: Jay Silbert, Esq., Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D. C. 20036.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Bethesda, Maryland, this 13th day of December 1983.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-33670 Filed 12-20-83; 8:45 am]

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December 21, 1983

Part IV

Environmental Protection Agency

Fuel Economy Test Procedures; Proposed Procedures for Adjustment to Test Results To Compensate for Changes in 1975 Test Procedure; Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 600

[AMS-FRL 2471-1]

Fuel Economy Test Procedures; Proposed Procedures for Adjustment to Test Results To Compensate for Changes in 1975 Test Procedure

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: In January 1982, the United States Court of Appeals for the Sixth Circuit ordered EPA to initiate rulemaking proceedings concerning procedures for establishing adjustment factors for corporate average fuel economy (CAFE) test results. This notice, published in response to that order, proposes to apply an industry-wide CAFE adjustment of 0.2 mpg for the 1980 and later model years to account for the effects of past changes in test procedures. It also requests comment on alternative criteria for determining whether, and the extent to which, CAFE adjustments should be made to account for the effects of past and future test changes made by EPA.

DATE: *Public Comment:* Comments on the proposed rule must be received by February 21, 1984.

ADDRESS: Comments in response to this notice should be submitted to the U.S. Environmental Protection Agency, Central Docket Section (A-130), Gallery 1, West Tower Lobby, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460, Attn: Docket No. A-83-44.

FOR FURTHER INFORMATION CONTACT: Maureen D. Smith, Attorney, Office of Mobile Sources (ANR-455), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; (202) 382-7647.

SUPPLEMENTARY INFORMATION:

A. Background

1. Statutory and Regulatory Requirements

In December 1975, Congress adopted the Energy Policy and Conservation Act (EPCA), which, among other items, required that manufacturers' average fuel economies for passenger automobiles meet minimum standards in the 1978 and later model years.[1] 15 U.S.C. 2001 *et seq.* (1975). The statute explicitly established the average fuel economy for passenger automobiles to be manufactured in model years 1978, 1979, 1980 and 1985 (15 U.S.C. 2002(a)(1)). Congress set the 1980 and 1985 corporate average fuel economy (CAFE) standards to reflect a 50 percent and 100 percent improvement, respectively, over 1974 measured average fuel economies. *See* S. Rep. No. 516, 94th Cong., 1st Sess. 151 (1975). Congress directed the Secretary of Transportation to issue CAFE standards for model years 1981-84. The law also required manufacturers to pay penalties if they fail to meet these standards. If the standards are surpassed, manufacturers are allowed to carry forward credits for three model years to offset any future penalties that may be assessed. They may also carryback credits expected to be obtained three model years in the future. 15 U.S.C. 2002(1).

Recognizing that fuel economy measured on a test is a function of the test itself and the conditions that it simulates, Congress specified in section 503(d) of EPCA that EPA should continue to use the test procedures for determining CAFE that EPA had used for the 1975 model year, or tests which would yield "comparable results." In 1975, EPA used the Federal Test Procedure (the "FTP"), which was also used for determining compliance with emission standards, and EPA Highway Fuel Economy Test (HwFET).

Both tests simulate driving on a warm day on smooth, level roads. Compliance with the CAFE standards is based on the EPA "combined" number, an average of the fuel economy results as measured by the FTP and HwFET in a 55/45 ratio.

In requiring that test procedures yield results comparable to the 1975 procedures, Congress intended to "give EPA wide latitude in modifying the 1975 procedures to achieve procedures which are more accurate or easier to administer, so long as the modified procedure does not have the effect of substantially changing the average fuel economy standards." H.R. Rep. No. 340, 94th Cong., 1st Sess. 92 (1975). Congress realized that the average 1974 fuel economy value, used as the baseline figure for requiring a 100 percent improvement by 1985, would not necessarily represent the actual in-use, industry-wide average fuel economy value in 1974. Retaining the existing test procedures would ensure that the measured average fuel economy standards for 1980 and 1985 actually represented a 50 percent and 100 percent improvement, respectively, over the measured average achieved in 1974.

Although it recognized that vehicles would not necessarily achieve the same fuel economy in-use as on EPA's tests, Congress did intend that measured improvements mandated by the standards result in actual increases in in-use fuel economy. After all, the underlying purpose of the fuel economy standards program was to reduce actual gasoline consumption significantly.[2]

Many of the test procedures that EPA has used for purposes of certifying vehicles in the emission standards program were transferrable to the fuel economy standards program; however, EPA found that some changes had to be made to existing regulations or testing practices in order to implement EPCA. For example, EPA modified its test vehicle selection procedures to obtain a representative sample of manufacturers' new car fleets. Also, as EPA gained experience with the CAFE program, it found that some inadequately defined provisions in the test regulations and some sources of variability in the procedures could give test results that did not accurately reflect actual fuel economy improvements in the test vehicles. Accordingly, EPA amended the regulations or provided informal clarification of required test practices, where appropriate, to improve the ability of the test to predict actual fuel economy improvements. EPA also changed its test equipment from time to time to keep up with the state of the art in technological improvements or to minimize test-to-test variability.

In 1978, Congress enacted a "gas guzzler tax" as part of the Energy Tax Act to be imposed on any passenger vehicles falling below specified fuel economy levels. The test procedures mandated in the Energy Tax Act were also the 1975 test procedures or "procedures which yield comparable results." 26 U.S.C. 4046(c)(1).

2. Manufacturers' Petitions

In July 1979, General Motors Corporation (GM) and Ford Motor Company (Ford) petitioned EPA to apply an adjustment factor of 0.6 mpg to their 1980-1985 model year CAFE test results to account for certain changes that EPA had made in the 1975 test procedures. The manufacturers had tested several 1979 model year vehicles both under the original 1975 procedures and under the 1980 procedures, including approximately 14 changes that had been

[1] EPCA also required EPA to create a fuel economy labeling program, which was a voluntary program started in 1974 for labeling cars with EPA test results.

[2] For example, when Congress was considering adoption of the fuel economy standards program, one Senator estimated that the fuel economy standards would save 780,000 barrels of oil per day by 1985. 121 Cong. Rec. 41164 (daily ed., December 17, 1975 (remarks of Senator Tunney)).

made, and found a 0.6 mpg difference in CAFE results. They asserted that section 503(d) of EPCA, which requires that any new procedures yield test results that are "comparable" to the 1975 FTP results, prohibited such test modifications unless EPA adjusted manufacturers' CAFE, since the change in test results serves to increase the stringency of the fuel economy standards. [3]

After assessing each of the test changes included in GM's and Ford's 1979 test programs, EPA denied the petitions on February 19, 1980.[4] EPA found that there were two basic types of modifications to the 1975 test at issue: mechanical changes intended to improve accuracy in emissions and fuel economy test results, and changes designed to close "loopholes" in test procedures that allow manufacturers to improve test results without real fuel economy improvements. These changes would be expected to affect all vehicles in roughly the same manner, so that if they affected fuel economy, they would have a consistent effect on the test results of a typical vehicle fleet. Since this type of impact would, in effect, alter the stringency of the CAFE standards, such changes could be implemented only if the resulting decrease in test mpg were not significant. 1980 Memorandum, 7–9.

Those changes were also designed to detect and give credit for real fuel economy improvements that would not be measured by the 1975 procedures. EPA found that these revisions did not change the stringency of the CAFE standards, and, in fact, preserved the stringency of the standards by ensuring that increases in measured fuel economy were accompanied by actual fuel economy improvements, and conversely, that appropriate CAFE credit would be obtained for real improvements in fuel economy. 1980 Memorandum, 12–15.

EPA found that EPCA authorized all of the changes cited by GM and Ford, with the possible exception of an increase in laboratory humidity, and did not require CAFE adjustment. As to the mechanical type of test revisions, most of the changes were minor procedural changes to internal laboratory practices or equipment upgrades with no demonstrable impact on fuel economy test results. Only the 1977 increase in 1975 humidity level maintained in EPA's laboratory could be characterized as a change to the basic conditions of the test that would affect CAFE stringency if it significantly changed test results. In response to this finding, EPA immediately returned to the 1975 humidity level and invited the manufacturers to demonstrate to what extent the humidity, or any other change of this type, had increased significantly the stringency of the CAFE standards.

EPA also found that most, if not all, of the 0.60 mpg difference in CAFE between 1975 and 1979 estimated by GM and Ford was attributable to three test changes made to prevent manufacturers from obtaining undeserved credit in measured CAFE without accompanying in-use improvements and to provide adequate credit to manufacturers who improved actual fuel economy which would not otherwise be reflected in measured CAFE. EPA found that these three changes, made to measurements of vehicle inertia weight, [5] road load, [6] and simulated distance driven, [7] would not have a consistent or directional effect on an average vehicle fleet, and that the 0.6 mpg reflected inflation of test results due to excessive flexibility in test procedures that would have occurred in CAFE calculations if EPA had not revised the test. 1980 Memorandum 41–43.

3. GM's Petition for Reconsideration

On April 17, 1980, GM petitioned EPA to reverse its February 19, 1980 denial of the manufacturers' petition and to establish adjustment factors for calculation of GM's CAFE for model years 1978–85.[8] GM asserted that the fuel economy gains attributable to the 1975 procedures, such as the 1975 inertia weight categories, were built into the CAFE standards. By changing the procedures, GM claimed, EPA had increased the stringency of the CAFE standards and was required to adjust CAFE's. Specifically, GM claimed that it would suffer a fuel economy penalty of .09 mpg to .17 mpg in each model year from 1980–85 due to EPA's change in inertia weight categories. GM also claimed that its 1979 test fleet showed a 0.29 mpg CAFE reduction from EPA's humidity change and a 0.29 mpg CAFE reduction from EPA's humidity change and a 0.13 mpg CAFE reduction from all other changes (other than humidity and inertia weight).

On August 29, 1980, EPA denied GM's request for CAFE adjustment.[9] As to the 1978–80 model years, EPA could not discern the basis for GM's claim that EPA's humidity change adversely affected 1978–80 CAFE. Decision on Reconsideration, 41–44. EPA's own analysis of all manufacturers' 1978–80 fuel economy test results derived from both EPA's and manufacturers' test facilities indicated no consistent, deflating effect on test results from EPA's higher test humidity levels. Decision on Reconsideration, 43–44.

As to GM's assertion that potential CAFE gains, such as those possible under the 1975 inertia weight categories, were built into the CAFE standards, EPA found that both Congress and DOT based the standards, on the real technological improvements that manufacturers could make in future model years and not on the maximum hypothetical improvements that each manufacturer could make by taking advantage of flexibilities in the 1975 procedures. Therefore, those

[3] In January 1979, GM and Ford had submitted to NHTSA the same data showing a 0.6 mpg decrease in measured CAFE when using 1975 versus 1980 test procedures. These submissions were the partial basis for requesting NHTSA to reconsider the 1981–84 CAFE standards to substitute a more gradual progression of increasing CAFE stringency. NHTSA denied the petitions. See DOT, NHTSA, *Report on Requests by General Motors and Ford to Reduce Fuel Economy Standards for MY 1981–85 Passenger Automobiles*, June 1979.

[4] Letters to Betsy Ancker-Johnson, GM, and Herbert L. Misch, Ford, from Douglas M. Costle, Administrator, EPA, and accompanying "Memorandum in Support of EPA Denial of Petitions Submitted by Ford and General Motors Re Fuel Economy Test Procedure Changes," February 19, 1980 [hereinafter "1980 Memorandum"].

[5] The 1975 test categorized the weight of a test vehicle according to 250 and 500 lb. increments for small and large vehicles, respectively. EPA found that some manufacturers were removing just enough weight to allow their test vehicles to fall at the top of the weight categories, so that they would be credited with hundreds of pounds more weight removal than actually was achieved. Conversely, manufacturers could remove large amounts of weight and receive no test credit under the 1975 weight categories. Doubling the number of weight categories also allowed testing at weights closer to the actual vehicle weights, and thus permitted more accurate testing. EPA found that this would have a neutral on a fleet which was not designed to take advantage of the 1975 inertia weight categories.

[6] In 1979, EPA changed the method for determining road load to give credit for aerodynamic improvements not taken into account by the 1975 procedures, which were based only on vehicle weight. If a manufacturer reduced vehicle weigh without reducing vehicle frontal area, the 1975 method would overstate road load reduction, and conversely, if a manufacturer improved its vehicles aerodynamics, the 1975 method would not give appropriate credit.

[7] In 1978, EPA changed the 1975 method of using a predetermined, theoretical number to represent the distance driven by test vehicles to none of using the actual distance driven. By counting the actual number of dynamometer roll revolutions, variability in test results could be reduced and test accuracy could be based upon 1975-Type vehicle performance, and an increasing number of "underpowered" vehicles were being produced. EPA found that any reduction in CAFE numbers from this change reflected a real reduction in the actual distance travelled by test vehicles.

[8] Letter from Betsy Ancker-Johnson, GM, to Douglas M. Costle, EPA Administrator, April 17, 1980, and accompanying Petition for Reconsideration.

[9] Letter from Douglas M. Costle, EPA Administrator, to Betsy Ancker-Johnson, GM, August 29, 1980, and accomanying "EPA Decision on General Motors Petition for Reconsideration on Fuel Economy Test Procedure Changes" [hereinafter "Decision on Reconsideration"].

manufacturers that projected fuel economy improvements by relying on the flexibility of the 1975 procedure to allow vehicles to be tested at much lower weights than the actual weight of the vehicles would now receive measured gains only in proportion to the actual weight reductions made.

EPA went further to conduct an analysis of manufacturers' 1975–80 model year fleet distributions to determine if there was an across-the-board penalty from EPA's inertia weight test change. The results confirmed EPA's previous finding that only those manufacturers that had received inflated CAFE results from the flexibility in 1975 weight categories were receiving lower CAFE values under the new weight categories, while manufacturers that were not receiving proper CAFE credited for real vehicle weight reduction. Thus, the 1980–85 fuel economy losses claimed by GM for EPA's weight category modifications were "hypothetical" in that they were based on the assumption that GM would be able to take maximum advantage of the 1975 weight categories but would not necessarily achieve corresponding fuel economy improvements. Decision on Reconsideration, 19.

Similarly, EPA asserted that the 0.13 mpg reduction that GM attributed to the remaining changes included in its 1979 test program did not in itself entitle GM to CAFE adjustment. EPA previously found that most, if not all, of the 0.6 mpg estimate was attributable to three changes made to reduce flexibility in the test and to provide credit for real fuel economy improvements not reflected by the 1975 test. Since GM's 0.13 mpg estimated penalty from changes other than inertia weight and humidity was derived from the 0.6 mpg estimate, this number represented artificially high measured CAFE under the 1975 procedures. Decision on Reconsideration, 39–40.

5. Court Order

At the same time that GM filed its Petition for Reconsideration with EPA, Ford and GM filed suit in the United States Court of Appeals for the Sixth Circuit. In addition to their argument that section 503(d) of EPCA required CAFE adjustment if test results are different from 1975 under new test procedures, the manufacturers alleged that EPA did not provide adequate notice or opportunity for comment when it adopted many of the new procedures.[10]

[10] *See, e.g.*, Brief of Petitioner Ford Motor Company, *Ford v. EPA*, No. 80-3272, at 23.

On January 26, 1982, the Court "deem[ed] it appropriate to remand this case to the EPA so that it may initiate a proper rulemaking proceeding concerning procedures for establishing an adjustment factor for current tests to determine the (CAFE) of manufactured vehicles covered by this statute." The Order did not direct EPA to develope specific adjustment factors to be applied to any manufacturers' CAFE, nor did it direct EPA to apply the manufacturer's estimated adjustment factors.

5. Manufacturers' 1982 Petitions

On April 28, 1982, Ford submitted to EPA a petition to adopt fuel economy adjustment factors to be applied for purposes of calculating 1980 and later model year CAFE's and for use in determining "gas guzzler" tax liabilities under the Energy Tax Act.[11] Ford recommended development of a minimum mpg adjustment that would apply to all manufacturers' 1980 and later passenger car CAFE and assessment of tax liability. This "general" adjustment factor would be based on the cumulative effect of each significant change to the 1975 test with a measurable effect on fuel economy. A change would be "significant" if it has a quantifiable effect on a test parameter, can reasonably be expected to uniformly impact each manufacturer and model type and such impact can readily be translated into a fuel economy differential. Ford proposed that all manufacturers be granted a 0.2 mpg additive adjustment factor for 1980 and later model years to account for four of EPA's test changes.

Ford also recommended that EPA provide an option under which a manufacturer could elect to conduct test programs to develop manufacturer-specific adjustment factors for single model years, in lieu of using the "general" adjustment factor. The test program would be largely patterned after the comparative test programs Ford and GM had conducted on 1979 model year cars and which formed the basis for the petitions submitted to EPA in 1979.

On October 19, 1982, GM petitioned EPA to publish a proposal to establish CAFE adjustment factors for model years 1980 through 1985.[12] GM claimed the total GM CAFE penalty due to changes made by EPA to be 0.3 mpg/year.[13]

[11] Letter from Helen O. Petrauskas, Director, Automotive Emissions and Fuel Economy Office, Ford, to Richard D. Wilson, EPA, April 28, 1982.

[12] Letter from T.M. Fisher, Director, Automotive Emission Control, GM, to Richard D. Wilson, Director, Office of Moblie Sources, October 19, 1982.

B. Proposal

EPA has never established through rulemaking a procedure for determining whether to adjust manufacturers' CAFE to account for test changes; rather, this issue has been dealt with on a case-by-case basis in the context of individual rulemakings or administrative determinations. *See, e.g.*, 42 FR 45642 (1977) (inertia weight category change). EPA interprets the Court's January 26, 1982 order to require proposal of generally applicable procedures for determining whether to adjust manufacturers' CAFE's for specific test changes and the amount of such adjustments.

Therefore, the Agency is today proposing that CAFE adjustments be made to compensate for test changes made in the past, as well as proposing procedures which the Agency will follow in providing notice and opportunity for public participation in making any future test changes or CAFE adjustments.

1. Proposed Criteria for CAFE Adjustment

EPA has considered several approaches for determining whether CAFE adjustment is warranted for past or future changes made to the 1975 test procedure. The approach that EPA has chosen to propose would assess all test changes and their industry-wide impact on CAFE numbers, and would adjust CAFE numbers for any significant [14] penalty imposed on a representative vehicle fleet. The CAFE adjustment would be based on the average, industry-wide penalty caused by any test changes, either individual or in the

[13] In 1980, GM estimated from its 1979 test fleet a 0.29 mpg CAFE reduction from EPA's humidity change, a 0.18 mpg reduction from the inertia weight change, and a 0.13 mpg reduction from "all other changes." Since the humidity change was rescinded in February 1980, GM estimated that roughly half of the 0.6 mpg penalty calculated from its 1979 test program would continue through 1980–85. GM continues to project a 1980–85 CAFE penalty of 0.13 mpg from all changes other than humidity and inertia weight changes. The projected 1980–85 penalty from the inertia weight change also continues to range from 0.09 to 0.17 mpg, based on GM's current test weight, volume and fuel economy forecasts. The total penalty averages to 0.3 mpg for each model year.

[14] EPA is proposing the term "significant" to mean that any change or group of changes must have at least a tenth of an mpg effect on CAFE numbers. Since CAFE numbers are rounded to the nearest tenth of an mpg, and since EPA is considering the aggregate effect of multiple test changes as well as individual effects, using 0.1 mpg as a minimum adjustment factor is reasonable.

aggregate, and would be applied on an industry-wide basis.

An alternative approach would also assess all changes to the 1975 procedures, but would "net" both upward and downward impacts in CAFE. If the average effect on manufacturers' fleets from all changes was neutral or positive, no CAFE adjustment would be made.

A second alternative approach would be consistent with GM's and Ford's suggestions that a manufacturer-specific approach be taken; that is, a manufacturer would be entitled to a unique adjustment for any significant downward impact from any test changes, as determined from an analysis or actual test sample of the manufacturer's individual fleet.

EPA believes that the first approach is consistent with the "comparability" requirement because it effectively compensates for an average increase in CAFE stringency caused by changes in the 1975 test procedures. Although EPA favors the proposed approach, it requests comment on the two alternative approaches. A more detailed discussion of each approach and the application of EPA's proposed approach to test changes made between 1978 and the present appears in the following sections. EPA's factual conclusions regarding the proposed approach are drawn from the analyses described in the technical report accompanying this proposal.[15]

a. Comparison of Proposed Adjustment Criteria to Alternative Criteria

EPA is essentially proposing Ford's suggestion that a general CAFE correction factor be calculated from any test change exhibiting a predictable, quantifiable and fairly uniform industry-wide reduction in CAFE test results. To the extent that any change to the 1975 test procedures reduced the fuel economy of an average vehicle fleet, CAFE stringency had been increased. Since EPA is not authorized to significantly change CAFE stringency through changes to the test procedure, manufacturers are entitled to adjustment if any change can be determined to have had such an effect.

EPA previously found that the 0.6 mpg decrease in CAFE measured by GM and Ford appeared to be manufacturer specific and determined largely by the extent to which the manufacturers had previously obtained undeserved CAFE credit. However, Ford presented new information in its most recent petition to show that several test changes, in fact, did have an industry-wide effect that consistently penalized certain vehicles. EPA's own revised analysis of the test changes shows that there was indeed a downward shift in CAFE numbers under the revised test procedures.

EPA is proposing to compensate for the CAFE shift by calculating the fuel economy effect on the industry and applying a uniform adjustment to all manufacturers' CAFE for each model year affected. The adjustment factor would be precise to one tenth of an mpg in order to remain consistent with the overall CAFE calculation, which is rounded to the nearest tenth of an mpg. The adjustment factor also would be derived from the same large data base used to calculate CAFE numbers themselves to ensure that the adjustment is as precise as the original CAFE, rather than being derived from a small sample which would contain a possible bias and not be representative of the entire sales-weighted fleet.

Ford has requested EPA to go further by granting manufacturer-specific adjustments as an option to the general industry adjustment. Such an approach would avoid the potential problem of adopting a uniform correction for all manufacturers, even though all manufacturers might not be affected uniformly. Ford's manufacturer-specific adjustment would be based on yearly analysis of a small sample fleet. GM's requested adjustment is also based on analysis of a small sample fleet (1979 model year).

EPA does not favor this approach. First, it assumes a level of precision that is not attainable with a small test fleet and may overstate the CAFE penalty calculated. In other words, there can be large differences in fuel economy test results among individual vehicles as test procedures are varied, depending on the types of vehicles tested. The test vehicle selection procedure that EPA has used for calculating CAFE is designed to minimize any bias that could occur from individual vehicles by selecting the largest practicable sample of vehicles to represent the total fleet of each manufacturer. The manufacturers' proposed approach of basing CAFE adjustments on test results from a small number of vehicles would not necessarily be representative of the total fleet.

Second, CAFE adjustments can be mathematical functions of both individual CAFE values and manufacturer-specific parameters (e.g., sales mix) which can fluctuate year-by-year. Providing manufacturer-specific corrections that are functions of variables within the manufacturers' control may encourage product decisions which maximize CAFE corrections, but not actual CAFE. Third, testing for a wide variety of year-to-year manufacturer-specific corrections would be administratively burdensome. The time and resources invested by EPA and the manufacturers for this purpose would outweigh any incremental benefit in increased precision of correction calculation. In addition, small manufacturers that may not have the resources needed to test sample fleets on a yearly basis could be put at a disadvantage.

Given these drawbacks, and given EPA's belief that a uniform correction can fairly and accurately account for the impact of test procedure changes on all manufacturers, EPA is proposing a uniform correction. EPA also believes that the proposed approach of determining a uniform correction for test procedure changes is consistent with Congress' approach in adopting the CAFE program. Each manufacturer's CAFE differed in 1975, but Congress adopted uniform, sales-weighted average fuel economy levels to be met by each manufacturer.

An additional argument against adjusting an individual manufacturer's CAFE arises from an assessment of the beneficial effects of other testing and certification procedure changes. Discussed below are several changes that EPA has made to the 1975 procedures to increase manufacturers' flexibility that have in fact allowed manufacturers to gain more CAFE credit than would have been possible under the 1975 procedures. Under GM's and Ford's approach, any difference between the 1975 and current procedures would have to be accounted for; if all test changes are accounted for, the net CAFE adjustment for these manufactures would equal zero or less. This would translate into no CAFE adjustment, or possibly a downward adjustment to remove credit that has not been reflected in real fuel economy improvements. As discussed below, EPA has rejected this approach. However, EPA is also proposing to place a limit on the CAFE benefit that can be obtained through flexibility in the revised certification procedures.

2. Application of Proposed and Alternative Criteria to Past Test Changes

EPA has evaluated the effect of test changes made since 1975 that conceivably could have changed fuel economy test results to a significant

[15] *See* Glenn D. Thompson, *EPA Technical Report*, "CAFE Corrections for Test Procedure Changes," October 1983 [hereinafter "Technical Report"].

degree. This analysis indicates that three, and perhaps four, of EPA's test changers, when viewed in the aggregate, did reduce manfacturers' CAFE. While each change alone had a small effect, when added together the effects amounted nearly to 0.2 mpg for many manufacturers. *See* Technical Report, Table A–5.

The remainder of the changes that EPA has made since 1975 had either an unquantifiable or a positive impact on CAFE numbers. It is unlikely that a further CAFE adjustment would be technically justifiable for changes other than for the major changes discussed below.

a. Changes That Have Increased CAFE Stringency

i. *Inertia Weight Simulation.* EPA stated in its response to the manufacturers' 1979 petitions that any CAFE reductions that resulted from EPA's 1980 amendment to test vehicle inertia weight categories did not warrant CAFE adjustment, since the overall effect of the change on a manufacturer's fleet would be neutral unless a manufacturer had biased its fleet to take advantage of the pre–1980 weight categories. Ford recently submitted new information however, showing that there was a significant average penalty being imposed on some vehicle weight classes, a penalty which was incurred even with a uniform fleet distribution within weight categories. EPA's analysis of this information indicates that Ford is correct in noting that there is a consistent downward shift in test results for vehicles in the 3125 and 3625 lb. equivalent test weight categories.[16] *See* Technical Report at 14–18. Thus, EPA's 1980 change in test weight categorises reduced measured fuel economy for CAFE for some mid-size vehicles.

The CAFE impact on an individual manufacturer's fleet depends primarily on the individual manufacturer's sales distribution across all weight classes. Those fleets with a high concentration of vehicles in the 3125 and 3625 lb. equivalent test weight categories exhibited fairly significant effects from the 1980 change. Other fleets with a lesser number of vehicles in these categories exhibited less significant effects. The yearly industry average penalty from the inertia weight change is about .03 mpg.

[16] Since the new method of analysis assumes that vehicles are randomly distributed within a single equivalent test weight category, any calculated CAFE penalty or benefit reflects the test weight change rather than the effect of a manufacturer's choice of vehicle distribution within each weight class. *See* Technical Report, 12.

ii. *Simulated Distance Driven.* Ford has presented new information in its 1982 petition to show the reasons for the difference in fuel economy calculated under the 1975 method of using a nominal simulated distance of 7.5 miles and the 1978 method of using the actual distance driven by the test vehicles. Ford calculated the nominal distance to be 7.45 miles, and attributed the difference in test results to a rounding of the 1975 calculation to 7.5 miles rather than to the inability of low-powered vehicles to follow the driving trace, as EPA had concluded in 1979. EPA's analysis of current test data indicates that mean measured distance driven is very close to the 1975 nominal distance, and that there is no evidence of vehicles' consistent inability to follow the driving trace. Technical Report, 4. Thus, a consistent CAFE penalty would occur for all vehicles that properly follow the driving cycle. EPA deems it appropriate to provide a correction for the difference between the actual mean distance driven and the theoretical 1975 distance of 7.45 miles.

Applying Ford's basic premise in calculating the CAFE penalty that has occurred as a result of this change, EPA has derived results similar to Ford's, that is, nearly 0.1 mpg for all motor vehicle manufacturers for the 1978 and each later model year. *See* Technical Report at 8; Table A–1.

iii. *Humidity.* The increase in EPA's laboratory humidity level in 1978 and 1979 from 50 to 75 grains/lb. would theoretically have slightly decreased manufacturers' fuel economy test results. However, in the past, EPA has been unable to discern such an effect from actual test data. The theoretical effect is small, and the fact that roughly 20 percent of fuel economy test (those conducted at the EPA lab) would be affected, reduces the extent of any possible effect. EPA's previous analysis, which was based on the most recent available data comparing EPA lab results to the manufacturer's lab results in 1978–79, did not indicate a consistent or discernable difference in test results from the humidity factor. This led EPA to conclude that there was no evidence to indicate that CAFE correction was necessary. *See* Decision on Reconsideration at 39–40.

Under EPA's ongoing Emission Factors Program, a number of vehicles have been tested at EPA's lab under three different humidity levels. Unlike the previous data base, this allows EPA to isolate the effect of humidity changes from other variables. Although the number of vehicles tested to date is quite small, EPA has derived a humidity sensitivity factor from the available data and has applied this factor to manufacturers' 1978–80 model year test results derived from EPA's lab. The resulting CAFE penalties are quite small, ranging from 0.01 to 0.02 mpg for the major domestic manufacturers. *See* Technical Report, 27–30; Table A–3. This effect is not significant, however, in computing an overall CAFE correction factor since it applies primarily to pre-1980 results, and only post-1980 results can affect present CAFE.

iv. *Dynamometer Power Absorption—Automatic Controllers.* The only data available to EPA to calculate the effect of EPA's change from manual to automatic dynamometer-load control is that derived from EPA's lab. (EPA conducts roughly 20 percent of manufacturers' fuel economy tests.) EPA had previously discounted the change as one that would not have a consistent, significant, or even quantifiable, effect on CAFE values. Using the assumption that EPA's dynamometers were typical of those used throughout the industry, however, EPA's most recent analysis indicates that a maximum average .04 mpg penalty could have been observed for 1978 and each later model year. If only the EPA dynamometers are assumed to have changed, a minimum correction of about .01 mpg is indicated. *See* Technical Report, 25. This conclusion, however, is the most susceptible to uncertainty due to the lack of data on manufacturers' dynamometers, and the inherent propensity of dynamometer power absorbers to exhibit variability over time.

b. Changes That Have Increased CAFE Measurements

EPA's analysis shows that two test changes have allowed the manufacturers to gain substantial CAFE benefits that were not available in 1975. The two changes are (a) the optional method for calculating dynamometer power absorber settings (road load), and (b) the option for accumulating mileage on certification/fuel economy test vehicles.

i. *Dynamometer Power Absorption—Revised Coastdown Procedures.* Another change in dynamometer power absorption was EPA's provision of a specific method for calculating dynamometer power absorption settings. The 1975 test procedure gave manufacturers the option of requesting alternative dynamometer power absorption settings. In 1978, EPA provided a specific methodology for determining the alternative power absorber setting—the coastdown

technique. The coastdown method provided CAFE credit for improved vehicle designs that would not ordinarily be reflected by the dynamometer test procedure. EPA analyses of industry data show that the manufacturers have generally requested the alternative settings, and that the settings were lower than they would have been under the 1975 method. As a result, there has been a general reduction in dynamometer power absorption from 1978 through 1982 and, therefore, an increase in measured fuel economy. *See* Technical Report at 25–26. However, this is an increase likely to be observed on the road and is not an unrepresentative artifact of the dynamometer test procedure. Furthermore, alternative power absorber settings were permitted in 1975; only a specific methodology for deriving the alternative settings was developed after that time.

ii. *Accumulated Mileage on Fuel Economy Test Vehicles.* In 1975, certification data vehicles could not accumulate more than 4,250 miles before they were tested for compliance with emission regulations. Since the fuel economy data used to derive the CAFE standards were subject to this limitation, the mileage accumulation provision could be considered part of the "yardstick" by which future CAFE's were to be measured. However, in 1976, when EPA first promulgated fuel economy testing regulations, it changed the limitation for fuel economy data vehicles to allow testing between 4,000 and 10,000 miles. 41 FR 38674 (September 10, 1976) This provision was intended as a cost-saving measure to allow manufacturers to make maximum use of fuel economy data vehicles through multi-configuration testing.

In addition, EPA recently issued amendments to the certification regulations to reduce manufacturers' testing costs. EPA rules now allow certification emission data vehicles to accumulate additional mileage after vehicle stabilization, with a proviso that the fuel economy test results of emission data vehicles with more than 6,200 miles be adjusted to the 4,000-mile baseline.

The reason for EPA's application of a fuel economy adjustment factor to high-mileage emission data vehicles is that observed vehicle fuel economy improves as mileage increases. *See* Tuckey, K., "The Effect of Vehicle Mileage Accumulation on Tested Fuel Economy," February 1981; *see* 47 FR 26698 (June 9, 1983). Because manufacturers may now use vehicles with greater than 4,000 miles for fuel economy testing, their use of this flexibility would result in higher CAFE's than if the 1975 mileage limitation had been retained.

EPA has analyzed the effect of this flexibility, and has found that since 1975 the average mileage on fuel economy data vehicles in the 1978–1982 model years has increased. *See* "The Effects of Test Vehicle Mileage on Corporate Average Fuel Economy Calculations," November 1983 (hereinafter "Mileage Report"), at 4. Quantifying the effect of accumulating mileage for individual manufacturers shows that the overall sales-weighted CAFE benefit for passenger automobiles was 0.29 mpg for 1981 and 0.18 mpg for 1982, and that the domestic manufacturers, particularly GM and Ford, have tested their vehicles at significantly higher mileages than foreign manufacturers. Mileage Report, 8, 10.

In particular, GM received a 0.5 mpg passenger automobile CAFE benefit in 1981, and received an average benefit of 0.3 mpg for the 1979–1982 model years. Ford received an average benefit of 0.15 mpg in 1979–82 and 0.2 mpg in 1982. Mileage Report at 13. American Motors Corporation and Chrysler also have gained substantial CAFE benefits.

3. Calculating CAFE Adjustment

The size of CAFE adjustment, and whether it is positive or negative, depends on which of the above criteria for adjustment are applied. EPA has calculated the CAFE penalties incurred by each manufacturer since 1978 from the three certain and one uncertain "CAFE-reducing" test changes discussed above, as well as CAFE benefits received from the "CAFE-increasing" changes. The variation among manufacturers in CAFE benefits obtained from the latter type of change is greater than the variation in CAFE penalties. This is to be expected, since the penalties are associated with required test procedures, while the CAFE benefits accompany optional procedures that some manufacturers have used more than others.[17]

a. Proposed Correction Factor

EPA has applied the proposed adjustment criteria to the calculations by adding the CAFE penalties incurred by each manufacturer in each model year as a result of the significant test procedure changes. In addition, the sales-weighted industry average correction has also been calculated. Both the industry average correction, and the distribution of individual manufacturers' correction around the industry average have been considered in the derivation of EPA's proposed uniform correction. Finally, uncertainties in the correction calculation methodologies have also been considered.

For an industry average inertia weight correction of approximately .03 mpg, and a simulated distance correction of approximately .1 mpg, a total correction of about .13 mpg is appropriate. If the possible .04 mpg change due to dynamometer power absorber changes from automatic-load control is included, the average CAFE effect is about .17 mpg. Therefore, by either approach, the mean value of the industry correction lies in a narrow range around 0.15 mpg.

The CAFE corrections for individual manufacturers and separate model years are distributed around the industry mean value. The distributions range from about −.1 to about .4 mpg and are quite symmetric. Therefore selection of an industry-wide correction factor of 0.1 mpg understates the calculated corrections for many individual manufacturer model years. On the other hand, an industry-wide correction of 0.2 mpg understates the calculated corrections of only a few manufacturers that do not appear to be in jeopardy of noncompliance with CAFE standards. The 0.2 mpg adjustment overstates by 0.1 mpg only about one third of the calculated corrections. An industry-wide correction of 0.3 mpg overstates the rounded correction of almost all manufacturers.

In summary, based upon EPA's calculated average CAFE corrections, the distribution of individual manufacturers' CAFE corrections around these mean values, and the inherent uncertainty in one of the correction calculations, EPA concludes that a uniform adjustment of 0.2 mpg is the most representative and most equitable correction that can be derived from the data at hand.

Therefore, EPA is proposing to adjust upward by 0.2 mpg all manufacturers' 1980 and later model year CAFE values. Although this correction is not the most precise possible for each manufacturer, it is a fair and representative estimate of the CAFE penalty caused by the major test procedure changes.

Although only current model year testing appears to be relevant to this proposal, EPA is proposing to apply the 0.2 mpg CARE correction beginning in the 1980 model year since the manufacturers are permitted to carry forward credits generated by exceeding the CAFE standards from three prior model years. 15 U.S.C. 2002(1). In

[17] For example, the domestic manufacturers have historically accumulated more mileage on test vehicles than have foreign manufacturers, and, therefore, have received greater CAFE benefits from this flexibility.

addition, EPA's estimated penalty of 0.01 mpg from the humidity change would not affect manufacturers' CAFE after 1980.

Although the 0.2 mpg correction factor is based upon an analysis of the change to the inertia weight intervals, simulated distance, and to some extent, the changes in power absorber controllers, through the 1982 model year, EPA believes that it is reasonable to apply this factor in future model years as well. The vehicle weight distribution of manufacturers' fleet are not expected to change dramatically over the next few years, so that the penalty currently imposed on mid-size cars will continue. Also, the systematic penalty associated with the simulated test distance calculation will continue.

b. Alternative Correction Factors

If EPA were to apply the alternative approach of adding all CAFE impacts, both positive and negative, attributable to changes in the 1975 procedures, no upward correction to some manufacturers' CAFE would be warranted. As discussed above, substantial CAFE credit can be obtained under two major changes that EPA made to the 1975 procedures, and the credit that several manufacturers have obtained from these changes outweighs the penalties suffered from the "CAFE-reducing" changes. In particular, the flexibility allowed in dynamometer horsepower settings has generally reduced the magnitude of the settings, and the average CAFE benefit received from 1978 through 1982 is almost 0.7 mpg. This benefit alone outweighs all CAFE penalties calculated to date.

In addition, EPA's 1976 revision to the mileage limitation on fuel economy test vehicles has benefited a number of manufacturers' CAFE, particularly the domestic manufacturers. As mentioned above, the industry's average sales-weighted CAFE benefit was 0.29 mpg in 1981, and manufacturers such as GM obtained up to a 0.5 mpg more in CAFE credit in 1981 than would have been possible under the 1975 procedures.

However, EPA is not proposing the "zero CAFE adjustment" or "negative adjustment" approach for several reasons. First, in the case of dynamometer horsepower settings, the CAFE benefits accrued through the revised optional procedures reflect actual improvements in the vehicles. The increase in measured fuel economy was the intended outcome from a test change designed to encourage manufacturers to improve vehicle aerodynamics, and thereby improve actual in-use fuel economy. It would not make sense for EPA to offset the CAFE benefit with a negative adjustment since this would remove the incentive for manufacturers to make real fuel economy improvements.

Second, while the change in the accumulated mileage limitation was not intended to provide CAFE benefits, retroactively removing any CAFE gains from this change would, in effect, penalize manufacturers for taking advantage of a cost-saving measure that EPA had specifically allowed. Also, manufacturers would not be treated equitably if no CAFE adjustment were provided since only the domestic manufacturers have obtained significant CAFE gains by testing vehicles at higher mileages. [18]

c. Proposed Limitation on Mileage Accumulation

EPA is concerned that the accumulated mileage revision allows for significant CAFE benefits that do not reflect real fuel economy improvements. While EPA does not believe it appropriate to apply a negative adjustment to industry CAFE numbers retroactively, it would be appropriate to place a revised limitation on the mileage at which fuel economy data vehicles would be tested to prevent further significant increases in CAFE. This could be accomplished by applying a ceiling on the mileage that can be accumulated on fuel economy data vehicles, after which fuel economy data would be adjusted to the original 1975 calibration point of 4,000 miles (± 250 miles).

Such a limitation currently applies to any fuel economy data generated from emission data vehicles, which are vehicles used to primarily generate data for demonstrating compliance with emission standards. Although emission data vehicles have always been required to be tested at the 4000-mile point (± 250 miles), EPA amended its certification regulations in 1981 to save manufacturers testing costs by allowing unlimited mileage accumulation on emission data cars; provided, however, that any fuel economy data from vehicles with more than 6200 miles be factored back to the 4000 mile baseline. *See* 46 FR 50497 (Oct. 13, 1981); 40 CFR 600.006–82 (1982).

EPA also proposed recently to apply the same limitation to 1985 and later model fuel economy data vehicles for purposes of fuel economy labeling only. 48 FR 26698 (June 9, 1983). While manufacturers could still accumulate up to 10,000 miles on test vehicles, the same adjustment to a 4000 mile reference point used for emission data vehicles would be applied to fuel economy data from vehicles with more than 6200 miles.

EPA is proposing today to similarly limit the vehicle test mileage effect on CAFE calculations. An adjustment factor would be applied to fuel economy data from vehicles exceeding a mileage limitation when tested. At a minimum, it is appropriate to adopt the same 6200-mile limitation as is currently used on emission-data vehicle fuel economy for label calculations. However, this would not eliminate the increases in calculated CAFE expected by accumulating mileage up to 6200 miles. It would be no more administratively difficult to adjust all data generated on test vehicles which exceeded the original maximum of 4250 miles. Further, in adopting the current 6200-mile limit, EPA considered the accuracy of the label values (typically based on very limited test data and pre-model year sales projections and then rounded to the nearest whole mile per gallon) in weighing the need for more stringent mileage control. The potential effect on calculated CAFE and the administrative ease in adjusting test data suggests that it would be more appropriate to adjust fuel economy data to an equivalent 4000-mile point for all tests conducted at greater than 4250 miles. A manufacturer could still choose to test vehicles above 4250 miles as a cost savings measure, but the adjustment made to such data would ensure its comparability to test procedures in 1975.

For these reasons, EPA is considering this latter procedure. Comments are invited on the need, appropriateness and cost implications of mileage limitations lower than 6200 miles. Based upon the review of comments, including any recommendations and supporting rationale for limits between 4250 and 6200 miles, EPA is considering adoption of a mileage limitation in this range in the final regulations. To promote consistency and ease of implementation, EPA is also proposing that if a mileage limitation of less than 6200 miles is adopted for CAFE calculations, this revised limitation would also be adopted for label calculations and emission data vehicles. These proposed adjustments would apply to 1986 and later model year fuel economy data.

In summary, EPA is proposing to adjust all manufacturers' 1980 and later model year CAFE by 0.2 mpg, and at the same time to place a revised limitation

[18] In general, foreign manufacturers have not gained CAFE credit from test vehicle mileage accumulation, while at the same time have been penalized by the "CAFE-reducing" test changes to the same, or greater, extent than domestic manufacturers. *See* Mileage Report at 8 and Technical Report, Table A-5.

on 1986 and later model year test vehicle mileage accumulation.

4. Application of Proposed and Alternative Criteria and Adjustments to Gas Guzzler Fuel Economy

The Energy Tax Act of 1978, in which Congress required manufacturers to pay a "gas guzzler tax" on models not meeting minimum mpg limits (Pub. L. 95–618, 92 Stat. 3174), provides also that EPA's 1975 test procedures "or those which yield comparable results" be used by EPA is reporting fuel economy test results to the IRS for tax assessment. 26 U.S.C. 4064(c) 1978). Both Ford and GM have requested that CAFE adjustments factors be developed for use in determination of gas guzzler tax liabilities.

EPA's proposed approach of applying a uniform correction to industry CAFE results is based on an assumption that the correction represents the average, overall penalty imposed on each manufacturer from changes made to the 1975 test procedures. Of course, as discussed above, each manufacturer's penalty varies from this "mean" to some degree since the correction is based on an "average fleet." Similarly, the correction could be applied to the test results of individual vehicles on the basis that each model type represents the "average car" affected by the test changes.

EPA proposes to apply this "average car" approach to fuel economy calculations for purposes of assessing gas guzzler tax. Since EPA has determined that average fuel economy has been reduced by approximately 0.2 mpg from certain test changes and that a CAFE correction of 0.2 mpg is necessary to yield results comparable to those under the 1975 procedures, it would be reasonable to apply this same adjustment factor to individual model type fuel economy calculations that are also subject to the "comparability" requirement.

There are several points that argue against using the same correction factor for gas guzzlers as that used for CAFE, however. First, the inertia weight test revision, for which a CAFE correction is being proposed, penalized only the 3000-lb. vehicle weight class. Since gas guzzler models are more likely to fall into heavier weight classes, applying the overall CAFE correction to these individual models may provide too large a correction.

Second, with regard to the simulated distance test revision, the size of the penalty for individual models with low fuel economy would be expected to be smaller than that for the whole fleet since any penalty would be proportional to measured fuel economy. *See* Technical Report, 36. For example, a gas guzzler model with measured fuel economy of 14 mpg would be entitled to about half of the correction calculated from a fleet-wide CAFE of 28 mpg. Therefore, applying the CAFE correction factor to gas guzzler test results, again, may overstate the fuel economy penalty associated with EPA's test revision.

Nonetheless, EPA believes that applying the 0.2 mpg correction to gas guzzler fuel economy calculations would be consistent with the overall approach for adjustment being proposed today. Although more precise, model-specific adjustments could be calculated yearly, EPA does not believe that the results would be so different as to justify such an expenditure of Agency resources. Therefore, each combined fuel economy calculation for purposes of assessing gas guzzler tax on 1981 and later model year model types would be adjusted upward by 0.2 mpg.

5. Process for Public Notice and Participation in Future Test Changes and CAFE Adjustment

Both GM and Ford have argued that EPA changed the 1975 test procedures without complying with the requirements of the Administrative Procedure Act (APA) regarding Agency relemaking. 5 U.S.C. 553. While EPA believes that it has complied in the past with the APA, the Agency deems it appropriate to set out at this time the procedures that it intends to follow regarding all CAFE-related changes to the test and adjustment to test results.

The term "1975 test procedures" includes procedures specified by regulation and many certification practices and laboratory operations that are not specified by regulation. For example, the 1975 humidity level was not specified by regulation to be set at 50 grains/lb.; therefore, when EPA changed the humidity level in EPA's laboratory in 1978, it was acting within the regulatory framework, and was not required to conduct rulemaking. Conversely, manufacturers may change test conditions in their own laboratories, if not specified by regulation, without notifying EPA of the change.

In addition, teachnoligical improvements are continuously being made in the vehicles being tested and in the equipment used to test them. In some instances, the industry has requested EPA to revise test practices to allow them to obtain CAFE credit for fuel economy improvements that the 1975 test would not reflect. EPA's provision for alternative methods for determining dynamometer horsepower settings is an example of one such revision. The need for modernization of test equipment is another area in which changes are periodically required.

It would be impracticable and disruptive to manufacturers' test schedules for EPA to conduct rulemaking to effect many necessary changes to the test procedures. Therefore, unless a test revision amends a regulatory requirement or is otherwise required by the APA, EPA does not intend to initiate minor test changes through the rulemaking process.[19] However, EPA will in all instances continue to notify the industry of any changes to equipment or laboratory practice to allow the manufacturers an opportunity to raise the issue of CAFE or emissions compliance.

The methods that EPA will use to provide informal notice and guidance to the industry regarding non-regulatory or non-significant test changes will be those currently used by the Agency. EPA currently notifies the manufacturers of routine equipment changes through "Equipment Change Notices" and, depending on the type of change, requests comment and submission of data on any effect on test results. EPA also provides informal notice of any change in internal laboratory practice or operations. One such method of informal notice routinely provided to the industry is the system of "Advisory-Circulars" designed to give guidance to the manufacturers on the acceptability of certain laboratory practices and test procedures. As in the past, EPA will provide for submission of comments or data. If the comments or data indicate that a significant change in CAFE results would result from any change or group of changes, EPA would begin proceedings to determine whether CAFE adjustment is necessary and, if so, to what extent. In all such proceedings, EPA will provide notice and opportunity for public participation before any final determinations regarding CAFE adjustments are made.

With regard to amendments to existing regulatory requirements or test changes that would reasonably be expected to have a significant effect on fuel economy test results, EPA will initiate rulemaking proceedings to effect the change and to determine whether CAFE adjustment is warranted. EPA will deem a test change or group of changes to be "significant" if a 0.10 mpg change in CAFE numbers for any manufacturer would be expected to

[19] EPA would have good cause to dispense with rulemaking for minor test changes that would not reasonably be expected to have a significant impact on CAFE stringency or impose an unreasonable burden on the industry. *See* section 553 of the APA.

occur. EPA will also apply this criterion in determining whether CAFE adjustment is appropriate.[20] Of course, manufacturers will have an opportunity to object to any EPA determination that rulemaking is not necessary through the informal process described above. If such an objection is raised, EPA would expect submission of reasonable technical arguments or data showing with a high level of confidence that a significant change in fleet average fuel economy would result from the test revision.

C. Public Participation

EPA requests written comments on the proposed action and on the two alternative approaches described above for determining whether to adjust industry CAFE numbers for past test changes, as well as on their applicability to possible future CAFE adjustment. In particular, EPA requests comment on the methodology for determining CAFE penalties and benefits, and on the Agency's proposed approach of granting an industry-wide upward CAFE adjustment of 0.2 mpg to account for the effect of certain test changes. EPA also requests comment on its proposal that manufacturers' fuel economy data be adjusted to account for accumulated mileage on test vehicles and that gas guzzler tax assessed on the basis of model type fuel economy be adjusted by 0.2 mpg.

All documents relevant to this proposal are contained in Public Docket No. A-83-44. In addition, Docket No. A-80-32 contains a more detailed analysis of EPA's proposal to adjust fuel economy data from high-mileage vehicles for purposes of fuel economy labeling. EPA plans to incorporate comments submitted in response to that proposal in the rulemaking proceedings initiated today.

D. Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This regulation is not major because if adopted, it will result in an annual effect on the economy of less than $100 million. Also, this regulation should not result in increased costs or prices for consumers, industries or others, nor should it have adverse effects on competition, employment, investment or productivity. In fact, this regulation is expected to benefit the automobile industry by improving its position regarding CAFE compliance.

This action was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the docket for this rulemaking: Docket No. A-83-44.

This proposed rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980 44 U.S.C. 3501 *et seq.*

E. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant impact on a substantial number of small entities so as to require a regulatory analysis. This regulation should reduce the burden, including the costs of compliance with fuel economy requirements for small entities. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this role will not have a significant economic impact on a substantial number of small entities.

F. List of Subjects in 40 CFR Part 600

Electric power, Energy conservation, Gasoline, Labeling, Motor vehicles, Reporting and recordkeeping requirements, Administrative practice and procedure, Fuel economy.

Dated: December 9, 1983.

William D. Ruckelshaus,

Administrator.

PART 600—[AMENDED]

For the reasons set forth in the preamble, EPA proposes to amend 40 CFR Part 600 as follows:

1. The authority citation for Part 600 reads as follows:

Authority: Title III of the Energy Policy and Conservation Act of 1975, Pub. L. 94-163, 89 Stat. 871, Title IV of the National Energy Conservation Policy Act of 1978, Pub. L. 95-619, 92 Stat. 3206.

2. A new § 600.006-86 is added to read as follows:

§ 600.006-86 Data and information requirements for fuel economy vehicles.

(a) For certification vehicles with less than 10,000 miles, the requirements of this section are considered to have been met except as noted in paragraph (c) of this section.

(b) The manufacturer shall submit the following information for each fuel economy data vehicle:

(1) A description of the vehicle, exhaust emission test results, applicable deterioration factors, and adjusted exhaust emission levels.

(2) A statement of the origin of the vehicle including total mileage, mode of mileage accumulation, and modifications (if any) from the vehicle configuration in which the mileage was accumulated. (For modifications requiring advance approval by the Administrator, the name of the Administrator's representative approving the modification and date of approval are required.) If the vehicle was previously used for testing for compliance with Part 86 of this chapter or previously accepted by the Administrator as a fuel economy data vehicle in a different configuration, the requirements of this paragraph may be satisfied by reference to the vehicle number and previous configuration.

(3) A description of all maintenance to engine, emission control system, or fuel system components performed within 2,000 miles prior to fuel economy testing. In the case of electric vehicles, the manufacturer should provide a description of all maintenance to electric motor controller, battery configuration, or other components performed within 2,000 miles prior to fuel economy testing.

(4) A copy of calibrations for engine, fuel system, and emission control devices, showing the calibration of the actual components on the test vehicle as well as the design tolerances. In the case of electric vehicles, the manufacturer should provide a copy of calibrations for the electric motor, motor controller, battery configuration, or other components on the test vehicle as well as the design tolerances. (If calibrations for components were submitted previously as part of the description of another vehicle or configuration, the original submittal may be referenced.)

(5) A statement that the fuel economy data vehicle, with respect to which data are submitted:

(i) Has been tested in accordance with applicable test procedures;

(ii) Is, to the best of the manufacturer's knowledge, representative of the vehicle configuration listed, and

(iii) Is in compliance with applicable exhaust emission standards.

(c) The manufacturer shall submit the following fuel economy data:

(1) For vehicles tested to meet the requirements of Part 86, the city and highway fuel economy results from all tests on that vehicle, and the test results adjusted in accordance with paragraph (g) of this section.

[20] Since CAFE is rounded to the nearest 0.1 mpg, any change in CAFE of less than a tenth mpg would not be likely to affect a manufacture's liability.

(2) For each fuel economy data vehicle, all individual test results (excluding results of invalid and zero-mile tests) and the test results adjusted in accordance with paragraph (g) of this section.

(d) The manufacturer shall submit an indication of the intended purpose of the data (e.g., data required by the general labeling program or voluntarily submitted for specific labeling, etc.).

(e) In lieu of submitting actual data from a test vehicle, a manufacturer may provide fuel economy values derived from an analysis. In order for fuel economy values derived from analytical methods to be accepted, the expression (form and coefficients) must have been approved by the Administrator.

(f) If, in conducting tests required or authorized by this part, the manufacturer utilizes procedures, equipment, or facilities not described in the Application for Certification required in § 86.079–21, the manufacturer shall submit a description of such procedures, equipment, and facilities.

(g)(1) For test data generated by vehicles with the engine system combination at more than 4,250 miles (6,800 kilometers) accumulation, the manufacturer shall adjust the test data using either of the following equations:

Equation A

$FE_{6,400_{km}} = FE_T\,[0.969 + 0.523 \times 10^{-5}\,(km)]^{-1}$

Equation B

$FE_{4,000_m} = FE_T\,[0.969 + 0.842 \times 10^{-5}\,(m)]^{-1}$

Where:

$FE_{6,400_{km}}$ = Fuel economy data adjusted to 6,400 = kilometer test point

$FE_{4,000_m}$ = Fuel economy data adjusted to 4,000 mile test point

FE_T = Tested fuel economy value

km = Kilometer accumulation at test point

m = Miles accumulation at test point

(2) The adjusted values, rounded to 0.1 mpg, shall be considered the official data for that test.

(3) For vehicles with 4,250 miles (6,800 kilometers) or less accumulated, the manufacturer is not required to adjust the data.

3. Section 600.510–80 is amended by adding paragraphs (d) and (e) to read as follows:

§ 600.510–80 Calculation of average fuel economy.

* * * * *

(d) For the categories of vehicles identified in paragraphs (a) (1) and (2) of this section, calculation of average fuel economy rounded to the nearest 0.1 mpg for use in determining compliance with applicable fuel economy standards shall be increased by 0.2 mpg.

(e) The Administrator shall calculate and apply a uniform correction factor to the average fuel economy calculated for each manufacturer for the categories of vehicles identified in paragraphs (a) (1) and (2) of this section if, after notice and opportunity for comment, the Administrator determines that such correction is necessary to yield current fuel economy test results that are comparable to those obtained under the 1975 test procedures and that such correction is consistent with the goals of improved in-use fuel economy. In making such determination, the Administrator must find that:

(1) Any revision to the test procedures set out at 40 CFR Part 86 changes the sales-weighted industry average fuel economy by 0.1 mpg or more after being calculated to the nearest 0.1 mpg;

(2) A directional change in measured fuel economy of an average vehicle can be predicted from a revision to the test procedures set out at 40 CFR Part 86; and

(3) The magnitude of the change in measured fuel economy for any vehicle or fleet of vehicles caused by a revision to the test procedures is quantifiable from theoretical calculations or best available test data.

4. A new § 600.510–85 is added to read as follows:

§ 600.510–85 Calculation of average fuel economy.

(a) Average fuel economy will be calculated to the nearest 0.1 mpg for the classes of automobiles identified herein, and the results of such calculations will be reported to the Secretary of Transportation for use in determining compliance with the applicable fuel economy standards.

(1) An average fuel economy calculation will be made for the category of passenger automobiles that are domestically manufactured as defined in § 600.511(d)(1).

(2) An average fuel economy calculation will be made for the category of passenger automobiles that are not domestically manufactured as defined in § 600.511(d)(2).

(3) An average fuel economy calculation will be made either for all nonpassenger automobiles or for each category of nonpassenger automobile (four-wheel drive general utility vehicles and all other nonpassenger automobiles) in accordance with the performance indicated by the manufacturer in § 600.512.

(4) An average fuel economy calculation will be made for the category of light trucks which are defined in § 600.511(e)(1) and have four-wheel drive.

(5) An average fuel economy calculation will be made for the category of light trucks which are defined in § 600.511(e)(2) and have two-wheel drive.

(6) An average fuel economy calculation will be made for the category of light trucks which are defined in § 600.511(e)(2) and have four-wheel drive.

(7) An average fuel economy calculation will be made for the category of light trucks that are limited product line light trucks, which are light trucks manufactured by a manufacturer whose light truck fleet is powered exclusively by basic engines not also used in passenger automobiles.

(b) For the purpose of calculating average fuel economy under paragraphs (c), (d), and (e) of this section,

(1) All fuel economy data submitted under § 600.512 must be used.

(2) Fuel economy will be calculated for each model type according to § 600.207 except that:

(i) Separate fuel economy values will be calculated for model types and base levels associated with car lines that are:

(A) Domestically produced, and

(B) Nondomestically produced and imported;

(ii) Model year production data, as required by this subpart, will be used instead of sales projections;

(iii) The fuel economy value of diesel-powered model types will be multiplied by the factor 1.0 to convert gallons of diesel fuel to equivalent gallons of gasoline;

(iv) The fuel economy value will be rounded to the nearest 0.1 mpg;

(v) At the manufacturer's option, those vehicle configurations that are selfcompensating to altitude changes may be separated by sales into high-altitude sales categories and low-altitude sales categories. These separate sales categories may then be treated (only for the purpose of this section) as separate configurations in accordance with the procedures of § 600.207(a)(3)(ii), and;

(vi) If a model type is comprised of some vehicles that are four-wheel drive general utility vehicles and some that are not and if the manufacturer has indicated in § 600.512(c)(8) that average fuel economy will be calculated separately for four-wheel drive general utility vehicles, then separate model type calculations will be made for those vehicles that are not. A four-wheel drive general utility vehicle is a four-wheel drive, general purpose automobile capable of off-highway operation that

has a wheel-base of not more than 110 inches, and that has a body shape similar to 1977 Jeep CJ-5 or the 1977 Toyota Land Cruiser.

(3) The fuel economy value for each vehicle configuration is the combined fuel economy calculated according to § 600.206 except that:

(i) Separate fuel economy values will be calculated for vehicle configurations associated with car lines that are:

(A) Domestically produced, and

(B) Nondomestically produced and imported;

(ii) Model year production data, as required by this subpart will be used instead of sales projections; and

(iii) The fuel economy value of diesel-powered model types will be multiplied by the factor 1.0 to convert gallons of diesel fuel to equivalent gallons of gasoline.

(c) For each category identified in § 600.510(a), average fuel economy will be calculated individually as follows:

(1) Divide the total production volume of that category of automobiles by

(2) A sum of terms, each of which corresponds to a model type within that category of automobiles and is a fraction determined by dividing

(i) The number of automobiles of that model type produced by the manufacturer in the model year by

(ii) The fuel economy calculated for that model type in accordance with paragraph (b)(2) of this section.

(d) For the categories of vehicles identified in paragraphs (a) (1) and (2) of this section, calculation of average fuel economy rounded to the nearest 0.1 mpg for use in determining compliance with applicable fuel economy standards shall be increased by 0.2 mpg.

(e) The Administrator shall calculate and apply a uniform correction factor to the average fuel economy calculated for each manufacturer for the categories of vehicles identified in paragraphs (a) (1) and (2) of this section if, after notice and opportunity for comment, the Administrator determines that such correction is necessary to yield current fuel economy test results that are comparable to those obtained under the 1975 test procedures and that such correction is consistent with the goals of improved in-use fuel economy. In making such determination, the Administrator must find that:

(1) Any revision to the test procedures set out at 40 CFR Part 86 changes the sales-weighted industry average fuel economy by 0.1 mpg or more after being calculated to the nearest 0.1 mpg;

(2) A directional change in measured fuel economy of an average vehicle can be predicted from a revision to the test procedures set out at 40 CFR Part 86; and

(3) The magnitude of the change in measured fuel economy for any vehicle or fleet of vehicles caused by a revision to the test procedures is quantifiable from theoretical calculations or best available test data.

(5) Section 600.513-81 is amended by adding paragraph (a)(3) to read as follows:

§ 600.513-81 Gas Guzzler Tax.

(a) * * *

* * * * *

(3) For 1981 and later model year passenger automobiles, the combined general label model type fuel economy value used for Gas Guzzler Tax assessments shall be calculated in accordance with § 600.207, rounded to the nearest 0.1 mpg, and increased by 0.2 mpg.

* * * * *

[FR Doc. 83-33456 Filed 12-20-83; 8:45 am]
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Federal Register

Wednesday
December 21, 1983

Part V

Department of Energy

Sale of Strategic Petroleum Reserve Petroleum; Final Rule

DEPARTMENT OF ENERGY

10 CFR Part 625

Sale of Strategic Petroleum Reserve Petroleum

AGENCY: Procurement and Assistance Management Directorate, Assistant Secretary for Management and Administration, Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is issuing a final rule adopting a new Part 625 governing price competitive sales of petroleum from the Strategic Petroleum Reserve (SPR) which would occur if the SPR were drawn down to respond to a severe energy supply interruption or to meet obligations of the United States under the International Energy Program (IEP). The rule will establish a framework for conducting the price competitive sales of the petroleum and for entering into contracts with those offerors who are awarded contracts for the purchase of SPR petroleum.

DATE: Effective date January 20, 1984.

FOR FURTHER INFORMATION CONTACT:

Marcia L. Morris, Procurement and Assistance Management Directorate, Department of Energy, Room II–018, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–8871

Fred A. Hutchinson, Strategic Petroleum Reserve, Environmental Protection, Safety and Emergency Preparedness, Department of Energy, Room 3E–042, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–4734

E. Grant Garrison, Office of Assistant General Counsel, International Trade and Emergency Preparedness, Department of Energy, Room 6A–141, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Major Comments
III. Final Rule
IV. Procedural Matters.

I. Background

In the Energy Emergency Prepardeness Act of 1982 (EEPA), Pub. L. 97–229, Congress required that a new "Drawdown" (Distribution) Plan, establishing procedures for the sale of oil from the SPR in the event of a severe energy supply interruption or a drawdown to meet IEP obligations, be transmitted to the Congress. The EEPA provided that this amendment to the SPR Plan would take effect on the date transmitted, without Congressional review. The new Distribution Plan, SPR Plan Amendment No. 4, was transmitted to Congress on December 1, 1982, and took effect on that date. This new Plan provides that the principal method of distributing SPR oil will be price competitive sale.

On March 8, 1983, DOE issued a notice of proposed rulemaking (48 FR 11125, March 28, 1983) to establish a framework for implementing the policies and procedures set out in Amendment No. 4. For a discussion of the statutory authority for the SPR, the regulatory background of the proposed rule, and the SPR facilities, *see* the preamble to the proposed rule at 48 FR 11125.

The purpose of the proposed rule was to facilitate the sales process during a drawdown of the SPR by providing for the establishment of Standard Sales Provisions, containing contract terms and conditions developed in accordance with the rule which, it is expected, will be contained in contracts for the sale of SPR petroleum. The draft rule called for the publication of the Standard Sales Provisions in the **Federal Register** and in the Code of Federal Regulations as an Appendix to the final rule. Draft Standard Sales Provisions were published for public comment on June 15, 1983 (48 FR 27482), as part of that process. The draft rule also provided for the periodic review and republication of the Standard Sales Provisions in the **Federal Register**, including any revisions in such provisions.

Upon a Presidential decision to draw down the SPR, DOE would issue a Notice of Sale, announcing the amount, type and location of the SPR petroleum to be sold, the delivery period, and other pertinent information.

The draft rule provided that, at his discretion, the Secretary of Energy or his designee could specify in the Notice of Sale by referencing the **Federal Register** and the Code of Federal Regulations in which the latest version of the Standard Sales Provisions were published, which of the terms and conditions in the Standard Sales Provisions would or would not apply to a particular sale. In the Notice of Sale the Secretary also could revise such terms and conditions, or add new ones which would apply to that particular sale, consistent with Amendment No. 4. Offerors, as part of their offers for SPR petroluem, would agree to all contractual provisions and financial and performance responsibility measures made applicable by the Notice of Sale, and comply with the responsibility measures in accordance with the Notice of Sale. The draft rule provided that no contract could be awarded to an offeror who had not unconditionally agreed to all contractual provisions and responsibility measures made applicable by the Notice of Sale. It is expected that the terms and conditions set out in the Standard Sales Provisions and made applicable by the Notice of Sale will not be part of the contract documents as such, but rather will be incorporated by reference, and the draft rule so provided.

Time may be of the essence in a severe energy supply interruption. Failure to achieve the SPR drawdown rate as determined by the President could lessen the beneficial effect of an SPR drawdown. Buyers who defaulted on their sales contracts could undermine achievement of the desired drawdown rate, with potentially adverse consequences for the national economy or the national safety. In order to assure that the drawdown objectives of the SPR are achieved and that only responsible offerors are awarded contracts, the draft rule also provided that the Secretary may exclude a firm from participating in any future sale of SPR petroleum when that firm had previously offered to buy SPR oil, was awarded a contract, and failed to take delivery of the petroleum in accordance with the terms of the contract. This exclusion would be in addition to any remedies for breach which may be provided for in the contract of sale. The ineligibility would not come into effect until after the firm had been given an opportunity to submit information or argument in opposition to the ineligibility. The Secretary must consider the firm's response, if any, before making the purchaser ineligible for future award of SPR sales contracts. The ineligibility would continue for the length of time determined by the Secretary as appropriate under the circumstances. The purchaser would be notified of the result of the ineligibility proceedings. The proposed rule provided that at his discretion, the Secretary may permit any such firm that petitions for reinstatement to participate in future SPR sales. In addition to the remedies available to the Government under the contract and under this rule, a purchaser who defaults on a contract also may be subject to debarment procedures in accordance with other applicable DOE regulations.

After consideration of all the comments, DOE has determined to adopt the rule in final, essentially as proposed in the draft form.

II. Discussion of Major Comments

Comments on the proposed rule were requested through May 2, 1983. Written comments were received from seventeen

different organizations including major oil refiners, small oil refiners, marketers, trade associations and one government entity.

DOE received only five comments, the substance of which pertained to matters which were within the scope of the proposed rule. Four of these commenters supported the use of purchaser performance and responsibility measures. They felt that these measures were necessary to assure that purchasers of SPR petroleum had the capability to transport the oil and the financial ability to pay for it.

One commenter suggested that the rule preclude amendment of the Standard Sales Provisions at the time of drawdown because the continued existence of flexibility to do so could make it difficult for petroleum buyers to form plans for purchasing SPR petroleum. DOE recognizes that there is a possible risk of confusion from amending the Standard Sales Provisions in the Notice of Sale. However, it is not possible to anticipate every eventuality that could occur in an emergency. Therefore, of necessity DOE has retained the flexibility to amend the Standard Sales Provisions at the time of drawdown.

The remainder of the comments made recommendations that went beyond the scope of the proposed rule. Those fell into three categories: Comments on Plan Amendment No. 4; comments relating to drawdown issues that are the subject of separate public comment proceedings; and miscellaneous other comments.

Many of the commenters made recommendations for changes in the proposed rule that are inconsistent with Plan Amendment No. 4. Section 161(e) of the Energy Policy and Conservation Act explicitly provides that drawdown and distribution must be in accordance with the SPR Plan, as amended. Section 159(f) authorizes the Secretary to promulgate rules only to the extent necessary or appropriate to implement the SPR Plan. Accordingly, DOE cannot adopt any proposed changes to the rule that are contrary to Plan Amendment No. 4.

Nine comments were received urging the distribution of SPR oil on a basis other than price competition, using some sort of allocation system. Another nine comments were received urging that limitations be placed on the use of SPR oil by firms purchasing the oil. Amendment No. 4 to the SPR Plan states:

> Experience has demonstrated that Government intervention in the marketplace, in the form of allocation and price controls, has a negative impact on our Nation's ability to cope with severe energy supply interruptions. The failure of allocation and price controls, recognized even by many of those charged with implementing and enforcing them, has led this Administration to conclude that market mechanisms must be relied upon to respond to severe energy shortages most efficiently and effectively. Consistent with its market-oriented approach, the Administration intends to use the SPR during an energy crisis in a manner which simulates the operation of the marketplace as closely as possible, and which interferes with the marketplace as little as possible.

DOE also received five comments supporting the use of price competitive sales in a SPR drawdown.

Two commenters recommended establishing, in advance of an emergency, the exact circumstances, such as the loss of a certain percentage of oil imports, that would automatically authorize an SPR drawdown. Plan Amendment No. 4 provides:

> The President will decide, consistent with section 161(d) of the EPCA, when to use the SPR and at what rate. It does not seem feasible or appropriate at this time to establish a specific "trigger" or formula which will automatically determine if the SPR is to be used and at what interval and rate because of the wide range of unpredictable conditions which might characterize an energy supply interruption.

Finally, fifteen commenters recommended limiting the universe of potential buyers for SPR oil. According to Plan Amendment No. 4:

> In order to achieve efficient distribution of the SPR oil, the universe of eligible buyers will not be restricted, except insofar as necessary to assure performance and payment. Thus, all interested buyers will be eligible to bid for and purchase SPR oil, including Federal agencies.

Among the indicated reasons for limiting the buyer universe was a concern that SPR oil might be exported by foreign interests. It is not the intent of Plan Amendment No. 4 that SPR oil be sold for other than domestic purposes. The Amendment states:

> The primary purpose of the SPR sales and distribution process will be to provide additional supplies of petroleum to domestic energy markets on a timely basis, to substitute for supplies interdicted due to major fuel supply disruption. The SPR oil distribution process is intended primarily to supplement national petroleum supplies.

All of the oil stored in the SPR is subject to export controls under the Export Administration Act and a number of other statutes. The draft Standard Sales Provisions published on June 15, 1983 (48 FR 27482), contain the following caution to offerors in Provision No. B. 4:

> (a) Export of SPR crude oil is subject to U.S. export control laws, the provisions of which differ depending on the source of the crude oil proposed to be exported. For example, imported crude oil stored in the SPR may be exported pursuant to applicable Department of Commerce "Short Supply Controls", 15 CFR Part 377, if: the export is part of a transaction resulting in the importation of refined products of a quantity and quality not less than would be derived from domestic refining; the products are to be sold at prices no higher than the lowest prices at which they could have been sold by the nearest capable U.S. refinery; and for compelling economic or technological reasons beyond the exporter's control, the crude oil cannot reasonably be processed in the U.S. (15 CFR 377.6(d)(1)(vii)). However, there are somewhat more stringent, independent statutory tests to be met as preconditions to the export of certain other crude oils stored in the SPR, including Alaskan North Slope (ANS) and Naval Petroleum Reserves (NPR) oil. *See* section 7(d) of the Export Administration Act of 1979, 50 U.S.C. App. Section 2406(d) (ANS oil) and 10 U.S.C. Section 7430(e) (NPR oil); *see also* 30 U.S.C. Section 185(u) (oil shipped across a Mineral Lands Leasing Act Section 28(u) right-of-way) and 43 U.S.C. Section 1354(a) (OCS oil).
>
> (b) Offerors for SPR petroleum are put on notice that the various SPR crude oils, subject to different export control laws, have been commingled in storage.

Under no circumstances can SPR oil be exported without an export license, and unless the export of oil is for the purpose of meeting obligations of the United States under the International Energy Program or certain other existing Executive Agreement obligations, there are strict limits on such exports. The draft Standard Sales Provisions make it a breach of the sales contract to export SPR oil in violation of the export control laws. Accordingly, the Contracting Officer may reject the offer of any offeror which he has reason to believe may export the oil in violation of the terms of the contract. In addition, any SPR buyer that does violate the contract by illegally exporting the oil can be made ineligible for future sales under § 625.5 of this rule. Therefore, DOE believes that there are adequate safeguards in place to assure the achievement of the SPR Plan objective of using the SPR oil to increase domestic supplies.

The second category of comments which are outside the scope of the proposed rule are those concerning matters which either are currently subject to public comment proceedings, or will be subject to public comment in the near future. One commenter proposed that DOE conduct pre-crisis sales of SPR petroleum, an issue on which DOE had requested public comments on April 8, 1983 (48 FR 15320). Two commenters suggested provisions to be included in the Standard Sales

Provisions which were published for public comment on June 15, 1983 (48 FR 27482). One commenter urged immediate revision of Part 220 (concerning allocation of SPR oil under the old Distribution Plan, Plan Amendment No. 3) consistent with Plan Amendment No. 4, which provides that, in his discretion, the Secretary may direct the sale of no more than 10 percent of the oil sold by the SPR in a month. Two commenters urged that agriculture be given high priority for any directed sales made under Plan Amendment No. 4. DOE currently is analyzing alternative directed sales procedures, and plans to initiate a rulemaking to revise Part 220. DOE will consider all of the above comments as part of these other proceedings, to which the comments are more appropriate.

Two other kinds of comments were received making recommendations on miscellaneous emergency preparedness issues. Two commenters suggested that a test of SPR drawdown procedures should be conducted. In fact, DOE recently conducted a distribution readiness exercise (DIREX–B) which was designed to simulate the SPR drawdown decision-making process and price competitive sales, in order to test drawdown procedures. The lessons learned in this exercise will be incorporated into the revised Standard Sales Provisions. Two commenters urged the establishment of a Government-industry panel to work on issues related to drawdown. DOE presently is studying how best to achieve Government-industry cooperation on these important issues, consistent with restrictions placed on such cooperation by Federal advisory committee, conflict of interest and antitrust laws.

After consideration of the comments received, the final rule will be adopted essentially as published in draft form.

III. Final Rule

The new SPR "Drawdown" (Distribution) Plan provides that the principal method of distributing SPR oil will be price competitive sale. The Plan also provides that in any calendar month, the Secretary may direct the distribution of up to 10 percent of the volume of the SPR oil sold in that calendar month, in such manner as he determines at his discretion; the price of such oil shall be the average price of SPR oil sold at the most recent competitive sale. However, the final rule applies only to the sale of SPR oil through price competition. It adopts procedures governing the process by which DOE will conduct the price competitive sale of SPR oil during drawdown and distribution. The rule is adopted under the general authorization to the Secretary by the Department of Energy Organization Act, Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*, and by EPCA, to promulgate rules, regulations or orders necessary or appropriate to implement the SPR Plan.

It is critical to the early achievement of the SPR's desired sales and delivery schedules that the Government's contracting procedures for the sale of SPR oil be both flexible and expeditious. The purpose of the final rule is to facilitate the sales process, primarily by providing for the establishment of Standard Sales Provisions, containing contract clauses which, it is expected, will be contained in contracts for the sale of SPR petroleum. The rule also establishes procedures for making buyers that fail to honor their contracts ineligible for future sales. As the final rule is adopted essentially as published in draft form which we describe above, we shall not resummarize the final rule here. The only changes from the draft rule are: first, having DOE Headquarters' Senior Procurement Official responsible for the determination of ineligibility under § 625.5 rather than the Secretary as provided for in the draft rule; second, minor changes in the definitions to clarify their meaning; and, third, a minor revision of the statement of application and purpose.

IV. Other Matters

A. Section 404(a) of the DOE Act

Pursuant to the requirements of Section 404(a) of the Department of Energy Organization Act (DOE Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95–91, as amended), we have referred this rule to the Federal Energy Regulatory Commission (FERC) for a determination as to whether the proposed rule would significantly affect any matter within the Commission's jurisdiction. The Commission has decided not to request referral of the rule under the section 404 procedures.

B. Section 7 of the FEA Act

Under section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 787 *et seq.*, Pub. L. 93–275, as amended), a copy of this rule was submitted to the Administrator of the Environmental Protection Agency (EPA) for comment concerning the impact of this rule on the quality of the environment. The EPA Administrator made no comments.

C. Executive Order 12291

Section 3 of Executive Order (E.O.) 12991 (46 FR 13193, February 19, 1981) requires that DOE determine whether a proposed rule is a "major rule", as defined by section 1(b) of E.O. 12291, and prepare a regulatory impact analysis for each major rule. A "major rule" is defined in E.O. 12291 as one likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The rule is essentially of an administrative nature and is not expected to affect the prices received for SPR petroleum, or impose additional costs on firms offering to buy SPR petroleum. Thus the annual effect of the rule on the economy will be minimal. Furthermore, the rule does not affect the prices to be charged for the SPR petroleum, because under the SPR Distribution Plan those prices are required to be set by price competitive sales. Accordingly there will be no major increases in costs or prices as a result of this rule. No comments were received opposing these conclusions, which were set forth in the draft rule.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 Pub. L. 96–354, (5 U.S.C. 601–612) requires, in part, that an agency prepare an initial regulatory flexibility analysis for any proposed rule, unless it determines that the rule will not have a "significant economic impact" on a substantial number of small entities. The rule, which is administrative in nature, does not impose any additional burden on small entities but rather only sets forth the contracting procedures for the sale of the SPR petroleum which the SPR Distribution Plan requires to be made by competitive sales. Accordingly, DOE does not believe the rule has significant impact on small entities, and as required by section 605 (b), DOE certifies that the rule will not have a significant economic impact on a substantial number of small entities. No comments were received opposing our conclusions.

E. NEPA Review

DOE has determined that the rule, which is essentially administrative in nature, is not a major federal action significantly affecting the quality of the

human environment. Consequently, the proposed amendment does not require preparation of an Environmental Assessment or Environmental Impact Statement under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.* No comments were received opposing our conclusions.

List of subjects in 10 CFR Part 625

Administrative practice and procedure, Oil and gas reserves, Strategic and critical materials, Strategic petroleum reserve.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; Department of Energy Organization Act, Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163)

In consideration of the foregoing, Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., December 14, 1983.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

Part 625 is added to 10 CFR Chapter II to read as follows:

PART 625—PRICE COMPETITIVE SALE OF STRATEGIC PETROLEUM RESERVE PETROLEUM

Sec.

625.1 Application and purpose.
625.2 Definitions.
625.3 Standard sales provisions.
625.4 Publication of the Standard Sales Provisions.
625.5 Failure to Perform in Accordance with SPR Contracts of Sale.

Authority: Federal Energy Administration Act of 1974, Pub. L. 93-275; Department of Energy Organization Act, Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163.

§ 625.1 Application and purpose.

This part shall apply to all price competitive sales of SPR petroleum by DOE. This section provides the rules for developing standard contract terms and conditions and financial and performance responsibility measures; notifying potential purchasers of those terms, conditions and measures; choosing applicable terms, conditions and measures for each sale of SPR petroleum; and notifying potential purchasers of which terms, conditions and measures will be applicable to particular sales of SPR petroleum.

§ 625.2 Definitions.

(a) *DOE.* DOE is the Department of Energy established by Pub. L. 95-91 (42 U.S.C. 7101 *et seq.*) and any component thereof including the SPR Office.

(b) *Notice of Sale.* The Notice of Sale is the document announcing the sale of SPR petroleum, the amount, type and location of the petroleum being sold, the delivery period and the procedures for submitting offers. The Notice of Sale will specify which contractual provisions and financial and performance responsibility measures are applicable to that particular sale of petroleum, and will provide other pertinent information.

(c) *Petroleum.* Petroleum means crude oil, residual fuel oil or any refined petroleum product (including any natural gas liquid and any natural gas liquid product) owned or contracted for by DOE and in storage in any permanent SPR facility, or temporarily stored in other storage facilities, or in transit to such facilities (including petroleum under contract but not yet delivered to a loading terminal).

(d) *Price Competitive Sale.* A price competitive sale of SPR petroleum is one in which contract awards are made to those responsive, responsible persons offering the highest prices; sales conducted pursuant to rules adopted under section 161(e) of the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163 (42 U.S.C. 6201 *et seq.*), are not price competitive sales.

(e) *Purchaser.* A purchaser is any person or entity (including a Government agency) which enters into a contract with DOE to purchase SPR petroleum.

(f) *SPR.* SPR is the Strategic Petroleum Reserve, that program of the Department of Energy established by Title I, Part B of EPCA.

(g) *Standard Sales Provisions.* The Standard Sales Provisions are a set of terms and conditions of sale, which may contain or describe financial and performance responsibility measures, for petroleum sold from the SPR under this part.

§ 625.3 Standard sales provisions.

(a) *Contents.* The Standards Sales Provisions shall contain contract clauses which may be applicable to price competitive sales of SPR petroleum, including terms and conditions of sale, and purchaser financial and performance responsibility measures, or descriptions thereof. At his discretion, the Secretary or his designee may specify in a Notice of Sale which of such terms and conditions, or financial and performance responsibility measures, shall apply to a particular sale of SPR petroleum; and, he may specify any revisions in such terms, conditions and measures, and any additional terms, conditions and measures which shall be applicable to that sale, that are consistent with the SPR Drawdown Plan adopted on December 1, 1982.

(b) *Acceptance by Offerors.* All offerors must, as part of their offers for SPR petroleum in response to a Notice of Sale, agree without exception to all contractual provisions and financial and performance responsibility measures which the Notice of Sale makes applicable to the particular sale.

(c) *Award of Contracts.* No contract for the sale of SPR petroleum may be awarded to any offeror who has not unconditionally agreed to all contractual provisions and financial and performance responsibility measures which the Notice of Sale makes applicable to the particular sale.

(d) *Contract Documents.* The terms and conditions which the Notice of Sale makes applicable to a particular sale may be incorporated into a contract for the sale of SPR petroleum by reference to the Notice of Sale.

§ 625.4 Publication of the Standard Sales Provisions.

(a) *Publication.* The Standard Sales Provisions shall be published in the **Federal Register** and in the Code of Federal Regulations as an appendix to this rule.

(b) *Revisions of the Standard Sales Provisions.* The Standard Sales Provisions shall be reviewed periodically and republished in the **Federal Register**, with any revisions.

(c) *Notification of Applicable Clauses.* The Notice of Sale will specify, by referencing the **Federal Register** and the Code of Federal Regulations in which the latest version of the Standard Sales Provisions was published, which contractual terms and conditions and contractor financial and performance responsibility measures contained or described therein are applicable to that particular sale.

§ 625.5 Failure to Perform in accordance with SPR Contracts of Sale.

(a) *Ineligibility.* In addition to any remedies available to the Government under the Contract of Sale, in the event that a purchaser fails to perform in accordance with applicable SPR petroleum sale contractual provisions, and such failure is not excused by those provisions, the Headquarters Senior Procurement Official, at his discretion, may make such purchaser ineligible for future awards of SPR petroleum sales contracts.

(b) *Determination of Ineligibility.* No purchaser shall be made ineligible for the award of any SPR sales contract prior to notice and opportunity to

respond in accordance with the requirements of this subsection.

(1) Upon the determination that a purchaser is to be considered for ineligibility, the purchaser shall be sent by certified mail return receipt requested, the following:

(i) Notification that the Headquarters Senior Procurement Official is considering making the purchaser ineligible for future awards;

(ii) Identification of the SPR sales contract which the purchaser failed to comply with, along with a brief description of the events and circumstances relating to such failure;

(iii) Advice that the purchaser may submit in writing for consideration by the Headquarters Senior Procurement Official in determining whether or not to impose ineligibility on the purchaser, any information or argument in opposition to the ineligibility; and

(iv) Advice that such information or argument in opposition to the ineligibility must be submitted within a certain time in order to be considered by the Headquarters Senior Procurement Official, such time to be not less than 21 days.

(2) After elapse of the time period established under paragraph (1) of this section for receipt of the purchaser's response, the Headquarters Senior Procurement Official, at his discretion, and after consideration of the purchaser's written response, if any, may make the purchaser ineligible for future awards of SPR petroleum sales contracts. Such ineligibility shall continue for the time period determined by the Headquarters Senior Procurement Official, as appropriate under the circumstances.

(3) The purchaser shall be notified of the Headquarters Senior Procurement Official's decision.

(c) *Reconsideration.* Any purchaser who has been excluded from participating in any SPR sale under (a) may request that the Headquarters Senior Procurement Offical reconsider the purchaser's ineligibility. The Headquarters Senior Procurement Official, at his discretion, may reinstate any such purchaser to eligibility for future competitive sales.

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Part VI

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 1026]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 15, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, VA. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS

ISSUED DECEMBER 15, 1983

VOLUME 1026

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION									
-A-M CATTLE CO INC				RECEIVED:	11/22/83	JA: OK			
8408367	24546	3512300000		103		BREWER #3	STEEDMAN	0.0	CONTINENTAL GAS S
-AMCANA OIL CORP				RECEIVED:	11/22/83	JA: OK			
8408394	24495	3510920677		103		ANDERSON #2-2	WILDCAT	40.0	CHAMPLIN PETROLEU
8408395	24496	3510920679		103		ANDERSON #4-2	WILDCAT	100.0	CHAMPLIN PETROLEU
-AMES OIL AND GAS CORP				RECEIVED:	11/22/83	JA: OK			
8408337	22299	3511721313		102-2		LYONS #1	PAWNEE "A"	11.7	COLORADO GAS COMP
8408338	22300	3511721590		102-2		ROGERS #24-1	PAWNEE "A"	19.8	COLORADO GAS COMP
-ANDERSON GEO L				RECEIVED:	11/22/83	JA: OK			
8408345	24005	3512100000		108		MARTIN #1	SOUTH QUINTON	9.8	S E TRANSMISSION
-ARCO OIL AND GAS COMPANY				RECEIVED:	11/22/83	JA: OK			
8408333	12142	3505100000		108-PB		THOMAS CHARLSON #6	CHICKASHA	12.0	ARKANSAS LOUISIAN
-BAMCO OIL & GAS INC				RECEIVED:	11/23/83	JA: OK			
8408449	20197	3504723111		102-2		STRECK #2	CANEY DEL	1.0	PANHANDLE EASTERN
-BENCHMARK OIL & GAS CO				RECEIVED:	11/22/83	JA: OK			
8408389	22463	3503700000		102-4		STEVE #2	SAPULPA	720.0	COLORADO GAS COMP
-BERRY OPERATING CO				RECEIVED:	11/22/83	JA: OK		100.0	OKLAHOMA GAS & EL
8408380	25226	3506100000		107-TF		LOYD NIX #1	SOUTHEAST LOVELL	43.0	EASON OIL CO
-BOBBY J DARNELL				RECEIVED:	11/22/83	JA: OK			
8408398	24589	3508322254		103		KUSIK #1	SOONER TREND	300.0	ARKANSAS LOUISIAN
-BOGERT OIL CO				RECEIVED:	11/22/83	JA: OK			
8408366	24545	3501121773		103		KATIE #1-6	BURFORD	1000.0	EASON OIL CO
-BRISCOE OIL CO				RECEIVED:	11/22/83	JA: OK			
8408310	23921	3508322211		103		BUFFORD 24-1A API #08322211	BRINTON POOL	27.3	PHILLIPS PETROLEU
-BROOKS B B				RECEIVED:	11/22/83	JA: OK			
8408407	14475	3511121605		108-ER		COKER #1	MORRIS	18.3	PHILLIPS PETROLEU
-C J CASSELMAN				RECEIVED:	11/22/83	JA: OK	MORRIS	18.3	PHILLIPS PETROLEU
8408415	23340	3511123852		108		BARNETT #4	MORRIS	18.3	PHILLIPS PETROLEU
8408418	23598	3511123726		108		KENNEDY #1	MORRIS	18.3	PHILLIPS PETROLEU
8408417	23597	3511123737		108		KENNEDY #2			
8408416	23596	3511124128		108		KENNEDY #3			
-CANADIAN EXPLORATION CORP				RECEIVED:	11/22/83	JA: OK			
8408324	24450	3501722518		103		BRINDLEY #29-1	NORTHWEST MUSTANG	45.0	DELHI GAS PIPELIN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	11/22/83	JA: OK			
8408372	24551	3504700094		108		B JOHNSON #1	ENID	5.0	CHAMPLIN PETROLEU
8408375	24554	3509320191		108		J R FOSTER #1	CHANEY DELL	6.0	UNION TEXAS PETRO
8408376	24555	3507320850		108		M PERIGO #1	SOONER TREND	8.0	PHILLIPS PETROLEU
8408374	24553	3508300000		108		R G BECK #4	CASHION	6.0	NORTHWEST CENTRAL
8408373	24552	3504700000		108		W L MAXEY #1	ENID	11.0	CHAMPLIN PETROLEU
-CHARRO PETROLEUM INC				RECEIVED:	11/22/83	JA: OK			
8408346	24666	3512300000		103		CHARRO 1B	FRANCIS	0.0	CONTINENTAL GAS S
-CITIES SERVICE COMPANY				RECEIVED:	11/22/83	JA: OK			
8408412	22514	3514920256		102-2		WILLIAMS F-1	S W BURNS FLAT	71.0	
-COMPADRE DRLG & EXPLORATION CORP				RECEIVED:	11/23/83	JA: OK			
8408451	21629	3504922012		102-4		CALDWELL #1		0.4	ARKANSAS LOUISIAN
-COOK OPERATING CO				RECEIVED:	11/22/83	JA: OK			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8408359	22487	3511721772		103		BELLAMY #3	UNKNOWN	1460.0	H J D CATTLE CO
-D & J OIL COMPANY				RECEIVED:		11/22/83 JA: OK			
8408348	24358	3505320885		103		STRECKER 1-10	SE POND CREEK	21.9	UNION TEXAS PRODU
-DAMSON OIL CORPORATION				RECEIVED:		11/22/83 JA: OK			
8408328	24075	3507323768		103		LANE #2	SOONER TREND	27.0	HUMBLE OIL & REFI
8408385	24074	3509322679		103		NICKEL #3	ORIENTA	160.0	UNION TEXAS PETRO
-DAWSON OPERATING CO INC				RECEIVED:		11/22/83 JA: OK			
8408368	4465	3505900000	D	108		ROELKER #2	NORTH SELMAN	15.8	NORTHERN NATURAL
-DECK EXPLORATION INC				RECEIVED:		11/22/83 JA: OK			
8408489	25471	3510526144		103		BERT #1	CALIF CRK	13.0	OKAN GAS CO
8408406	25472	3510526145		103		BERT #2	CALIF CRK	11.0	OKAN GAS CO
8408410	21985	3510525810		103		LUCUS #1	CALIF CRK	9.0	
-DEM OPERATIONS				RECEIVED:		11/22/83 JA: OK			
8408313	24538	3505321162		103		PAULINE #1	SOUTHEAST SALT FORK	180.0	FARMLAND INDUSTRI
-DEVON ENERGY CORPORATION				RECEIVED:		11/22/83 JA: OK			
8408377	24583	3508720865		103		MOTTINGER #1-30	SO COLE-CRINER	27.4	SUN EXPLORATION &
-DONLARR EXPLORATION INC				RECEIVED:		11/22/83 JA: OK			
8408409	21620	3507323695		102-4		BROWN 10 #2	SOONER TREND	1.0	PHILLIPS PETROLEU
8408317	22383	3507322945		102-4		JACK SHANNON 23 #1	SOONER TREND	319.0	PHILLIPS PETROLEU
-EDWIN L COX				RECEIVED:		11/22/83 JA: OK			
8408386	24237	3513921589		103		CARTHAGE I UNIT #CUM-3	CARTHAGE	5.0	PHILLIPS PETROLEU
-FAY C WOOD				RECEIVED:		11/22/83 JA: OK			
8408322	24357	3505320957		103		CHARLES BIGGS #1		0.0	FARMLAND INDUSTRI
-FUNK EXPLORATION INC				RECEIVED:		11/23/83 JA: OK			
8408454	22259	3500722445		102-4		LEON #1	WEST TURPIN	548.0	
8408455	22261	3500722411		102-4		ROY #1	DOMBEY	183.0	
-GILL JOHN K				RECEIVED:		11/22/83 JA: OK			
8408343	22598	3511123085		103		SIMPSON #3	OKMULGEE DISTRICT	13.0	PHILLIPS PETROLEU
-GRAHAM-MICHAELIS CORP				RECEIVED:		11/23/83 JA: OK			
8408453	22198	3507300000		102-4		THOMPSON 1-3		365.0	PHILLIPS PETROLEU
-GREAT SOUTHWESTERN EXPLORATION INC				RECEIVED:		11/22/83 JA: OK			
8408355	15411	3511921420		102-4		CARLOS	MARKHAM	1.0	PARKS ENERGY INVE
8408353	15409	3511965741		102-4		SCHUMAKER	MARKHAM	0.0	PARKS ENERGY INVE
8408354	15410	3511900000		102-4		THOMPSON I	MARKHAM	1.0	PARKS ENERGY INVE
8408356	15412	3511921318		102-4		THOMPSON II	MARKHAM	0.0	PARKS ENERGY INVE
-GREAT SOUTHWESTERN EXPLORATION INC				RECEIVED:		11/23/83 JA: OK			
8408468	15407	3511900000		102-4		BRUCE FINE	MARKHAM	1.0	PARKS ENERGY INVE
8408465	15403	3511900000		102-4		EXXON - HIXSON	MARKHAM	1.0	PARKS ENERGY INVE
8408466	15404	3511921406		102-4		HELLIBON 1-A	MARKHAM	1.0	PARKS ENERGY INVE
8408467	15405	3511921486		102-4		HELLIBON 2	MARKHAM	1.0	PARKS ENERGY INVE
8408463	15408	3511921468		102-4		HUMBLE	MARKHAM	1.0	PARKS ENERGY INVE
8408464	15402	3511921574		102-4		REECE	MARKHAM	1.0	PARKS ENERGY INVE
8408469	15406	3511921469		102-4		STATE #1	MARKHAM	1.0	PARKS ENERGY INVE
-GREAT WESTERN LAND CO INC				RECEIVED:		11/23/83 JA: OK			
8408460	24517	3514300000		103		BUCHFINK #2	BUCHFINK	5.0	DIAMOND S GAS CO
-HARPER OIL COMPANY				RECEIVED:		11/22/83 JA: OK			
8408330	4496	3509300000		108-ER		BLANCHARD UNIT #1	SOONER TREND	0.0	ARKANSAS LOUISIAN
8408329	1813	3504700000		108-ER		MUNKRES #1	S W LAHOMA	0.0	ARKANSAS LOUISIAN
8408350	24485	3507323787		103		VAN HORN #1		22.0	PHILLIPS PETROLEU
-HPC INC				RECEIVED:		11/22/83 JA: OK			
8408403	24568	3501700000		103		REESE #3-6	NORTH CALMUT	0.0	PHILLIPS PETROLEU
-INTERNORTH INC				RECEIVED:		11/22/83 JA: OK			
8408361	24291	3505900000		103		FEE #1	MOCANE LAVERNE	0.0	NORTHERN NATURAL
-JEFFERSON-WILLIAMS ENERGY CORP				RECEIVED:		11/22/83 JA: OK			
8408349	24479	3510321943		103		HAZEL CHESSMORE #1	LONE ELM NORTH	72.0	AMINOIL USA INC
-JOHN A TAYLOR				RECEIVED:		11/22/83 JA: OK			
8408357	21136	3508720564		102-4		WILKINS #2		0.0	WARREN PETROLEUM
-KAISER-FRANCIS OIL COMPANY				RECEIVED:		11/22/83 JA: OK			
8408340	22373	3504321599		102-4	103	CHARBONEAU #1	PUTNAM	305.0	
8408341	22374	3505121338		102-4	103	LINN #1-29	N E VERDEN	298.0	
-KANOKLA ENERGY CORP				RECEIVED:		11/22/83 JA: OK			
8408305	22446	3513322023		102-2		LEE #1	CLAYTON	28.0	KANOKLA ENERGY CO
-KENT M HAMILTON OIL CO				RECEIVED:		11/22/83 JA: OK			
8408397	24596	3512322418		103		HALE #1-A	FITTS	0.0	CONTINENTAL GAS S
-LANCER ENERGY CORP				RECEIVED:		11/22/83 JA: OK			
8408336	21840	3507300000		103		BEEBY #1	SOONER TREND	110.0	EASON OIL CO
-LINDLEY-HOBSON OIL CO				RECEIVED:		11/23/83 JA: OK			
8408452	21867	3503723271		102-4		SPENCER #1	OLIVE	226.0	M P & R PRODUCTIO
-LITTLE RIVER ENERGY CO				RECEIVED:		11/22/83 JA: OK			
8408369	24274	3503723317		103		COX #3	WILDCAT FIELD	18.0	ARCO OIL & GAS CO
-LOCATORS OIL & GAS INC				RECEIVED:		11/22/83 JA: OK			
8408379	24585	3508320851		103		COFFIN #1	W LAURIE	0.7	EASON OIL CO
8408378	24584	3508320861		103		COFFIN #3	W LAURIE	8.0	EASON OIL CO
-MOBIL OIL CORP				RECEIVED:		11/22/83 JA: OK			
8408334	13252	3504900000		108-PB		C LAMBERT #4	GOLDEN TREND	3.4	WARREN PETROLEUM
8408331	6856	3503900000		108-PB		JONES HUNTON UNIT #1	NORTH CUSTER CITY	10.6	NATURAL GAS PIPEL
-MONSANTO COMPANY				RECEIVED:		11/22/83 JA: OK			
8408371	24477	3508720892		103		LESLIE #2	NORTH FREENY	73.0	LONE STAR GAS CO
-MONSANTO COMPANY				RECEIVED:		11/23/83 JA: OK			
8408458	24476	3508720893		103		SARKEY #2	NORTH FREENY	182.0	LONE STAR GAS CO
-NORTH CENTRAL DRILLING CO INC				RECEIVED:		11/22/83 JA: OK			
8408400	24526	3508122046		103		CINDY #1 081-80665	SOUTHWEST STROUD	18.0	WELLSTON NATURAL
-NORTH STAR EXPLORATION CO				RECEIVED:		11/23/83 JA: OK			
8408456	22469	3510920699		102-4		TARA KAY #1		150.0	WESTWIND GAS CO
-OIL WEST DRILLING INC				RECEIVED:		11/22/83 JA: OK			
8408389	24338	3511921558		103		BUCKLES #2	BROYLES	0.0	SUN GAS CO
8408419	24334	3511721815		103		DECKER #2-27	N MARAME	22.0	PHILLIPS PETROLEU
8408321	24336	3511721214		103		JR #1	CLEVELAND	11.0	MID-AMERICA GAS L
8408388	24337	3511721697		103		MOORE #2 (LITTLE JERRY #2)	CLEVELAND	11.0	MID-AMERICA GAS L
-OKLAHOMA DRILLING CORP				RECEIVED:		11/22/83 JA: OK			
8408314	24368	3508321649		108		REIM #1	NONE DESIGNATED	0.0	EASON OIL CO
-OKMAR OIL COMPANY				RECEIVED:		11/22/83 JA: OK			
8408387	24245	3503700000		108		POWELL "C" #20	CUSHING	1.1	ARCO OIL & GAS CO
-OKMAR OIL COMPANY				RECEIVED:		11/23/83 JA: OK			
8408448	24260	3503720254		108		STARR #36	CUSHING	0.6	ARCO OIL & GAS CO
-PHILLIPS OIL OPERATING CO				RECEIVED:		11/22/83 JA: OK			
8408307	22448	3508121456		102-2	103	ADKINS #1		784.8	NORTHWEST CENTRAL
8408306	22447	3508121459		102-2	103	PATRICK #1		1861.5	NORTHWEST CENTRAL
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		11/22/83 JA: OK			
8408393	24475	3504321714		103		CALLIE B #2	ALEDO	0.0	PANHANDLE EASTERN
8408392	24474	3507370629		108		CUNNINGHAM C #1	W OKARCHE	9.0	ONG WESTERN INC
8408328	8302	3501535191		108-PB		DAHL #2	CHICKASHA	13.9	ARKANSAS LOUISIAN
8408391	24473	3501721647		108		SCHROEDER C #1	N CONCHO	3.0	PANHANDLE EASTERN
-PLAINS RESOURCES INC				RECEIVED:		11/22/83 JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8408304	22435	3501722400		102-4		MERRILL #24-1		0.0	PHILLIPS PETROLEU
-RAMBLER OIL CO				RECEIVED:	11/22/83	JA: OK			
8408327	24520	3504921962		103		BRINKLEY #1-20		0.0	WARREN PETROLEUM
8408363	24522	3504922102		103		WAYNE #1-5		0.0	WARREN PETROLEUM
-READING & BATES PETROLEUM CO				RECEIVED:	11/22/83	JA: OK			
8408315	21831	3504721201		108-ER		LANG #1-A AKA LANG #1	MERAMGE & OSAGE FORMA	0.0	GRACE PETROLEUM C
-RED EAGLE OIL CO				RECEIVED:	11/22/83	JA: OK			
8408365	24544	3501121808		103		GRABOW #1	NW OKEENE	306.0	PIONEER GAS PRODU
-RESOURCES INVESTMENT CORPORATION				RECEIVED:	11/22/83	JA: OK			
8408325	24498	3502720635		103		BROCE #2	NW NORMAN	30.0	SUN GAS CO
-RICKELSON OIL & GAS CO				RECEIVED:	11/22/83	JA: OK			
8408318	22470	3506321485		103		DEVINE #1	ADAMS	75.0	OKLAHOMA NATURAL
-RICKS EXPLORATION CO				RECEIVED:	11/23/83	JA: OK			
8408457	22474	3504321646		102-4	103	VAN WINKLE #5-A	HUCMAC	28.0	PHILLIPS PETROLEU
-ROBERT GORDON OIL CO				RECEIVED:	11/22/83	JA: OK			
8408368	22478	3508121680		102-4		GALLOWAY #1	NORTH STROUD	211.0	ALLIED MATERIALS
-SABINE PRODUCTION COMPANY				RECEIVED:	11/22/83	JA: OK			
8408314	24539	3508720891		103		AINSWORTH #1-35	N E LINDSAY	0.0	
-SAMSON RESOURCES COMPANY				RECEIVED:	11/22/83	JA: OK			
8408383	17477	3504320276		102-4		CROSS #1	EAST PUTNAM	35.4	HYDROCARBON SERVI
8408384	17478	3504320286		102-4		LOUISE R CARTER #1	EAST PUTNAM	20.2	HYDROCARBON SERVI
8408382	17401	3504320233		102-4		LOVE UNIT #1	EAST PUTNAM	13.7	HYDROCARBON SERVI
-SANTA FE-ANDOVER OIL CO				RECEIVED:	11/22/83	JA: OK			
8408381	26078	3501521105		107-DP		SHWEN #14-1		720.0	EL PASO NATURAL G
-SCC DEVELOPMENT CO INC				RECEIVED:	11/22/83	JA: OK			
8408344	23033	3511124157		103		TINA #1	BALD HILL	0.0	PHILLIPS PETROLEU
-SENECA OIL COMPANY				RECEIVED:	11/22/83	JA: OK			
8408359	22325	3501722355		102-4		SHAFENBERG #2-17		11.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED:	11/22/83	JA: OK			
8408355	13836	3513921240		108-PB		CRAIG 1-6	CAPLE	16.0	NORTHERN NATURAL
-SOUTHWESTERN EXPLOR CONSULTANTS INC				RECEIVED:	11/22/83	JA: OK			
8408326	24513	3508302224		103		MYERS #1	CRESCENT	0.0	EASON OIL CO
-SPELLER OIL CORP				RECEIVED:	11/22/83	JA: OK			
8408364	24543	3507323684		103		PEGGY 12-1	SOONER TREND	55.0	CONOCO INC
-STRIKER DRILLING CO				RECEIVED:	11/22/83	JA: OK			
8408358	22144	3508121844		103		FENDER #2-A	SOUTH STROUD	360.0	STRIKER DRILLING
8408312	24537	3508122073		103		OLIVER #3-A	BARTLESVILLE FORMATIO	0.0	NATURAL GAS ENTER
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	11/22/83	JA: OK			
8408316	21971	3500700000		108		J H COOPER #1	ELMWOOD	0.0	PHILLIPS PETROLEU
8408319	22896	3512321607		103		MOUNT GILCREASE UNIT #3-16	ALLEN	55.0	ARKANSAS LOUISIAN
8408332	9553	3512920210		108-PB		SCRIVNER #1	REYDON	0.0	KN ENERGY INC
-TENNECO OIL COMPANY				RECEIVED:	11/22/83	JA: OK			
8408362	24515	3505920274		108		S HOVEY UNIT #1-16	MAY EAST	12.0	DELHI GAS PIPELIN
-THE WIL-MC OIL CORP				RECEIVED:	11/22/83	JA: OK			
8408404	24563	3505321024		103		BRANDENBERGER #1	N W MEDFORD	239.0	SUN EXPLORATION &
-TOM F MARSH				RECEIVED:	11/22/83	JA: OK			
8408342	22443	3513900000		108-ER		WRIGHT A-1	S W HOOKER MORROW RES	14.0	NATURAL GAS PIPE
-TOWNER PETROLEUM CO				RECEIVED:	11/22/83	JA: OK			
8408411	22347	3501722433		102-4		CARRIE EVANS #7-1		0.0	PHILLIPS PETROLEU
8408414	22954	3501722464		102-4		CARRIE EVANS #7-2		0.0	PHILLIPS PETROLEU
8408408	26390	3501722266		102-4	103	JACK EVANS #7-1		0.0	PHILLIPS PETROLEU
-TRANS-WESTERN EXPLORATION INC				RECEIVED:	11/22/83	JA: OK			
8408351	24486	3504321317		103		COON #4-10		15.0	PHILLIPS PETROLEU
-TRINEHA INC				RECEIVED:	11/23/83	JA: OK			
8408459	24511	3501722494		103		HALL #1-10	S W MUSTANG	365.0	PHILLIPS PETROLEU
-TXO PRODUCTION CORP				RECEIVED:	11/22/83	JA: OK			
8408360	22498	3513723297		102-3	103	HEFFINGTON #1	WEST MARLOW	1222.0	
8408402	22386	3506120564		102-2	103	HOLLIS #1	BROOKEN	28.0	
8408347	24231	3501121856		103		KARNS "B" #1	GREENFIELD	0.0	DELHI GAS PIPELIN
-TXO PRODUCTION CORP				RECEIVED:	11/23/83	JA: OK			
8408450	20932	3506120535		102-4	103	WEBB #1-35	BROOKEN	108.0	
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:	11/22/83	JA: OK			
8408413	22515	3500920544		102-2		HART 1-30		0.0	
-UTC ENERGY RESOURCES INC				RECEIVED:	11/22/83	JA: OK			
8408323	24360	3514300000		103		BLACK #3		360.0	PHILLIPS PETROLEU
-VAUGHN GOOD OIL CO				RECEIVED:	11/22/83	JA: OK			
8408399	24513	3508100000		103		HELMS #1		0.0	POLL GAS INC
8408401	24529	3505300000		103		WILKEN 1-15		0.0	UNION TEXAS PETRO
-WALKER CORP				RECEIVED:	11/22/83	JA: OK			
8408352	24488	3504922122		103		NESBIT #1	SE ANTIOCH	14.6	WARREN PETROLEUM
-WATKINS PAUL				RECEIVED:	11/23/83	JA: OK			
8408461	22524	3510100000		103		HAWKINS-VIERSEN #5-A	HAWKINS-VIERSEN	20.0	ARTEX ENERGY INC
8408462	22526	3510100000		103		HAWKINS-VIERSEN #7-A	HAWKINS-VIERSEN	20.0	ARTEX ENERGY INC
-WESTSTAR INDUSTRIES INC				RECEIVED:	11/22/83	JA: OK			
8408390	24366	3503725017		103		YANKEE #2		73.0	KERR-MCGEE CORP
-WOODS PETROLEUM CORPORATION				RECEIVED:	11/22/83	JA: OK			
8408370	24468	3501722505		103		THOMAS "A" #2	N COGAR	796.0	NORTHWEST CENTRAL
-WORLDWIDE ENERGY CORPORATION				RECEIVED:	11/22/83	JA: OK			
8408396	24500	3500720481		103		BROWN 2-32	DOMBEY FIELD	110.0	K N ENERGY INC
**********									
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
**********									
-CARL E MCCALL				RECEIVED:	11/23/83	JA: PA			
8408427	21347	3703121246		103		WORTH CAMPBELL #1	PORTER	8.0	APOLLO GAS CO
-CNG DEVELOPMENT CO				RECEIVED:	11/23/83	JA: PA			
8408429	21525	3702120213		102-2		ANDREW J STAHURA #1	SUSQUEHANNA TOWNSHIP	42.0	
8408435	21566	3703321598		102-2		PAUL FULTON JR #3 CNGD #80	BURNSIDE TOWNSHIP	110.0	
-G E BURGLY				RECEIVED:	11/23/83	JA: PA			
8408425	21227	3712922237		103		MARY ANN YURKIN #1	PINE RUN	7.3	T W PHILLIPS OIL
-GEORGE A BURGLY JR				RECEIVED:	11/23/83	JA: PA			
8408434	21552	3705120177		103		WARFEL #1	FAYETTE CITY	25.0	COLUMBIA GAS TRAN
-J C ENTERPRISES				RECEIVED:	11/23/83	JA: PA			
8408443	21589	3706521231		108		CHARLES REED #030-1 JEF-21231	TIMBLIN	18.0	
8408440	21577	3706521240		108		CLOY HUMBLE #033-1 JEF-21240	TIMBLIN	16.0	
8408441	21578	3706322945		108		DOVERSPIKE BROS #001-1 IND-22947	SMICKSBURG	4.1	
8408442	21579	3706322952		108		DOVERSPIKE BROS #002-2 IND 22952	SMICKSBURG	5.7	
8408445	21582	3706521136		108		DOVERSPIKE BROS #004-1 JEF-21136	TIMBLIN	17.5	
8408446	21587	3706521226		108		FRANK REED #026-1 JEF-21226	TIMBLIN	20.0	
8408447		3706521227		108		FRANK REED #027-2 JEF-21227	TIMBLIN	15.0	
8408438	21571	3706521125		108		GLENN CAYLOR #028-1 JEF-21175	TIMBLIN	20.4	
8408439	21572	3706521168		108		J C ENTERPRISES #019-1 JEF-21168	TIMBLIN	3.5	
8408428	19806	3706522419		108		JEF-22419 WILLIAM GRESOCK #180-1	FROSTBURG	10.0	CONSOLIDATED GAS
8408423	20604	3706522426		108		JEF-22426 CLARENCE MURRAY JR #179-1	FROSTBURG	15.7	CONSOLIDATED GAS
8408437	21570	3706521518		108		LULA BLOSE BARNETT #082-1 JEF-21518	NORTH POINT	12.8	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8408444	21581	3706521239		108		STEVE TOTH #034-1 JEF-21239	TIMBLIN	19.0	
-KEYSTONE ENERGY OIL & GAS PRODUCTIO				RECEIVED:	11/23/83	JA: PA			
8408436	21569	3706325382		108		COLOSI #3	INEZ COLOSI	0.0	COLUMBIA GAS TRAN
-PEMCO GAS INC				RECEIVED:	11/23/83	JA: PA			
8408433	21548	3700522767		103		THOMAS SCHAEFFER #2 - PERMIT #22767	W PA UPPER DEVONIAN S	58.3	APOLLO GAS CO
-PENN PROJECTS LTD DRILLING PROGRAM				RECEIVED:	11/23/83	JA: PA			
8408422	20270	3712922130		102-4		JOS J SOVICH #2	EAST MOUNT PLEASANT	25.0	
-PEOPLES NATURAL GAS CO				RECEIVED:	11/23/83	JA: PA			
8408424	21173	3706327480		103		HARRY E BEATTY #4 - IND 27480	W PENNA - UPPER DEVON	16.0	PEOPLES NATURAL G
-PIONEER WESTERN ENERGY CORP				RECEIVED:	11/23/83	JA: PA			
8408426	21336	3712922226		102-2		ORVAL KINNEER	EAST HUNTINGDON	25.0	
-R D WERNER CO INC				RECEIVED:	11/23/83	JA: PA			
8408431	21528	3708520380		102-2		D REAGLE #1-S	SUGAR GROVE	5.0	
8408432	21529	3708520360		103		D REAGLE #1-S	SUGAR GROVE	5.0	
-SANDSTONE RESOURCES INC				RECEIVED:	11/23/83	JA: PA			
8408421	20285	3705921811		102-4		WALTER STOUT #1	RUFF CREEK	36.5	CARNEGIE NATURAL
-VICTORY ENERGY CO				RECEIVED:	11/23/83	JA: PA			
8408428	21363	3703321466		102-2		MILCHAK #5 CLE-21466	BURNSIDE	36.0	COLUMBIA GAS TRAN
8408430	21527	3703321593		102-2		REDSTONE #1 CLE-21593	CHEST	36.0	COLUMBIA GAS TRAN

[FR Doc. 83-33829 Filed 12-20-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1027]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 15, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
ISSUED DECEMBER 15, 1983

VOLUME 1027

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	11/25/83	JA: KS			
8408551	K-82-1393	1517560000		102-4		E PAUL BOLES #1-11	SILVERMAN	0	0 NORTHERN NATURAL
8408550	K-82-1411	1505700000		102-4		MCCUNE "A" #1	MINNEOLA	0	0 KANSAS POWER & LI
-TEXAS ENERGIES INC				RECEIVED:	11/25/83	JA: KS			
8408553	K-83-0488	1518521649		102-4		COPELAND TRUST 1-30	HARTER	55	0 CENTRAL STATES GA
8408554	K-83-0536	1518521729		102-4		MANN 1-21	WILDCAT	200	0 CENTRAL STATES GA
-TXO PRODUCTION CORP				RECEIVED:	11/25/83	JA: KS			
8408552	K-83-0516	1509720324		102-4		CROMER #1	BETZER	75	0 KANSAS GAS SUPPLY
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-ALAN J ANTWEIL				RECEIVED:	11/25/83	JA: NM			
8408610		3002528170		103		DIAMOND #1 1-E-20-T21S-R35E	N SAN SIMON/YATES	73	0 PHILLIPS PETROLEU
-AMAX PETROLEUM CORPORATION				RECEIVED:	11/25/83	JA: NM			
8408684		3003900000		108-PB		BISHOP #2	SOUTH BLANCO	18	0 EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:	11/25/83	JA: NM			
8408736		3004507821		108-PB		ABRAMS GAS COM A #1	AZTEC	0	0 EL PASO NATURAL G
8408774		3004508697		108-PB		ARCHULETA GAS COM A #2	BLANCO	0	0 EL PASO NATURAL G
8408743		3004507926		108-PB		ARMENTA GAS COM A #1	AZTEC	0	0 EL PASO NATURAL G
8408756		3004507926		108-PB		ARMENTA GAS COM A #1	AZTEC	0	0 EL PASO NATURAL G
8408765		3004507926		108-PB		ARMENTA GAS COM A #1	AZTEC	0	0 EL PASO NATURAL G
8408594		3002527960		103		BEST GAS COM #1	UND WOLFCAMP	730	0 PHILLIPS PETROLEU
8408771		3004520374		108-PB		BRUINGTON GAS COM C #1	BASIN	0	0 EL PASO NATURAL G
8408760		3004521147		108-PB		CANDELARIA GAS COM #1	AZTEC	0	0 EL PASO NATURAL G
8408752		3004520953		108-PB		CANEPLE GAS COM B #1	BLANCO	6	0 EL PASO NATURAL G
8408742		3004520984		108-PB		CANEPLE GAS COM C #1	BLANCO	0	0 EL PASO NATURAL G
8408763		3004508004		108-PB		CHAVEZ GAS COM B #1	AZTEC	0	0 EL PASO NATURAL G
8408759		3004523734		108-PB		CHAVEZ GAS COM D #1E	BASIN	0	0 EL PASO NATURAL G
8408749		3004509680		108-PB		CHRISMAN GAS COM #1	BASIN	0	0 EL PASO NATURAL G
8408641		3004507825		108		DAVIS GAS COM "F" #1	BASIN - DAKOTA	10	0 EL PASO NATURAL G
8408638		3004513120		108		DUFF GAS COM "B" #1	FLORA VISTA - MESAVER	13	0 EL PASO NATURAL G
8408627		3004525621		103		EARL B SULLIVAN #2	ARMENTA - GALLUP	11	8
8408744		3004511650		108-PB		GALLEGOS CANYON UNIT #212	BASIN	0	0 EL PASO NATURAL G
8408764		3004511650		108-PB		GALLEGOS CANYON UNIT #212	BASIN	0	0 EL PASO NATURAL G
8408766		3004507996		108-PB		GARCIA GAS COM B #1	BASIN	0	0 EL PASO NATURAL G
8408770		3004507996		108-PB		GARCIA GAS COM B #1	BASIN	0	0 EL PASO NATURAL G
8408773		3004507996		108-PB		GARCIA GAS COM B #1	BASIN	0	0 EL PASO NATURAL G
8408757		3004507911		108-PB		GERK GAS COM #1	BLANCO	0	0 EL PASO NATURAL G
8408754		3004508552		108-PB		HEATH GAS COM F #1	BLANCO	0	0 EL PASO NATURAL G
8408768		3004508552		108-PB		HEATH GAS COM F #1	BLANCO	0	0 EL PASO NATURAL G
8408737		3004521082		108-PB		JAQUEZ GAS COM E #1	BLANCO	0	0 EL PASO NATURAL G
8408640		3004524825		108		KEYS GAS COM "A" #2	BASIN - DAKOTA	12	0 EL PASO NATURAL G
8408751		3004508963		108-PB		LIKENS GAS COM A #2	BLANCO	0	0 EL PASO NATURAL G
8408769		3004508963		108-PB		LIKENS GAS COM A #2	BLANCO	0	0 EL PASO NATURAL G
8408748		3004507786		108-PB		MADDOX GAS COM A #1	AZTEC	0	0 EL PASO NATURAL G
8408750		3004507786		108-PB		MADDOX GAS COM A #1	AZTEC	0	0 EL PASO NATURAL G

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD		PURCHASER
8408772		3004507786		108-PB		MADDOX GAS COM A #1	AZTEC	0	0	EL PASO NATURAL G
8408747		3004508335		108-PB		MARSROW GAS COM #1	BASIN	0	0	EL PASO NATURAL G
8408753		3004521079		108-PB		NYE GAS COM C #1	BLANCO	0	0	EL PASO NATURAL G
8408739		3004521079		108-PB		NYG GAS COM C #1	BLANCO	0	0	EL PASO NATURAL G
8408758		3004507952		108-PB		PRESPENTT GAS COM #1	AZTEC	0	0	EL PASO NATURAL G
8408629		3004525618		103		SANCHEZ GAS COM "C" #1	ARMENTA - GALLUP	0	0	
8408601		3002528169		103		STATE FU #5	AIRSTRIP UPPER BONE S	237	0	WARREN PETROLEUM
8408755		3004509476		108-PB		STATE GAS COM BE #1	BASIN	0	0	EL PASO NATURAL G
8408767		3004509476		108-PB		STATE GAS COM BE #1	BASIN	0	0	EL PASO NATURAL G
8408738		3004508776		108-PB		STATE GAS COM BG #1	BLANCO	0	0	EL PASO NATURAL G
8408740		3004510008		108-PB		STATE GAS COM BJ #1	BASIN	0	0	EL PASO NATURAL G
8408761		3004510008		108-PB		STATE GAS COM BJ #1	BASIN	0	0	EL PASO NATURAL G
8408735		3004520293		108-PB		STATE GAS COM BN #1	BLANCO	0	0	EL PASO NATURAL G
8408745		3004507705		108-PB		STATE GAS COM O #1	BLANCO	0	0	EL PASO NATURAL G
8408741		3004507649		108-PB		STATE OF NEW MEXICO GAS COM D #1	BLANCO	0	0	EL PASO NATURAL G
8408762		3004507649		108-PB		STATE OF NEW MEXICO GAS COM V #1	BLANCO	0	0	EL PASO NATURAL G
8408746		3004509214		108-PB		STEDJE GAS COM #1	BASIN	0	0	EL PASO NATURAL G
-APOLLO ENERGY INC				RECEIVED:	11/25/83	JA: NM				
8408632		3002528197		103		FOWLER "B" #1	HOBBS GRAYBURG SAN AN	35	0	PHILLIPS PETROLEU
-BELCO PETROLEUM CORPORATION				RECEIVED:	11/25/83	JA: NM				
8408618		3001523522		108		CAVALIER #1	NORTH LOVING	0	0	EL PASO NATURAL G
8408642		3001523521		108		KIMBLEY #1	NORTH LOVING	0	0	EL PASO NATURAL G
-BETA DEVELOPMENT CO				RECEIVED:	11/25/83	JA: NM				
8408785		3004500000		108-PB		MYRA CUMMINS #1	BASIN DAKOTA	0	0	EL PASO NATURAL G
-C & E OPERATORS INC				RECEIVED:	11/25/83	JA: NM				
8408788		3004523355		108-PB		MARY SHEPHERD #1	AZTEC-PC	0	0	EL PASO NATURAL G
8408787		3004510064		108-PB		OLIVER #3	AZTEC-PC	0	0	EL PASO NATURAL G
-CONOCO INC				RECEIVED:	11/25/83	JA: NM				
8408651		3002505615		108		STATE A-17 #6	EUMONT-MONUMENT	8	0	WARREN PETROLEUM
8408652		3002500571		108		STATE B #5	BAISH-MALJAMAR-PEARSA	0	9	TRANSWESTERN PIPE
-CONSOLIDATED OIL & GAS INC				RECEIVED:	11/25/83	JA: NM				
8408789		3004500000		108-PB		JAQUEZ #2	BASIN DAKOTA	0	0	EL PASO NATURAL G
-DEPCO INC				RECEIVED:	11/25/83	JA: NM				
8408598		3000561954		102-2		ROSE FEDERAL COM #13	PECOS SLOPES ABO	180	0	TRANSWESTERN PIPE
8408660		3000561954		107-TF		ROSE FEDERAL COM #13	PECOS SLOPES ABO	180	0	TRANSWESTERN PIPE
-DINERO OPERATING CO				RECEIVED:	11/25/83	JA: NM				
8408593		3001522841		102-2		BIG CHIEF COMM #2	DUBLIN RANCH ATOKA	1.3		EL PASO NATURAL G
-DUCAN PRODUCTION CORP				RECEIVED:	11/25/83	JA: NM				
8408624		3004525762		103		GARY C #1	MEADOWS GALLUP	20	0	INTRASTATE GATHER
8408648		3004508865		108		SOUTHWEST MOUNDS COM #1	BASIN DAKOTA	12	0	EL PASO NATURAL G
-EL PASO EXPLORATION CO				RECEIVED:	11/25/83	JA: NM				
8408734		3004521506		108-PB		LAWSON #2	BLANCO	0	0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	11/25/83	JA: NM				
8408666		3004520885		108-PB		ATLANTIC D COM H	BLANCO PC	0	0	EL PASO NATURAL G
8408710		3004520884		108-PB		ATLANTIC D COM J #1	BLANCO PC	0	0	EL PASO NATURAL G
8408727		3004521098		108-PB		ATLANTIC D COM L #13 PC	BLANCO PC	0	0	EL PASO NATURAL G
8408664		3004521098		108-PB		ATLANTIC D COM L #13PC	BLANCO PC	0	0	EL PASO NATURAL G
8408717		3004506150		108-PB		BROOKHAVEN COM D #5	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408709		3004510770		108-PB		BROOKHAVEN COM G #9	BASIN-DAKOTA	0	0	EL PASO NATURAL G
8408699		3004521673		108-PB		BROOKHAVEN COM H #10	BLANCO PC	0	0	EL PASO NATURAL G
8408705		3004506149		108-PB		BURROUGHS COM #1	BLANCO SOUTH	0	0	EL PASO NATURAL G
- 8408728		3004506149		108-PB		BURROUGHS COM #1	BLANCO SOUTH	0	0	EL PASO NATURAL G
8408780		3004511814		108-PB		BURROUGHS COM C #5	BASIN-DAKOTA	0	0	EL PASO NATURAL G
8408729		3004520896		108-PB		CALLISON #1	AZTEC PC	0	0	EL PASO NATURAL G
8408675		3003906148		108-PB		CANYON LARGO UNIT #101	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408645		3004521529		108		CAPERTON #1	BLANCO - PICTURED CLI	14	0	EL PASO NATURAL G
8408674		3004511786		108-PB		FLANINGAM #1	AZTEC PC	0	0	EL PASO NATURAL G
8408706		3003906518		108-PB		HAMILTON COM #1	SOUTH BLANCO	0	0	EL PASO NATURAL G
8408665		3003906515		108-PB		HAMILTON COM A #2	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408673		3003906846		108-PB		HARVEY A #1	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408679		3003906793		108-PB		HARVEY A #2	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408723		3003906036		108-PB		HARVEY STATE #6	BALLARD PC	0	0	EL PASO NATURAL G
8408702		3004511457		108-PB		HEIZER #1	BLANCO-MV	0	0	EL PASO NATURAL G
8408725		3004506070		108-PB		HUERFANITO UNIT #15	BALLARD PC	0	0	EL PASO NATURAL G
8408643		3004505829		108		HUERFANO UNIT #117	BASIN - DAKOTA	16	0	EL PASO NATURAL G
8408704		3004520407		108-PB		HUERFANO UNIT #194	BASIN-DAKOTA	0	0	EL PASO NATURAL G
8408713		3003920539		108-PB		JOHNSTON A #14	OTERO-CHACRA	0	0	EL PASO NATURAL G
8408701		3003906222		108-PB		JOHNSTON A #4	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408707		3003905573		108-PB		LINDRITH UNIT #49	SOUTH BLANCO	0	0	EL PASO NATURAL G
8408708		3004521672		108-PB		RANDLEMAN #2	BLANCO PC	0	0	EL PASO NATURAL G
8408726		3003907063		108-PB		RINCON UNIT #104	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408724		3003907054		108-PB		RINCON UNIT #163	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408718		3003920691		108-PB		RINCON UNIT #194	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408711		3003920658		108-PB		RINCON UNIT #198	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408663		3003907047		108-PB		RINCON UNIT #21	BLANCO MV	0	0	EL PASO NATURAL G
8408731		3003907047		108-PB		RINCON UNIT #21	BLANCO	0	0	EL PASO NATURAL G
8408714		3003906838		108-PB		RINCON UNIT #25	SOUTH BLANCO	0	0	EL PASO NATURAL G
8408678		3003906766		108-PB		RINCON UNIT #31	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408712		3003906778		108-PB		RINCON UNIT #45	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408720		3003906978		108-PB		RINCON UNIT #53	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408719		3003960067		108-PB		SAN JUAN 225 UNIT #29 PC & MV	TAPACITO PC & BLANCO	0	0	EL PASO NATURAL G
8408732		3003906966		108-PB		SAN JUAN 27-4 UNIT MV & PC #23	TAPACITO & BLANCO	0	0	EL PASO NATURAL G
8408667		3003900000		108-PB		SAN JUAN 27-4 UNIT MV&PC #23	TAPACITO PC	0	0	EL PASO NATURAL G
8408733		3003920613		108-PB		SAN JUAN 27-5 UNIT # 156	TAPACITO	0	0	EL PASO NATURAL G
8408669		3003920486		108-PB		SAN JUAN 27-5 UNIT #134	TAPACITO PC	0	0	EL PASO NATURAL G
8408662		3003960067		108-PB		SAN JUAN 27-5 UNIT #29PC&MV	BLANCO MV	0	0	EL PASO NATURAL G
8408670		3003906828		108-PB		SAN JUAN 27-5 UNIT #36 PC & MV	TAPACITO PC	0	0	EL PASO NATURAL G
8408672		3003920890		108-PB		SAN JUAN 28-6 UNIT #188	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408730		3003920683		108-PB		SAN JUAN 28-7 UNIT # 171 CH & PC	SOUTH BLANCO & LARGO	0	0	EL PASO NATURAL G
8408721		3003920683		108-PB		SAN JUAN 28-7 UNIT #171 CH & PC	SOUTH BLANCO & LARGO	0	0	EL PASO NATURAL G
8408671		3003921637		108-PB		SAN JUAN 28-7 UNIT #250	BASIN DAKOTA	0	0	EL PASO NATURAL G
8408676		3003900000		108-PB		SAN JUAN 28-7 UNIT #50	SOUTH BLANCO PC	0	0	EL PASO NATURAL G
8408703		3003900000		108-PB		SAN JUAN 30-6 UNIT #41	BLANCO MV	0	0	EL PASO NATURAL G
8408722		3003907983		108-PB		SAN JUAN 32-5 UNIT #10	BLANCO MV	0	0	EL PASO NATURAL G
- 8408668		3004508707		108-PB		SCHULTZ COM C #7	AZTEC PC	0	0	EL PASO NATURAL G
8408715		3004508388		108-PB		SCHULTZ COM D #8	AZTEC PC	0	0	EL PASO NATURAL G
8408716		3004505853		108-PB		THREE STATES A COM #1	BALLARD PC	0	0	EL PASO NATURAL G
8408677		3004505611		108-PB		WILSON A #2	BALLARD PC	0	0	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED:	11/25/83	JA: NM				
8408658		3001524122		107-TF		NEW MEXICO DE STATE COM #1	UNDESIG ANTELOPE SINK	263	0	
-GETTY OIL COMPANY				RECEIVED:	11/25/83	JA: NM				
8408612		3002500000		108		H L BATTON #1	LOVINGTON PADDOCK	2	0	PHILLIPS PETROLEU
- 8408781		3004500000		108-PB		HOBBS C #1	BLANCO PC	0	0	EL PASO NATURAL G
- 8408782		3004506889		108-PB		HOBBS C #1	SO BLANCO PC	0	0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-GULF OIL CORPORATION				RECEIVED:	11/25/83	JA: NM			
8408654		3002504748		108		ARNOTT-RAMSAY (NCT-C) #15	EUMONT OIL	10.4	PHILLIPS PETROLEU
8408620		3002525051		108		ARNOTT-RAMSAY (NCT-F) #13	JUSTIS TUBB DRINKARD	3.7	EL PASO NATURAL G
8408613		3002506274		108		BELL RAMSAY (NCT-B) #3	EUMONT	20.0	NORTHERN NATURAL
8408596		3002526444		108		CENTRAL DRINKARD UNIT #425	DRINKARD	4.8	EL PASO NATURAL G
8408783		3001522365		108-PB		EDDY "GK" STATE COM #2	PENASCO DRAW MORROW	10.3	EL PASO NATURAL G
8408656		3002504610		108		R R BELL (NCT-E) #2	EUNICE MONUMENT	7.1	PHILLIPS PETROLEU
-HNG OIL COMPANY				RECEIVED:	11/25/83	JA: NM			
8408591		3001524429		102-3		LOVING 1 STATE #2	BLACK RIVER MORROW	300.0	TRANSWESTERN PIPE
-MANANA GAS INC				RECEIVED:	11/25/83	JA: NM			
8408784		3004522857		108-PB		GIGI #1	AZTEC - FRUITLAND	0.0	EL PASO NATURAL G
-MERRION OIL & GAS CORP				RECEIVED:	11/25/83	JA: NM			
8408623		3003923057		103		CANADA MESA COM #4-E	BASIN DAKOTA	172.5	NORTHWEST PIPELIN
8408603		3004525580		103		JALAPENO #1	DUFERS POINT GALLUP D	11.3	NORTHWEST PIPELIN
8408616		3004500000		108		OSBORN #1	FLORA VISTA MESAVERDE	3.0	EL PASO NATURAL G
-MESA PETROLEUM CO				RECEIVED:	11/25/83	JA: NM			
8408659		3000561395		102-2		ACHE COM #12	PECOS SLOPE ABO	60.0	
8408609		3001524495		103		HONDO FEE #2	AVALON DELAWARE	0.0	
8408592		3000561821		102-4		MESA STATE COM #2	DIAMOND MOUND ATOKA-M	970.0	NORTHERN NATURAL
8408634		3001524316		103		MOORE FEDERAL COM #1E	WHITE CITY PENN	1802.0	NATURAL GAS PIPEL
-MILLARD DECK				RECEIVED:	11/25/83	JA: NM			
8408605		3002526536		103		SHELL STATE #3	JALMAT YATES SEVEN RI	55.0	EL PASO NATURAL G
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	11/25/83	JA: NM			
8408680		3002506123		108		GENERAL G STATE #1	EUMONT-QUEEN GAS EUNI	21.0	NORTHERN NATURAL
-NORTHWEST CENTRAL PIPELINE CORP				RECEIVED:	11/25/83	JA: NM			
8408597		3002528255		103		FELTON #3	EUMONT YATES - SEVEN	71.0	
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	11/25/83	JA: NM			
8408698		3004511480		108-PB		AZTEC #2	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8408687		3004521484		108-PB		HOLT #4	BLANCO PICTURED CLIFF	0.0	NORTHWEST PIPELIN
8408694		3003906881		108-PB		ROSA UNIT 26	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8408685		3003921053		108-PB		SAN JUAN 29-5 UNIT NP 71	BASIN DAKOTA	0.0	EL PASO NATURAL G
8408689		3003907472		108-PB		SAN JUAN 29-5 UNIT 38	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8408690		3003907472		108-PB		SAN JUAN 29-5 UNIT 38	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8408697		3003907472		108-PB		SAN JUAN 29-5 UNIT 38	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8408688		3003908076		108-PB		SAN JUAN 29-6 UNIT NP 96	BASIN DAKOTA	0.0	EL PASO NATURAL G
8408682		3003922679		107-TF		SAN JUAN 30-5 UNIT #77	BASIN DAKOTA	75.6	NORTHWEST PIPELIN
8408691		3003922678		108-PB		SAN JUAN 30-5 UNIT 41	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8408686		3003921277		108-PB		SAN JUAN 30-5 UNIT 58	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8408607		3003922989		103		SAN JUAN 31-6 UNIT #42	BASIN DAKOTA	80.1	NORTHWEST PIPELIN
8408606		3003923123		103		SAN JUAN 31-6 UNIT 646	BASIN DAKOTA	93.5	NORTHWEST PIPELIN
8408696		3003907929		108-PB		SAN JUAN 31-6 UNIT 10	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8408661		3004523834		107-TF		SAN JUAN 32-7 UNIT #55	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8408683		3004524579		107-TF		SAN JUAN 32-7 UNIT #67	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8408693		3004522165		108-PB		SAN JUAN 32-7 UNIT COM 24	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8408695		3004522165		108-PB		SAN JUAN 32-7 UNIT COM 24	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8408692		3004511231		108-PB		SAN JUAN 32-8 UNIT 28	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
-PHILLIPS OIL CO				RECEIVED:	11/25/83	JA: NM			
8408625		3001524485		103		ILLINOIS CAMP A COM WELL #1	EMPIRE PENN GAS	953.0	
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	11/25/83	JA: NM			
8408649		3002526517		108		E VAC GB/SA U TR 2864 #001	VACUUM GB/SA	1.0	EL PASO NATURAL G
8408647		3002502985		108		E VAC GB/SA UNIT TR 3332 #021	VACUUM GB/SA	1.0	EL PASO NATURAL G
8408646		3002503059		108		E VAC GB/SA UNIT TRACT 0524 #093	VACUUM GB/SA	9.0	EL PASO NATURAL G
8408626		3002527978		103		LEAMEX #34	MALJAMAR GRAYBURG/SAN	70.0	EL PASO NATURAL G
-SIMS OIL CO INC				RECEIVED:	11/25/83	JA: NM			
8408786		3004513089		108-PB		COOK #2	AZTEC FRUITLAND	0.0	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO				RECEIVED:	11/25/83	JA: NM			
8408776		3004500000		108-PB		ALBINO CANYON #1	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8408635		3004525337		107-TF		CALLOWAY #3	BASIN	75.0	SOUTHERN UNION GA
8408775		3004511224		108-PB		CULPEPPER MARTIN #2	BLANCO	0.0	SOUTHERN UNION GA
8408628		3001523851		103		DINERO STATE COMM #1	DUBLIN RANCH	80.0	EL PASO NATURAL G
8408630		3002528195		103		SCHARB "9" COM #2	SCHARB	80.0	WARREN PETROLEUM
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	11/25/83	JA: NM			
8408681		3001500000		108		E MILLMAN UNIT #4-5	MILLMAN	0.0	PHILLIPS PETROLEU
8408617		3002500000		108		S E CONE #1	BLINEBRY TUBB DRINKAR	9.0	WARREN PETROLEUM
8408653		3002500000		108		STATE "A" A/C2 #10	EUNICE SOUTH	6.0	PHILLIPS PETROLEU
8408615		3002500000		108		STATE "A" AC/2 #46	EUNICE SOUTH	6.0	PHILLIPS PETROLEU
-TAMARACK PETROLEUM CO INC				RECEIVED:	11/25/83	JA: NM			
8408599		3002528205		103		SAUNDERS - STATE #1	SAUNDERS (PERMO-PENN)	32.0	WARREN PETROLEUM
8408600		3002528206		103		SAUNDERS STATE "A" #1	SAUNDERS (PERMO-PENN)	28.0	WARREN PETROLEUM
-TENNECO OIL COMPANY				RECEIVED:	11/25/83	JA: NM			
8408637		3004523608		107-TF		JACQUEZ 3	BASIN DAKOTA	500.0	EL PASO NATURAL G
8408602		3004525462		103		RIDDLE COM A 1M	BASIN DAKOTA	51.0	EL PASO NATURAL G
8408608		3004525462		103		RIDDLE COM A 111	BLANCO MESAVERDE	78.9	EL PASO NATURAL G
8408636		3004523587		107-TF		SHEETS COM #1	BASIN DAKOTA	12.0	EL PASO NATURAL G
8408780		3004523587		108-PB		SHEETS COM #1	BASIN DAKOTA	0.0	EL PASO NATURAL G
8408778		3004511775		108-PB		STATE COM LL #12	BLANCO PC	0.0	EL PASO NATURAL G
8408779		3004511775		108-PB		STATE COM LL #12	BLANCO PC	0.0	EL PASO NATURAL G
8408650		3004524508		107-TF		TURNER "B" COM #2	BASIN DAKOTA	500.0	EL PASO NATURAL G
-TEXACO INC				RECEIVED:	11/25/83	JA: NM			
8408604		3002528236		103		NEW MEXICO "AN" STATE #11	SAUNDERS PERMO UPPER	319.0	WARREN PETROLEUM
8408777		3004508921		108-PB		NEW MEXICO COM G #1	BLANCO PC	0.0	EL PASO NATURAL G
-UNION TEXAS PETROLEUM				RECEIVED:	11/25/83	JA: NM			
8408631		3004524556		103		NEW MEXICO 'B' COM #1-E	BLOOMFIELD CHACRA	328.5	NORTHWEST PIPELIN
-W A MONCRIEF JR				RECEIVED:	11/25/83	JA: NM			
8408622		3002500000		102-4		YATES STATE #1	UNDESIGNATED	0.0	PHILLIPS PETROLEU
-WALLACE OIL & GAS INC				RECEIVED:	11/25/83	JA: NM			
8408595		3000500000		103	107-TF	PAYTON #1	WILDCAT ABO	565.4	TRANSWESTERN PIPE
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	11/25/83	JA: NM			
8408614		3002525045		108		ALICE PADDOCK #7	WANTZ GRANITE WASH	1.2	EL PASO NATURAL G
8408657		3002527055		108		ALICE PADDOCK #9	WANTZ GRANITE WASH	7.3	EL PASO NATURAL G
8408639		3002512200		108		H V PIKE #1	TUBB & BLINEBRY	7.9	EL PASO NATURAL G
8408655		3002525507		108		HARRY LEONARD (NCT-C) #19	TUBB	2.5	EL PASO NATURAL G
8408644		3002505766		108		J R PHILLIPS #1	EUNICE MONUMENT	13.5	EL PASO NATURAL G
8408611		3002528228		103		LEA "CK" STATE (NCT-B) #1	SAUNDERS PERMO UPPER	0.0	EL PASO NATURAL G
8408598		3002528241		103		LEA "IZ" STATE #2	SCHARB BONE SPRINGS	0.0	EL PASO NATURAL G
8408619		3002510064		108		LEE STEBBINS (NCT-A) #3	BLINEBRY & DRINKARD	7.1	EL PASO NATURAL G
8408621		3002525355		108		LEE STEBBINS (NCT-A) #4	DRINKARD	15.8	EL PASO NATURAL G
-WESTERN OIL PRODUCERS INC				RECEIVED:	11/25/83	JA: NM			
8408633		3002500000		103		STATE MIS #3	SCHARB WOLFCAMP	36.5	WARREN PETROLEUM
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ACTION PETROLEUM INC				RECEIVED:	11/23/83	JA: OH			
8408470		3413323091		102-4	103	MYERES #3	ATWATER	7.2	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-AKRON OIL CORP				RECEIVED:	11/23/83	JA: OH			
8408471		3412726016		107-TF		STORTS #1	SALT LICK	10.0	
-APPALACHIAN EXPLORATION INC				RECEIVED:	11/23/83	JA: OH			
8408474		3415321515		107-TF		ANEPA CLUB UNIT #1	COPLEY	71.5	
8408472		3410323246		107-TF		KERNAN UNIT #1	WADSWORTH	16.4	
8408473		3415321334		107-TF		LEMON UNIT #1	NORTON	27.4	
-ATLAS ENERGY GROUP INC				RECEIVED:	11/23/83	JA: OH			
8408476		3415322379		102-2	107-TF	J & L STEEL #1	BROOKFIELD	0.0	COLUMBIA GAS TRAN
8408475		3408320447		103	107-TF	PALMER UNIT #1	PERRY	0.0	OHIO STEEL TUBE
-ATWOOD RESOURCES INC				RECEIVED:	11/23/83	JA: OH			
8408477		3403125075		103	107-TF	VICTOR CROFT #4	NEW BEDFORD	15.0	
-B & K DRILLING CO				RECEIVED:	11/23/83	JA: OH			
8408478		3415322395		107-TF		PANNUNZIO - HERROCK #2	VIENNA	15.0	EAST OHIO GAS CO
8408479		3415322396		107-TF		ZYRLICK #1	VIENNA	15.0	EAST OHIO GAS CO
-BANDS COMPANY INC				RECEIVED:	11/23/83	JA: OH			
8408480		3407523086		107-TF		THOMPSON #1	KILLBUCK	1.5	COLUMBIA GAS TRAN
-BILL BLAIR INCORPORATED				RECEIVED:	11/23/83	JA: OH			
8408481		3402920975		103	107-TF	KOLM #1	HOMEWORTH	14.0	EAST OHIO GAS CO
8408482		3402920979		103	107-TF	STOFFER #9	HANOVERTON	10.0	EAST OHIO GAS CO
-CALLANDER & KIMBREL INC				RECEIVED:	11/23/83	JA: OH			
8408483		3400722326		107-TF		ORCS #2	PLYMOUTH	2.0	
-CLINTON OIL CO				RECEIVED:	11/23/83	JA: OH			
8408543		3400722265		107-TF		FANNIE WEAVER SMALL #1-693	NEW LYME	10.0	
-DOME PRODUCING				RECEIVED:	11/23/83	JA: OH			
8408486		3409321226		107-TF		HITCHCOCK-SCHOOL BOARD #1 UNIT	COLUMBIA	3.0	COLUMBIA GAS TRAN
8408485		3409321223		107-TF		HOLLAN #1	COLUMBIA	25.0	COLUMBIA GAS TRAN
8408487		3410323453		107-TF		KOBAK-APPLE #1 UNIT	HINCKLEY	15.0	
8408484		3409321219		107-TF		STUMPF #1	COLUMBIA	10.0	COLUMBIA GAS TRAN
-GASEARCH INC				RECEIVED:	11/23/83	JA: OH			
8408488		3415321466		103	107-TF	GOLDEN LINKS #11	BOSTON	20.0	GAS OHIO TRANSPOR
8408490		3415321484		103	107-TF	GOLDEN LINKS #17	NORTHFIELD	20.0	GAS OHIO TRANSPOR
8408489		3415321482		103	107-TF	GOLDEN LINKS #23	NORTHFIELD CENTER	20.0	GAS OHIO TRANSPOR
-INTEGRATED PETROLEUM COMPANY INC				RECEIVED:	11/23/83	JA: OH			
8408491		3405520376		107-TF		HALL #1	MIDDLEFIELD	0.0	
-JADWIN ENERGY MANAGEMENT INC				RECEIVED:	11/23/83	JA: OH			
8408492A		3408323370		103		BRECKLER #1	UNION	141.2	EAST OHIO GAS CO
8408492B		3408323370	D	107-TF		BRECKLER #1	UNION	141.2	EAST OHIO GAS CO
-JERRY MOORE INC				RECEIVED:	11/23/83	JA: OH			
8408493		3403125133		107-TF		DAN R MILLER #6269	NEW BEDFORD	5.0	COLUMBIA GAS TRAN
8408494		3407524065		107-TF		VERNON J TROYER #1-20	NEW BEDFORD	20.0	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC				RECEIVED:	11/23/83	JA: OH			
8408495		3415321265		103	107-TF	CARLSON #1	CRAWFORD	40.0	
8408499		3415321371		103	107-TF	DARROW ROAD CO #1	BATH	40.0	
8408496		3415321327		103	107-TF	TWIN-O-FARMS #1	CLARK	45.0	
8408500		3415321372		103	107-TF	VAUGHN #1	NORTHAMPTON	45.0	
8408498		3415321369		103	107-TF	VAUGHN #2	TWINSBURG	50.0	
8408501		3415321379		103	107-TF	VAUGHN #3	TWINSBURG	35.0	
8408497		3415321362		103	107-TF	WILLS #1	HUDSON	40.0	
-LAKE REGION OIL INC				RECEIVED:	11/23/83	JA: OH			
8408508		3407523923		103	107-TF	BRUCE SCHANTZ #4	KILLBUCK	10.0	COLUMBIA GAS TRAN
8408505		3407523880		103	107-TF	JOHN CONKLE #3	MECHANIC	10.0	COLUMBIA GAS TRAN
8408504		3407523864		103	107-TF	JONAS YODER #1	CLARK	10.0	COLUMBIA GAS TRAN
8408502		3407520472		103	107-TF	NOAH J RABER #2	MECHANIC	10.0	COLUMBIA GAS TRAN
8408506		3407523914		103	107-TF	RALPH & GEORGE STRAITS #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8408503		3407523678		103	107-TF	RALPH & GEORGE STRAITS #5	KILLBUCH	10.0	COLUMBIA GAS TRAN
8408507		3407523919		103	107-TF	RUSSELL MADISON JR #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED:	11/23/83	JA: OH			
8408509		3405520524		107-TF		B ARMSTRONG #2	CLARIDON	35.0	EAST OHIO GAS CO
8408511		3415322312		107-TF		C BATES #3	MESOPOTAMIA	30.0	CNG DEVELOPMENT C
8408510		3405520543		107-TF		L BENSON & M HESS #1	CLARIDON	30.0	EAST OHIO GAS CO
-M B OPERATING CO INC				RECEIVED:	11/23/83	JA: OH			
8408512		3407521603		108		B TROYER U #13		0.0	RESOURCE EXPLORAT
-MOUNTAIN GAS VIRGINIA LTD				RECEIVED:	11/23/83	JA: OH			
8408513		3415321322		103	107-TF	TURNBLACER/TESKOO UNIT #1	HUDSON	0.0	POI ENERGY INC
-NEW FRONTIER EXPLORATION INC				RECEIVED:	11/23/83	JA: OH			
8408514		3405923483		103	107-TF	BERNADINE ROBERTS #1	LIBERTY	0.0	YANKEE RESOURCES
8408516		3415723792		103	107-TF	NEWELL-SHIVELY-YOUNGEN UNIT #1	FAIRFIELD	0.0	YANKEE RESOURCES
8408515		3411926517		103	107-TF	ROBERT MASON #1	UNION	0.0	YANKEE RESOURCES
-NOBLE OIL CORP				RECEIVED:	11/23/83	JA: OH			
8408518		3413323011		107-TF		EHASZ #1	EDINBURG	20.0	GENERAL ELECTRIC
8408517		3413322780		107-TF		HARNESS #1	PALMYRA	20.0	GENERAL ELECTRIC
-PARTNERS PETROLEUM INC				RECEIVED:	11/23/83	JA: OH			
8408519		3413322942		107-TF		DAVIS #1	AURORA	12.0	YANKEE RESOURCES
-PENN-OHIO ENERGY CORP				RECEIVED:	11/23/83	JA: OH			
8408520		3405520545		107-TF		JOAN DETTELBACH #1	CLARIDON TOWNSHIP	0.0	EAST OHIO GAS CO
-POI ENERGY INC				RECEIVED:	11/23/83	JA: OH			
8408521		3408722290		103	107-TF	KAMPF-HORRIGAN #1	ROME	32.0	
8408523		3413323062		103	107-TF	L WILLIAMS #NO-1	AURORA	40.0	
8408522		3405520467		103	107-TF	MITCHELL UNIT #1	BAINBRIDGE	35.0	
-POMINEX INC				RECEIVED:	11/23/83	JA: OH			
8408526		3409921626		103	107-TF	D P D ENTERPRISES INC #1	BEAVER	18.0	YANKEE RESOURCES
8408525		3409920000		103	107-TF	ELSER #1	BEAVER	18.0	YANKEE RESOURCES
8408524		3409921621		103	107-TF	ELSER #3	BEAVER	18.0	YANKEE RESOURCES
-POWER RESOURCES OPERATING CO INC				RECEIVED:	11/23/83	JA: OH			
8408527		3401921648		103	107-TF	BOYLE #1	HARRISON	0.0	M B OPERATING CO
8408529		3415723911		103	107-TF	CLARKE #2	RUSH	0.0	
8408528		3415723910		103	107-TF	FOUTS #2	RUSH	0.0	
-RSC ENERGY CORP				RECEIVED:	11/23/83	JA: OH			
8408531		3409921582		103	107-TF	AMERICAN FIRE CLAY CORP-AFC #19	CANFIELD	33.5	REPUBLIC STEEL CO
8408532		3409921583		103	107-TF	AMERICAN FIRE CLAY CORP-AFC #20	CANFIELD	31.0	REPUBLIC STEEL CO
8408533		3409921584		103	107-TF	AMERICAN FIRE CLAY CORP-AFC #21	CANFIELD	35.0	REPUBLIC STEEL CO
8408530		3409921506		103	107-TF	AMERICAN FIRE CLAY CORP-AFC #5	BEAVER	29.0	REPUBLIC STEEL CO
8408534		3411925949		103	107-TF	CONSOLIDATION COAL - CR #24	WASHINGTON	15.0	REPUBLIC STEEL CO
8408535		3411925971		103	107-TF	CONSOLIDATION COAL-CR #27	WASHINGTON	14.0	REPUBLIC STEEL CO
8408536		3411926649		103	107-TF	CONSOLIDATION COAL-CR #65	MADISON	10.5	REPUBLIC STEEL CO
8408537		3411926663		103	107-TF	CONSOLIDATION COAL-CR #69	MADISON	16.0	REPUBLIC STEEL CO
-SHONGUM OIL & GAS INC				RECEIVED:	11/23/83	JA: OH			
8408538		3410323203		107-TF		HUDDILSTON #1	SHARON	50.0	YANKEE RESOURCES
8408539		3410323362		107-TF		KAMMER #2	SHARON	57.0	YANKEE RESOURCES
-STARK OILFIELD SERVICES INC				RECEIVED:	11/23/83	JA: OH			
8408540		3400722333		103	107-TF	EASOIL INC #2	LENOX	30.0	
-STRATA CORP				RECEIVED:	11/23/83	JA: OH			
8408541		3412725505		103	107-TF	MCELWEE #5	HARRISON	20.0	TEXAS EASTERN TRA
-THE BENATTY CORPORATION				RECEIVED:	11/23/83	JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8408542		3400922784		103	107-TF	W PAE #2	LODI	15.0	COLUMBIA GAS TRAN
-TIGER OIL INC				RECEIVED: 11/23/83		JA: OH			
8408545		3412123059		103	107-TF	A STILL #1	NOBLE	20.0	EAST OHIO GAS CO
8408544		3411521369		103	107-TF	I RHOADS #2-A	BRISTOL	20.0	EAST OHIO GAS CO
-TITAN ENERGY CORP				RECEIVED: 11/23/83		JA: OH			
8408546		3415522368		103	107-TF	J O'BRIEN #1	BROOKFIELD	20.0	ATLAS ENERGY GROU
8408547		3415522369		103	107-TF	J O'BRIEN #2	BROOKFIELD	20.0	ATLAS ENERGY GROU
-VIKING RESOURCES CORP				RECEIVED: 11/23/83		JA: OH			
8408548		3408520479		103	107-TF	KIEFFER UNIT #1	MADISON	30.0	
**********									
TEXAS RAILROAD COMMISSION									
**********									
-RESOURCES INVESTMENT CORPORATION				RECEIVED: 11/18/83		JA: TX			
8407913	F-01-073609	42466530391		102-4		KINCAID #1-12	WILL O NORTH (WOLFCAM	70.3	AMERICAN PIPELINE
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
**********									
-CHEVRON U S A INC				RECEIVED: 11/25/83		JA: LA 3			
8408562	G2-3362	1770840476		102-5		OCS-G-3258 #2	WEST CAMERON	1825.0	
8408579	G3-3613	1770840375		102-5		OCS-G-1971 #10	WEST CAMERON	547.0	NATURAL GAS PIPEL
-CONOCO INC				RECEIVED: 11/25/83		JA: LA 3			
8408563	G3-3770	1772440225		102-1		MAIN PASS BLK 303 #B-2	MAIN PASS BLOCK	5.0	SOUTHERN NATURAL
8408584	G2-3249	1770940392		102-5		SOUTH MARSH ISLAND 136 B-2	SOUTH MARSH ISLAND	2048.0	MICHIGAN WISCONSI
8408585	G2-3252	1770840420		102-5		S MARSH ISL 136 B-5 SIDETRACK #1	SOUTH MARSH ISLAND	946.0	MICHIGAN WISCONSI
8408566	G2-3256	1770840506		102-5		S MARSH ISL 137 B-10 SIDETRACK #1	SOUTH MARSH ISLAND	2097.0	MICHIGAN WISCONSI
-EXXON CORPORATION				RECEIVED: 11/25/83		JA: LA 3			
8408569	G3-3552	1771540499		102-5		OCS-G 1251 #E-12	SOUTH TIMBALIER	3450.0	TRUNKLINE GAS CO
8408583	G3-3983	1770640536		102-1		OCS-G 4261 #A-11	VERMILION	180.0	TRANSCONTINENTAL
8408556	G3-3982	1770640528		102-1		OCS-G 4261 #A-5 ST	VERMILION	110.0	TRANSCONTINENTAL
8408560	G3-3984	1770640538		102-1		OCS-G 4261 #A-6	VERMILION	85.0	TRANSCONTINENTAL
-FOREST OIL CORPORATION				RECEIVED: 11/25/83		JA: LA 3			
8408573	G3-3474	1771041008		102-5		EUGENE ISLAND BLOCK 287 D-11D	EUGENE ISLAND	730.0	COLUMBIA GAS TRAN
-GULF OIL CORPORATION				RECEIVED: 11/25/83		JA: LA 3			
8408555	G3-3680	1772040050		102-5		OCS-G 1101 WELL F-13 W/D BLK 117	WEST DELTA	60.0	TEXAS EASTERN TRA
-MARATHON OIL COMPANY				RECEIVED: 11/25/83		JA: LA 3			
8408588	G2-3224	1770440416		102-5		EAST CAMERON BLK 294 WELL A-4B	EAST CAMERON	0.9	TEXAS EASTERN TRA
8408577	G3-3540	1770240509		102-5		WEST CAMERON BLOCK 540 #A-7A	WEST CAMERON	2316.0	NATURAL GAS PIPEL
8408572	G2-3345	1771940169		102-5		WEST DELTA BLOCK 86 WELL A-I	WEST DELTA	3650.0	TEXAS EASTERN TRA
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED: 11/25/83		JA: LA 3			
8408565	G3-3717	1771140393		102-5		SHIP SHOAL 63 #K - IA	SHIP SHOAL	654.0	TRANSCONTINENTAL
8408558	G3-3728	1771140393		102-5		SHIP SHOAL 63 #K-1B (ALT)	SHIP SHOAL	700.0	TRANSCONTINENTAL
-ODECO OIL & GAS CO				RECEIVED: 11/25/83		JA: LA 3			
8408580	G3-3597	1771140661		102-5		OCS-3164 #4A	SHIP SHOAL	550.0	MICHIGAN-WISCONSI
8408574	G3-3508	1771140623		102-5		OCS-3164 NO 6A	SHIP SHOAL	550.0	MICHIGAN-WISCONSI
-SHELL OFFSHORE INC				RECEIVED: 11/25/83		JA: LA 3			
8408576	G3-3537	1770840507		102-5		OCS-G 2280 D-17	SOUTH MARSH ISLAND	150.0	TRANSCONTINENTAL
8408570	G3-3492	1770840521		102-5		OCS-G 2280 D-23	SOUTH MARSH ISLAND	150.0	TRANSCONTINENTAL
8408564	G3-3493	1770840522		102-5		OCS-G 2280 D-24	SOUTH MARSH ISLAND	50.0	TRANSCONTINENTAL
8408575	G3-3494	1770840591		102-5		OCS-G 2280 D-36	SOUTH MARSH ISLAND	71.0	TRANSCONTINENTAL
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-SONAT EXPLORATION CO				RECEIVED: 11/25/83		JA: LA 3			
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-SUPERIOR OIL CO				RECEIVED: 11/25/83		JA: LA 3			
8408571	G2-3297	1770040550		102-5		OCS 0246 #L-1	WEST CAMERON	3000.0	TEXAS EASTERN TRA
-TENNECO OIL COMPANY				RECEIVED: 11/25/83		JA: LA 3			
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-TEXOMA PRODUCTION CO				RECEIVED: 11/25/83		JA: LA 3			
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-ARCO OIL AND GAS COMPANY				RECEIVED: 11/25/83		JA: TX 3			
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8408586	G3-3958	4270340101		102-1		OCS G-3733 MATAGORDA ISL 703 #A-1D	MATAGORDA ISLAND	910.0	SOUTHERN NATURAL
8408587	G3-3963	4270340158		102-1		OCS G-3733 MATAGORDA ISL 703 #A-6	MATAGORDA ISLAND	550.0	SOUTHERN NATURAL
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-MCMORAN OFFSHORE EXPLORATION CO				RECEIVED: 11/25/83		JA: TX 3			
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-SAMEDAN OIL CORPORATION				RECEIVED: 11/25/83		JA: TX 3			
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** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, TULSA,OK									
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-JUMAS OIL CORP				RECEIVED: 11/23/83		JA: OK 6			
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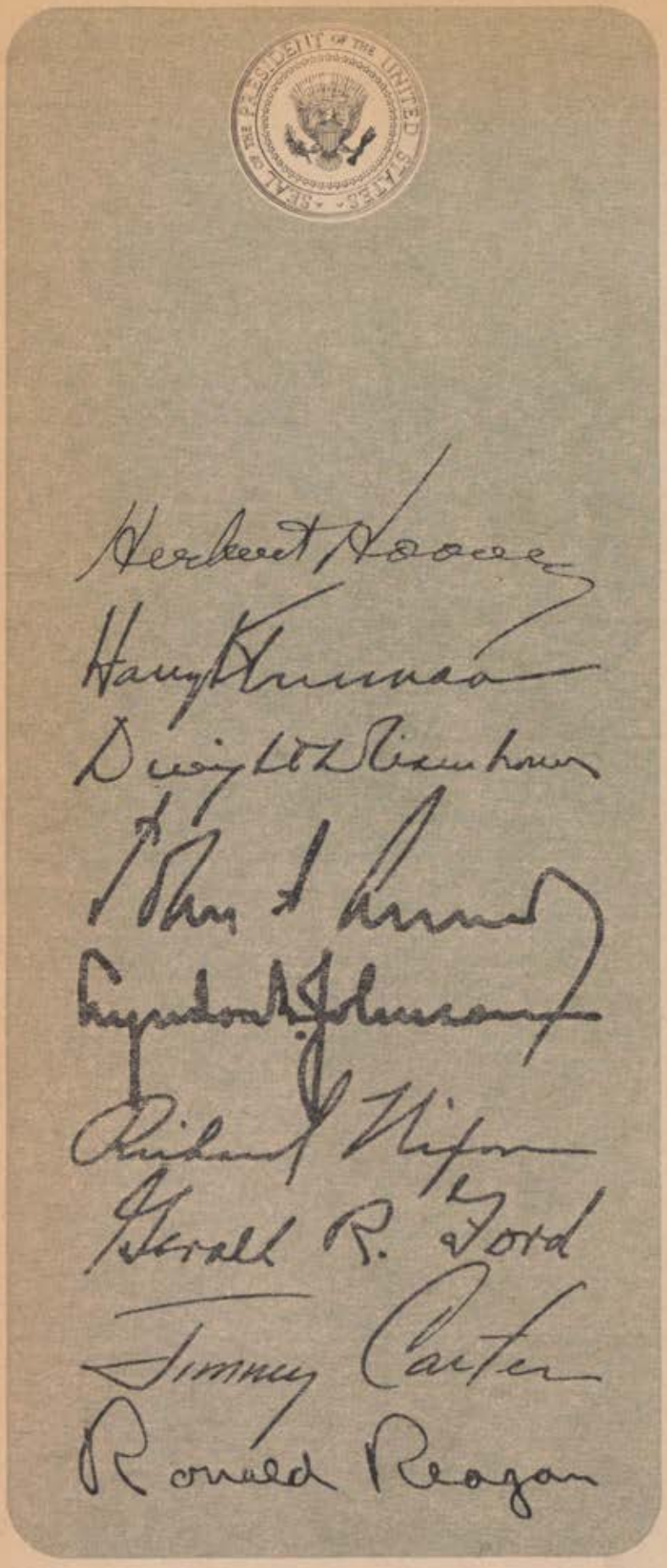

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